

AMENDED IN SENATE MAY 11, 2011

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.

~~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.~~

This bill would require the county elections official to notify the Secretary of State of each electronic affidavit received pursuant to the provisions of this chapter, with specified information about the affiant, including whether the affiant has a valid California driver's license or state identification card, and other information about the affiant required by the Secretary of State. This bill would require the Department of Motor Vehicles, at regular intervals, to notify the Secretary of State of each person who has a valid California driver's license or state identification card, and of other information about the person required by the Secretary of State. The bill would require the Secretary of State to make the information provided by the Department of Motor Vehicles available to counties so that counties, in addition to the Secretary of State, may determine the affiant's eligibility to submit the affidavit.

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 *and that can support a statewide electronic voter registration system.*

Vote: majority. Appropriation: no. Fiscal committee: 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
4 CHAPTER 2.7. LOCAL ONLINE VOTER REGISTRATION
5

6 2198. Notwithstanding any other provision of law, a county
7 elections official may develop *or develop* and use an electronic
8 voter registration system for the electronic submission of an
9 affidavit of voter registration from a person who is qualified to
10 register to vote, who has a valid California driver's license or state
11 identification card, and who resides in that county. A person who
12 is qualified to register to vote and who has a valid California
13 driver's license or state identification card may submit an affidavit
14 of voter registration electronically on the Internet Web site of the
15 county elections official of the county in which the person resides
16 if that county has opted to comply with the provisions of this
17 chapter.

18 (a) An affidavit submitted pursuant to this section is effective
19 upon receipt of the affidavit by the county elections official if the
20 affidavit is received on or before the ~~15th day~~ *last day to register*
21 *or* prior to an election to be held in the precinct of the person
22 submitting the affidavit.

23 (b) The affiant shall affirmatively attest to the truth of the
24 information provided in the electronic affidavit.

25 (c) For voter registration purposes, the affiant shall affirmatively
26 assent to the use of his or her signature from his or her driver's
27 license or state identification card.

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).~~ *determine (A) whether the affiant has*
33 *a valid California driver's license or state identification card and*
34 *(B) the affiant's residence address and county of residence. The*
35 *county's notification shall also include any other information that*

1 *is required by the Secretary of State in order for him or her to*
2 *obtain the information described in subparagraphs (A) to (D),*
3 *inclusive, of paragraph (6) of subdivision (a) of Section 2196.*

4 ~~(2) Upon receiving the notice described in paragraph (1), the~~
5 ~~Secretary of State shall obtain an electronic copy of the affiant's~~
6 ~~signature from the affiant's driver's license or state identification~~
7 ~~card directly from the Department of Motor Vehicles, which shall~~
8 ~~provide the copy of the signature upon the Secretary of State's~~
9 ~~request.~~

10 (2) *The Department of Motor Vehicles shall, at regular intervals,*
11 *notify the Secretary of State of all persons who have a valid*
12 *California driver's license or state identification card, and shall*
13 *provide the electronic signature of each of those persons. The*
14 *notification shall also include any other information that is*
15 *required by the Secretary of State in order for him or her to obtain*
16 *the information described in subparagraphs (A) to (D), inclusive,*
17 *of paragraph (6) of subdivision (a) of Section 2196.*

18 ~~(3) After obtaining an electronic copy of the affiant's signature~~
19 ~~pursuant to paragraph (2), the Secretary of State shall provide the~~
20 ~~electronic copy of the affiant's signature to the county that notified~~
21 ~~the Secretary of State pursuant to paragraph (1): the information~~
22 ~~provided pursuant to paragraph (2), the Secretary of State shall~~
23 ~~make this information available to counties so that the counties,~~
24 ~~in addition to the Secretary of State, may determine if an affiant~~
25 ~~is eligible, at the time the affiant submits an electronic affidavit,~~
26 ~~to submit that affidavit.~~

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

31 (f) Upon submission of an affidavit pursuant to this section, the
32 ~~county~~ electronic voter registration system *used by the county* shall
33 provide for immediate verification of both of the following:

34 (1) That the affiant has a California driver's license or state
35 identification card and that the number for that driver's license or
36 identification card provided by the affiant matches the number for
37 that person's driver's license or identification card that is on file
38 with the Department of Motor Vehicles.

1 (2) That the date of birth provided by the affiant matches the
2 date of birth for that person that is on file with the Department of
3 Motor Vehicles.

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

7 2199. This chapter shall remain in effect only until the
8 Secretary of State certifies that the state has a statewide voter
9 registration database that complies with the requirements of the
10 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et
11 seq.) and *that can support a statewide electronic voter registration*
12 *system and* as of that date is repealed.