

AMENDED IN ASSEMBLY AUGUST 6, 2012  
AMENDED IN ASSEMBLY JUNE 27, 2012  
AMENDED IN ASSEMBLY JUNE 21, 2012  
AMENDED IN ASSEMBLY JULY 11, 2011  
AMENDED IN ASSEMBLY JUNE 20, 2011  
AMENDED IN SENATE MAY 31, 2011  
AMENDED IN SENATE APRIL 26, 2011

**SENATE BILL**

**No. 35**

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**Introduced by Senator Padilla**

December 6, 2010

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An act to add Chapter 6 (commencing with Section 2400) to Division 2 of the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Padilla. Voter registration agencies.

Existing law, the federal National Voter Registration Act of 1993, requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies.

This bill would establish procedures to register voters in accordance with the act. This bill would designate specified agencies and offices as voter registration agencies and would require those voter registration agencies to perform specified tasks related to voter registration. This bill would require the Secretary of State and county elections officials to coordinate with the voter registration agencies, as specified.

By requiring additional duties of county elections officials and local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 6 (commencing with Section 2400) is  
2 added to Division 2 of the Elections Code, to read:

3

4

CHAPTER 6. VOTER REGISTRATION AGENCIES

5

6

2400. It is the intent of the Legislature, in enacting this chapter,  
7 to facilitate compliance with the requirements set forth in the  
8 federal National Voter Registration Act of 1993 (42 U.S.C. Sec.  
9 1973gg et seq.) relating to voter registration services.

10

2401. For purposes of this chapter, the following terms have  
11 the following meanings:

12

(a) ~~“Agency coordinator” means a person designated by a voter  
13 registration agency to coordinate and administer the voter  
14 registration agency’s responsibilities under this chapter and the  
15 federal National Voter Registration Act of 1993 (42 U.S.C. Sec.  
16 1973gg et seq.).~~

17

(b) ~~“County coordinator” means a person designated by a county  
18 elections official to coordinate and administer the county’s  
19 responsibilities under this chapter and the federal National Voter  
20 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

21

(c) ~~“State coordinator” means a person designated by the  
22 Secretary of State to coordinate and administer the Secretary of  
23 State’s responsibilities under this chapter and the federal National  
24 Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

25

(d)

1 (a) “Voter preference form” means the form described in Section  
2 1973gg-5(a)(6)(B) of Title 42 of the United States Code.

3 (e)

4 (b) “Voter registration agency” means either of the following:

5 (1) A department, division, or office of state or local  
6 government, or a program supported by state funds, that is  
7 designated under this chapter, *by executive order of the Governor*,  
8 or pursuant to the federal National Voter Registration Act of 1993  
9 (42 U.S.C. Sec. 1973gg et seq.) as a voter registration agency.

10 (2) A private entity under contract with a designated voter  
11 registration agency to provide services or assistance on behalf of  
12 the designated voter registration agency.

13 2402. (a) The Secretary of State is the chief state elections  
14 official responsible for coordination of the state’s responsibilities  
15 under the federal National Voter Registration Act of 1993 (42  
16 U.S.C. Sec. 1973gg et seq.).

17 (b) The Secretary of State shall adopt such regulations as are  
18 necessary to implement this chapter and the federal National Voter  
19 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

20 2403. (a) In addition to the agencies and offices designated as  
21 voter registration agencies pursuant to Executive Order W-98-94,  
22 issued August 12, 1994, and the federal National Voter Registration  
23 Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), each of the following  
24 is hereby designated a voter registration agency:

25 (1) California Department of Aging.

26 (2) California Health Benefit Exchange.

27 (3) Department of Veterans Affairs.

28 (4) Employment Development Department.

29 (5) Franchise Tax Board.

30 (6) Office of AIDS.

31 (7) State Board of Equalization.

32 (8) State Emergency Food Assistance Program.

33 (9) State Personnel Board.

34 (10) Each office in the state that accepts applications and  
35 administers benefits or services for any of the following programs:

36 (A) Access for Infants and Mothers Program.

37 (B) Community-based adult services provided pursuant to the  
38 California Adult Day Health Care Act (Chapter 3.3 (commencing  
39 with Section 1570) of Division 2 of the Health and Safety Code).

40 ~~(C) Healthy Families Program.~~

1     ~~(D)~~  
2     (C) Health Insurance Counseling and Advocacy Program.  
3     ~~(E)~~  
4     (D) Multipurpose Senior Services Program.  
5     (11) Each high school, trade or vocational school, and campus  
6 of the California Community Colleges and the California State  
7 University.  
8     (b) The University of California is encouraged to comply with  
9 the duties and responsibilities of a voter registration agency as set  
10 forth in this chapter and the federal National Voter Registration  
11 Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).  
12     2404. (a) A voter registration agency shall comply with the  
13 applicable duties and responsibilities of a voter registration agency  
14 set forth in the federal National Voter Registration Act of 1993  
15 (42 U.S.C. Sec. 1973gg et seq.).  
16     (b) A voter registration agency, with each application for service  
17 or assistance and with each recertification, renewal, or change of  
18 address form relating to the service or assistance, and in accordance  
19 with the federal National Voter Registration Act of 1993 (42 U.S.C.  
20 Sec. 1973gg et seq.), shall provide to an applicant ~~both~~ *all* of the  
21 following:  
22     (1) A voter preference form.  
23     (2) A voter registration card, unless the applicant, in writing,  
24 declines to register to vote.  
25     (3) *Assistance in completing the voter registration card, unless*  
26 *the applicant refuses the assistance.*  
27     (c) For purposes of ~~paragraph (2)~~ of subdivision (b), an  
28 applicant’s failure to respond to the question of whether he or she  
29 would like to register to vote does not constitute a declination to  
30 register.  
31     2405. (a) The Secretary of State shall ~~designate a state officer~~  
32 ~~or employee within his or her office to be the state coordinator.~~  
33     ~~(b) The state coordinator shall do all of the following:~~  
34     (1) Coordinate with each county ~~coordinator~~ *elections official*  
35 and *voter registration agency coordinator* to implement this  
36 chapter.  
37     ~~(2) Post the name of, and contact information for, each county~~  
38 ~~coordinator on the Secretary of State’s Internet Web site.~~  
39     ~~(3)~~

1 ~~Notify the county coordinator in each county of the name of~~  
2 ~~each voter registration agency with an office or site within that~~  
3 ~~county and the location of each office or site.~~

4 ~~(4)~~

5 (2) Prepare written *training* materials that describe the  
6 responsibilities of a county ~~coordinator and an agency coordinator~~  
7 *elections official and voter registration agency* pursuant to this  
8 chapter and the federal National Voter Registration Act of 1993  
9 (42 U.S.C. Sec. 1973gg et seq.).

10 (3) *Contact a voter registration agency if the agency fails to*  
11 *timely submit a report pursuant to Section 2408, or if a report*  
12 *indicates that the agency is not complying with the requirements*  
13 *of this chapter and the federal National Voter Registration Act of*  
14 *1993 (42 U.S.C. Sec. 1973gg et seq.).*

15 (4) *Coordinate with each state agency that evaluates the*  
16 *performance of an agency designated as a voter registration*  
17 *agency, including doing both of the following:*

18 (A) *Communicate to the state agency the requirements of, and*  
19 *best practices for complying with, this chapter and the federal*  
20 *National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg*  
21 *et seq.).*

22 (B) *Assist the state agency in its effort to help a voter*  
23 *registration agency comply with the requirements of this chapter*  
24 *or the federal National Voter Registration Act of 1993 (42 U.S.C.*  
25 *Sec. 1973gg et seq.).*

26 (b) *The Secretary of State may do any of the following:*

27 ~~(5)~~

28 (1) ~~Conduct an audit a review~~ of a voter registration ~~agency~~  
29 *agency's compliance with the requirements of this chapter or the*  
30 *federal National Voter Registration Act of 1993 (42 U.S.C. Sec.*  
31 *1973gg et seq.)* if the agency fails to timely submit a report  
32 pursuant to Section 2408, or if a report indicates that the agency  
33 is not complying with the requirements of this chapter or the federal  
34 National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg  
35 et seq.).

36 ~~(6)~~

37 (2) ~~Conduct an audit a review~~ of a county ~~coordinator elections~~  
38 *official's compliance with the requirements of this chapter or the*  
39 *federal National Voter Registration Act of 1993 (42 U.S.C. Sec.*  
40 *1973gg et seq.)* if the county ~~coordinator elections official~~ fails to

1 timely submit a report pursuant to Section 2408, or if a report  
 2 indicates that the county ~~coordinator~~ *elections official* is not  
 3 complying with the requirements of this chapter or the federal  
 4 National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg  
 5 et seq.).

6 ~~(7)~~

7 (3) Post the results of ~~an audit~~ *a review* conducted pursuant to  
 8 ~~paragraph (5) or (6)~~ *this subdivision* on the Secretary of State's  
 9 Internet Web site.

10 2406. (a) A county elections official ~~shall designate a person~~  
 11 ~~within the county to serve as the county coordinator.~~ The county  
 12 ~~coordinator~~ shall be responsible for coordinating with the ~~state~~  
 13 ~~coordinator~~ *Secretary of State* and each applicable ~~voter~~  
 14 ~~registration agency coordinator~~ within the county to administer  
 15 the voter registration services required pursuant to this chapter and  
 16 the federal National Voter Registration Act of 1993 (42 U.S.C.  
 17 Sec. 1973gg et seq.).

18 (b) The county ~~coordinator~~ *elections official* shall do all of the  
 19 following:

20 (1) Provide voter registration cards to a voter registration agency  
 21 upon request of the ~~voter registration agency coordinator~~.

22 (2) Maintain a record of the number of voter registration cards  
 23 provided to and received from each voter registration agency, and  
 24 each office or site thereof.

25 (3) Assist a voter registration agency, upon request, in  
 26 conducting a training program for its employees *based on the*  
 27 *training materials prepared by the Secretary of State* on the  
 28 requirements of this chapter and the federal National Voter  
 29 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

30 2407. (a) A voter registration agency ~~shall designate a person~~  
 31 ~~within that agency to serve as the agency coordinator.~~ If the voter  
 32 registration agency has more than one office or site within the  
 33 state, the agency may designate multiple persons within the agency  
 34 to each serve as an agency coordinator for one or more specified  
 35 offices or sites.

36 ~~(b) An agency coordinator shall~~ do all of the following:

37 (1) Notify the ~~state coordinator~~ *county elections official of each*  
 38 *applicable county* of the location of each of the voter registration  
 39 agency's offices or sites within the ~~state~~ *county*.

- 1 (2) *Designate an agency employee to be responsible for the*  
2 *agency's compliance with this section.*  
3 ~~(2)~~  
4 (3) *Request voter registration cards from a the applicable county*  
5 *coordinator elections official, as needed.*  
6 ~~(3)~~  
7 (4) *Take steps to ensure that the voter registration agency, or*  
8 *and each office or site of the voter registration agency for which*  
9 *the agency coordinator has been designated thereof, has a sufficient*  
10 *supply of voter preference forms and voter registration cards*  
11 *available, including voter preference forms and voter registration*  
12 *cards in all languages required by Section 203 (42 U.S.C. Sec.*  
13 *1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the*  
14 *federal Voting Rights Act of 1965.*  
15 ~~(4) Maintain records of the number of voter preference forms~~  
16 ~~submitted to the voter registration agency, or each office or site~~  
17 ~~of the voter registration agency for which the agency coordinator~~  
18 ~~has been designated, and the responses indicated on those voter~~  
19 ~~preference forms.~~  
20 ~~(5) Conduct a training program on the requirements of this~~  
21 ~~chapter and the federal National Voter Registration Act of 1993~~  
22 ~~(42 U.S.C. Sec. 1973gg et seq.) for each employee of the voter~~  
23 ~~registration agency, or of the office or site of the voter registration~~  
24 ~~agency for which the agency coordinator has been designated, who~~  
25 ~~may provide voter registration services.~~  
26 ~~(6) Monitor and, if necessary, conduct an audit of the voter~~  
27 ~~registration agency, or each office or site of the voter registration~~  
28 ~~agency for which the agency coordinator has been designated, as~~  
29 ~~necessary, to ensure compliance with this chapter and the federal~~  
30 ~~National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg~~  
31 ~~et seq.).~~  
32 (e) *Each time there is a change in an agency coordinator, the*  
33 *voter registration agency shall immediately forward the name and*  
34 *contact information of the new agency coordinator to each*  
35 *applicable county coordinator and the state coordinator.*  
36 (5) *Ensure that each employee of the voter registration agency*  
37 *who may provide voter registration services completes, at least*  
38 *once per year, a training based on the training materials prepared*  
39 *by the Secretary of State on the requirements of this chapter and*  
40 *the federal National Voter Registration Act of 1993 (42 U.S.C.*

1 *Sec. 1973gg et seq.*) The voter registration agency may incorporate  
 2 this training into any other training program provided by the voter  
 3 registration agency for its employees.

4 (b) A voter registration agency may conduct a review of the  
 5 agency, or an office or site of the agency, as necessary, to ensure  
 6 compliance with this chapter and the federal National Voter  
 7 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

8 2408. (a) Within 10 days after the beginning of each calendar  
 9 month, a county ~~coordinator~~ *elections official* shall report to the  
 10 ~~state coordinator~~ *Secretary of State*, on a form prescribed by the  
 11 Secretary of State, all of the following information for the  
 12 preceding month:

13 (1) The number of voter registration cards sent to each voter  
 14 registration agency and to each office or site thereof.

15 (2) The number of voter registration cards received from each  
 16 voter registration agency and from each office or site thereof.

17 ~~(b) Within 10 days after the beginning of each calendar month,~~  
 18 ~~an agency coordinator shall report to the state coordinator, on a~~  
 19 ~~form prescribed by the Secretary of State, and to each applicable~~  
 20 ~~county coordinator all of the following information for the~~  
 21 ~~preceding month:~~

22 ~~(1) The number of voter preference forms completed by~~  
 23 ~~applicants at the voter registration agency, or at an office or site~~  
 24 ~~thereof.~~

25 ~~(2) A summary of the responses indicated on the voter~~  
 26 ~~preference forms.~~

27 ~~(e)~~

28 ~~(b) The state coordinator~~ *Secretary of State* shall post the  
 29 information contained in each report received from a county  
 30 ~~coordinator or an agency coordinator~~ *elections official* on the  
 31 Secretary of State's Internet Web site.

32 2409. (a) A voter registration agency that allows a person to  
 33 apply online for service or assistance, or to submit a recertification,  
 34 renewal, or change of address form relating to the service or  
 35 assistance online, shall implement a process and infrastructure that  
 36 allows an applicant to electronically submit a voter preference  
 37 form to the voter registration agency, and to submit an affidavit  
 38 of voter registration electronically on the Internet Web site of the  
 39 Secretary of State in accordance with Chapter 2.5 (commencing  
 40 with Section 2196). ~~The state coordinator shall work in conjunction~~

1 ~~with each voter registration agency to develop this process and~~  
2 ~~infrastructure.~~

3 (b) If a person indicates on his or her electronic voter preference  
4 form that he or she would like to register to vote, the person shall  
5 be informed that he or she may register to vote through one of the  
6 following options, if applicable:

7 (1) Submit an affidavit of voter registration electronically on  
8 the Secretary of State’s Internet Web site pursuant to subdivision  
9 (a) of Section 2196.

10 (2) Complete an affidavit of voter registration electronically on  
11 the Secretary of State’s Internet Web site, print a hard copy of the  
12 completed affidavit, and mail or deliver the hard copy of the  
13 completed affidavit to the Secretary of State or the appropriate  
14 county elections official pursuant to subdivision (d) of Section  
15 2196.

16 (3) Obtain a voter registration card on a county’s Internet Web  
17 site and print, complete, sign, and return the card to the county  
18 elections official pursuant to subdivision (d) of Section 2158.

19 ~~(4) Request a voter registration card be mailed to him or her~~  
20 ~~pursuant to subdivision (c) of Section 2158, and complete, sign,~~  
21 ~~and return the card as instructed.~~

22 (c) A voter registration agency ~~shall~~ *may* take steps to ensure  
23 that the information entered into a person’s electronic application  
24 for service or assistance, or his or her electronic recertification,  
25 renewal, or change of address form relating to the service or  
26 assistance, will be automatically transferred to the electronic  
27 affidavit of voter registration if the person indicates that he or she  
28 would like to register to vote.

29 (d) The Secretary of State shall take steps to ensure that the  
30 electronic affidavit of voter registration is available, *and may be*  
31 *electronically submitted and verified*, in all languages in which a  
32 county is required ~~by~~ *to provide voting materials pursuant to*  
33 Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42  
34 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

35 SEC. 2. If the Commission on State Mandates determines that  
36 this act contains costs mandated by the state, reimbursement to  
37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O