

## CHAPTER 1

### VOTER REGISTRATION AND IDENTIFICATION REQUIREMENTS

The goal of this chapter is to provide guidance to elections officials relating to the federal laws requiring each state to establish a statewide voter registration database and the federal and state identification requirements for voter registration.

#### **HAVA Requirement for a Statewide Database**

Section 303(a) of HAVA requires each state having voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized, interactive computerized statewide voter registration list. This computerized list shall be coordinated with the databases of other state agencies, and must be accessible to any elections official in the state, including local elections officials. (HAVA § 303(a)(1)(A)(iv) and (v).) Local elections officials are responsible for entering voter registration into the computerized list on an expedited basis as soon as they receive the information. (HAVA § 303(a)(1)(A)(vi).) The state is to maintain the list, and ensure that individuals who are ineligible to vote are removed from the list. (HAVA § 303(a)(2).)

#### **State Implementation of HAVA Database Requirement**

The HAVA statewide voter registration database requirements became effective for California on January 1, 2006. As of that date, the statewide list became the official voter registration list for the State of California. California has complied with the HAVA requirements utilizing an enhanced Calvoter statewide voter registration system, pending development and completion of the new VoteCal statewide voter registration system.

Additionally, in December of 2005, the Secretary of State adopted emergency regulations, which established the database and set forth the procedure for processing voter registrations, including identification verification. The regulations further accomplish all of the following:

- Describe procedures for verifying voter identity and issuing unique voter identification numbers.
- Establish data exchange and data maintenance requirements.
- Describe the requirements of the elections management system and indicate the voter information to be included in that system.
- State the requirements for processing new (after December 31, 2005) voter registration applications.
- Set forth requirements and procedures to be utilized in updating, changing or canceling a voter's registration record.
- Provide guidance for comparing registration records with state death and felony status records.
- Establish requirements concerning duplicate registration records.

(Cal. Code Regs, Tit. 2, div. 7, ch, 2, §§ 20108-20108.80.)

Subsequent to each election, the county elections official is required to certify compliance with these regulations. (Cal. Code Regs, Tit. 2, div. 7, ch, 2, § 20108.80.)

### **Statewide Database Procedures**

Calvoter interfaces and shares information with each county's Election Management System (EMS). The EMS is required to maintain each voter's voting history, mailing list maintenance notices sent to the voter, the voter's status as an active or inactive voter, and other information pertaining to a voter's eligibility. New voter registrations and re-registration applications are also processed through the interface with the EMS, although if the elections official has previously verified the voter's driver's license number through Calvalidator and the EMS stores this information, this step is not required for re-registrations; see "Identification Requirements" below. The procedures contained in the regulations also require periodic duplicate checks and comparison of death and felony conviction records. These records are then uploaded into Calvoter via an automated batch process for most Elections Management Systems.

Additional procedures require Calvoter to be "frozen" from the 15-day close of registration through the end of the official canvass for any federal election. This is necessary to ensure that Calvoter will be the complete and accurate list of Californians eligible to vote in that election. Registrations received during the "freeze" period may be received and processed by each county elections official and go through the Calvalidator validation process, but will not be uploaded into Calvoter until the end of the official canvass for the pending election.

### **HAVA Voter Registration Identification Requirements**

Pursuant to Section 303 of the Help America Vote Act ("HAVA"), individuals registering to vote, by any means, must provide their current and valid driver's license number, or state identification number on the affidavit of registration, if they have such a number. (HAVA § 303(a)(5)(A)(i)(I).) If the individual does not possess a current and valid driver's license or state identification number, the individual is required to provide the last four digits of his or her social security number. (HAVA § 303(a)(5)(A)(i)(II).) If an applicant for voter registration has not been issued either a current and valid driver's license or state identification number or a social security number, the state must assign the voter a unique number, which shall serve to identify the voter for registration purposes. (HAVA § 303(a)(5)(A)(ii).) The state must verify the validity of the numbers provided by the registrant. (HAVA § 303(a)(5)(A)(iii).)

### **State Implementation of HAVA Voter Registration Identification Requirements**

To comply with the identification validation requirements of HAVA, county elections officials must verify the driver's license or state identification number through Calvalidator for all registrants whose affidavits are received after December 31, 2005. The driver's license or state identification number may not be sent to Calvoter until it is successfully checked through Calvalidator. In some instances, the inability to verify a number will require county elections officials to directly contact the registrant. However,

the county elections official may enter a driver's license or state identification number found through Calvalidator if the registrant did not provide it on the voter registration card and only one individual is found via Calvalidator that possesses the name and date of birth of that registrant.

If the county elections official has difficulty verifying the driver's license number or social security number of a registrant, that person's voter registration may be placed in "pending status." Registrants may also be placed in pending status if the registration record lacks substantive information required to determine the person's eligibility to vote.

Voters in pending status may vote on Election Day, but must do so by means of a provisional ballot until the identification verification is completed. Therefore, it is essential for anyone registering voters to ensure that each registrant completely fills out the voter registration affidavit, including his or her driver's license or state identification number and/or social security number, if the registrant has any of these numbers.

### **Identification at the Polls (See Chapter 7)**

The regulations also set forth procedures relating to the identification of voters who are required to show identification at the polls. This is a related, but separate requirement of HAVA. Please see Chapter 7 for a detailed description of the requirements concerning identification at the polls.