

Date of Hearing: April 27, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 786 (Levine) – As Amended April 21, 2015

SUBJECT: National Voter Registration Act of 1993

SUMMARY: Makes changes to current law to ensure compliance with the federal National Voter Registration Act of 1993 (Motor Voter Act), as specified. Specifically, **this bill:**

- 1) Requires the Department of Motor Vehicles (DMV), in coordination with the Secretary of State (SOS), to make the state's Implementation Plan of the Motor Voter Act consistent with Motor Voter Act requirements related to simultaneous applications for a voter registration and a motor vehicle license.
- 2) Requires DMV, if requested to do so by a registered voter, to notify county elections officials of both counties when a voter moves from one county to another.

EXISTING LAW:

- 1) Requires each state to offer voter registration services at motor vehicle agency offices as well as provide public assistance offices, offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, Armed Forces recruitment offices, and other state and local offices within the designated as Motor Voter Act voter registration agencies.
- 2) Requires the DMV to provide the opportunity to register to vote to individuals who apply for, renew, or change an address for a driver's license or personal identification card issued by the DMV.
- 3) Requires a driver's license or identification application to be used as an application for voter registration, unless the applicant fails to sign the application.
- 4) Requires change of address information received by the DMV to be used for the purpose of updating voter registration records, unless the registrant chooses otherwise.
- 5) Provides that a person may not be registered to vote except by affidavit of registration.

FISCAL EFFECT: AB 786 is similar to AB 1122 (Levine) of 2013. The Assembly Appropriations Committee analysis indicated that AB 1122 would result in one-time costs to DMV in the range of \$500,000 to redesign forms and that costs to design an alternative process to electronically transfer information would be substantially higher.

COMMENTS: The federal Motor Voter Act, signed into law in 1993, was intended to make it easier for Americans to register to vote when they apply for a driver's license. According to the author, however, California has yet to come into compliance with this federal law. Specifically, the author points out that the Motor Voter Act requires that DMV offices to allow motorists to

register to vote when they apply for a driver's license and requires DMV to update voting records when motorists change addresses. The author points out that currently DMV implements only part of the Motor Voter requirement, by requiring the motorist to completely fill out the entire voter registration form. This is contrary to the Motor Voter Act that requires applicant's registration form to be automatically filled in except for the signature. Once voter registration is completed, the author contends that DMV fails to adequately update voter registration records, as required by the Motor Voter Act, when a motorist makes a change of address. The author points to very low voter registration rates in California as evidence that DMV should come into compliance with federal Motor Voter Act requirements.

To address this issue, the author has introduced AB 786 which requires DMV to come into compliance with the Motor Voter Act requirements in general and specifically with provision of federal law that require: 1) that a completed driver's license application shall also serve as a voter registration, unless the applicant fails to sign the voter registration application; 2) that any change of address submitted to the DMV for the purposes of a driver's license must also serve as notification of change of address for voter registration; and 3) that the completed forms for voter registration that are turned into the DMV be transmitted to the state elections official not later than 10 days after acceptance. Additionally, the bill also specifies that when a registered voter requests that DMV make a voter registration change of address from one county to another, the DMV must notify the county elections officer in both counties.

When the Motor Voter Act took effect in 1995, California, along with other states challenged the constitutionality of the federal mandate and three separate lawsuits concerning California's implementation of the Motor Voter Act were filed in federal court. The court found that the Motor Voter Act was constitutional, despite the lack of federal funding provided to states, and ruled that California was obligated to implement the Motor Voter Act. California submitted to the court an implementation plan to ensure conformity with Motor Voter Act requirements.

Despite the Motor Voter Act's clear requirements, the state's court-approved implementation plan instead called for a two-page application – one page for the driver's license application and one page for the voter registration form. The rationale for this two-page plan was cost, as the Motor Voter Act did not provide states with any direct funding or any mechanism for reimbursement of the costs associated with its implementation. According to DMV, the cost to create a single, computer generated form to serve as both a driver's license and voter registration application would have been significant. On August 12, 1994, then Governor Pete Wilson signed Executive Order W-98-94 directing state and local agencies to implement the Motor Voter Act only to the extent that federal funding was provided.

According to the SOS's 2011 Motor Voter Act handbook, every person who visits a DMV office to apply for or renew a driver's license or identification card or to change an address receives a voter registration card (VRC). Every person who receives a driver's license or identification renewal form by mail also receives a VRC. The VRC can be used to register to vote or to re-register after a change in name, address, or party preference. When voters update their address with a DMV office, the new address is sent electronically to the SOS's statewide voter registration database, which then shares the information with county elections officials who update local voter registration records. When voters move to a new county, DMV instructs them to complete a new VRC to initiate the change of address process. To expedite this, DMV accepts completed VRCs and forwards them to the SOS or the county election officials.

The Motor Voter Act permits a county elections official to cancel the prior registration of a voter who has moved to a different county after it attempts to confirm the voter's change of address. In addition, existing law permits cancellation if the change-of-address notice comes from the DMV or another designated agency (typically SOC) or if the voter initiates the request. Moreover, state law permits a county elections official to cancel the prior voter registration of a voter who verifies in writing that he or she has moved to a different county.

According to SOS's Motor Voter Handbook, the DMV is required to collect and transmit electronic change-of-address data to elections officials on a daily basis, which allows for automatic change-of-address updates for many voters. The SOS then transmits the information to local county elections officials. The county elections official, however, may not automatically update the addresses of voters who move from one county to another because current law requires voters who move to a new county to re-register to vote by completing and signing a new VRC. AB 786 requires DMV to notify elections officials of both counties (the county the applicant moved from and the county the applicant is moving to) when the voter requests the DMV to make a voter registration change of address.

According to the SOS, VoteCal, the federally required statewide voter database, should resolve this process because under VoteCal a voter will have a single voter file that will follow them when they move, between and within counties. When a voter moves from one county to another, the voter record will be maintained at the original address (in the originating county) until the record is updated. If there is a match between a change of address transaction and an existing voter record, VoteCal will automatically update the existing voter registration record with the new data. VoteCal is currently scheduled to be fully operational in June 2016.

Double referral: This bill passed out of the Assembly Elections and Redistricting Committee on April 15, 2015 with a 5-1 vote.

Related legislation: AB 1461 (Gonzalez), requires the SOS to use records from the DMV to automatically register to vote those individuals who are eligible, as specified. AB 1461 is scheduled to be heard in this committee on April 27, 2015.

Previous legislation: AB 1122 (Levine) of 2013, which was substantially similar to this bill, was held in the Assembly Appropriations Committee on the suspense file.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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