

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1036 (Aguiar-Curry) – As Introduced February 21, 2019

**SUBJECT:** Elections: civic outreach and voter engagement.

**SUMMARY:** Appropriates \$10 million for the purposes of conducting various specified voter outreach and education programs. 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. Codifies existing regulations requiring counties to design and implement voter registration and outreach programs, as specified. Specifically, **this bill:**

- 1) Appropriates the sum of \$10 million from the General Fund to the Secretary of State (SOS) to implement the voter registration and outreach programs described below.
- 2) Creates the High School Voter Education Pilot Program and defines, for purposes of this bill, the following terms:
  - a) "Administering agencies" to mean the Yolo Elections Office and the Yolo County Board of Education.
  - b) "Pilot Program" to mean the High School Voter Education Pilot Program authorized by this bill.
- 3) Permits the Yolo Elections Office, in partnership with the Yolo County Board of Education, in order to increase civic engagement in a geographically and racially diverse county, to conduct, in an odd-numbered year, a High School Voter Education Pilot Program pursuant to the provisions of this bill.
- 4) Requires the administering agencies to identify high school campuses in the county to participate in the pilot program and to select dates on which to administer the pilot program on each participating school campus.
- 5) Requires the Yolo Elections Office, on the date selected for each campus, to conduct a mock election 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 regularly-conducted election in the county.
- 6) Requires the administering agencies, in conjunction with the pilot program, to provide voter registration and pre-registration for eligible students.
- 7) Requires the administering agencies, for each year that the pilot program is conducted, to evaluate the pilot 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, the number of students who registered or preregistered to vote as a result of the pilot program, and any other benefits or problems that arose. Permits

the administering agencies to partner with a college or university located within the county to compile the report required by these provisions.

- 8) Requires a report to be submitted within 12 months of the last mock election conducted in that year and requires the report to be submitted in accordance with existing law.
- 9) Defines, for the purposes of this bill, the term “outreach program” to mean a program intended to identify qualified electors who are not registered voters, and to register them to vote.
- 10) Deletes 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, and to register those persons to vote, as specified, and instead codifies the regulations previously adopted by the SOS that require a county to design and implement an outreach program that at a minimum contains all of the following components described in the outreach plan:
  - a) A systematic effort by the county elections official to consult on a continuing basis with people who exhibit interest and special knowledge in any outreach methods contemplated by the county, as specified.
  - b) Publicity for all phases of voter registration, including the training and deputizing of registrars.
  - c) Priorities for the direction of its outreach efforts, which shall reflect the official’s assessment as to which specific outreach methods will be the most cost-effective in the county. Requires each plan to be reasonably balanced in the allocation of outreach efforts and resources among the major pools of unregistered voters.
  - d) A budget with sections for personnel, equipment, and materials for each outreach effort proposed.
  - e) A schedule of critical dates and deadlines associated with each outreach effort proposed, supported by contractual and voluntary commitments, if any, from those responsible for providing products or services to meet these dates.
  - f) Solicitation of assistance from local offices of all levels of government and of private entities in providing the incidental use of their premises and personnel for the purpose of outreach, as specified.
  - g) Orderly limits upon bulk distributions of registration affidavit forms, including contingency plans for form allocation if supplies become depleted.
- 11) Codifies regulations that require the SOS, annually in July, to evaluate each county's outreach program on the basis of the following criteria:
  - a) Adherence to the adopted plan.
  - b) Effectiveness in terms of increase in number of registered voters over statistical and historical expectations.

- 12) Requires the SOS to promulgate regulations as necessary to further implement the county voter registration outreach programs described above.
- 13) Defines, for purposes of this bill, the term “underperforming county” to mean a county whose voter registration, as recorded in the SOS’s October 22, 2018 Report of Registration, was less than 72 percent of eligible voters.
- 14) Requires the SOS, instead of permitting the SOS, to provide grants to local elections officials, nonprofit corporations, and unincorporated associations for the following purposes:
  - a) To conduct voter outreach and voter education programs, in accordance with the requirements of the Help America Vote Act of 2002 (HAVA), as specified.
  - b) To increase accessibility for eligible voters with disabilities, in accordance with the requirements of HAVA, as specified.
  - c) To effectuate the Voter Bill of Rights with a particular emphasis on education programs in secondary schools in underperforming counties.
  - d) 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.
  - e) 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.
- 15) Makes various findings and declarations, as specified.

**EXISTING LAW:**

- 1) Declares it is the intent of the Legislature that voter registration be maintained at the highest possible level.
- 2) 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.
- 3) 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 HAVA, as specified.
  - b) To increase accessibility for eligible voters with disabilities, in accordance with the requirements of HAVA, as specified.
- 4) 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.

- 5) Expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote.
- 6) Permits a person who is at least 16-years of age and otherwise meets all eligibility requirements to vote to preregister 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.
- 7) Requires that each eligible person be 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 voter specifically declines.
- 8) Provides for every eligible person to be pre-registered to vote automatically when that person applies for a driver's license or state identification card, unless the person opts out, as specified.

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

**COMMENTS:**

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

In a democracy, political power belongs to the people and is exercised through the right to vote. Non-participation in elections means that only some people exercise their political power, creating a distortion in representation that can result in some people being denied the protection, security, and benefits to which they are entitled.

AB 1036 will encourage fuller participation in our democracy in two ways. First, it codifies existing regulations directing counties to develop voter registration outreach programs and appropriates \$10 million to fund these programs. Underperforming counties with the lowest registration rates would be prioritized for financial assistance under the discretion of the Secretary of State.

Second, AB 1036 establishes a High School Voter Education Pilot Program in Yolo County. This pilot program authorizes county officials to conduct student government elections using the same standards, processes, and voting equipment used in regularly conducted local elections in order to demystify the electoral process for young voters. These mock elections will provide both an engaging civic education opportunity and create additional opportunities for local officials to register and preregister young voters.

- 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 2018 Annual Report to the Legislature on 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 and *High School Education Weeks* designated in the last two weeks of April and September. Last year, the SOS had 477 schools request materials to conduct their student mock elections and the SOS's office provided ballots, student voter information guides, and other materials to participating schools.

Additionally, the SOS 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. Moreover, the SOS encourages campuses to engage their students in the democratic process by conducting the College Bowl allowing all California colleges to participate in a friendly competition for the highest number of student body registered to vote.

- 3) **Yolo Elections Office Pilot Program:** As mentioned above in the author's statement, this bill 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. According to author's background materials, in 2017, a program of this model was successfully conducted at a high school in Yolo County and there is interest to expand the program to other high schools in the county.

Committee staff is unaware of any prohibitions in current law that prevent an elections official from conducting these types of mock election pilot programs. Consequently, the committee may wish to consider whether explicit authority to the Yolo Elections Office to conduct these types of mock election pilot programs is necessary.

- 4) **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 require 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.

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. AB 855 was not taken up on the Senate Floor for a vote.

In an effort to address this issue, this bill codifies the regulations adopted by the SOS that require counties to submit voter education and outreach plans to identify qualified electors who are not registered to vote, and to register them to vote. Voter registration processes, however, have significantly changed and the regulations do not reflect the current voter registration practices, including the availability of online voter registration, pre-registration for 16- and 17-year-olds, the New Motor Voter program, or federal requirements that public agencies provide voter registration opportunities in certain situations. Due to the implementation of these policies, the use of other methods of voter registration may have declined and resources dedicated to outdated voter registration programs may need to be adjusted.

The committee may wish to consider whether codifying significantly outdated regulations is prudent. In addition, the committee may wish to consider amending the bill to require the SOS to update the regulations and, similar to requirements that were included in AB 855 (Low), to require county elections officials to update and resubmit their voter registration and outreach programs to the SOS for review every few years.

- 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-year-olds. 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 2018 Voter Registration Report:** According to the SOS's 2018 Annual Report to the Legislature on Voter Registration, beginning in March of 2017, pre-registration was made available through California's online voter registration application. The report states that since the launch of online pre-registration, more and more students are choosing to pre-register or register to vote online. According to the report, as of December 15, 2018, there were 133,336 pre-registered voters in the state.
- 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, last year the Legislature approved and the Governor signed AB 1407 (McCarty), Chapter 4, Statutes of 2018, which expands upon AB 1461 and automatically pre-registers 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) **Underperforming Counties:** This bill defines an "underperforming county" to mean a county whose voter registration, as recorded by the SOS's October 22, 2018 Report of Registration, was less than 72 percent of eligible voters, and requires the SOS, when providing grants for voter registration and outreach programs, to prioritize education programs in secondary schools in underperforming counties.

According to background materials provided by the author's office, data from the SOS's report of registrations shows that 16 counties (Butte, Colusa, Glenn, Imperial, Kings, Lake, Madera, Merced, Modoc, Mono, Riverside, San Bernardino, Stanislaus, Trinity, Tulare, and Yuba) have voter registration rates lower than 72 percent.

- 9) **Youth Voter Registration:** According to information from the SOS's website, youth aged 18-24 years old stand out as registering at a far lower rate than any other age group. According to the 15-Day Report of Registration for the 2018 gubernatorial general election, of the nearly 78% of Californians who were registered to vote, only 12.73% were youth between the age of 17.5 to 24. Additionally, according to the 15-Day Report of Registration for the 2016 presidential general election, of the nearly 78% of Californians who were registered to vote, only 13.21% were youth between the ages of 17.5 to 24.

In its report California's Likely Voters, the Public Policy Institute of California states that young adults (ages 18 to 34) make up 33% of the population but only 18% of likely voters, while adults ages 35 to 54 are proportionally represented. In contrast, Californians age 55 and older make up 32% of the state's adult population but constitute 48% of likely voters.

- 10) **Suggested Technical Amendments:** Committee staff recommends two technical amendments to the findings and declarations provisions of the bill. The suggested amendments update information in the findings and declarations and deletes findings and declarations that are unrelated to the bill.

On page 3, in line 6, strike "25 percent" and insert "approximately 20 percent"

On page 3, starting in line 25, the suggested amendments are as follows:

(m) Empowering disenfranchised voters at the county level can also reduce barriers between governments and historically marginalized or underrepresented communities, ~~who have the greatest risk of being under-counted in the decennial census.~~

~~(n) An accurate and complete census count in each decennial census is foundational to the integrity of a true representative democracy.~~

~~(n)~~ (n) It is the intent of the Legislature to reduce non-participation in elections to the greatest extent possible by fully implementing existing laws and codifying existing regulations to facilitate outreach to underrepresented groups, with a particular focus on counties with low levels of voter registration and participation and on youth across the state.

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

AB 1036 authorizes the county to conduct student government elections using the same standards, processes, and voting equipment used in regularly conducted local elections in order to demystify the electoral process for young voters. These mock-elections will provide both an engaging civic education opportunity and create additional opportunities for local officials to register and preregister young voters. It will also set the stage for high school students to share with their family

and friends the knowledge and positive experience gained about our election process.

Yolo piloted this concept at one small high school in 2017 in Esparto. We received very positive feedback from both the Superintendent and Principal on campus about the program and the excitement of students leading up to the election and afterwards. Because of the positive experience associated with that effort, the elections office has been contacted by other interested high school administrators for us to replicate the elections on their campus. AB 1036 will provide clear authority for the county to continue operating this pilot program and potentially expand it to high schools throughout the County of Yolo. As required by AB 1036, our office looks forward to reporting on the impact this pilot program may have on youth voter registration and participation. This information will help inform how the state should be using mock elections to increase youth voter participation in the future.

12) **Related Legislation:** ACA 8 (Low), lowers the voting age to 17-years old. ACA 8 is awaiting referral to a policy committee by the Assembly Rules Committee.

ACA 4 (Mullin), allows a person who is 17-years old and who will be 18-years old by the time of the next general election to vote in any intervening primary or special election that occurs before that general election. ACA 4 is awaiting referral to a policy committee by the Assembly Rules Committee.

13) **Previous Legislation:** 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**

Yolo County Assessor/Clerk-Recorder/Elections Office

### **Opposition**

None on file.

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