



## **DEMYSTIFYING THE MYSTERIOUS: CALIFORNIA'S ELECTION LAWS**

### **Part 2: Motor Voter on Steroids**

Have you ever wondered why no one can produce statistics regarding the number of non-citizens registered to vote and voting in California? Or why our voter rolls are such a mess, littered with deceased and relocated individuals?

In 1993, the U.S. Congress passed the National Voter Registration Act (NVRA).

A major purpose of the law was to expand voter registration opportunities—to make voter registration more widely accessible. A very noble goal indeed. There should always be an unimpeded path to registering and voting for all eligible citizens.

The NVRA soon became commonly known by the nick-name “Motor Voter” because a major element of the law mandated that all government agencies, both state and federal, had to make voter registration forms available, and the agency most universally used by the general population is the DMV.

When such a federal law goes into effect, states generally enshrine its mandates into state statutes by passing a similar state law, adding their own tweaks.

In 2015, California passed AB 1461 (implemented in April, 2018). It mandated that anyone interacting with the DMV not just be offered a voter registration opportunity, but be automatically registered unless the individual specifically knew to opt out in writing.

In 2016, the DMV made it clear that it was not ready to handle motor voter. But Secretary of State (SOS) Alex Padilla signed a consent decree that mandated motor voter to be implemented in the middle of an election year.

The results were predictable. At least 1,500 people who were ineligible to vote were registered in the first months after the April 2018 rollout, according to election officials and the DMV itself.

In addition, people already registered were registered a second time. VoteCal - California's statewide voter database - is notoriously inept at finding and merging duplicate registrations, so the number of duplicates on the rolls continues to grow.

Still other unsuspecting individuals had their party affiliation changed without their knowledge or permission through the automatic registration process. As a result they found themselves unqualified to vote in their chosen party's presidential primary.

To date, there are still significant difficulties with the system and the “errors” abound. According to attorney and 2018 SOS candidate Mark Meuser, Californians are worried about a program that made 105,000 voter registration errors in the first few months alone and allowed an unknown number of noncitizens to be added to the voter rolls.

The National Voter Registration Act, Section 7 also mandates all social service agencies be agencies of voter registration. California’s Motor Voter law expanded the automatic registration mandate to those social service agencies. Since often the same people use the services of multiple government agencies, the likelihood of their being registered multiple times is high.

Most disturbing is the exculpatory wording of the California law. Section 2271 provides that, “if a person who is ineligible to vote becomes registered or preregistered to vote pursuant to this chapter in the absence of a violation by that person, that person’s registration or preregistration must be presumed to have been effected with official authorization and not the fault of that person.” In other words, unless absolute intent to register fraudulently can be proven (an impossible bar to meet), persons found to be unlawfully registered get a pass and the state takes the blame.

By inserting the “get out of jail free” stipulation in the law, the authors of California’s Motor Voter laws clearly signaled that they understood and accepted the likelihood of significant numbers of illegal registrations occurring as a result of their law.

Furthermore, the law stipulates that the agencies (whose process requires them to acquire citizenship information for each applicant) are forbidden to communicate the citizenship status of the individuals whose information is uploaded to the Secretary of State for voter registration.

Although it is the responsibility of the office of the SOS to determine the eligibility of all applicants before registering them to vote, **the SOS and all other elections officials are barred by law from obtaining key citizenship information.**

Ponder that last statement for a moment: our elections officials, up to and including the SOS, are responsible to register only eligible citizens, yet have no access to databases that would provide them vital citizenship information for new applicants or for those already on the rolls. It then follows that non-citizens otherwise eligible (18 or older and not in state or federal prison), are highly likely to be added to the voter rolls once or multiple times whenever interacting with the DMV or other social service agencies.

Countless numbers of non-citizens, both legally and illegally in the country, have been issued driver licenses, and due to Motor Voter have been added to the voter rolls **without their knowledge**. Because California has no voter ID law, their identities (and ballots) are easily stolen and used by unscrupulous election manipulators.

Such a loophole incentivizes illegal behavior. Maybe more devastatingly, it harms legal immigrants on path to citizenship, because **the federal government will not extend the same forgiveness** offered by the California law. Registering to vote and/or voting when clearly ineligible is a felony. If there is a registration and/or voting record on file when such persons apply for citizenship, they will not only be denied citizenship but also be in danger of deportation.

**The very individuals we most desire to join the American family are being used and discarded for the purpose of someone's political power agenda.**

Once again, California has taken a well-intended law, and through its variation on the theme perverted the good intentions and made voter impersonation, election fraud and election manipulation undetectable crimes often paid for by the innocent.

In addition, legislators have created a treasure-trove of opportunity for election manipulators to game the system and never get caught.

**How can you help reverse this crisis?**

- Educate your federal legislators as to the urgency of updating older federal voting rights laws such as the NVRA, HAVA, and even the Voting Rights Act.
- Educate your state legislators as to the damage being done by California's renditions of the federal laws. Most legislators have no idea these laws exist, and those who voted for them have no idea the chaos they have caused.
- Urge a reversal of the automatic registration policy in California law. Registering to vote should be easy, convenient and unimpeded for eligible citizens. But there should be safeguards against the harm being done to legal immigrants as well as to legal California voters when their votes can potentially be watered down or canceled by those who know full well how to dive through the loopholes created by the California legislature.
- **Support EIPCa and its [federal lawsuit](#)** currently before the 9<sup>th</sup> Circuit Court of Appeals. A win will resolve so many of California's electoral evils. But lawsuits are expensive and we need your consistent and generous donations to get this one across the finish line.
- Vote in person, at a polling location, without an envelope between you and your ballot.
- Become a trained elections observer with EIPCa. The deadline for volunteering and submitting your required paperwork is less than a month away. Do it today!! [Click here](#) to get started.