

File No. 100459

Committee Item No.  
Board Item No. 29

### COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date April 13, 2010

#### Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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- |                          |                                     |                         |
|--------------------------|-------------------------------------|-------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Senate Bill 1140</u> |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____                   |
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| <input type="checkbox"/> | <input type="checkbox"/>            | _____                   |
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Completed by: Andrea Ausberry

Date April 8, 2010

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Supporting Senate Bill 1140 Allowing Voters to Register and Vote Up to and Including on  
2 Election Day]

3  
4 **Resolution supporting Senate Bill 1140 to delete the arbitrary timelines which prevent**  
5 **eligible citizens from voting in elections by allowing voters to register and vote up to**  
6 **and including on Election Day.**

7  
8 WHEREAS, Every citizen has a right to vote and should have access to our polls on  
9 Election Day; and

10 WHEREAS, The voter registration process in the United States is too often a barrier to  
11 voter participation; and

12 WHEREAS, In 2006, only 76 percent of the voting-age population was registered to  
13 vote; and,

14 WHEREAS, California is 41<sup>st</sup> out of 50 states in voter turnout; and,

15 WHEREAS, Research has shown that election-day registration can boost voter turnout  
16 considerably – up to 7 percentage points; and,

17 WHEREAS, Eight other states allow citizens to vote without pre-registration. Six states  
18 – Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming – have successfully  
19 used election-day registration for years and have increased their voter turnout even as the  
20 national average continues to fall. In North Carolina, citizens can register and vote at any  
21 polling site during the early voting period. North Dakota requires no registration; and,

22 WHEREAS, Under existing law, California citizens must register at least 15 days prior  
23 to an election in order to vote; and

1           WHEREAS, Senate Bill 1140 (Yee) will delete the arbitrary timelines which prevent  
2 eligible citizens from voting in elections by allowing voters to register and vote up to and  
3 including on Election Day; and

4           WHEREAS, The new standard would be phased-in in coordination with the  
5 introduction of VoteCal, a statewide online database of all registered voters; now, therefore,  
6 be it .

7           RESOLVED, That the San Francisco Board of Supervisors supports SB 1140, urges  
8 the California Legislature to pass SB 1140, and urges Governor Schwarzenegger to sign SB  
9 1140 into law.

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Introduced by Senator Yee  
(Principal coauthor: Senator Oropeza)

February 18, 2010

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An act to amend Section 2107 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, as introduced, Yee. Voter registration.

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election.

This bill would establish one-stop voting where a person would be permitted to register to vote and immediately vote on election day or at any time prior to election day when ballots may be cast. The bill would require a voter, in order to register and vote by means of one-stop voting, to visit a location at which one-stop voting is available, to present proof of identity and current residence, as specified, and to complete an affidavit of registration. Upon completing that registration, the voter would be immediately eligible to vote by regular ballot. If the voter is unable to complete that registration because the voter is unable to present proof of identity or proof of current residence, the voter would be permitted to register and vote by a vote by mail ballot. The bill would

require each county elections official to compile an index of voters who register to vote by one-stop voting. After the official canvass of the votes for that election is completed, the elections official would be required to review the names on the index and cancel duplicate registrations. The elections official would be required to send a voter registration form to every person who properly registered to vote by one-stop voting, and those persons would be registered for future elections. The elections official would be required to notify the district attorney and the Secretary of State if it appears that a person has engaged in fraudulent voting. The bill would require that one-stop voting be available at every permanent office of a county elections official beginning in 2011, at every location in each county at which early voting is available beginning in 2012, and at every polling place at which VoteCal, as defined, is available, provided that there is at least one location for every 100,000 electors, beginning in 2013. In addition, the bill would require that each location at which one-stop voting is available have a separate area for the process and have at least one precinct board member who is trained in one-stop voting. The bill would further require the Secretary of State and local elections officials to make efforts to educate voters about one-stop voting. The bill would authorize the Secretary of State to adopt appropriate regulations to implement one-stop registration and voting.

By creating new duties for local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

1 (a) It is a fundamental principle of the United States that the  
2 people shall have access to our systems of democracy without  
3 barriers to their participation.

4 (b) California currently ranks 41st out of 50 states in voter  
5 turnout.

6 (c) One-stop voting, without unnecessary steps, can significantly  
7 increase turnout. The nine states that have enacted one-stop voting  
8 lead the nation in voter turnout.

9 (d) The more people who vote, the more clearly the public's  
10 voice is heard.

11 (e) California's registration procedures have not kept up with  
12 available technology to maximize the efficiency of the voting  
13 process.

14 (f) It is vital that California make every effort to maintain the  
15 integrity of our democracy by ensuring that every eligible voter  
16 may vote on election day.

17 SEC. 2. Section 2107 of the Elections Code is amended to read:

18 2107. (a) Except as provided in subdivision (b) *and Article*  
19 *4.5 (commencing with Section 2170)*, the county elections official  
20 shall accept affidavits of registration at all times except during the  
21 14 days immediately preceding any election, when registration  
22 shall cease for that election as to electors residing in the territory  
23 within which the election is to be held. Transfers of registration  
24 for an election may be made from one precinct to another precinct  
25 ~~in the same county~~ at any time when registration is in progress in  
26 the precinct to which the elector seeks to transfer.

27 (b) The county elections official shall accept an affidavit of  
28 registration executed as part of a voter registration card in the  
29 forthcoming election if the affidavit is executed on or before the  
30 15th day prior to the election, and if any of the following apply:

31 (1) The affidavit is postmarked on or before the 15th day prior  
32 to the election and received by mail by the county elections official.

33 (2) The affidavit is submitted to the Department of Motor  
34 Vehicles or accepted by any other public agency designated as a  
35 voter registration agency pursuant to the National Voter  
36 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the  
37 election.

38 (3) The affidavit is delivered to the county elections official by  
39 means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2)  
40 on or before the 15th day prior to the election.

1 SEC. 3. Article 4.5 (commencing with Section 2170) is added  
2 to Chapter 2 of Division 2 of the Elections Code, to read:

3  
4 Article 4.5. Registration and Voting at One-Stop Voting Sites

5  
6 2170. For purposes of this article, "VoteCal" means the  
7 statewide voter registration database established by the Secretary  
8 of State and referred to by that designation.

9 2171. (a) In addition to other methods of voter registration  
10 provided by this code, an elector who is otherwise qualified to  
11 vote under this code and Section 2 of Article II of the California  
12 Constitution may register or reregister to vote at a one-stop voting  
13 site pursuant to this article and may immediately thereafter cast a  
14 ballot on the day of an election or at any time prior to the election  
15 during which ballots may be cast pursuant to existing law.

16 (b) An elector who is not currently registered to vote in a county  
17 may not register to vote and cast a regular ballot in that county  
18 pursuant to this article unless the elector complies with all of the  
19 following:

20 (1) The elector visits, on election day or at any time during the  
21 period prior to the election during which ballots may be cast, a  
22 location at which the county elections official in the county in  
23 which the voter resides has made one-stop voting available.

24 (2) The elector presents proof of identity and proof of current  
25 residence.

26 (3) The elector completes an affidavit of registration.

27 (c) For purposes of this article, proof of identity and proof of  
28 current residence shall be consistent with Section 303(b) of the  
29 federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15483(b))  
30 and shall consist of either of the following:

31 (1) A photo identification with a current name and address,  
32 which may include one of the following:

33 (A) Driver's license or identification card of any state.

34 (B) Passport.

35 (C) Military identification card.

36 (D) A photo identification card designated by the California  
37 state plan submitted to demonstrate compliance with the federal  
38 Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

39 (2) A photo identification without a current address from the  
40 list in paragraph (1) and proof of current residence based on a



1 document that includes the name and current address of the  
2 individual presenting it, and is dated since the date of the last  
3 statewide general election, unless the document is intended to be  
4 of a permanent nature such as a pardon or discharge. The document  
5 may include any proof of residence document designated by the  
6 California state plan submitted to demonstrate compliance with  
7 the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301  
8 et seq.)

9 (d) A county elections official shall accept an affidavit of  
10 registration executed pursuant to this article that includes the  
11 current place of residence and other information required by Article  
12 4 (commencing with Section 2150).

13 (e) Notwithstanding any other provision of this article, the  
14 successful validation of all of the following shall suffice to  
15 constitute the elector's proof of identity for purposes of subdivision  
16 (b):

17 (1) The elector's name.

18 (2) The elector's date of birth.

19 (3) Either the elector's driver's license number or the last four  
20 digits of the elector's social security number.

21 2172. (a) An elector who satisfies all the requirements of  
22 Section 2171 may vote by regular ballot.

23 (b) If an elector is unable to satisfy the requirements of  
24 paragraph (2) of subdivision (b) of Section 2171, the elector may  
25 vote by vote by mail ballot in accordance with Chapter 1  
26 (commencing with Section 3000) of Division 3 and Chapter 2  
27 (commencing with Section 15100) of Division 15. No vote by mail  
28 ballot cast pursuant to this article may be counted unless and until  
29 the elector's voter registration is processed, verified, and  
30 completed, as provided in Article 1 (commencing with Section  
31 2100).

32 (c) An elections official shall handle each ballot cast pursuant  
33 to this article in a manner that protects the secrecy of the ballot.

34 (d) It is the intent of the Legislature that each county elections  
35 official make every effort to provide for voting pursuant to this  
36 article by regular ballot.

37 2173. (a) Each county elections official shall compile an index  
38 of voters who register for an election pursuant to this article. After  
39 the official canvass of the votes for that election is completed, the  
40 elections official shall review the names on the index and, if any

1 registration executed pursuant to this article is discovered to be a  
2 duplicate registration, the elections official shall cancel any  
3 duplicate voter registrations that may exist, as provided in Chapter  
4 3 (commencing with Section 2200).

5 (b) After an election, the elections official shall send a voter  
6 notification form to each person who properly registered to vote  
7 for that election pursuant to this article. Each voter who is sent  
8 that notice shall be registered for future elections at the address at  
9 which the voter is registered. The affidavit of registration of any  
10 person whose voter notification form is returned by the post office  
11 as undeliverable shall be processed in accordance with the  
12 procedures set forth in Section 2221.

13 (c) If it appears that any voter who registered to vote pursuant  
14 to this article may have committed fraud within the meaning of  
15 Section 18560, the elections official shall immediately notify in  
16 writing both the district attorney and the Secretary of State.

17 2174. One-stop voting shall be available in each county in  
18 accordance with the following schedule:

19 (a) Beginning January 1, 2011, one-stop voting shall be available  
20 at every permanent office of a county elections official.

21 (b) Beginning January 1, 2012, one-stop voting shall be available  
22 at every location in each county at which early voting is available.

23 (c) Beginning January 1, 2013, one-stop voting shall be available  
24 at every polling place at which VoteCal is available, and each  
25 county shall establish at least one location at which one-stop voting  
26 is available for every 100,000 electors.

27 2175. (a) Each location at which one-stop voting is available  
28 shall have a separate area dedicated to one-stop voting. At least  
29 one precinct board member at each of those locations shall be  
30 trained prior to the election in one-stop voting procedures and shall  
31 be assigned to conduct one-stop voting. One-stop voting shall be  
32 conducted in a manner that does not interfere with or delay voting  
33 by persons previously registered to vote.

34 (b) Each one-stop voting location shall provide, in a conspicuous  
35 location in the area designated for voter registration, a poster that  
36 includes all of the following information:

37 (1) A statement that the law provides for one-stop registration  
38 and voting.

39 (2) A description of the eligibility requirements for registration  
40 and voting.

1 (3) A description of the types of documents that may be used  
2 to demonstrate proof of current residence.

3 (4) A statement that registration documents are signed under  
4 penalty of perjury and that any fraudulent statement made in  
5 connection with registering to vote may subject the person to  
6 criminal prosecution.

7 (c) In addition to the poster specified in subdivision (b), the  
8 same information shall be available in written form for distribution  
9 at each one-stop voting location in any languages in which the  
10 ballot and voter registration materials are required to be available.

11 (d) The Secretary of State and each elections official shall  
12 educate voters about one-stop voting and shall include in all  
13 existing voter education efforts information about the availability  
14 of one-stop voting, including locations where one-stop voting may  
15 be executed. Information about one-stop voting shall be available  
16 in languages other than English as required by existing law relating  
17 to registration and voting materials.

18 2176. The Secretary of State may adopt appropriate regulations  
19 for purposes of ensuring the uniform application of this article.

20 SEC. 4. If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.

O

