
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Steven Glazer, Chair
2023 - 2024 Regular

Bill No: SB 846 **Hearing Date:** 3/21/23
Author: Limón
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Subject: Voter registration: California New Motor Voter Program

DIGEST

This bill creates a back-end automated voter registration system for registering voters via the California New Motor Voter Program (CNMVP) at the California Department of Motor Vehicles (DMV), as specified.

ANALYSIS

Existing law:

- 1) Provides that a person is entitled to register to vote who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election.
- 2) Permits a person who is at least 16 years old, and otherwise meets all voter eligibility requirements to preregister to vote. Provides that the person's voter registration will be deemed effective as soon as the person is 18 years old at the time of the next election.
- 3) Requires the Secretary of State (SOS) and the DMV to establish the CNMVP for the purpose of increasing opportunities for voter registration by any person who is qualified to vote.
- 4) Requires, pursuant to the CNMVP, that each eligible voter be registered or preregistered to vote by default when the individual submits an application for a driver's license or state identification card, or provides the DMV with a change of address, unless the voter specifically declines (i.e. opts-out).
- 5) Provides that the SOS, not the DMV, is solely responsible for determining eligibility for voter registration and voting.
- 6) Requires the DMV, in consultation with the SOS, to establish a schedule and a method to electronically provide to the SOS the following information associated with each person who submits an application for a driver's license, identification card, or who notifies the DMV of a change of address:
 - a) Name.

- b) Date of birth.
 - c) Either or both the residence address or mailing address as contained in the DMV's records.
 - d) Digitized signature, as specified.
 - 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 to vote during a transaction with the DMV.
 - k) A notation that the applicant has attested that they meet all voter eligibility requirements, including United States citizenship.
 - l) Other information as specified in regulations.
- 7) Requires the SOS to provide specified outreach and education materials in languages other than English, as specified.
- 8) Provides that the SOS shall not sell, transfer or allow any third party access to the information acquired from the DMV without approval of the DMV, except as otherwise permitted by law and as specified.
- 9) Provides that the DMV shall not electronically provide records of a person who applies for or is issued a driver's license who is unable to submit satisfactory proof that the person's presence in the United States is authorized under federal law.
- 10) Provides that the willful, unauthorized disclosure of information obtained from the DMV to any person, or the use of any false representation to obtain any of that information, or the use of any of that information for a purpose other than what is currently permitted by existing law, is a misdemeanor, as specified.
- 11) Prohibits the DMV from electronically providing records pursuant to CNMVP that contain a home address designated as confidential.
- 12) Requires the SOS to establish procedures to protect the confidentiality of the information acquired from the DMV, as specified, and requires the SOS to account for any disclosures, including those due to security breaches, in accordance with existing law.

- 13) Provides that the records of a person who registers to vote pursuant to the CNMVP shall constitute a completed affidavit of registration and the SOS shall register the person to vote, unless any of the following conditions is satisfied:
 - a) The person's records reflect that person affirmatively declined to become registered to vote during a transaction with the DMV.
 - b) The person's records do not reflect that person has attested to meeting all voter eligibility requirements.
 - c) The SOS otherwise determines that the person is ineligible to vote.
- 14) Provides that if a person who is registered to vote does not provide a party preference, the voter's party preference shall be designated as "Unknown" and the voter shall be treated as a "No Party Preference" voter. Any such person whose party preference is designated as "Unknown" shall not be counted for purposes of determining the total number of voters registered for political party qualification purposes under existing law.
- 15) Provides that a person registered to vote may cancel their voter registration at any time by any current method.
- 16) Provides that if a person who is ineligible to vote becomes registered to vote through the CNMVP in the absence of willful voter registration fraud, that person's registration shall be presumed to have been effected with official authorization and to have not been the fault of that person.
- 17) Provides that if a person who is ineligible to vote becomes registered to vote and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote unless that person willfully votes or attempts to vote knowing that the person is not entitled to vote.
- 18) Requires the SOS to adopt specified regulations to implement the CNMVP.
- 19) Defines "Voter registration agency" to mean either of the following:
 - a) A department, division, or office of state or local government, or a program supported by state funds, that is designated by executive order of the Governor or pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) as a voter registration agency.
 - b) A private entity under contract with a designated voter registration agency to provide services or assistance on behalf of the designated voter registration agency.

This bill:

- 1) Keeps the current CNMVP for individuals who are not currently registered to vote in California, whose information is not subject to transmission to the SOS, and who

either submits an application for a driver's license, identification card, or notifies the DMV of a change of address. Provides that if at the time of the transaction with the DMV, the person provides a document that demonstrates the person is not a United States citizen, the person shall not be offered the opportunity to attest that the person meets all voter eligibility requirements and the DMV shall not electronically provide records of that person to the SOS.

- 2) Requires the DMV, in consultation with the SOS, to establish a schedule and method for the DMV to electronically provide records to the SOS, as specified. Specifically:
 - a) Provides that this method of electronic transfer of records applies to individuals who meets all of the following conditions:
 - i) The person is not currently registered to vote in California.
 - ii) The person submits an application for a driver's license.
 - iii) The person provides documentation demonstrating United States citizenship and that the person is of an eligible age to register or preregister to vote during the person's transaction with the DMV.
 - b) Requires the DMV to provide to the SOS, in a manner and method to be determined by the DMV in consultation with the SOS, the following information about the person:
 - i) Name.
 - ii) Date of birth.
 - iii) Either or both of the following, as contained in the DMV's records:
 - (1) Residence address.
 - (2) Mailing address.
 - iv) Digitized signature, as specified.
 - v) Telephone number, if available.
 - vi) Email address, if available.
 - vii) Language preference, including the language in which the person conducted the transaction with the DMV.
 - viii) Other information required in regulations, as specified.
 - c) Requires the DMV to provide the SOS, in a manner and method to be determined by the DMV and the SOS, information regarding a person's name, address, and any additional information required by the SOS, for the purpose of

maintaining current information for the person's voter registration record if the person is currently registered to vote in California and submits a driver's license application.

- 3) Prohibits the DMV from providing records electronically that contain a home address designated as confidential, as specified.
- 4) Provides the provisions related to the transfer of records between the DMV and the SOS shall not be construed to amend the substantive qualifications for voter registration in California or to require documentary proof of citizenship for voter registration.
- 5) Provides the provisions related to the transfer of records between the DMV and the SOS shall not be construed to provide a retroactive basis to register individuals to vote or to update voter registration information based on information in the possession of the DMV before the person's transaction.
- 6) Requires the SOS and the DMV to jointly develop a process by which the DMV, 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 residence address, may use the information from the statewide voter registration database to determine whether the person is already registered to vote in California. Provides that the SOS may satisfy this requirement by providing a copy of the statewide voter registration database to the DMV on a daily basis.
- 7) Changes the maximum imprisonment penalty from one year to 364 days for the willful, unauthorized disclosure of information obtained from the DMV to any person, or the use of any false representation to obtain any of that information or the use of any of that information for a purpose other than prescribed in existing law, as specified.
- 8) Requires county elections officials to send to the person's address of record, by nonforwardable mail, a notice that the person has been registered or preregistered to vote, as applicable, when a person whose information was transmitted by the DMV becomes registered or preregistered to vote, as specified. Specifically:
 - a) Provides that the notice include a postage paid preaddressed return form by which the person may decline to be registered or preregistered, designate a party preference, or select a language preference. The notice shall also do all of the following:
 - i) Offer the person the opportunity to provide a party preference, state that doing so may be required in order to vote in that party's presidential primary election, and state that the person may also provide a party preference via the state's online voter registration system.
 - ii) Offer the person the opportunity to select a language preference.

- iii) Include an explanation of the eligibility requirements to register or preregister to vote, and a statement that, if the person is not eligible, the person should decline to register or preregister using the preaddressed return form.
 - iv) State the penalties for providing false information.
 - v) Include a statement that, if the person declines to register or preregister to vote, the fact that the person has declined will remain confidential and will be used only for election administration purposes.
 - vi) Include a statement that, if the person does not decline to be registered or preregistered to vote, the office at which the person was registered or preregistered will remain confidential and will be used only for election administration purposes.
 - vii) Provide information regarding how a person can obtain assistance and additional information about the notice.
- b) Requires the SOS to prescribe the form of the notice, as specified.
- c) Requires the county elections official to send the person a residency confirmation notice if the notice is returned as undeliverable, as specified.
- d) Provides that all of the following apply in the event that a person returns the return form:
- i) If the person selects a language preference , the language preference shall be retained as part of the person’s registration information.
 - ii) If the person chooses to become a permanent vote by mail voter, the person shall be added to the list of permanent vote by mail voters.
 - iii) If the person declines to be registered to vote, the person’s registration or preregistration shall be canceled, and the person shall be deemed to have never registered or preregistered to vote. Information related to the person’s declining to be registered or preregistered to vote shall not be used for any purpose other than the administration of elections.
 - iv) If the person is registered or preregistered to vote and thereafter returns the form indicating that the person declines to be registered or preregistered to vote, but before returning the form the person votes in an election, the person’s declining to register or preregister to vote on the return form shall have no force and effect.
 - v) If a person returns a form but does not select or indicate any new information on the form, the form is of no force and effect.
- e) Provides that if the SOS receives from the DMV updated name or address information for a person who is currently registered to vote, then all of the following shall occur:

- i) The SOS shall use the new information to update the voter's registration information and shall have the voter's registration status updated to active.
 - ii) The appropriate county elections official shall send to the person's address of record, by forwardable mail, notice of the change and a postage paid preaddressed return form by which the person may verify or correct the information. Requires the notice to provide information regarding how a person can obtain assistance and additional information about the notice.
 - iii) If the person returns the form indicating that the update to the registration information was in error, the appropriate county elections officials shall immediately correct the information in the statewide voter registration database.
- 9) Requires the SOS to prescribe the form of the notices.
- 10) Requires SOS and DMV shall develop procedures to ensure that a driver's license, identification card, or other identifying information submitted by an applicant pursuant to this chapter is sufficiently evaluated to determine whether the applicant is eligible to register or to preregister to vote and to protect against future erroneous registrations or preregistrations.
- 11) Provides that if it becomes known to the SOS or DMV that either the SOS or DMV, or both, committed an error resulting in the registration or preregistration of an ineligible person, as specified, and unless there is clear and convincing evidence that the person has a specified provision of existing law, the SOS or DMV shall do both of the following:
 - a) Immediately contact the person to inform the person of the erroneous registration or preregistration.
 - b) Provide the person a letter asserting that the SOS or DMV, or both, was responsible for the erroneous registration or preregistration. Requires a copy of this letter be maintained permanently in the person's file with the DMV and be accessible to the person upon request.
- 12) Requires voter registration agencies to annually provide to the SOS information describing each designated office under the agency's supervision, the type of services the office provides, and a designated voter registration contact for that office. Requires, at the earliest practicable time, the SOS or their designee to assess which voter registration agencies, in the regular course of business and substantially, collect sufficient information from applicants to confirm eligibility for registration or to update information for an existing registration, or both, as specified.
- 13) Requires the SOS to assess and, if necessary, establish a schedule by which the voter registration agency shall begin prospectively providing to the SOS electronic records regarding individuals eligible to register to vote or individuals with updated voter registration information, or both if applicable, as specified.

- 14) Provides, notwithstanding any other law, the SOS may develop procedures for processing electronic records received from an agency without an image of the applicant's signature, as specified. Provides these provisions are not to be construed to provide a retroactive basis to register individuals to vote or to update voter registration information based on information previously in the possession of the SOS, the DMV, or another voter registration agency.
- 15) Expands the definition of a "voter registration agency" to include a department, division, or office of state or local government, or a program supported by state funds designated by the SOS.
- 16) Requires this bill become operative on January 1, 2026, or five days after the date the SOS certifies that the information technology infrastructure to substantially implement the provisions of this bill is functional. Provides that the SOS may, commencing January 1, 2024, perform administrative actions necessary to implement the bill's provisions.
- 17) Makes technical, nonsubstantive changes.

BACKGROUND

National Voter Registration Act. In 1993, the federal government enacted the National Voter Registration Act (NVRA), commonly referred to as the "motor voter" law or Motor Voter, to make it easier for Americans to register to vote and maintain their registration. Among other provisions in the NVRA, the DMV provides customers the opportunity to register to vote when completing an application for a driver's license or an identification card, when renewing a driver's license, an identification card, or when a change of address transaction takes place.

Despite being commonly referred to as "motor voter," the NVRA also requires states to designate other agencies as "voter registration agencies" and provides an opportunity to register to vote for individuals interacting with the specified agencies. This includes offices that provide public assistance and offices that provide services to individuals with disabilities. In California, the Governor is also able to designate additional voter registration agencies.

California New Motor Voter Program. In 2015, the Legislature passed and Governor Brown signed AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, which provides that every person who submits an application for a driver's license, state identification card, or provides the DMV with a change of address, and who attests that they meet all voter eligibility requirements, is automatically registered to vote, unless that person opts out, as specified.

Specifically, the DMV, in consultation with the SOS, is required to establish a schedule and method for the DMV to electronically provide to the SOS the records of each person who submits an application for a driver's license, state identification card, or provides the DMV with a change of address. The transmission of an individual's record from the DMV to the SOS constitutes a completed affidavit of voter registration unless the person affirmatively declines to register or preregister to vote at the DMV, the person does not

attest to meeting all voter eligibility requirements while at the DMV, or the SOS determines that the person is not eligible to register to vote.

The DMV is also prohibited from electronically providing the records of a person who is issued a driver's license pursuant to specified provisions of law because that person is unable to establish satisfactory proof that their presence in the United States is authorized under federal law.

In April 2018, California officially launched the CNMVP.

Issues at the DMV. Since the launch of the CNMVP in 2018, the DMV faced a number of challenges related to DMV transactions and voter registration. In May 2018, a software error potentially affected approximately 77,000 voter records generated at the DMV. According to news reports, this error resulted in two registration forms for a single voter. In response, county elections officials contacted potentially affected voters and the software error was fixed.

In September 2018, the DMV reported 23,000 registration errors that stemmed from DMV technicians working with multiple screens and registration information being improperly merged. According to the DMV, 4,600 individuals did not complete a voter registration affidavit, but had their information sent to the SOS. The DMV also indicated that none of the applicants were undocumented immigrants. In response, the DMV sent the 23,000 customers a letter notifying them of the problem and the SOS cancelled the 4,600 registrations that it received.

In October 2018, the DMV sent the SOS a letter indicating that 1,500 customers may have been registered to vote in error when DMV technicians processed customer requests at field offices to change voter eligibility responses on driver license applications. The DMV indicated that none of the processing errors were the fault of the customer and none were undocumented immigrants.

Prior to the November 2018 election, the DMV did not timely transmit 589 voter records to the SOS prior to the close of registration. Of the 589 records, 329 were registering to vote and 260 were trying to change their address. According to the SOS, the number of affected individuals resulting from this error would not have changed any of the results certified by the SOS.

Responses to Issues at the DMV. In response to the issues related to the DMV, in September 2018, Governor Brown directed the Department of Finance to conduct a performance audit of the DMV's information technology and customer service functions. In January 2019, Governor Newsom ordered an accelerated Review of Early Findings within 30 days of the independent audit of DMV initiated by Governor Brown, which was managed by the Department of Finance. This was a performance audit of the DMV's Information Technology and Customer Service Functions and publically released on March 1, 2019.

The CNMVP was included in the Department of Finance's audit, but was conducted by an independent, third-party organization. The Department of Finance contracted with Ernst & Young for an independent technical assessment of the DMV's Enterprise

Applications Systems Environment which included the California New Voter Motor Application.

As part of the assessment, the report found and identified 83,684 records shown as duplicates in the SOS data set because they were sent initially to the SOS with a blank “Political Party” field value and later the same records were resent with the corrected value of “No Party Preference” in the same field. However, this action did not have an impact on voter eligibility.

Assessment of the Motor Voter Application. As a result, the Department of Finance released a five-part assessment of the Motor Voter application on August 9, 2019. The first four assessments were performed against an established set of evaluation criteria to highlight risks and develop recommendations for the DMV and the SOS (when applicable) in order to improve and ultimately enhance the effectiveness of the CNMVP. The fifth assessment, the Validation Report, was limited to providing the results of data comparisons and did not include an evaluation of the results.

While there were many recommendations for improvement, the fourth assessment examined the quality assurance of the CNMVP. The objective of this assessment was to review the Motor Voter data transfer processes against established evaluation criteria to highlight risks that, if not addressed, would adversely affect the realization of the intended benefits of the CNMVP and develop recommendations for improvement of the ongoing program’s effectiveness. From this assessment, stakeholders received nine recommendations for review and consideration for implementation. These recommendations sought to improve or enhance the overall effectiveness of the CNMVP or the Motor Voter application and many of the recommendations were implemented.

DMV Voter Registration Statistics. According to information provided by the SOS, 4,815,801 new voter registration transactions have been processed since the CNMVP’s launch in April 2018 through January 2023. If voter re-registrations and updated addresses are included with new registrations, the total for the same duration is 20,300,497 transactions.

Conversely, there were 17,920,019 transactions where the individual chose to opt-out of voter registration through either the electronic driver’s license or identification card application, a renewal form, or a change of address form.

California Registration Statistics. Since 2018, the CNMVP has contributed to a rise of registered voters in California. According to the most recent report of registration from the SOS, there are 21,940,874 registered voters in California out of an estimated 26,876,800 Californians who are eligible to register to vote, meaning that approximately 81.63% of eligible Californians are registered to vote. To compare, in January 2018, there were 18,980,481 registered voters or about 75.69%.

Oregon's Automatic Voter Registration and Other States. For the vast majority of states, the responsibility for registering eligible individuals to vote is placed on the individual. North Dakota, which is the only state without voter registration, is the exception. As mentioned previously, in California, an individual interacting with the

DMV goes through a process to determine voter eligibility and is registered to vote if eligible and the individual does not opt out. This occurs during a DMV transaction.

This bill creates a back-end automated voter registration system for most individuals who interact with the DMV. This is similar to a system created in Oregon. In Oregon, if the Department of Transportation has information indicating that an individual is eligible to register to vote and the government has information to verify individuals' eligibility to vote, then the individual is automatically registered to vote. Individuals will have the option to opt-out of being registered, typically through a notice in the mail.

According to the National Conference of State Legislatures, in addition to Oregon, Colorado uses a back-end automated voter registration system. Alaska, Delaware, and Massachusetts have also authorized similar procedures.

AB 60 Licensees. AB 60 (Alejo), Chapter 524, Statutes of 2013, required the DMV to issue an original driver's license to an applicant who is unable to submit satisfactory proof of legal presence in the United States. Driver's license applicants under AB 60 are required to meet all other qualifications for licensure and provide satisfactory proof of identity and California residency. Since the AB 60 licensing process was specifically established for individuals who are unable to submit satisfactory proof of legal presence in the United States, existing law prohibits the DMV from transmitting information to the SOS about individuals who applied for or received a driver's license pursuant to AB 60.

The back-end system would transfer the responsibility of determining citizenship from the DMV customer to the DMV, which would ensure non-citizens do not mistakenly represent their status. However, under SB 846, it is unclear exactly how the DMV would determine citizenship status, leaving potential room for human (or machine) error on the back-end. The proponents of the bill believe that the SOS will be reviewing DMV Motor Voter data, but that this process will be happening after data is transmitted from the DMV to the SOS.

Statistics for Non-DMV NVRA Entities. In 2022, public assistance agencies, state-funded agencies primarily serving persons with disabilities, armed forces recruitment offices, and other California-designated agencies reported that 31,264 registrations were received. In total, from June 1995 through February 2023, 1,818,550 registrations were received.

REAL ID and DMV transaction time. Individuals seeking REAL ID compliant driver licenses and ID cards must visit a field office and provide certain specified documents, including U.S. passport, birth certificate, or other specified identity document, that DMV staff verify and scan. SB 846 would capitalize on the identity documentation required by REAL ID to also determine citizenship for purposes of voter registration.

DMV implementation of the federal REAL ID Act led to significant wait times and increased workload at DMV field offices as these transactions take longer to process than noncompliant transactions. Since peak wait times in 2018, the DMV has made significant changes to their processes to move transactions that can be done online out of the field office and cut transaction time at the field office. It is possible that doing voter registration on the back-end will decrease DMV transaction times, but unclear by how much if at all. Much of the DMV's current process has migrated online where DMV

customers are encouraged to fill out their DL/ID application, including motor voter questions, online prior to coming to the field office or may be able to skip the field office entirely.

COMMENTS

- 1) According to the author: SB 846 builds on California's existing partial automatic voter registration system to take the next step to streamline new registrations and registration updates at state agencies. Utilizing procedures that are largely already in place, this updated automatic voter registration system will register millions more eligible Californians, bringing people of color, young people, and formerly incarcerated people into the political process. Similarly, this bill will update millions of additional registrations, ensuring more voters receive their mail ballots at the correct address and can vote without any issues at the polls. This bill will also save election officials, agency officials, and voters time and money, and improve the state's ability to audit registration procedures and data transfers. Most importantly, this upgrade will significantly enhance protections for non-citizens by reducing the risk of unintentional registrations.

Six states and the District of Columbia have already adopted this automatic voter registration system, with several more states set to adopt the change this year. California can join these states at the forefront of elections, ensuring truly automatic registration that allows all eligible Californians to participate in the political process, all while better protecting non-citizens from inadvertent errors.

- 2) Party Preferences. California's voter registration form asks the registrant whether the person wishes to disclose a political party preference. A registrant has the option of selecting to disclose a preference for one of the six qualified political parties in the state, to disclose a party preference for a political body that is attempting to qualify as a political party, or to decline to disclose a party preference. A voter who declines to disclose a party preference is considered to have an "Unknown" party preference. "Unknown" voters are treated as "No Party Preference" voters except for statistical purposes.

For example, there were 20,404 voters with an unknown party preference prior to the launch of CNMVP in January 2018. In February 2021, there were 123,497 voters with an unknown party preference. While it is uncertain that this increase in "Unknown" voters can be entirely attributed to CNMVP, it very likely played a significant role.

Under the provisions of this bill, a new voter's party preference will be "unknown" between a DMV transaction and the return of the notice to an elections official or an update online. This will lead to an increase in the number of voters with an unknown party preference.

If a voter who did not return the mail notice or select a party preference on that notice, a voter will need to update their registration again either online, at polling location, or at the county elections office. AB 292 (Pellerin) of 2023 would provide a space for a voter to write in the name of a candidate for President of the United States who is nominated by a party that authorizes voters who decline to disclose a

political party preference to vote in the party's primary election. If the voter writes in the name of a candidate who is nominated by a party that does not authorize voters who decline to disclose a political preference to vote in the party's primary election, the vote for that candidate shall not be counted. AB 292 is pending in the Assembly Committee on Elections.

- 3) Who's in the Driver's Seat? Currently, when an individual seeks services at the DMV, they are provided with questions prior to visiting the DMV. This includes the Motor Voter questions (eligibility, if the person wants to be register to vote, update an existing registration, etc.). The individual decides whether to register/update and attests that the information provided is correct.

This bill would shift some of the responsibilities for voter registration from the person seeking assistance at the DMV to the DMV. This includes a larger role in the screening process. Under the bill, the DMV would be responsible for collecting documents that the individual provided to confirm their eligibility to vote and for the DMV transaction. If eligibility is unable to be confirmed, then the DMV directs the customer to additional prompts relating to voter registration.

Additionally, a person obtaining services at the DMV may not know that they are being registered to vote. Unless the DMV and the SOS have a robust check on the data being inputted and received, it is possible that the person who received services at the DMV will not have any notification of their registration until a notice is received in the mail. If an individual is ineligible to vote and does not know they are registered, there are protections if an inadvertent registration or voting occurs, but it is unknown whether those protections are enough. People who are ineligible to vote may have reservations visiting the DMV for fear that they are mistakenly being registered to vote.

- 4) Collaboration and Input. While the current CNMVP has had its challenges, the program has increased voter registration and updated voter rolls since 2018. There are other legislative measures currently going through the legislative process to improve CNMVP.

Additionally, an analysis of Oregon's Automated Voter Registration system and Colorado's system prior to switching to a back-end registration system both indicated that coordination is key to the success of an automated system. While coordination does occur in California, a deeper analysis may be needed to determine the feasibility for developing a new process, the cost, and whether each entity (DMV, SOS, and counties) possess the technological infrastructure needed to perform the bill's required tasks effectively.

Collaboration between the DMV, SOS, and county election officials is paramount for the successful implementation of a new Motor Voter endeavor. Feedback from the SOS and county election officials would provide additional valuable insights into any existing logistical challenges and the state's ability to implement this change. Having this necessary feedback would give all involved parties an opportunity to express any potential or underlying concerns with this bill and work towards a solution.

- 5) Argument in Support. In a letter supporting SB 846, the Coalition for Humane Immigrant Rights states, in part, the following:

SB 846 takes significant steps to modernize our voter registration systems and prevent inadvertent registration by non-citizens, protecting the integrity of our elections and giving non-citizens added peace of mind. With more streamlined and efficient ways to register and update existing registrations, California's voter rolls will be more accurate and inclusive than ever, a key benefit that election administrators everywhere will support.

- 6) Argument in Opposition. In a coalition letter opposing SB 846, they state, in part, the following:

A significant majority of states that have adopted AVR policies use a front-end opt-out model, and studies have indicated that the rare states that have chosen to adopt the back-end opt-out model do "not produce higher registration rates than states that chose a front-end opt-out model." Instead of placing false hopes in a back-end Motor Voter registration system, California should focus its resources on more effective, evidence-based approaches to increasing voter registration and closing turnout disparities. For example, thoughtfully and carefully extending the AVR model currently in use at California's DMV to other social services points-of-contact – such as applications for health coverage through Covered California – has the potential to bring voter registration to additional groups of under-represented Californians, including low-income voters who may be less likely to interact with the DMV. Further, continuing to improve our existing front-end Motor Voter program by requiring better data tracking, transparency and accountability mechanisms, and improved efficiency in application processing would also be a more practical way to ensure that this already successful program is as fair and accessible as possible.

- 7) Double Referral. If approved by this committee, SB 846 will be re-referred to the Senate Committee on Transportation.

RELATED/PRIOR LEGISLATION

AB 796 (Berman), Chapter 314, Statutes of 2021, among other provisions, made various changes to the timing and transfer of voter information data from the DMV to SOS.

SB 583 (Newman) of 2021 would have created a back-end automated voter registration system for registering voters at the DMV, as specified. SB 583 passed the Senate, was referred to the Assembly Committee on Elections, and was not taken up for consideration. SB 846 is substantially similar to SB 583.

AB 1137 (Mullin) of 2021 would have required the SOS to provide a report to the Legislature regarding the process and infrastructure of existing voter registration agencies, as specified. AB 1137 was amended to another topic.

SB 57 (Bates) of 2020 would have changed the CNMVP from an opt-out to an opt-in program. SB 57 failed passage in this committee with a vote of 1-3.

SB 511 (Moorlach) of 2019 would have required the establishment of a committee including representatives of the SOS, DMV, and counties, for the purpose of facilitating the sharing of information necessary to implement CNMVP. SB 511 failed passage in the Senate Committee on Transportation with a vote of 4-5.

AB 1461 (Gonzalez), Chapter 729, Statutes of 2015, provided for every person who has a driver's license or state identification card and who is eligible to register to vote to be automatically registered to vote at the DMV, unless that person opts out. A prior version of AB 1461 included a back-end registration model similar to SB 846. However, the bill was amended to the front-end opt-out system that was subsequently chaptered.

POSITIONS

Sponsor: Asian American Pacific Islanders for Civic Empowerment – Education Fund

Support: AHRI for Justice
 Alliance for San Diego
 Asian Pacific Environmental Network
 Bay Rising
 California Black Power Network
 California Calls
 California Healthy Nail Salon Collaborative
 California Immigrant Policy Center
 California Native Vote Project
 Campaign Legal Center
 Center for Secure and Modern Elections
 Central Coast Alliance United for a Sustainable Economy
 Chinese Progressive Association
 Coalition for Humane Immigrant Rights
 Communities for a New California
 Community Coalition
 Congregations Organized for Prophetic Engagement
 Courage California
 EPIC
 Filipino Advocates for Justice
 Hmong Innovating Politics
 Inland Empire United
 InnerCity Struggle
 Jakara Movement
 Khmer Girls in Action
 LAANE
 Mi Familia Vota
 National Union of Healthcare Workers
 NextGen California
 Oakland Rising
 OC Action
 Orange County Asian and Pacific Islander Community Alliance
 Orange County Congregation Community Organization

Orange County Environmental Justice
Orange County Voter Information Project
Pilipino Workers Center
PowerCA Action
Resilience Orange County
South Bay Youth Changemakers
Strategic Concepts in Organizing and Policy Education
VoteVets
Working Partnerships USA

Oppose: ACLU California Action
League of Women Voters of California
NALEO Educational Fund

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