



October 4, 2023

Initiative 23-0016

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

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Attention: Ms. Anabel Renteria
Initiative Coordinator

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative (A.G. File No. 23-0016) related to voting in California.

BACKGROUND

Administration of Elections in California. Elections generally are administered by county election officials. County election officials' duties include registering voters, maintaining an accurate list of registered voters in the county, sending ballots and other election materials to voters, facilitating in-person voting, receiving and tabulating cast ballots, facilitating a process for voters to cure ballots that otherwise could not be counted (for example, because a signature could not be verified), and certifying final election results. The Secretary of State provides statewide oversight over the administration of elections in California. Among its many duties, the Secretary of State's responsibilities include maintaining the state's statewide voter registration system, known as VoteCal; providing guidance to local election officials on how to implement state and federal law; and facilitating statewide maintenance of the list of registered voters.

Registering to Vote in California. In order to vote in an election in California, residents must register to vote in the county in which they reside. To register to vote, a person must be a U.S. citizen, be a resident of California, not currently be incarcerated or found mentally incompetent to vote by a court, and be at least 18 years old. (Eligible people who are 16 or 17 years old can pre-register to vote; however, they are not eligible to vote until they reach 18 years of age.) As of February 10, 2023, about 83 percent of the 26.7 million people eligible to vote in California were registered to vote. People can register to vote through the Secretary of State's website, in person at their county election official's office, through the mail, or at the Department of Motor

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Vehicles. The registration form includes a field for voters to provide their California driver's license number, a California identification card number, or the last four digits of their Social Security number.

Maintenance of Voter Rolls. A voter roll is the list of people who are registered to vote and is maintained through VoteCal. Both county and state election officials regularly maintain the voter rolls. Examples of statewide maintenance of the voter rolls include the Secretary of State regularly cross referencing the statewide list of registered voters with death records provided by the California Department of Public Health to remove from the list any voters who are deceased, and data from the California Department of Corrections and Rehabilitation to remove from the rolls any voters who are incarcerated. Similarly, examples of county election officials maintaining the voter rolls include regularly cross referencing the list of registered voters with death records provided by the county health offices and court records identifying people who are incarcerated or who have been deemed by the court to be mentally incompetent to vote.

Voting in California. All voters in California receive a vote by mail (VBM) ballot. Voters can choose to vote by filling out and putting their VBM ballot in the mail, dropping the VBM ballot off at a ballot drop off location, or casting a ballot in person at a voting location. If a voter chooses to vote in person, they must sign a list of registered voters prior to voting. If a voter chooses to drop their VBM ballot in the mail or at a ballot drop off location, they must sign the official envelope in which they send their ballot in order for their ballot to be counted.

VBM Signature Verification. The envelope that accompanies a VBM ballot is unique to each voter. After county election officials receive the VBM ballot, before the envelope is opened, election officials verify the signature of the voter on the outside of the envelope. State law outlines the signature verification process and specifies that exact matches between the signature on the envelope and the signature on file is not required. Rather, similar characteristics between the signature being compared and any signature in the voter's registration record are sufficient to determine a signature is valid. Once the signature has been verified, election officials open the envelope, extract the ballot, and the voter's selections are tabulated. If a signature cannot be verified, state law outlines a process for county election officials to contact the voter in order to give them an opportunity to verify their signature.

Identification Requirements to Vote in California. Other than signature verification on VBM ballot envelopes, or signing the list of registered voters when voting in person, voters in California generally are not required to show identification in order to cast a ballot. If, however, a voter did not include a driver's license number, California identification number, or the last four digits on their Social Security number on their voter registration form, they may be asked to present identification when voting for the first time. Examples of acceptable forms of identification in these instances include photo identification cards (for example, a passport, a driver's license, a state identification card, or a student identification card) and certain types of documents with the voter's name (for example, a copy of a document sent to the voter by a government agency).

PROPOSAL

Require Voters Present Identification to Vote. When voting in person, the measure would require voters to present a valid driver’s license or other “government-issued” identification. If voting using a VBM ballot, the measure would require voters to provide (1) a signature that “matches” the signature on file with their voter registration and (2) the last three digits of a valid current driver’s license or other government-issued proof of identity. The measure specifies that individuals who do not provide verification of their identity and eligibility to vote would have until two days before certification of the election to verify their identify in order for their ballot to be counted.

Imposes Requirements on County Election Officials. The measure specifies that each county would implement a process to verify that each individual registered to vote is a qualified elector. If a county “obtains information that suggests” that a voter no longer resides at the address given on their voter registration, the measure specifies that election officials will not automatically mail a VBM ballot to the voter unless the voter verifies their address or specifically requests a VBM ballot for the election. The measure also would require county election officials to complete and make publicly available a report on wait times for voting in person in each election and any actions it will take, consistent with federal law, to address any “unreasonably long” wait times identified at any voting location.

Future Legislative Action Likely Required to Implement Measure. The Legislature likely would need to enact a statutory framework that provides clarity and direction to state and local election officials as they implement the measure. Such a statutory framework could define terms used in the measure that currently are not defined in state law—for example, defining a reasonable wait time at a voting location—and establish standards for election officials to implement the measure—for example, a standard used to determine whether information received is sufficient indication that a voter no longer lives at their registered residence. The statutory framework would affect how the measure is implemented.

FISCAL EFFECTS

Increased Secretary of State Operational Costs. If this measure were approved, the Secretary of State likely would incur increased operational costs. These increased costs would result from activities such as revising existing regulations, promulgating new regulations (for instance, related to voter identification), issuing guidance to counties, and conducting outreach to voters regarding the changes. In addition, the Secretary of State potentially would need to modify VoteCal. The extent of these costs largely would depend on how the Legislature implements the provisions of the measure and any changes in the number of registered voters resulting from the measure.

Increased County Operational Costs. Counties would face a number of increased costs to implement the measure. These increased costs would result from activities such as increasing outreach to voters, modifying information technology systems, managing the study of wait times at voting locations (either using county staff or contracting out the job), training staff, and potentially more workload related to managing compliance with identification requirements. The extent of these costs would depend on (1) how the Legislature implements the provisions of the

measures, (2) any changes in the number of registered voters resulting from the measure, and (3) voter turnout in elections following the enactment of the measure.

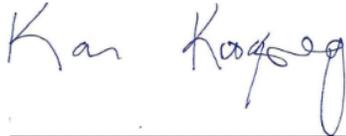
Summary of Fiscal Impacts. We estimate that the measure would have the following fiscal effects:

- One-time state and local government costs in the millions of dollars to prepare for implementation of the measure. Increased annual state and local government costs, potentially in the tens of millions of dollars, to administer elections.

Sincerely,



for Gabriel Petek
Legislative Analyst



for Joe Stephenshaw
Director of Finance