Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1116 (Berman) – As Amended March 28, 2025

SUBJECT: Elections: voter registration.

SUMMARY: Authorizes a person who is eligible to register to vote but does not have a Department of Motor Vehicles (DMV) issued California driver's license (DL) or state identification card to submit an affidavit of voter registration electronically through California's Online Voter Registration (COVR) system on the Secretary of State's (SOS) internet website, as specified. Requires the SOS to develop a process for a person who registers this way to electronically upload a high-quality digitized image of their signature for the purposes of voter registration. Authorizes the SOS to include, as part of the online voter registration system, an application programming interface (API) that allows an organization conducting a voter registration drive to collect and submit affidavits of voter registration electronically. Specifically, **this bill**:

1) Permits a person who is eligible to register to vote but *does not have* a DMV issued California DL or state identification card to submit an affidavit of voter registration through COVR system on the SOS's internet website, instead of only allowing an eligible person *who has* a valid California DL or state identification to register to vote through COVR. Requires the COVR system to authenticate the identity of the person under a process developed by the SOS that verifies all of the following information using the information maintained by the SOS or the federal Social Security Administration:

   a) The last four digits of the applicant's Social Security Number (SSN);

   b) The applicant's full name; and,

   c) The applicant's date of birth (DOB).

2) Requires the SOS to develop a process for an applicant who registers to vote through COVR without their DL or state identification number to electronically upload a high-quality digitized image of the applicant's signature through the COVR system, and to develop a process for transmitting the digitized image signature to the statewide voter registration database (also known as VoteCal) and the county elections management system (EMS). Requires the electronic upload process to be accessible to people with disabilities.

3) Authorizes the SOS to include, as part of the COVR system, an API that allows organizations and entities engaged in voter registration outreach to electronically collect and submit affidavits of voter registration on behalf of applicants. Permits the SOS to adopt the necessary regulations to implement these provisions.

4) Requires this bill to become operative on the earlier of the following dates:

a) January 1, 2027.

b) Five days after the date on which the SOS certifies that its electronic voter registration system has been updated to meet both of the following requirements:

    i) The electronic voter registration system shall authorize a person who has a SSN and is qualified to register to vote, but who does not have a California DL or state identification card, to submit an affidavit of voter registration electronically on the SOS's internet website.

    ii) The electronic voter registration system shall require a person who submits an affidavit of voter registration to provide the last four digits of the person's SSN and to electronically upload a high-quality image of the person's signature.

EXISTING LAW:

1) 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. (52 USC §21083)

2) Provides that a person entitled to register to vote shall be a United States 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)

3) Permits a person who is qualified to register to vote and who has a valid California DL or state identification card to submit an affidavit of voter registration electronically through the COVR system on the SOS's internet website, as specified. (Elections Code §§2196 et seq.)

4) Requires a person who registers to vote electronically through COVR on the SOS's website to affirmatively assent to the use of the person's signature from the person's DL or state identification card, and requires the SOS to obtain an electronic copy of the signature from the person's DL or state identification card directly from the DMV. (Elections Code §2196(a)(6))

FISCAL EFFECT: Unknown

COMMENTS:

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

> The National Voter Registration Act and California's New Motor Voter program have been instrumental in closing voter registration gaps by making it easier for eligible voters to register or update their registration when completing a driver's license and state identification card transaction. Similarly, our online voter registration system has simplified voter registration for Californians with a DMV-issued driver's license or identification card. Nevertheless, there remains a voter

registration gap of over 4 million Californians. AB 1116 would take the next step to assist eligible but unregistered Californians by removing an unnecessary barrier to using our online voter registration system. This change will make our voter registration process more cost-effective and efficient, while maintaining the integrity of our voter lists.

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 serves 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 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 permanent system is commonly known as VoteCal.

After a number of delays, in September 2016, Secretary of State Alex Padilla certified VoteCal as the system of record for voter registration in California.

3) **California Online Voter Registration History and Previous Legislation**: After the plans for VoteCal were initially developed, the Legislature approved a number of bills that sought to take advantage of some of the capabilities available in VoteCal that were not available with Calvoter. One of those bills was SB 381 (Ron Calderon), Chapter 613, Statutes of 2008, which allows a person who is qualified to register to vote and who has a valid California DL or state identification card to submit an affidavit of voter registration electronically through the COVR system on the SOS's internet website. Online voter registration would not become operative under SB 381 until VoteCal was deployed.

According to information provided to the Legislature when it was considering SB 381, online voter registration was expected to save the state and counties a significant amount of money on reduced costs for printing, processing, and data input from paper voter registration forms. Additionally, online voter registration was expected to improve the accuracy of the voter registration rolls by cutting down on data entry errors and errors that occur due to illegible voter registration forms, while making voter registration more convenient for many voters.

According to previous analyses, at the time the Legislature was considering SB 381, the VoteCal system was expected to be deployed by 2010. As the deployment of that system was delayed due to challenges with vendors and with the procurement process, however, SB 397

(Yee), Chapter 561, Statutes of 2011, permitted online voter registration to begin prior to the completion and implementation of VoteCal, if certain conditions were met.

4) **Online Voter Registration and Digital Signatures**: As part of a voter's registration, elections officials need to obtain a copy of the voter's signature for various elections-related purposes. In order to allow for online voter registration, the DMV and the SOS developed a process and infrastructure to transfer an electronic copy of a person's signature from the DMV to the SOS and to a county's EMS system. In order to implement these changes, all county EMS systems needed to be modified to receive and store electronic voter registration information received from the SOS in order to allow a person who is qualified to register to vote through COVR.

For individuals who do not have a California DL or a state identification card, however, the infrastructure does not currently exist to obtain a signature electronically for that voter from a source other than the DMV. Accordingly, individuals who do not have either of those documents may use COVR to fill out a voter registration application, but then must print, sign, and return the form to their local elections official's office by mail or in person.

This bill requires the SOS to develop a process that allows a person who registers to vote through COVR without their DL or state identification card to electronically upload a high-quality digitized image of their signature. Additionally, this bill requires the SOS to develop a process for transmitting the digitized image of the person's signature to VoteCal and to a county's EMS system, and requires the electronic upload process to be accessible to people with disabilities.

According to the author and sponsor, in most cases this can be accomplished by uploading a photograph – a voter signs a piece of paper, takes a photograph, and uploads it to the COVR system along with the rest of their registration information. The author and sponsor state that adopting this option improves security, saves money, and makes registration more convenient by allowing more eligible people to register and update registration information online instead of through a paper form that may be inconvenient for both them and elections officials.

5) **Other States and Online Voter Registration**: According to National Conference of State Legislatures, forty-two states, Washington, D.C., Guam and the Virgin Islands offer online voter registration. Online voter registration systems supplement the traditional paper-based process and allow a voter to fill out a form via a website, and that paperless form is submitted electronically to election officials. In most states the application is reviewed electronically by comparing the information on the online registration form against the information provided by the same individual when they received a DL or other state-issued identification card. The signature already on record with the state becomes the signature on record for voting. When the information does not match, the application is sent to officials for further review or action.

In most states, online voter registration systems work for people who have state-issued DLs or identification cards, although a few states provide online access for other potential voters. According to the author and sponsor, fourteen states and the District of Columbia have

adopted online voter registration systems that permit a voter who does not have a DMV issued DL or state identification card to register to vote electronically.

6) **Online Voter Registration and APIs**: An API is a software intermediary that allows two applications to talk to each other. APIs are an accessible way to extract and share data within and across organizations. Every time an individual uses a rideshare app, sends a mobile payment, or changes the thermostat temperature from their phone, they're using an API.

   According to the author and sponsor, a common real world example of using an API is when a person is booking a flight. When a person books a flight via Expedia, they are using an API created by the airline. The API is the interface (in this instance Expedia) that electronically transmits a person's information directly to the airline's system for booking. The API also electronically sends the airline's response to the individual's request right back to the travel application the individual is using (Expedia). Through each step of the process, it facilitates the interaction between the application and the airline's systems – from seat selection to payment and booking.

   According to the author and sponsor, in the same way, an online voter registration API allows approved third-party groups to collect registration information and submit it electronically to the SOS for registration purposes. Moreover, using the online voter registration API will reduce the use of paper forms thereby minimizing data entry errors and allowing third-party organizations to track how many people they've registered and retain certain contact information for voter outreach and get-out-the vote practices.

   Accordingly, this bill authorizes the SOS to create an API that allows organizations and entities that conduct voter registration drives to submit registration applications electronically to the SOS, and permits the SOS to adopt the necessary regulations to implement these provisions.

   The committee, however, may wish to consider whether the Legislature, instead of the SOS, should have the authority to determine whether an online voter registration API should be used for voter registration purposes and seek the SOS's expertise in making that decision.

7) **Other States and Online Voter Registration API**: According to the author and sponsor, online voter registration APIs or similar systems are used in Pennsylvania, Michigan, Washington, and Colorado. Additionally, Maine and Oregon Secretaries of State have legislative authority to create an online voter registration API.

8) **Security Standards for APIs**: As mentioned above, this bill authorizes the SOS to adopt necessary regulations to allow a third-party conducting a voter registration drive to use an API to electronically submit registration forms. The bill, however, lacks detail on what those regulations should entail. Moreover, committee staff is unaware of any federally created and published API standards for election administration systems. Given heightened concerns about election integrity and cyberattacks, it is important for there to be various data security safeguards in place. Thus, the committee may wish to consider amending the bill to require the SOS to adopt and publish security standards and regulations governing the use of an API for online voter registration purposes.

9) **Arguments in Support**: In support, NextGen California, writes:

AB 1116 will allow individuals without a DMV-issued ID to register to vote online by providing the last four digits of their Social Security number (the same information they would provide on a paper form) and uploading a photograph of their signature. This method mirrors a secure and widely accepted process used by financial institutions for accepting mobile check deposits…Specifically, AB 1116 will:

1. Expand Access to Voter Registration – Many Californians, particularly historically marginalized groups, do not possess a DMV-issued ID and are currently required to register via paper forms. This legislation will remove that barrier, ensuring that all eligible voters have access to the convenience and efficiency of online voter registration.

2. Improve the Accuracy and Security of Voter Registration Records – Electronic voter registration reduces the likelihood of errors caused by manual data entry. Allowing more voters to register online ensures that voter rolls remain accurate, up-to-date, and secure.

3. Reduce Administrative Costs and Increase Efficiency – Election officials currently spend millions of dollars in labor hours processing paper registration forms. Enabling more voters to register electronically will result in substantial cost savings while allowing election offices to allocate resources more effectively.

4. Facilitate More Effective Voter Registration Drives – The bill provides the Secretary of State with the authority to develop an application programming interface (API) that would allow organizations conducting voter registration drives to electronically submit registration forms. This change will encourage organizations to transition away from paper-based registrations.

REGISTERED SUPPORT / OPPOSITION:

Support

Center for Secure and Modern Elections
Disability Rights California
Institute for Responsive Government
League of Women Voters of California
NextGen California

Opposition

None on file.

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