

Date of Hearing: September 9, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 1020 (Ridley-Thomas) – As Amended September 1, 2015

CONCURRENCE IN SENATE AMENDMENTS

ASSEMBLY: (May 22, 2015) SENATE: 38-1 (September 3, 2015)

(vote not relevant)

SUBJECT: Elections: voter registration.

SUMMARY: Updates key Elections Code statutes and deletes obsolete provisions in anticipation of the deployment of the federally mandated VoteCal statewide voter registration database.

The Senate amendments delete the Assembly version of this bill, and instead:

- 1) Update numerous sections of the Elections Code and delete numerous obsolete sections in anticipation of the deployment of the federally mandated VoteCal statewide voter registration database.
- 2) Repeal references in law to deputy registrars of voters and make conforming changes to related provisions of law.
- 3) Delete various existing provisions of law regarding the timing of acceptance of affidavits of registration and consolidate these and other related code sections into a single section that consolidates deadlines for voter registration, re-registration, and updating of registrations that also reflects anticipation of the start of conditional voter registration.
- 4) Make corresponding changes to the process whereby specified voters may apply for and receive confidential voter status in anticipation of VoteCal.
- 5) Provide that a person who obtains signatures or other information collected for a political party qualification petition shall not send that information outside of the United States or make it available in any way electronically to persons outside the United States, including, but not limited to, access over the Internet.
- 6) Make conforming changes to state law relating to preregistration, under which a person who is at least 16 years of age can preregister to vote, with the registration becoming effective once that person is 18 years of age.
- 7) Correct incorrect cross-references and delete numerous obsolete provisions of law.
- 8) Provide that this bill becomes operative only if the Secretary of State (SOS) certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act (HAVA) of 2002.

- 9) Add double-jointing language to avoid chaptering problems with AB 477 (Mullin) and SB 589 (Block) of the current legislative session.

EXISTING LAW:

- 1) Requires each state, pursuant to HAVA, to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.
- 2) Authorizes county elections officials, under specified circumstances and in order to promote and encourage voter registration, to deputize as registrars qualified citizens to register voters anywhere within the county.
- 3) Sets forth the deadlines by which county elections officials must accept affidavits of registration which is generally at all times except during the 14 days immediately preceding an election, except under forthcoming provisions permitting "conditional" registration of voters in conjunction with provisional voting after this deadline up to and including election day.
- 4) Specifies that conditional voter registration, as described above, becomes operative on January 1 of the year following the year in which the SOS certifies that the state has a statewide voter registration database that complies with the requirements of HAVA. It is anticipated that this statewide voter database will become operative in 2016, therefore conditional voter registration will commence in 2017.
- 5) Permits specified voters to apply for and receive confidential voter status.
- 6) Provides that a person who obtains signatures or other information collected for an initiative, referendum, or recall petition shall not send that information outside of the United States or make it available in any way electronically to persons outside the United States, including, but not limited to, access over the Internet.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Prior Committee Consideration of This Measure:** In May, this committee considered and approved this measure on a 7-0 vote. At the time, this measure required, when a voter reregistered or transferred his or her registration from one precinct to another, for the voter's address to be updated and the voter's former address to be maintained with the voter's registration record. The bill was intended to be a vehicle to make necessary statutory changes to ensure that the federally mandated VoteCal statewide voter registration database can be implemented effectively, but at the time this bill was heard in this committee, elections officials were still identifying the relevant statutes that needed to be updated.

Subsequent to the committee's approval of this measure, it was amended in the Senate to add substantive updates to state law to ensure that the VoteCal database can be implemented effectively. As a result, this bill has been re-referred to this committee for further consideration pursuant to Assembly Rule 77.2.

2) **Purpose of the Bill:** According to the author:

California is in the process of developing a new statewide voter registration system in order to fully comply with requirements in federal law. The new system, which is known as VoteCal, is currently on track for full implementation in 2016. While California must develop a statewide voter database pursuant to federal law, multiple state statutes must be changed to conform to federal requirements.

AB 1020 will ensure that the federally mandated VoteCal statewide voter registration database can be implemented effectively by updating key Elections Code statutes and deleting obsolete provisions.

3) **VoteCal and HAVA Requirements:** On October 29, 2002, President George W. Bush signed HAVA. Enacted partially in response to the 2000 Presidential election, HAVA was designed to improve the administration of federal elections. Among other provisions, HAVA requires every state to implement a computerized statewide voter registration list maintained at the state level. This statewide voter registration list will serve as the official list of eligible voters for any federal election held within the state.

At the time HAVA was approved, California was already using a statewide voter registration system, known as Calvoter, which achieved some of the goals of the voter registration list required by HAVA. However, Calvoter did not satisfy many of the requirements in that law, including requirements that the database be fully interactive and have the capability of storing a complete voter registration history for every voter. Discussions between the United States Department of Justice and the SOS led to the adoption of a memorandum of agreement (MOA) between the two parties. In that MOA, the SOS committed to further upgrades to the Calvoter system to achieve short term interim compliance with the requirements of HAVA, and to complete development and implementation of a longer term solution for replacing the Calvoter system with a new permanent statewide voter registration system. That new permanent system is commonly known as VoteCal.

After a number of delays, the VoteCal system is being developed, and has been rolled out in nine counties. VoteCal will continue to roll out to counties in waves, with the last counties scheduled to transition to VoteCal in March 2016. After the final wave is completed, the SOS will certify VoteCal as the system of record for voter registration information in California. The current project schedule provides for that certification to occur by June 2016.

The implementation of VoteCal will help streamline the voter registration process, including allowing voters to update their voter registration records seamlessly when they update their address with the Department of Motor Vehicles or with the state's Employment Development Department. VoteCal will also make it easier and more efficient for elections officials to do

"list maintenance," including identifying and eliminating duplicate registrations, transferring a voter's record from one county to another when the voter moves, and canceling the registrations of individuals who are no longer eligible to vote.

As noted above, one of the HAVA requirements that the Calvoter system did not satisfy was a requirement that the state voter registration database have the capability of storing a complete voter registration history for every voter. This bill updates California law to ensure that when a California voter reregisters or transfers his or her registration from one precinct to another that the voter's registration history is maintained and updated in the state voter registration database, rather than requiring a voter's prior registration to be canceled. This change will ensure that the state's statutory processes for maintaining voter registration records is consistent with federal law and with the design of the VoteCal system.

VoteCal will include a number of new key features and upgrades from the Calvoter system, including the following:

A Publicly Available Website. VoteCal will provide improved service to the voters of California through a publicly available statewide customer service website. At the website, voters will be able to apply to register to vote or update their existing voter registration record. Voters will also be able to review information in their voter record, including their precinct and polling place, political party preference, eligibility to vote in an upcoming election, and status as a permanent vote-by-mail or one-time mail ballot voter.

In addition, voters using the public VoteCal website will be able to opt in or out of receiving physical copies of the Voter Information Guide and county sample ballots, and may instead request to receive the documents electronically. A voter will also be able to retrieve information from the new website about whether their vote-by-mail or provisional ballot is counted and, if it was not, the reason why it was not counted.

A Complete Index of Voter Registration Records. The most discussed portion of VoteCal is the statewide database, as required under HAVA, that the SOS and county elections officials will collectively use to manage the voter information for all Californians. VoteCal will store and maintain voter registration information for the voters of California in the 58 counties. Moreover, VoteCal will allow county elections officials to research a voter's registration, voter activity, and voter participation history, store voter affidavit and signature images, and much more.

A Single Place for List Maintenance Functions. As a central source for list maintenance functions, VoteCal will help ensure that the voter registration list is up-to-date and accurate. As part of list maintenance, VoteCal is designed to check for duplicate registrations, check registration records to ensure voters have not been convicted of a crime that would preclude them from voting, check for deceased voters, and accommodate immediate updates of voter registration data in a central system as it is entered by the counties.

Local Elections Official Assistance. VoteCal will work with county Election Management Systems (EMS) to help county elections officials set up and track their elections. VoteCal will be used to set up statewide elections, and VoteCal will interact with the county EMS to

track election information such as a voter's districts and precincts and their political party preference.

This bill incorporates multiple federal VoteCal requirements into voter registration and other related statutes by revising and repealing relevant Elections Code sections as necessary. These provisions were developed through collaboration between the SOS and county elections officials to identify statutory changes in preparation for implementing VoteCal, including the following:

Streamlining voter registration updates and voter file maintenance, so that voters' registrations are seamlessly updated using the real-time efficiencies of VoteCal.

Eliminating outdated references and procedures, including references to deputy registrars of voters and technology-specific references to obsolete registration systems, and requirements to maintain multiple paper copies of registration records.

Codifying language necessary to prescribe the new VoteCal system and procedures, including clarifying the roles of state and county elections officials.

Improving clarity in existing law by repealing code sections that are no longer used and are irrelevant to VoteCal.

Consolidating obsolete voter registration management statutes into fewer, more specific code sections.

Ensuring the continued protection for confidential voters and their personal information.

- 4) **Deputy Registrars of Voters:** Until 1976, someone who wanted to register to vote in California was required to complete an affidavit of voter registration in the presence of a county elections official or a deputy elections official, with very limited exceptions. In order to ensure that there were ample opportunities for people to register to vote, the Elections Code established a process for individuals to be deputized to register qualified citizens to vote. Under current law, however, a person can register to vote online, by mail, or in person, and state law allows any person to register others to vote, without the need to be deputized by the county elections official.

In light of the changes in the way that voter registration is conducted, there is no longer a need to have a process for formally deputizing individuals to register others to vote. In fact, a person who is deputized to register voters pursuant to these provisions of existing law would have to comply with a number of outdated requirements, including a requirement to use voter registration forms that are bound into books or pads.

This bill deletes all language in the Elections Code related to deputy registrars, since that language causes significant confusion and is no longer relevant to voter registration in California.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (sponsor)
California Association of Clerks and Election Officials

Opposition

None on file.

Analysis Prepared by: Ethan Jones / E. & R. / (916) 319-2094