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# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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August 2, 2011

The Honorable Felipe Fuentes, Chair  
Assembly Appropriations Committee  
California State Assembly  
State Capitol, Room 3056  
Sacramento, CA 95814

Dear Chairman Fuentes:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) is pleased to convey its **Support of SB 397 (Yee, as amended May 31, 2011)**. This proposal would require the Department of Motor Vehicles and the Secretary of State to develop a process and infrastructure to allow online voter registration, including electronic copies of the applicant's signature and other information to be transferred to the Secretary of State and county elections official's election voter registration management system to enable the qualified applicant to register to vote.

In a March letter to the author, Senator Yee, the Committee indicated its support as this proposal will add temporary provisions to allow county elections officials to develop and use a Internet web system for the completion and submission of voter registration forms for voters residing in the county who have an valid California driver's license or state identification card that can be verified by the Department of Motor Vehicles. The temporary provision mirrors the existing provisions of Section 2196 of Chapter 2.5 of Division 2 of California Election Law entitled, "Online Voter Registration" (added by Chapter 613, 2008) allowing the Secretary of State to provide the same electronic voter registration services. However, the Secretary of State has not yet certified that California has a statewide database that complies with the Help America Vote Act, those provisions are not yet effective. Allowing county election officials to offer online voter registration services to voters who meet certain provisions, as above, continues the intent of the federal National Voter Registration Act (1994) and the federal Help America Vote Act (2002) with regard to expanding the voter registration process for eligible voters while continuing existing requirements to capture identification information, including signatures, for qualifying voter registration forms. The authorization for county election officials would be repealed at the time the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Despite the unprecedented levels of voter registration in 2008, a significant number of eligible citizens are not on the voter rolls. SB 397 would greatly increase access to voter registration by offering online services to complete and submit a registration form online without the need to mail the form. The proposed legislation will also enhance the accuracy and efficiency of the voter registration process by eliminating the need for hand-keying the information from the paper form. Even with procedures and quality assurance measures in place, interpreting handwriting and the submission of incomplete forms leads to inaccurate voter information, duplicate records, or, in the worst possible situation, eligible citizens do not make the voter rolls prior to the election due to the inability to collect pertinent information to enable them to cast their vote. Data exchange will not only reduce hand-key errors and improve the accuracy of the voter rolls, but will also reduce administrative county costs relating to the administration of the voter registration database and enable eligible registrants to get on the rolls and receive more timely voter information.

SB 397 also allows for potentially significant cost savings. Los Angeles County estimates savings of at least \$2.4 million within the first five years of implementation. Several states have adopted online voter registration with great success and relative ease.

The Committee is aware the California DMV has expressed opposition to SB 397, citing concerns relating to the development of a process and infrastructure and a requirement of the DMV to devote significant programming and technology resources, funding, and potential risks to the statewide voter registration database project known as VoteCal. While the concerns are understandable, much of the infrastructure necessary already exists as a part of the data matching and exchange process in place called Calvalidator. This infrastructure was developed as a part of an agreement with the Department of Justice, setting the terms for the interim compliance with Section 203 of the Help American Vote Act. The only significant programming required of the DMV, according to the Secretary of State, would be including a copy of the signature image on the record in addition to the data already provided.

The Secretary of State has not expressed any concerns that the implementation of online voter registration under SB 397 would put VoteCal at risk. It is also our understanding that the intent of the Secretary of State and SB 397 that HAVA funds be authorized to cover the costs associated with implementation of online registration. Without authorization of HAVA funds, online voter registration may not move forward under SB 397.

Looking ahead, SB 397 could help California improve voter registration and potentially increase participation, while helping to reduce election costs relating to the registration process. Please consider our support when reviewing SB 397. If you or your staff have any questions or concerns, please do not hesitate to contact me at the Monterey County Elections Department, at (831) 796-1499.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Linda Tulett", with a stylized flourish at the end.

Linda Tulett  
Correspondence Secretary  
California Association of Clerks and Election Officials

c: Senator Leland Yee, Author  
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee  
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee  
Barry Brokaw, Sacramento Advocates