

Date of Hearing: April 29, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 1143 (Hadley) – As Introduced February 27, 2015

SUBJECT: Elections: Voter Registration Agencies.

SUMMARY: Requires the Franchise Tax Board (FTB) to provide a voter registration card to a taxpayer whose annual income tax return indicates a change of address from the prior year.

EXISTING LAW:

- 1) Provides that a person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony and at least 18 years of age at the time of the next election.
- 2) Provides that a person may not be registered as a voter except by affidavit of registration. Requires the affidavit to be mailed or delivered to the county elections official.
- 3) Designates the following agencies as voter registration agencies (registration agencies): the Department of Motor Vehicles (DMV); California Health Benefit Exchange; California Work Opportunity and Responsibility to Kids; CalFresh Program; Medi-Cal Program; California WIC agencies; In-Home Support Services Program; Department of Rehabilitation: Vocational Rehabilitation Services; Independent Living Centers; Department of Developmental Services: Regional Centers; Department of Social Services: Office of Deaf Access; State and County Mental Health Providers; Armed Forces Recruitment Offices; FTB; and the Board of Equalization.
- 4) Requires, pursuant to the National Voter Registration Act of 1993 (NVRA), that a registration agency comply with the following:
 - a) Distribute a voter registration card to each person who applies for service or assistance with the agency, or who requests recertification, renewal or a change of address with the agency;
 - b) Assist people in completing the voter registration card by giving the same kind of assistance already provided for completing the agency's own forms; and
 - c) Accept completed voter registration cards, and send completed voter registration cards to elections officials within 10 days. Cards received within five days of a deadline to register to vote must be forwarded to elections officials within five days.
- 5) Prohibits registration agency staff from doing any of the following:
 - a) Seeking to influence an applicant's political preference of party registration;
 - b) Displaying any political preference or party allegiance;
 - c) Making any statement to an applicant or taking any action the purpose or effect of which is to discourage the applicant from registering to vote; or

- d) Making any statement to an applicant or taking any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- 6) Requires, pursuant to the NVRA, that registration agencies provide to each person who applies for service or assistance with the agency, a voter registration card along with an NVRA Voter Preference Form which asks "Would you like to register to vote today?" and provides checkboxes for the applicant to agree or decline to register to vote. Requires the agency to keep this voter preference form on file for two years.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Purpose of the Bill:** According to the author, "A healthy democracy depends upon the informed consent of the governed. By offering voter registration forms to California taxpayers who have indicated a change of address, AB 1143 also aims to increase voter participation by reaching out to those who are already participating in the governmental process: the taxpayers who keep the Golden State running."
- 2) **FTB as a Voter Registration Agency:** The NVRA was enacted by Congress in 1993 and took effect in 1995. The enactment of the NVRA was intended to enhance and increase voting opportunities for eligible voters to register to vote and maintain their registration. In addition to other methods of voter registrations states offer, the NVRA requires states to provide the opportunity to apply to register to vote for federal elections through various methods. Section 5 of the NVRA requires states to offer voter registration opportunities at motor vehicle agencies. Additionally, Section 6 of the NVRA requires states to provide voter registration opportunities by mail-in-application. Finally Section 7 of the NVRA requires states to offer voter registration opportunities at all offices that provide public assistance or state funded programs primarily engaged in providing services to persons with disabilities. Moreover, Section 7 of the NVRA requires states to designate "other offices" within the state as voter registration agencies.

On August 12, 1994, Governor Pete Wilson issued Executive Order W-98-94 establishing the list of NVRA registration agencies that included the FTB district offices. As a registration agency, the FTB must offer each person who comes into contact with the agency the opportunity to complete a voter preference form, which is required to be kept on file with the agency for two years.

In 2012, Governor Brown signed SB 35 (Padilla), Chapter 505, Statutes of 2012, which established guidelines to ensure compliance of all NVRA designated agencies in the state. As a result county elections officials are required to report to the Secretary of State (SOS) monthly on the number of voter registration cards received from each voter registration agency, and the SOS is required to post the information contained in each report on the SOS's Internet Web site. Between March 2014 and February 2015 there were 53 voter registration cards received from the FTB.

- 3) **Address Changes and the NVRA:** According to the NVRA, any change of address form submitted in accordance with state law for purposes of a state motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections

for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

The FTB is not an agency that the public is required to contact when they have a change of address. On the other hand Californians are required to report a change of address to DMV within 10 days of the change. The form that is used to report a change of address to the DMV can also be used to report a voter change of address, if you are already a registered voter and you still reside in the same county.

- 4) **Cost Effectiveness:** The bill, as currently written, requires the FTB to provide a voter registration card to each taxpayer whose annual income tax return shows a change of address from the prior year.

Most individuals who prepare and submit annual income tax documents do so between January 1 and April 15 each year. A filer may be a nonresident, part time resident, or full time resident of the state who has reportable California earnings from the prior taxable year that meet or exceed allowable minimum requirements to file. Existing law defines "taxable year" as the calendar year or the fiscal year upon the basis of which the taxable income is computed. If no fiscal year has been established, "taxable year" means the calendar year.

If a voter registration card is mailed to every taxpayer whose annual income tax filing indicates a change of address from the prior year's filing, it is likely that a large number of cards will be mailed to people who have either already re-registered in their correct jurisdiction, because time has passed between them relocating and tax season. Additionally many cards will be mailed to people who are ineligible to register to vote because they lack United States citizenships or are otherwise ineligible to vote in California.

- 5) **Secretary of State Position:** The Secretary of State Alex Padilla, who has a support if amended position, writes:

The US Census indicates that close to 12% of the population moves each year. Moving residences is complicated and requires a change of address with many private and public entities. It is very possible that a voter will forget to update their voter information when they move. For voters, it is important to update their address when they move or else they will not receive their state voter information guide, their local county sample ballot, and possibly their vote by mail envelope.

Congress in 1993 enacted the National Voting Rights Act, known as the NVRA, or Motor Voter. The NVRA requires the [DMV] and other state agencies such as the [FTB] to offer voter registration to eligible citizens when obtaining services.

AB 1143 builds [off of] the NVRA to expand the role of the [FTB] in registering voters. The bill will require that when any taxpayer indicates a change of address on their tax form, they shall be mailed a voter registration form from the [FTB] in order to update their address.

I would like to request that the bill be amended to [include] notification to the taxpayer that they may register to vote or update their information through California's Online

Voter Registration system. Using online voter registration will cut down on the use of paper and provide another avenue for the taxpayer to update their information.

- 6) **Suggested Amendments:** Under existing law the term "taxpayer" includes any individual, fiduciary, estate, or trust subject to any tax imposed pursuant to specified provisions of law. Absent clarifying amendments, this bill would appear to require voter registration cards to be mailed to taxpayers who are not individuals.

According to the author, his intention is that this bill is to apply only to the "individual" who is filing a personal income tax return and who has had an address change within the state of California since he or she last filed an annual tax return with the FTB. If it is the Committee's desire to approve this bill, clarifying amendments should be adopted to reflect that intent.

- 7) **Previous Legislation:** SB 35 (Padilla), Chapter 505, Statutes of 2012, added the California Health Benefit Exchange to the list of public assistance agencies required by the NVRA to provide voter registration opportunities and codifies many existing best practices and guidelines to ensure compliance of all NVRA designated agencies in the state.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (if amended)

Opposition

None on file.

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