

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 2245 (Berman) – As Introduced February 13, 2018

SUBJECT: Voter registration.

SUMMARY: Requires the registration information of a person who has pre-registered to vote pursuant to current law to be confidential, and prohibits the information from being disclosed to any person. Requires a county elections official to provide the Secretary of State (SOS) with information on persons who have pre-registered to vote, as specified. Specifically, **this bill:**

- 1) Requires, notwithstanding any other law, that the affidavit of registration information for a person who has pre-registered to vote, but who is not yet a registered voter, to be confidential and prohibits its disclosure to any person.
- 2) Requires a county elections official, in addition to providing the SOS with information about the number of registered voters, to provide the SOS with the following information:
 - a) The total number of people who have pre-registered to vote in a county;
 - b) The number pre-registered as preferring each qualified political party;
 - c) The number pre-registered as preferring nonqualified parties;
 - d) The number pre-registered without choosing a political party preference; and,
 - e) The number of people who have pre-registered to vote, by political party preference, for each of the following political subdivisions located in the county:
 - i) A supervisorial district;
 - ii) Congressional district;
 - iii) Senate district;
 - iv) Assembly district;
 - v) Board of Equalization district; and,
 - vi) Cities and unincorporated areas.
- 3) Requires county elections officials to provide the information listed above to the SOS at the following times:
 - a) On the 135th day before each presidential primary election and before each direct primary election of people who are pre-registered to vote on the 154th day before the

primary election;

- b) Not less than 50 days before the primary election of people who are pre-registered to vote on the 60th day before the primary election;
 - c) Not less than seven days before the primary election of people who are pre-registered to vote before the 14th day before the primary election;
 - d) Not less than 102 days before a presidential general election of people who are pre-registered to vote before the 123rd day before the presidential general election;
 - e) Not less than 50 days before the general election of people who are pre-registered to vote on the 60th day before the general election;
 - f) Not less than seven days before the general election of people who are pre-registered to vote on the 14th day before the general election; and,
 - g) On or before March 1 of each odd-numbered year of people who are pre-registered to vote as of February 10th.
- 4) Requires the SOS, within 30 days after receiving the information listed above, to compile a statewide list showing the number of people who have pre-registered to vote by party preference, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state.

EXISTING LAW:

- 1) Permits a person who is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and is at least 18 years of age at the time of the next election to register to vote in any local, state, or federal election.
- 2) Provides that a person may only be registered to vote by affidavit of registration.
- 3) Allows a person who is at least 16 years old and otherwise meets all voter eligibility requirements to pre-register to vote. Provides that the registration will be deemed effective as soon as the affiant is 18 years old at the time of the next election.
- 4) Requires county elections officials to prepare specified information on registered voters in the county, including the total number of voters and the total number of voters registered as preferring each qualified political party, and to provide the information to the SOS, as specified.
- 5) Requires each state, pursuant to the federal Help America Vote Act of 2002 (HAVA), to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state.

- 6) Requires certain information on affidavits of voter registration, such as the name, home address, telephone number, email address, and party affiliation, to be provided to, among others, any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS.
- 7) 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, as specified.

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

COMMENTS:

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

Nearly 90,000 youth have pre-registered to vote in California since the state began pre-registering 16-and 17-year-olds to vote in 2016. I'm thrilled that so many youth have taken this critical step in becoming engaged, active participants in our democracy. As more minors pre-register to vote, it's imperative that the legislature protects their privacy by prohibiting the disclosure of their personal information in the voter file.

- 2) **New California Motor Voter:** Last session, 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 Department of Motor Vehicles 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. According to the SOS, CNMVP is scheduled to begin on April 16.

Earlier this year the Legislature approved and the Governor signed AB 1407 (McCarty), Chapter 4, Statutes of 2018, which specified in law that CNMVP includes pre-registration for 16- and 17-year olds.

- 3) **Confidential Voter Information:** Current law requires certain information from affidavits of voter registration, such as the name, home address, telephone number, email address, and party affiliation, to be provided to, among others, any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the SOS. Existing law, however, explicitly 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 prohibits its disclosure, as specified. This bill requires an affidavit of registration of a pre-registered person whose registration is not yet deemed effective to be confidential and prohibits its disclosure to any person. In other words, this bill requires *all* information, including the name, home address, telephone number, email address, and party affiliation, which is allowed to be disclosed to certain scholarly and journalistic persons pursuant to current law,

to remain confidential until the person turns 18 years old and his or her voter registration is deemed effective.

- 4) **Statewide Voter Registration Database:** On October 29, 2002, President George W. Bush signed HAVA. Enacted partially in response to the 2000 Presidential election, HAVA was designed to improve the administration of federal elections. Among other provisions, HAVA requires every state to implement a computerized statewide voter registration list maintained at the state level. This statewide voter registration list will serve as the official list of eligible voters for any federal election held within the state.

In September of 2016, the SOS certified VoteCal and declared it to be the system of record for voter registration in California. VoteCal's many functions will improve service to voters such as connecting the SOS and all 58 counties offices to improve the voter registration process, provide a single, official statewide database of voter registration information, and provide a publically available website which allows a voter to register online, check their voter registration status, find their polling place, opt-out of being mailed a state voter information guide, and check if their VBM or provisional ballot was counted by their county elections official and, if not, the reason why it was not counted.

- 5) **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. In the presidential election year of 2016, of the nearly 75% of Californians who were registered to vote, only 12% were youth between the ages of 17.5 to 24. In 2014 only 52 percent of the state's residents ages 18 to 24 were registered to vote before the midterm election. This was more than 20 points below any other age group.

In its report *California's Likely Voters*, the Public Policy Institute of California states that young adults (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 31% of the state's adult population but constitute 47% of likely voters.

- 6) **Previous Legislation:** AB 30 (Price), Chapter 364, Statutes of 2009, allows a person who is 17 years of age to pre-register to vote, provided he or she would otherwise meet all eligibility requirements.

SB 113 (Jackson), Chapter 619, Statutes of 2014, allows a person who is 16 years of age to pre-register to vote, provided he or she would otherwise meet all eligibility requirements.

ACA 2 (Mullin) of 2015 would have allowed a person who is 17 years old and who will be 18 years old at the time of the next general election to register and vote in that general election and in any intervening primary or special election that occurs after the person registers to vote. ACA 2 was approved by this committee, but was never brought up for a vote on the Assembly floor.

- 7) **Related Legislation:** ACA 10 (Low) lowers the voting age from 18 years of age to 17 years of age. ACA 10 is pending on the Assembly Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla

Opposition

None on file.

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