



December 21, 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 "Voter Registration and Election Reform Act of 2002" (File No. SA2001RF0044).

### **Background**

Under state law, California citizens who wish to vote must register with the county elections official at least 15 days before an election. Individuals must submit a completed registration card with an affidavit stating that they meet all the criteria to be an eligible voter. Completed voter registration cards may be submitted in person, by mail, or through a designated voter registration agency. No documentation or other proof of citizenship is required in order to register. Once the registration is completed and approved, it remains valid until the voter requests that it be cancelled. Voters are not required to present identification at the polls in order to vote.

### **Proposal**

The measure would make several changes regarding voter registration. Under the proposed initiative, California citizens who wish to vote would be required to register in the presence of a county election official at least 60 days before an election. In order to register, they would need to present a social security card and proof of citizenship. With the exception of certain classes of voters, such as the disabled and military personnel, completed registration cards could no longer be sent to county officials through the mail. Voters who do not vote in two consecutive statewide elections would have their registration cancelled. The initiative would further require voters to present photo identification at the polls before they vote.

In addition, the measure makes several changes to current law relating to absentee ballots and recall elections. Specifically, it would prohibit political party representatives

from handling absentee ballots. It also establishes additional laws regarding recall elections related to petition signature confidentiality and the removal and replacement of recalled officials. The Secretary of State would be required to adopt regulations to implement initiative provisions related to recall elections.

Several provisions of this initiative related to voter registration and voting procedure conflict with provisions of federal law in the National Voter Registration Act (NVRA) of 1993 and the Privacy Act of 1974. For example, the NVRA provides that voters must be able to submit registration cards through the mail and that registrations cannot be cancelled due to failure to vote. In addition, the Privacy Act provides that individuals cannot be denied a right, such as voting, for failure to provide a social security number.

### **Fiscal Effect**

Implementation of initiative provisions that are not in conflict with federal law will have a minor absorbable fiscal impact on state government relating to establishing new regulations and no fiscal impact on local government. However, to the extent that all of the provisions of this measure were to be implemented, the initiative could result in significant combined state and local costs.

### **Summary**

We estimate that the fiscal impact of this measure could range from minor absorbable state costs to significant combined state and local costs, depending on the extent that all of the provisions of the measure are implemented.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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B. Timothy Gage  
Director of Finance