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**SENATE COMMITTEE ON EDUCATION**  
**Senator Connie Leyva, Chair**  
**2019 - 2020 Regular**

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<b>Bill No:</b>	AB 773	<b>Hearing Date:</b>	June 19, 2019
<b>Author:</b>	Gonzalez		
<b>Version:</b>	May 17, 2019		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Chanel Matney		

**Subject:** Voter education: high school pupils.

**NOTE:** This bill has been referred to the Committee on Education and the Committee on Elections and Constitutional Amendments. A “do pass” motion should include a referral to the Committee on Elections and Constitutional Amendments.

### **SUMMARY**

This bill requires the Secretary of the State (SOS), in coordination with the Superintendent of Public Instruction (SPI), to develop voter educational programming for local educational agencies (LEAs) to implement as a presentation to pupils in grade 12 at the schoolsite. This bill requires the presentation to provide pupils the opportunity to register or preregister to vote online.

### **BACKGROUND**

Existing law:

- 1) Entitles a person to register to vote if they are a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election. (Elections Code § 2101)
- 2) Permits a person who is at least 16-years of age and otherwise meets all eligibility requirements to pre-register to vote, as specified. Provides that the person’s voter registration will be deemed effective as soon as the person is 18-years of age at the time of the next election. (Elections Code § 2000)
- 3) Requires the Instructional Quality Commission to ensure that voter education information is included in the American government and civics curriculum at the high school level and that pupils are provided information on the voter registration process, as specified. (Education Code § 33540)
- 4) Declares the intent of the Legislature that voter registration be maintained at the highest possible level. (Elections Code § 2105)
- 5) Requires the SOS to adopt regulations requiring each county to design and implement programs intended to identify qualified electors who are not registered voters, and to register those persons to vote. Requires the SOS to adopt regulations prescribing minimum requirements for those programs. Requires the SOS, if the SOS finds that a county has not designed and implemented a program meeting the minimum requirements, to design a program for that county and to report the violation to the Attorney General. (Elections Code § 2105)

- 6) Requires the Secretary of the State (SOS) to annually provide every high school, community college, and California State University and University of California campus with printed voter registration forms based on the number of voting age students enrolled at the institution, as specified. (Elections Code § 2146)
- 7) Requires the governing board of each school district that maintains grade 12 to do all of the following:
  - a) Request voter registration cards for all their graduating seniors.
  - b) Distribute voter registration cards to all the graduating seniors along with the diploma.
  - c) Establish procedures for the proper handling of voter registration cards.
  - d) Notify pupils of state voter eligibility requirements, and that pupils may submit completed voter registration cards in-person or by mail to election officials of the county in which the pupil resides. (Elections Code § 2245)
- 8) Expresses the intent of the legislature that every eligible high school and college student receives a meaningful opportunity to apply to register to vote. Existing law declares the intent of the legislature that every school do all in its power to ensure that students are provided the opportunity and means to apply to register to vote. (Elections Code § 2146)
- 9) Establishes the last two full weeks in April and the last two full weeks in September as “High School Voter Education Weeks.” During these weeks, persons authorized by the county elections official shall be allowed to register students and school personnel on any high school campus in areas designated by the administrator of the high school, or his or her designee, which are reasonably accessible to all students. (Education Code § 49040)
- 10) Allows the administrator of a high school, or his or her designee, to appoint one or more pupils who are enrolled at that high school to be voter outreach coordinators. The coordinators may coordinate voter registration activities on his or her high school campus, including: voter registration drives, mock elections, debates, and other election-related pupil outreach activities. (Education Code § 49041)

## ANALYSIS

This bill requires the SOS, in coordination with the Superintendent of Public Instruction to develop educational programming related to voting for local educational agencies to present to pupils in grade 12 during a presentation on the school site. This bill requires the presentation to provide pupils the opportunity to register or preregister to vote online. Specifically, this bill:

*High School Voter Education Months*

- 1) Expands “High School Voter Education Weeks”, which occurred during the last two full weeks of April and September to “High School Voter Education Months,” to be recognized on:
  - a) The month of January in presidential election years.
  - b) The months of April and September of every year.

*Required Contents of Voter Education Programming*

- 2) Requires the Secretary of the State, in coordination with the Superintendent of Public Instruction, to develop voter educational programming for pupils in grade 12.
- 3) Requires the voter educational programming to include, but not necessarily be limited to, information on the following topics:
  - a) Eligibility for, and requirements relating to, voter registration.
  - b) Methods for voter registration and voter preregistration.
  - c) How to obtain official, nonpartisan election information and voter information from county and statewide election officials.
  - d) How to locate a polling place or vote center.
  - e) What to expect when voting in person at a polling place or vote center.
  - f) How to complete and submit a ballot through various methods, including vote by mail, or vote in person at a polling place or vote center.
  - g) An individual’s rights as a voter.
  - h) Accessibility options for voters with disabilities.
  - i) Accessing materials and services in the pupil’s preferred language.
- 4) Requires county election officers, in coordination with school districts, county offices of education, or charter schools (i.e., local education agencies (LEAs)), to include information specific and relevant to that county’s election system, as specified.

*Voter Education Assembly: Opportunity to register and preregister to vote*

- 5) Requires LEAs to do all of the following:
  - a) Deliver the voter educational programming developed pursuant to item (2) and (3) to pupils in grade 12 at each high school maintained by that LEA.
  - b) Deliver the voter educational programming to pupils in grade 12 at the high school campus during an assembly or presentation that shall not exceed two hours in duration.

- c) Offer pupils the opportunity to register or preregister to vote during the presentation or assembly using a device that can access the voter registration internet website of the Secretary of the State (SOS), including, but not limited to the use of a laptop computer, smartphone, or tablet.
- 6) Defines “educational programming” to mean a presentation accomplished through methods that may include, but are not limited to: live speakers, audio-visual content, printed material, or a combination of these methods.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In recent years, the California Legislature has passed numerous pieces of legislation that have aimed to increase voter turnout and expand the avenues through which citizens can cast their ballot. However, despite creating additional pathways to increase voter participation, voters might still remain unfamiliar with how to register to vote and cast a ballot. These processes may be further confusing to individuals since election procedures, like how to fill in a candidate choice correctly, vary from one county to the next.”

“For many young Californians, voting education is acquired through two primary avenues: learned voting behaviors from their household, or via their civics education curriculum in high school. For young Californians that come from households without voting adults, the school curriculum becomes the primary method of learning and acquiring voting behaviors. Despite inclusion of a civics and voting education component in the high school History & Social Science curriculum framework, there is no mandated or specified instruction model that can be implemented in the classroom. This results in instruction modules that vary from classroom to classroom, and in some instances can be glossed over in a lesson plan. This can result in a young adult population that is unfamiliar with how to participate in the electoral process, and perceives voting as a daunting task.”

“Assembly Bill 773 will increase youth voter education, registration and turnout by requiring public high schools to empower students with the information and resources they need to understand the mechanics of voting. Most young voters learn how voting works by watching their parents participate in the electoral process. However, due to recent demographic changes in California, many young citizens now come from families in which no one has ever voted or may not be eligible to vote. This bill moves past simply registering young voters by seeking to teach young people how to vote and demystify the entire electoral process...”

- 2) ***2018 general election: young adult voter registration and voter turnout.*** California’s young adults have consistently remained underrepresented in California’s eligible voting population. Publications from the SOS, the Department of Finance, the California Civic Engagement Project, and the Public Policy Institute of California report the following regarding the 2018 general election:
  - a) The youth registration rate reached 62 percent.

- b) Of these, 28 percent actually voted.
  - c) Despite accounting for nearly 14 percent of the state's eligible voter population, young adults represented 7.6 percent of the 2018 general election voters.
  - d) Younger Californian's cite "lack of interest" as the top reason for choosing not to register to vote.
- 3) **2018 Secretary of State (SOS) Annual Report to the Legislature on Student Voter Registration.** The SOS is required to submit an annual report to the legislature reporting on student voter registration efforts pursuant to the Student Voter Registration act of 2003 (Elections Code Section 2146d, Chapter 819, 2003). The report found that:
- a) In 2018, 928 high schools contacted SOS to request a total of 159,914 paper voter registration applications.
  - b) The SOS printed and mailed over 2.5 million student voter registration applications to high school and college campuses in 2008. Of these, less than 1 percent were returned as completed.
  - c) In 2018, the number of trackable voter registrations from students amounted to 218,872.
    - i) 93 percent were pre-registrations through the SOS website.
    - ii) 3.3 percent were completed paper applications.
  - d) Since the implementation of online voter registration and pre-registration, more pupils are opting to register and pre-register on the SOS website. The SOS anticipates the registration and pre-registration numbers to quadruple from 2018 to 2020.

Furthermore, according to the SOS 2019 report on voter registration statistics, over nearly 300,000 16 and 17 year-olds have pre-registered to vote since the pre-registration program launched in 2016.

- 4) **High School Voter Education Week.** Existing law requires local educational agencies to recognize High School Voter Education Week during the last two weeks of April and September. During this time, the schools can partner with county election officials to register and preregister pupils on a paper form or online. Pupils can be designated as voter outreach coordinators to lead registration drives and other school activities aimed at increasing civic participation.

According to a 2017 report titled, "California's Missing Voters", by the Public Policy Institute of California:

...There is some evidence that young people who pre-register [to vote] are more likely to vote than similarly situated young people who register the traditional way...One possible explanation is that young people often preregister in large events at their high schools, creating an excitement around the experience and providing key information that would otherwise be missing.

- 5) **Arguments in support.** Several organizations in support state, "In recent years, the California Legislature has passed several pieces of legislation aimed at increasing voter registration and making it easier for citizens to cast their ballot, such as requiring high school and college campuses to distribute voter registration forms and expanding pre-registration to 16- and 17-year-old citizens. While the Legislature has made efforts to increase voter registration and participation among younger voters, very little has been done to enhance new voter education."
- 6) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill may impose the following cost pressures:
  - a) Minor one-time General Fund (GF) for the SOS and Superintendent of Public Instruction to develop the educational programming. The SOS already has programming material it could adapt for these purposes. To the extent the programming needs to be updated to reflect any changes in the future, some minor additional costs.
  - b) Unknown one-time GF cost pressures to county elections officials to customize programming by county.
  - c) One-time and ongoing Proposition 98 GF cost pressures to public high schools to present the educational programming to students in grade 12.
- 7) **Committee Amendments. Staff recommends an amendment that:**
  - a) Expands the methods by which local educational agencies can offer grade 12 pupils the opportunity to register or pre-register during the mandatory voter educational programming assembly to include the use of paper affidavits of registration and pre-registration, *in addition* to the use of devices to access the SOS website.
  - b) Borrows language from existing law which governs how district schools must handle registration-by-paper for graduating grade 12 pupils (Elections Code 2245). Specifically, this amendment will provide that local educational agencies that provide pupils the option to register or pre-register using a paper form must:
    - i. Request a sufficient number of voter registration and voter pre-registration cards for their grade 12 pupils.
    - ii. Develop procedures for the proper handling of voter registration and pre-registration cards.

- iii. Notify pupils of state voter eligibility requirements.
- iv. Notify pupils that they may submit their completed voter registration and pre-registration cards to elections officials of the county in which the pupil resides.

- 8) ***Prior and related legislation.*** AB 963 (Petrie-Norris, 2019) would distribute certain voting information to students at public postsecondary institutions and designate an individual on each campus as a Civic and Voter Empowerment Coordinator. This bill is set for a hearing before this Committee.

AB 1036 (Aguiar-Curry, 2019), creates the High School Voter Education Pilot Program and authorizes the Yolo Elections Office, in partnership with the Yolo County Board of Education, to conduct a mock election pilot program to elect members of the school's student government, as specified. This bill has been referred to the Committee on Elections and Constitutional Amendments and the Committee on Education.

AB 183 (Coto, 2007) would have required, beginning with the 2009-10 school year and annually thereafter, for every school district maintaining at least one high school to report on and publish, as specified, its pupil voter registration efforts. This bill would have required the report on pupil voter registration efforts to be published on the Internet website of each of its high schools and in the parent newsletters or other communication vehicles used by the school community. This bill was vetoed by the Governor the following message:

**I am returning Assembly Bill 183 without my signature.**

**I believe it is important to encourage young Californians to register to vote. Current law already requires the Secretary of State to provide voter registration forms to schools for disbursement to students. Moreover, throughout the year, registrars of voters are provided the opportunity to meet with high school students through bi-annual campus visits during high school voter weeks.**

**In contrast, this bill will not likely induce more students to vote. Instead, it will likely result in significant reimbursable state-mandates to school districts and unnecessarily add administrative burdens to schools while taking time and resources away from schools' educational mission.**

**For these reasons, I am unable to sign this bill.**

## **SUPPORT**

State Superintendent of Public Instruction (co-sponsor)  
 California School Boards Association  
 California League of Conservation Voters  
 Disability Rights California  
 League of Women Voters of California

NextGen California

**OPPOSITION**

None received.

**-- END --**