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AB-2455 Voter registration: public postsecondary educational institutions: California New Motor Voter Program. (2015-2016)

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Assembly Bill No. 2455

CHAPTER 417

An act to amend Section 2265 of, and to add Section 2147 to, the Elections Code, relating to voter registration.

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2455, Chiu. Voter registration: public postsecondary educational institutions: California New Motor Voter Program.

Under existing law, a person may not be registered to vote except by affidavit of registration. Pursuant to the Student Voter Registration Act of 2003, the Secretary of State is required to annually provide every high school, community college, California State University, and University of California campus with voter registration forms. The act also requires every community college and California State University campus that operates an automated class registration system, in coordination with the Secretary of State, to permit students during the class registration process to apply to register to vote online by submitting an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. The act encourages the University of California to comply with this provision.

This bill would require the California State University and the California Community Colleges to implement a process and the infrastructure to allow a person who enrolls online at the institution to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State by July 1, 2018. The bill would encourage the University of California to comply with this provision. By requiring community colleges to provide a higher level of service, the bill would impose a state-mandated local program.

Existing law, the California New Motor Voter Program, requires the Department of Motor Vehicles to electronically provide to the Secretary of State the records of each person who submits an application for a driver's license or identification card or who provides the department with a change of address. The person's motor vehicle records will then constitute a completed affidavit of registration and the person will be registered to vote, except as specified.

This bill would require the Secretary of State, if he or she receives from the Department of Motor Vehicles the records of a person who is currently registered to vote, to use the information in the records to update the voter's registration information. If the Secretary of State does not receive information for the voter for which space is provided on the affidavit of registration, but that information was provided in the voter's previous affidavit of registration, this bill would require that the information from the voter's previous affidavit of registration remain part of the voter's record.

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.

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

SECTION 1. It is the intent of the Legislature, in enacting Section 2 of this act, to take preliminary measures towards the establishment of an automatic voter registration system for California citizens enrolled at state public college and university campuses.

SEC. 2. Section 2147 is added to the Elections Code, to read:

2147. No later than July 1, 2018, the California State University and the California Community Colleges shall implement a process and the infrastructure to allow a person who enrolls online at the institution to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State in accordance with Chapter 2.5 (commencing with Section 2196). The University of California is encouraged to coordinate with the Secretary of State pursuant to this section.

SEC. 3. Section 2265 of the Elections Code is amended to read:

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) 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" on a voter registration index under Article 5 (commencing with Section 2180) of Chapter 2, and he or she shall otherwise be treated as a "No Party Preference" voter.

(c) If the Secretary of State receives from the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (b) of Section 2263 the records of a person who is currently registered to vote, the Secretary of State shall use the information in the records to update the voter's registration information. If the Secretary of State does not receive information for the voter pursuant to paragraph (1) of subdivision (b) of Section 2263 for which space is provided on the affidavit of registration, but that information was provided in the voter's previous affidavit of registration, the information from the voter's previous affidavit of registration shall remain part of the voter's record.

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