

ASSEMBLY THIRD READING
AB 1137 (Mullin and Lorena Gonzalez)
As Amended May 24, 2021
Majority vote

SUMMARY

Requires the Secretary of State (SOS) to report to the Legislature on designated voter registration agencies that have, pursuant to existing law, an established process and infrastructure that allows a person who applies online for services to electronically submit a voter preference form and an affidavit of voter registration, as specified, and to report on the feasibility of voter registration agencies establishing a process and infrastructure that securely and automatically registers an applicant to vote, unless the applicant declines, as specified.

Major Provisions

- 1) Requires the SOS, no later than December 31, 2022, to report to the Legislature regarding all of the following:
 - a) The voter registration agencies that have implemented a process and infrastructure pursuant to existing law that allows a person who applies online for service or assistance, to electronically submit a voter preference form and an affidavit of voter registration.
 - b) For a voter registration agency that has implemented a process and infrastructure pursuant existing law, information on the process and infrastructure, including all of the following:
 - i) Any security procedures to protect the information submitted online by an applicant.
 - ii) Any procedures to ensure that an applicant who is not eligible to register to vote is not registered to vote.
 - iii) Any steps taken by the voter registration agency pursuant to existing law that ensure that the information entered into an applicant's electronic application will be automatically transferred to the electronic affidavit of voter registration if the applicant indicates that the applicant would like to register to vote.
 - c) The feasibility of each voter registration agency establishing a process and infrastructure that securely and automatically registers an applicant to vote, unless the applicant affirmatively declines to be registered, while protecting noncitizens from mistaken registration.
- 2) Permits the SOS to update the report required by this bill and to provide periodic updates to the Legislature.
- 3) Requires a voter registration agency to provide the SOS all information that the SOS identifies as necessary to complete the report required by this bill.
- 4) Requires the report to be submitted in accordance with existing law and provides for the provisions of this bill to be repealed on July 1, 2026.

COMMENTS

In 1993, the federal government enacted the National Voter Registration Act (NVRA), commonly referred to as the "motor voter" law, to make it easier for Americans to register to vote and to remain registered to vote. The NVRA requires states to provide individuals with the opportunity to register to vote at the same time that they apply for or renew a driver's license at the DMV.

In 2012, SB 35 (Padilla), Chapter 505 required a voter registration agency that allows a person to apply online for services or assistance, or to submit a recertification, renewal, or change of address form relating to the service or assistance online, to implement a process and infrastructure to allow an applicant to electronically submit a voter preference form and an affidavit of voter registration electronically on the SOS's internet website in accordance with online voter registration provisions of law.

AB 1461 (Gonzalez), Chapter 729, Statutes of 2014, also known as New Motor Voter (NMV), provides for every person who has a driver's license or state identification card and who is eligible to register to vote to be automatically registered to vote at the DMV, unless that person opts out, as specified.

Please see the policy committee analysis for a full discussion on this bill.

According to the Author

"AB 1137 was introduced with the goal of identifying potential next steps for expanding automatic voter registration efforts in California. The bill would require the Secretary of State's office to conduct a study on existing programs and infrastructure for voter registration efforts, including automatic voter registration, as well as identify other state agencies that have the capacity to incorporate an automatic voter registration program into their existing operations.

"Programs for automatic voter registration hold immense promise for boosting voter registration rates and promoting civic participation. By reviewing the state's current voter registration efforts and identifying potential agencies to expand such efforts is the first step in augmenting automatic voter registration in California."

Arguments in Support

In support of this bill, the Brennan Center for Justice at New York University writes: "In 2015, California became the second state in the country to enact automated voter registration (AVR)... California implemented AVR first at the DMV, for many practical reasons including longstanding practice of registering voters at the DMV. For AVR to reach its full potential, however, and to reach a more diverse populace, California must implement AVR at other state agencies that currently register Californians to vote. AB 1137 seeks to do just that. "The bill also wisely contemplates an expansion of AVR that is carefully designed to avoid problems with implementation like those experienced in the implementation of the New Motor Voter Program. The state must incorporate robust protections for noncitizens to prevent inadvertent registrations are incorporated into the system. Such safeguards include providing everyone the opportunity to opt out of registration, processes that filter individuals out of the AVR system when the government has evidence of ineligibility, and statutory protections for people who are registered inadvertently through no fault of their own. This begins with a thorough examination of agency capabilities and must end with a thoughtful implementation process."

Arguments in Opposition

None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, the SOS estimates its Elections Division would require two new positions, an information technology specialist and a program analyst, to accomplish the analysis required for the report, including determining feasibility, at a cost of approximately \$288,000 for the first year and \$278,000 ongoing (General Fund).

VOTES

ASM ELECTIONS: 6-1-0

YES: Berman, Bennett, Low, Mayes, Mullin, Blanca Rubio

NO: Seyarto

ASM APPROPRIATIONS: 12-4-0

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

NO: Bigelow, Megan Dahle, Davies, Fong

UPDATED

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