

Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

SB 299 (Limón) – As Amended June 13, 2023

CORRECTED JUNE 25, 2024 10:05 AM

AS PROPOSED TO BE AMENDED

SENATE VOTE: (vote not relevant)

SUBJECT: Voter registration: California New Motor Voter Program.

SUMMARY: Makes significant modifications to the California New Motor Voter (NMV) Program. Specifically, **this bill:**

- 1) Modifies the NMV program by requiring the Secretary of State (SOS) and the Department of Motor Vehicles (DMV) to jointly develop a process by which the DMV uses information from the statewide voter registration database to determine whether a DMV customer is already registered or preregistered to vote in the state. Allows the SOS to satisfy this requirement by providing a copy of the statewide voter registration database to the DMV.
- 2) Requires the DMV, if it is determined by the process in 1) above that a person is unregistered to vote, to provide the opportunity to register to vote to individuals who apply for, renew or change an address for a driver's license or personal identification card issued by the DMV. Requires the DMV, if it is determined by the process in 1) above that a person is registered or preregistered to provide the opportunity to update or change the person's current voter registration or preregistration information.
- 3) Prohibits the DMV, if at the time of the transaction with the DMV the person provides a document that demonstrates the person is not a United States (US) citizen, from offering them the opportunity to register to vote, and prohibits the DMV from electronically providing records of that person to the SOS.
- 4) Permits the SOS, if the SOS determines that adequate technology infrastructure exists, to promulgate regulations to establish a list of individuals who are preapproved for voter registration. Requires the SOS to develop regulations in consultation with the DMV, county elections officials, and other interested parties that include, but are not limited to, the following:
 - a) Procedures for updating and maintaining the accuracy of the preapproved for voter registration list.
 - b) Procedures by which individuals on the preapproved for voter registration list may activate their registration.
 - c) The manner in which and method by which the DMV provides the SOS with information regarding the person's name and address and any additional information required by the

SOS that the person submitted with their driver's license application.

- 5) Defines "preapproved for registration" to mean an unregistered person during their business with the department provided documentation demonstrating US citizenship and sufficient age to register or preregister to vote, did not submit a voter registration application pursuant to section 2265 during their transaction with the department, and was advised that they will be put on a preapproved voter registration list and that the voter may activate their registration from that list at a future date.

EXISTING LAW:

- 1) Requires, pursuant to the National Voter Registration Act (NVRA), each state to offer voter registration services at motor vehicle agency offices, offices that provide public assistance, offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, Armed Forces recruitment offices, and other state and local offices within the state designated as NVRA voter registration agencies. (52 U.S.C. §20504)
- 2) Requires the DMV to provide the opportunity to register to vote to individuals who apply for, renew or change an address for a driver's license or personal identification card issued by the DMV. (52 U.S.C. §20504)
- 3) Requires a driver's license or identification application to be used as an application for voter registration, unless the applicant fails to sign the application. (52 U.S.C. §20504)
- 4) Requires change of address information received by the DMV to be used for the purpose of updating voter registration records, unless the registrant chooses otherwise. (52 U.S.C. §20504)
- 5) Provides that a person entitled to register to vote shall be a US citizen, a resident of California, not in prison for the conviction of a felony, and at least 18 years of age at the time of the next election. (California Constitution, Article II, §2)
- 6) Requires the SOS and the DMV to establish and implement the California NMV program for the purpose of increasing opportunities for voter registration for qualified voters. (Elections Code §2263)
- 7) Requires the DMV, in consultation with the SOS, to establish a schedule and method for the DMV to electronically provide to the SOS the records of each person who submits an application for a driver's license or state identification card, or provides the DMV with a change of address, as specified. Prohibits the DMV from electronically providing the records of a person who is issued a driver's license pursuant to specified provisions of law because that person is unable to establish satisfactory proof that their presence in the US is authorized under federal law. (Elections Code §2265)
- 8) Provides that the information transmitted to the SOS constitutes a completed affidavit of registration, and requires the SOS to register the person to vote or preregister the person to vote, unless the person affirmatively declines to be registered or preregistered to vote, the person's records do not reflect they attested to meeting all voter eligibility or preregistration

eligibility requirements, the SOS determines the person is ineligible to vote, or other specified conditions exist. (Elections Code §2267)

- 9) Prohibits the DMV from electronically providing records that contain a home address designated as confidential pursuant existing law. (Elections Code §2269)
- 10) Requires the SOS to adopt regulations, including regulations addressing both of the following:
 - a) A process for canceling the registration or preregistration of a person who is ineligible to vote, but became registered or preregistered under the NVM program in the absence of any violation by that person.
 - b) An education and outreach campaign informing voters about the NVM program that the SOS will conduct, as specified. (Elections Code §2277)
- 11) Requires a person's registration, if a person who is ineligible to vote becomes registered to vote through the NMV program in the absence of willful voter registration fraud, to be presumed to have been effected with official authorization and to have not been the fault of that person. (Elections Code §2270)
- 12) Provides that if a person who is ineligible to vote becomes registered to vote through the NMV program and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote unless that person willfully votes or attempts to vote knowing that the person is not entitled to vote. (Elections Code §2271)
- 13) Requires the SOS to establish to establish a taskforce to advise the SOS and the DMV on the effective implementation of the NMV program. Requires the SOS, in consultation with the DMV and the taskforce, to annually review the effectiveness of the NMV program and draft a written report that provides information about the operation of the NMV program, as specified. (Elections Code §§2275, 2276)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Amendments:** After the committee's deadline for pre-committee author's amendments, and based on discussions between the author and the committee chair, the author has agreed to accept amendments that delete the prior contents of the bill and add the current provisions. As a result, prior votes and analyses are not relevant to the version of this bill that is being heard in committee today. The current version of this bill proposes policy changes that have not been heard in an Assembly or Senate policy committee during this legislative session. The analysis reflects the author's amendments. A mock-up of the changes that these amendments propose to existing law is as follows (the exact language of the amendments is subject to change based on minor revisions suggested by the Office of Legislative Counsel that are consistent with the committee's actions):

Amend Elections Code Section 2265 as follows:

(a) (1) The department, in consultation with the Secretary of State, shall establish a schedule and method for the department to electronically provide to the Secretary of State the records specified in this section.

(2) The department and the Secretary of State shall develop and enter into an interagency agreement specifying how the department and the Secretary of State will cooperate to fulfill the requirements of this chapter. The agreement shall be updated as necessary, and the current version of the agreement shall be published on the internet website of the Secretary of State, except those parts of the agreement for which publication would compromise security.

(b) The Secretary of State and the department shall jointly develop a process by which the department, upon obtaining a person's full name, date of birth, driver's license or state identification number, residence address, and mailing address if different from residence address, may use information from the statewide voter registration database to determine whether the person is already registered or preregistered to vote in the state. The Secretary of State may satisfy the requirement in this subdivision by providing a copy of the statewide voter registration database to the department on a daily basis.

(c)(1) If it is determined by subdivision (b) that the person is unregistered to vote, the department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits a driver's license application:

- (A) Name.
- (B) Date of birth.
- (C) Either or both of the following, as contained in the department's records:
 - (i) Residence address.
 - (ii) Mailing address.
- (D) Digitized signature, as described in Section 12950.5 of the Vehicle Code.
- (E) Telephone number, if available.
- (F) Email address, if available.
- (G) Language preference, if available.
- (H) Political party preference, if available.
- (I) Whether the person chooses to become a permanent vote by mail voter, if available.
- (J) Whether the person affirmatively declined to become registered or preregistered to vote during a transaction with the department.
- (K) A notation that the applicant has attested that the person meets all voter eligibility requirements, including United States citizenship, specified in Section 2101 and, as applicable, the preregistration eligibility requirements in subdivision (d) of Section 2102.
- (L) Other information specified in regulations implementing this chapter.

(2) If it is determined by subdivision (b) that the person is already registered or preregistered to vote, the department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits a driver's license application and who, as part of that application, affirmatively requests to update or change the person's voter registration or preregistration:

- (A) Name.**

(B) Date of birth.

(C) Either or both of the following, as contained in the department's records:

(i) Residence address.

(ii) Mailing address.

(D) Digitized signature, as described in Section 12950.5 of the Vehicle Code.

(E) Telephone number, if available.

(F) Email address, if available.

(G) Language preference, if available.

(H) Political party preference, if available.

(I) A notation that the applicant has attested that the person meets all voter eligibility requirements, including United States citizenship, specified in Section 2101 and, as applicable, the preregistration eligibility requirements in subdivision (d) of Section 2102.

(J) Other information specified in regulations implementing this chapter.

(2) (A) A completed voter registration application included with a driver's license application and accepted at the department shall be transmitted to the Secretary of State no later than 10 days after the department accepts it.

(B) A completed voter registration application accepted within five days of the last day to register to vote for a federal or statewide election shall be transmitted to the Secretary of State no later than five days after the date of acceptance.

(C) (i) For purposes of establishing the department's transmittal deadlines required by this paragraph and by Section 20504(e) of Title 52 of the United States Code, the completed voter registration application included with the driver's license application shall be deemed accepted on the date the completed voter registration application arrives at the department, whether by mail, in person, electronically, or in another manner, the application contains all of the information in paragraph (1) except to the extent paragraph (1) requires certain information to be provided only if available, and the department approves the documentation of identity submitted by the applicant that is required by the Vehicle Code for the type of license or identification card for which the applicant has applied.

(ii) This subparagraph shall become operative upon the completion of the Digital eXperience Platform project described in Item 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and 69, Stats. 2021), or on July 1, 2025, whichever is earlier.

(3) (A) The department shall accept and transmit a completed voter registration application included with a driver's license application as described in paragraph (2) even if, pursuant to the Vehicle Code, the driver's license application is incomplete or the driver's license or identification card associated with the voter who submitted the voter registration application is inactive due to a failure to pay fees, or any other reason that is unrelated to either of the following:

(i) The department's approval of an applicant's identity documentation pursuant to the Vehicle Code.

(ii) An elections official's ability to prevent duplicate voter registrations or preregistrations, to assess the eligibility of the applicant, or to administer voter registration, preregistration, and other elections procedures.

(B) This paragraph shall become operative upon the completion of the Digital eXperience Platform project described in Item 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and 69, Stats. 2021), or on July 1, 2025, whichever is earlier.

(4) (A) The department may provide the records described in paragraph (1) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (e) of this section have been satisfied. Records provided pursuant to this paragraph shall only be used for purposes of outreach and education to eligible voters conducted by the Secretary of State.

(B) The Secretary of State shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(5) If at the time of the transaction with the department, the person provides a document that demonstrates the person is not a United States citizen, the person shall not be offered the opportunity to attest that the person meets all voter eligibility requirements and the department shall not electronically provide records of that person to the Secretary of State.

(c) The Secretary of State shall not sell, transfer, or allow any third party access to the information acquired from the department pursuant to this chapter without approval of the department, except as permitted by this chapter and Section 2194.

(d) The department shall not electronically provide records of a person who applies for or is issued a driver's license pursuant to Section 12801.9 of the Vehicle Code because the person is unable to submit satisfactory proof that the person's presence in the United States is authorized under federal law.

(e) Except as provided in paragraphs (2) and (3) of subdivision (b), the department shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:

(1) The state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(2) The Legislature has appropriated the funds necessary for the Secretary of State and the department to implement and maintain the California New Motor Voter Program.

(3) The regulations required by Section 2277 have been adopted.

(f) The department shall not electronically provide records pursuant to this section that contain a home address designated as confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the Vehicle Code.

(g) It is the intent of the Legislature that the department continue its best practice of sending notice to voters when there is a delay in processing completed voter registration applications. It is further the intent of the Legislature that the notices continue to provide information about alternative options for submitting a voter registration application.

Adds Section 2265.1 to the Elections Code:

- 1) **If the Secretary of State determines that adequate technology infrastructure exists, the Secretary of State may promulgate regulations to establish a list of individuals that are preapproved for voter registration.**
- 2) **The Secretary of State shall develop regulations in consultation with the department, county elections officials, and other interested parties that include, but shall not be limited to, the following:**
 - a. **Procedures for updating and maintaining accuracy of the preapproved for voter registration list.**
 - b. **Establish procedures by which individuals on the preapproved for voter registration list may activate their registration.**
 - c. **Develop the manner and method that the department shall provide the Secretary of State information regarding the person's name and address and any additional information required by the Secretary of State, for voter registration purposes that person submitted with their driver's license application.**
- 3) **"Preapproved for registration" means an unregistered person during their business with the department provided documentation demonstrating United States citizenship and sufficient age to register or preregister to vote, did not submit a voter registration application pursuant to section 2265 during their transaction with the department, and was advised that they will be put on a preapproved voter registration list and that the voter may activate their registration from that list at a future date.**

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

SB 299 is an opportunity to build on the existing Partial Automatic Voter Registration (AVR) system in California to further streamline voter registration. As proposed to be amended, this bill gives the Secretary of State discretionary authority, if they believe the necessary technology and infrastructure exists, to adopt regulations to generate a list of people "preapproved for registration." This upgrade will position millions of eligible Californians to vote, bringing more people of color, young people, and formerly incarcerated people into the political process. Oregon, Alaska, Colorado, Delaware, Massachusetts, Nevada, New Mexico, Washington, Washington D.C., Michigan, and Minnesota have all already adopted versions of Secure AVR. This bill provides a path for California to join these states and to welcome 4.6 million eligible, but unregistered people, to our democratic process.

- 3) **National Voter Registration Act:** In 1993, the federal government enacted the NVRA, commonly referred to as the "motor voter" law, to make it easier for Americans to register to vote and to remain registered to vote. In addition to other methods of voter registration 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.

- 4) **California New Motor Voter Program:** As mentioned above, the NVRA requires states to provide individuals with the opportunity to register to vote at the same time that they apply for or renew a driver's license at the DMV. One of the provisions of the NVRA prohibits the voter registration portion of a driver's license application from requiring any information that duplicates information required in the driver's license portion of the form, other than a second signature or a statement attesting to the person's eligibility to register to vote.

In the years following the enactment of the NVRA, California was not fully in compliance with the NVRA's prohibition on requiring duplicate information. Rather, a separate voter registration form was attached to the driver's license form, which required the affiant to fill in duplicate information. This dual form policy was the result of a settlement in a lawsuit to force the State of California to comply with NVRA when former Governor Pete Wilson refused to implement it unless federal funding was provided (NVRA did not provide the states with any direct funding or any mechanism for reimbursement of costs associated with implementation).

In 2015, a non-compliance letter was sent to the SOS from the ACLU Foundation of San Diego and Imperial Counties, Dēmos, Morrison & Forester LLP, and Project Vote stating that California is engaging in continuous and ongoing violations of the NVRA due to the state's dual form policy. The letter also stated that it constituted a formal notice of the senders' intent to initiate litigation at the end of the statutory 90-day waiting period should California fail to remedy the violations of the NVRA, as specified.

In part as a response to the non-compliance letter, the Legislature approved and Governor Brown signed into law AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, known as the NMV program, which provides automatic registration for every person who has a driver's license or state identification card and who is eligible to register to vote at the DMV, unless that person opts out. Under the NMV program, a DMV customer who attests to their eligibility and does not opt out is automatically registered to vote. The implementation of AB 1461 was contingent upon the implementation of a federally required statewide voter registration database (known as VoteCal), the appropriation of funds from the Legislature necessary for the SOS and the DMV to implement AB 1461, and the adoption of regulations required by AB 1461. The NMV program became operative in April 2018.

There continued to be challenges with modernizing the voter registration process at the DMV and with bringing California in compliance with the NVRA. Consequently, a lawsuit was filed, *League of Women Voters v. Annis*, which was settled in 2018. According to court documents, violations to the initial settlement agreement led to delays in registrations for thousands of voters. Consequently, the settlement agreement was updated in February 2019 and extended to 2020 and new terms were added. The settlement agreement was extended in 2021 and expired in early 2022.

- 5) **New Motor Voter Program Taskforce and Previous Legislation:** Because the settlement terms were instrumental in identifying and addressing non-compliance with the NVRA and improving the functionality of the NMV program, AB 796 (Berman), Chapter 314, Statutes of 2021, was signed into law in advance of the settlement's expiration. Many of the best

practices regarding the transmission of voter registration information from the settlement were codified into state law by AB 796. Additionally, AB 796 required the SOS to establish a taskforce to evaluate the effectiveness of the NMV program.

- 6) **New Motor Voter Program Report:** Among other requirements, AB 796 requires the SOS, in consultation with the DMV and the NMV taskforce, to annually review the effectiveness of the NMV program and draft a written report. Existing law requires the written report, at a minimum, to include information about trends of voters registering through the NMV program, an analysis of the timeliness of the DMV's transmittals (completed voter registrations and delay notices sent to customers) to the SOS for the preceding year, and a summary of any significant errors or delays during the preceding year and how those incidents were resolved.

Last year, the SOS, DMV, and the NMV taskforce released the first annual report for the California NMV program, which highlights statistics for the NMV program throughout the year. Notably, between its launch in April 2018 and December 2023, more than 24 million new or updated voter registrations have resulted from the program. In 2022 there were a total of 4,980,682 registrations from the three methods, of which the NMV program accounted for 3,995,152 (80%), followed by paper at 547,816 (11%), and California online voter registration at 437,714 (9%). Of the registrations completed through the NMV program in 2022, updated registrations accounted for 79%, new registrations accounted for 18%, and new pre-registrations accounted for 3%.

- 7) **Documentation:** Except for individuals who receive driver's licenses pursuant to AB 60, as described below, every applicant in California for a state identification card or driver's license is required to provide proof of legal presence in the US. In order for a person to prove legal presence, an applicant is required to provide the original or a certified copy of one of over 20 different documents to the DMV. Of those documents, some (such as a US passport) are documents that are available only to citizens, while others (such as a permanent resident card) would be issued only to individuals who were not citizens at the time the document is issued. Other acceptable documents (such as a US military identification card) could be issued to citizens or non-citizens. According to the DMV, DMV records contain information about the document that individuals used to establish legal presence in the country.

Once a person has provided documentation of their legal presence in the US, that person typically is not required to provide proof of legal presence again during subsequent transactions with the DMV. As a result, it is plausible for a person's citizenship status to change and for the DMV to have no record. For example, if a person used a permanent resident card to prove their legal presence when obtaining a driver's license, then subsequently became a citizen of the US, it is unlikely that the DMV would have any information to indicate that the person had become a citizen. When that person renews their driver's license, the DMV already has documented proof of that person's legal presence from the initial transaction. As a result, the DMV typically would not request the person to provide proof of legal presence again, so it is unlikely that the DMV would ever receive information about the change in the person's citizenship status.

- 8) **Non-Citizen Filter:** This bill significantly modifies the NMV program and creates a non-citizen filter. Specifically, this bill provides that a person who provides the DMV with a document that demonstrates the person is not a US citizen will not be offered the opportunity

to attest that they meet all voter eligibility requirements or offered the opportunity to register to vote. Additionally, this bill prohibits the DMV from electronically providing records of such a person to the SOS.

This new non-citizen filter may help ensure a non-citizen is not inadvertently offered the opportunity to register to vote. On the flip side, this new non-citizen filter may prevent a person whose citizenship status has changed from being offered the opportunity to vote in the future. As mentioned above, once a person has provided documentation of their legal presence in the US, that person typically is not required to provide proof of legal presence during subsequent transactions with the DMV.

Additionally, the non-citizen filter will require the DMV to determine citizenship for those individuals that will be filtered through the non-citizen filter. According to the DMV, while they take note of the authenticity of credentials presented to them, they do not determine citizenship.

- 9) **Registration Status Filter:** Under the California NMV program, an individual is asked whether they would like to register to vote during the course of their transaction at the DMV. If an individual chooses to register to vote, they are required to attest to their eligibility under penalty of perjury and subsequently answer voter registration questions, such as choosing a party preference and requesting translated voting materials.

This bill modifies this process, and creates a voter registration status filter in which an individual's current voter registration status (registered or not registered) determines how the individual moves through the NMV program. Specifically, this bill requires the SOS and the DMV to develop a process in which the DMV compares the information associated with each person who submits a driver's license application to voter registration information from the statewide voter registration database (VoteCal) to determine whether the person is already registered or preregistered to vote in the state. If it is determined that a person is unregistered to vote, the individual moves through the NMV program. If it is determined a person is registered to vote, the individual is asked if they would like to update or change their current voter registration information.

- 10) **Delays at DMV:** The DMV is currently undergoing a comprehensive modernization of its information technology (IT) systems through their Digital eXperience Platform (DXP) Project. The DXP Project will update and replace software, hardware, and programming languages for DMV's current legacy systems. The DXP Project is a multi-year incremental technology project to replace all obsolete legacy applications and systems, including systems for occupational licensing, vehicle registration, and driver's license and identification cards. The DXP Project will replace the current obsolete legacy applications and systems with flexible technology to meet business processes and services as well as to comply with changing legislation and new mandates in a timely manner. The DMV core systems technology architecture was designed in the late 1960s to address the business needs at the time and has reached its outer limits and any change to or expansion of functionality jeopardizes continuity of services, systems and data integrity, as well as the collection of billions of dollars.

According to DMV, challenges have caused significant delays in the completion of the DXP Project and the driver's license modernization project is now expected to be complete in

2028. The modernization project will include the addition of functionality required by previously-enacted legislation. However, due to concerns about the potential for further delays and complications to the modernization project, DMV is no longer considering adding additional functionality to the contract for modernizing the driver's licensing system and asking legislation that would require changes to driver's licensing systems to delay implementation until 2030, with the changes being made to the modernized system after it is deployed in 2028.

The non-citizen and voter registration status filters proposed in this bill would affect the driver's licensing system and consequently, it is unclear whether it is feasible for these components to be implemented before 2030.

- 11) **Preapproved for Registration:** This bill authorizes the SOS, if the SOS determines that adequate technology infrastructure exists, to promulgate regulations to establish a list of individuals that are preapproved for voter registration. Additionally, this bill requires the SOS to develop regulations that include, among other things, procedures for updating and maintaining the accuracy of the preapproved for voter registration list and procedures that describe how a person on the preapproved list may activate their registration. Under this bill, a person is placed on the preapproved registration list when they, during their transaction with the DMV, provide citizenship documents, are sufficient age to register or preregister to vote, did not submit a voter registration application pursuant during their transaction with the DMV, and was advised that they will be put on a preapproved voter registration list and that the voter may activate their registration from that list at a future date.

Currently in California, an individual is either actively registered to vote, preregistered to vote, or on the inactive voter file. The preapproved registration list proposed by this bill would be new to California. This bill, however, does not provide any detail as to how a voter would activate their registration and move off of the preapproved registration list. While the bill seems to address this question by requiring the SOS to develop regulations that include procedures for this process, the committee may wish to consider whether the Legislature should have the authority to determine how a person moves from the preapproved registration list to the active registration list instead of granting that authority to the SOS.

- 12) **California's Voter Registration Statistics:** According to the SOS's March 5, 2024 registration report, of California's estimated 26.63 million eligible voters, more than 22.01 million are registered voters, which means that over 82% of eligible voters are registered to vote.
- 13) **AB 60 Licensees:** AB 60 (Alejo), Chapter 524, Statutes of 2013, requires the DMV to issue an original driver's license to an applicant who is unable to submit satisfactory proof of legal presence in the US. Driver's license applicants under AB 60 must meet all other qualifications for licensure and must provide satisfactory proof of identity and California residency. The DMV began accepting applications for licenses under AB 60 on January 2, 2015.

Because the AB 60 licensing process was specifically established for individuals who are unable to submit satisfactory proof of legal presence in the US, the NMV program expressly prohibits the DMV from transmitting information to the SOS about individuals who applied for or received a driver's license pursuant to AB 60.

- 14) **Recent Amendments:** The June 19, 2024, version of this bill proposed to create a back-end automated voter registration system for registering voters via the NMV program at the DMV, as specified. The amendments being considered in committee today delete the bill's prior contents and add the provisions outlined above. As a result, prior position letters are not relevant. Accordingly, this committee analysis does not reflect position letters submitted to the committee that relate to the prior version of the bill.
- 15) **Related Legislation:** AB 2127 (Berman) extends, from January 1, 2025 to January 1, 2030, the operation of the NMV program taskforce established by the SOS to advise the SOS and the DMV on the effective implementation of the NMV program. AB 2127 passed out of this committee on a 6-1 vote and passed the Assembly floor on a 59-7 vote. AB 2127 is pending in Senate Transportation Committee.
- 16) **Previous Legislation:** AB 796 (Berman), Chapter 314, Statutes of 2021, codifies voter registration information transmittal requirements in the federal NVRA, as specified. AB 796 additionally codifies into state law various provisions from a legal settlement regarding the transmission of voter registration information, and requires the SOS to establish a taskforce to evaluate the California NMV program, as specified.
- 17) **Double Referral:** This bill has been double-referred to the Assembly Transportation Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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