

CHAIR  
**STEVE PEACE**

VICE CHAIR  
**TONY CARDENAS**

**SENATE**

DICK ACKERMAN  
DEDE ALPERT  
JIM BATTIN  
K. MAURICE JOHANNESSEN  
JACK O'CONNELL  
RICHARD G. POLANCO  
JOHN VASCONCELLOS

**ASSEMBLY**

ROY ASHBURN  
PATRICIA C. BATES  
JACKIE GOLDBERG  
FRED KEELEY  
CAROLE MIGDEN  
GEORGE RUNNER  
RODERICK WRIGHT

December 7, 2001

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Tricia Knight  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Election Day Voter Registration Act of 2002" (File No. SA2001RF0036).

**Proposal**

This measure establishes procedures that enable eligible voters to register and vote on election day and increases penalties for voter fraud.

***Election Date Registration and Voting.*** Under current law, California citizens who wish to vote must register with county election officials by the 15<sup>th</sup> day before an election. The proposed initiative extends the time available for voter registration by allowing eligible citizens to register up to and including election day. However, citizens registering on or after the 28<sup>th</sup> day before an election may do so only at the county election office or at a polling place on election day. Local election officials must provide dedicated resources at each polling place for election day voter registration and the Secretary of State must include information about election day voter registration as part of all voter education efforts.

***Increased Penalties for Voter Fraud.*** The proposed initiative increases the penalties for and creates new crimes related to election fraud.

*Election Day Registration Fund.* The proposed initiative establishes the “Election Day Registration Fund” within the State Treasury, which provides \$6 million annually from the General Fund for the purposes of implementing the initiative. All fund monies shall be continuously appropriated to the Secretary of State for distribution to counties to cover the cost of activities such as hiring and training additional personnel for election day voter registration, providing voter registration materials, and expanding voter outreach programs. Counties receiving allocations from the fund will be required to submit an annual report identifying how fund monies were spent.

### **Fiscal Effects**

*State Costs.* This measure would result in total costs to the state of about \$6 million adjusted annually to reflect cost-of-living increases. These costs include \$6 million in annual appropriations from the General Fund to counties for the costs of implementing the initiative. In addition, the Secretary of State would incur minor costs for administering the Election Day Registration Fund, and state criminal justice agencies may incur costs for prosecuting and incarcerating individuals who commit newly established election fraud offenses.

*County Costs.* Counties would incur costs of about \$6 million annually on a statewide basis. These costs include hiring additional poll workers, providing sufficient ballots for additional voters registering on election day, and other general administration costs related to implementing the initiative. The proposed initiative establishes an annual state allocation of \$6 million to counties for these purposes, so the initiative will result in no net costs to counties.

### **Summary of Fiscal Effects**

This measure would result in about \$6 million in state costs and no net costs to counties.

Sincerely,

---

Elizabeth Hill  
Legislative Analyst

---

B. Timothy Gage  
Director of Finance