

Date of Hearing: May 13, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 1020 (Ridley-Thomas) – As Introduced February 26, 2015

**SUBJECT:** Elections: voter registration.

**SUMMARY:** Requires, when a voter reregisters or transfers 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.

**EXISTING LAW:**

- 1) Requires an elections official, when a voter reregisters or transfers his or her registration from one precinct to another, to enter the voter's former address in the prior registration portion of the voter registration affidavit, and to cancel the voter's former registration.
- 2) Requires each state, pursuant to the federal Help America Vote Act of 2002 (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.

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **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.

- 2) **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 Secretary of State (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 is currently in testing. The system is scheduled to be rolled out to five counties this July as a pilot, and if VoteCal is operating as anticipated, it will then be deployed to the remaining 53 counties in six waves between October 2015 and 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.

Since the procurement process for VoteCal began, a number of bills have been enacted that are tied to the implementation of the VoteCal system. Specifically, legislation to authorize election day voter registration (AB 1436 (Feuer), Chapter 497, Statutes of 2012), to allow for preregistration of 16- and 17-year-olds (AB 30 (Price), Chapter 364, Statutes of 2009 and SB 113 (Jackson), Chapter 619, Statutes of 2014), and to allow for voters to opt to receive certain election materials electronically (AB 306 (Fuller), Chapter 98, Statutes of 2009 and SB 1253 (Steinberg), Chapter 697, Statutes of 2014) all will not go into effect until after the SOS certifies that the VoteCal system is operational. Additionally, AB 1461 (Gonzalez) of the current legislative session, which provides for every person who has a driver's license or state identification card and who is eligible to register to vote to be automatically registered

to vote, unless that person opts out, as specified, was amended in this committee to provide that voters would not be registered to vote pursuant to the provisions of that bill until after VoteCal is operational.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Secretary of State Alex Padilla (sponsor)

**Opposition**

None on file.

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