

Date of Hearing: May 6, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1817 (Gomez) – As Introduced: February 18, 2014

SUBJECT: Voter registration: deputy registrars of voters: high school pupils.

SUMMARY: Permits a governing board of a school district to authorize a high school pupil 16 years of age or older to become a deputy registrar of voters and to register qualified pupils to vote on his or her high school campus.

EXISTING LAW:

- 1) States the intent of the Legislature that county elections officials, in order to promote and encourage voter registration, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens.
- 2) Provides that any person who is a registered voter qualifies for appointment as a deputy registrar of voters.
- 3) Permits the governing board of a county, city, city and county, district, or other public agency to authorize and assign an officer or employee to become a deputy registrar of voters and register qualified citizens on any premise or facility owned or controlled by the agency.
- 4) Provides that it is the intent of the Legislature that registrars continue to be deputized by the county elections official and their activities shall not be limited where their services are needed but that as the electorate becomes more conversant with mail registration procedures, the number of deputy registrars will naturally diminish due to the decrease in the demand for services.
- 5) Provides that the county elections official shall provide voter registration forms for use in registration by deputy registrars of voters and the forms shall be bound into books or pads. Requires the forms to be numbered and have a stub attached.
- 6) Provides that each deputy registrar of voters shall be issued a receipt by the county elections official for all books or pads issued, specifying the numbers of the affidavits received and the deputy is responsible for them until they are returned to the county elections official.
- 7) Provides that each paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State (SOS) except that affidavits of voter registration issued to a deputy registrar of voters shall be modified to reflect the use of a deputy registrar of voters in lieu of mail delivery and specifies the following:
 - a) The affidavit of registration must include a stub printed with the following:
 - i) The number of the affidavit.
 - ii) Blank lines for the following information:

- (1) Name of the voter;
 - (2) Residence of the voter;
 - (3) Political affiliation of the voter;
 - (4) Signature of the voter;
 - (5) Signature of the deputy taking the registration; and,
 - (6) The date.
- b) At the time of registration the deputy shall:
- i) Fill in the blanks in the stub and require the voter to sign the stub in the place provided.
 - ii) Detach the stub and the information portion of the voter registration form from the affidavit and hand the stub and information to the voter.
- 8) Provides that on the day of the close of registration for any election, all deputy registrars of voters shall immediately return all completed affidavits of registration in their possession to the county elections official.
- 9) Provides that any deputy registrar of voters having charge of affidavits of registration is guilty of a misdemeanor who knowingly neglects or refuses to return affidavits of registration as specified and the county elections official shall report to the district attorney of the county, under oath, the names of any deputies who have failed to return the affidavits.
- 10) Provides that the county elections official shall provide voter registration cards in sufficient quantities to any citizens or organizations who wish to distribute the cards other than to persons who have been convicted of violating specified provisions of law within the last five years. Provides that citizens and organizations shall be permitted to distribute voter registration cards anywhere within the county and are required to return them to the elections official or deposit them in the postal service within three days of receipt from a voter, excluding Saturdays, Sundays, and state holidays.
- 11) Provides that if a person, including the deputy registrar of voters, assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

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

The goal of the bill is to empower students, to begin leading their own connections to civic engagement and the electoral process. AB 1817 will allow students 16 years of age or older to have the opportunity to apply to be a deputy registrar through their local high school. The benefits of allowing a student to be a deputy registrar will involve students in the process and encourage their peers to participate.

2) Voter Outreach: Under existing law a person is entitled to register to vote if they are 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.

Existing law also provides that it is the intent of the Legislature that the election board of each county, in order to promote and encourage voter registration, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level. It also states its desire to promote and encourage voter registration by enlisting the support and cooperation of interested citizens and organizations and requires the elections official to provide voter registration cards in sufficient quantities to any citizens or organizations who wish to distribute the cards anywhere in the county.

Further, state law declares the intent of the Legislature in efforts to increase voter registration opportunities to deputize qualified citizens as registrars of voters in such a way as to reach most effectively every resident of the county. State law also declares the intent of the Legislature that the introduction of registration by mail shall not in any way lead to administrative limitations on the use of deputy registrars of voters for the purpose of assisting in the registration of persons who may require such assistance with the understanding that as the electorate becomes more conversant with mail registration procedures, the number of deputy registrars will naturally diminish due to a decrease in demand for their services.

This measure expands the list of persons who can be appointed to become a deputy registrar of voters to include pupils who are 16 years of age or older and have been authorized by the governing board of a school district, but are otherwise ineligible to register to vote due to their age. As a deputy registrar of voters, an appointed pupil may register qualified citizens to vote on school premises.

3) High School Student Voter Registration: Existing law mandates that the last two full weeks in April and the last two full weeks in September shall be known as "high school voter weeks," during which time deputy registrars of voters shall be allowed to register students and school personnel on any high school campus in areas designated by the school administration, which are reasonably accessible to all students.

Existing law requires the SOS to provide a written notice with each registration form describing eligibility requirements and informing each student that he or she may return the completed form in person or by mail to the elections official of the county in which the student resides or the SOS.

- 4) Who Can Register Voters? Nothing in existing law prevents any person or organization from providing voter registration materials or assisting a qualified voter to complete his or her affidavit of voter registration. Under existing law you are not required to be a registered voter, be a particular age, or be a resident of the area in order to register voters. Any person who assists a voter in completing his or her voter registration card is required to sign the card in the spaces provided for that purpose and return any completed cards to the county elections official or deposit them in the postal service within three days of receipt from a voter, excluding Saturdays, Sundays, and state holidays.

A deputy registrar of voters is a registered voter who has been appointed and deputized by the county elections official to register voters anywhere in the county. They use specifically designed affidavits to register voters that have a stub printed at the bottom. The affidavits are numbered, bound in books or pads and issued to individual deputies and cannot be returned by mail to the elections official. For each affidavit of registration completed by a voter, the deputy is required to fill out a stub at the bottom and both the deputy and the affiant are required to add their signatures after which the deputy detaches the stub and gives it to the voter. These books or pads are returned to the county elections official on the day of the close of registration for any election. Failure to return affidavits of registration as specified may be subject to misdemeanor penalties.

The committee may wish to consider whether pupils would want to take on the responsibility of being appointed as a deputy registrar of voters which carries additional obligations when nothing in existing law prevents pupils from distributing voter registration cards and assisting qualified voters to register to vote. In order to reflect the authors intent of taking steps to encourage youth participation while not making students subject to the restrictions imposed on deputy registrars, the author and committee may wish to amend this bill as follows:

On page 2, amend lines 1 through 7 as follows; and remove the remaining contents of the bill:

SECTION 1. Section 49041 is added to the Education Code, to read:

49041. The governing board of a school district may authorize a high school pupil 16 years of age or older to ~~become a deputy registrar of voters, and to register to vote~~ qualified pupils any person pursuant to Section 2102 of the Elections Code on his or her high school campus; pursuant to Section 2103 of the Elections Code during high school voter weeks, as specified in Section 49040, or at any other time as deemed appropriate by the governing board.

REGISTERED SUPPORT / OPPOSITION:

Support

State Bar of California

Opposition

None on file.

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