

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN SENATE MAY 16, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 361

Introduced by Senator Padilla

February 20, 2013

An act to amend Sections 2102, 2146, 2196, ~~2408~~, 3017, and 14310 of, to add Sections 2101.5, 2169, and 2228 to, and to add Chapter 7 (commencing with Section 2500) to Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Padilla. Elections: voter registration.

(1) Under existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, a person who is eligible to register to vote and has a valid California driver's license or state identification card is authorized to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. Existing law, the federal National Voter Registration Act of 1993, requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies. Existing law requires the Department of Motor Vehicles, community college and California State University campuses, and voter registration agencies to perform various duties in connection with voter registration.

This bill would require the Secretary of State to jointly establish ~~automated~~ *paperless* voter systems by *January 1, 2017*, with the Department of Motor Vehicles, certain colleges and universities, and certain voter registration agencies, under which voter registration information is collected and electronically transmitted to the Secretary of State, *in a format prescribed by the Secretary of State*, for the purpose of registering persons to vote or updating voters' registration information. This bill would require the Department of Motor Vehicles, each college or university, and each voter registration agency to offer certain persons the opportunity to register to vote or update their voter registrations by completing a supplemental voter registration form and consenting to the use of the voter's records held by the department, college or university, or voter registration agency for voter registration purposes. No later than one business day after receipt of a completed supplemental voter registration form, this bill would require the department, college or university, or voter registration agency to electronically transmit to the Secretary of State specified voter registration information. Upon receipt of the voter registration information, this bill would require the Secretary of State to register the person to vote or update the voter's registration in the statewide voter registration database, as applicable.

By requiring local agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The Student Voter Registration Act of 2003 requires every community college and California State University campus that operates an automated class registration system, or within two years of implementing such a system, to permit students, through an automated program in coordination with the Secretary of State, to elect to receive during the class registration process a voter registration form that is preprinted with personal information relevant to voter registration. The act encourages the University of California to comply with these provisions.

This bill would require the Secretary of State to work with each community college and California State University campus that operates an automated class registration system to ensure that the system conforms to the provisions on ~~automated~~ *paperless* voter registration. This bill would require each community college and California State University to, at the commencement of an academic term, send to each student a notice by electronic mail that is dedicated exclusively to voter registration and contains information relating to voter registration

eligibility and the Internet Web site address of the Secretary of State’s electronic voter registration system. This bill would encourage the University of California to comply with these provisions.

(3) Existing law specifies various duties of the Secretary of State with regard to the electoral process.

This bill would place additional requirements on the Secretary of State to provide the capability for a voter to check online or through a toll-free telephonic system the status of the voter’s registration, find the location of the voter’s polling place, check the status of a vote by mail ballot, and check the status of a voter’s provisional ballot on the Secretary of State’s Internet Web site, as specified.

(4) Existing law provides for voter residency confirmation procedures based on change-of-address information, as specified, in cases where the voter has moved to a new address within the same county or to another county.

This bill would, for the purpose of maintaining accurate voter registration records, authorize the Secretary of State to enter into agreements with other states to share voter information or data pertaining to voters who have permanently moved to other states.

(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(6) This bill would become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2101.5 is added to the Elections Code,
- 2 to read:
- 3 2101.5. A person may be registered as a voter by either of the
- 4 following means:

1 (a) By affidavit of registration filed with the county elections
2 official.

3 (b) By the Secretary of State in accordance with Chapter 7
4 (commencing with Section 2500).

5 SEC. 2. Section 2102 of the Elections Code, as amended by
6 Section 2 of Chapter 364 of the Statutes of 2009, is amended to
7 read:

8 2102. (a) A person registering as a voter by affidavit of
9 registration shall mail or deliver the affidavit to the county elections
10 official and shall set forth all of the facts required to be shown by
11 this chapter. A properly executed registration shall be deemed
12 effective upon receipt of the affidavit by the county elections
13 official if the affidavit is received on or before the 15th day prior
14 to an election to be held in the registrant's precinct. A properly
15 executed registration shall also be deemed effective upon receipt
16 of the affidavit by the county elections official if any of the
17 following apply:

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

20 (2) The affidavit is submitted to the Department of Motor
21 Vehicles or accepted by any other public agency designated as a
22 voter registration agency pursuant to the National Voter
23 Registration Act of 1993 (42 U.S.C. Sec. 1973gg et seq.) on or
24 before the 15th day prior to the election.

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

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

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

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

37 (c) Notwithstanding any other provision of law to the contrary,
38 the affidavit of registration required under this chapter shall not
39 be taken under sworn oath, but the content of the affidavit shall

1 be certified as to its truthfulness and correctness, under penalty of
2 perjury, by the signature of the affiant.

3 (d) A person who is at least 17 years of age and otherwise meets
4 all eligibility requirements to vote may submit his or her affidavit
5 of registration as prescribed by this section. A properly executed
6 registration made pursuant to this subdivision shall be deemed
7 effective as of the date the affiant will be 18 years of age, if the
8 information in the affidavit of registration is still current at that
9 time. If the information provided by the affiant in the affidavit of
10 registration is not current at the time that the registration would
11 otherwise become effective, for his or her registration to become
12 effective, the affiant shall provide the current information to the
13 proper county elections official as prescribed by this chapter.

14 SEC. 3. Section 2146 of the Elections Code is amended to read:

15 2146. (a) The Secretary of State shall annually provide every
16 high school, community college, and California State University
17 and University of California campus with voter registration forms.
18 The number of forms shall be consistent with the number of
19 students enrolled at each school who are of voting age or will be
20 of voting age by the end of the year. The Secretary of State shall
21 provide additional forms to any school, free of charge, if so
22 requested by a school.

23 (b) The Secretary of State shall provide a written notice with
24 each registration form describing eligibility requirements and
25 informing each student that he or she may return the completed
26 form in person or by mail to the elections official of the county in
27 which the student resides or to the Secretary of State. The notice
28 shall also inform each student that he or she may complete and
29 submit an affidavit of voter registration electronically on the
30 Internet Web site of the Secretary of State.

31 (c) (1) (A) Every community college and California State
32 University campus that operates an automated class registration
33 system on or before January 1, 2008, shall, through an automated
34 program, in coordination with the Secretary of State, permit
35 students, during the class registration process, to elect to receive
36 a voter registration form that is preprinted with personal
37 information relevant to voter registration by January 1, 2010.

38 (B) Any community college or California State University
39 campus that does not operate an automated class registration system
40 on or before January 1, 2008, shall, within two years of

1 implementing an automated class registration system, through an
2 automated program in coordination with the Secretary of State,
3 permit students, during the class registration process, to elect to
4 receive a voter registration form that is preprinted with personal
5 information relevant to voter registration.

6 (2) As soon as a community college or California State
7 University or University of California campus complies with
8 paragraph (1), the Secretary of State may continue, at his or her
9 discretion, to provide the campus with voter registration forms
10 unless the campus requests not to receive the voter registration
11 forms.

12 (3) The University of California is encouraged to comply with
13 this subdivision.

14 (d) (1) Each community college or California State University
15 campus that operates an automated class registration system on or
16 after January 1, 2014, shall comply with the requirements of
17 Chapter 7 (commencing with Section 2500). The Secretary of State
18 shall work with each community college and California State
19 University campus that operates an automated class registration
20 system to ensure that the system conforms to the ~~automated~~
21 *paperless* voter registration requirements of Chapter 7
22 (commencing with Section 2500).

23 (2) Each community college and California State University
24 campus shall, at the commencement of an academic term, send to
25 each student by electronic mail a notice that is dedicated
26 exclusively to conveying information relating to voter registration
27 eligibility and the Internet Web site address of the Secretary of
28 State's electronic voter registration system.

29 (3) The University of California is encouraged to comply with
30 this subdivision.

31 (e) The Secretary of State shall submit to the Legislature, on or
32 before January 1 of each year, a report on its student voter
33 registration efforts pursuant to this article. This report shall include
34 estimates as to how many voter registration forms were sent to
35 high schools, community colleges, and California State University
36 and University of California campuses, how many voter registration
37 forms were returned, and how many voter registration forms were
38 sent out to students through the automated program described in
39 subdivision (c).

1 (f) It is the intent of the Legislature that every eligible high
2 school and college student receive a voter registration form or the
3 opportunity to register to vote online. It is also the intent of the
4 Legislature that every school do all in its power to ensure that
5 students are provided the opportunity and means to register to vote.
6 This may include providing voter registration forms at the start of
7 the school year, including voter registration forms with orientation
8 materials; placing voter registration forms at central locations,
9 including voter registration forms with graduation materials; or
10 providing hyperlinks to, or the Internet Web site address of, the
11 Secretary of State's electronic voter registration system in notices
12 sent by electronic mail to students or placed on the Internet Web
13 site of the high school, college, or university.

14 SEC. 4. Section 2169 is added to the Elections Code, following
15 Section 2168, to read:

16 2169. (a) The Secretary of State shall provide on his or her
17 Internet Web site the capability for a voter to, and shall maintain
18 a toll-free telephone number by which a voter may, do all of the
19 following:

20 (1) Check the status of his or her voter registration and review
21 his or her voter registration information that is included in the
22 Secretary of State's electronic voter registration system.

23 ~~(2) Inquire whether a name is included in the Secretary of State's~~
24 ~~electronic voter registration system.~~

25 ~~(3) For the telephonic system, receive the Internet Web site~~
26 ~~address of the Secretary of State's electronic voter registration~~
27 ~~system.~~

28 ~~(4) For the online system, access the Secretary of State's~~
29 ~~electronic voter registration system through a hyperlink.~~

30 ~~(5)~~

31 (2) Not less than 30 days before an election, find the location
32 of his or her polling place, if that information is available, or the
33 location of the polling place for any residential address in the state.

34 ~~(6)~~

35 (3) Upon the completion of the official canvass for an election,
36 determine whether his or her vote by mail ballot was counted and,
37 if not, the reason the ballot was rejected.

38 ~~(7)~~

1 (4) Upon the completion of the official canvass for an election,
2 determine whether his or her provisional ballot was counted and,
3 if not, the reason the ballot was rejected.

4 ~~(8)~~

5 (5) Opt out of receiving his or her voter pamphlet by mail and
6 instead receive it by electronic mail.

7 (b) The ~~online and telephonic systems~~ *system* established
8 pursuant to subdivision (a) shall be accessible to persons with
9 disabilities and available in all the languages in which a ballot or
10 ballot materials are required to be made available in this state
11 pursuant to Section 203 (42 U.S.C. Sec. 1973aa-1a) or Section
12 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4)) of the federal Voting Rights
13 Act of 1965.

14 (c) The Secretary of State shall adopt regulations to ensure the
15 security and privacy of any personal voter registration information
16 conveyed by the ~~online and telephonic systems~~ *system*.

17 SEC. 5. Section 2196 of the Elections Code is amended to read:

18 2196. (a) (1) Notwithstanding any other provision of law, a
19 person who is qualified to register to vote and who has a valid
20 California driver's license or state identification card may submit
21 an affidavit of voter registration electronically on the Internet Web
22 site of the Secretary of State.

23 (2) An affidavit submitted pursuant to this section is effective
24 upon receipt of the affidavit by the Secretary of State if the affidavit
25 is received on or before the last day to register for an election to
26 be held in the precinct of the person submitting the affidavit.

27 (3) The affiant shall affirmatively attest to the truth of the
28 information provided in the affidavit.

29 (4) For voter registration purposes, the applicant shall
30 affirmatively assent to the use of his or her signature from his or
31 her driver's license or state identification card, ~~if available~~.

32 (5) For each electronic affidavit, the Secretary of State shall
33 obtain an electronic copy of the applicant's signature from his or
34 her driver's license or state identification card directly from the
35 Department of Motor Vehicles, ~~if available~~.

36 (6) The Secretary of State shall require a person who submits
37 an affidavit pursuant to this section to submit all of the following:

38 (A) The number from his or her California driver's license or
39 state identification card, ~~if a license or card has been issued~~.

40 (B) His or her date of birth.

1 (C) The last four digits of his or her social security number.

2 (D) Any other information the Secretary of State deems
3 necessary to establish the identity of the affiant.

4 (7) Upon submission of an affidavit pursuant to this section, the
5 electronic voter registration system shall provide for immediate
6 verification of both of the following:

7 (A) ~~Whether~~ That the applicant has a California driver's license
8 or state identification card and, ~~if so~~, that the number for that
9 driver's license or identification card provided by the applicant
10 matches the number for that person's driver's license or
11 identification card that is on file with the Department of Motor
12 Vehicles.

13 (B) That the date of birth provided by the applicant matches the
14 date of birth for that person that is on file with the Department of
15 Motor Vehicles.

16 ~~(8) (A) If the information provided by an applicant on an
17 affidavit cannot be verified pursuant to paragraph (7), but the
18 applicant is otherwise eligible to vote, the applicant shall be issued
19 a unique identification number in accordance with Section 2150
20 and his or her affidavit shall be forwarded to the appropriate county
21 elections official.~~

22 ~~(B) If the Department of Motor Vehicles does not have a copy
23 of an applicant's signature on file, the county elections official of
24 the county in which the applicant resides, upon the request of the
25 Secretary of State, shall mail the applicant a postcard informing
26 him or her that a signature is required to complete his or her voter
27 registration. The postcard shall include prepaid return postage and
28 shall instruct the applicant to provide his or her signature on the
29 postcard, where indicated, and to promptly return the postcard to
30 the county elections official.~~

31 ~~(9)~~

32 (8) The Secretary of State shall employ security measures to
33 ensure the accuracy and integrity of voter registration affidavits
34 submitted electronically pursuant to this section.

35 (b) The Department of Motor Vehicles shall utilize the electronic
36 voter registration system required by this section to comply with
37 its duties and responsibilities as a voter registration agency pursuant
38 to the federal National Voter Registration Act of 1993 (42 U.S.C.
39 Sec. 1973gg et seq.).

1 (c) The Department of Motor Vehicles and the Secretary of
2 State shall develop a process and the infrastructure to allow the
3 electronic copy of the applicant's signature and other information
4 required under this section that is in the possession of the
5 department to be transferred to the Secretary of State and to the
6 county election management systems to allow a person who is
7 qualified to register to vote in California to register to vote under
8 this section.

9 (d) If an applicant cannot electronically submit the information
10 required pursuant to paragraph (6) of subdivision (a), he or she
11 shall nevertheless be able to complete the affidavit of voter
12 registration electronically on the Secretary of State's Internet Web
13 site, print a hardcopy of the completed affidavit, and mail or deliver
14 the hardcopy of the completed affidavit to the Secretary of State
15 or the appropriate county elections official.

16 (e) This chapter shall become operative upon the date that either
17 of the following occurs:

18 (1) The Secretary of State certifies that the state has a statewide
19 voter registration database that complies with the requirements of
20 the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301
21 et seq.).

22 (2) The Secretary of State executes a declaration stating that all
23 of the following conditions have occurred:

24 (A) The United States Election Assistance Commission has
25 approved the use of the federal Help America Vote Act of 2002
26 (42 U.S.C. Sec. 15301 et seq.) funding to provide online voter
27 registration in advance of the deployment of the statewide voter
28 registration database or other federal funding is available and
29 approved for the same purpose.

30 (B) The Department of Motor Vehicles and the Secretary of
31 State have developed a process and the infrastructure necessary
32 to implement paragraph (5) of subdivision (a).

33 (C) All county election management systems have been modified
34 to receive and store electronic voter registration information
35 received from the Secretary of State in order to allow a person
36 who is qualified to register to vote in California to register to vote
37 under this section.

38 (f) For purposes of implementing this chapter as expeditiously
39 as possible, if it becomes operative pursuant to paragraph (2) of
40 subdivision (e), the Secretary of State's office shall be exempt

1 from information technology requirements included in Sections
2 11545, 11546, and 11547 of the Government Code and Section
3 12100 of the Public Contract Code, and from information
4 technology project and funding approvals included in any other
5 provision of law.

6 SEC. 6. Section 2228 is added to the Elections Code, to read:

7 2228. (a) Notwithstanding any other law and for the purpose
8 of maintaining accurate voter registration records, the Secretary
9 of State may enter into agreements with other states to share and
10 receive information or data pertaining to voters who have
11 permanently moved to other states as described in Section 2022
12 or 2023.

13 (b) The Secretary of State, before entering into an agreement
14 pursuant to this section, shall establish standards and procedures
15 to safeguard the privacy of the state's residents and the integrity
16 and security of the information or data shared and received in
17 accordance with this section.

18 (c) The Secretary of State shall not share a voter's information
19 if that information is deemed confidential pursuant to Section 2166,
20 2166.5, or 2166.7 of this code, or pursuant to Chapter 3.1
21 (commencing with Section 6205) of, or Chapter 3.2 (commencing
22 with Section 6215) of, Division 7 of Title 1 of the Government
23 Code.

24 ~~SEC. 7. Section 2408 of the Elections Code is amended to read:~~

25 ~~2408. (a) A voter registration agency that allows a person to~~
26 ~~apply online for service or assistance, or to submit a recertification,~~
27 ~~renewal, or change of address form relating to the service or~~
28 ~~assistance online, shall implement a process and infrastructure that~~
29 ~~allows an applicant to electronically submit a voter preference~~
30 ~~form to the voter registration agency, and to submit an affidavit~~
31 ~~of voter registration electronically on the Internet Web site of the~~
32 ~~Secretary of State in accordance with Chapter 2.5 (commencing~~
33 ~~with Section 2196).~~

34 ~~(b) If a person indicates on his or her electronic voter preference~~
35 ~~form that he or she would like to register to vote, the person shall~~
36 ~~be informed that he or she may register to vote through one of the~~
37 ~~following options, if applicable:~~

38 ~~(1) Submit an affidavit of voter registration electronically on~~
39 ~~the Secretary of State's Internet Web site pursuant to subdivision~~
40 ~~(a) of Section 2196.~~

1 ~~(2) Complete an affidavit of voter registration electronically on~~
 2 ~~the Secretary of State's Internet Web site, print a hard copy of the~~
 3 ~~completed affidavit, and mail or deliver the hard copy of the~~
 4 ~~completed affidavit to the Secretary of State or the appropriate~~
 5 ~~county elections official pursuant to subdivision (d) of Section~~
 6 ~~2196.~~

7 ~~(3) Complete a supplemental voter registration form~~
 8 ~~electronically pursuant to Section 2502.~~

9 ~~(e) A voter registration agency may take steps to ensure that the~~
 10 ~~information entered into a person's electronic application for~~
 11 ~~service or assistance, or his or her electronic recertification,~~
 12 ~~renewal, or change of address form relating to the service or~~
 13 ~~assistance, will be automatically transferred to the electronic~~
 14 ~~affidavit of voter registration if the person indicates that he or she~~
 15 ~~would like to register to vote.~~

16 ~~(d) The Secretary of State shall take steps to ensure that the~~
 17 ~~electronic affidavit of voter registration is available, and may be~~
 18 ~~electronically submitted and verified, in all languages in which a~~
 19 ~~county is required to provide voting materials pursuant to Section~~
 20 ~~203 (42 U.S.C. Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec.~~
 21 ~~1973b(f)(4)) of the federal Voting Rights Act of 1965.~~

22 ~~SEC. 8.~~

23 ~~SEC. 7. Chapter 7 (commencing with Section 2500) is added~~
 24 ~~to Division 2 of the Elections Code, to read:~~

25

26 ~~CHAPTER 7. AUTOMATED PAPERLESS VOTER REGISTRATION~~

27

28 ~~2500. (a) The~~ *By January 1, 2017, the* Secretary of State and
 29 the Department of Motor Vehicles shall jointly establish a system
 30 under which voter registration information is collected by the
 31 Department of Motor Vehicles pursuant to subdivision (b) and
 32 electronically transmitted to the Secretary of State, *in a format*
 33 *prescribed by the Secretary of State*, for the purpose of registering
 34 a person to vote or updating a voter's registration information.

35 ~~(b) With each in-person or online application for the issuance~~
 36 ~~or renewal of a driver's license or state identification card, and~~
 37 ~~with each in-person or online submission of a change of address~~
 38 ~~form, the Department of Motor Vehicles shall offer the person the~~
 39 ~~opportunity to register to vote in accordance with the federal~~
 40 ~~National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg~~

1 et seq.). The Department of Motor Vehicles shall do all of the
2 following:

3 (1) Notify the applicant of all of the following:

4 (A) The eligibility requirements to register to vote in this state,
5 using notice language approved by the Secretary of State.

6 (B) That the applicant has an opportunity to register to vote or
7 update his or her voter registration information.

8 (C) That voter registration is voluntary and, if the applicant
9 declines to register to vote, the fact that he or she has declined to
10 register shall only be used for voter registration purposes and shall
11 not otherwise affect the services or assistance provided by the
12 department.

13 (D) That if the applicant chooses to register to vote or update
14 his or her voter registration information, his or her voter registration
15 information shall be made available to the Secretary of State for
16 voter registration purposes.

17 (2) After providing the required notices to the applicant pursuant
18 to paragraph (1), ask the applicant whether he or she would like
19 to register to vote or update his or her voter registration information
20 and whether he or she consents to the use of his or her motor
21 vehicle records for voter registration purposes.

22 (3) For each applicant who indicates that he or she would like
23 to register to vote or update his or her voter registration
24 information, and consents to the use of his or her motor vehicle
25 records for voter registration purposes, provide the applicant with
26 a supplemental voter registration form, as described in Section
27 2503.

28 (4) Not later than one business day after receipt of a completed
29 supplemental voter registration form, electronically transmit to the
30 Secretary of State both of the following:

31 (A) The information collected on the supplemental voter
32 registration form.

33 (B) Any other information in the applicant's records that is
34 necessary to register the applicant to vote or update the applicant's
35 voter registration, as applicable.

36 (c) An applicant's voter registration shall be deemed submitted
37 on the date upon which the Department of Motor Vehicles receives
38 the applicant's completed supplemental voter registration form.

39 (d) The Department of Motor Vehicles shall only transmit
40 information to the Secretary of State pursuant to this section that

1 is necessary to register a person to vote or update a voter's
2 registration. If an applicant declines to register to vote, the fact
3 that he or she has declined to register shall be confidential and that
4 information shall not be transmitted to the Secretary of State.

5 (e) Notwithstanding any other provision of law, immediately
6 after transmitting an applicant's voter registration information to
7 the Secretary of State, the Department of Motor Vehicles shall
8 destroy the applicant's completed supplemental voter registration
9 form and any materials containing information specific to the
10 applicant's voter registration that is not otherwise collected by the
11 Department of Motor Vehicles for other purposes.

12 2501. (a) The Secretary of State and each community college
13 or California State University campus that operates an automated
14 class registration system on or after January 1, 2014, shall jointly
15 establish a system under which voter registration information is
16 collected by the college or university pursuant to subdivision (b)
17 and electronically transmitted to the Secretary of State, *in a format*
18 *prescribed by the Secretary of State*, for the purpose of registering
19 a person to vote or updating a voter's registration information.

20 (b) Each time a student registers for classes, the college or
21 university shall offer the student the opportunity to register to vote,
22 and shall do all of the following:

23 (1) Notify the student of all of the following:

24 (A) The eligibility requirements to register to vote in this state,
25 using notice language approved by the Secretary of State.

26 (B) That the student has an opportunity to register to vote or
27 update his or her voter registration information.

28 (C) That voter registration is voluntary and, if the student
29 declines to register to vote, the fact that he or she has declined to
30 register shall only be used for voter registration purposes and shall
31 not affect his or her class registration.

32 (D) That if the student chooses to register to vote or update his
33 or her voter registration information, his or her voter registration
34 information shall be made available to the Secretary of State for
35 voter registration purposes.

36 (2) After providing the required notices to the student pursuant
37 to paragraph (1), ask the student whether he or she would like to
38 register to vote or update his or her voter registration information
39 and whether he or she consents to the use of his or her student
40 records for voter registration purposes.

1 (3) For each student who indicates that he or she would like to
2 register to vote or update his or her voter registration information,
3 and consents to the use of his or her student records for voter
4 registration purposes, provide the student with a supplemental
5 voter registration form, as described in Section 2503.

6 (4) Not later than one business day after receipt of a completed
7 supplemental voter registration form, electronically transmit to the
8 Secretary of State both of the following:

9 (A) The information collected on the supplemental voter
10 registration form.

11 (B) Any other information in the student's records that is
12 necessary to register the student to vote or update the student's
13 voter registration, as applicable.

14 (c) A student's voter registration shall be deemed submitted on
15 the date upon which the college or university receives the student's
16 completed supplemental voter registration form.

17 (d) The college or university shall only transmit information to
18 the Secretary of State pursuant to this section that is necessary to
19 register a student to vote or update a student's voter registration.
20 If a student declines to register to vote, the fact that he or she has
21 declined to register shall be confidential and that information shall
22 not be transmitted to the Secretary of State.

23 (e) Notwithstanding any other provision of law, immediately
24 after transmitting a student's voter registration information to the
25 Secretary of State, a college or university shall destroy the student's
26 completed supplemental voter registration form and any materials
27 containing information specific to the student's voter registration
28 that is not otherwise collected by the college or university for other
29 purposes.

30 2502. (a) The Secretary of State and each voter registration
31 agency, as defined in subdivision (b) of Section 2401, that allows
32 a person to apply online for service or assistance, or to submit a
33 recertification, renewal, or change of address form relating to the
34 service or assistance online, shall jointly establish a system under
35 which voter registration information is collected by the agency
36 and electronically transmitted to the Secretary of State, *in a format*
37 *prescribed by the Secretary of State*, for the purpose of registering
38 a person to vote or updating a voter's registration information.

39 (b) With each online application for service or assistance or
40 submission of a recertification, renewal, or change of address form

1 relating to the service or assistance online, immediately prior to
2 providing an electronic voter preference form pursuant to Section
3 2408, the voter registration agency shall notify the applicant of all
4 of the following:

5 (1) The eligibility requirement to register to vote in this state,
6 using notice language approved by the Secretary of State.

7 (2) That the applicant has an opportunity to register to vote or
8 update his or her voter registration information.

9 (3) That voter registration is voluntary and, if the applicant
10 declines to register to vote, the fact that he or she has declined to
11 register shall only be used for voter registration purposes and shall
12 not otherwise affect the services or assistance provided by the
13 agency.

14 (c) If an applicant indicates on his or her electronic voter
15 preference form that he or she would like to register to vote by
16 completing a supplemental voter registration form, the voter
17 registration agency shall do both of the following:

18 (1) Notify the applicant that, if he or she chooses to register to
19 vote or update his or her voter registration by completing the form,
20 he or she consents to the agency and the Secretary of State using
21 information contained in his or her agency records for voter
22 registration purposes.

23 (2) Provide the applicant with a supplemental voter registration
24 form, as described in Section 2503.

25 (d) Not later than one business day after receipt of a completed
26 supplemental voter registration form, a voter registration agency
27 shall electronically transmit to the Secretary of State both of the
28 following:

29 (1) The information collected on the supplemental voter
30 registration form.

31 (2) Any other information in the applicant's records that is
32 necessary to register the applicant to vote or update the applicant's
33 voter registration, as applicable.

34 (e) An applicant's voter registration shall be deemed submitted
35 on the date upon which the voter registration agency receives the
36 applicant's completed supplemental voter registration form.

37 (f) The voter registration agency shall only transmit information
38 to the Secretary of State pursuant to this section that is necessary
39 to register an applicant to vote or update an applicant's voter
40 registration. If an applicant declines to register to vote, the fact

1 that he or she has declined to register shall be confidential and that
2 information shall not be transmitted to the Secretary of State.

3 (g) Notwithstanding any other provision of law, immediately
4 after transmitting an applicant's voter registration information to
5 the Secretary of State, the voter registration agency shall destroy
6 the applicant's completed supplemental voter registration form
7 and any materials containing information specific to the applicant's
8 voter registration that is not otherwise collected by the voter
9 registration agency for other purposes.

10 (h) The requirements in this section are in addition to the
11 requirements set forth in Section 2408.

12 2503. (a) The Department of Motor Vehicles, each college or
13 university described in Section 2501, and each voter registration
14 agency described in Section 2502 shall prepare and submit to the
15 Secretary of State for approval a supplemental voter registration
16 form. The supplemental voter registration form shall request voter
17 registration information necessary to register a person to vote or
18 update the person's voter registration, except that the form shall
19 not require any information to be provided that duplicates
20 information previously provided to the department, college or
21 university, or voter registration agency and available in the records
22 for the voter.

23 (b) The supplemental voter registration form shall do all of the
24 following:

25 (1) State the eligibility requirements to register to vote.

26 (2) Contain an attestation that the registrant meets each
27 eligibility requirement.

28 (3) Request all of the following information from the registrant,
29 if the information is not otherwise available in the records for the
30 registrant:

31 (A) The registrant's home telephone number.

32 (B) The registrant's electronic mail address.

33 (C) The registrant's California driver's license number or
34 state-issued identification number.

35 (D) The last four digits of the registrant's social security number,
36 if available.

37 (E) If the registrant was previously registered to vote, his or her
38 name, address, and county of residence for the previous
39 registration.

1 (F) The language in which the registrant would like to receive
2 election-related materials.

3 (G) The registrant's political party preference, if any.

4 (H) The registrant's ethnicity or race, or both. The registrant
5 may not be denied the ability to register because he or she declines
6 to state his or her ethnicity or race.

7 (I) Whether the registrant would like to receive a vote by mail
8 ballot in all elections.

9 (J) Whether the registrant would like to be a poll worker.

10 (4) Request any other information required by state or federal
11 law for voter registration.

12 (c) The registrant shall certify the content of the form as to its
13 truth and correctness, under penalty of perjury, with his or her
14 signature and the date of signing. If the registrant is unable to write,
15 he or she shall sign with a mark or cross.

16 (d) A registrant shall not be denied the ability to register to vote
17 because he or she declines to provide any of the information
18 requested pursuant to paragraph (3) of subdivision (b).

19 ~~2504. (a) Upon receipt of a person's voter registration~~
20 ~~information transmitted to the Secretary of State pursuant to this~~
21 ~~chapter, the Secretary of State shall register the person to vote or~~
22 ~~update the person's voter registration in the statewide voter~~
23 ~~registration database, as applicable.~~

24 ~~(b) The Secretary of State shall notify the appropriate county~~
25 ~~elections official whenever a person who is domiciled within that~~
26 ~~official's county is registered to vote pursuant to this section and~~
27 ~~shall transmit to the elections official the applicable voter~~
28 ~~registration information.~~

29 ~~2505.~~

30 2504. A system established pursuant to Section 2500, 2501,
31 or 2502 shall be designed to ensure the secure electronic storage
32 of information by, and the secure electronic transmission of
33 information between, the Secretary of State and the Department
34 of Motor Vehicles, college or university, or voter registration
35 agency, as applicable.

36 ~~2506.~~

37 2505. (a) The Secretary of State shall ensure that a person
38 shall not be registered to vote or have his or her voter registration
39 updated pursuant to this chapter unless the person has consented
40 to registering or updating his or her voter registration.

1 (b) If the Secretary of State receives information indicating that
2 a person did not consent to registering to vote or updating his or
3 her voter registration before the registration or the update to the
4 registration is processed by the Secretary of State, the person shall
5 not be registered to vote or have his or her voter registration
6 updated. A person included in the statewide voter registration
7 database shall not have his or her name removed from the database
8 solely because the Secretary of State receives information
9 indicating that he or she may not have consented to registering or
10 updating his or her voter registration.

11 ~~2507.~~

12 2506. The name of the department, college or university, or
13 voter registration agency from which voter registration information
14 is electronically transmitted to the Secretary of State, *in a format*
15 *prescribed by the Secretary of State*, pursuant to this chapter shall
16 not be included in the statewide voter registration database.

17 ~~2508.~~

18 2507. (a) A person shall not use, share, or provide access to
19 the statewide voter registration database for any purpose other than
20 voter registration, election administration, or the enforcement of
21 election laws.

22 (b) The fact that a person is not included in the statewide voter
23 registration database, or has declined to supply information for
24 voter registration purposes pursuant to this chapter, shall not be
25 disclosed to the public or used for any purpose other than voter
26 registration, election administration, or the enforcement of election
27 laws.

28 (c) A person's declination to register to vote or to update his or
29 her voter registration shall not affect the amount, type, or quality
30 of service or assistance provided by the Department of Motor
31 Vehicles, a college or university described in Section 2501, or a
32 voter registration agency described in Section 2502, as applicable,
33 except with regard to voter registration.

34 (d) A person shall not use voter registration information
35 collected under this chapter for commercial purposes, including
36 for comparison with a commercial list or database.

37 ~~2509.~~

38 2508. (a) The Secretary of State shall adopt regulations as
39 necessary to implement this chapter, including, but not limited to,
40 regulations relating to all of the following:

1 (1) Procedures to ensure the reliable electronic transmission
2 and validation of voter registration information.

3 (2) Procedures relating to receipt of duplicate or multiple
4 transmissions of voter registration information pertaining to the
5 same person.

6 (3) Procedures to ensure the security and privacy of voter
7 registration information transmitted pursuant to this chapter.

8 (4) Procedures to ensure that the name of the department, college
9 or university, or voter registration agency that electronically
10 transmitted, *in a format prescribed by the Secretary of State*, a
11 voter's registration information to the Secretary of State pursuant
12 to this chapter is not included in the statewide voter registration
13 database.

14 (b) An entity that electronically transmits voter registration
15 information to the Secretary of State pursuant to this chapter shall
16 comply with all applicable regulations and guidelines adopted by
17 the Secretary of State. In addition, the entity may adopt or establish
18 additional security measures to protect the privacy and security of
19 voter registration information transmitted to the Secretary of State.

20 ~~2510.~~

21 ~~2509.~~ The Department of Motor Vehicles, a college or
22 university described in Section 2501, or a voter registration agency
23 described in Section 2502 may contract with a third party to assist
24 in the transmission of voter registration information to the Secretary
25 of State, provided that the transmission complies with all
26 requirements of this chapter.

27 ~~2511.~~

28 ~~2510.~~ (a) On or before January 1 of each year, the Secretary
29 of State shall submit a report to the Legislature on the effectiveness
30 of this chapter. The report shall include all of the following
31 information:

32 (1) The number of electronic transmissions of voter registration
33 information made from each entity.

34 (2) The number of voters registered pursuant to this chapter, by
35 entity.

36 (3) The number of voters in the statewide voter registration
37 database whose voter registration information was updated pursuant
38 to this chapter, by entity.

1 (b) (1) A report to be submitted pursuant to subdivision (a)
2 shall be submitted in compliance with Section 9795 of the
3 Government Code.

4 (2) Pursuant to Section 10231.5 of the Government Code, this
5 section is repealed on January 1, 2018.

6 ~~SEC. 9.~~

7 *SEC. 8.* Section 3017 of the Elections Code is amended to read:

8 3017. (a) All vote by mail ballots cast under this division shall
9 be voted on or before the day of the election. After marking the
10 ballot, the vote by mail voter shall do either of the following: (1)
11 return the ballot by mail or in person to the elections official from
12 whom it came or (2) return the ballot in person to a member of a
13 precinct board at a polling place within the jurisdiction. However,
14 a vote by mail voter who is unable to return the ballot may
15 designate his or her spouse, child, parent, grandparent, grandchild,
16 brother, sister, or a person residing in the same household as the
17 vote by mail voter to return the ballot to the elections official from
18 whom it came or to the precinct board at a polling place within
19 the jurisdiction. The ballot must, however, be received by either
20 the elections official from whom it came or the precinct board
21 before the close of the polls on election day.

22 (b) The elections official shall establish procedures to ensure
23 the secrecy of a ballot returned to a precinct polling place and the
24 security, confidentiality, and integrity of any personal information
25 collected, stored, or otherwise used pursuant to this section.

26 (c) (1) On or before March 1, 2008, the elections official shall
27 establish procedures to track and confirm the receipt of voted vote
28 by mail ballots and to make this information available by means
29 of online access using the county's elections division Internet Web
30 site. If the county does not have an elections division Internet Web
31 site, the elections official shall establish a toll-free telephone
32 number that may be used to confirm the date a voted vote by mail
33 ballot was received.

34 (2) The Secretary of State shall provide on his or her Internet
35 Web site the capability for a vote by mail voter to check the status
36 of the voter's vote by mail ballot to discover whether the ballot
37 was counted and, if not, the reason why it was not counted.

38 (d) The provisions of this section are mandatory, not directory,
39 and a ballot shall not be counted if it is not delivered in compliance
40 with this section.

1 (e) Notwithstanding subdivision (a), a vote by mail voter's ballot
2 shall not be returned by a paid or volunteer worker of a general
3 purpose committee, controlled committee, independent expenditure
4 committee, political party, candidate's campaign committee, or
5 any other group or organization at whose behest the individual
6 designated to return the ballot is performing a service. However,
7 this subdivision does not apply to a candidate or a candidate's
8 spouse.

9 ~~SEC. 10.~~

10 *SEC. 9.* Section 14310 of the Elections Code, as amended by
11 Section 1 of Chapter 611 of the Statutes of 2009, is amended to
12 read:

13 14310. (a) At all elections, a voter claiming to be properly
14 registered, but whose qualification or entitlement to vote cannot
15 be immediately established upon examination of the index of
16 registration for the precinct or upon examination of the records on
17 file with the county elections official, shall be entitled to vote a
18 provisional ballot as follows:

19 (1) An elections official shall advise the voter of the voter's
20 right to cast a provisional ballot.

21 (2) The voter shall be provided a provisional ballot, written
22 instructions regarding the process and procedures for casting the
23 provisional ballot, and a written affirmation regarding the voter's
24 registration and eligibility to vote. The written instructions shall
25 include the information set forth in subdivisions (c) and (d).

26 (3) The voter shall be required to execute, in the presence of an
27 elections official, the written affirmation stating that the voter is
28 eligible to vote and registered in the county where the voter desires
29 to vote.

30 (b) Once voted, the voter's ballot shall be sealed in a provisional
31 ballot envelope, and the ballot in its envelope shall be deposited
32 in the ballot box. All provisional ballots voted shall remain sealed
33 in their envelopes for return to the elections official in accordance
34 with the elections official's instructions. The provisional ballot
35 envelopes specified in this subdivision shall be a color different
36 than the color of, but printed substantially similar to, the envelopes
37 used for vote by mail ballots, and shall be completed in the same
38 manner as vote by mail envelopes.

39 (c) (1) During the official canvass, the elections official shall
40 examine the records with respect to all provisional ballots cast.

1 Using the procedures that apply to the comparison of signatures
2 on vote by mail ballots, the elections official shall compare the
3 signature on each provisional ballot envelope with the signature
4 on the voter's affidavit of registration. If the signatures do not
5 compare or the provisional ballot envelope is not signed, the ballot
6 shall be rejected. A variation of the signature caused by the
7 substitution of initials for the first or middle name, or both, shall
8 not invalidate the ballot.

9 (2) Provisional ballots shall not be included in any semiofficial
10 or official canvass, except upon: (A) the elections official's
11 establishing prior to the completion of the official canvass, from
12 the records in his or her office, the claimant's right to vote; or (B)
13 the order of a superior court in the county of the voter's residence.
14 A voter may seek the court order specified in this paragraph
15 regarding his or her own ballot at any time prior to completion of
16 the official canvass. Any judicial action or appeal shall have
17 priority over all other civil matters. No fee shall be charged to the
18 claimant by the clerk of the court for services rendered in an action
19 under this section.

20 (3) The provisional ballot of a voter who is otherwise entitled
21 to vote shall not be rejected because the voter did not cast his or
22 her ballot in the precinct to which he or she was assigned by the
23 elections official.

24 (A) If the ballot cast by the voter contains the same candidates
25 and measures on which the voter would have been entitled to vote
26 in his or her assigned precinct, the elections official shall count
27 the votes for the entire ballot.

28 (B) If the ballot cast by the voter contains candidates or
29 measures on which the voter would not have been entitled to vote
30 in his or her assigned precinct, the elections official shall count
31 only the votes for the candidates and measures on which the voter
32 was entitled to vote in his or her assigned precinct.

33 (d) (1) The Secretary of State shall establish a free access
34 system on his or her Internet Web site that allows any voter who
35 casts a provisional ballot to discover whether the voter's
36 provisional ballot was counted and, if not, the reason why it was
37 not counted.

38 (2) The requirements of paragraph (1) shall not be satisfied by
39 providing hyperlinks, or otherwise referring voters, to the free
40 access systems established by county elections officials.

1 (e) The Secretary of State may adopt appropriate regulations
2 for purposes of ensuring the uniform application of this section.

3 (f) This section shall apply to any vote by mail voter described
4 by Section 3015 who is unable to surrender his or her unvoted vote
5 by mail voter's ballot.

6 (g) Any existing supply of envelopes marked "special challenged
7 ballot" may be used until the supply is exhausted.

8 ~~SEC. 11.~~

9 *SEC. 10.* Section 14310 of the Elections Code, as amended by
10 Section 3 of Chapter 497 of the Statutes of 2012, is amended to
11 read:

12 14310. (a) At all elections, a voter claiming to be properly
13 registered, but whose qualification or entitlement to vote cannot
14 be immediately established upon examination of the index of
15 registration for the precinct or upon examination of the records on
16 file with the county elections official, shall be entitled to vote a
17 provisional ballot as follows:

18 (1) An elections official shall advise the voter of the voter's
19 right to cast a provisional ballot.

20 (2) The voter shall be provided a provisional ballot, written
21 instructions regarding the process and procedures for casting the
22 ballot, and a written affirmation regarding the voter's registration
23 and eligibility to vote. The written instructions shall include the
24 information set forth in subdivisions (c) and (d).

25 (3) The voter shall be required to execute, in the presence of an
26 elections official, the written affirmation stating that the voter is
27 eligible to vote and registered in the county where the voter desires
28 to vote.

29 (b) Once voted, the voter's ballot shall be sealed in a provisional
30 ballot envelope, and the ballot in its envelope shall be deposited
31 in the ballot box. All provisional ballots voted shall remain sealed
32 in their envelopes for return to the elections official in accordance
33 with the elections official's instructions. The provisional ballot
34 envelopes specified in this subdivision shall be of a color different
35 than the color of, but printed substantially similar to, the envelopes
36 used for vote by mail ballots, and shall be completed in the same
37 manner as vote by mail envelopes.

38 (c) (1) During the official canvass, the elections official shall
39 examine the records with respect to all provisional ballots cast.
40 Using the procedures that apply to the comparison of signatures

1 on vote by mail ballots, the elections official shall compare the
2 signature on each provisional ballot envelope with the signature
3 on the voter's affidavit of registration. If the signatures do not
4 compare or the provisional ballot envelope is not signed, the ballot
5 shall be rejected. A variation of the signature caused by the
6 substitution of initials for the first or middle name, or both, shall
7 not invalidate the ballot.

8 (2) (A) Provisional ballots shall not be included in any
9 semiofficial or official canvass, except under one or more of the
10 following conditions:

11 (i) The elections official establishes prior to the completion of
12 the official canvass, from the records in his or her office, the
13 claimant's right to vote.

14 (ii) The provisional ballot has been cast and included in the
15 canvass pursuant to Article 4.5 (commencing with Section 2170)
16 of Chapter 2 of Division 2.

17 (iii) Upon the order of a superior court in the county of the
18 voter's residence.

19 (B) A voter may seek the court order specified in this paragraph
20 regarding his or her own ballot at any time prior to completion of
21 the official canvass. Any judicial action or appeal shall have
22 priority over all other civil matters. No fee shall be charged to the
23 claimant by the clerk of the court for services rendered in an action
24 under this section.

25 (3) The provisional ballot of a voter who is otherwise entitled
26 to vote shall not be rejected because the voter did not cast his or
27 her ballot in the precinct to which he or she was assigned by the
28 elections official.

29 (A) If the ballot cast by the voter contains the same candidates
30 and measures on which the voter would have been entitled to vote
31 in his or her assigned precinct, the elections official shall count
32 the votes for the entire ballot.

33 (B) If the ballot cast by the voter contains candidates or
34 measures on which the voter would not have been entitled to vote
35 in his or her assigned precinct, the elections official shall count
36 only the votes for the candidates and measures on which the voter
37 was entitled to vote in his or her assigned precinct.

38 (d) (1) The Secretary of State shall establish a free access
39 system on his or her Internet Web site that allows any voter who
40 casts a provisional ballot to discover whether the voter's

1 provisional ballot was counted and, if not, the reason why it was
2 not counted.

3 (2) The requirements of paragraph (1) shall not be satisfied by
4 providing hyperlinks, or otherwise referring voters, to the free
5 access systems established by county elections officials.

6 (e) The Secretary of State may adopt appropriate regulations
7 for purposes of ensuring the uniform application of this section.

8 (f) This section shall apply to any vote by mail voter described
9 by Section 3015 who is unable to surrender his or her unvoted vote
10 by mail voter’s ballot.

11 (g) Any existing supply of envelopes marked “special challenged
12 ballot” may be used until the supply is exhausted.

13 ~~SEC. 12.~~

14 *SEC. 11.* If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

19 ~~SEC. 13.~~

20 *SEC. 12.* Sections 1 to ~~12~~ *11*, inclusive, of this bill shall become
21 operative only if the Secretary of State certifies that the state has
22 a statewide voter registration database that complies with the
23 requirements of the federal Help America Vote Act of 2002 (42
24 U.S.C. Sec. 15301 et seq.).