

NOTICE OF MODIFICATIONS TO PROPOSED REGULATIONS

CALIFORNIA CODE OF REGULATIONS TITLE 2. ADMINISTRATION DIVISION 7. SECRETARY OF STATE CHAPTER 1. VOTER REGISTRATION ARTICLE 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

PROPOSED AMENDMENTS TO SECTIONS 20061 – DEFINITIONS, 20062 – CANCELLATION OF INADVERTENT REGISTRATION; CONFIRMATION, 20063 – CANCELLATION REQUEST FORM, 20064 – VOTER EDUCATION AND OUTREACH PLAN, 20065 – DMV CUSTOMERS WHO DO NOT ATTEST TO ELIGIBILITY, AND 20066 – DMV CUSTOMERS WHO ATTEST TO ELIGIBILITY BUT DECLINE TO REGISTER, NOTIFICATION

PROPOSED ADOPTION OF SECTION 20067 – ANNUAL REVIEW

Pursuant to the requirements of subdivision (c) of Section 11346.8 of the Government Code and Section 44 of Title 1 of the California Code of Regulations, the Secretary of State is providing notice of changes to the text of the proposed regulations originally published on February 24, 2017. Notice is hereby given of the changes described and printed below.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments pertaining to the changes in the text of the proposed regulations. The Secretary of State will accept written comments on the changes from April 14, 2017 to May 1, 2017. The written comment period closes at 5:00 p.m. on May 1, 2017. The Secretary of State will consider only comments received at the Secretary of State's office by that time. Submit comments to:

Jennifer Curtis, Elections Specialist
Secretary of State
1500 11th Street, Fifth Floor
Sacramento, CA 95814
Telephone: 916-695-1571
Email: Jennifer.Curtis@sos.ca.gov

The back-up contact person is:

Rachelle Delucchi, Elections Counsel
Secretary of State
1500 11th Street, Fifth Floor
Sacramento, CA 95814
Telephone: 916-695-1565
Email: Rachelle.Delucchi@sos.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Modifications to Proposed Regulations Rulemaking and copies of the text of the proposed regulations, with changes identified in italic/underline and strikeout can be accessed through the Secretary of State's website at <http://www.sos.ca.gov/administration/regulations/proposed-regulations/>.

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 1. VOTER REGISTRATION
ARTICLE 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

20060. Purpose.

The purpose of this Article is to provide standards and procedures related to the California New Motor Voter Program, as established by Chapter 4.5 of Division 2 of the California Elections Code.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2260-2270, Elections Code. Reference: Sections 2260-2270, Elections Code.

20061. Definitions.

(a) “Inadvertent registrant” means a person who is ineligible to vote ~~and has not willfully caused, procured, or allowed himself or herself to become registered to vote,~~ but who has nevertheless ~~become~~ *becomes* registered to vote pursuant to Chapter 4.5 of Division 2 of the California Elections Code *in the absence of a violation by that person of Elections Code section 18100.* A person is ineligible to vote if they do not qualify to vote under Section 2 of Article II of the California Constitution and do not meet the voter eligibility requirements set forth in Division 2, Chapters 1 through 3 of the California Elections Code.

(b) “Inadvertent registration” is the voter registration of an inadvertent registrant.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10, 2260-2270, and 18100, Elections Code. Reference: Sections 2260-2270, Elections Code.

20062. Cancellation of Inadvertent Registration; Confirmation.

(a) Any inadvertent registration shall, upon written request by the inadvertent registrant, be cancelled by the county elections official in the county of registration following the determination that the signature on the written request and, if provided, the date of birth and/or California driver license or identification card number appear to be the same as that on the affidavit of registration.

(b) Except as required by law, any such written request to be cancelled shall be confidential and shall not be disclosed to any person, including through any request made pursuant to Elections Code section 2194.

(c) Upon cancellation of an inadvertent registration, the county elections official shall confirm in writing, within 30 days of receipt of the request, to the requestor that the registration has been cancelled pursuant to their request.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10, 2260-2270, 2194 and 18100, Elections Code. Reference: Sections 2260-2270, Elections Code.

20063. Cancellation Request Form.

(a) In the event of an inadvertent registration, the inadvertent registrant may cancel his or her registration at any time pursuant to Elections Code section 2201(a) by submitting a written request to the county elections official in the county of registration substantially similar to the following:

To whom it may concern:

I, _____ (full name, as registered to vote), *would like to cancel my voter registration* ~~declare that I was inadvertently registered to vote.~~ Please cancel my registration, as authorized by California Elections Code section 2201(a).

Print Full Legal Name (as used to register to vote)

Complete Residence Address (as used to register to vote)

Mailing Address (if different from above)

Confidential Information: *(Optional)* Please provide the following information to ensure that your voter file record can be accurately identified:

- *Date of Birth:*

- California Driver License Number or California Identification Card Number:

~~- Date of Birth:~~

Signature

Date

(b) The Secretary of State shall translate the ~~above~~ cancellation request form *in subdivision (a) above* into all languages required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). ~~The cancellation request form in subsection (a) above shall be made available on the websites of the Secretary of State and county elections officials.~~

(c) The cancellation request form in subsection (a) above shall be made available, in all federally required languages and in formats accessible to people with disabilities, on the websites of the Secretary of State and county elections officials and in printed form in county elections offices, and shall be mailed to individuals upon request.

(d) The cancellation request form in subsection (a) above shall contain the Secretary of State's toll-free voter assistance telephone number, as well as the phone numbers and addresses of county elections officials.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2270, Elections Code. Reference: Sections 2260-2270, Elections Code.

~~20064. Record of Inadvertent Cancellation Retained; Notification~~

~~(a) The record of an inadvertent registration that is cancelled pursuant to this Article shall be retained in accordance with Elections Code section 17000.~~

~~(b) Upon cancellation of an inadvertent registration, the county elections official shall confirm in writing, within 30 days of receipt of the request, to the requestor that the inadvertent registration has been cancelled pursuant to their request.~~

Note: Authority cited: Section 12172.5, Government Code; and Sections 10, 2260-2270, and 17000, Elections Code. Reference: Sections 2260-2270, Elections Code.

~~20065~~20064. Voter Education and Outreach Plan.

In order to educate the public about the California New Motor Voter Program, the Secretary of State shall:

(a) Develop and regularly update educational materials for county elections officials and the Department of Motor Vehicles regarding the implementation of the California New Motor Voter Program.

(b) Include information about the California New Motor Voter Program in the State Voter Information Guide created for each statewide election, and provide information for the counties to include in sample ballots and on their websites.

(c) Consult with and provide assistance to the California Department of Motor Vehicles in providing information to Department of Motor Vehicles' customers who submit applications for a driver license or identification card as specified in section 2263(b)(1), including information on the confidentiality provided pursuant to section 2267.

(d) Develop and implement a plan for dissemination of informational materials, a continuously operated toll-free voter assistance hotline, and public service announcements for distribution through various traditional print, broadcast, website, and social media formats. The Secretary of State will encourage counties to perform their own additional outreach.

(e) Offer all of the services provided pursuant to this section, including those provided online, in all languages required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503) with respect to elections materials and in formats accessible to people with disabilities.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2260-2270, Elections Code. Reference: Sections 2260-2270, Elections Code.

~~20066~~20065. DMV Customers Who Do Not Attest to Eligibility.

(a) In accordance with Elections Code section 2263(b)(1)(K), the Secretary of State shall not request, nor shall the Department of Motor Vehicles provide, information on a Department of Motor Vehicles' customer who fails to attest that he or she meets all voter eligibility requirements.

(b) In no event shall a Department of Motor Vehicles' customer who fails to attest during a qualifying transaction that he or she meets all voter eligibility requirements be registered to vote pursuant to that transaction.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2260-2270, Elections Code. Reference: Sections 2260-2270, Elections Code.

~~20067~~20066. DMV Customers Who Attest to Eligibility but Decline to Register; Notification.

(a) Information provided to the Secretary of State by the Department of Motor Vehicles, pursuant to Elections Code section 2263(b)(1)(J), regarding a customer who attests to their eligibility to register to vote, but who affirmatively declines the opportunity to register to vote may be used by the Secretary of State's office for voter outreach and registration purposes.

(b) In accordance with Elections Code section 2263(c), personal information that is transferred from the Department of Motor Vehicles to the Secretary of State's office pursuant to subdivision (a) of this section shall not be made available to any third party for any purpose. Personal information that is received from the Department of Motor Vehicles pursuant to subdivision (a) is not considered part of the voter file and will not be produced or delivered as a part of any voter file request made pursuant to Elections Code sections 2188 and 2194. The information described in this section shall be destroyed within six months after the date of the Department of Motor Vehicles transaction. For purposes of this section, personal information is defined in accordance with section 1798.3 of the Civil Code.

(c) The information transmitted by the Department of Motor Vehicles to the Secretary of State's office under subdivision (a) shall be limited to the following data points, which shall be used only to provide the notification to a Department of Motor Vehicles' customer as set forth in subdivision (d) or to assess the effectiveness of the notification program as set forth in subdivision (f):

- 1) True full name.
- 2) Residence address.
- 3) Date of Birth.
- 4) Mailing address.
- 5) California Driver License Number or Identification Number.
- 6) Whether the person affirmatively declined to become registered to vote during a transaction with the department.

7) A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in section 2101.

(d) The Secretary of State's notification to Department of Motor Vehicles' customers who attest to their eligibility to register to vote, but who affirmatively decline the opportunity to register to vote, may be made no later than three weeks of receipt of the Department of Motor Vehicles information, and shall include the following:

- 1) A reminder that the recipient recently visited or completed a qualifying transaction with the Department of Motor Vehicles and affirmatively declined to register to vote.;
- 2) Instructions for registering to vote by mail or online and how to obtain a paper voter registration affidavit.;
- 3) Voter eligibility requirements.;
- 4) Notification that the recipient will not be contacted by the Secretary of State's office further to remind them to register to vote based on their recent Department of Motor Vehicles transaction.;
- 5) Contact information for the Secretary of State's office.;
- 6) Instruction to disregard the notice if they have recently registered to vote.

(e) Notices to Department of Motor Vehicles' customers, who are eligible to register to vote, under this section shall be made available in all languages required by the ~~Federal~~ federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(f) The Secretary of State shall annually review the effectiveness of the notification program.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2270, Elections Code. Reference: Sections 2260-2270, Elections Code.

20067. Annual Review.

The Secretary of State shall annually review the effectiveness of the California New Motor Voter Program and shall publish its report on its website.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2260-2270, Elections Code. Reference: Sections 2260-2270, Elections Code.