

Assembly Bill No. 1446

CHAPTER 593

An act to amend Sections 2138.5, 2146, 2157, 2158, 2159.5, 2194, 2194.1, 18108.5, and 18109 of the Elections Code, and to amend Sections 6254.4 and 6276.46 of the Government Code, relating to elections.

[Approved by Governor September 26, 2014. Filed with
Secretary of State September 26, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1446, Mullin. Voter registration: personal information.

(1) Existing law permits a citizen or organization to distribute voter registration cards anywhere in the applicable county. Existing law requires a county elections official to provide voter registration cards in sufficient quantities to any citizen or organization that wishes to distribute the cards, except as specified. If, after completing his or her voter registration affidavit, an elector entrusts it to another person, existing law requires the latter person to comply with specified requirements.

This bill would require an individual or organization that distributes voter registration cards, a person entrusted with an affidavit of registration from an elector, or an individual or organization that assists with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State to comply with specified requirements relating to the voter registration information. This bill would require an individual or organization that distributes voter registration cards to obtain the cards from the county elections official or the Secretary of State. This bill would require an individual or organization to comply with all applicable regulations established by the Secretary of State when distributing the cards.

(2) Existing law provides that the driver's license number, identification card number, and social security number contained on an affidavit of registration are confidential and shall not be disclosed by an individual or organization that distributes voter registration cards or by a person entrusted with an affidavit of registration by an elector.

This bill would provide that the signature contained on an affidavit is also confidential and shall not be disclosed.

(3) The Student Voter Registration Act of 2003 requires the Secretary of State to annually provide every high school, community college, and California State University and University of California campus with voter registration forms. The act requires the number of forms provided to be consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year. The act also requires every community college and California State University campus that operates an automated class registration system, or within two years of

implementing such a system, to permit students, through an automated program in coordination with the Secretary of State, to elect to receive during the class registration process a voter registration form that is preprinted with personal information relevant to voter registration. The act encourages the University of California to comply with that provision.

This bill would eliminate the requirement that the number of voter registration forms provided by the Secretary of State be consistent with the number of students enrolled at each school. This bill would require each community college and California State University campus that operates an automated class registration system, as specified, to permit students, during the class registration process, to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. This bill would encourage the University of California to comply with these provisions. This bill would state that it is the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote.

(4) Existing law permits a county elections official to provide affidavits of registration and voter registration cards online, 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 registration that meets specified requirements. Existing law requires affidavits of registration that are made available on the Internet Web site of a county or of the Secretary of State to be available for individual use only and not for use by organizations seeking to register people to vote.

This bill would delete these provisions. This bill instead would prohibit an affidavit of registration from being submitted electronically on a county's Internet Web site, but would permit a county to provide a hyperlink on the county's Internet Web site to the Secretary of State's electronic voter registration system.

(5) Existing law requires a person, company, or other organization that agrees to pay money or other valuable consideration to a person who assists another person to register to vote by receiving the completed affidavit of registration to comply with specified conditions, including maintaining a list certain compensation-related information. Existing law makes violation of this provision a misdemeanor.

This bill would require a person, company, or other organization that agrees to pay money or other valuable consideration to a person who assists another person to register to vote by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State to comply with those specified conditions. This bill would make a violation of this provision a misdemeanor. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(6) Existing law makes it a misdemeanor for a person in possession of voter registration information obtained pursuant to specified provisions of law knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

This bill would make this provision applicable to a person in possession of voter registration information identified in a specified provision of law. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(7) Existing law makes it a misdemeanor for a person knowingly to acquire possession or use of voter registration information obtained pursuant to specified provisions of law without first complying with specified application requirements.

This bill would instead make it a misdemeanor for a person knowingly to acquire possession of or use voter registration information obtained from the Secretary of State or a county elections official without first complying with specified application requirements. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(8) Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law requires the affidavit of registration to show specified information concerning the affiant. Existing law provides for an affidavit of registration to be included on a multipart card, to be known as a voter registration card. Existing law imposes specified requirements on voter registration cards. 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 or executes a declaration stating that certain conditions have occurred, authorizes a person to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

This bill would make specified requirements imposed on voter registration cards relating to affidavit of registration information applicable to all affidavits of registration.

(9) 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 2138.5 of the Elections Code is amended to read:

2138.5. (a) Notwithstanding any other law, an affiant's driver's license number, identification card number, social security number, and signature contained on an affidavit of registration are confidential and shall not be disclosed by an individual or organization that distributes voter registration cards pursuant to subdivision (b) of Section 2158, or by a person entrusted with an affidavit of registration from an elector pursuant to paragraph (2) of subdivision (b) of Section 2158. However, this subdivision shall not be construed to prohibit a person entrusted with an affidavit of registration from an elector pursuant to paragraph (2) of subdivision (b) of Section 2158

from returning the affidavit to the individual or organization that distributed the voter registration card pursuant to subdivision (b) of Section 2158.

(b) An individual or organization that distributes voter registration cards pursuant to subdivision (b) of Section 2158, a person entrusted with an affidavit of registration from an elector pursuant to paragraph (2) of subdivision (b) of Section 2158, or an individual or organization that assists with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State shall comply with both of the following:

(1) Shall not use affidavit of registration information for any personal, private, or commercial purpose, including for any of the following:

(A) The harassment of a voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to a voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet.

(2) Shall employ reasonable security measures, including employing administrative and physical safeguards, and, for affidavit of registration information available in an electronic form, technical safeguards, to protect the voter registration information from unlawful disclosure and misuse.

SEC. 2. Section 2146 of the Elections Code is amended to read:

2146. (a) The Secretary of State shall annually provide every high school, community college, and California State University and University of California campus with voter registration forms. The Secretary of State shall provide additional forms to a school, free of charge, if so requested by a school.

(b) The Secretary of State shall provide a written notice with each registration form describing eligibility requirements and informing each student that he or she may return the completed form in person or by mail to the elections official of the county in which the student resides or to the Secretary of State.

(c) (1) (A) Every community college and California State University campus that operates an automated class registration system on or before January 1, 2008, shall, through an automated program, in coordination with the Secretary of State, permit students, during the class registration process, to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

(B) A community college or California State University campus that does not operate an automated class registration system on or before January 1, 2008, shall, within two years of implementing an automated class registration system, through an automated program in coordination with the Secretary of State, permit students, during the class registration process, to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State.

(2) As soon as a community college or California State University or University of California campus complies with paragraph (1), the Secretary of State may continue, at his or her discretion, to provide the campus with

voter registration forms unless the campus requests not to receive the voter registration forms.

(3) The University of California is encouraged to comply with this subdivision.

(d) The Secretary of State shall submit to the Legislature, on or before January 1 of each year, a report on its student voter registration efforts pursuant to this article. This report shall include estimates as to how many voter registration forms were sent to high schools, community colleges, and California State University and University of California campuses; how many voter registration forms were submitted; and how many electronic affidavits of voter registration were submitted by students pursuant to subdivision (c).

(e) It is the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. It is also the intent of the Legislature that every school do all in its power to ensure that students are provided the opportunity and means to apply to register to vote. This may include providing voter registration forms at the start of the school year, including voter registration forms with orientation materials; placing voter registration forms at central locations, including voter registration forms with graduation materials; or providing hyperlinks to, and the Internet Web site address of, the Secretary of State's electronic voter registration system in notices sent by electronic mail to students and placed on the Internet Web site of the high school, college, or university.

SEC. 3. Section 2157 of the Elections Code is amended to read:

2157. (a) Subject to this chapter, the paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit shall comply with all of the following:

(1) Contain the information prescribed in Section 2150.

(2) Be sufficiently uniform among the separate counties to allow for the processing and use by one county of an affidavit completed in another county.

(3) Allow for the inclusion of informational language to meet the specific needs of that county, including, but not limited to, the return address of the elections official in that county, and a telephone number at which a voter can obtain elections information in that county.

(4) Be included on one portion of a multipart card, to be known as a voter registration card, the other portions of which shall include information sufficient to facilitate completion and mailing of the affidavit. The affidavit portion of the multipart card shall be numbered according to regulations adopted by the Secretary of State. For purposes of facilitating the distribution of voter registration cards as provided in Section 2158, there shall be attached to the affidavit portion a receipt. The receipt shall be separated from the body of the affidavit by a perforated line.

(5) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement identical or substantially similar to the following:

“Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State’s Safe At Home program or visit the Secretary of State’s Web site.”

(6) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement that the use of voter registration information for commercial purposes is a misdemeanor pursuant to subdivision (a) of Section 2194 and Section 18109, and any suspected misuse shall be reported to the Secretary of State.

(7) Contain a toll-free fraud hotline telephone number maintained by the Secretary of State that the public may use to report suspected fraudulent activity concerning misuse of voter registration information.

(8) Be returnable to the county elections official as a self-enclosed mailer with postage prepaid by the Secretary of State.

(b) Nothing contained in this division shall prevent the use of voter registration cards and affidavits of registration in existence on the effective date of this section and produced pursuant to regulations of the Secretary of State, and all references to voter registration cards and affidavits in this division shall be applied to the existing voter registration cards and affidavits of registration.

(c) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to this section, Section 2150, or Section 2160.

(d) An affidavit of registration shall not be submitted electronically on a county’s Internet Web site. However, a county may provide a hyperlink on the county’s Internet Web site to the Secretary of State’s electronic voter registration system.

SEC. 4. Section 2158 of the Elections Code is amended to read:

2158. In addition to registration conducted by deputy registrars of voters, the county elections official shall do all of the following:

(a) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 for the registration of voters at his or her office and in a sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level. The cards shall be available 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.

(b) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 in sufficient quantities to any individuals or organizations that wish to distribute the cards other than to persons who have been convicted of violating this section within the last five years. Individuals and organizations shall be permitted to distribute voter registration cards anywhere within the county.

(1) An individual or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall obtain the voter registration cards from the county elections official or the Secretary of State. The individual or organization shall comply with all applicable regulations established by the Secretary of State when distributing the cards.

(2) If, after completing his or her voter registration card, an elector entrusts it to another person, the latter shall sign and date the attached, numbered receipt indicating his or her address and telephone number, if any, and give the receipt to the elector. Failure to comply with this paragraph shall not cause the invalidation of the registration of a voter.

(3) An individual or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall give a voter registration card to any elector requesting it, provided that the individual or organization has a sufficient number of cards.

(4) If distribution of voter registration cards pursuant to this subdivision is undertaken by mailing cards to persons who have not requested the cards, the person mailing the cards shall enclose a cover letter or other notice with each card instructing the recipients to disregard the cards if they are currently registered voters.

(c) Mail a voter registration card immediately to a person who wishes to register to vote and requests a voter registration card.

SEC. 5. Section 2159.5 of the Elections Code is amended to read:

2159.5. A person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to a person who assists another person to register to vote by receiving the completed affidavit of registration or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, shall do all of the following:

(a) Maintain a list of the names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote, and shall provide to each person receiving that consideration a written statement of that person's personal responsibilities and liabilities under Sections 2138, 2138.5, 2139, 2150, 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and 18108.5. Receipt of the written statement shall be acknowledged, in writing, by the person receiving the consideration, and the acknowledgment shall be kept by the person, company, or organization that agrees to compensate that person. All records required by this subdivision shall be maintained for a minimum of three years, and shall be made available to the elections official, the Secretary of State, or an appropriate prosecuting agency, upon demand. As an alternate to maintaining the records required by this subdivision, the records may be filed with the county elections official, who shall retain those records for a minimum of three years. The county elections official may charge a fee, not to exceed actual costs, for storing records pursuant to this subdivision.

(b) Not render any payment or promised consideration unless the information specified in Section 2159 has been affixed personally on the affidavit in the handwriting of the person with whom the agreement for payment was made.

(c) At the time of submission of paper affidavits to an elections official, identify and separate those affidavits into groups that do and that do not comply with the requirements of Sections 2150 and 2159. A signed

acknowledgment shall be attached to each group of affidavits identifying a group as in compliance with Sections 2150 and 2159, and a group as not in compliance with either Section 2150 or 2159, or both.

(d) Failure to comply with this section shall not cause the invalidation of the registration of the voter.

SEC. 6. Section 2194 of the Elections Code is amended to read:

2194. (a) Except as provided in Section 2194.1, the affidavit of voter registration information identified in Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall not be used for any personal, private, or commercial purpose, including, but not limited to:

(A) The harassment of any voter or voter's household.

(B) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household.

(C) Reproduction in print, broadcast visual or audio, or display on the Internet or any computer terminal unless pursuant to paragraph (3).

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166.5, 2166.7, and 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) (1) Notwithstanding any other law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other law, the signature of the voter shown on the affidavit of voter registration is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(c) (1) The home address or signature of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or Article 3 (commencing with Section 14240) of Chapter 3 of Division 14. The address or signature shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

(d) A governmental entity, or officer or employee thereof, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For the purposes of this section, “voter’s household” is defined as the voter’s place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

SEC. 7. Section 2194.1 of the Elections Code is amended to read:

2194.1. Any affidavit of registration information identified in Section 6254.4 of the Government Code in existence 100 years after the creation of the record shall be available to the public. If records are contained in the great registers of voters and the bound register contains information covering more than one year, the records shall not be available to the public until the entire contents of the register have been recorded for at least 100 years.

SEC. 8. Section 18108.5 of the Elections Code is amended to read:

18108.5. (a) A person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to a person who assists another person to register to vote by receiving the completed affidavit of registration, or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, who fails to comply with Section 2159.5, is guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months or when the failure to comply is found to be willful, not exceeding one year, or both.

(b) A person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to a person who assists another person to register to vote by receiving the completed affidavit of registration, or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, upon a third or subsequent conviction, on charges brought and separately tried, for failure to comply with Section 2159.5 shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in the county jail not to exceed one year, or both.

(c) An elections official shall notify a person, company, or other organization that agrees to pay money or other valuable consideration, whether on a per-affidavit basis or otherwise, to a person who assists another person to register to vote by receiving the completed affidavit of registration or by assisting with the submission of an affidavit of registration electronically on the Internet Web site of the Secretary of State, that three or more affidavits of registration submitted by a person who assisted another to register to vote do not comply with Sections 18100, 18101, 18103, or 18106. The elections official may forward a copy of each of the noncomplying affidavits of registration to the district attorney, who may make a determination whether probable cause exists to believe that a violation of law has occurred.

(d) This section shall not apply to a public agency or its employees that is designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

SEC. 9. Section 18109 of the Elections Code is amended to read:

18109. (a) It is a misdemeanor for a person in possession of information identified in Section 2138.5, or obtained pursuant to Article 5 (commencing with Section 2180) of Chapter 2 of Division 2 of this code or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

(b) It is a misdemeanor for a person knowingly to acquire possession or use of voter registration information from the Secretary of State or a county elections official without first complying with Section 2188.

SEC. 10. Section 6254.4 of the Government Code is amended to read:

6254.4. (a) The home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the affidavit of registration, is confidential and shall not be disclosed to any person, except pursuant to Section 2194 of the Elections Code.

(b) For purposes of this section, "home address" means street address only, and does not include an individual's city or post office address.

(c) The California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on an affidavit of registration, or added to the voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

(d) The signature of the voter that is shown on the affidavit of registration is confidential and shall not be disclosed to any person.

SEC. 11. Section 6276.46 of the Government Code is amended to read:

6276.46. Unclaimed property, Controller records of, disclosure, Section 1582, Code of Civil Procedure.

Unemployment compensation, disclosure of confidential information, Section 2111, Unemployment Insurance Code.

Unemployment compensation, information obtained in administration of code, Section 1094, Unemployment Insurance Code.

Unemployment fund contributions, publication of annual tax paid, Section 989, Unemployment Insurance Code.

University of California, exemption from disclosure for information submitted by bidders for award of best value contracts, Section 10506.6, Public Contract Code.

Unsafe working condition, confidentiality of complainant, Section 6309, Labor Code.

Use fuel tax information, disclosure prohibited, Section 9255, Revenue and Taxation Code.

Utility systems development, confidential information, subdivision (e), Section 6254.

Utility user tax return and payment records, exemption from disclosure, Section 7284.6, Revenue and Taxation Code.

Vehicle registration, confidentiality of information, Section 4750.4, Vehicle Code.

Vehicle accident reports, disclosure of, Sections 16005, 20012, and 20014, Vehicle Code and Section 27177, Streets and Highways Code.

Vehicular offense, record of, confidentiality five years after conviction, Section 1807.5, Vehicle Code.

Veterans Affairs, Department of, confidentiality of records of contract purchasers, Section 85, Military and Veterans Code.

Veterinarian or animal health technician, alcohol or dangerous drugs diversion and rehabilitation records, confidentiality of, Section 4871, Business and Professions Code.

Victims' Legal Resource Center, confidentiality of information and records retained, Section 13897.2, Penal Code.

Voter, affidavit or registration, confidentiality of information contained in, Section 6254.4.

Voter, registration by confidential affidavit, Section 2194, Elections Code.

Voting, secrecy, Section 1050, Evidence Code.

Wards and dependent children, inspection of juvenile court documents, Section 827, Welfare and Institutions Code.

SEC. 12. 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.