

Introduced by Senator Calderon

February 18, 2011

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 641, as introduced, Calderon. 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 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 January 1 of the year following the implementation 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.

The provisions of the bill establishing one-stop voting would become operative as of January 1 following the date that VoteCal is implemented.

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:

1 (a) It is a fundamental principle of the United States that the
2 people shall have access to our systems of democracy without
3 barriers to their participation.

4 (b) California currently ranks 41st out of 50 states in voter
5 turnout.

6 (c) At the November 4, 2008, statewide general election,
7 California experienced its largest voter turnout, as well as the
8 greatest number of persons—798,332—who cast provisional ballots
9 because of uncertainty about their registration status. While 82
10 percent of those provisional ballots were ultimately counted, the
11 county investment of staff overtime and resources to process these
12 ballots was enormous. At the same time, a significant portion of
13 the provisional ballots that were not counted resulted from the
14 failure to timely register. One-stop registration and voting would
15 help alleviate the staff overtime costs associated with processing
16 numerous provisional ballots for counties.

17 (d) One-stop voting, without unnecessary steps, can significantly
18 increase turnout. The nine states that have enacted one-stop voting
19 lead the nation in voter turnout.

20 (e) The more people who vote, the more clearly the public's
21 voice is heard.

22 (f) California's registration procedures have not kept up with
23 available technology to maximize the efficiency of the voting
24 process.

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

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

29 2107. (a) Except as provided in ~~subdivision~~ *subdivisions* (b)
30 *and* (c), the county elections official shall accept affidavits of
31 registration at all times except during the 14 days immediately
32 preceding any election, when registration shall cease for that
33 election as to electors residing in the territory within which the
34 election is to be held. Transfers of registration for an election may
35 be made from one precinct to another precinct in the same county
36 at any time ~~when~~ registration is in progress in the precinct to which
37 the elector seeks to transfer.

38 (b) The county elections official shall accept an affidavit of
39 registration executed as part of a voter registration card in the

1 forthcoming election if the affidavit is executed on or before the
2 15th day prior to the election, and if any of the following apply:

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

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

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

14 (c) *The county elections official shall accept an affidavit of*
15 *registration that meets the requirements of Article 4.5 (commencing*
16 *with Section 2170) at any time before the close of polls on election*
17 *day.*

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

20
21 Article 4.5. Registration and Voting at One-Stop Voting Sites
22

23 2170. For purposes of this article, “VoteCal” means the
24 statewide voter registration database established by the Secretary
25 of State and referred to by that designation.

26 2171. (a) In addition to other methods of voter registration
27 provided by this code, an elector who is otherwise qualified to
28 vote under this code and Section 2 of Article II of the California
29 Constitution may register or reregister to vote at a one-stop voting
30 site pursuant to this article and immediately thereafter may cast a
31 ballot on the day of an election or at any time prior to the election
32 during which ballots may be cast pursuant to existing law.

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

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

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

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

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

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

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

11 (B) Passport.

12 (C) Military identification card.

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

19 (2) A photo identification, without a current address from the
20 list in paragraph (1), and proof of current residence based on a
21 document that includes the name and current address of the
22 individual presenting it, and is dated since the date of the last
23 statewide general election, unless the document is intended to be
24 a permanent, one-time government document. The document shall
25 be a proof of residence document designated in the regulations of
26 the Secretary of State, as set forth in Section 20107 of Title 2 of
27 the California Code of Regulations, as last amended and filed with
28 the Secretary of State November 7, 2005, specifying standards for
29 proof of identity or residence when proof is required by the federal
30 Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

31 (d) A county elections official shall accept an affidavit of
32 registration executed pursuant to this article that includes the
33 current place of residence and other information required by Article
34 4 (commencing with Section 2150).

35 (e) County elections officials shall accept the following as the
36 elector's proof of identity for purposes of paragraph (2) of
37 subdivision (b) if the information can be successfully validated by
38 reference to VoteCal:

39 (1) The elector's name.

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

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

3 2172. (a) An elector who satisfies all the requirements of
4 subdivision (b) of Section 2171 and whose personal information
5 has been successfully verified using VoteCal may vote by regular
6 ballot.

7 (b) If an elector is unable to satisfy the requirements of
8 paragraph (2) of subdivision (b) of Section 2171, the elector may
9 vote by provisional ballot. No provisional ballot cast pursuant to
10 this article may be counted unless and until the elector's voter
11 registration is processed, verified, and completed, as provided in
12 Article 5 (commencing with Section 14310) of Chapter 3 of
13 Division 14.

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

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

19 2173. (a) Each county elections official shall compile an index
20 of voters who register for an election pursuant to this article. After
21 the official canvass of the votes for that election is completed, the
22 elections official shall review the names on the index and, if any
23 registration executed pursuant to this article is discovered to be a
24 duplicate registration, the elections official shall cancel any
25 duplicate voter registrations that may exist, as provided in Chapter
26 3 (commencing with Section 2200).

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

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

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

4 2174. Beginning January 1 of the year following the date when,
5 as determined by the Secretary of State, VoteCal is implemented,
6 one-stop voting shall be available at every permanent office of a
7 county elections official.

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

15 2176. The Secretary of State may adopt appropriate regulations
16 for purposes of ensuring the uniform application of this article.

17 2177. This article shall become operative on January 1 of the
18 year following the date when, as determined by the Secretary of
19 State, VoteCal is implemented. That determination shall be
20 promptly disclosed by the Secretary of State on his or her official
21 Internet Web site.

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.