

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1140

Introduced by Senator Yee
(Principal coauthor: Senator Oropeza)
(Coauthor: Assembly Member Jones)

February 18, 2010

An act to amend Section 2107 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as amended, Yee. Voter registration: one-stop voting.

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election.

This bill would *delete the requirement that the affidavit of registration be received by the county elections official on or before the 15th day prior to the election and would* establish one-stop voting ~~where~~ *whereby* a person would be permitted to register to vote and immediately vote on election day or at any time prior to election day when ballots may be cast. The bill would require a voter, in order to register and vote by means of one-stop voting, to visit a location at which one-stop voting

is available, to present proof of identity and current residence, as specified, and to complete an affidavit of registration. Upon completing that registration, the voter would be immediately eligible to vote by regular ballot. If the voter is unable to complete that registration because the voter is unable to present proof of identity or proof of current residence, the voter would be permitted to register and vote by provisional ballot. ~~The~~

The bill would require each county elections official to compile an index of voters who register to vote by one-stop voting. After the official canvass of the votes for that election is completed, the elections official would be required to review the names on the index and cancel duplicate registrations. The elections official would be required to send a voter registration form to every person who properly registered to vote by one-stop voting, and those persons would be registered for future elections at the address that the voter declared for purposes of voter registration. The elections official would be required to notify the district attorney and the Secretary of State if it appears that a person has engaged in fraudulent voting. The

The bill would require that one-stop voting be available at every permanent office of a county elections official beginning in 2011. Commencing in 2013, 2012 if VoteCal, as defined, is available for use, and, commencing in 2014, if VoteCal is approved by the Secretary of State for use at polling places locations other than the permanent office of the county elections official, each county would be required to establish at least one location for every 100,000 electors, or ensure that every voter residence is within 10 miles of such a site. In The bill would allow a county that would be required by this bill to provide one-stop voting at more than 5 sites, and that does not have the voting system to provide ballots on demand, to use an alternative plan if approved by the Secretary of State.

In addition, the bill would require that each location at which one-stop voting is available have a separate area for the process and have at least one precinct board member who is trained in one-stop voting. The bill would further require the Secretary of State and local elections officials to make efforts to educate voters about one-stop voting. The bill would authorize the Secretary of State to adopt appropriate regulations to implement one-stop registration and voting.

By creating new duties for local elections officials, 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.

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. The Legislature finds and declares all of the
2 following:
 - 3 (a) It is a fundamental principle of the United States that the
4 people shall have access to our systems of democracy without
5 barriers to their participation.
 - 6 (b) California currently ranks 41st out of 50 states in voter
7 turnout.
 - 8 (c) At the November 4, 2008, statewide general election,
9 California experienced its largest voter turnout, as well as the
10 greatest number of persons—798,332—who cast provisional ballots
11 because of uncertainty about their registration status. While 82
12 percent of those provisional ballots were ultimately counted, the
13 county investment of staff overtime and resources to process these
14 ballots was enormous. At the same time, a significant portion of
15 the provisional ballots that were not counted resulted from the
16 failure to timely register. One-stop registration and voting would
17 help alleviate the staff overtime costs associated with processing
18 numerous provisional ballots for counties.
 - 19 (d) One-stop voting, without unnecessary steps, can significantly
20 increase turnout. The nine states that have enacted one-stop voting
21 lead the nation in voter turnout.
 - 22 (e) The more people who vote, the more clearly the public's
23 voice is heard.
 - 24 (f) California's registration procedures have not kept up with
25 available technology to maximize the efficiency of the voting
26 process.

1 (g) It is vital that California make every effort to maintain the
2 integrity of our democracy by ensuring that every eligible voter
3 may vote on election day.

4 SEC. 2. Section 2107 of the Elections Code is amended to read:

5 2107. (a) ~~Except as provided in subdivision (b) and Article~~
6 ~~4.5 (commencing with Section 2170), the~~ The county elections
7 official shall accept affidavits of registration at all times ~~except~~
8 ~~during the 14 days immediately preceding any election, when~~
9 ~~registration shall cease for that election as to electors residing in~~
10 ~~the territory within which the election is to be held. Transfers of~~
11 registration for an election may be made from one precinct to
12 another precinct in the same county at any time ~~when registration~~
13 ~~is in progress in the precinct to which the elector seeks to transfer.~~
14 *before election day or before the close of the polls on election day.*

15 (b) The county elections official shall accept an affidavit of
16 registration executed as part of a voter registration card in the
17 forthcoming election if the affidavit is executed on or before the
18 15th day prior to the election, and if any of the following apply:

19 (1) ~~The~~ A mailed affidavit is ~~postmarked on or before the 15th~~
20 ~~day prior to the election and received by mail by the county~~
21 elections official *before election day or before the close of the*
22 *polls on election day.*

23 (2) The affidavit is submitted to the Department of Motor
24 Vehicles or accepted by any other public agency designated as a
25 voter registration agency pursuant to the National Voter
26 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the
27 election.

28 (3) The affidavit is delivered to the county elections official by
29 means other than those described in paragraphs (1) and (2) ~~on~~
30 *before election day or before the 15th day prior to the close of the*
31 *polls on election day.*

32 (c) *The county elections official shall accept an affidavit of*
33 *registration that meets the requirements of Article 4.5 (commencing*
34 *with Section 2170).*

35 SEC. 3. Article 4.5 (commencing with Section 2170) is added
36 to Chapter 2 of Division 2 of the Elections Code, to read:

Article 4.5. Registration and Voting at One-Stop Voting Sites

2170. For purposes of this article, “VoteCal” means the statewide voter registration database established by the Secretary of State and referred to by that designation.

2171. (a) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to vote under this code and Section 2 of Article II of the California Constitution may register or reregister to vote at a one-stop voting site pursuant to this article and may immediately thereafter cast a ballot on the day of an election or at any time prior to the election during which ballots may be cast pursuant to existing law.

(b) An elector who is not currently registered to vote in a county may not register to vote and cast a regular ballot in that county pursuant to this article unless the elector complies with all of the following:

(1) The elector visits, on election day or at any time during the period prior to the election during which ballots may be cast, a location at which the county elections official in the county in which the voter resides has made one-stop voting available.

(2) The elector presents proof of identity and proof of current residence.

(3) The elector completes an affidavit of registration.

(c) For purposes of this article, proof of identity and proof of current residence shall be consistent with Section 303(b) of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b)) and shall consist of either of the following:

(1) A photo identification with a current name and address, which may include one of the following:

(A) Driver’s license or identification card of any state.

(B) Passport.

(C) Military identification card.

(D) A photo identification card designated in the regulations of the Secretary of State, as set forth in Section 20107 of Title 2 of the California Code of Regulations, as last amended and filed with the Secretary of State November 7, 2005, specifying standards for proof of identity or residence when proof is required by the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

(2) A photo identification without a current address from the list in paragraph (1) and proof of current residence based on a

1 document that includes the name and current address of the
2 individual presenting it, and is dated since the date of the last
3 statewide general election, unless the document is intended to be
4 a permanent, one-time government document. The document ~~may~~
5 ~~include any~~ *shall be a* proof of residence document designated in
6 the regulations of the Secretary of State, as set forth in Section
7 20107 of Title 2 of the California Code of Regulations, as last
8 amended and filed with the Secretary of State November 7, 2005,
9 specifying standards for proof of identity or residence when proof
10 is required by the federal Help America Vote Act of 2002 (42
11 U.S.C. Sec. 15301 et seq.).

12 (d) A county elections official shall accept an affidavit of
13 registration executed pursuant to this article that includes the
14 current place of residence and other information required by Article
15 4 (commencing with Section 2150).

16 (e) County elections officials shall accept the following as the
17 elector's proof of identity for purposes of subdivision (b) if the
18 information can be successfully validated *by reference to VoteCal*:

19 (1) The elector's name.

20 (2) The elector's date of birth.

21 (3) Either the elector's driver's license number or the last four
22 digits of the elector's social security number.

23 2172. (a) An elector who satisfies all the requirements of
24 ~~Section 2171, and who is verified as not having been previously~~
25 ~~registered in California, subdivision (b) of Section 2171 and whose~~
26 *personal information has been successfully verified using VoteCal*
27 may vote by regular ballot. Otherwise, an elector shall vote by
28 provisional ballot.

29 (b) If an elector is unable to satisfy the requirements of
30 paragraph (2) of subdivision (b) of Section 2171, the elector may
31 vote by provisional ballot. No provisional ballot cast pursuant to
32 this article may be counted unless and until the elector's voter
33 registration is processed, verified, and completed, as provided in
34 Article 5 (commencing with Section 14310) of Chapter 3 of
35 Division 14.

36 (c) An elections official shall handle each ballot cast pursuant
37 to this article in a manner that protects the secrecy of the ballot.

38 (d) It is the intent of the Legislature that each county elections
39 official make every effort to provide for voting pursuant to this
40 article by regular ballot.

2173. (a) Each county elections official shall compile an index of voters who register for an election pursuant to this article. After the official canvass of the votes for that election is completed, the elections official shall review the names on the index and, if any registration executed pursuant to this article is discovered to be a duplicate registration, the elections official shall cancel any duplicate voter registrations that may exist, as provided in Chapter 3 (commencing with Section 2200).

(b) After an election, the elections official shall send a voter notification form to each person who properly registered to vote for that election pursuant to this article. Each voter who is sent that notice shall be registered for future elections at the address at which the voter is registered. The affidavit of registration of any person whose voter notification form is returned by the post office as undeliverable shall be processed in accordance with the procedures set forth in Section 2221.

(c) If it appears that any voter who registered to vote pursuant to this article may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.

(d) Voter registration pursuant to this article shall not be used for purposes of the determination of precincts as set forth in Chapter 3 (commencing with Section 12200) of Division 12.

2174. One-stop voting shall be available in each county in accordance with the following schedule:

(a) Beginning January 1, ~~2011~~, 2012, *if VoteCal is available for use* one-stop voting shall be available at every permanent office of a county elections official.

(b) Beginning January 1, ~~2013~~ 2014, *if VoteCal is approved by the Secretary of State for use at polling places locations other than the permanent office of the county elections official*, each county shall either establish at least one location at which one-stop voting is available for every 100,000 voters or ensure that every voter residence is within 10 miles of such a location, at the discretion of the county registrar of voters. *One location for one-stop voting may be the permanent office of a county elections official. If a county is required to provide one-stop voting at more than five sites and the county does not have the voting system to provide ballots on demand, the county may propose an alternative implementation plan to the Secretary of State for approval that*

1 *generally meets the goals of this article to provide voters with*
2 *reasonable access to one-stop voting.*

3 2175. ~~(a) Each location at which one-stop voting is available~~
4 ~~shall have a separate area dedicated to one-stop voting. At least~~
5 ~~one precinct board member at each of those locations shall be~~
6 ~~trained prior to the election in one-stop voting procedures and shall~~
7 ~~be assigned to conduct one-stop voting. One-stop voting shall be~~
8 ~~conducted in a manner that does not interfere with or delay voting~~
9 ~~by persons previously registered to vote.~~

10 ~~(b) Each one-stop voting location shall provide, in a conspicuous~~
11 ~~location in the area designated for voter registration, a poster that~~
12 ~~includes all of the following information:~~

13 ~~(1) A statement that the law provides for one-stop registration~~
14 ~~and voting.~~

15 ~~(2) A description of the eligibility requirements for registration~~
16 ~~and voting.~~

17 ~~(3) A description of the types of documents that may be used~~
18 ~~to demonstrate proof of current residence.~~

19 ~~(4) A statement that registration documents are signed under~~
20 ~~penalty of perjury and that any fraudulent statement made in~~
21 ~~connection with registering to vote may subject the person to~~
22 ~~criminal prosecution.~~

23 ~~(c) In addition to the poster specified in subdivision (b), the~~
24 ~~same information shall be available in written form for distribution~~
25 ~~at each one-stop voting location in any languages in which the~~
26 ~~ballot and voter registration materials are required to be available.~~

27 ~~(d) The Secretary of State and each elections official shall~~
28 ~~educate voters about one-stop voting and provide information~~
29 ~~about availability and locations where one-stop voting may be~~
30 ~~executed. Information about one-stop voting shall be available in~~
31 ~~languages other than English as required by existing law relating~~
32 ~~to registration and voting materials.~~

33 2176. The Secretary of State may adopt appropriate regulations
34 for purposes of ensuring the uniform application of this article.

35 SEC. 4. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

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2 CORRECTIONS:
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