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**AB-1407 California New Motor Voter Program: voter registration.** (2017-2018)

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**Assembly Bill No. 1407**

**CHAPTER 4**

An act to amend Sections 2262, 2263, 2265, 2266, 2267, 2268, 2269, and 2270 of the Elections Code, relating to voter registration.

[ Approved by Governor February 26, 2018. Filed with Secretary of State February 26, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1407, McCarty. California New Motor Voter Program: voter registration.

Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law authorizes a person who is at least 16 years of age and otherwise meets all eligibility requirements to vote to submit his or her affidavit of registration, which, if properly executed, will be deemed effective as of the date the affiant will be 18 years of age.

Existing law requires the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program. Under the program, the Department of Motor Vehicles is required to provide to the Secretary of State specified information associated with each person who submits an application for a driver's license or identification card. The person's motor vehicle records then constitute a completed affidavit of registration and the person is registered to vote, unless the person affirmatively declines to register to vote during a transaction with the department, the department does not represent to the Secretary of State that the person attested that he or she meets all voter eligibility requirements, or the Secretary of State determines that the person is ineligible to vote.

This bill would require the Department of Motor Vehicles to additionally report to the Secretary of State that an applicant has attested that he or she meets the voter preregistration requirements for a person who is at least 16 years of age and otherwise meets all voter eligibility requirements. The bill would provide that the prescribed information submitted by the department to the Secretary of State constitutes a completed or submitted affidavit of registration and the Secretary would be required to register or preregister the person to vote, except as specified. The bill would also make conforming changes.

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

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

**SECTION 1.** Section 2262 of the Elections Code is amended to read:

**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, voter preregistration, and voting.

**SEC. 2.** Section 2263 of the Elections Code is amended to read:

**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 or preregistered 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 and, as applicable, the preregistration eligibility requirements in subdivision (d) of Section 2102.

(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 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. Sec. 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.

**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, or, as applicable, preregister 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 or preregistered 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 or, as applicable, all preregistration eligibility requirements in subdivision (d) of Section 2102.

(3) The Secretary of State determines that the person is ineligible to vote or, as applicable, will be ineligible to vote when he or she reaches 18 years of age.

(b) If a person who is registered or preregistered 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 2183) 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.** Section 2266 of the Elections Code is amended to read:

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

**SEC. 5.** Section 2267 of the Elections Code is amended to read:

**2267.** This chapter does not affect the confidentiality of a person's voter registration or preregistration 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.

**SEC. 6.** Section 2268 of the Elections Code is amended to read:

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

**SEC. 7.** Section 2269 of the Elections Code is amended to read:

**2269.** If a person who is ineligible to vote becomes registered or preregistered 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 or preregistration, 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.

**SEC. 8.** Section 2270 of the Elections Code is amended to read:

**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 or preregistration of a person who is ineligible to vote, but became registered or preregistered 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 of State 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).