

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 773 (Gonzalez) – As Amended April 3, 2019

**SUBJECT:** Voter education: high school pupils.

**SUMMARY:** Designates certain periods of time during the school year as “high school voter education months,” as specified, instead of “high school voter education weeks.” Requires the Secretary of State (SOS) in coordination with the Superintendent of Public Instruction (SPI), to develop educational programming for pupils in grade 12 on voter registration and participating in the electoral process, as specified. Requires a school district, county office of education, or charter school, to implement programming and provide opportunities for pupils to pre-register to vote during a presentation or assembly, as specified. Permits county elections officials to customize educational programming that is specific to individual counties and their elections systems. Specifically, **this bill:**

- 1) Requires the SOS, in coordination with the SPI, to develop educational programming for pupils in grade 12 that will be implemented in high schools maintained by a school district, county office of education, or charter school. Requires the programming to include, but not be limited to, the following:
  - a) Eligibility for, and requirements relating to, registering to vote;
  - b) Various methods to register to vote, including the ability to preregister to vote;
  - c) Acquiring official, nonpartisan election and voter information from county and state elections officials, including, but not limited to, accessing their respective internet websites;
  - d) How to locate a polling place or vote center;
  - e) What to expect when voting in person at a polling place or vote center;
  - f) How to complete and submit a ballot through various methods, including vote by mail and in person at a polling place or vote center;
  - g) An individual’s rights as a voter; and,
  - h) Accessible voting options for voters with disabilities.
- 2) Permits county elections officials, in coordination with school districts, county offices of education, or charter schools, to customize the educational programming developed, as specified, and to include information specific to that county’s election system, including, but not limited to, information on ballot design, nonpartisan election guides, and election type.
- 3) Requires a school district, county office of education, or charter school, to do all of the following:

- a) Implement educational programming, as specified, for pupils in grade 12 at each high school maintained by the school district, county office of education, or charter school; and,
  - b) Offer pupils the opportunity to pre-register to vote during the presentation or assembly conducted, as specified. Provides that pre-registration is required to be accomplished through the use of a device that may include, but is not necessarily limited to a laptop computer, smartphone, or tablet that can access the voter registration internet website of the SOS.
- 4) Defines “educational programming,” for the purposes of this bill, to be a presentation accomplished through the use of methods that may include, but are not necessarily limited to, live speakers, audio-visual content, printed material, PowerPoint, or through a combination of those methods.
  - 5) Provides that “high school voter education months” will replace “high school voter education weeks,” as follows:
    - a) Requires the month of April, or January in years with a presidential election, and September to be known as “high school voter education months”; and,
    - b) Provides that this bill does not preclude voter education from taking place during any other time in a school year.

**EXISTING LAW:**

- 1) Establishes the last two full weeks in April and the last two full weeks in September as “high school voter education weeks.” Permits persons authorized by the county elections official to be allowed to register students and school personnel on any high school campus during these weeks in areas designated by the administrator of the high school, or that administrator’s designee, which are reasonably accessible to all students.
- 2) Permits the administrator of a high school, or the administrator’s designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators. Permits voter outreach coordinators to coordinate voter registration activities on their high school campus, including voter registration drives, mock elections, debates, and other election-related pupil outreach activities.
- 3) Requires the Instructional Quality Commission (IQC) to ensure that voter education information is included in the American government and civics curriculum at the high school level and that pupils are provided information on the voter registration process, as specified.
- 4) 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.
- 5) Declares the intent of the Legislature that voter registration be maintained at the highest possible level.

- 6) Requires the SOS to adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register those persons to vote. Requires the SOS to adopt regulations prescribing minimum requirements for those programs. Requires the SOS, if the SOS finds that a county has not designed and implemented a program meeting the minimum requirements, to design a program for that county and to report the violation to the Attorney General.
- 7) Requires the SOS to annually provide every high school, community college, and California State University and University of California campus with voter registration forms, as specified.
- 8) Expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote.
- 9) Permits a person who is at least 16-years of age and otherwise meets all eligibility requirements to vote to pre-register to vote, as specified. Provides that the person's voter registration will be deemed effective as soon as the person is 18-years of age at the time of the next election.

**FISCAL EFFECT:** Unknown. State-mandated local program; contains reimbursement direction.

**COMMENTS:**

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

In recent years, the California Legislature has passed numerous pieces of legislation that have aimed to increase voter turnout and expand the avenues through which citizens can cast their ballot. However, despite creating additional pathways to increase voter participation, voters might still remain unfamiliar with how to register to vote and cast a ballot. These processes may be further confusing to individuals since election procedures, like how to fill in a candidate choice correctly, vary from one county to the next.

For many young Californians, voting education is acquired through two primary avenues: learned voting behaviors from their household, or via their civics education curriculum in high school. For young Californians that come from households without voting adults, the school curriculum becomes the primary method of learning and acquiring voting behaviors. Despite inclusion of a civics and voting education component in the high school History & Social Science curriculum framework, there is no mandated or specified instruction model that can be implemented in the classroom. This results in instruction modules that vary from classroom to classroom, and in some instances can be glossed over in a lesson plan. This can result in a young adult population that is unfamiliar with how to participate in the electoral process, and perceives voting as a daunting task.

Assembly Bill 773 will increase youth voter education, registration and turnout by requiring public high schools to empower students with the information and resources they need to understand the mechanics of voting. Most young voters

learn how voting works by watching their parents participate in the electoral process. However, due to recent demographic changes in California, many young citizens now come from families in which no one has ever voted or may not be eligible to vote. This bill moves past simply registering young voters by seeking to teach young people how to vote and demystify the entire electoral process.

Specifically, this bill will require the Secretary of State and the Department of Education to develop educational programming – with further customization by county election officials – that covers the following:

- Eligibility and process on how to register to vote;
- Acquiring official, nonpartisan election and voter information;
- How to complete [and] submit a ballot through existing methods, including but not limited to voting in-person and vote-by-mail; and
- Information on their rights as a voter.

School districts would be required to implement the programming for all students in grade 12 during an assembly or presentation. Furthermore, requiring county elections officials to further customize the educational programming will allow for programming to properly reflect elections procedures in that school site's county, along with accurate representation of elections materials – from that county's non-partisan ballot information guides to the paper ballots – students will encounter in their home counties.

Additionally, this bill would require schools to offer students the opportunity to pre-register to vote as part of this programming. This requirement would build upon the requirements of Elections Code 2146, which requires CCC, CSU, and encourages UC, to offer students the opportunity to register to vote online through their registration portal. Offering high school students the opportunity to pre-register to vote while receiving their voter education programming may increase the number of young adults that register to vote, and subsequently cast a ballot.

- 2) **Pre-registered Voters in California:** The SOS is required to submit an annual report to the State Legislature to report on student voter registration efforts pursuant to the Student Voter Registration Act of 2003 (Chapter 819, Statutes of 2003), under the Elections Code section 2146(d).

According to the SOS in the 2018 Annual Report to the Legislature on Student Voter Registration:

As of December 15, 2018, we have a total of 133,336 pre-registered voters in the State of California. Since VoteCal has become the system of record, we have had 281,551 pre-registrations completed in the system. To date, 124,756 of pre-registered students have aged up and are now registered voters.

Since the implementation of California's online voter registration application, more students are choosing to pre-register/register to vote online. Requests for voter registration cards peaked in 2018, due to increased voter outreach efforts by the Secretary of State and a historical mid-term election. Completed paper voter registrations yielded a low 3.5%.

With the increasing trend of students going online to pre-register/register to vote, the Secretary of State is actively encouraging high schools to provide a link to the Secretary of State's online voter registration application at [RegisterToVote.ca.gov](http://RegisterToVote.ca.gov) on their school website and in the parent/student newsletters and other materials. The linked website is virtually identical to the site created for the CCC, CSU and UC campuses under Section 2146. The Secretary of State has the ability to track all registrations by high school or by college as long as the campus where the student registered ordered the registration cards through the Secretary of State. Though trends are positive in terms of student engagement and online registration, it is difficult for the Secretary of State to fully assess student registration efforts because some students may also register to vote online using other tools such as TurboVote. TurboVote is made available by Democracy Works, a nonpartisan, nonprofit organization.

Each year the Secretary of State contacts each high school, CCC, CSU, UC and private university in California to assess their voter registration needs. In 2018, of the 928 responses from high schools, 713 requested a total of 159,914 paper voter registration applications. Of the 185 responses at the college level, 112 requested a total of 25,585 paper voter registration applications. A combined total of 207,689 paper voter registration applications were mailed to high schools and colleges in California.

Also, in 2018, the number of trackable voter registrations for students amounted to 218,872. These include: 7,280 completed paper applications submitted by students from registration cards provided to schools, 8,644 registrations through the voter registration link provided on college class registration databases, and 202,948 through the Secretary of State website.

The Secretary of State also hosts the California Students Vote project, a project in partnership with the California Lieutenant Governor and nonprofit organizations, which aims to increase civic engagement and voter participation among California college students. The Secretary of State also encouraged campuses to engage their students in the democratic process by conducting a College Ballot Bowl allowing all California colleges to participate in a friendly competition for the highest number of student body registered to vote.

In 2018, the Secretary of State partnered with the California Department of Education, Superintendent of Public Instruction, to promote and coordinate a Student Mock Election throughout the state and High School Voter Education weeks designated in the last two weeks of April and September. In 2018 we had 477 schools request materials to conduct their Student Mock Election. Our office provided ballots, Student Voter Information Guides, and other materials to ensure a successful 2018 Student Mock Elections at participating schools. High School Voter Education Week sparked events at high schools all over California.

The Secretary of State's voter outreach effort in high schools and colleges focuses on encouraging students to register and to educate them on the importance of voting in all local, statewide and federal elections. Our partnership efforts with high schools and colleges continue to include offering voter registration cards,

guides, posters and other materials. We encourage participation in serving as poll workers and holding voter registration drives.

Overall in 2018, California saw a significant increase of student pre-registrations. We anticipate that these numbers will likely quadruple for the year 2020. Students are engaged in the process and actively participating as they build excitement for the 2020 Presidential Election. While there were significant increases in the number of registration applications requested by high schools, the focus moving forward will be on online pre-registration through high schools using the voter registration link rather than paper forms, but we will continue to provide voter registration forms as schools request them.

In 2018 the Secretary of State designated all CCC, CSU and UC campus offices for students with disabilities as a National Voter Registration Act (NVRA) agencies, requiring all 114 CCC, 23 CSU and 10 UC campuses to assist with voter registration efforts. In 2019, we will conduct regional training to college campuses, provide direct links to register online and provide materials to ensure the success of the designation.

The Secretary of State will continue to work with high schools and colleges to increase efforts in serving their student population. We will improve registration processes through evolving technology to encourage online registration. The Secretary of State remains committed to providing training, educational materials and increased outreach efforts to California's entire high school and college student population.

- 3) **Argument in Support:** One of the co-sponsors of this bill, the San Diego Unified School District, writes:

In recent years, significant statewide efforts have been aimed at increasing registration of our youngest voters. There are high school voter education weeks that allow for voter registration at high school campuses, and 16- and 17-year-olds now are allowed to pre-register to vote. However, more can be done to enhance new voter education.

Our high schools are an ideal setting to ensure our youngest voters are informed voters. Under AB 773, high school assemblies will provide information about acquiring official nonpartisan election information, how to complete and submit a ballot, and voter rights. Furthermore, coordination with county elections officials is key to ensure voter information is localized since methods of voting vary in counties around the state.

- 4) **Correction Amendments:** Due to a drafting error, the current version of the bill does not accurately reflect the amendments that were agreed to in the Assembly Education Committee. To ensure that this bill accurately reflects that agreement, this bill should be amended as follows:

On page 4, line 9, strike out "may" and insert "shall"

On page 4, line 18, after (a) insert “and (b)”

- 5) **Suggested Technical Amendment:** Under the provisions of this bill, school districts, county offices of education, and charter schools are required to provide opportunities for pupils in grade 12 to pre-register to vote. Under existing law, however, any person who is 18-years of age and otherwise meets all eligibility requirements may *register* to vote, and many pupils in grade 12 may be old enough to register to vote. Accordingly, committee staff recommends that the bill be amended to provide that pupils be given the opportunity to pre-register *or register* to vote.
- 6) **Related Legislation:** AB 730 (Berman), which is pending in this committee, 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.

AB 1036 (Aguiar-Curry), creates the High School Voter Education Pilot Program and authorizes the Yolo Elections Office, in partnership with the Yolo County Board of Education, to conduct a mock election pilot program to elect members of the school’s student government, as specified. AB 1036 was approved by this committee on March 27, 2019, by a 5-1 vote.

- 7) **Prior Legislation:** AB 1817 (Gomez), Chapter 131, Statutes of 2014, designated the last two weeks in April and in September to be “high school voter education weeks,” during which time any person authorized by the county elections official is permitted to register pupils and school personnel to vote on any high school campus in areas designated by the administrator of the high school, or the administrator’s designee. AB 1817, additionally, permits the administrator of a high school, or the administrator’s designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators.

AB 700 (Gomez), Chapter 483, Statutes of 2013, required the IQC to ensure voter information is included in American government and civics curriculum for the high school level, as specified.

- 8) **Double-Referral:** On March 27, 2019, the Assembly Education Committee approved this bill by a 5-1 vote.

## REGISTERED SUPPORT / OPPOSITION:

### Support

San Diego Unified School District (co-sponsor)  
 State Superintendent of Public Instruction Tony Thurmond (co-sponsor)  
 California League of Conservation Voters  
 California Teachers Association  
 Secretary of State Alex Padilla

### Opposition

None on file.

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