

- 6) Provides that in order to register on the SOS's website without a California driver's license or a state identification card, a person must complete the affidavit of voter registration electronically on the SOS's website, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the SOS or a county elections official. A person who registers to vote this way must, when first voting, provide documentation of identity.
- 7) Uses a person's signature on the return envelope for a vote by mail (VBM) ballot to verify the identity of the voter.
- 8) Requires each state, pursuant to the federal Help America Vote Act of 2002 (HAVA), to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. California's statewide voter database is known as VoteCal.

This bill:

- 1) Requires the SOS to develop a method to collect an electronic image of a signature for those without a driver's license or state identification card who are registering using the statewide online system.
- 2) Directs the SOS to amend its online registration affidavit to provide that a person providing their electronic signature assents to its use and that the SOS accept the signature for voter registration purposes.
- 3) Requires the SOS to develop a system for those who register without providing a driver's license or state identification card number that authenticates the identity of the applicant using the last four digits of their Social Security Number, date of birth, and full name.
- 4) Requires the SOS to develop a process for transmitting the image of the signature collected by the online registration system to the statewide voter registration database and the county election management systems.
- 5) Takes effect on September 1, 2027.

BACKGROUND

California has long mandated that a voter register to vote by filing an affidavit of registration. Among other information, the affidavit shall include the name, residence address, date of birth, driver's license number, and last four digits of the social security number of the person registering to vote. Election officials use this information to confirm the person is eligible to register and later to verify the voter's identity.

SB 381 (Ron Calderon), Chapter 613, Statutes of 2008, permitted filing an affidavit of registration online on the SOS's website by any person who is qualified to register to vote and who has a valid California driver's license or state identification card. SB 381

made the online voter registration system operative when the SOS certified that its statewide voter registration database complied with the requirements of HAVA.

For security purposes, SB 381 required the person registering to vote on the SOS's website to provide their driver's license or identification card number, date of birth, the last four digits of their social security number, and any other information the SOS deems necessary to establish the identity of the affiant. The law requires the SOS to immediately confirm with the DMV that the driver's license or state identification card number and date of birth match the information on file with the DMV and obtain an electronic copy of the applicant's signature from the driver's license or state identification card. That signature becomes part of the voter's file with the elections official in the county where the voter resides and gets compared to the signature on the VBM ballot envelope when the voter votes by mail, as over 80 percent of California voters do.

COMMENTS

- 1) Author's Statement. The National Voter Registration Act and California's New Motor Voter program have been instrumental in closing voter registration gaps by making it easier for eligible voters to register or update their registration when completing a driver's license and state identification card transaction. Similarly, our online voter registration system has simplified voter registration for Californians with a DMV-issued driver's license or identification card. Nevertheless, there remains a voter registration gap of over four million Californians. This bill would take the next step to assist eligible but unregistered Californians by removing an unnecessary barrier to using our online voter registration system. This change will make our voter registration process more cost-effective and efficient, while maintaining the integrity of our voter lists.
- 2) Arguments in Support. Noting that many Californians, particularly those with disabilities, do not possess driver's licenses or state identification cards, supporters fault the current online registration system for creating barriers to participation. For hundreds of thousands of people, the current system requires printing out, signing, and mailing or delivering in person to the county elections office the affidavit of registration. Once received, these paper forms create extra work for registrars of voters as they must decipher handwriting, scan signatures, and re-type handwritten forms into the registration database.

The bill's sponsor, the Center for Secure and Modern Elections, says of the changes the bill makes to online registration:

This change improves convenience for voters and saves time and money for election officials. It also improves the accuracy of voter records by reducing the possibility of inadvertent errors when handwritten forms are manually entered into the voter registration database. Expanding [online voter registration] also improves security, reducing the risk of a paper submission being lost or damaged in transit.

- 3) Secretary of State Concerns. Calling the bill fundamentally flawed, Secretary of State Shirley Weber writes this bill "presents severe technical, security, and

operational challenges that make implementation not only impractical but potentially dangerous to the integrity of California's election systems." She enumerates her concerns as follows:

Security risks. The SOS states, "Our current VoteCal system software deliberately restricts external connections to trusted government partners like the California [DMV] precisely to maintain the highest level of security." Using any outside vendor to achieve the mandates of this bill could compromise critical protections of the SOS's online systems.

Technical and operational complexity. The SOS notes the VoteCal system was not designed to accept or validate signature files from the public and so substantial modifications to the system would be necessary to not only the SOS's systems but also to the 58 county election management systems.

Identity verification gaps. The bill directs SOS to verify an applicant registration using information from the federal Social Security Administration (SSA), but the SOS points out this is not currently possible as the SOS does not contract with the SSA but relies on DMV for identity verification. This adds a complication to implementing the bill and also an expense.

Prohibitive implementation timeline and costs. California has nearly 23 million registered voters. The SOS notes that initial implementation of online voter registration in 2012 cost \$1.8 million and this modification would be of a similar scale. The SOS emphasizes the differences between California's voter registration system and that of other states cannot be overstated, thus rendering other state's costs for similar activities incomparable.

RELATED/PRIOR LEGISLATION

SB 299 (Limon) of 2024 would have required the SOS and the DMV to develop a process to determine whether a person who submits a driver's license application is already registered or preregistered to vote. Based upon this determination, DMV would have been required to transmit specified information to the SOS so the SOS could register, preregister, or update that person's existing voter registration. Governor Newsom vetoed this bill. In his veto message, he noted that it would have required DMV and SOS to develop new information technology systems for processing voter registrations and that these systems would cost tens of millions of dollars.

SB 381 (Ron Calderon), Chapter 613, Statutes of 2008, allows a person who is qualified to register to vote and who has a valid California driver's license or state identification card to submit an affidavit of voter registration electronically through the California's Online Voter Registration system on the SOS's internet website.

PRIOR ACTION

Assembly Floor:	60 - 18
Assembly Appropriations Committee:	11 - 3
Assembly Elections Committee:	5 - 2

POSITIONS

Sponsor: Center for Secure and Modern Elections

Support: Coalition of Orange County Community Health Centers
Disability Rights California
Health in Partnership
Institute for Responsive Government Action
League of Women Voters of California
NextGen California
Responsive Gov Action

Oppose: County of Kern

-- END --