

AMENDED IN SENATE APRIL 27, 2011

SENATE BILL

No. 397

Introduced by Senator Yee

(Coauthors: Assembly Members Huffman and Portantino)

February 16, 2011

An act to add and repeal Chapter 2.7 (commencing with Section 2198) of Division 2 of the Elections Code, relating to online voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 397, as amended, Yee. Online 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. Existing state law requires licensed persons to provide to the Department of Motor Vehicles 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. Under existing law, 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, a person who is qualified to register to vote and who has a valid California driver's license or state identification card is authorized to submit an affidavit of voter

registration electronically on the Internet Web site of the Secretary of State.

This bill would authorize counties to develop and use an electronic voter registration system for the electronic submission of an affidavit of voter registration from a person who is qualified to register to vote, who has a valid California driver’s license or state identification card, and who resides in that county. This bill would also 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 county elections official of the county in which the person resides if that county has opted to comply with the provisions of this chapter. This bill would specify certain conditions that must be met before the electronic submission of an affidavit of voter registration to a county elections official could become effective. ~~The~~

This bill would require the Secretary of State, upon receiving notice from a county elections official that the official has received an electronic affidavit, to obtain an electronic copy of the affiant’s signature from the Department of Motor Vehicles and to provide the electronic copy of the affiant’s signature to the county.

The provisions of this bill would remain in effect only until 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.

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

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

1 SECTION 1. Chapter 2.7 (commencing with Section 2198) is
2 added to Division 2 of the Elections Code, to read:

3

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CHAPTER 2.7. LOCAL ONLINE VOTER REGISTRATION

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6 2198. Notwithstanding any other provision of law, a county
7 elections official may develop and use an electronic voter
8 registration system for the electronic submission of an affidavit of
9 voter registration from a person who is qualified to register to vote,
10 who has a valid California driver’s license or state identification
11 card, and who resides in that county. A person who is qualified to

1 register to vote and who has a valid California driver's license or
2 state identification card may submit an affidavit of voter
3 registration electronically on the Internet Web site of the county
4 elections official of the county in which the person resides if that
5 county has opted to comply with the provisions of this chapter.

6 (a) An affidavit submitted pursuant to this section is effective
7 upon receipt of the affidavit by the county elections official if the
8 affidavit is received on or before the 15th day prior to an election
9 to be held in the precinct of the person submitting the affidavit.

10 (b) The affiant shall affirmatively attest to the truth of the
11 information provided in the *electronic* affidavit.

12 (c) For voter registration purposes, the ~~applicant~~ *affiant* shall
13 affirmatively assent to the use of his or her signature from his or
14 her driver's license or state identification card.

15 ~~(d) For each electronic affidavit, the county elections official~~
16 ~~shall obtain an electronic copy of the applicant's signature from~~
17 ~~his or her driver's license or state identification card directly from~~
18 ~~the Department of Motor Vehicles.~~

19 ~~(e) The county elections official shall require a person who~~
20 ~~submits an affidavit pursuant to this section to submit all of the~~
21 ~~following:~~

22 ~~(1) The number from his or her California driver's license or~~
23 ~~state identification card.~~

24 ~~(2) His or her date of birth.~~

25 ~~(3) The last four digits of his or her social security number.~~

26 ~~(4) Any other information the county elections official deems~~
27 ~~necessary to establish the identity of the affiant.~~

28 *(d) (1) The county elections official shall notify the Secretary*
29 *of State of each electronic affidavit received pursuant to this*
30 *chapter. The county's notification shall include all the information*
31 *necessary for the Secretary of State to obtain the information*
32 *described in paragraph (2).*

33 *(2) Upon receiving the notice described in paragraph (1), the*
34 *Secretary of State shall obtain an electronic copy of the affiant's*
35 *signature from the affiant's driver's license or state identification*
36 *card directly from the Department of Motor Vehicles, which shall*
37 *provide the copy of the signature upon the Secretary of State's*
38 *request.*

39 *(3) After obtaining an electronic copy of the affiant's signature*
40 *pursuant to paragraph (2), the Secretary of State shall provide the*

1 *electronic copy of the affiant's signature to the county that notified*
2 *the Secretary of State pursuant to paragraph (1).*

3 *(e) The county elections official shall require a person who*
4 *submits an affidavit pursuant to this section to submit all of the*
5 *information listed in subparagraphs (A) to (C), inclusive, of*
6 *paragraph (6) of subdivision (a) of Section 2196.*

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

10 (1) That the ~~applicant~~ *affiant* has a California driver's license
11 or state identification card and that the number for that driver's
12 license or identification card provided by the ~~applicant~~ *affiant*
13 matches the number for that person's driver's license or
14 identification card that is on file with the Department of Motor
15 Vehicles.

16 (2) That the date of birth provided by the ~~applicant~~ *affiant*
17 matches the date of birth for that person that is on file with the
18 Department of Motor Vehicles.

19 (g) The county elections official shall employ security measures
20 to ensure the accuracy and integrity of voter registration affidavits
21 submitted electronically pursuant to this section.

22 2199. This chapter shall remain in effect only until the
23 Secretary of State certifies that the state has a statewide voter
24 registration database that complies with the requirements of the
25 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et
26 seq.) and as of that date is repealed.