



SB-450 Elections: all-mailed ballot elections. (2015-2016)

AMENDED IN ASSEMBLY JULY 07, 2015

AMENDED IN ASSEMBLY JUNE 15, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 450

Introduced by Senators Allen and Hertzberg

(Principal ~~coauthor:~~ *coauthors:* Assembly ~~Member Gonzalez~~ *Members Gonzalez and Mullin*)

February 25, 2015

An act to add Section 4005 ~~to~~ *to, and to add and repeal Section 4005.5 of,* the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as amended, Allen. Elections: all-mailed ballot elections.

Existing law authorizes cities with a population of ~~less~~ *fewer* than 100,000 persons, school districts, and special districts to conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body of those entities under specified conditions.

This bill would, on or after January 1, 2018, authorize a county to conduct any election as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot dropoff locations and ~~polling~~ *vote* centers. The bill would require a county that conducts an all-mailed ballot election to report certain information to the Legislature and the Secretary of State regarding ~~the success of the first~~ all-mailed ballot ~~election~~ *elections* conducted pursuant to these provisions. *The bill would require the Secretary of State to report certain information to the Legislature regarding the success of the first all-mailed ballot election conduct pursuant to these provisions by a county.*

The bill would also require the Secretary of State to establish a taskforce that includes certain individuals to review all-mailed ballot elections conducted pursuant to these provision and to provide comments and recommendations to the Legislature on or before April 1, 2021.

Vote: majority Appropriation: no Fiscal Committee: ~~no~~ *yes* Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4005 is added to the Elections Code, to read:

Agenda Item 6. Legislative Update

4005. (a) Notwithstanding Section 4000 or any other law, on or after January 1, 2018, a county may conduct any election as an all-mailed ballot election if all of the following apply:

(1) (A) At least ~~one~~ *two* ballot dropoff ~~location is~~ *locations are* provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every ~~5,000~~ *15,000* registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations.

(B) A ballot dropoff location provided for under this section consists of a *secure, accessible, and* locked ballot box ~~located in a secure public building that meets the accessibility requirements for a polling place and is open during business hours to receive voted vote by mail ballots beginning not less than 14 days before the date of the election.~~ *able to receive voted ballots. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the date of the election, and on the date of the election. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.*

~~(2) Ballot dropoff locations are placed in a manner that best serves the voters at accessible locations as near as possible to established public transportation routes.~~

~~(3)~~

(2) The county elections official permits a voter residing in the county to do any of the following at a ~~polling~~ *vote* center:

(A) Return, or vote and return, his or her vote by mail ballot.

(B) Register to ~~vote~~ *vote, update his or her voter registration*, and vote pursuant to Section 2170.

(C) Receive and vote a provisional ballot pursuant to Section 3016 or Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

~~(4) Every polling center is open to voters not less than 10 days before the date of the election for a minimum of eight hours per day except that every polling center is open from 7 a.m. to 8 p.m. on the day of the election, except as provided in Section 14401.~~

~~(5)(A) At least one polling center is provided within the jurisdiction where the election is held or the number of polling centers are fixed in a manner so that there is at least one polling center provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more polling centers.~~

(D) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.

(E) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(3) (A) On the day of the election, from 7 a.m. to 8 p.m., at least one vote center is provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, a minimum of two voter centers are provided on the day of the election within the jurisdiction where the election is held.

(4) (A) Not less than 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.

~~(B)~~

(C) The ~~polling~~ *vote* centers provided under this section are established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

~~(C)~~

(D) The ~~polling~~ *vote* centers provided under this section are established at accessible locations as near as possible to established public transportation ~~routes and are~~ *routes*. *The vote centers shall be* equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(E) (i) *Vote centers provided under this section have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:*

(I) Name.

(II) Address.

(III) Date of birth.

(IV) Language preference.

(V) Party preference.

(VI) Precinct.

(VII) Whether or not the voter has been issued a vote by mail ballot and whether or not a ballot has been received by the county elections official.

(ii) The electronic mechanism used to access voter registration data shall not be connected in any way to a voting system.

(5) A method is available to request and deliver a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.

(6) (A) Except as otherwise provided for in this section, ~~precinct election~~ boards for the ~~polling~~ *vote* centers established under this section meet the requirements for eligibility and composition pursuant to Article 1 (commencing with Section 12300) of Chapter 4 of Division 12.

~~(B) If a polling center is located in an area otherwise consisting of one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), the county elections official makes reasonable efforts to ensure that the polling center is staffed by precinct board members who speak that language.~~

(B) Each vote center provides language assistance in all languages required in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a manner that enables voters of the applicable language minority groups to participate effectively in the electoral process. Each vote center shall post information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(i) If a vote center is located in, or adjacent to, a precinct, census tract, or other defined geographical subsection required to establish language requirements under subdivision (c) of Section 12303 or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing language assistance through the public input process described in clause (ii), the county elections official shall ensure that the vote center is staffed by election board members who speak the required language. If the county elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance shall be provided by the county elections official.

(ii) The county elections official shall solicit public input regarding which vote centers should be staffed by

election board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(iii) The county elections official shall provide notice in the sample ballot, in vote by mail materials, and on his or her Internet Web site of the specific language services available at each vote center.

(C) Each vote center provides election materials translated in all languages required in the jurisdiction under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) Each vote center provides reasonable modifications and auxiliary aids and services as required by the federal American with Disabilities Act (42 U.S.C. Sec. 12101 et seq.).

(7) (A) ~~The~~ *At least 29 days before the date of the election, the* county elections official ~~delivers mails~~ to each registered voter ~~all supplies necessary for the use and return of the vote by mail ballot, including an envelope for the a vote by mail ballot packet that includes a return envelope with instructions for the use and~~ return of the ~~voted~~ vote by mail ballot.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the vote by mail ~~ballot~~, *ballot packet*, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will ~~receive~~ *be issued* a vote by mail ballot by mail.

(II) The voter may cast a vote by mail ballot in person at a ~~polling vote~~ center during the times and days specified in *subparagraph (A) of* paragraph ~~(4)~~ (4) or on election day.

(III) ~~The~~ *At least seven days before the date of the election, the* voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a language other than English pursuant to Section 14201.

(ii) A list of the ballot dropoff locations and ~~polling vote~~ centers established pursuant to this ~~section~~. *section, including the dates and hours they are open.* The list shall also be posted *in an accessible format* on the Internet Web site of the county elections official.

(iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote by mail ballot in a language other than English.

~~(8)(A)The county elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the county for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:~~

~~(i)One education and outreach meeting that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.);~~

~~(ii)One education and outreach meeting that includes representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities;~~

~~(iii)At least one bilingual voter education workshop for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.);~~

~~(iv)At least one voter education workshop to increase accessibility for participation of eligible voters with disabilities;~~

(C) Upon request, the county elections official provides written voting materials to voters with disabilities in an accessible format.

(8) (A) The county elections official develops a draft plan for the administration of elections conducted pursuant to this section in consultation with the public, including both of the following:

(i) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(ii) One meeting, publicly noticed at least 10 days in advance of the meeting, that includes representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(B) The county elections official, when developing the draft plan for the administration of elections conducted pursuant to this section, considers, at a minimum, all of the following:

(i) Vote center and ballot dropoff location proximity to public transportation.

(ii) Vote center and ballot dropoff location proximity to communities with historically low vote by mail usage.

(iii) Vote center and ballot dropoff location proximity to population centers.

(iv) Vote center and ballot dropoff location proximity to language minority communities.

(v) Vote center and ballot dropoff location proximity to voters with disabilities.

(vi) Access to accessible and free parking at vote centers and ballot dropoff locations.

(vii) The distance and time a voter must travel by car or public transportation to a vote center and ballot dropoff location.

(viii) The availability of alternate methods for voters with disabilities for whom vote by mail ballot are not accessible to cast a ballot.

(ix) Traffic patterns near vote centers and ballot dropoff locations.

(x) The availability of mobile vote centers in addition to the number of vote centers established pursuant to this section.

(C) The county elections official publicly notices the draft plan for the administration of elections conducted pursuant to this section and accepts public comments on the draft plan for at least 14 days before the hearing held pursuant to subparagraph (D).

(D) (i) Following the 14-day review period required by subparagraph (C), the county elections official holds a public meeting to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comment. The meeting shall be publicly noticed at least 10 days in advance of the meeting on the Internet Web sites of the clerk of the county board of supervisors and the county elections official, or, if neither the clerk of the county board of supervisors nor the county elections official maintain an Internet Web site, in the office of the county elections official.

(ii) After the public hearing to consider the draft plan for the administration of elections conducted pursuant to this section and to accept public comments, the county elections official may amend the draft plan. The county elections official shall publicly notice the amended draft plan and shall accept public comments on the amended draft plan for at least 14 days before the county elections official may adopt the amended draft plan pursuant to subparagraph (E).

(E) Following the 14-day review and comment period required by clause (ii) of subparagraph (D), the county elections may adopt a final plan for the administration of elections conducted pursuant to this section.

(F) Public meetings held pursuant to this paragraph shall, upon request, provide auxiliary aids and services to ensure effective communication with people with disabilities.

(G) Within two years of the adoption of the first plan for the administration of elections conducted pursuant to this section, the county elections official shall hold public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the first plan for the administration of elections conducted pursuant to this section. Every four years thereafter, the county elections official shall hold

public meetings in accordance with the procedures described in subparagraphs (C) to (F), inclusive, to consider revising the plan for the administration of elections conducted pursuant to this section.

(H) (i) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section no more than 120 days before the date of an election held pursuant to this section.

(ii) With reasonable public notification, a county elections official may amend a plan for the administration of elections conducted pursuant to this section more than 120 days before the date of an election held pursuant to this section if he or she provides at least 30 days to accept public comment on the amended plan.

(I) The plan for the administration of elections conducted pursuant to this section, includes all of the following:

(i) A description of how the county elections official will use the media, including social media, newspapers, radio, and television that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(ii) A description of how the county elections official will have a community presence to educate voters regarding the provisions of this section.

(iii) A description of the accessible information that will be publicly available on the accessible Internet Web site of the county elections official.

(iv) A description of how the county elections official will educate and communicate the provisions of this section to the public, including:

(I) Communities for which the county is required to provide voting materials and assistance in a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(II) The disability community, including organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(v) A description of how a voter with disabilities may request and receive a blank vote by mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.

(vi) A description of how the county elections official will address significant disparities in voter accessibility and participation identified in the reports required by subdivision (f).

(vii) To the extent available at the time of publication, information on all of the following:

(I) The total number of vote centers to be established.

(II) The total number of ballot dropoff locations to be established.

(III) The location of each vote center.

(IV) The location of each ballot dropoff location and whether it is inside or outside.

(V) A map of the locations of each vote center and ballot dropoff location.

(VI) The hours of operation for each vote center.

(VII) The hours of operation for each ballot dropoff location.

(VIII) The security and contingency plans that would be implemented by the county elections official to do both of the following:

(ia) Prevent a disruption of the vote center process.

(ib) Ensure that the election is properly conducted if a disruption occurs.

(IX) The number of election board members and the number of bilingual election board members and the languages spoken.

(X) The type and number of accessible voting machines and related accessible services at each vote center.

(XI) The design, layout, and placement of equipment inside each voter center that protects each voter's right to cast a private ballot.

~~(v)~~

(viii) A toll-free voter assistance hotline maintained by the county elections official that is operational no later than 29 days before the date of the election until 5 p.m. on the day after the election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

~~(vi)~~

(ix) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

~~(vii)~~

(x) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

~~(viii) A voter education social media strategy that is developed in partnership with community organizations and individuals that advocate on behalf of, or provide services to, non-English speaking individuals and individuals with disabilities.~~

~~(B)~~

(J) The ~~voter education and outreach plan~~ plan for the administration of elections conduct pursuant to this section is posted in a format that is accessible to persons with disabilities on the Internet Web site of the Secretary of State and on the Internet Web site of the county elections official.

(b) Notwithstanding Section 4002 or any other law, on or after January 1, 2018, a county elections official may conduct a special election as an all-mailed ballot election under this section if all of the following apply:

(1) (A) On the day of election, from 7 a.m. to 8 p.m., at least one vote center is provided for every 30,000 registered voters. The county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.

(2) (A) Not less than 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. The county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.

(3) (A) At least one ballot dropoff location is provided for every 15,000 registered voters. At least one ballot dropoff location shall be located within the jurisdiction where the special election is held. All ballot dropoff locations shall be open at least during regular business hours beginning not less than 28 days before the date of the election, and on the date of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 15,000 registered voters, at least one ballot dropoff location shall be provided.

~~(b)~~

(c) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance

with Division 14 (commencing with Section 14000).

~~(c)~~

(d) The county elections official may provide, at his or her discretion, additional ballot dropoff locations and ~~polling~~ *vote* centers for purposes of this section.

~~(d)~~

(e) The return of voted vote by mail ballots is subject to Sections 3017 and 3020.

~~(e)~~

(f) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

~~(f)~~

(g) (1) (A) If an election is conducted pursuant to this section, the ~~county~~ *Secretary of State* shall report to the Legislature ~~and to the Secretary of State~~ regarding the success of the first election conducted pursuant to this section, including, ~~but not limited to, all of the following:~~ *to the extent possible, the turnout of different populations, including the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

~~(A) Any statistics on the cost to conduct the election.~~

~~(B)~~

~~The turnout of different populations, including, but not limited to, and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).~~

(B) If an election is conducted pursuant to this section, the county shall submit to the Legislature and to the Secretary of State a report that includes all of the following:

(i) Information on the cost to conduct the election.

~~(c)~~

(ii) The number of ballots that were not counted and the reasons they were ~~rejected~~ not counted.

~~(d)~~

(iii) Voter fraud.

~~(e)~~

(iv) Any other problems that became known to the county during the election or canvass.

(v) The number of votes cast at each vote center.

(2) Whenever possible, using the criteria set forth in paragraph (1), the ~~report~~ *reports* shall compare the election conducted pursuant to this section to similar elections not conducted pursuant to this section in the same jurisdiction or comparable jurisdictions.

(3) Within six months after the date of the election or before the date of a subsequent election conducted pursuant to this section, whichever is sooner, ~~a county~~ *the Secretary of State and counties* shall do all of the following with respect to the ~~report~~ *reports* required by this subdivision:

(A) Submit the ~~report~~ *reports* to the Legislature in compliance with Section 9795 of the Government Code.

~~(B) Submit the report to the Secretary of State.~~

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(E)

(B) Post the ~~report~~ reports in a format that is accessible to voters with disabilities on the Internet Web site of the Secretary of State or the county elections ~~official~~ official, as applicable.

(h) The Secretary of State shall enforce the provisions of this section pursuant to Section 12172.5 of the Government Code.

(i) For purposes of this section, "disability" has the same meaning as defined in subdivisions (j), (m), and (n) of Section 12926 of the Government Code.

SEC. 2. Section 4005.5 is added to the Elections Code, to read:

4005.5. (a) The Secretary of State shall establish a taskforce that includes representatives of all of the following:

(1) County elections officials.

(2) Individuals with demonstrated language accessibility experience for languages covered under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) The disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(4) Experts with demonstrated experience in the field of elections.

(b) The taskforce shall review elections conducted pursuant to Section 4005 and provide comments and recommendations to the Legislature on or before April 1, 2021.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2022, deletes or extends that date.

**AB-1461 Voter registration: California New Motor Voter Program.** (2015-2016)**Assembly Bill No. 1461**

CHAPTER 729

An act to amend Sections 2100 and 2102 of, and to add Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1461, Gonzalez. Voter registration: California New Motor Voter Program.

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license. The federal act requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, after the Secretary of State certifies that certain enumerated conditions are satisfied, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who is issued an original or renewal of a driver's license or state identification card or who provides the department with a change of address, as specified. The person's motor vehicle records would then constitute a completed affidavit of registration and the person would be registered to vote, unless the person affirmatively declined to be registered to vote during a transaction with the department, the department did not represent to the Secretary of State that the person attested that he or she meets all voter eligibility requirements, as specified, or the Secretary of State determines that the person is ineligible to vote. The bill would require the Secretary of State to adopt regulations to implement this program, as specified.

Under existing law, the willful, unauthorized disclosure of information from a Department of Motor Vehicles record to any person, or the use of any false representation to obtain information from a department record or any use of information obtained from any department record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

This bill would provide that disclosure of information contained in the records obtained from the Department of Motor Vehicles pursuant to the California New Motor Voter Program is a misdemeanor, punishable by a fine not exceeding \$5,000 or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

Existing law, the Information Practices Act of 1977, authorizes every state agency to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency, or is required or authorized by state or federal law. That act specifies the situations in which disclosure is permissible and also specifies the manner in which agencies must account for disclosures of personal information, including those due to security breaches, among other provisions.

This bill would require the Secretary of State to establish procedures to safeguard the confidentiality of information acquired from the Department of Motor Vehicles pursuant to the California New Motor Voter Program and would state that the provisions of the Information Practices Act of 1977 govern disclosures pursuant to the program.

Existing law makes it a crime for a person to willfully cause, procure, or allow himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration. Existing law also makes it a crime to fraudulently vote or attempt to vote.

This bill would provide that if a person who is ineligible to vote becomes registered to vote by operation of the California New Motor Voter Program in the absence of a violation by that person of the crime described above, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person. The bill would also provide that if a person who is ineligible to vote becomes registered to vote by operation of this program, and that person votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and is not guilty of fraudulently voting or attempting to vote, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.

This bill would also make conforming changes.

This bill would incorporate additional changes to Section 2102 of the Elections Code, proposed by SB 589, that would become operative only if SB 589 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2100 of the Elections Code is amended to read:

2100. A person shall not be registered except as provided in this chapter or Chapter 4.5, except upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

SEC. 2. Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:

2102. (a) Except as provided in Chapter 4.5, a person shall not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon

receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraph (1) and (2) on or before the 15th day prior to the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day prior to the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

SEC. 2.5. Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:

2102. (a) Except as provided in Chapter 4.5, a person shall not be registered as a voter except by affidavit of registration. The affidavit of registration shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day before an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day before the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day before the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day before the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day before the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a

nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

- (1) The affidavit is signed on the same date or a date before the signing of the petition or paper.
 - (2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.
- (c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.
- (d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed affidavit of registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the affidavit of registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.
- (e) An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.
- (f) An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.

SEC. 3. Chapter 4.5 (commencing with Section 2260) is added to Division 2 of the Elections Code, to read:

CHAPTER 4.5. California New Motor Voter Program

2260. This chapter shall be known and may be cited as the California New Motor Voter Program.

2261. The Legislature finds and declares all of the following:

- (a) Voter registration is one of the biggest barriers to participation in our democracy.
- (b) In 1993, Congress enacted the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly known as the "Motor Voter Law," with findings recognizing that the right of citizens to vote is a fundamental right; it is the duty of federal, state, and local governments to promote the exercise of the right to vote; and the primary purpose of the act is to increase the number of eligible citizens who register to vote.
- (c) It is the intent of the Legislature to enact the California New Motor Voter Program to provide California citizens additional opportunities to participate in democracy through exercise of their fundamental right to vote.

2262. (a) The Secretary of State and the Department of Motor Vehicles shall establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Section 2 of Article II of the California Constitution.

(b) This chapter shall not be construed as requiring the Department of Motor Vehicles to determine eligibility for voter registration and voting. The Secretary of State is solely responsible for determining eligibility for voter registration and voting.

2263. (a) The Department of Motor Vehicles, in consultation with the Secretary of State, shall establish a schedule and method for the department to electronically provide to the Secretary of State the records specified in this section.

(b) (1) The department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits an application for a driver's license or identification card pursuant to Section 12800, 12815, or 13000 of the Vehicle Code, or who notifies the department of a change of address pursuant to Section 14600 of the Vehicle Code:

- (A) Name.
 - (B) Date of birth.
 - (C) Either or both of the following, as contained in the department's records:
 - (i) Residence address.
 - (ii) Mailing address.
 - (D) Digitized signature, as described in Section 12950.5 of the Vehicle Code.
 - (E) Telephone number, if available.
 - (F) Email address, if available.
 - (G) Language preference.
 - (H) Political party preference.
 - (I) Whether the person chooses to become a permanent vote by mail voter.
 - (J) Whether the person affirmatively declined to become registered to vote during a transaction with the department.
 - (K) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in Section 2101.
 - (L) Other information specified in regulations implementing this chapter.
- (2) (A) The department may provide the records described in paragraph (1) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (e) of this section have been satisfied. Records provided pursuant to this paragraph shall only be used for the purposes of outreach and education to eligible voters conducted by the Secretary of State.
- (B) The Secretary shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
- (c) The Secretary of State shall not sell, transfer or allow any third party access to the information acquired from the Department of Motor Vehicles pursuant to this chapter without approval of the department, except as permitted by this chapter and Section 2194.
- (d) The department shall not electronically provide records of a person who applies for or is issued a driver's license pursuant to Section 12801.9 of the Vehicle Code because he or she is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.
- (e) The Department of Motor Vehicles shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:
- (1) The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.).
 - (2) The Legislature has appropriated the funds necessary for the Secretary of State and the Department of Motor Vehicles to implement and maintain the California New Motor Voter Program.
 - (3) The regulations required by Section 2270 have been adopted.
- (f) The Department of Motor Vehicles shall not electronically provide records pursuant to this section that contain a home address designated as confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the Vehicle Code.

2264. (a) The willful, unauthorized disclosure of information obtained from the Department of Motor Vehicles pursuant to Section 2263 to any person, or the use of any false representation to obtain any of that information or the use of any of that information for a purpose other than as stated in Section 2263, is a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail not

exceeding one year, or both fine and imprisonment.

(b) The Secretary of State shall establish procedures to protect the confidentiality of the information acquired from the Department of Motor Vehicles pursuant to Section 2263. The disclosure of this information shall be governed by the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and the Secretary of State shall account for any disclosures, including those due to security breaches, in accordance with that act.

2265. (a) The records of a person designated in paragraph (1) of subdivision (b) of Section 2263 shall constitute a completed affidavit of registration and the Secretary of State shall register the person to vote, unless any of the following conditions is satisfied:

(1) The person's records, as described in Section 2263, reflect that he or she affirmatively declined to become registered to vote during a transaction with the Department of Motor Vehicles.

(2) The person's records, as described in Section 2263, do not reflect that he or she has attested to meeting all voter eligibility requirements specified in Section 2101.

(3) The Secretary of State determines that the person is ineligible to vote.

(b) (1) If a person who is registered to vote pursuant to this chapter does not provide a party preference, his or her party preference shall be designated as "Unknown" and he or she shall be treated as a "No Party Preference" voter.

(2) A person whose party preference is designated as "Unknown" pursuant to this subdivision shall not be counted for purposes of determining the total number of voters registered on the specified day preceding an election, as required by subdivision (b) of Section 5100 and subdivision (c) of Section 5151.

2266. A person registered to vote under this chapter may cancel his or her voter registration at any time by any method available to any other registered voter.

2267. This chapter does not affect the confidentiality of a person's voter registration information, which remains confidential pursuant to Section 2194 of this code and Section 6254.4 of the Government Code and for all of the following persons:

(a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5.

(b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5.

(c) A public safety officer pursuant to Section 2166.7.

(d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.

2268. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter in the absence of a violation by that person of Section 18100, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

2269. If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote pursuant to Section 18560, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.

2270. The Secretary of State shall adopt regulations to implement this chapter, including regulations addressing both of the following:

(a) A process for canceling the registration of a person who is ineligible to vote, but became registered under the California New Motor Voter Program in the absence of any violation by that person of Section 18100.

(b) An education and outreach campaign informing voters about the California New Motor Voter Program that the Secretary of State will conduct to implement this chapter. The Secretary may use any public and private funds available for this and shall provide materials created for this outreach and education campaign in

languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this bill is enacted after Senate Bill 589, in which case Section 2 of this bill shall not become operative.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.