

Date of Hearing: April 6, 2022

ASSEMBLY COMMITTEE ON ELECTIONS  
Isaac G. Bryan, Chair  
AB 2576 (Aguiar-Curry) – As Amended March 29, 2022

**SUBJECT:** Voter registration and outreach programs.

**SUMMARY:** Appropriates \$15 million dollars to the Civic Learning, Outreach, and Engagement Fund (CLOE Fund) and requires the Secretary of State (SOS) to make grants to county registrars for the purposes of conducting specified voter registration outreach and education programs. Specifically, **this bill:**

- 1) Transfers \$15 million dollars from the General Fund to the CLOE Fund, and appropriates that money to the SOS for conducting the voter registration outreach programs outlined in this bill.
- 2) Modifies and expands existing provisions of law that require 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, and to adopt regulations prescribing minimum requirements for those programs, by requiring the SOS to do the following:
  - a) Adopt guidance for each county to design and implement programs intended to identify qualified electors who are not registered to vote, and to register or preregister those persons to vote, including making available on the county's internet website the voter registration programs implemented pursuant to this bill.
  - b) Adopt guidance for a participating county to design and implement a program of civic engagement intended to support the State Seal of Civic Engagement (SSCE) for high school students established pursuant to existing law.
  - c) Adopt regulations prescribing minimum requirements for the programs described in a) and b) above, and requiring each county to periodically update its programs.
  - d) Adopt regulations for applying for grants from the CLOE Fund established by this bill.
  - e) Periodically update the regulations the SOS promulgates pursuant to this bill.
- 3) Deletes provisions of existing law that require the SOS to design a voter registration outreach program for the county if the county's program does not meet the prescribed minimum requirements under existing law and report the violation to the Attorney General (AG), and instead permits the SOS to design a program for the county if the SOS finds that a county has not designed and implemented a program meeting the prescribed minimum requirements, updated its programs as required by regulation, or applied for a grant from the CLOE Fund.
- 4) Requires the SOS, instead of the Controller, to provide reimbursement to counties for the costs of complying with voter registration requirements, including provisions authorizing

voter registration by mail and voter outreach programs. Requires the SOS, instead of the Controller, to prescribe the forms for filing claims pursuant to existing law.

- 5) Provides for the creation of new integrated civic education and voter outreach programs as follows:
  - a) Provides, for the purposes of these programs, that the term “eligible county” means a county where voter registration, as recorded in the SOS’s Statement of Vote for the General Election prepared during the most recent year in which there was a presidential election, was less than 80 percent of eligible voters.
  - b) Establishes the CLOE Fund in the General Fund. Provides the moneys in the fund are available, upon appropriation by the Legislature, for expenditure by the SOS for the purposes of making grants from the fund to participating registrars of voters for implementing programs that integrate voter registration and preregistration with civic education, and to local entities for implementing various voter outreach programs, including for grants to participating registrars of voters and voter registration outreach programs outlined in this bill, and the regulations adopted for those programs in accordance with provisions of this bill. Requires the SOS to adopt regulations governing the administration of the fund.
  - c) Permits the SOS to set aside five percent of moneys appropriated from the fund to employ persons to administer the fund, including, but not limited to, making grants and evaluating programs implemented by grant recipients.
  - d) Provides that it is the intent of the Legislature that integrated civic education and voter outreach programs be implemented by the SOS as the chief elections officer of the state with the responsibility to promote voter registration and preregistration and to promote civic learning and engagement to prepare students to register to vote and to vote. Requires the SOS to provide opportunities for cooperation and coordination with the State Board of Education (State Board) and the State Superintendent of Public Instruction (SSPI) in the implementation of the provisions of this bill.
  - e) Requires the SOS to adopt regulations for making grants from the fund to participating registrars of voters for the purpose of implementing programs that integrate voter registration and preregistration with civic education leading to the SSCE for graduating seniors. Requires the regulations to provide all of the following:
    - i) Support for integrated programs of civic education and voter registration and preregistration to be designed and implemented by participating registrars of voters in partnership with participating schools.
    - ii) Support for participating registrars of voters to coordinate with education officials at the county, school district, or school site level to develop hands-on curriculum and engagement opportunities, including incentives for participation, consistent with the SSCE and existing law.

- iii) Support for mock elections and student government elections offering students the opportunity to use voting equipment and processes used in the county.
- iv) Support for participating registrars of voters to offer students opportunities to work as election workers and to otherwise participate in election administration in the county. Provides that all of the following apply for the purposes of this provision:
  - (1) To limit impact on classroom instruction time before election day, a student who volunteers to serve as an election worker who is approved by the registrar of voters shall be assigned election worker duties after school hours or on weekends for any day prior to election day.
  - (2) A student who serves as an election worker shall do so on election day. In counties that permit voting on days preceding election day, a student election worker may also work on weekends.
  - (3) A student who volunteers to be an election worker shall attend a weekend or evening training session before serving as an election worker.
  - (4) A student election worker shall receive a stipend for attending the training and for time served as election worker.
  - (5) A school that coordinates with the registrar of voters in the county to confirm that a student successfully served as an election worker during school hours on election day shall receive attendance credit for that student on election day.
  - (6) A student who serves as an election worker shall receive credit toward the SSCE for all election hours that the registrar of voters confirms that the student worked.
- v) Guidance for participating registrars of voters and local education officials to apply for grants from the fund.
- vi) Metrics for evaluating the effectiveness of grant recipients in increasing voter registration and voting in their respective counties. Requires the metrics to include measuring whether programs under this bill increase the number of students who earn the SSCE.
- f) Requires the SOS on or before April 1, 2023, in order to increase civic engagement in geographically and racially diverse counties, to contract for the purpose of implementing programs with the appropriate administering agencies in the following counties:
  - i) County of Los Angeles.
  - ii) County of Monterey.
  - iii) County of Orange.

- iv) County of Sacramento.
- v) County of San Benito.
- vi) County of San Diego.
- vii) County of Yolo.
- g) Requires the registrar of voters in the counties identified above to work with local education officials to identify high school campuses in the county to participate in the integrated civic education and voter outreach program, including activities that result in awarding the SSCE, and to select dates on which to administer the mock election component of the program on each participating school campus. Requires a mock election, on a date and school site mutually agreed to by the registrar of voters and local education officials, to be conducted to elect members of the school's student government. Requires the election, to the extent possible, to be conducted with the same standards, processes, and voting equipment used in a regular election in the county. Requires the registrar of voters, in conjunction with the program, to provide voter registration and preregistration opportunities for eligible students.
- h) Requires the registrar of voters, for each year that the program is conducted, to evaluate the program and report the results of the evaluation to the Legislature and the SOS. Requires the report to include statistics relating to the cost of conducting the elections, student participation on each campus disaggregated by grade level, the number of students who registered or preregistered to vote as a result of the program, and any other benefits or problems that arose. Permits a participating registrar of voters to partner with a California public postsecondary educational institution to compile the report required by this subdivision.
- i) Requires a report prepared pursuant to the provisions of this bill to be submitted within 12 months of the final mock election conducted in the applicable program year and to be submitted pursuant to existing law.
- j) Requires expenses associated with the contracts entered into pursuant to this bill to be paid with moneys appropriated from the fund.
- k) Allows the SOS to provide grants from the fund to local elections officials, nonprofit corporations, and unincorporated associations in eligible counties for the following purposes:
  - i) To effectuate the Voter Bill of Rights with a particular emphasis on education programs in secondary schools in eligible counties.
  - ii) To implement existing provisions of law that require the SOS to adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered to vote, and to register those person to vote,

as specified.

iii) To implement existing provisions of law that declare it is the intent of the Legislature that voter registrations be maintained at the highest possible level, as specified.

6) Makes various findings and declarations.

**EXISTING LAW:**

- 1) Permits a person who is a United States (US) citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election, to register to vote and to vote.
- 2) Permits a person who is a US citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 16 years of age, to pre-register to vote. 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.
- 3) Declares it is the intent of the Legislature that voter registration be maintained at the highest possible level.
- 4) 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 AG.
- 5) Requires the Controller, from moneys appropriated by the Legislature, to allocate and disburse to the counties the amounts necessary to reimburse them for net costs incurred by them in complying with the voter registration provisions, including the provisions authorizing voter registration by mail and voter outreach programs, pursuant to existing law. Requires the SOS, in consultation with the Controller, to develop a formula for the reimbursement of these costs. Requires the Controller to prescribe the forms for filing claims pursuant to this section. Requires these claims to be submitted to the Controller by February 15 in the year following the fiscal year in which the costs were incurred.
- 6) Permits the SOS to provide grants to local elections officials, non-profit corporations, and unincorporated associations for the following purposes:
  - a) To conduct voter outreach and voter education programs, in accordance with the requirements of the federal Help American Vote Act (HAVA), as specified.
  - b) To increase accessibility for eligible voters with disabilities, in accordance with the requirements of HAVA, as specified.

- 7) Requires the SOS to annually provide every high school, community college, and California State University (CSU) and University of California (UC) 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) Provides that every eligible person be registered or pre-registered to vote when they submit an application for a driver's license or state identification card, or provides the Department of Motor Vehicles with a change of address, unless the person opts out, as specified.
- 10) Provides it is the intent of the Legislature to establish a SSCE to encourage, and create pathways for, pupils in elementary and secondary schools to become civically engaged in democratic governmental institutions at the local, state, and national levels. Requires the SSPI to recommend to the State Board criteria for awarding a SSCE to pupils who have demonstrated excellence in civics education and participation and have demonstrated an understanding of the US Constitution, the California Constitution, and the democratic system of government, as specified.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

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

The right to vote is one of the most important ways for Californians to exercise their political voice; however, before the historic turnout in 2020, fewer than 60 percent of eligible voters have exercised their fundamental right to vote in each statewide election in California since 1972. In the most recent election in 2020, approximately three million people eligible to vote in California were not registered.

Unregistered eligible voters are disproportionately the most marginalized members of our communities, including the formerly incarcerated, persons at low income levels, and people of color. For many of the roughly 50,000 formerly incarcerated people whose voting rights were restored by voters by Proposition 17 in 2020, confusion still hampers their engagement.

AB 2576 creates the Civic Learning, Outreach, and Engagement Fund for the Secretary of State to provide additional support to counties with the lowest voter registration rates. It offers these counties the opportunity to conduct outreach and education catered to the unique needs of communities they serve. The bill will also increase civic education and engagement for young people.

- 2) **Secretary of State Outreach Programs:** The SOS has established a variety of programs to engage voters where they live, work, or go to school. Programs geared towards youths include the *California Student Mock Election* program, which encourages high school and middle school students to become active voters when they are 18, and *High School*

*Education Weeks*, a program to promote on-campus voter registration drives.

According to the SOS's 2021 Annual Report to the Legislature on Student Voter Registration, last year the SOS partnered with the California Department of Education, Superintendent of Public Instruction, to promote and coordinate student mock elections throughout the state. The SOS's office provides ballots, student voter information guides, and other materials to participating schools. In 2020, teachers were provided with electronic materials to accommodate remote learning environments. Over 400 schools registered to participate and over 40,000 students cast ballots.

Additionally, the SOS hosts the *California Students Vote Project (CSVP)*, 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. In statewide election years, the CSVP conducts the "California University and College Ballot Bowl," which encourages college campuses to engage their students in the democratic process by participating in a friendly competition for the highest number of student body voter registrations. In 2018, 46 campuses registered to participate in the competition. In 2020, 95 campuses registered, including all 23 CSU campuses, all 10 UC campuses, 51 California Community Colleges, and 11 Association of Independent California Colleges and Universities campuses. In 2020, 82,634 students registered to vote throughout the duration of the event, a significant increase from 10,887 students in 2018.

- 3) **County Voter Registration and Outreach Plans, Previous Legislation, and Suggested Amendments:** Until 1975, Californians who wanted to register to vote were required to complete a voter registration affidavit in the presence of a county clerk or a deputy county clerk. AB 822 (Keysor), Chapter 704, Statutes of 1975, first permitted completed voter registration affidavits to be submitted by mail. Among other provisions, AB 822 also required the SOS to adopt regulations requiring counties to design and implement programs to identify qualified electors who are not registered to vote, and to register them to vote. In 1976, the SOS adopted emergency regulations that required counties to submit voter outreach plans for review by the SOS.

According to a previous bill analysis, information provided from the office of the SOS stated that following the adoption of the emergency regulations in 1976, 54 counties submitted outreach plans, and while some counties continued to submit updated plans, those updates were periodic and inconsistent. Additionally, the emergency regulations that were adopted by the SOS have not been updated, and as a result, those regulations include various obsolete procedures and timelines.

Previous legislation - AB 855 (Low) of 2017 - would have required counties to periodically review and update their voter registration and outreach programs intended to identify and register to vote individuals who are qualified. Although AB 855 was approved by the Assembly on a 53-21 vote, it was not taken up on the Senate Floor for a vote.

This bill modifies existing voter registration and outreach programs and adds additional responsibilities to the SOS for these programs. Specifically, this bill requires the SOS to adopt guidance for each county to design and implement these outreach programs, and to

periodically update the regulations for these programs. Providing guidance and updating the regulations will help ensure the programs reflect California's current voter registration processes which have significantly changed since the regulations for these programs were originally adopted.

- 4) **State Seal of Civic Engagement:** In 2017, the Legislature passed and Governor Brown signed into law AB 24 (Eggman), Chapter 604, Statutes of 2017, which required the SSPI, on or before January 1, 2020, to recommend to the State Board criteria for awarding SSCE to pupils who have demonstrated excellence in civic education and participation and an understanding of the US Constitution, the California Constitution, and the democratic system of government. Additionally, AB 24 requires SSPI to consider, among other criteria, the successful completion of history, government, and civics courses, including courses that incorporate character education and voluntary participation in community service or extracurricular activities. According to the California Department of Education website, by adopting these criteria, California joined a small but growing number of states that formally recognize and promote student civic engagement with seals to affix to student transcripts, diplomas, or certificates of completion.

This bill creates a new voter registration and outreach program that is intended to integrate voter registration and participation with civic engagement and education for high school students that prepares students to register or preregister to vote and to vote when eligible. Specifically, this bill requires the SOS to adopt guidance for a participating county to design and implement a civic engagement program that supports the existing SSCE program for high school students. Additionally, this bill requires the SOS to adopt regulations prescribing minimum requirements for these programs, and to update those regulations periodically. This bill also requires the SOS to make grants to county registrars of voters for programs that integrate voter registration and preregistration with civic education for high school students, including programs to allow students to serve as election workers, as provided.

- 5) **Pre-Registration and Previous Legislation:** In 2009, the Legislature approved and the Governor signed AB 30 (Price), Chapter 364, Statutes of 2009, which allowed a person who is 17-years of age to pre-register to vote, provided the person otherwise meets all eligibility requirements. Moreover, in 2014, the Legislature approved and the Governor signed SB 113 (Jackson), Chapter 619, Statutes of 2014, which lowered the pre-registration age to 16-years-old. The implementation of these policies was contingent upon the certification of the statewide voter registration database (VoteCal). In September of 2016, the SOS certified VoteCal thereby rendering these policies effective and allowing 16-and 17-year-olds to pre-register to vote.
- 6) **Secretary of State's 2021 Student Voter Registration Report:** Beginning in March of 2017, pre-registration was made available through California's online voter registration application. According to the SOS's 2021 Annual Report to the Legislature on student voter registration, as of December 2021, there were 131,052 pre-registered voters in the state. According to the report, "[this] is an increase from the last election year in 2020 in which there were 122,751 pre-registered voters by year's end and an increase from the last non-election year in 2019 in which there were 109,795 pre-registered voters by year's end." The

report stated that 16- and 17-year-old students are continuing to pre-register at a steady rate.

- 7) **California New Motor Voter Program and Previous Legislation:** AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, established the "California New Motor Voter Program." AB 1461 provides for every eligible person to be automatically registered to vote when the person submits an application for a driver's license or state identification card, unless that person opts out, as specified. Additionally, in 2018, the Legislature approved and the Governor signed AB 1407 (McCarty), Chapter 4, Statutes of 2018, which expands upon AB 1461 by automatically pre-registering eligible 16-and 17-year-olds to vote when they apply for a driver's license or state identification card, unless that person opts out, as specified.
- 8) **Eligible Counties:** This bill permits the SOS to provide grants to local elections officials, nonprofit corporations, and unincorporated associations in eligible counties for various purposes, and defines an "eligible county" for those purposes to mean a county where voter registration, as recorded in the SOS's Statement of Vote for the General Election prepared during the most recent year in which there was a presidential election, was less than 80 percent of eligible voters.

According to data from the SOS's 2020 presidential general election report of registration, 14 counties (Colusa, Glenn, Kern, Kings, Lake, Madera, Merced, Modoc, San Francisco, San Joaquin, Trinity, Tulare, Yolo, and Yuba) have voter registration rates lower than 80 percent of eligible voters.

- 9) **Youth Voter Registration:** According to the Center for Inclusive Democracy's March 2021 report on the youth (age 18-24) vote during the 2020 general election, the youth eligible turnout was 47.4%, a rate substantially higher than in the previous general election. The 2016 general election saw a 36.6% youth eligible turnout rate. The difference in the eligible turnout rate between youth and the total population (67.4%) stayed about the same in 2020 compared to 2016 – approximately 20 percentage points. The youth share of California's 2020 general election voters increased to 10.2%, up from 8.9%, which was the highest youth share of California voters for a statewide general election since 2002. Yet, at 10.2%, youth still remained underrepresented at the polls, given their share of the state's eligible voter population at 14.5%, a representation gap of more than 4 percentage points.
- 10) **Technical Amendments:** Committee staff recommends two technical amendments to the findings and declarations. The suggested amendments update information in the findings and declarations and delete one finding.

On page 3, amend the language in lines 3-5 of the bill as follows:

~~(e) In each statewide election in California since 1972, fewer than 60 percent of eligible voters have exercised their fundamental right to vote. Before the historic turnout in 2020, fewer than 60 percent of eligible voters have exercised their fundamental right to vote in each statewide election in California since 1972.~~

On page 3, in line 8, strike "eleven" and insert "fourteen"

11) **Arguments in Support:** In support of the bill, the Yolo County's Assessor/Clerk Recorder Elections Office, writes:

People of color and young people are disproportionately underrepresented in the voting population. The youngest age group of eligible voters, aged 18-25, have the lowest level of registration compared to their older peers. Similarly, Latinos make up 35 percent of the adult population but just 22 percent of likely voters, Asian Americans make up 16 percent of adults but 14 percent of likely voters. Conversely, whites make up 41 percent of California's adult population but 54 percent of the state's likely voters. Until 2020, some 50,000 formerly incarcerated people on parole were also barred from voting, with confusion still surrounding the process.

The creation of a Civic Learning, Outreach, and Engagement Fund asks Registrars of Voters in specific counties to work with education officials to identify high school campuses to participate in voter engagement programs, including activities that will support the awarding of a State Seal of Civic Engagement. The fund will also ensure outreach with a focus on registering historically underrepresented communities of color as well as formerly incarcerated folks.

12) **Previous Legislation:** AB 1036 (Aguiar-Curry) of 2019, would have authorized the Yolo County Elections Office, in partnership with the Yolo County Office of Education, to conduct a mock election pilot program to elect members of the school's student government, as specified, and would have revised existing regulations requiring counties to design and implement voter registration and outreach programs. Governor Newsom vetoed AB 1036 stating, "This bill, which sunsets on January 1, 2027, authorizes the Yolo County Elections Office, in partnership with the Yolo County Office of Education, to conduct a High School Voter Education Pilot Program to increase civic engagement. This bill also makes certain requirements of the Secretary of State related to county voter outreach, registration, and education efforts.

"Yolo County voluntarily held a youth empowerment summit in 2017 and in 2019 that included, among other lessons, how to properly fill out a ballot and provided an opportunity for eligible students to register or pre-register to vote. Students received hands-on experience in the democratic process and had the opportunity to interact directly with their elected representatives. In this case, the goal of increased student civic engagement and participation is being met without specific state funding. Consequently, paying local entities to perform activities that they could and should conduct independently of state reimbursement is not fiscally prudent.

"This bill may also create an election-related reimbursable mandate of potentially significant costs to the state. Additionally, if the Secretary of State opts to provide grants to local jurisdictions for the voter outreach and education programs prescribed by this measure, and it is determined that [HAVA] funding cannot be used for that purpose, this bill may result in General Fund cost pressures."

SB 511 (Stern), Chapter 394, Statutes of 2017, requires the SOS to make reasonable efforts to promote voter registration to eligible voters, encourage eligible voters to vote, promote pre-registration to eligible citizens, promote civic learning and engagement to prepare students and new citizens to register to vote and to vote, and prioritize communities that have been historically underrepresented in voter registration or voting.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Davis College Democrats (co-sponsor)  
Yolo County's Assessor/Clerk Recorder Elections Office (co-sponsor)  
California Environmental Voters  
County of San Benito  
Los Angeles County Board of Supervisors

**Opposition**

None on file.

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