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SB-299 Voter registration: California New Motor Voter Program. (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 299

Introduced by Senators Limón and Menjivar
(Coauthors: Senators Becker, Blakespear, and Newman)
(Coauthors: Assembly Members Cervantes, Gipson, Holden, McKinnor, and Schiavo)

February 02, 2023

An act to amend Sections 2262, 2265, 2267, 2274, and 2276 of, and to add Section 2265.1 to, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, Limón. Voter registration: California New Motor Voter Program.

Existing law requires, in conformance with federal law, that the Secretary of State and the Department of Motor Vehicles establish and implement the California New Motor Voter Program for the purpose of increasing opportunities for voter registration for qualified voters. Existing law requires the department to transmit to the Secretary of State specified information related to a person's eligibility to vote, which the person provides when applying for a driver's license or identification card or when the person notifies the department of an address change. Existing law requires that if this information transmitted to the Secretary of State

constitutes a completed affidavit of registration, the Secretary of State must register or preregister the person to vote, as applicable, unless the person affirmatively declines to register or is ineligible to vote, as specified.

This bill would require the Secretary of State and the department to develop a process for the department to use information from the statewide voter registration database to determine whether a person who submits a driver's license application is already registered or preregistered to vote in the state. The bill would require the department, based upon this determination, to transmit specified information provided by the person during their transaction with the department to the Secretary of State for the purpose of registering or preregistering that person to vote or to update their registration information. The bill would prohibit the department from providing a person the opportunity to attest to meeting voter eligibility requirements when they submit a driver's license application, if the person provides a document to the department during the transaction demonstrating that the person is not a United States citizen. The bill would permit the Secretary of State, upon a determination that sufficient technology infrastructure exists, to promulgate regulations concerning the establishment of a list of individuals who are eligible to be preapproved for voter registration, as specified.

This bill would make these provisions operative on the earlier of January 1, 2030, or 5 days after the Secretary of State and the department certify that the information technology infrastructure necessary to substantially implement the bill is functional. The bill would permit the Secretary of State and the department, beginning on January 1, 2025, to perform administrative actions necessary to implement these provisions.

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. For purposes of this chapter, the following terms have the following meanings:

(a) "Completed voter registration" and "completed voter registration application" mean the part of the driver's license application containing the voter registration application for an applicant who has not affirmatively declined to register to vote or to update their voter registration or preregistration, as applicable, the transmittal of which is not prohibited by subdivision (g) of Section 2265, and which includes the minimum information necessary to prevent duplicate voter registrations and preregistrations, to assess the eligibility of the applicant, and to administer voter registration, preregistration, and other procedures for elections.

(b) "Department" means the Department of Motor Vehicles.

(c) "Driver's license application" means a driver's license or identification card application, renewal, or notification of a change of address pursuant to Section 12800, 12815, 13000, or 14600 of the Vehicle Code.

SEC. 2. Section 2265 of the Elections Code is amended to read:

2265. (a) (1) The department, 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.

(2) The department and the Secretary of State shall develop and enter into an interagency agreement specifying how the department and the Secretary of State will cooperate to fulfill the requirements of this chapter. The agreement shall be updated as necessary, and the current version of the agreement shall be published on the internet website of the Secretary of State, except those parts of the agreement for which publication would compromise security.

(b) The Secretary of State and the department shall jointly develop a process for the department, upon obtaining a person's full name, date of birth, driver's license or state identification number, residence address, and mailing address, if different from the residence address, to use information from the statewide voter registration database to determine whether the person is already registered or preregistered to vote in the state. The Secretary of State may satisfy this requirement by providing a copy of the statewide voter registration database to the department on a daily basis.

(c) (1) If it is determined pursuant to subdivision (b) that a person is not preregistered or registered to vote, or it cannot be determined whether a person is preregistered or registered to vote, 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 a driver's license application:

(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, if available.

(H) Political party preference, if available.

(I) Whether the person affirmatively declined to become registered or preregistered to vote during a transaction with the department.

(J) A notation that the applicant has attested that the person 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.

(K) Other information specified in regulations implementing this chapter.

(2) If it is determined pursuant to subdivision (b) that the person is already registered or preregistered to vote, 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 a driver's license application:

(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, if available.

(H) Political party preference, if available.

(I) Whether the person affirmatively declined to update the person's voter registration or preregistration during a transaction with the department.

(J) A notation that the applicant has attested that the person meets all voter eligibility requirements, including United States citizenship, specified in Section 2101 and, as applicable, the preregistration eligibility requirements specified in subdivision (d) of Section 2102.

(K) Other information specified in regulations implementing this chapter.

(3) (A) A completed voter registration application included with a driver's license application and accepted at the department shall be transmitted to the Secretary of State no later than 10 days after the department accepts it.

(B) A completed voter registration application accepted within five days of the last day to register to vote for a federal or statewide election shall be transmitted to the Secretary of State no later than five days after the date of acceptance.

(C) (i) For purposes of establishing the department's transmittal deadlines required by this paragraph and by Section 20504(e) of Title 52 of the United States Code, the completed voter registration application included with the driver's license application shall be deemed accepted on the date the completed voter registration application arrives at the department, whether by mail, in person, electronically, or in another manner, the application contains all of the information in paragraphs (1) and (2) except to the extent paragraphs (1) and (2) require certain information to be provided only if available, and the

department approves the documentation of identity submitted by the applicant that is required by the Vehicle Code for the type of license or identification card for which the applicant has applied.

(ii) This subparagraph shall become operative upon the completion of the Digital eXperience Platform project described in Item 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and 69, Stats. 2021), or on July 1, 2025, whichever is earlier.

(4) (A) The department shall accept and transmit a completed voter registration application included with a driver's license application as described in paragraph (3) even if, pursuant to the Vehicle Code, the driver's license application is incomplete or the driver's license or identification card associated with the voter who submitted the voter registration application is inactive due to a failure to pay fees, or any other reason that is unrelated to either of the following:

(i) The department's approval of an applicant's identity documentation pursuant to the Vehicle Code.

(ii) An elections official's ability to prevent duplicate voter registrations or preregistrations, to assess the eligibility of the applicant, or to administer voter registration, preregistration, and other elections procedures.

(B) This paragraph shall become operative upon the completion of the Digital eXperience Platform project described in Item 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and 69, Stats. 2021), or on July 1, 2025, whichever is earlier.

(5) (A) The department may provide the records described in paragraphs (1) and (2) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (f) 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 of State 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).

(6) If the person provides a document at the time of the transaction with the department that demonstrates the person is not a United States citizen, the person shall not subsequently as part of such transaction be offered the opportunity to attest that the person meets all voter eligibility requirements and the department shall not electronically provide records of that person to the Secretary of State. This paragraph applies only to transactions in which the person provides a document that demonstrates the person is not a United States citizen and does not permanently remove the person from the requirements of this section. For transactions subject to this paragraph, the department may collect information regarding voter registration eligibility without attestation on forms that a person may complete prior to such transactions.

(d) The Secretary of State shall not sell, transfer, or allow any third party access to the information acquired from the department pursuant to this chapter without approval of the department, except as permitted by this chapter and Section 2194.

(e) 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 the person is unable to submit satisfactory proof that the person's presence in the United States is authorized under federal law.

(f) Except as provided in paragraphs (3) and (4) of subdivision (c), the department 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 to implement and maintain the California New Motor Voter Program.

(3) The regulations required by Section 2277 have been adopted.

(g) The department 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.

(h) It is the intent of the Legislature that the department continue its best practice of sending notice to voters when there is a delay in processing completed voter registration applications. It is further the intent of the Legislature that the notices continue to provide information about alternative options for submitting a voter registration application.

SEC. 3. Section 2265.1 is added to the Elections Code, to read:

2265.1. (a) If the Secretary of State determines that sufficient technology infrastructure exists and sufficient funding is available for implementation, the Secretary of State may, after consulting with the department, county elections officials, and other

interested parties, promulgate regulations governing the establishment of a list of individuals who are preapproved for voter registration. The regulations shall address matters including all of the following:

(1) Updating and maintaining the accuracy of the list of individuals who are preapproved for voter registration.

(2) The manner and method by which individuals who have been preapproved may activate their registration.

(3) The manner and method by which the department may provide to the Secretary of State, for inclusion on the list of persons who are preapproved for voter registration, information regarding a person's name and address and any additional information required by the Secretary of State that the person submitted with their driver's license application.

(b) For purposes of this section, a person who submits a driver's license application to the department is eligible to become "preapproved for voter registration" if all of the following requirements are satisfied:

(1) The person is not registered or preregistered to vote at the time of their transaction with the department.

(2) The person does not submit a completed voter registration application pursuant to Section 2265 during their transaction with the department.

(3) The person has provided documentation to the department demonstrating they are a United States citizen and of an eligible age to register or preregister to vote.

(4) The person is notified that they are being placed on a preapproved voter registration list and that they may activate their registration at a later date. The Secretary of State shall determine the entity who provides such notice and the manner and method of such notice.

(5) The person does not have a home address designated as confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the Vehicle Code.

(6) The person is not enrolled as a program participant pursuant to Section 6206 or Section 6215.2 of the Government Code.

(c) The regulations specified in this section shall be in addition to any other regulations promulgated pursuant to Section 2277.

SEC. 4. Section 2267 of the Elections Code is amended to read:

2267. (a) If the records of a person designated in paragraph (1) of subdivision (c) of Section 2265 constitute a completed voter registration application, the Secretary of State shall, if the person is not already registered or preregistered to vote, 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 2265, reflect that the person affirmatively declined to become registered or preregistered to vote during a transaction with the department.

(2) The person's records, as described in Section 2265, do not reflect that the person 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 the person 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, the person's party preference shall be designated as "Unknown" on a voter registration index under Article 5 (commencing with Section 2183) of Chapter 2, and the person shall otherwise be treated as a "No Party Preference" voter.

(c) If the Secretary of State receives from the department pursuant to paragraph (1) or (2) of subdivision (c) of Section 2265 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) or (2) of subdivision (c) of Section 2265 for which space is provided on the voter registration application, but that information was provided in the voter's previous voter registration application, that information from the voter's previous voter registration application shall remain part of the voter's record.

SEC. 5. Section 2274 of the Elections Code is amended to read:

2274. (a) The department, in consultation with the Secretary of State, shall monitor the timeliness of the department's transmittals to the Secretary of State pursuant to paragraph (3) of subdivision (c) of Section 2265.

(b) By the 10th day of each calendar month, 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, all of the following information concerning voter registration from the preceding month:

(1) The number of completed voter registration applications transmitted to the Secretary of State after the deadlines specified in paragraph (3) of subdivision (c) of Section 2265, if any.

(2) The number of notices sent pursuant to subdivision (h) of Section 2265.

(3) The reasons for any irregularities in the processing of records specified in subdivision (c) of Section 2265 or in the transmittal of any completed voter registration applications after the deadlines described in paragraph (3) of subdivision (c) of Section 2265.

(c) Within 10 days of receipt, the Secretary of State shall publish the information described in paragraph (3) of subdivision (c) on its internet website.

SEC. 6. Section 2276 of the Elections Code is amended to read:

2276. The Secretary of State, in consultation with the department and the taskforce described in Section 2275, shall annually review the effectiveness of the California New Motor Voter Program and draft a written report. The written report shall, at a minimum, include all of the following:

(a) Information about trends of voters registering through the California New Motor Voter Program.

(b) An analysis of the information described in Section 2274 for the preceding year.

(c) A summary of any significant errors or delays during the preceding year with respect to processing or transmitting the records specified in subdivision (c) of Section 2265, and how those incidents were resolved.

SEC. 7. (a) This act shall become operative on the earlier of the following:

(1) January 1, 2030.

(2) Five days after the date the Secretary of State and the Department of Motor Vehicles certify that the information technology infrastructure necessary to substantially implement this act is functional.

(b) Notwithstanding subdivision (a), the Secretary of State and the Department of Motor Vehicles may, beginning on January 1, 2025, perform administrative actions necessary to implement this act.