

AMENDED IN SENATE JUNE 1, 2010
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 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 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 bill would require that one-stop voting be available at every permanent office of a county elections official beginning in 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 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. 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 January 1 of the year following the availability of VoteCal.~~

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 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) The county elections official shall accept affidavits
6 of registration at all times. Transfers of registration for an election
7 may be made from one precinct to another precinct in the same
8 county at any time before ~~election day or before~~ the close of the
9 polls on election day.

10 (b) The county elections official shall accept an affidavit of
11 registration ~~executed as part of a voter registration card in the~~
12 ~~forthcoming election if the affidavit is executed on or before the~~
13 ~~15th day prior to the election, and if any of the following apply:~~

14 (1) A mailed affidavit is *postmarked on or before the 15th day*
15 *prior to the election and received by mail* by the county elections
16 official before ~~election day or before~~ the close of the polls on
17 election day.

18 (2) The affidavit is submitted to the Department of Motor
19 Vehicles or accepted by any other public agency designated as a
20 voter registration agency pursuant to the National Voter
21 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) *not later than*
22 *the 15th day* prior to the election.

23 (3) The affidavit is delivered to the county elections official by
24 means other than those described in paragraphs (1) and (2) before
25 ~~election day or before~~ the close of the polls on election day.

26 (c) The county elections official shall accept an affidavit of
27 registration that meets the requirements of Article 4.5 (commencing
28 with Section 2170).

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

31
32 Article 4.5. Registration and Voting at One-Stop Voting Sites
33

34 2170. For purposes of this article, “VoteCal” means the
35 statewide voter registration database established by the Secretary
36 of State and referred to by that designation.

37 2171. (a) In addition to other methods of voter registration
38 provided by this code, an elector who is otherwise qualified to
39 vote under this code and Section 2 of Article II of the California
40 Constitution may register or reregister to vote at a one-stop voting

1 site pursuant to this article and may immediately thereafter cast a
2 ballot on the day of an election or at any time prior to the election
3 during which ballots may be cast pursuant to existing law.

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

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

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

14 (3) The elector completes an affidavit of registration.

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

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

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

22 (B) Passport.

23 (C) Military identification card.

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

30 (2) A photo identification without a current address from the
31 list in paragraph (1) and proof of current residence based on a
32 document that includes the name and current address of the
33 individual presenting it, and is dated since the date of the last
34 statewide general election, unless the document is intended to be
35 a permanent, one-time government document. The document shall
36 be a proof of residence document designated in the regulations of
37 the Secretary of State, as set forth in Section 20107 of Title 2 of
38 the California Code of Regulations, as last amended and filed with
39 the Secretary of State November 7, 2005, specifying standards for

1 proof of identity or residence when proof is required by the federal
2 Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

3 (d) A county elections official shall accept an affidavit of
4 registration executed pursuant to this article that includes the
5 current place of residence and other information required by Article
6 4 (commencing with Section 2150).

7 (e) County elections officials shall accept the following as the
8 elector's proof of identity for purposes of *paragraph (2) of*
9 subdivision (b) if the information can be successfully validated by
10 reference to VoteCal:

11 (1) The elector's name.

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

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

15 2172. (a) An elector who satisfies all the requirements of
16 subdivision (b) of Section 2171 and whose personal information
17 has been successfully verified using VoteCal may vote by regular
18 ballot. Otherwise, an elector shall vote by provisional ballot.

19 (b) If an elector is unable to satisfy the requirements of
20 paragraph (2) of subdivision (b) of Section 2171, the elector may
21 vote by provisional ballot. No provisional ballot cast pursuant to
22 this article may be counted unless and until the elector's voter
23 registration is processed, verified, and completed, as provided in
24 Article 5 (commencing with Section 14310) of Chapter 3 of
25 Division 14.

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

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

31 2173. (a) Each county elections official shall compile an index
32 of voters who register for an election pursuant to this article. After
33 the official canvass of the votes for that election is completed, the
34 elections official shall review the names on the index and, if any
35 registration executed pursuant to this article is discovered to be a
36 duplicate registration, the elections official shall cancel any
37 duplicate voter registrations that may exist, as provided in Chapter
38 3 (commencing with Section 2200).

39 (b) After an election, the elections official shall send a voter
40 notification form to each person who properly registered to vote

1 for that election pursuant to this article. Each voter who is sent
2 that notice shall be registered for future elections at the address at
3 which the voter is registered. The affidavit of registration of any
4 person whose voter notification form is returned by the post office
5 as undeliverable shall be processed in accordance with the
6 procedures set forth in Section 2221.

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

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

14 ~~2174. One-stop voting shall be available in each county in~~
15 ~~accordance with the following schedule:~~

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

19 ~~(b) Beginning January 1, 2014, if VoteCal is approved by the~~
20 ~~Secretary of State for use at locations other than the permanent~~
21 ~~office of the county elections official, each county shall either~~
22 ~~establish at least one location at which one-stop voting is available~~
23 ~~for every 100,000 voters or ensure that every voter residence is~~
24 ~~within 10 miles of such a location, at the discretion of the county~~
25 ~~registrar of voters. One location for one-stop voting may be the~~
26 ~~permanent office of a county elections official. If a county is~~
27 ~~required to provide one-stop voting at more than five sites and the~~
28 ~~county does not have the voting system to provide ballots on~~
29 ~~demand, the county may propose an alternative implementation~~
30 ~~plan to the Secretary of State for approval that generally meets the~~
31 ~~goals of this article to provide voters with reasonable access to~~
32 ~~one-stop voting. Beginning January 1 of the year following the~~
33 ~~availability of VoteCal, one-stop voting shall be available at every~~
34 ~~permanent office of a county elections official.~~

35 2175. Each location at which one-stop voting is available shall
36 have a separate area dedicated to one-stop voting. At least one
37 precinct board member at each of those locations shall be trained
38 prior to the election in one-stop voting procedures and shall be
39 assigned to conduct one-stop voting. One-stop voting shall be

conducted in a manner that does not interfere with or delay voting
by persons previously registered to vote.

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

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

CORRECTIONS:

Text—Pages 4 and 6.