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AMENDED IN SENATE AUGUST 31, 2015

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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**

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**Introduced by Assembly Members Gonzalez, Alejo, and McCarty**  
*(Principal coauthor: Senator Lara)*  
**(Coauthors: Assembly Members Eduardo Garcia and Mullin)**

February 27, 2015

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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: California New Motor Voter Program.

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, certain enumerated conditions are satisfied,~~ the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person ~~who, on or after January 1, 2015, who~~ is issued an original or renewal of a driver's license or state identification card or who ~~provided~~ *provides* the department with a change of address, as specified. ~~In turn, the Secretary of State would be required 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, and to provide other information to the person. If a person does not decline to be registered to vote within that time period, the~~ *The* person's motor vehicle records would *then* constitute a completed affidavit of

registration and the person would be registered to ~~vote~~. *vote, unless the person affirmatively declined to be registered to vote during a transaction with the department, the department did not represent to the Secretary of State that the person attested that he or she meets all voter eligibility requirements, as specified, or the Secretary of State determines that the person is ineligible to vote.* The bill would require the Secretary of State to adopt regulations to implement this program, as specified.

*Under existing law, the willful, unauthorized disclosure of information from a Department of Motor Vehicles record to any person, or the use of any false representation to obtain information from a department record or any use of information obtained from any department record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.*

*This bill would provide that disclosure of information contained in the records obtained from the Department of Motor Vehicles pursuant to the California New Motor Voter Program is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.*

*Existing law, the Information Practices Act of 1977, authorizes every state agency to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency, or is required or authorized by state or federal law. That act specifies the situations in which disclosure is permissible and also specifies the manner in which agencies must account for disclosures of personal information, including those due to security breaches, among other provisions.*

*This bill would require the Secretary of State to establish procedures to safeguard the confidentiality of information acquired from the Department of Motor Vehicles pursuant to the California New Motor Voter Program and would state that the provisions of the Information Practices Act of 1977 govern disclosures pursuant to the program.*

Existing law makes it a crime for a person to willfully cause, procure, or allow himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to

registration. *Existing law also makes it a crime to fraudulently vote or attempt to vote.*

This bill would provide that if a person who is ineligible to vote becomes registered to vote by operation of the California New Motor Voter Program in the absence of a violation by that person of the crime described above, that person’s registration shall be presumed to have been effected with official authorization and not the fault of that person. *The bill would also provide that if a person who is ineligible to vote becomes registered to vote by operation of this program, and that person votes or attempts to vote in an election held after the effective date of the person’s registration, that person shall be presumed to have acted with official authorization and is not guilty of fraudulently voting or attempting to vote, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.*

This bill would also make conforming changes.

This bill would incorporate additional changes to Section 2102 of the Elections Code, proposed by SB 589, that would become operative only if SB 589 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

*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 no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*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. A person shall not be registered except as provided in
- 4 this chapter or Chapter 4.5, except upon the production and filing
- 5 of a certified copy of a judgment of the superior court directing
- 6 registration to be made.
- 7 SEC. 2. Section 2102 of the Elections Code, as amended by
- 8 Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to
- 9 read:

1 2102. (a) Except as provided in Chapter 4.5, a person shall  
2 not be registered as a voter except by affidavit of registration. The  
3 affidavit shall be mailed or delivered to the county elections official  
4 and shall set forth all of the facts required to be shown by this  
5 chapter. A properly executed registration shall be deemed effective  
6 upon receipt of the affidavit by the county elections official if  
7 received on or before the 15th day prior to an election to be held  
8 in the registrant's precinct. A properly executed registration shall  
9 also be deemed effective upon receipt of the affidavit by the county  
10 elections official if any of the following apply:

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

13 (2) The affidavit is submitted to the Department of Motor  
14 Vehicles or accepted by any other public agency designated as a  
15 voter registration agency pursuant to the federal National Voter  
16 Registration Act of 1993 (52 U.S.C. 20501 et seq.) on or before  
17 the 15th day prior to the election.

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

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

24 (b) For purposes of verifying a signature on a recall, initiative,  
25 or referendum petition or a signature on a nomination paper or any  
26 other election petition or election paper, a properly executed  
27 affidavit of registration shall be deemed effective for verification  
28 purposes if both of the following conditions are satisfied:

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

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

33 (c) Notwithstanding any other law to the contrary, the affidavit  
34 of registration required under this chapter shall not be taken under  
35 sworn oath, but the content of the affidavit shall be certified as to  
36 its truthfulness and correctness, under penalty of perjury, by the  
37 signature of the affiant.

38 (d) A person who is at least 16 years of age and otherwise meets  
39 all eligibility requirements to vote may submit his or her affidavit  
40 of registration as prescribed by this section. A properly executed

1 registration made pursuant to this subdivision shall be deemed  
2 effective as of the date the affiant will be 18 years of age, if the  
3 information in the affidavit of registration is still current at that  
4 time. If the information provided by the affiant in the affidavit of  
5 registration is not current at the time that the registration would  
6 otherwise become effective, for his or her registration to become  
7 effective, the affiant shall provide the current information to the  
8 proper county elections official as prescribed by this chapter.

9 SEC. 2.5. Section 2102 of the Elections Code, as amended by  
10 Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to  
11 read:

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

23 (1) The affidavit is postmarked on or before the 15th day before  
24 the election and received by mail by the county elections official.

25 (2) The affidavit is submitted to the Department of Motor  
26 Vehicles or accepted by any other public agency designated as a  
27 voter registration agency pursuant to the federal National Voter  
28 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or  
29 before the 15th day before the election.

30 (3) The affidavit is delivered to the county elections official by  
31 means other than those described in paragraphs (1) and (2) on or  
32 before the 15th day before the election.

33 (4) The affidavit is submitted electronically on the Internet Web  
34 site of the Secretary of State pursuant to Section 2196 on or before  
35 the 15th day before the election.

36 (b) For purposes of verifying a signature on a recall, initiative,  
37 or referendum petition or a signature on a nomination paper or any  
38 other election petition or election paper, a properly executed  
39 affidavit of registration shall be deemed effective for verification  
40 purposes if both of the following conditions are satisfied:

1 (1) The affidavit is signed on the same date or a date before the  
2 signing of the petition or paper.

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

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

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

22 (e) An individual with a disability who is otherwise qualified  
23 to vote may complete an affidavit of registration with reasonable  
24 accommodations as needed.

25 (f) An individual with a disability who is under a conservatorship  
26 may be registered to vote if he or she has not been disqualified  
27 from voting.

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

30  
31 CHAPTER 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

32  
33 2260. This chapter shall be known and may be cited as the  
34 California New Motor Voter Program.

35 2261. The Legislature finds and declares all of the following:

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

38 (b) In 1993, Congress enacted the federal National Voter  
39 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly  
40 known as the “Motor Voter Law,” with findings recognizing that

1 the right of citizens to vote is a fundamental right; it is the duty of  
 2 federal, state, and local governments to promote the exercise of  
 3 the right to vote; and the primary purpose of the act is to increase  
 4 the number of eligible citizens who register to vote.

5 ~~(e) In 2014, with nearly 7 million Californians eligible to vote  
 6 but not registered, California ranked 38th among the 50 states in  
 7 voter registration.~~

8 ~~(d) In the 2014 elections, voter turnout nationwide was the  
 9 lowest since World War II, with California ranking 43rd in voter  
 10 participation.~~

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

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

26 ~~(g)~~

27 ~~(c) It is the intent of the Legislature to enact the California New  
 28 Motor Voter Program to provide California citizens additional  
 29 opportunities to participate in democracy through exercise of their  
 30 fundamental right to vote.~~

31 2262. (a) The Secretary of State and the Department of Motor  
 32 Vehicles shall establish the California New Motor Voter Program  
 33 for the purpose of increasing opportunities for voter registration  
 34 by any person who is qualified to be a voter under Section 2 of  
 35 Article II of the California Constitution.

36 (b) This chapter shall not be construed as requiring the  
 37 Department of Motor Vehicles to determine eligibility for voter  
 38 registration and voting. *The Secretary of State is solely responsible*  
 39 *for determining eligibility for voter registration and voting.*

1 2263. (a) ~~The Secretary of State, Department of Motor~~  
2 ~~Vehicles, in consultation with the Department of Motor Vehicles,~~  
3 ~~Secretary of State, shall establish a schedule and method for the~~  
4 ~~department to electronically provide to the Secretary of State the~~  
5 ~~records specified in this chapter. section.~~

6 (b) (1) ~~The Department of Motor Vehicles shall electronically~~  
7 ~~provide to the Secretary of State records containing all of the~~  
8 ~~following information associated with each person who, on or after~~  
9 ~~January 1, 2015, received an original or renewal driver's license~~  
10 ~~or state identification card, or provided the department with a~~  
11 ~~change of address: The department shall provide to the Secretary~~  
12 ~~of State, in a manner and method to be determined by the~~  
13 ~~department in consultation with the Secretary of State, the~~  
14 ~~following information associated with each person who submits~~  
15 ~~an application for a driver's license or identification card pursuant~~  
16 ~~to Section 12800, 12815, or 13000 of the Vehicle Code, or who~~  
17 ~~notifies the department of a change of address pursuant to Section~~  
18 ~~14600 of the Vehicle Code:~~

19 (A) Name.

20 (B) ~~Age.~~ Date of birth.

21 (C) ~~Either or both of the following, as contained in the~~  
22 ~~department's records:~~

23 (i) Residence address.

24 (ii) Mailing address.

25 (D) ~~Electronic signature.~~ Digitized signature, as described in  
26 Section 12950.5 of the Vehicle Code.

27 (E) ~~The document code or equivalent identifier associated with~~  
28 ~~the document the person provided to prove that his or her presence~~  
29 ~~in the United States is authorized under federal law and that the~~  
30 ~~applicant is a citizen of the United States.~~ Telephone number, if  
31 available.

32 (F) Email address, if available.

33 (G) Language preference.

34 (H) Political party preference.

35 (I) Whether the person chooses to become a permanent vote by  
36 mail voter.

37 ~~(F)~~

38 (J) Whether the person affirmatively declined to become  
39 registered to vote during a transaction with the department.

40 ~~(G)~~

1 ~~(K) An attestation by the person that he or she meets all voter~~  
 2 ~~eligibility requirements. A notation that the applicant has attested~~  
 3 ~~that he or she meets all voter eligibility requirements, including~~  
 4 ~~United States citizenship, specified in Section 2101.~~

5 ~~(H)~~

6 (L) Other information specified in regulations implementing  
 7 this chapter.

8 ~~(2) Notwithstanding Section 2264, the~~ (A) The department may  
 9 provide the records described in paragraph (1) to the Secretary of  
 10 State before the Secretary of State certifies ~~that the state has a~~  
 11 ~~statewide voter registration database that complies with the~~  
 12 ~~requirements of the federal Help America Vote Act of 2002 (52~~  
 13 ~~U.S.C. Sec. 20901 et seq.); that all of the conditions set forth in~~  
 14 ~~subdivision (e) of this section have been satisfied.~~ Records provided  
 15 pursuant to this paragraph shall only be used for the purposes of  
 16 outreach and education to eligible voters conducted by the  
 17 Secretary of State.

18 (B) The Secretary shall provide materials created for purposes  
 19 of outreach and education as described in this paragraph in  
 20 languages other than English, as required by the federal Voting  
 21 Rights Act of 1965 (52 U.S.C. Sec. 10503).

22 (c) The Secretary of State shall not sell, transfer or allow any  
 23 third party access to the information acquired from the Department  
 24 of Motor Vehicles pursuant to this chapter without approval of  
 25 the department, except as permitted by this chapter and Section  
 26 2194.

27 (e)

28 (d) The department shall not electronically provide records of  
 29 a person who applies for or is issued a driver's license pursuant to  
 30 Section 12801.9 of the Vehicle Code because he or she is unable  
 31 to submit satisfactory proof that his or her presence in the United  
 32 States is authorized under federal law.

33 (e) The Department of Motor Vehicles shall commence  
 34 implementation of this section no later than one year after the  
 35 Secretary of State certifies all of the following:

36 (1) The State has a statewide voter registration database that  
 37 complies with the requirements of the federal Help America Vote  
 38 Act of 2002 (52 U.S.C. Section 20901 et seq.).

1 (2) *The Legislature has appropriated the funds necessary for*  
2 *the Secretary of State and the Department of Motor Vehicles to*  
3 *implement and maintain the California New Motor Voter Program.*

4 (3) *The regulations required by Section 2270 have been adopted.*

5 (f) *The Department of Motor Vehicles shall not electronically*  
6 *provide records pursuant to this section that contain a home*  
7 *address designated as confidential pursuant to Section 1808.2,*  
8 *1808.4, or 1808.6 of the Vehicle Code.*

9 ~~2264. The Department of Motor Vehicles shall not~~  
10 ~~electronically provide records pursuant to this chapter, and the~~  
11 ~~schedule established pursuant to Section 2263 shall not provide~~  
12 ~~for the Department of Motor Vehicles to electronically provide~~  
13 ~~records, until January 1 of the year after the Secretary of State~~  
14 ~~certifies that the state has a statewide voter registration database~~  
15 ~~that complies with the requirements of the federal Help America~~  
16 ~~Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).~~

17 2264. (a) *The willful, unauthorized disclosure of information*  
18 *obtained from the Department of Motor Vehicles pursuant to*  
19 *Section 2263 to any person, or the use of any false representation*  
20 *to obtain any of that information or the use of any of that*  
21 *information for a purpose other than as stated in Section 2263, is*  
22 *a misdemeanor punishable by a fine not exceeding five thousand*  
23 *dollars (\$5,000) or imprisonment in the county jail not exceeding*  
24 *one year, or both fine and imprisonment.*

25 (b) *The Secretary of State shall establish procedures to protect*  
26 *the confidentiality of the information acquired from the Department*  
27 *of Motor Vehicles pursuant to Section 2263. The disclosure of this*  
28 *information shall be governed by the Information Practices Act*  
29 *of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8*  
30 *of Part 4 of Division 3 of the Civil Code), and the Secretary of*  
31 *State shall account for any disclosures, including those due to*  
32 *security breaches, in accordance with that act.*

33 ~~2265. (a) Except as provided in subdivision (b), the Secretary~~  
34 ~~of State shall notify each person who is eligible to vote and whose~~  
35 ~~records are sent to the Secretary of State of all of the following:~~

36 ~~(1) That he or she will be registered to vote unless he or she~~  
37 ~~declines to be registered within 21 days after the date that the~~  
38 ~~Secretary of State issues the notification.~~

39 ~~(2) The method by which he or she may decline to be registered~~  
40 ~~to vote.~~

- 1     ~~(3) The method by which he or she may include his or her~~
- 2     ~~political party preference on his or her voter registration.~~
- 3     ~~(4) The method by which he or she may apply for permanent~~
- 4     ~~vote by mail status.~~
- 5     ~~(5) The method by which he or she may provide a telephone~~
- 6     ~~number, email address, or other contact information.~~
- 7     ~~(6) Voter eligibility requirements.~~
- 8     ~~(7) Other information specified in regulations adopted pursuant~~
- 9     ~~to Section 2269.~~
- 10    ~~(b) The Secretary of State shall not provide notification pursuant~~
- 11    ~~to subdivision (a) to a person who already registered to vote or~~
- 12    ~~who affirmatively declined to register to vote during a transaction~~
- 13    ~~with the department.~~
- 14    ~~(e)~~
- 15    ~~2265. (a) If a person notified under subdivision (a) does not~~
- 16    ~~decline to be registered to vote within 21 days after the date that~~
- 17    ~~the Secretary of State issues the notification, the person's *The*~~
- 18    ~~records of a person designated in paragraph (1) of subdivision (b)~~
- 19    ~~of Section 2263 shall constitute a completed affidavit of registration~~
- 20    ~~and the person Secretary of State shall be registered register the~~
- 21    ~~person to vote. vote, unless any of the following conditions is~~
- 22    ~~satisfied:~~
- 23    ~~(d)~~
- 24    ~~The Secretary of State shall provide the notification required~~
- 25    ~~by subdivision (a) in languages other than English, as required by~~
- 26    ~~the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).~~
- 27    ~~(e)~~
- 28    ~~(1) The person's records, as described in Section 2263, reflect~~
- 29    ~~that he or she affirmatively declined to become registered to vote~~
- 30    ~~during a transaction with the Department of Motor Vehicles.~~
- 31    ~~(2) The person's records, as described in Section 2263, do not~~
- 32    ~~reflect that he or she has attested to meeting all voter eligibility~~
- 33    ~~requirements specified in Section 2101.~~
- 34    ~~(3) The Secretary of State determines that the person is ineligible~~
- 35    ~~to vote.~~
- 36    ~~(b) (1) If a person who is registered to vote pursuant to this~~
- 37    ~~chapter does not provide a party preference, his or her party~~
- 38    ~~preference shall be designated as "~~Unknown.~~" "Unknown" and~~
- 39    ~~he or she shall be treated as a "No Party Preference" voter.~~

1 (2) *A person whose party preference is designated as*  
2 *“Unknown” pursuant to this subdivision shall not be counted for*  
3 *purposes of determining the total number of voters registered on*  
4 *the specified day preceding an election, as required by subdivision*  
5 *(b) of Section 5100 and subdivision (c) of Section 5151.*

6 2266. A person registered to vote under this chapter may cancel  
7 his or her voter registration at any time by any method available  
8 to any other registered voter.

9 2267. This chapter does not affect the confidentiality of a  
10 person’s voter registration information, which remains confidential  
11 pursuant to Section 2194 of this code and Section 6254.4 of the  
12 Government Code and for all of the following persons:

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

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

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

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

20 2268. If a person who is ineligible to vote becomes registered  
21 to vote pursuant to this chapter in the absence of a violation by  
22 that person of Section 18100, that person’s registration shall be  
23 presumed to have been effected with official authorization and not  
24 the fault of that person.

25 2269. *If a person who is ineligible to vote becomes registered*  
26 *to vote pursuant to this chapter and votes or attempts to vote in*  
27 *an election held after the effective date of the person’s registration,*  
28 *that person shall be presumed to have acted with official*  
29 *authorization and shall not be guilty of fraudulently voting or*  
30 *attempting to vote pursuant to Section 18560, unless that person*  
31 *willfully votes or attempts to vote knowing that he or she is not*  
32 *entitled to vote.*

33 ~~2269.~~

34 2270. The Secretary of State shall adopt regulations to  
35 implement this chapter, including regulations addressing ~~all~~ *both*  
36 of the following:

37 ~~(a) The form, content, and language options for the notice~~  
38 ~~described in Section 2265.~~

39 ~~(b)~~

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

5 (e)

6 (b) An education and outreach campaign ~~emphasizing voter~~  
 7 ~~eligibility requirements~~ *informing voters about the California New*  
 8 *Motor Voter Program* that the Secretary of State will conduct to  
 9 implement this chapter. The Secretary may use any public and  
 10 private funds available for this purpose. ~~and shall provide materials~~  
 11 ~~created for this outreach and education campaign in languages~~  
 12 ~~other than English, as required by the federal Voting Rights Act~~  
 13 ~~of 1965 (52 U.S.C. Sec. 10503).~~

14 SEC. 4. Section 2.5 of this bill incorporates amendments to  
 15 Section 2102 of the Elections Code, as amended by Section 6.5 of  
 16 Chapter 909 of the Statutes of 2014, proposed by both this bill and  
 17 Senate Bill 589. It shall only become operative if (1) both bills are  
 18 enacted and become effective on or before January 1, 2016, (2)  
 19 each bill amends Section 2102 of the Elections Code, as amended  
 20 by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this  
 21 bill is enacted after Senate Bill 589, in which case Section 2 of  
 22 this bill shall not become operative.

23 SEC. 5. *No reimbursement is required by this act pursuant to*  
 24 *Section 6 of Article XIII B of the California Constitution because*  
 25 *the only costs that may be incurred by a local agency or school*  
 26 *district will be incurred because this act creates a new crime or*  
 27 *infraction, eliminates a crime or infraction, or changes the penalty*  
 28 *for a crime or infraction, within the meaning of Section 17556 of*  
 29 *the Government Code, or changes the definition of a crime within*  
 30 *the meaning of Section 6 of Article XIII B of the California*  
 31 *Constitution.*