

Date of Hearing: May 1, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 730 (Berman) – As Introduced February 19, 2019

SUBJECT: Voter registration: preregistration.

SUMMARY: Provides that the affidavit of registration of a pre-registered person who is not yet a registered voter is confidential, and prohibits its disclosure to any person without exception.

EXISTING LAW:

- 1) Permits a person who is 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 to register to vote.
- 2) Allows a person who is at least 16 years of age and otherwise meets all eligibility requirements to vote to submit their affidavit of registration as provided and specifies that a properly executed registration shall be deemed effective as of the date that the affiant will be 18 years of age, provided that the information in the affidavit of registration is still current at that time. Requires the registrant to provide current information to the county elections official before the registration becomes effective if the information in the current affidavit is incorrect.
- 3) Provides that specified voter registration information shall be provided to any candidate or committee, or to any person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State (SOS). Requires a person who seeks this information to complete an application and submit it to the SOS or to the county elections official.
- 4) Provides, except as specified, that voter registration information shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the office of the county elections official.
- 5) Provides that voter registration information shall not be used for any personal, private, or commercial purpose including but not limited to the following:
 - a) The harassment of any voter or voter's household;
 - b) The advertising, solicitation, sale, or marketing of products or services to any voter or voter's household; or,
 - c) Reproduction in print, broadcast visual or audio, or display on the internet or any computer terminal unless pursuant to specified permissible uses.
- 6) Provides that the home address, telephone number, email address, precinct number, or other number specified by the SOS for voter registration purposes, and prior registration information shown on the affidavit of registration, is confidential and shall not be disclosed to any person, except under specified circumstances.

- 7) Provides that a California driver's license number, California identification card number, social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration, or added to the voter registration records in compliance with the federal Help America Vote Act of 2002, are confidential and disclosure of this information is prohibited.
- 8) Provides that the signature of the voter shown on the voter registration card is confidential and prohibits its disclosure to any person, except as provided.
- 9) Makes it a misdemeanor for a person in possession of specified voter registration information to knowingly use or permit the use of that information for any purpose other than as permitted by law.
- 10) Requires an application for voter registration information available pursuant to law and maintained by the SOS or by the elections official of any county to be made pursuant to specified requirements.
- 11) Requires a person or entity who has received voter registration information pursuant to these provisions, following discovery or notification of a breach in the security of the storage of the information, to disclose the breach in security to the SOS.
- 12) Requires the SOS to adopt regulations describing best practices for storage and security of voter registration information received by an applicant.
- 13) Provides that the SOS is the chief elections officer of the state and requires the SOS to see that elections are efficiently conducted and that state elections laws are enforced.

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

COMMENTS:

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

Nearly 200,000 youth have pre-registered to vote in California since the state began pre-registering 16- and 17-year-olds to vote in 2016. I'm thrilled that so many youth have taken this critical step in becoming engaged, active participants in our democracy. As more minors pre-register to vote, it's imperative that the Legislature protect their privacy by prohibiting the disclosure of their personal information in the voter file.

- 2) **Confidential Voter Information:** Current law requires that specific information contained in the affidavit of voter registration, such as the name, home address, telephone number, email address, and party preference, be provided to, among others, any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS. Existing law, however, explicitly requires that the affiant's driver's license number, identification card number, social security number, and signature contained on an affidavit of registration or voter registration card to be confidential and prohibits its disclosure, as specified. Individuals or entities who wish to receive voter registration information for one of the permissible purposes must complete and submit an application to the SOS or county

elections official that includes a description of the intended use of the voter registration information.

This bill requires an affidavit of registration that has been completed by a pre-registered person, whose registration is not yet deemed effective, to be confidential and prohibits its disclosure to any person without exception.

- 3) **Joint Informational Hearing on Election Cybersecurity:** On March 7, 2018, this committee held a Joint Informational Hearing with the Senate Committee on Elections and Constitutional Amendments on the topic of Cybersecurity and California Elections. In light of the increased focus on election security since the 2016 elections, the purpose of the hearing was to explore California's policies for protecting the security of our elections systems in an environment where the number and sophistication of threats to our election infrastructure continues to increase. Witnesses that participated in the hearing included the SOS, a member of the United States Election Assistance Commission, three California county elections officials, the former Senior Director for Cybersecurity Policy at the White House, and a Senior Advisor and Past President to a nonprofit organization that advocates for legislation and regulation that promotes, accuracy, transparency and verifiability of elections.

Witnesses at the hearing generally agreed that there was no evidence to suggest that voting machines or tallying in California were compromised during the 2016 election. Nonetheless, all of the witnesses stressed the importance of continuing to evaluate cyber and other security threats to election infrastructure and to regularly evaluate processes and procedures to protect against those threats and to promote voter confidence in the accuracy of election results.

- 4) **Elections Cybersecurity:** A joint intelligence bulletin issued in March by the Department of Homeland Security and the Federal Bureau of Investigation to state and local authorities, addressing cyber-attacks during the 2016 presidential election, confirms that hacking efforts in advance of the election were directed to at least 21 states.

As is mentioned above, voter registration data was one of the primary targets of the pre-election hacking efforts. Currently U.S. cybersecurity officials are gearing up to prevent foreign interference from influencing the 2020 election.

This bill seeks to ensure that voters' pre-registration information will remain confidential until it becomes active when the registrants turn 18 years old and is treated like all other voter registration information.

- 5) **Argument in Support:** In support of this bill, Secretary of State Alex Padilla writes:

I am pleased to support your Assembly Bill 730, which ensures that minors' voter registration information would not be subject to disclosure.

Elections Code places firm limits on who can request voter data and the type of information they can access. Only campaigns, journalists, and academic researchers may request a limited set of voter data, but sensitive information such as social security numbers and state license or ID numbers is never shared in response to a request for the voter file.

AB 730 would ensure that eligible young adults under the age of 18 who pre-register will be fully protected by not allowing any of their information to be disclosed in a voter file request.

- 6) **Related Legislation:** ACA 4 (Mullin), authorizes a 17 year old who will be 18 years of age at the time of the next general election to vote in any intervening primary or special election that occurs before the next general election. ACA 4 is currently in the Assembly Rules Committee pending referral.

ACA 8 (Low), would reduce the minimum voting age to 17. ACA 8 is currently in the Assembly Rules Committee pending referral.

- 7) **Previous Legislation:** AB 2245 (Berman) of 2018, would have required the registration information of a person who has pre-registered to vote pursuant to current law to be confidential and would have prohibited the information from being disclosed to any person. Additionally, AB 2245 would have required a county elections official to provide the SOS with summary information on the number of persons who have pre-registered to vote, as specified. AB 2245 was vetoed by Governor Brown who stated “[t]he Secretary of State already provides pre-registered voter data by county and nothing prohibits the breakdown of the data into further political subdivisions. Moreover, it is common practice for county election officials to keep pre-registered voter data confidential. Therefore, this bill is unnecessary.”

AB 1678 (Berman), Chapter 96, Statutes of 2018, required the SOS to adopt regulations that describe the best practices for storage and security of voter registration information, and required a person who received voter registration information, as specified, to disclose breaches in the security of the storage of the information, among other provisions.

AB 30 (Price), Chapter 364, Statutes of 2009, allows a person who is 17 years of age to pre-register to vote, provided the pre-registrant otherwise meets all eligibility requirements.

SB 113 (Jackson), Chapter 619, Statutes of 2014, allows a person who is 16 years of age to pre-register to vote, provided the pre-registrant otherwise meets all eligibility requirements.

ACA 10 (Low) of 2017, would have lowered the voting age from 18 years of age to 17 years of age. ACA 10 was approved by this committee, but failed passage on the Assembly Floor.

ACA 2 (Mullin) of 2015, would have allowed a person who is 17 years old and who will be 18 years old at the time of the next general election to register to vote in that general election and in any intervening primary or special election that occurs after the person registers to vote. ACA 2 was approved by this committee, but was never brought up for a vote on the Assembly Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials
League of Women Voters of California
Secretary of State Alex Padilla

Opposition

None on file.

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