

Date of Hearing: July 12, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

SB 511 (Stern) – As Amended March 28, 2017

SENATE VOTE: 37-0

SUBJECT: Elections: Secretary of State

SUMMARY: Requires the Secretary of State (SOS) to make reasonable efforts to promote voter registration and voting. Specifically, **this bill:**

- 1) Requires the SOS to make reasonable efforts to do all of the following:
 - a) Promote voter registration to eligible voters;
 - b) Encourage eligible voters to vote;
 - c) Promote pre-registration to eligible citizens; and,
 - d) Promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.
- 2) Requires the SOS, in undertaking these duties, to prioritize communities that have been historically underrepresented in voter registration or voting.

EXISTING LAW:

- 1) Declares the SOS is the chief elections officer of the state, and is responsible for enforcing the state's election laws.
- 2) Requires the SOS to administer specified provisions of the Political Reform Act of 1974 requiring disclosure of financial activities related to political campaigns and lobbying online via the Internet to through a system known as Cal-Access.
- 3) Authorizes the SOS to conduct the testing, examination, and certification of all voting systems used in the state.
- 4) Requires the SOS to maintain the statewide voter registration database known as VoteCal.
- 5) Requires the SOS to provide a system for online voter registration.
- 6) Requires the SOS to see that elections are efficiently conducted and permits the SOS to require elections officers to make reports concerning elections in their jurisdictions.
- 7) Requires the SOS, if he or she concludes at any time that state election laws are not being enforced, to bring the violation to the attention of the district attorney of the county or to the Attorney General.

- 8) Provides that the SOS may examine voted, unvoted, spoiled, and canceled ballots, vote-counting computer programs, vote by mail ballot envelopes and applications, and supplies, as specified, in order to determine whether an elections law violation has occurred. Permits the SOS to examine any other records of elections officials as he or she finds necessary in making his or her determination, as specified.
- 9) Permits the SOS to adopt regulations to assure the uniform application and administration of state election laws.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

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

Our democracy works best, when the most people participate. The SOS's programs are important to encourage citizens to participate, to educate new voters, and to remind frequent voters about candidates, measures, and elections. However, these efforts are often conducted at the SOS' discretion; they are not a duty or responsibility of the office. SB 511 will clearly establish that the duties of the SOS are to educate and engage voters and to promote participation in our democracy.

- 2) **Current Roles and Programs of Secretary of State:** Elections in California are administered by county election officials with oversight provided by the Office of the SOS, who is designated the Chief Elections Official. The SOS ensures the enforcement of election laws and administers certain campaign disclosure programs, maintains a statewide database of all registered voters, certifies the official lists of candidates for elections, tracks and certifies ballot initiatives, compiles election returns, and certifies election results. Additionally, the SOS promulgates regulations, shares best practices, certifies election results, produces the statewide Voter Information Guide, and tests and certifies voting systems.

The SOS has established programs to engage voters where they live, work, or go to school. The *My Democracy at Work* program provides the opportunity for employers to partner with the SOS to encourage greater civic participation through a variety of initiatives designed to increase voter registration and voter turnout among customers, employees, and members. The "*Honor Veterans. Vote.*" program provides California citizens the opportunity to pay tribute and dedicate their vote to a veteran or active duty service member. Twice a year the SOS partners with high schools and county election officials to promote *High School Voter Education Weeks*, to promote on-campus voter registration drives. The *California Student Mock Election* program encourages students to become active voters when they are 18. The *California Students Vote Project* advocates for the implementation of student voter best practices at California's public colleges and universities. Additionally, SOS staff regularly attend naturalization ceremonies across the state to register new citizens to vote and answer questions about voting.

- 3) **Trends in Political Participation:** According to the SOS's website, 82% of California's adults are eligible to vote but only 57% are registered to do so. California's electorate does not reflect the size, the growth, or the diversity of the state's population.

According to a 2016 report by the Public Policy Institute of California titled "California's Exclusive Electorate: Who Votes and Why It Matters":

Voters in California tend to be older, white, college educated, affluent, and homeowners. They also tend to identify themselves as "haves" – rather than "have nots" when asked to choose between these two economic categories. Nonvoters tend to be younger, Latino, renters, less affluent, and less likely to be college educated than likely voters—and they generally identify themselves as have nots.

California has recently taken steps to encourage voter participation, but our research suggests that the divide between voters and nonvoters is deep and persistent. What more can the state do to diversify its electorate? Further changes in the voter registration and voting process may help, but only to a limited degree. Civic engagement is critical—as is building confidence in elections and trust in government. Public and private efforts, including targeted drives to increase civics education, voter registration, and voting in underrepresented communities, could result in broader representation of Californians' views.

- 4) **Arguments in Support:** In support of this bill, Secretary of State Alex Padilla writes:

In 2016, California experienced surges in voter registration and participation. Over 19.4 million citizens were registered to vote, the highest rate in twenty years. Over 14.6 million Californians cast a ballot – nearly 1 million more than the record turnout year of 2008. These are numbers to celebrate, yet we still have work to do. Registration hit a record high, yet 5.4 million California citizens are not registered to vote. Voters cast the most number of ballots in the history of California, yet 10 million eligible voters did not vote. Increasing engagement in our democracy requires statewide leadership...

The duties of the SOS should be more than just administrative and ministerial. California needs a Chief Engagement Official...

My agency's programs are important to encourage citizens to participate, to educate new voters, and to remind frequent voters about candidates, measures and elections. However these efforts are often conducted at my discretion; they are not a duty or responsibility of my office. SB 511 will clearly establish that the duties of the Secretary of State are to educate and engage voters and to promote participation in our democracy.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (sponsor)

Opposition

None on file.

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