

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2455

Introduced by Assembly Members Chiu and Bonta

February 19, 2016

An act to amend ~~Section 70900 of the Education Code, relating to community colleges. Sections 2100 and 2102 of, to add Chapter 4.6 (commencing with Section 2280) to, and to repeal Article 3.5 (commencing with Section 2145) of Chapter 2 of Division 2 of, the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Chiu. ~~California Community Colleges: board of governors. Automatic Student Voter Registration Program.~~

Under existing law, a person may not be registered to vote except by affidavit of registration. Pursuant to the California New Motor Voter Program, a person's motor vehicle records are electronically provided by the Department of Motor Vehicles to the Secretary of State, as specified, and those records constitute a completed affidavit of registration. The Secretary of State is then required to register that person to vote unless the person affirmatively declines to be registered to vote, the department does not represent that the person attested that he or she meets all eligibility requirements, or the Secretary of State determines that the person is ineligible to vote.

Under the Student Voter Registration Act of 2003, the Secretary of State is required to annually provide every high school, community college, 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, in coordination with the Secretary of State, 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. The act encourages the University of California to comply with this provision.

This bill would repeal the Student Voter Registration Act of 2003 and instead require the Secretary of State, in coordination with the California State University and the California Community College system, to establish the Automatic Student Voter Registration Program for the purpose of increasing opportunities for voter registration by a qualified voter. The bill would require the California State University and California Community College systems to establish a schedule and method to electronically provide to the Secretary of State the records containing identifying information associated with each person who enrolls at the university or community college. The bill would encourage the University of California to comply with this provision. By requiring community colleges to provide a higher level of service, the bill would impose a state-mandated local program.

Upon the expiration of a 21-day period, the individual's records would constitute a completed affidavit of registration and the Secretary of State would be required to register the individual to vote, except as specified. The bill would provide that a person may decline to be registered to vote under this program or may cancel his or her voter registration under this program at any time by any method available to any other registered voter. The bill would require the Secretary of State to adopt regulations to implement the program and would make conforming changes.

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. The act specifies the situation in which disclosure is permissible and the manner in which agencies account for disclosure of personal information, including those due to security breaches, among other provisions.

The bill would require the Secretary of State to establish procedures to safeguard the confidentiality of information acquired for purposes of the Automatic Student Voter Registration Program and would state that the provisions of the Information Practices Act of 1977 govern disclosures pursuant to the program.

The bill would provide that the willful, unauthorized disclosure of information obtained from a college or university pursuant to its provisions to any person, the use of any false representation to obtain any of that information, or the use of any of that information for a purpose other than for voter registration purposes is a misdemeanor punishable by a fine not to exceed \$5,000 or imprisonment in county jail not exceeding one year, or both fine and imprisonment. By establishing a new crime, the bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the systems of public postsecondary education in this state:~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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, chapter, Chapter 4.5 (commencing~~
- 5 ~~with Section 2260), and Chapter 4.6 (commencing with Section~~
- 6 2280), except upon the production and filing of a certified copy
- 7 of a judgment of the superior court directing registration to be
- 8 made.
- 9 SEC. 2. Section 2102 of the Elections Code, as amended by
- 10 Section 3.5 of Chapter 736 of the Statutes of 2015, is amended to
- 11 read:

1 2102. (a) Except as provided in Chapter ~~4.5~~, 4.5 (*commencing*
2 *with Section 2260*) and Chapter 4.6 (*commencing with Section*
3 *2280*), a person shall not be registered as a voter except by affidavit
4 of registration. The affidavit of registration shall be mailed or
5 delivered to the county elections official and shall set forth all of
6 the facts required to be shown by this chapter. A properly executed
7 affidavit of registration shall be deemed effective upon receipt of
8 the affidavit by the county elections official if received on or before
9 the 15th day before an election to be held in the registrant's
10 precinct. A properly executed affidavit of registration shall also
11 be deemed effective upon receipt of the affidavit by the county
12 elections official if any of the following apply:

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

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

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

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

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

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

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

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

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

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

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

19 *SEC. 3. Article 3.5 (commencing with Section 2145) of Chapter*
20 *2 of Division 2 of the Elections Code is repealed.*

21 *SEC. 4. Chapter 4.6 (commencing with Section 2280) is added*
22 *to Division 2 of the Elections Code, to read:*

23

24 *CHAPTER 4.6. AUTOMATIC STUDENT VOTER REGISTRATION*
25 *PROGRAM*

26

27 *2280. This chapter shall be known and may be cited as the*
28 *Automatic Student Voter Registration Program.*

29 *2281. (a) The Legislature finds and declares that voter*
30 *registration is one of the biggest barriers to participation in our*
31 *democracy.*

32 *(b) It is the intent of the Legislature to enact the Automatic*
33 *Student Voter Registration Program to provide California citizens*
34 *enrolled at the University of California, California State University,*
35 *and California Community College campuses additional*
36 *opportunities to participate in democracy through the exercise of*
37 *their fundamental right to vote.*

38 *2282. (a) The Secretary of State, in coordination with the*
39 *California State University and the California Community College*
40 *systems, shall establish the Automatic Student Voter Registration*

1 *Program for the purpose of increasing opportunities for voter*
2 *registration by any person who is qualified to be a voter under*
3 *Section 2 of Article II of the California Constitution. The University*
4 *of California is encouraged to coordinate with the Secretary of*
5 *State pursuant to this subdivision.*

6 *(b) This chapter shall not be construed as requiring the*
7 *University of California, California State University, or California*
8 *Community College system to determine eligibility for voter*
9 *registration and voting. The Secretary of State is solely responsible*
10 *for determining eligibility for voter registration and voting.*

11 2283. *(a) The California State University and the California*
12 *Community College systems, in consultation with the Secretary of*
13 *State, shall establish a schedule and method to electronically*
14 *provide to the Secretary of State the records specified in this*
15 *section in a format that can be reviewed by election officials and*
16 *uploaded onto the computerized statewide voter registration*
17 *database.*

18 *(b) (1) The California State University and California*
19 *Community College systems shall provide to the Secretary of State,*
20 *in a manner and method to be determined in consultation with the*
21 *Secretary of State, the following information associated with each*
22 *person who enrolls at a university or community college campus:*

23 *(A) Legal name.*

24 *(B) Date of birth.*

25 *(C) Either or both of the following, as contained in the system's*
26 *records:*

27 *(i) Residence address.*

28 *(ii) Mailing address.*

29 *(D) Digitized signature.*

30 *(E) Telephone number, if available.*

31 *(F) Email address, if available.*

32 *(G) Language preference.*

33 *(H) Political party preference, if available.*

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

36 *(J) Whether the person affirmatively declined to become*
37 *registered to vote during an enrollment transaction with the*
38 *university or campus system.*

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

4 (L) Other information specified in regulations implementing
5 this chapter.

6 (2) The California State University or California Community
7 College system shall, with respect to any individual disclosing
8 information to the university or community college that may be
9 relied upon to determine eligibility to register to vote in state
10 elections:

11 (A) Notify the individual that such information will be
12 transferred in accordance with subdivision (a).

13 (B) Provide the individual the opportunity to opt out of
14 automatic voter registration during their enrollment transactions
15 with the university or community college.

16 (3) (A) The California State University or California
17 Community College system may provide the records described in
18 paragraph (1) to the Secretary of State before the Secretary of
19 State certifies that all of the conditions set forth in subdivision (c)
20 have been satisfied. Records provided pursuant to this paragraph
21 shall only be used for the purposes of outreach and education to
22 eligible voters conducted by the Secretary of State.

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

27 (4) (A) The Secretary of State shall not sell, transfer or allow
28 any third party access to the information acquired pursuant to this
29 chapter without approval of the California State University or
30 California Community College system, except as permitted by this
31 chapter and Section 2194.

32 (B) The California State University or California Community
33 College system shall not electronically provide the Secretary of
34 State with records of a person who enrolls at a community college
35 or university campus but is unable to submit satisfactory proof
36 that his or her presence in the United States is authorized under
37 federal law.

38 (c) The California State University and California Community
39 College systems shall commence implementation of this section

1 no later than one year after the Secretary of State certifies all of
2 the following:

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

6 (2) The Legislature has appropriated the funds necessary for
7 the implementation and maintenance of the Automatic Student
8 Voter Registration Program.

9 (3) The regulations required by Section 2290 have been adopted.

10 (d) The University of California is encouraged to comply with
11 this section.

12 2284. (a) Upon receiving an individual's identifying
13 information specified in subdivision (a) of Section 2283, the
14 Secretary of State shall issue a notification to the individual
15 containing both of the following:

16 (1) A statement informing the individual that unless he or she
17 informs the election official that he or she declines to be registered
18 to vote within 21 days of the date the notification was issued, the
19 individual shall be considered to have completed and submitted
20 an affidavit of voter registration for purposes of this chapter.

21 (2) A description of the process by which the individual may
22 decline to be registered to vote.

23 (b) If an individual does not decline to be registered to vote 21
24 days after the Secretary of State issues the notification described
25 in subdivision (a), an individual's records shall constitute a
26 completed affidavit of registration and the Secretary of State shall
27 register the individual to vote in elections held in the state unless
28 either of the following conditions is satisfied:

29 (1) The Secretary of State determines that the individual does
30 not meet the eligibility requirements for registering to vote in such
31 elections.

32 (2) The person's records do not reflect that he or she has
33 attested to meeting all voter eligibility requirements specified in
34 Section 2101.

35 (c) (1) If a person who is registered to vote pursuant to this
36 chapter does not provide a party preference, his or her party
37 preference shall be designated as "Unknown" and he or she shall
38 be treated as a "No Party Preference" voter.

39 (2) A person whose party preference is designated as
40 "Unknown" pursuant to this subdivision shall not be counted for

1 *purposes of determining the total number of voters registered on*
2 *the specified day preceding an election, as required by subdivision*
3 *(b) of Section 5100 and subdivision (c) of Section 5151.*

4 *(d) If the information transferred under Section 2283 reflects*
5 *an individual already included on the voter registration list, and*
6 *if the information reliably indicates a more recent change to the*
7 *name or address of the individual, the Secretary of State shall*
8 *ensure that the records of the individual on the voter registration*
9 *list are updated accordingly.*

10 2285. *(a) A person registered to vote under this chapter may*
11 *cancel his or her voter registration at any time by any method*
12 *available to any other registered voter.*

13 *(b) This section does not preclude a person who previously*
14 *declined voter registration from subsequently registering.*

15 2286. *(a) The Secretary of State shall establish procedures to*
16 *protect the confidentiality of the information acquired pursuant*
17 *to this chapter. The disclosure of this information shall be governed*
18 *by the Information Practices Act of 1977 (Chapter 1 (commencing*
19 *with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil*
20 *Code), and the Secretary of State shall account for any disclosures,*
21 *including those due to security breaches, in accordance with that*
22 *act.*

23 *(b) The Secretary of State, in consultation with the University*
24 *of California, California State University, and California*
25 *Community College systems, shall set forth safeguards to protect*
26 *the privacy and security of the personal information provided to*
27 *the state in the data transfer process. These safeguards shall do*
28 *all of the following:*

29 *(1) Prohibit public disclosure of certain voter information,*
30 *including the source of a voter's registration and any information*
31 *not necessary for purposes of voter registration.*

32 *(2) Protect against public disclosure of Social Security numbers*
33 *and digits, driver's license numbers, and signatures.*

34 *(3) Prohibit public disclosure of an individual's decision not*
35 *to register to vote.*

36 *(4) Prohibit agencies from transmitting to election officials*
37 *information other than that which is required for voter registration*
38 *or specified information relevant to the administration of elections,*
39 *including language preference and demographic information.*

1 (5) Prohibit the disclosure of information relating to persons
2 in categories designated confidential by federal or state law.

3 (c) This section does not prevent the Secretary of State or the
4 University of California, California State University, or California
5 Community College system from establishing and enforcing
6 additional security measures to protect the confidentiality and
7 integrity of interagency data transfers.

8 (d) The University of California is encouraged to comply with
9 this section.

10 2287. The willful, unauthorized disclosure of information
11 obtained from a community college or university system pursuant
12 to this chapter to any person, the use of any false representation
13 to obtain any of that information, or the use of any of that
14 information for a purpose other than as stated in Section 2283 is
15 a misdemeanor punishable by a fine not exceeding five thousand
16 dollars (\$5,000) or imprisonment in the county jail not exceeding
17 one year, or both fine and imprisonment.

18 2288. This chapter does not affect the confidentiality of a
19 person's voter registration information, which remains confidential
20 pursuant to Section 2194 and Section 6254.4 of the Government
21 Code and for all of the following persons:

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

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

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

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

29 2289. (a) If a person who is ineligible to vote becomes
30 registered to vote pursuant to this chapter in the absence of a
31 violation by that person of Section 18100, that person's registration
32 shall be presumed to have been effected with official authorization
33 and not the fault of that person.

34 (b) If a person who is ineligible to vote becomes registered to
35 vote pursuant to this chapter and votes or attempts to vote in an
36 election held after the effective date of the person's registration,
37 that person shall be presumed to have acted with official
38 authorization and shall not be guilty of fraudulently voting or
39 attempting to vote pursuant to Section 18560, unless that person

1 willfully votes or attempts to vote knowing that he or she is not
2 entitled to vote.

3 2290. The Secretary of State shall adopt regulations to
4 implement this chapter, including regulations addressing both of
5 the following:

6 (a) A process for canceling the registration of a person who is
7 ineligible to vote, but became registered under the Automatic
8 Student Voter Registration Program in the absence of any violation
9 by that person of Section 18100.

10 (b) An education and outreach campaign informing voters about
11 the Automatic Student Voter Registration Program that the
12 Secretary of State will conduct to implement this chapter. The
13 Secretary of State may use any public and private funds available
14 for this and shall provide materials created for this outreach and
15 education campaign in languages other than English, as required
16 by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

17 SEC. 5. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution for certain
19 costs that may be incurred by a local agency or school district
20 because, in that regard, this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty for a crime
22 or infraction, within the meaning of Section 17556 of the
23 Government Code, or changes the definition of a crime within the
24 meaning of Section 6 of Article XIII B of the California
25 Constitution.

26 However, if the Commission on State Mandates determines that
27 this act contains other costs mandated by the state, reimbursement
28 to local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.

31 ~~SECTION 1. Section 70900 of the Education Code is amended~~
32 ~~to read:~~

33 ~~70900. There is hereby established the California Community~~
34 ~~Colleges, a postsecondary education system consisting of~~
35 ~~community college districts established pursuant to law and the~~
36 ~~Board of Governors of the California Community Colleges. The~~
37 ~~board of governors shall carry out the functions specified in Section~~

- 1 ~~70901, and local districts shall carry out the functions specified in~~
- 2 ~~Section 70902.~~

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