

ASSEMBLY BILL

No. 786

Introduced by Assembly Member Levine
(Coauthor: Assembly Member Cooley)
(Coauthor: Senator Allen)

February 25, 2015

An act to add Sections 2251 and 2252 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 786, as introduced, Levine. National Voter Registration Act of 1993.

Existing law, the federal National Voter Registration Act of 1993, requires a state to establish procedures to register a person to vote by application made simultaneously with an application for a motor vehicle driver's license, by mail application, and by application in person at a registration site or designated voter registration agency. With respect to an application made simultaneously with an application for a motor vehicle driver's license, the act requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

The United States District Court for the Northern District of California, in the matter of *Wilson v. United States*, held that the federal act is constitutional and on May 4, 1995, ordered the State of California

to implement the State's Plan for Implementation of the National Voter Registration Act.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing state law establishes procedures for a person to register to vote by mail or by application in person at a registration site or office of a designated voter registration agency. Existing state law also requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles, or accepted by any other public agency designated as a voter registration agency, on or before the 15th day before the election.

To the extent the state's plan is inconsistent with the federal act, this bill would require the Department of Motor Vehicles, in coordination with the Secretary of State, to take additional steps to fully implement and further comply with a specified provision of the federal act.

The National Voter Registration Act permits a county to cancel the prior registration of a voter who has moved to a different county after it attempts to confirm the voter's change of address, as specified. The act allows this cancellation if the change-of-address notice comes from the Department of Motor Vehicles or another designated agency, and if the voter initiates the request. Existing state law also permits a county to cancel the prior voter registration of a voter who verifies in writing that he or she has moved to a different county.

This bill would prohibit a county from canceling the prior registration of a voter upon notification by the Department of Motor Vehicles that the voter had moved to a different county, except at the voter's request, until the voter is registered to vote in the county to which he or she has moved.

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. Section 2251 is added to the Elections Code, to
- 2 read:
- 3 2251. To the extent the State's Plan for Implementation of the
- 4 National Voter Registration Act, which was adopted and ordered
- 5 implemented by the United States District Court for the Northern
- 6 District of California on May 4, 1995, in the matter of Wilson v.

1 United States (Nos. C 95-20042 JW, C 94-20860 JW), is
2 inconsistent with the federal National Voter Registration Act of
3 1993 (52 U.S.C. Sec. 20501 et seq.), and notwithstanding any other
4 provision of state law, the Department of Motor Vehicles, in
5 coordination with the Secretary of State, shall take additional steps
6 to fully implement and further comply with Section 20504 of Title
7 52 of the United States Code.

8 SEC. 2. Section 2252 is added to the Elections Code, to read:

9 2252. Upon notification by the Department of Motor Vehicles
10 that a voter registered to vote in the county has moved to a different
11 county, a county elections official shall not cancel that voter's
12 prior registration until the voter is registered in the county to which
13 he or she has moved, except at the voter's request.

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