

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1446 (Mullin) – As Amended: March 25, 2014

SUBJECT: Voter registration: personal information.

SUMMARY: Updates the voter registration process to reflect the availability of online voter registration. Specifically, this bill:

- 1) Requires an individual or organization that distributes voter registration cards in accordance with current law, a person entrusted with an affidavit of registration from an elector in accordance with existing law, or an individual or organization that assists with the submission of an affidavit of registration electronically on the Secretary of State's (SOS) Internet Web site, to comply with both of the following:
  - a) Prohibits the use of affidavit of registration information for any personal, private, or commercial purpose, including for any of the following:
    - i) The harassment of a voter or member of the voter's household;
    - ii) The advertising, solicitation, sale, or marketing of products or services to a voter or member of the voter's household; and,
    - iii) Reproduction in print, broadcast visual or audio, or display on the Internet.
  - b) Requires an individual or organization described above to employ reasonable security measures, including employing administrative and physical safeguards, and, for affidavit of registration information available in an electronic form, technical safeguards, to protect the voter registration information from unlawful disclosure and misuse.
- 2) Eliminates the requirement that every high school, California Community College (CCC), and California State University (CSU) campus provide voter registration forms that are consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year.
- 3) Deletes the requirement that every CCC and CSU campus that operates an automated class registration system must permit students, during class registration, to elect to receive a voter registration form that is preprinted with personal information relevant to voter registration, as specified, and instead requires the school to permit students, during class registration, to apply to register to vote online by submitting an affidavit of voter registration electronically on the SOS's Internet Web site.
- 4) Requires the SOS to report to the Legislature, as specified, how many electronic affidavits of voter registration were submitted by students via the process described above.

- 5) Deletes Legislative intent language that every high school and college student receive a voter registration card with his or her diploma and instead provides that it is the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. Provides that a meaningful opportunity to apply to register to vote may include providing hyperlinks to, and the Internet Web site of, the SOS's electronic voter registration system in notices sent by electronic mail to students and placed on the Internet Web site of the high school, college, or university.
- 6) Repeals provisions of law that allow a county elections official to provide affidavits of registration and voter registration cards on its Internet Web site, as specified and instead prohibits an affidavit of registration from being submitted electronically on a county's Internet Web site. Permits a county to provide a hyperlink on the county's Internet Web site to the SOS's electronic voter registration system.
- 7) Requires an individual or organization that distributes voter registration cards, as designed in accordance with current law, to obtain the voter registration cards from the county elections official or the SOS. Requires the individual or organization to comply with all applicable regulations established by the SOS when distributing the cards.
- 8) Requires a person, company, or other organization that agrees to pay money or other valuable consideration to a person to assist another person to register to vote by assisting with the submission of an affidavit of registration electronically on the SOS's Internet Website to comply with certain conditions that currently apply to individuals who receive compensation to assist others to register to vote using a paper voter registration form.
- 9) Expands and updates existing crimes related to voter registration to include assisting with the submission of an affidavit of registration electronically on the SOS's Internet Web site.
- 10) Makes other conforming and corresponding changes.

EXISTING LAW:

- 1) Provides that a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the SOS's Internet Web site.
- 2) Requires the SOS, in consultation with county elections officials, to design and make an affidavit of registration available on the SOS's Internet Web site, as specified.
- 3) Permits a citizen or an organization to distribute voter registration cards anywhere in the applicable county, as specified.
- 4) Establishes penalties for fraudulent activity related to voter registration.
- 5) Requires a person, company, or other organization that agrees to pay money or other valuable consideration to a person to assist another person to register to vote to comply with certain conditions, as specified.

- 6) Requires an affiant's driver's license number, identification card number, social security number, and the signature contained on an affidavit of registration or voter registration card to be confidential and not be disclosed by an individual or organization that distributes voter registration cards.
- 7) Requires every CCC and CSU campus that operates an automated class registration system, as specified, to permit students, during class registration, to elect to receive a voter registration form that is preprinted with personal information relevant to voter registration.

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

COMMENTS:

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

Since the introduction of California's online voter registration application in September of 2012, more than a million Californians have used the application to register to vote. The online application provides a cost-effective, accurate, secure, and convenient way to apply to register to vote. However, voter registration is not always conducted privately or on devices owned by the applicant. For example, advocacy organizations, political parties, campaigns, non-partisan civic groups, and other entities, which are an important part of voter registration outreach, often assist applicants with registration. With the advent of online voter registration, many of these organizations may want to use computers or mobile devices, including smart phones, tablets or laptops, to help register voters.

California has laws and regulations for voter registration drives that ensure the privacy of voters' personal information, outlaw the discrimination or intimidation of voters, and facilitate fraud investigations. However, existing law is specific to the use of paper voter registration cards and does not clearly apply to online registration.

AB 1446 updates the Elections Code by applying many of these same duties and responsibilities to online registration drives. In addition, the bill takes into account the unique nature of internet-based registration by applying reasonable limits and safeguards to protect voter privacy and prevent the unlawful use of voter registration information.

AB 1446 also updates the Student Voter Registration Act to reflect the availability of online voter registration. For many years, the Secretary of State has partnered with the University of California, California State University, and Community Colleges, as well as with all California high schools, to give students access to voter registration. Under current law, students registering for college classes online are given an opportunity to register to vote. However, those systems were not directly linked to the online voter registration system. This bill updates the Student Voter Registration Act to allow for the continued use of paper voter registration cards while including the increased efficiency, accuracy, and convenience of online voter registration.

AB 1446 protects the personal information of those who, with the assistance of a third party, register to vote online; and it updates the Student Voter Registration Act to better integrate online voter registration.

- 2) Online Voter Registration: SB 397 (Yee), Chapter 561, Statutes of 2011, authorized the SOS, in conjunction with the California Department of Motor Vehicles (DMV), to implement online voter registration prior to the completion of a new statewide voter registration database. According to the SOS's office, in the first 12 months after the launch of the online voter registration application on September 19, 2012, more than 911,145 Californians registered for the first time or updated their voter record using the online system. Additionally, aside from making registering to vote easier, it has also saved California money in printing and mailing costs and made the process more efficient for county elections officials.

According to the author's statement, due to the increased usage of the online voter registration system, many third parties, such as advocacy organizations, political parties, campaigns, non-partisan civic groups, and other entities may desire to conduct voter registration drives using computers or mobile devices, such as smart phones, tablets, or laptops, to register voters using the online voter registration system. However, current law is tailored more to paper voter registration cards and does not clearly apply to online voter registration. This bill updates the voter registration process to reflect the availability of online voter registration and ensures that the duties, responsibilities, and safeguards in current law that apply to paper based voter registration drives, as specified, are applied to individuals and organizations conducting voter registration using the online registration system. Additionally, this bill expands the scope of existing voting registration crimes to apply to those conducting voter registration drives using online voter registration, as specified.

- 3) Student Voter Registration Act of 2003: AB 593 (Ridley-Thomas), Chapter 819, Statutes of 2003, created the Student Voter Registration Act of 2003 which, among other things, requires the SOS to provide every high school, CCC, CSU, and University of California (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. Under the law, the UC is encouraged to comply with this provision.

As mentioned above, in September 2012, the SOS launched California's online voter registration application system allowing people to electronically submit their entire voter registration application, including their signature on file with the DMV, via a secure infrastructure developed by the SOS.

The Student Voter Registration Act also requires the SOS to provide every high school, CCC, CSU, and UC campus with voter registration forms. Specifically, current law requires the SOS to send voter registration cards to each school consistent with the number of students enrolled at each school that are of voting age or will be of voting age by the end of the year. However, according to the SOS's 2009 annual report to the Legislature,

automatically mailing to each high school and college campus based solely on the number of 17- and 18-year-old students enrolled, was not cost effective. Consequently, since 2009, given the cost of the program, and feedback from many schools that they did not need additional voter registration applications, the SOS's office has been proactively contacting all schools to ask how many, if any, voter registration applications the campuses would like to receive. This bill updates this practice and deletes provisions of the Student Voter Registration Act that specifically requires the SOS to send every high school, CCC, and CSU voter registration forms that are consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year. Additionally, this bill updates the Act to reflect the advent of online voter registration and deletes provisions of law that permit students, during the class registration, to elect to receive a voter registration form that is preprinted with personal information relevant to voter registration and instead permits students, during class registration, to apply to register to vote online by submitting an affidavit of voter registration electronically on the SOS's Internet Web site.

- 4) Previous Legislation: SB 44 (Yee), Chapter 277, Statutes of 2013, required each Internet Web site maintained by the state to include a hyperlink on the site's homepage to the online voter registration page of the Internet Web site of the SOS.

SB 397 (Yee), Chapter 561, Statutes of 2011, authorized the SOS, in conjunction with the DMV, to implement online voter registration prior to the completion of a new statewide voter registration database.

AB 1357 (Swanson), Chapter 192, Statutes of 2011, required the SOS, in consultation with county election officials, to design and make an affidavit of registration available on the SOS's Internet Web site, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen (sponsor)  
Rock the Vote

Opposition

None on file.

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094