

Senate Bill No. 35

CHAPTER 505

An act to add Section 2197 to, and to add Chapter 6 (commencing with Section 2400) to Division 2 of, the Elections Code, relating to voter registration.

[Approved by Governor September 24, 2012. Filed with
Secretary of State September 24, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 35, 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, and would require 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.

Existing law requires the Secretary of State, in consultation with county elections officials, to design and make available on his or her Internet Web site an affidavit of voter registration. Existing law, 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. Existing state law provides that 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. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

This bill would require a voter registration agency that allows a person to apply online for service or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance, to implement a process and the infrastructure that allows an applicant to electronically submit a voter preference form, as defined, and to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. This bill also would require the California Health Benefit Exchange, no later than July 1, 2014, to implement a process and the infrastructure to allow a person who applies online for service or assistance, or who submits a recertification, renewal, or change of address form relating

to the voter registration service or assistance online, to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

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.

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

SECTION 1. Section 2197 is added to the Elections Code, to read:

2197. No later than July 1, 2014, the California Health Benefit Exchange shall implement a process and the infrastructure to allow a person who applies online with the California Health Benefit Exchange for service or assistance, or who submits a recertification, renewal, or change of address form relating to the service or assistance online, to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State in accordance with this chapter.

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

CHAPTER 6. VOTER REGISTRATION AGENCIES

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

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

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

(b) "Voter registration agency" means either of the following:

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

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

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

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

2403. (a) A voter registration agency shall comply with the applicable duties and responsibilities of a voter registration agency set forth in the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(b) A voter registration agency, with each application for service or assistance and with each recertification, renewal, or change of address form relating to the service or assistance, and in accordance with the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), shall provide to an applicant all of the following:

- (1) A voter preference form.
- (2) A voter registration card, unless the applicant, in writing, declines to register to vote.
- (3) Assistance in completing the voter registration card, unless the applicant refuses the assistance.

(c) For purposes of subdivision (b), an applicant's failure to respond to the question of whether he or she would like to register to vote does not constitute a declination to register.

2404. (a) The Secretary of State shall do all of the following:

(1) Coordinate with each county elections official and voter registration agency to implement this chapter.

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

(3) Contact a voter registration agency if the agency is not complying with the requirements of this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

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

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

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

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

(1) Conduct a review of a voter registration agency's compliance with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(2) Conduct a review of a county elections official's compliance with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) if the county elections official fails to timely submit a report pursuant to Section 2407, or if a report

indicates that the county elections official is not complying with the requirements of this chapter or the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(3) Post the results of a review conducted pursuant to this subdivision on the Secretary of State's Internet Web site.

2405. (a) A county elections official shall be responsible for coordinating with the Secretary of State and each applicable voter registration agency within the county to administer the voter registration services required pursuant to this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).

(b) The county elections official shall do all of the following:

(1) Provide voter registration cards to a voter registration agency upon request of the voter registration agency.

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

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

2406. (a) A voter registration agency shall do all of the following:

(1) Notify the county elections official of each applicable county of the location of each of the voter registration agency's offices or sites within the county.

(2) Designate an agency employee to be responsible for the agency's compliance with this section.

(3) Request voter registration cards from the applicable county elections official, as needed.

(4) Take steps to ensure that the voter registration agency, and each office or site thereof, has a sufficient supply of voter preference forms and voter registration cards available, including voter preference forms and voter registration cards in all languages required by Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights Act of 1965.

(5) Ensure that each employee of the voter registration agency who may provide voter registration services completes, at least once per year, a training based on the training materials prepared by the Secretary of State on the requirements of this chapter and the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.). The voter registration agency may incorporate this training into any other training program provided by the voter registration agency for its employees.

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

2407. Within 10 days after the beginning of each calendar month, a county elections official shall report to the Secretary of State, on a form

prescribed by the Secretary of State, the number of voter registration cards received from each voter registration agency and from each office or site thereof. The Secretary of State shall post the information contained in each report received from a county elections official on the Secretary of State's Internet Web site.

2408. (a) A voter registration agency that allows a person to apply online for service or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance online, shall implement a process and infrastructure that allows an applicant to electronically submit a voter preference form to the voter registration agency, and to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State in accordance with Chapter 2.5 (commencing with Section 2196).

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

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

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

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

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

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.