

AMENDED IN SENATE JUNE 23, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

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AMENDED IN ASSEMBLY APRIL 6, 2015

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1461

**Introduced by Assembly Members Gonzalez, Alejo, and McCarty
(Coauthor: Assembly Member Eduardo Garcia)**

February 27, 2015

An act to *amend Sections 2100 and 2102 of, and to add Chapter 4.5* (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1461, as amended, Gonzalez. Voter registration.

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license. The federal 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.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law 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 on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver’s licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver’s license or state identification card to submit satisfactory proof to the department that the applicant’s presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, after 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, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver’s license or state identification card if the proof that the applicant is required to submit to prove that his or her presence in the United States is authorized under federal law also establishes that the applicant is a citizen of the United States. In turn, the Secretary of State would be required to provide those records to the county elections official of the county in which the person may be registered to vote and to notify the person that he or she will be registered to vote unless he or she declines to be registered within 21 days after the date that the Secretary of State issues the notice. If a person does not decline to be registered to vote within that time period, this bill would provide that the person’s motor vehicle records shall constitute a completed affidavit of registration and the person shall be registered to vote. This bill would require the Secretary of State to adopt regulations to implement this program, *as specified*.

This bill would also make conforming changes.

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 2100 of the Elections Code is amended
2 to read:

3 2100. ~~No person shall~~ A person shall not be registered except
4 as provided in this chapter or Chapter 4.5, except upon the
5 production and filing of a certified copy of a judgment of the
6 superior court directing registration to be made.

7 SEC. 2. Section 2102 of the Elections Code, as amended by
8 Chapter 909 of the Statutes of 2014, is amended to read:

9 2102. (a) ~~A~~ Except as provided in Chapter 4.5, a person shall
10 not be registered as a voter except by affidavit of registration. The
11 affidavit shall be mailed or delivered to the county elections official
12 and shall set forth all of the facts required to be shown by this
13 chapter. A properly executed registration shall be deemed effective
14 upon receipt of the affidavit by the county elections official if
15 received on or before the 15th day prior to an election to be held
16 in the registrant’s precinct. A properly executed registration shall
17 also be deemed effective upon receipt of the affidavit by the county
18 elections official if any of the following apply:

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

21 (2) The affidavit is submitted to the Department of Motor
22 Vehicles or accepted by any other public agency designated as a
23 voter registration agency pursuant to the federal National Voter
24 Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg et seq.~~) (52 U.S.C.
25 20501 et seq.) on or before the 15th day prior to the election.

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

29 (4) The affidavit is submitted electronically on the Internet Web
30 site of the Secretary of State pursuant to Section 2196 on or before
31 the 15th day prior to the election.

32 (b) For purposes of verifying a signature on a recall, initiative,
33 or referendum petition or a signature on a nomination paper or any
34 other election petition or election paper, a properly executed

1 affidavit of registration shall be deemed effective for verification
2 purposes if both of the following conditions are satisfied:

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

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

7 (c) Notwithstanding any other law to the contrary, the affidavit
8 of registration required under this chapter shall not be taken under
9 sworn oath, but the content of the affidavit shall be certified as to
10 its truthfulness and correctness, under penalty of perjury, by the
11 signature of the affiant.

12 (d) A person who is at least 16 years of age and otherwise meets
13 all eligibility requirements to vote may submit his or her affidavit
14 of registration as prescribed by this section. A properly executed
15 registration made pursuant to this subdivision shall be deemed
16 effective as of the date the affiant will be 18 years of age, if the
17 information in the affidavit of registration is still current at that
18 time. If the information provided by the affiant in the affidavit of
19 registration is not current at the time that the registration would
20 otherwise become effective, for his or her registration to become
21 effective, the affiant shall provide the current information to the
22 proper county elections official as prescribed by this chapter.

23 ~~SECTION 1.~~

24 SEC. 3. Chapter 4.5 (commencing with Section 2260) is added
25 to Division 2 of the Elections Code, to read:

26
27 CHAPTER 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

28
29 2260. This ~~act~~ *chapter* shall be known and may be cited as the
30 California New Motor Voter Program.

31 2261. The Legislature finds and declares all of the following:

32 (a) Voter registration is one of the biggest barriers to
33 participation in our democracy.

34 (b) In 1993, Congress enacted the federal National Voter
35 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly
36 known as the “Motor Voter Law,” with findings recognizing that
37 the right of citizens to vote is a fundamental right; it is the duty of
38 federal, state, and local governments to promote the exercise of
39 the right to vote; and the primary purpose of the act is to increase
40 the number of eligible citizens who register to vote.

1 (c) In 2014, with nearly 7 million Californians eligible to vote
2 but not registered, California ranks 38th among the 50 states in
3 voter registration.

4 (d) In the 2014 elections, voter turnout nationwide was the
5 lowest since World War II, with California ranking 43rd in voter
6 participation.

7 (e) Voting laws and practices have evolved over time with the
8 goal of increasing voter participation, as illustrated by the history
9 of vote by mail. While going to the polls on election day was once
10 the only option for voting, vote by mail voting initially provided
11 an alternate means of voting for voters with an excuse for being
12 absent on election day, then it became an option available to any
13 voter, and eventually the law allowed for permanent vote by mail
14 voters who are automatically sent a vote by mail ballot for every
15 election.

16 (f) Similarly, the federal Motor Voter Law was enacted more
17 than 20 years ago based on a paper voter registration process, but
18 may now use modern electronic data technologies to make voter
19 registration easier, more convenient, and more efficient, while also
20 preserving citizens' choice to decline to be registered or cancel
21 their registration at any time.

22 (g) It is the intent of the Legislature to enact the California New
23 Motor Voter Program to provide California citizens additional
24 opportunities to participate in democracy through exercise of their
25 fundamental right to vote.

26 2262. The Secretary of State and the Department of Motor
27 Vehicles shall establish the California New Motor Voter Program
28 for the purpose of increasing opportunities for voter registration
29 by any person who is qualified to be a voter under Section 2 of
30 Article II of the California Constitution.

31 2263. (a) (1) The Secretary of State, in consultation with the
32 Department of Motor Vehicles, shall establish a schedule for the
33 department to electronically provide to the Secretary of State the
34 records specified in this subdivision.

35 (2) Except as provided in paragraph (3), the Department of
36 Motor Vehicles shall electronically provide to the Secretary of
37 State the records of a person who is issued an original or renewal
38 of a driver's license or state identification card if the proof that the
39 applicant is required to submit to prove that his or her presence in
40 the United States is authorized under federal law also establishes

1 that the applicant is a citizen of the United States. The records
2 shall include the person's name, age, residence address, ~~and~~
3 ~~electronic signature.~~ *electronic signature, and other voter*
4 *registration information collected electronically by the Department*
5 *of Motor Vehicles.*

6 (3) The department shall not electronically provide the records
7 of a person who is issued a driver's license pursuant to Section
8 12801.9 of the Vehicle Code because he or she is unable to submit
9 satisfactory proof that his or her presence in the United States is
10 authorized under federal law.

11 (4) The Department of Motor Vehicles shall not electronically
12 provide records pursuant to this subdivision, and the schedule
13 established pursuant to paragraph (1) shall not provide for the
14 Department of Motor Vehicles to electronically provide records,
15 until after the Secretary of State certifies that the state has a
16 statewide voter registration database that complies with the
17 requirements of the federal Help America Vote Act of 2002 (52
18 U.S.C. Sec. 20901 et seq.).

19 (b) Upon receipt of records pursuant to subdivision (a), the
20 Secretary of State shall provide the records to the county elections
21 official of the county in which the person may be registered to
22 vote, unless the Secretary of State determines that the person is
23 not eligible to register to vote or is already registered to vote.

24 (c) The Secretary of State shall notify each person whose records
25 are sent to a county elections official of all of the following:

26 (1) That he or she will be registered to vote unless he or she
27 declines to be registered within 21 days after the date that the
28 Secretary of State issues the notification.

29 (2) The method by which he or she may decline to be registered
30 to vote.

31 (3) The method by which he or she may include his or her
32 political party preference on his or her voter registration.

33 (4) *The method by which he or she may apply for permanent*
34 *vote by mail status.*

35 (5) *The method by which he or she may provide a telephone*
36 *number, email address, or other contact information.*

37 (6) *Other information specified in regulations adopted pursuant*
38 *to Section 2266.*

39 (d) If a person notified under subdivision (c) does not decline
40 to be registered to vote within 21 days after the date that the

1 Secretary of State issues the notification, the person's records shall
2 constitute a completed affidavit of registration and the person shall
3 be registered to vote.

4 2264. A person registered to vote may cancel his or her voter
5 registration at any time by submitting a request to the county
6 elections official pursuant to Section 2201.

7 2265. This chapter does not affect the confidentiality of a
8 person's voter registration information, which remains confidential
9 pursuant to Section 2194 of this code and Section 6254.4 of the
10 Government Code and for all of the following persons:

11 (a) A victim of domestic violence, sexual assault, or stalking
12 pursuant to Section 2166.5.

13 (b) A reproductive health care service provider, employee,
14 volunteer, or patient pursuant to Section 2166.5.

15 (c) A public safety officer pursuant to Section 2166.7.

16 (d) A person with a life-threatening circumstance upon court
17 order pursuant to Section 2166.

18 2266. (a) The Secretary of State shall adopt regulations to
19 implement this ~~chapter.~~ *chapter, including regulations addressing*
20 *both of the following:*

21 (1) *The form, content, and language options for the notice*
22 *described in subdivision (c) of Section 2263.*

23 (2) *A process for canceling the registration of a person who is*
24 *ineligible to vote, but became registered under the California New*
25 *Motor Voter Program in the absence of any violation by that*
26 *person of Section 18100.*