

Date of Hearing: April 13, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

AB 2455 (Chiu & Bonta) – As Amended April 6, 2016

**SUBJECT:** Electronic voter registration: public postsecondary educational institutions.

**SUMMARY:** Requires the California State University (CSU) and California Community Colleges (CCC) to permit students who enroll online at the institution to electronically register to vote through the Web site of the Secretary of State (SOS), beginning July 1, 2018. Specifically, **this bill:**

- 1) Requires the CSU and CCC, not later than July 1, 2018, to implement a process and the infrastructure to allow a person who enrolls online at the institution, to submit an affidavit of voter registration electronically on the Internet Web site of the SOS, as specified. Encourages the University of California (UC) to coordinate with the SOS to develop such a process.
- 2) Declares the intent of the Legislature, in enacting this bill, to take preliminary measures towards the establishment of an automatic voter registration system for California citizens enrolled at state public college and university campuses.

**EXISTING LAW:**

- 1) Requires, pursuant to the National Voter Registration Act (NVRA) of 1993, 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.
- 2) 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.
- 3) Provides that a person may not be registered to vote except by affidavit of registration.
- 4) Generally requires a voter registration application to contain the signature of the applicant.
- 5) Requires a person who registers to vote online to assent affirmatively to the use of his or her signature from his or her driver's license or state identification card, if any, for voter registration purposes. Requires the SOS to obtain an electronic copy of the signature of a person who registers to vote online directly from the Department of Motor Vehicles (DMV), if the DMV has a signature for the person.
- 6) Generally requires a voter's signature on a petition, vote by mail ballot, provisional ballot, or candidate's nomination papers, to be compared against that voter's signature on the voter registration application, and provides that the signature on the petition, ballot, or nomination papers must match that on the voter registration in order for that signature to count.

- 7) Requires the DMV to transfer records to the SOS 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, and who attests that he or she meets all voter eligibility requirements. Provides that the records of a person that are transmitted from the DMV to the SOS pursuant to this provision shall constitute a completed affidavit of voter registration for that person unless a) the person affirmatively declines to register to vote at the DMV, b) the person does not attest that he or she meets all voter eligibility requirements while at the DMV, or c) the SOS determines that the person is not eligible to register to vote.
- 8) Requires, pursuant to the Student Voter Registration Act, every community college and CSU campus that operates an automated class registration system to permit students, through an automated program during the class registration process, to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the SOS. Requests the UC system to comply with this process.

**FISCAL EFFECT:** Unknown. State-mandated local program; contains a crimes and infractions disclaimer; contains reimbursement direction.

**COMMENTS:**

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

Young people haven't been registering to vote or turning out to the polls. In 2014, 18-24 year-olds had the lowest turnout of all age groups: only 285,000 of 3.5 million eligible young adult voters turned out to vote. Because of their low voting numbers, the young adult voice was greatly underrepresented in 2014. Youth made up a meager 3.9 percent of those who voted, despite constituting 14.5 percent of the eligible voting population.

For young people in particular, the process of registering to vote can be a deterrent and can present obstacles that affect their ability to register and vote at greater levels. Young people have higher rates of geographic mobility, which affects how frequently they must update their voter registration information. When young voters move or their information changes, their registration records may not be updated, effectively keeping them off of the voter rolls.

Registering more students to vote – the first step in getting them to the polls – improves our democracy.

The Student Voting Act will implement an online link between class enrollment and voter registration for students at the [UC], [CSU] and [CCC] systems. Collectively these campuses have approximately 2.8 million students. These public college and university systems can serve as an important entry point register hundreds of thousands of additional Californians.

Furthermore, the infrastructure created under AB 2455 will be the first step towards the establishment of an automated voter registration system for students

enrolled at our state's public college and university campuses.

- 2) **California New Motor Voter Program:** Last year, the Legislature passed and the Governor signed AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, also known as the California New Motor Voter Program (CNMVP), which provides for every person who submits an application for a driver's license or state identification card, or provides the DMV with a change of address, and who attests that he or she meets all voter eligibility requirements, to be registered to vote, unless that person opts out, as specified. The process established under the CNMVP is sometimes referred to as "automatic" or "automated" voter registration.

The CNMVP will be implemented no later than one year after the SOS certifies all of the following: 1) California's new statewide voter registration database, known as VoteCal, is fully operational; 2) the Legislature has appropriated the funds necessary for the SOS and the DMV to implement and maintain the CNMVP; and, 3) regulations required by the CNMVP have been adopted by the SOS. VoteCal currently is scheduled to become the voter registration database of record in June of this year, and neither of the other conditions required for the implementation of the CNMVP have been met, so it is unlikely that the CNMVP will be implemented prior to the middle of 2017.

The DMV is uniquely positioned among governmental bodies to implement a program like the CNMVP, and to increase voter registration rates through such a program. First, the DMV already had obligations under the NVRA to offer voter registration services—a requirement that was enacted, in part, due to the fact that motor vehicle departments regularly interact with a high percentage of the eligible voter population. As a result, implementing the CNMVP through the DMV ensured that it would reach a large portion of the eligible voter population. Second, DMV records already contain much of the information needed in order to register a person to vote, meaning that only limited additional information needs to be collected from a person to complete that person's registration. Third, the DMV's computer systems already have an interface with the state's voter registration system for the purposes of validating and updating voter registrations. That interface will be crucial for the implementation of the CNMVP. Finally, the DMV already has digitized signatures on file for most of its customers, and California law requires a signature to be included in a voter's registration record for a variety of elections-related purposes. All these factors reduced the challenges to implementing the CNMVP and increased the likelihood that the program will result in a significant increase in the number of registered voters.

This bill declares the intent of the Legislature to take preliminary measures towards the establishment of an automatic voter registration system for California citizens enrolled at state public college and university campuses. If the desire is to eventually move toward a voter registration process at colleges and universities that is similar to the CNMVP process, there are a number of obstacles that will need to be overcome before such a process is feasible. Unlike the DMV, the CSU and CCC systems do not typically have digitized signatures on file for their customers (students). Furthermore, the type of interface that the DMV's computers have with the state's voter registration system does not exist with the CSU and CCC systems. In light of these facts, any future attempt to implement a CNMVP-like process at the CSU and CCC systems will face obstacles that did not exist for implementing the program with the DMV. Furthermore, such a program at the CSU and CCC system will

reach a substantially smaller portion of the eligible voter population than the CNMVP will reach through the DMV.

- 3) **Student Voter Registration Act:** AB 593 (Ridley-Thomas), Chapter 819, Statutes of 2003, created the Student Voter Registration Act of 2003 which, among other things, required the SOS to provide every high school, CCC, CSU, and UC campus with voter registration forms and information describing eligibility requirements and instructions on how to return the completed form. SB 854 (Ridley-Thomas), Chapter 481, Statutes of 2007, amended the law to require every CCC and CSU that operates an automated class registration system to permit students, during the class registration process, to receive a voter registration application that is preprinted with personal information relevant to voter registration, as specified. The UC system was encouraged to comply with this provision.

Following the launch of California's online voter registration system, the Student Voter Registration Act was updated by AB 1446 (Mullin), Chapter 593, Statutes of 2014, to eliminate requirements for the SOS to provide high schools, CCC, CSU, and UC campuses with a number of paper voter registration forms consistent with the number of students enrolled, and instead required the SOS to provide voter registration forms upon request. AB 1446 also updated the voter registration process at CSU and CCC campuses that was created through SB 854 by requiring that an automated class registration system permit students to apply to register to vote online by submitting an affidavit of voter registration electronically on the SOS's Internet Web site. According to an annual report prepared by the SOS, in 2015, 14,669 students at CCC, CSU, and UC campuses completed a voter registration application online using the process established by the Student Voter Registration Act.

This bill would require the CCC and the CSU systems, and would request the UC system, to create a similar process to the one that exists under the Student Voter Registration Act, that would allow a student to submit an electronic voter registration affidavit at the time he or she enrolls online at the higher education institution.

- 4) **California Registration Statistics:** According to the most recent report of registration produced by the SOS, there are 17,259,413 registered voters in California out of an estimated 24,584,491 Californians who are eligible to register to vote, meaning that approximately 70.2 percent of eligible Californians are registered to vote. Over the last 50 years, the percentage of eligible Californians who were registered to vote has been as high as 80.2 percent (in 1996) and as low as 66.3 percent (in 1979). According to data from the US Census, eligible Californians aged 18-24 are less likely to be registered to vote than any other age group; in 2014, eligible 18- to 24-year olds in California were only about two-thirds as likely to be registered to vote as eligible Californians as a whole, and were only about 56% as likely to be registered as eligible voters aged 65 or older.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Student Senate for the California Community Colleges (prior version)\*

University of California Student Association (prior version)\*

**Opposition**

Howard Jarvis Taxpayers Association (prior version)\*

\*Note: All letters of support and opposition received by the committee on this bill refer to a prior version of the bill that would have required the CSU and CCC systems, and would have requested the UC system, to implement an automated voter registration process similar to the CNMVP. Recent amendments to this bill substantially narrowed its scope.

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