

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY AUGUST 20, 2013

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN SENATE MAY 16, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 361

Introduced by Senator Padilla

February 20, 2013

An act to amend Sections ~~2102~~, 2146, 2153, and ~~14310~~ 2408 of, to add Section 2169 to, ~~and to add Chapter 8 (commencing 8 (commencing with Section 2600) to Division 2 of, and to repeal Section 2601 of,~~ the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Padilla. Elections: voter registration.

(1) 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 eligible to register to vote and 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. 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, made simultaneously with an application for a motor vehicle driver's license. Existing law requires the Department of Motor Vehicles, community college and California State University campuses, and voter registration agencies~~ *Vehicles* to perform various duties in connection with voter registration.

~~This bill would require the Department of Motor Vehicles, working jointly with the Secretary of State, to establish a system under which a person who applies for any services or assistance online with the department shall be offered the opportunity to register to vote, or update his or her voter registration information, online through the Secretary of State's electronic voter registration system using an electronic form that is prepopulated with the applicant's voter registration information, to the extent the information is available in the department's records. For Vehicles to ensure that any electronic system, as specified, under which a person may electronically submit on the Internet Web site of the Department of Motor Vehicles an application for the issuance or renewal of a driver's license or state identification card, or a change of address form, shall offer the person the opportunity to submit an electronic affidavit of voter registration, or to electronically update his or her voter registration information, on the Internet Web site of the Secretary of State. This bill would require the Department of Motor Vehicles to work jointly with the Secretary of State to ensure that the system provides all required notices and, for each applicant who indicates that he or she would like to apply to register to vote or update his or her voter registration information and consents to the use of his or her motor vehicle records for voter registration purposes, this bill would require the Department of Motor Vehicles to electronically transmit transmits to the Secretary of State any information provided by the applicant to the Department of Motor Vehicles that is necessary to register the applicant to vote or update the applicant's voter registration, as applicable the information provided on the person's driver's license or state identification card application, or change of address form, as applicable, in a manner that does not require the person to duplicate or reenter the information. This bill would require the Secretary of State to report to the Legislature, as specified.~~

By requiring local agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) 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 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 revise or eliminate these provisions of the act. This bill would require the Secretary of State to inform every high school, community college, and California State University and University of California campus that voter registration forms are available from the Secretary of State and to provide voter registration forms to each school upon request. This bill would require the Secretary of State to work with each community college and California State University campus that operates an automated class registration system to ensure that the system conforms to the provisions on paperless voter 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, and, for each student who indicates that he or she would like to apply to register to vote, to electronically transmit to the Secretary of State information in the student's records that is necessary to register the student to vote, in a manner that does not require the student to duplicate or reenter the information on the electronic affidavit of voter registration. This bill would require each community college and California State University to, at the commencement of an academic term, send to each student a notice by electronic mail that is dedicated exclusively to voter registration and contains information relating to voter registration eligibility and the Internet Web site address of the Secretary of State's electronic voter registration system. This bill would encourage the University of California to comply with these provisions.

(3) Existing federal 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. Existing state law requires a designated 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, to implement a process and the

infrastructure that allows the person 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. Existing law permits a voter registration agency to 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, 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.

This bill would require a voter registration agency, for each person who indicates that he or she would like to apply to register to vote, to electronically transmit to the Secretary of State, in a format prescribed by the Secretary of State, the information entered on the person's electronic application for service or assistance, or his or her electronic recertification, renewal, or change of address form, as applicable, in a manner that does not require the person to duplicate or reenter the information on the electronic affidavit of voter registration.

(3)

(4) Existing law specifies various duties of the Secretary of State with regard to the electoral process.

This bill would place additional requirements on the Secretary of State to provide the capability for a voter to check online the status of the voter's registration, find the location of the voter's polling place, check the status of a vote by mail ballot, and check the status of a voter's provisional ballot on the Secretary of State's Internet Web site, as specified.

(4)

(5) Under existing law, if a county elections official receives an affidavit of voter registration that does not include all required information, and the elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the elections official must inform the affiant of the reason for rejection of the affidavit and must send to the affiant a new voter registration card.

This bill would require the elections official under these circumstances to send to the affiant a new voter registration card ~~or a document on which the affiant may provide the missing information and a return envelope with postage prepaid~~ *any other document, as determined by the elections official, on which the affiant may provide the missing information.*

~~(5)~~

(6) 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.

~~(6) This~~

(7) *Certain provisions of this bill would become operative when on the date on which, or one year after the date on which, 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: yes.
State-mandated local program: yes.

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

1 SECTION 1. ~~Section 2102 of the Elections Code, as amended~~
2 ~~by Section 2 of Chapter 364 of the Statutes of 2009, is amended~~
3 ~~to read:~~

4 2102. ~~(a) A person registering as a voter by affidavit of~~
5 ~~registration shall mail or deliver the affidavit to the county elections~~
6 ~~official and shall set forth all of the facts required to be shown by~~
7 ~~this chapter. A properly executed registration shall be deemed~~
8 ~~effective upon receipt of the affidavit by the county elections~~
9 ~~official if the affidavit is received on or before the 15th day prior~~
10 ~~to an election to be held in the registrant's precinct. A properly~~
11 ~~executed registration shall also be deemed effective upon receipt~~
12 ~~of the affidavit by the county elections official if any of the~~
13 ~~following apply:~~

14 (1) ~~The affidavit is postmarked on or before the 15th day prior~~
15 ~~to the election and received by mail by the county elections official.~~

16 (2) ~~The affidavit is submitted to the Department of Motor~~
17 ~~Vehicles or accepted by any other public agency designated as a~~
18 ~~voter registration agency pursuant to the federal National Voter~~
19 ~~Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or~~
20 ~~before the 15th day prior to the election.~~

1 ~~(3) The affidavit is delivered to the county elections official by~~
2 ~~means other than those described in paragraph (1) or (2) on or~~
3 ~~before the 15th day prior to the election.~~

4 ~~(b) For purposes of verifying signatures on a recall, initiative,~~
5 ~~or referendum petition or signatures on a nomination paper or any~~
6 ~~other election petition or election paper, a properly executed~~
7 ~~affidavit of registration shall be deemed effective for verification~~
8 ~~purposes if both of the following conditions are satisfied:~~

9 ~~(1) The affidavit is signed on the same date or a date prior to~~
10 ~~the signing of the petition or paper.~~

11 ~~(2) The affidavit is received by the county elections official on~~
12 ~~or before the date on which the petition or paper is filed.~~

13 ~~(c) Notwithstanding any other provision of law to the contrary,~~
14 ~~the affidavit of registration required under this chapter shall not~~
15 ~~be taken under sworn oath, but the content of the affidavit shall~~
16 ~~be certified as to its truthfulness and correctness, under penalty of~~
17 ~~perjury, by the signature of the affiant.~~

18 ~~(d) A person who is at least 17 years of age and otherwise meets~~
19 ~~all eligibility requirements to vote may submit his or her affidavit~~
20 ~~of registration as prescribed by this section. A properly executed~~
21 ~~registration made pursuant to this subdivision shall be deemed~~
22 ~~effective as of the date the affiant will be 18 years of age, if the~~
23 ~~information in the affidavit of registration is still current at that~~
24 ~~time. If the information provided by the affiant in the affidavit of~~
25 ~~registration is not current at the time that the registration would~~
26 ~~otherwise become effective, for his or her registration to become~~
27 ~~effective, the affiant shall provide the current information to the~~
28 ~~proper county elections official as prescribed by this chapter.~~

29 ~~SEC. 2.~~

30 *SECTION 1.* Section 2146 of the Elections Code is amended
31 to read:

32 2146. (a) The Secretary of State shall annually inform every
33 high school, community college, and California State University
34 and University of California campus that voter registration forms
35 are available from the Secretary of State, and shall provide voter
36 registration forms to each school upon request.

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

1 which the student resides or to the Secretary of State. The notice
2 shall also inform each student that he or she may complete and
3 submit an affidavit of voter registration electronically on the
4 Internet Web site of the Secretary of State.

5 (c) (1) Each community college or California State University
6 campus that operates an automated class registration system on or
7 ~~after before~~ January 1, 2016, ~~shall comply with the requirements~~
8 ~~of Chapter 8 (commencing with Section 2600). The Secretary of~~
9 ~~State shall work with each community college and California State~~
10 ~~University campus that operates an automated class registration~~
11 ~~system to ensure that the system conforms to the paperless voter~~
12 ~~registration requirements of Chapter 8 (commencing with Section~~
13 ~~2600). 2014, shall, through an automated program, in coordination~~
14 ~~with the Secretary of State, permit students, during the class~~
15 ~~registration process, to apply to register to vote online by~~
16 ~~submitting an affidavit of voter registration electronically on the~~
17 ~~Internet Web site of the Secretary of State.~~

18 (2) *Any community college or California State University*
19 *campus that does not operate an automated class registration*
20 *system on or before January 1, 2014, shall, within two years of*
21 *implementing an automated class registration system, through an*
22 *automated program in coordination with the Secretary of State,*
23 *permit students, during the class registration process, to apply to*
24 *register to vote online by submitting an affidavit of voter*
25 *registration electronically on the Internet Web site of the Secretary*
26 *of State.*

27 ~~(2)~~

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

30 (d) (1) *Each community college or California State University*
31 *campus that operates an automated class registration system shall,*
32 *for each student who indicates that he or she would like to apply*
33 *to register to vote pursuant to subdivision (c), electronically*
34 *transmit to the Secretary of State, in a format prescribed by the*
35 *Secretary of State, information in the student's records that is*
36 *necessary to register the student to vote, in a manner that does not*
37 *require the student to duplicate or reenter the information on the*
38 *electronic affidavit of voter registration.*

39 (2) *A system developed pursuant to paragraph (1) shall be*
40 *designed to ensure the secure electronic storage of information*

1 *by, and the secure electronic transmission of information between,*
2 *the Secretary of State and the college or university.*

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

5 (4) *This subdivision shall become operative one year after the*
6 *date on which the Secretary of State certifies that the state has a*
7 *statewide voter registration database that complies with the*
8 *requirements of the federal Help America Vote Act of 2002 (42*
9 *U.S.C. Sec. 15301 et seq.).*

10 ~~(d)~~

11 (e) (1) Each community college and California State University
12 campus shall, at the commencement of an academic term, send to
13 each student by electronic mail a notice that is dedicated
14 exclusively to conveying information relating to voter registration
15 eligibility, the process for registering to vote or updating voter
16 registration information, and the Internet Web site address of the
17 Secretary of State's electronic voter registration system.

18 (2) The University of California is encouraged to comply with
19 this subdivision.

20 ~~(e)~~

21 (f) The Secretary of State shall submit to the Legislature, on or
22 before January 1 of each year, a report on its student voter
23 registration efforts pursuant to this article. This report shall include
24 estimates as to how many voter registration forms were sent to
25 high schools, community colleges, and California State University
26 and University of California ~~campuses~~, *campuses*; how many voter
27 registration forms were ~~returned~~, *returned*; and how many
28 electronic ~~mail notices were sent out to students pursuant to~~
29 ~~subdivision~~ *affidavits of voter registration were submitted by*
30 *students pursuant to subdivisions (c) and (d).*

31 ~~(f)~~

32 (g) It is the intent of the Legislature that every eligible high
33 school and college student receive a voter registration form or the
34 opportunity to *apply to* register to vote online. It is also the intent
35 of the Legislature that every school do all in its power to ensure
36 that students are provided the opportunity and means to *apply to*
37 register to vote. This may include providing voter registration
38 forms at the start of the school year, including voter registration
39 forms with orientation materials; placing voter registration forms
40 at central locations, including voter registration forms with

1 graduation materials; or providing hyperlinks to, or the Internet
2 Web site address of, the Secretary of State’s electronic voter
3 registration system in notices sent by electronic mail to students
4 or placed on the Internet Web site of the high school, college, or
5 university.

6 ~~SEC. 3.~~

7 *SEC. 2.* Section 2153 of the Elections Code is amended to read:
8 2153. (a) Except as provided in Section 2154, the affidavit of
9 registration shall show all the facts required to be stated.

10 (b) If the affidavit does not contain all of the information
11 required, but the telephone number of the affiant is legible, the
12 county elections official shall telephone the affiant and attempt to
13 collect the missing information.

14 (c) If the affidavit does not contain all of the information
15 required, and the county elections official is not able to collect the
16 missing information by telephone, but the mailing address of the
17 affiant is legible, the county elections official shall inform the
18 affiant of the reason for rejection and shall send to the affiant ~~one~~
19 ~~of the following:~~ *a new voter registration card or any other*
20 *document, as determined by the elections official, on which the*
21 *affiant may provide the missing information.*

22 ~~(1) A new voter registration card.~~

23 ~~(2) A document on which the affiant may provide the missing~~
24 ~~information and a return envelope with postage prepaid.~~

25 ~~SEC. 4.~~

26 *SEC. 3.* Section 2169 is added to the Elections Code, following
27 Section 2168, to read:

28 2169. (a) The Secretary of State shall provide on his or her
29 Internet Web site the capability for a voter to do all of the
30 following:

31 (1) Check the status of his or her voter registration and review
32 his or her voter registration information that is included in the
33 Secretary of State’s electronic voter registration system.

34 (2) Not less than 30 days before an election, find the location
35 of his or her polling place, if that information is available, or the
36 location of the polling place for any residential address in the state.

37 (3) Upon the completion of the official canvass for an election,
38 determine whether his or her vote by mail ballot was counted and,
39 if not, the reason the ballot was rejected.

1 (4) Upon the completion of the official canvass for an election,
2 determine whether his or her provisional ballot was counted and,
3 if not, the reason the ballot was rejected.

4 (5) Opt out of receiving his or her voter pamphlet by mail and
5 instead receive it by electronic mail.

6 (b) The online system established pursuant to subdivision (a)
7 shall be accessible to persons with disabilities and available in all
8 the languages in which a ballot or ballot materials are required to
9 be made available in this state pursuant to Section 203 (42 U.S.C.
10 Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4))
11 of the federal Voting Rights Act of 1965.

12 (c) The Secretary of State shall adopt regulations to ensure the
13 security and privacy of any personal voter registration information
14 conveyed by the online system.

15 *SEC. 4. Section 2408 of the Elections Code is amended to read:*

16 2408. (a) A voter registration agency that allows a person to
17 apply online for service or assistance, or to submit a recertification,
18 renewal, or change of address form relating to the service or
19 assistance online, shall implement a process and infrastructure that
20 allows an applicant to electronically submit a voter preference
21 form to the voter registration agency, and to submit an affidavit
22 of voter registration electronically on the Internet Web site of the
23 Secretary of State in accordance with Chapter 2.5 (commencing
24 with Section 2196).

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

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

32 (2) Complete an affidavit of voter registration electronically on
33 the Secretary of State's Internet Web site, print a hardcopy of the
34 completed affidavit, and mail or deliver the hardcopy of the
35 completed affidavit to the Secretary of State or the appropriate
36 county elections official pursuant to subdivision (d) of Section
37 2196.

38 ~~(c) A voter registration agency may take steps to ensure that the~~
39 ~~information entered into a person's electronic application for~~
40 ~~service or assistance, or his or her electronic recertification,~~

1 ~~renewal, or change of address form relating to the service or~~
2 ~~assistance, will be automatically transferred to the electronic~~
3 ~~affidavit of voter registration if the person indicates that he or she~~
4 ~~would like to register to vote.~~

5 *(c) (1) A voter registration agency shall, for each person who*
6 *indicates on his or her electronic voter preference form that he or*
7 *she would like to apply to register to vote, electronically transmit*
8 *to the Secretary of State, in a format prescribed by the Secretary*
9 *of State, the information entered on the person’s electronic*
10 *application for service or assistance, or his or her electronic*
11 *recertification, renewal, or change of address form, as applicable,*
12 *in a manner that does not require the person to duplicate or reenter*
13 *the information on the electronic affidavit of voter registration.*

14 *(2) A system for electronic transmission of information*
15 *developed pursuant to this subdivision shall be designed to ensure*
16 *the secure electronic storage of information by, and the secure*
17 *electronic transmission of information between, the Secretary of*
18 *State and the voter registration agency.*

19 (d) The Secretary of State shall take steps to ensure that the
20 electronic affidavit of voter registration is available, and may be
21 electronically submitted and verified, in all languages in which a
22 county is required to provide voting materials pursuant to Section
23 203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.
24 1973b(f)(4)) of the federal Voting Rights Act of 1965.

25 SEC. 5. Chapter 8 (commencing with Section 2600) is added
26 to Division 2 of the Elections Code, to read:

27
28 CHAPTER 8. DEPARTMENT OF MOTOR VEHICLES’ PAPERLESS
29 VOTER REGISTRATION
30

31 ~~2600.—(a) By January 1, 2017, the Department of Motor~~
32 ~~Vehicles shall establish a system under which a person who applies~~
33 ~~for any services or assistance online with the department shall be~~
34 ~~offered the opportunity to register to vote, or update his or her~~
35 ~~voter registration information, online through the Secretary of~~
36 ~~State’s electronic voter registration system using an electronic~~
37 ~~form that is prepopulated with the applicant’s voter registration~~
38 ~~information, to the extent the information is available in the~~
39 ~~department’s records.~~

- 1 ~~(b) The Department of Motor Vehicles shall work jointly with~~
2 ~~the Secretary of State to ensure that the system established pursuant~~
3 ~~to this section does all of the following:~~
- 4 ~~(1) Provides all required notices to the applicant, including all~~
5 ~~of the following:~~
- 6 ~~(A) A notice of the eligibility requirements to register to vote~~
7 ~~in this state.~~
- 8 ~~(B) A notice stating that voter registration is voluntary.~~
- 9 ~~(C) A notice stating that, if the applicant chooses to register to~~
10 ~~vote or update his or her voter registration information, his or her~~
11 ~~voter registration information shall be made available to the~~
12 ~~Secretary of State for voter registration purposes.~~
- 13 ~~(2) After providing the required notices to the applicant pursuant~~
14 ~~to paragraph (1), asks the applicant whether he or she would like~~
15 ~~to register to vote or update his or her voter registration information~~
16 ~~and whether he or she consents to the use of his or her motor~~
17 ~~vehicle records for voter registration purposes.~~
- 18 ~~(3) For each applicant who indicates that he or she would like~~
19 ~~to register to vote or update his or her voter registration information~~
20 ~~and consents to the use of his or her motor vehicle records for voter~~
21 ~~registration purposes, electronically transmits to the Secretary of~~
22 ~~State any information provided by the applicant to the Department~~
23 ~~of Motor Vehicles that is necessary to register the applicant to vote~~
24 ~~or update the applicant's voter registration, as applicable.~~
- 25 ~~(4) Provides the applicant with a hyperlink to the Secretary of~~
26 ~~State's electronic voter registration system on which the applicant~~
27 ~~may register to vote or update his or her voter registration using~~
28 ~~an electronic form that is prepopulated with the voter registration~~
29 ~~information transmitted by the Department of Motor Vehicles to~~
30 ~~the Secretary of State.~~
- 31 ~~(e) The system established pursuant to this section shall comply~~
32 ~~with the requirements of the federal National Voter Registration~~
33 ~~Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~
- 34 ~~(d) Notwithstanding any other provision of law, immediately~~
35 ~~after transmitting an applicant's voter registration information to~~
36 ~~the Secretary of State, the Department of Motor Vehicles shall~~
37 ~~destroy any materials containing information specific to the~~
38 ~~applicant's voter registration that is not otherwise collected by the~~
39 ~~Department of Motor Vehicles for other purposes.~~

1 ~~2601. A system established pursuant to Section 2600 shall be~~
2 ~~designed to ensure the secure electronic storage of information by,~~
3 ~~and the secure electronic transmission of information between, the~~
4 ~~Secretary of State and the Department of Motor Vehicles.~~

5 ~~2602. (a) The Secretary of State shall adopt regulations as~~
6 ~~necessary to implement this chapter, including, but not limited to,~~
7 ~~regulations relating to all of the following:~~

8 ~~(1) Procedures to ensure the reliable electronic transmission~~
9 ~~and validation of voter registration information.~~

10 ~~(2) Procedures relating to receipt of duplicate or multiple~~
11 ~~transmissions of voter registration information pertaining to the~~
12 ~~same person.~~

13 ~~(3) Procedures to ensure the security and privacy of voter~~
14 ~~registration information transmitted pursuant to this chapter.~~

15 ~~(b) The Department of Motor Vehicles shall comply with all~~
16 ~~applicable regulations and guidelines adopted by the Secretary of~~
17 ~~State. In addition, the department may adopt or establish additional~~
18 ~~security measures to protect the privacy and security of voter~~
19 ~~registration information transmitted to the Secretary of State.~~

20 ~~2600. (a) The Department of Motor Vehicles shall ensure that~~
21 ~~any electronic system developed or modified to comply with this~~
22 ~~chapter, in use on or after the operative date of this chapter, and~~
23 ~~through which a person may electronically submit on the Internet~~
24 ~~Web site of the Department of Motor Vehicles an application for~~
25 ~~the issuance or renewal of a driver's license or state identification~~
26 ~~card, or a change of address form relating to a driver's license or~~
27 ~~state identification card, shall offer the person the opportunity to~~
28 ~~submit an electronic affidavit of voter registration, or to~~
29 ~~electronically update his or her voter registration information, on~~
30 ~~the Internet Web site of the Secretary of State.~~

31 ~~(b) The Department of Motor Vehicles shall work jointly with~~
32 ~~the Secretary of State to ensure that the system described in~~
33 ~~subdivision (a) does both of the following:~~

34 ~~(1) Provides all notices required by the federal National Voter~~
35 ~~Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).~~

36 ~~(2) For each person who indicates that he or she would like to~~
37 ~~apply to register to vote or update his or her voter registration~~
38 ~~information, electronically transmits to the Secretary of State, in~~
39 ~~a format prescribed by the Secretary of State, the information~~
40 ~~provided on the person's driver's license or state identification~~

1 card application, or change of address form, as applicable, in a
 2 manner that does not require the person to duplicate or reenter
 3 the information.

4 (c) The system described in subdivision (a) shall be designed
 5 to ensure the secure electronic storage of information by, and the
 6 secure electronic transmission of information between, the
 7 Secretary of State and the Department of Motor Vehicles.

8 ~~2603. (a) After a system is established pursuant to Section~~
 9 ~~2600, the~~

10 2601. (a) The Secretary of State shall, on or before January 1
 11 of each year, submit a report to the Legislature on the effectiveness
 12 of this chapter. The report shall include all of the following
 13 information:

14 (1) The number of electronic transmissions of voter registration
 15 information made from the Department of Motor Vehicles to the
 16 Secretary of State pursuant to this chapter.

17 (2) The number of voters ~~registered pursuant to this chapter.~~
 18 *who submitted an electronic affidavit of voter registration on the*
 19 *Internet Web site of the Secretary of State using the system*
 20 *described in Section 2600.*

21 (3) The number of voters ~~in the statewide voter registration~~
 22 ~~database whose~~ *who submitted an application to update voter*
 23 *registration information was updated pursuant to this chapter. using*
 24 *the system described in Section 2600.*

25 (b) (1) A report to be submitted pursuant to subdivision (a)
 26 shall be submitted in compliance with Section 9795 of the
 27 Government Code.

28 (2) Pursuant to Section 10231.5 of the Government Code, this
 29 section is repealed ~~on January 1, 2018~~ *four years after the date*
 30 *upon which this chapter becomes operative.*

31 ~~SEC. 6. Section 14310 of the Elections Code, as amended by~~
 32 ~~Section 1 of Chapter 611 of the Statutes of 2009, is amended to~~
 33 ~~read:~~

34 ~~14310. (a) At all elections, a voter claiming to be properly~~
 35 ~~registered, but whose qualification or entitlement to vote cannot~~
 36 ~~be immediately established upon examination of the index of~~
 37 ~~registration for the precinct or upon examination of the records on~~
 38 ~~file with the county elections official, shall be entitled to vote a~~
 39 ~~provisional ballot as follows:~~

1 ~~(1) An elections official shall advise the voter of the voter's~~
2 ~~right to cast a provisional ballot.~~
3 ~~(2) The voter shall be provided a provisional ballot, written~~
4 ~~instructions regarding the process and procedures for casting the~~
5 ~~provisional ballot, and a written affirmation regarding the voter's~~
6 ~~registration and eligibility to vote. The written instructions shall~~
7 ~~include the information set forth in subdivisions (c) and (d).~~
8 ~~(3) The voter shall be required to execute, in the presence of an~~
9 ~~elections official, the written affirmation stating that the voter is~~
10 ~~eligible to vote and registered in the county where the voter desires~~
11 ~~to vote.~~
12 ~~(b) Once voted, the voter's ballot shall be sealed in a provisional~~
13 ~~ballot envelope, and the ballot in its envelope shall be deposited~~
14 ~~in the ballot box. All provisional ballots voted shall remain sealed~~
15 ~~in their envelopes for return to the elections official in accordance~~
16 ~~with the elections official's instructions. The provisional ballot~~
17 ~~envelopes specified in this subdivision shall be a color different~~
18 ~~than the color of, but printed substantially similar to, the envelopes~~
19 ~~used for vote by mail ballots, and shall be completed in the same~~
20 ~~manner as vote by mail envelopes.~~
21 ~~(c) (1) During the official canvass, the elections official shall~~
22 ~~examine the records with respect to all provisional ballots cast.~~
23 ~~Using the procedures that apply to the comparison of signatures~~
24 ~~on vote by mail ballots, the elections official shall compare the~~
25 ~~signature on each provisional ballot envelope with the signature~~
26 ~~on the voter's affidavit of registration. If the signatures do not~~
27 ~~compare or the provisional ballot envelope is not signed, the ballot~~
28 ~~shall be rejected. A variation of the signature caused by the~~
29 ~~substitution of initials for the first or middle name, or both, shall~~
30 ~~not invalidate the ballot.~~
31 ~~(2) Provisional ballots shall not be included in any semiofficial~~
32 ~~or official canvass, except upon: (A) the elections official's~~
33 ~~establishing prior to the completion of the official canvass, from~~
34 ~~the records in his or her office, the claimant's right to vote; or (B)~~
35 ~~the order of a superior court in the county of the voter's residence.~~
36 ~~A voter may seek the court order specified in this paragraph~~
37 ~~regarding his or her own ballot at any time prior to completion of~~
38 ~~the official canvass. Any judicial action or appeal shall have~~
39 ~~priority over all other civil matters. No fee shall be charged to the~~

1 claimant by the clerk of the court for services rendered in an action
2 under this section.

3 ~~(3) The provisional ballot of a voter who is otherwise entitled~~
4 ~~to vote shall not be rejected because the voter did not cast his or~~
5 ~~her ballot in the precinct to which he or she was assigned by the~~
6 ~~elections official.~~

7 ~~(A) If the ballot cast by the voter contains the same candidates~~
8 ~~and measures on which the voter would have been entitled to vote~~
9 ~~in his or her assigned precinct, the elections official shall count~~
10 ~~the votes for the entire ballot.~~

11 ~~(B) If the ballot cast by the voter contains candidates or~~
12 ~~measures on which the voter would not have been entitled to vote~~
13 ~~in his or her assigned precinct, the elections official shall count~~
14 ~~only the votes for the candidates and measures on which the voter~~
15 ~~was entitled to vote in his or her assigned precinct.~~

16 ~~(d) (1) The Secretary of State shall establish a free access~~
17 ~~system on his or her Internet Web site that allows any voter who~~
18 ~~casts a provisional ballot to discover whether the voter's~~
19 ~~provisional ballot was counted and, if not, the reason why it was~~
20 ~~not counted.~~

21 ~~(2) The requirements of paragraph (1) shall not be satisfied by~~
22 ~~providing hyperlinks, or otherwise referring voters, to the free~~
23 ~~access systems established by county elections officials.~~

24 ~~(e) The Secretary of State may adopt appropriate regulations~~
25 ~~for purposes of ensuring the uniform application of this section.~~

26 ~~(f) This section shall apply to any vote by mail voter described~~
27 ~~by Section 3015 who is unable to surrender his or her unvoted vote~~
28 ~~by mail voter's ballot.~~

29 ~~(g) Any existing supply of envelopes marked "special challenged~~
30 ~~ballot" may be used until the supply is exhausted.~~

31 ~~SEC. 7. Section 14310 of the Elections Code, as amended by~~
32 ~~Section 3 of Chapter 497 of the Statutes of 2012, is amended to~~
33 ~~read:~~

34 ~~14310. (a) At all elections, a voter claiming to be properly~~
35 ~~registered, but whose qualification or entitlement to vote cannot~~
36 ~~be immediately established upon examination of the index of~~
37 ~~registration for the precinct or upon examination of the records on~~
38 ~~file with the county elections official, shall be entitled to vote a~~
39 ~~provisional ballot as follows:~~

1 ~~(1) An elections official shall advise the voter of the voter's~~
2 ~~right to cast a provisional ballot.~~

3 ~~(2) The voter shall be provided a provisional ballot, written~~
4 ~~instructions regarding the process and procedures for casting the~~
5 ~~ballot, and a written affirmation regarding the voter's registration~~
6 ~~and eligibility to vote. The written instructions shall include the~~
7 ~~information set forth in subdivisions (c) and (d).~~

8 ~~(3) The voter shall be required to execute, in the presence of an~~
9 ~~elections official, the written affirmation stating that the voter is~~
10 ~~eligible to vote and registered in the county where the voter desires~~
11 ~~to vote.~~

12 ~~(b) Once voted, the voter's ballot shall be sealed in a provisional~~
13 ~~ballot envelope, and the ballot in its envelope shall be deposited~~
14 ~~in the ballot box. All provisional ballots voted shall remain sealed~~
15 ~~in their envelopes for return to the elections official in accordance~~
16 ~~with the elections official's instructions. The provisional ballot~~
17 ~~envelopes specified in this subdivision shall be of a color different~~
18 ~~than the color of, but printed substantially similar to, the envelopes~~
19 ~~used for vote by mail ballots, and shall be completed in the same~~
20 ~~manner as vote by mail envelopes.~~

21 ~~(c) (1) During the official canvass, the elections official shall~~
22 ~~examine the records with respect to all provisional ballots cast.~~
23 ~~Using the procedures that apply to the comparison of signatures~~
24 ~~on vote by mail ballots, the elections official shall compare the~~
25 ~~signature on each provisional ballot envelope with the signature~~
26 ~~on the voter's affidavit of registration. If the signatures do not~~
27 ~~compare or the provisional ballot envelope is not signed, the ballot~~
28 ~~shall be rejected. A variation of the signature caused by the~~
29 ~~substitution of initials for the first or middle name, or both, shall~~
30 ~~not invalidate the ballot.~~

31 ~~(2) (A) Provisional ballots shall not be included in any~~
32 ~~semiofficial or official canvass, except under one or more of the~~
33 ~~following conditions:~~

34 ~~(i) The elections official establishes prior to the completion of~~
35 ~~the official canvass, from the records in his or her office, the~~
36 ~~claimant's right to vote.~~

37 ~~(ii) The provisional ballot has been cast and included in the~~
38 ~~canvass pursuant to Article 4.5 (commencing with Section 2170)~~
39 ~~of Chapter 2 of Division 2.~~

1 ~~(iii) Upon the order of a superior court in the county of the~~
2 ~~voter's residence.~~

3 ~~(B) A voter may seek the court order specified in this paragraph~~
4 ~~regarding his or her own ballot at any time prior to completion of~~
5 ~~the official canvass. Any judicial action or appeal shall have~~
6 ~~priority over all other civil matters. No fee shall be charged to the~~
7 ~~claimant by the clerk of the court for services rendered in an action~~
8 ~~under this section.~~

9 ~~(3) The provisional ballot of a voter who is otherwise entitled~~
10 ~~to vote shall not be rejected because the voter did not cast his or~~
11 ~~her ballot in the precinct to which he or she was assigned by the~~
12 ~~elections official.~~

13 ~~(A) If the ballot cast by the voter contains the same candidates~~
14 ~~and measures on which the voter would have been entitled to vote~~
15 ~~in his or her assigned precinct, the elections official shall count~~
16 ~~the votes for the entire ballot.~~

17 ~~(B) If the ballot cast by the voter contains candidates or~~
18 ~~measures on which the voter would not have been entitled to vote~~
19 ~~in his or her assigned precinct, the elections official shall count~~
20 ~~only the votes for the candidates and measures on which the voter~~
21 ~~was entitled to vote in his or her assigned precinct.~~

22 ~~(d) (1) The Secretary of State shall establish a free access~~
23 ~~system on his or her Internet Web site that allows any voter who~~
24 ~~casts a provisional ballot to discover whether the voter's~~
25 ~~provisional ballot was counted and, if not, the reason why it was~~
26 ~~not counted.~~

27 ~~(2) The requirements of paragraph (1) shall not be satisfied by~~
28 ~~providing hyperlinks, or otherwise referring voters, to the free~~
29 ~~access systems established by county elections officials.~~

30 ~~(e) The Secretary of State may adopt appropriate regulations~~
31 ~~for purposes of ensuring the uniform application of this section.~~

32 ~~(f) This section shall apply to any vote by mail voter described~~
33 ~~by Section 3015 who is unable to surrender his or her unvoted vote~~
34 ~~by mail voter's ballot.~~

35 ~~(g) Any existing supply of envelopes marked "special challenged~~
36 ~~ballot" may be used until the supply is exhausted.~~

37 ~~SEC. 8.~~

38 ~~SEC. 6.~~ If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 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.

3 ~~SEC. 9. Sections 1 to 8, inclusive,~~

4 *SEC. 7. (a) Section 3 of this bill shall become operative ~~only~~*
5 *if on the date on which the Secretary of State certifies that the state*
6 *has a statewide voter registration database that complies with the*
7 *requirements of the federal Help America Vote Act of 2002 (42*
8 *U.S.C. Sec. 15301 et seq.).*

9 *(b) Sections 4 and 5 of this bill shall become operative one year*
10 *after the date on which the Secretary of State certifies that the state*
11 *has a statewide voter registration database that complies with the*
12 *requirements of the federal Help America Vote Act of 2002 (42*
13 *U.S.C. Sec. 15301 et seq.).*

14

15 _____

16 **CORRECTIONS:**

17 **Title—Line 3.**

18 **Text—Pages 10, 14, and 19.**

19 _____