

AMENDED IN ASSEMBLY APRIL 6, 2016
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 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, add Section 2197.5 to the Elections Code, relating to elections voter registration.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, as amended, Chiu. ~~Automatic Student Voter Registration Program.~~ *Electronic voter registration: public postsecondary educational institutions.*

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 require the California State University and the California Community Colleges to implement a process and the infrastructure to allow a person who enrolls online at the institution, to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State by July 1, 2018. The bill would encourage the University of California to comply with its provisions. By requiring community colleges to provide a higher level of service, 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, 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.

~~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.~~

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. It is the intent of the Legislature, in enacting this*
 2 *act, to take preliminary measures towards the establishment of an*
 3 *automatic voter registration system for California citizens enrolled*
 4 *at state public college and university campuses.*

5 *SEC. 2. Section 2197.5 is added to the Elections Code, to read:*
 6 *2197.5. No later than July 1, 2018, the California State*
 7 *University and the California Community Colleges shall implement*
 8 *a process and the infrastructure to allow a person who enrolls*
 9 *online at the institution, to submit an affidavit of voter registration*
 10 *electronically on the Internet Web site of the Secretary of State in*
 11 *accordance with this chapter. The University of California is*
 12 *encouraged to coordinate with the Secretary of State pursuant to*
 13 *this section.*

14 *SEC. 3. If the Commission on State Mandates determines that*
 15 *this act contains costs mandated by the state, reimbursement to*
 16 *local agencies and school districts for those costs shall be made*
 17 *pursuant to Part 7 (commencing with Section 17500) of Division*
 18 *4 of Title 2 of the Government Code.*

19 ~~SECTION 1. Section 2100 of the Elections Code is amended~~
 20 ~~to read:~~

21 ~~2100. A person shall not be registered except as provided in~~
 22 ~~this chapter, Chapter 4.5 (commencing with Section 2260), and~~
 23 ~~Chapter 4.6 (commencing with Section 2280), except upon the~~
 24 ~~production and filing of a certified copy of a judgment of the~~
 25 ~~superior court directing registration to be made.~~

26 ~~SEC. 2. Section 2102 of the Elections Code, as amended by~~
 27 ~~Section 3.5 of Chapter 736 of the Statutes of 2015, is amended to~~
 28 ~~read:~~

29 ~~2102. (a) Except as provided in Chapter 4.5 (commencing~~
 30 ~~with Section 2260) and Chapter 4.6 (commencing with Section~~
 31 ~~2280), a person shall not be registered as a voter except by affidavit~~
 32 ~~of registration. The affidavit of registration shall be mailed or~~
 33 ~~delivered to the county elections official and shall set forth all of~~
 34 ~~the facts required to be shown by this chapter. A properly executed~~
 35 ~~affidavit of registration shall be deemed effective upon receipt of~~
 36 ~~the affidavit by the county elections official if received on or before~~
 37 ~~the 15th day before an election to be held in the registrant's~~
 38 ~~precinct. A properly executed affidavit of registration shall also~~

1 ~~be deemed effective upon receipt of the affidavit by the county~~
2 ~~elections official if any of the following apply:~~

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

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

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

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

16 ~~(b) For purposes of verifying a signature on a recall, initiative,~~
17 ~~or referendum petition or a signature on a nomination paper or any~~
18 ~~other election petition or election paper, a properly executed~~
19 ~~affidavit of registration shall be deemed effective for verification~~
20 ~~purposes if both of the following conditions are satisfied:~~

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

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

25 ~~(c) Notwithstanding any other law to the contrary, the affidavit~~
26 ~~of registration required under this chapter shall not be taken under~~
27 ~~sworn oath, but the content of the affidavit shall be certified as to~~
28 ~~its truthfulness and correctness, under penalty of perjury, by the~~
29 ~~signature of the affiant.~~

30 ~~(d) A person who is at least 16 years of age and otherwise meets~~
31 ~~all eligibility requirements to vote may submit his or her affidavit~~
32 ~~of registration as prescribed by this section. A properly executed~~
33 ~~affidavit of registration made pursuant to this subdivision shall be~~
34 ~~deemed effective as of the date the affiant will be 18 years of age,~~
35 ~~if the information in the affidavit of registration is still current at~~
36 ~~that time. If the information provided by the affiant in the affidavit~~
37 ~~of registration is not current at the time that the affidavit of~~
38 ~~registration would otherwise become effective, for his or her~~
39 ~~registration to become effective, the affiant shall provide the current~~

1 information to the proper county elections official as prescribed
2 by this chapter.

3 (e) ~~An individual with a disability who is otherwise qualified~~
4 ~~to vote may complete an affidavit of registration with reasonable~~
5 ~~accommodations as needed.~~

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

9 ~~SEC. 3. Article 3.5 (commencing with Section 2145) of Chapter~~
10 ~~2 of Division 2 of the Elections Code is repealed.~~

11 ~~SEC. 4. Chapter 4.6 (commencing with Section 2280) is added~~
12 ~~to Division 2 of the Elections Code, to read:~~

13
14 ~~CHAPTER 4.6. AUTOMATIC STUDENT VOTER REGISTRATION~~
15 ~~PROGRAM~~
16

17 ~~2280. This chapter shall be known and may be cited as the~~
18 ~~Automatic Student Voter Registration Program.~~

19 ~~2281. (a) The Legislature finds and declares that voter~~
20 ~~registration is one of the biggest barriers to participation in our~~
21 ~~democracy.~~

22 ~~(b) It is the intent of the Legislature to enact the Automatic~~
23 ~~Student Voter Registration Program to provide California citizens~~
24 ~~enrolled at the University of California, California State University,~~
25 ~~and California Community College campuses additional~~
26 ~~opportunities to participate in democracy through the exercise of~~
27 ~~their fundamental right to vote.~~

28 ~~2282. (a) The Secretary of State, in coordination with the~~
29 ~~California State University and the California Community College~~
30 ~~systems, shall establish the Automatic Student Voter Registration~~
31 ~~Program for the purpose of increasing opportunities for voter~~
32 ~~registration by any person who is qualified to be a voter under~~
33 ~~Section 2 of Article II of the California Constitution. The~~
34 ~~University of California is encouraged to coordinate with the~~
35 ~~Secretary of State pursuant to this subdivision.~~

36 ~~(b) This chapter shall not be construed as requiring the~~
37 ~~University of California, California State University, or California~~
38 ~~Community College system to determine eligibility for voter~~
39 ~~registration and voting. The Secretary of State is solely responsible~~
40 ~~for determining eligibility for voter registration and voting.~~

1 ~~2283. (a) The California State University and the California~~
2 ~~Community College systems, in consultation with the Secretary~~
3 ~~of State, shall establish a schedule and method to electronically~~
4 ~~provide to the Secretary of State the records specified in this section~~
5 ~~in a format that can be reviewed by election officials and uploaded~~
6 ~~onto the computerized statewide voter registration database.~~
7 ~~(b) (1) The California State University and California~~
8 ~~Community College systems shall provide to the Secretary of State,~~
9 ~~in a manner and method to be determined in consultation with the~~
10 ~~Secretary of State, the following information associated with each~~
11 ~~person who enrolls at a university or community college campus:~~
12 ~~(A) Legal name.~~
13 ~~(B) Date of birth.~~
14 ~~(C) Either or both of the following, as contained in the system's~~
15 ~~records:~~
16 ~~(i) Residence address.~~
17 ~~(ii) Mailing address.~~
18 ~~(D) Digitized signature.~~
19 ~~(E) Telephone number, if available.~~
20 ~~(F) Email address, if available.~~
21 ~~(G) Language preference.~~
22 ~~(H) Political party preference, if available.~~
23 ~~(I) Whether the person chooses to become a permanent~~
24 ~~vote-by-mail voter.~~
25 ~~(J) Whether the person affirmatively declined to become~~
26 ~~registered to vote during an enrollment transaction with the~~
27 ~~university or campus system.~~
28 ~~(K) A notation that the applicant has attested that he or she~~
29 ~~meets all voter eligibility requirements, including United States~~
30 ~~citizenship, specified in Section 2101.~~
31 ~~(L) Other information specified in regulations implementing~~
32 ~~this chapter.~~
33 ~~(2) The California State University or California Community~~
34 ~~College system shall, with respect to any individual disclosing~~
35 ~~information to the university or community college that may be~~
36 ~~relied upon to determine eligibility to register to vote in state~~
37 ~~elections:~~
38 ~~(A) Notify the individual that such information will be~~
39 ~~transferred in accordance with subdivision (a).~~

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

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

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

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

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

~~(c) The California State University and California Community College systems shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:~~

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

~~(2) The Legislature has appropriated the funds necessary for the implementation and maintenance of the Automatic Student Voter Registration Program;~~

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

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

~~2284. (a) Upon receiving an individual's identifying information specified in subdivision (a) of Section 2283, the~~

1 Secretary of State shall issue a notification to the individual
2 containing both of the following:

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

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

10 (b) If an individual does not decline to be registered to vote 21
11 days after the Secretary of State issues the notification described
12 in subdivision (a), an individual's records shall constitute a
13 completed affidavit of registration and the Secretary of State shall
14 register the individual to vote in elections held in the state unless
15 either of the following conditions is satisfied:

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

19 (2) The person's records do not reflect that he or she has attested
20 to meeting all voter eligibility requirements specified in Section
21 2101.

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

26 (2) A person whose party preference is designated as
27 "Unknown" pursuant to this subdivision shall not be counted for
28 purposes of determining the total number of voters registered on
29 the specified day preceding an election, as required by subdivision
30 (b) of Section 5100 and subdivision (e) of Section 5151.

31 (d) If the information transferred under Section 2283 reflects
32 an individual already included on the voter registration list, and if
33 the information reliably indicates a more recent change to the name
34 or address of the individual, the Secretary of State shall ensure
35 that the records of the individual on the voter registration list are
36 updated accordingly.

37 2285. (a) A person registered to vote under this chapter may
38 cancel his or her voter registration at any time by any method
39 available to any other registered voter.

1 ~~(b) This section does not preclude a person who previously~~
2 ~~declined voter registration from subsequently registering.~~

3 ~~2286. (a) The Secretary of State shall establish procedures to~~
4 ~~protect the confidentiality of the information acquired pursuant to~~
5 ~~this chapter. The disclosure of this information shall be governed~~
6 ~~by the Information Practices Act of 1977 (Chapter 1 (commencing~~
7 ~~with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil~~
8 ~~Code), and the Secretary of State shall account for any disclosures,~~
9 ~~including those due to security breaches, in accordance with that~~
10 ~~act.~~

11 ~~(b) The Secretary of State, in consultation with the University~~
12 ~~of California, California State University, and California~~
13 ~~Community College systems, shall set forth safeguards to protect~~
14 ~~the privacy and security of the personal information provided to~~
15 ~~the state in the data transfer process. These safeguards shall do all~~
16 ~~of the following:~~

17 ~~(1) Prohibit public disclosure of certain voter information,~~
18 ~~including the source of a voter's registration and any information~~
19 ~~not necessary for purposes of voter registration.~~

20 ~~(2) Protect against public disclosure of Social Security numbers~~
21 ~~and digits, driver's license numbers, and signatures.~~

22 ~~(3) Prohibit public disclosure of an individual's decision not to~~
23 ~~register to vote.~~

24 ~~(4) Prohibit agencies from transmitting to election officials~~
25 ~~information other than that which is required for voter registration~~
26 ~~or specified information relevant to the administration of elections,~~
27 ~~including language preference and demographic information.~~

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

30 ~~(c) This section does not prevent the Secretary of State or the~~
31 ~~University of California, California State University, or California~~
32 ~~Community College system from establishing and enforcing~~
33 ~~additional security measures to protect the confidentiality and~~
34 ~~integrity of interagency data transfers.~~

35 ~~(d) The University of California is encouraged to comply with~~
36 ~~this section.~~

37 ~~2287. The willful, unauthorized disclosure of information~~
38 ~~obtained from a community college or university system pursuant~~
39 ~~to this chapter to any person, the use of any false representation~~
40 ~~to obtain any of that information, or the use of any of that~~

1 information for a purpose other than as stated in Section 2283 is
2 a misdemeanor punishable by a fine not exceeding five thousand
3 dollars (\$5,000) or imprisonment in the county jail not exceeding
4 one year, or both fine and imprisonment.

5 2288. ~~This chapter does not affect the confidentiality of a~~
6 ~~person's voter registration information, which remains confidential~~
7 ~~pursuant to Section 2194 and Section 6254.4 of the Government~~
8 ~~Code and for all of the following persons:~~

9 (a) ~~A victim of domestic violence, sexual assault, or stalking~~
10 ~~pursuant to Section 2166.5.~~

11 (b) ~~A reproductive health care service provider, employee,~~
12 ~~volunteer, or patient pursuant to Section 2166.5.~~

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

14 (d) ~~A person with a life-threatening circumstance upon court~~
15 ~~order pursuant to Section 2166.~~

16 2289. (a) ~~If a person who is ineligible to vote becomes~~
17 ~~registered to vote pursuant to this chapter in the absence of a~~
18 ~~violation by that person of Section 18100, that person's registration~~
19 ~~shall be presumed to have been effected with official authorization~~
20 ~~and not the fault of that person.~~

21 (b) ~~If a person who is ineligible to vote becomes registered to~~
22 ~~vote pursuant to this chapter and votes or attempts to vote in an~~
23 ~~election held after the effective date of the person's registration,~~
24 ~~that person shall be presumed to have acted with official~~
25 ~~authorization and shall not be guilty of fraudulently voting or~~
26 ~~attempting to vote pursuant to Section 18560, unless that person~~
27 ~~willfully votes or attempts to vote knowing that he or she is not~~
28 ~~entitled to vote.~~

29 2290. ~~The Secretary of State shall adopt regulations to~~
30 ~~implement this chapter, including regulations addressing both of~~
31 ~~the following:~~

32 (a) ~~A process for canceling the registration of a person who is~~
33 ~~ineligible to vote, but became registered under the Automatic~~
34 ~~Student Voter Registration Program in the absence of any violation~~
35 ~~by that person of Section 18100.~~

36 (b) ~~An education and outreach campaign informing voters about~~
37 ~~the Automatic Student Voter Registration Program that the~~
38 ~~Secretary of State will conduct to implement this chapter. The~~
39 ~~Secretary of State may use any public and private funds available~~
40 ~~for this and shall provide materials created for this outreach and~~

1 education campaign in languages other than English, as required
2 by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
3 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
4 ~~Section 6 of Article XIII B of the California Constitution for certain~~
5 ~~costs that may be incurred by a local agency or school district~~
6 ~~because, in that regard, this act creates a new crime or infraction,~~
7 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
8 ~~or infraction, within the meaning of Section 17556 of the~~
9 ~~Government Code, or changes the definition of a crime within the~~
10 ~~meaning of Section 6 of Article XIII B of the California~~
11 ~~Constitution.~~
12 ~~However, if the Commission on State Mandates determines that~~
13 ~~this act contains other costs mandated by the state, reimbursement~~
14 ~~to local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~