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AB-1619 Elections: voter registration and signature comparison. (2021-2022)

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Assembly Bill No. 1619

CHAPTER 102

An act to amend Sections 2157 and 2196 of the Elections Code, relating to voting.

[Approved by Governor July 19, 2022. Filed with Secretary of State July 19, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1619, Cervantes. Elections: voter registration and signature comparison.

Existing law requires a person to register as a voter by affidavit of registration, except as otherwise provided. Existing law allows an affidavit of registration to be mailed or delivered to the county elections official or submitted electronically. Existing law requires an elections official, upon receiving a vote by mail ballot, to verify the signature on the identification envelope by comparing it with the signature on specified records within the voter's registration record, including the voter's affidavit of registration.

This bill would require that both paper and electronic affidavits of registration inform affiants that the signature appearing on the affidavit of registration may be compared with the signature appearing on an identification envelope for the return of a vote by mail ballot.

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

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

SECTION 1. Section 2157 of the Elections Code is amended to read:

2157. (a) Subject to this chapter, the paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit shall comply with all of the following:

- (1) Contain the information prescribed in Section 2150.
- (2) Contain, near the signature line of the affiant, a statement that the county elections official shall compare the affiant's signature appearing on an identification envelope for the return of a vote by mail ballot cast in a future election with the signatures appearing in the voter's registration record, including the signature appearing on the affidavit of registration.
- (3) Allow for the inclusion of informational language to meet the specific needs of that county, including, but not limited to, the return address of the elections official in that county, and a telephone number at which a voter can obtain elections information in that county.
- (4) Be included on one portion of a multipart card, to be known as a voter registration card, the other portions of which shall include information sufficient to facilitate completion and mailing of the affidavit. The affidavit portion of the multipart card shall be numbered according to regulations adopted by the Secretary of State. For purposes of facilitating the distribution of voter

registration cards as provided in Section 2158, there shall be attached to the affidavit portion a receipt. The receipt shall be separated from the body of the affidavit by a perforated line.

(5) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement identical or substantially similar to the following:

"Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, please contact the Secretary of State's Safe At Home program or visit the Secretary of State's website."

(6) Contain, in a type size and color of ink that is clearly distinguishable from surrounding text, a statement that the use of voter registration information for commercial purposes is a misdemeanor pursuant to subdivision (a) of Section 2194 and Section 18109, and any suspected misuse shall be reported to the Secretary of State.

(7) Contain a toll-free fraud hotline telephone number maintained by the Secretary of State that the public may use to report suspected fraudulent activity concerning misuse of voter registration information.

(8) Be returnable to the county elections official as a self-enclosed mailer with postage prepaid by the Secretary of State.

(b) Nothing contained in this division shall prevent the use of voter registration cards and affidavits of registration in existence on the effective date of this section and produced pursuant to regulations of the Secretary of State, and all references to voter registration cards and affidavits in this division shall be applied to the existing voter registration cards and affidavits of registration.

(c) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to this section or Section 2150.

(d) An affidavit of registration shall not be submitted electronically on a county's internet website. However, a county may provide a hyperlink on the county's internet website to the Secretary of State's electronic voter registration system.

SEC. 2. Section 2196 of the Elections Code is amended to read:

2196. (a) (1) Notwithstanding any other law, a person who is qualified to register to vote and who has a valid California driver's license or state identification card may submit an affidavit of voter registration electronically on the Secretary of State's internet website.

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

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

(4) The affidavit shall contain, before or at the time that the applicant affirmatively assents to the use of the applicant's signature pursuant to paragraph (5), a statement that the county elections official shall compare the affiant's signature appearing on an identification envelope for the return of a vote by mail ballot cast in a future election with the signatures appearing in the voter's registration record, including the signature appearing on the applicant's driver's license or state identification card.

(5) For voter registration purposes, the applicant shall affirmatively assent to the use of the applicant's signature from the applicant's driver's license or state identification card.

(6) For each electronic affidavit, the Secretary of State shall obtain an electronic copy of the applicant's signature from the applicant's driver's license or state identification card directly from the Department of Motor Vehicles.

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

(A) The number from the person's California driver's license or state identification card.

(B) The person's date of birth.

(C) The last four digits of the person's social security number.

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

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

(A) That the applicant has a California driver's license or state identification card and that the number for that driver's license or identification card provided by the applicant matches the number for that person's driver's license or identification card that is on file with the Department of Motor Vehicles.

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

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

(b) The Department of Motor Vehicles shall use the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.).

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

(d) If an applicant cannot electronically submit the information required pursuant to paragraph (6) of subdivision (a), the applicant shall nevertheless be able to complete the affidavit of voter registration electronically on the Secretary of State's internet website, print a hard copy of the completed affidavit, and mail or deliver the hard copy of the completed affidavit to the Secretary of State or the appropriate county elections official.