

Senate Bill No. 381

CHAPTER 613

An act to add Chapter 2.5 (commencing with Section 2196) to Division 2 of the Elections Code, relating to voters.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 381, Calderon. Voter registration.

Existing law prohibits any person from being registered as a voter except by affidavit of registration and requires that the affidavit be mailed or delivered to the county elections official. The Secretary of State has certain administrative duties under existing law in providing voter registration materials. The federal National Voter Registration Act of 1993 provides for state departments of motor vehicles to make voter registration information and materials available to an applicant for a driver's license and other vehicular documents. Under existing state law, the Department of Motor Vehicles requires licensed persons to provide a signature and the Department of Motor Vehicles is required to digitize that signature and forward the digitized signature to the Secretary of State if a person wishes to register to vote.

This bill would, after the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, authorize a person who is qualified to register to vote and who has a valid California driver's license or state identification card to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. An affidavit of voter registration submitted through this process is effective if received by the Secretary of State on or before the 15th day prior to an election, subject to specified requirements.

The bill would require the Secretary of State to obtain an electronic copy of an applicant's signature from his or her driver's license or state identification card directly from the Department of Motor Vehicles, and that the electronic voter registration system provide for immediate verification of the applicant's driver's license or state identification card number and the applicant's date of birth. The bill would require the Department of Motor Vehicles to use this electronic registration process to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 2196) is added to Division 2 of the Elections Code, to read:

CHAPTER 2.5. ONLINE VOTER REGISTRATION

2196. (a) (1) Notwithstanding any other provision of law, a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. This chapter shall become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

(2) An affidavit submitted pursuant to this section is effective upon receipt of the affidavit by the Secretary of State if the affidavit is received on or before the 15th day prior to an election to be held in the precinct of the person submitting the affidavit.

(3) The affiant shall affirmatively attest to the truth of the information provided in the affidavit.

(4) For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or state identification card.

(5) For each electronic affidavit, the Secretary of State shall obtain an electronic copy of the applicant's signature from his or her driver's license or state identification card directly from the Department of Motor Vehicles.

(6) The Secretary of State shall require a person who submits an affidavit pursuant to this section to submit all of the following:

(A) The number from his or her California driver's license or state identification card.

(B) His or her date of birth.

(C) The last four digits of his or her social security number.

(D) Any other information the Secretary of State deems necessary to establish the identity of the affiant.

(7) Upon submission of an affidavit pursuant to this section, the electronic voter registration system shall provide for immediate verification of both of the following:

(A) That the applicant has a California driver's license or state identification card and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or identification card that is on file with the Department of Motor Vehicles.

(B) That the date of birth provided by the applicant matches the date of birth for that person that is on file with the Department of Motor Vehicles.

(8) The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration affidavits submitted electronically pursuant to this section.

(b) The Department of Motor Vehicles shall utilize the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).