



EVERY LAWFULLY CAST VOTE ACCURATELY COUNTED

AB1461: The New Motor Voter Law

What the law says	EIP Concerns	Supporter Response	EIP Rebuttal
<p>A person’s signature on the affidavit of registration constitutes his/her legal attestation of citizenship</p>	<p>Trusting people, and people whose English is limited will simply follow instructions given by DMV clerk—“sign here”—and may have no idea of the legal significance of the signature <i>declaring under penalty of perjury</i> that all information is correct.</p> <p>Current DMV application of the 1993 federal Motor-Voter law has been an unreliable source of voter registration due to lack of training of DMV clerks.</p> <p>The NEW CA Motor Voter law relies even more heavily on competence and training of clerks to guide registrants through the registration process legally. Since the law creates an opt-out situation, people ignorant of the law or unable to understand or read what they are signing can easily become unlawfully registered either unknowingly or against their wishes. This is a critical issue for those attempting to become U.S. citizens, as any error would derail their path to citizenship.</p>	<p>They are signing under penalty of perjury”, so we can trust the affidavit reflects that applicants understand that they are lawfully registering to vote.</p>	<p>There will be no way to have a secondary check to see that unlawful registrations are caught. There is no database against which the SOS (who assumes sole responsibility under this law) can check citizenship of applicants.</p> <p>Unlawful voters WILL become registered, often without their knowledge or real consent.</p>
<p>“The department shall not electronically provide records of a person who is unable to submit satisfactory proof that his or her presence in the U.S. is authorized under federal law.”</p>	<p>The law also states that the signature on the affidavit is all that is needed to attest to legal status. No other proof is necessary. Even though the license issued to a non-citizen is supposed to be marked as such to differentiate it from a citizen’s license, the DMV states that it does not differentiate citizens from noncitizens in its records. Make no mistake, non-citizens WILL become registered. This is evidenced by the ACLU’s concern about this issue.</p>	<p>The system will work as intended.</p>	<p>The “safeguards” in the law are all superficial and inadequate. Proper functioning relies on proper DMV clerk training and execution, and applicants’ understanding of the questions they are answering and the forms they are signing. Any improper or careless application of procedure on the part of a DMV clerk, or error caused by language barrier will result in an improper registration without any tested method of catching the error.</p>

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<p>16 and 17 year-olds will be automatically “pre-registered” and on the voter rolls awaiting activation upon their 18th birthday.</p>	<p>This requires a new level of sophistication of the database to retain two types of records plus some sort of program that automatically activates a pre-registrant at the appropriate time. Such technology does not currently reside at the DMV and this bureaucracy’s track record for competence does not bode well for adding such a demand.</p> <p>Underage voters are likely to become active voters before becoming 18 as a result of error and computer glitches. Thus there are two years during which these young adults’ registrations can be used to manipulate the process without their knowledge.</p>	<p>It is important to get people on the voter rolls as young citizens, and this law facilitates their registration so they can immediately begin participating in the process.</p>	<p>When youths turn 18 that can easily register to vote in person or online. There is no realistic impediment to younger voters becoming registered, and the risks to the integrity of the electoral process inherent in the pre-registration process are high.</p> <p>In addition, the chances that residency information will change during the two years between age 16 and 18 are high. Any person who has moved will still need to go in person or online to update their registration information. This situation increases the difficulty of maintaining up-to-date voter rolls.</p>
<p>This law specifically states that it “shall not be construed as requiring the DMV to determine eligibility for voter registration and voting.”</p>	<p>If the DMV is not required to be the first defense against unlawful registration, even as it acts as an agent of a law that <u>REQUIRES</u> all <u>eligible</u> persons to be offered registration, citizens are left with NO safeguards. While there are databases by which the SOS can determine eligibility in other categories, there is no known database that the SOS can use to determine citizenship, whereas the documentation required by DMV regulations would be a virtually foolproof determiner.</p>	<p>The SOS assumes the sole responsibility to verify applicants’ eligibility under this law. This is an appropriate safeguard.</p>	<p>The law establishes NO methodology or process by which the SOS must verify applicant eligibility. Citizens are just supposed to trust the SOS to do whatever he/she thinks is adequate to verify, with no mandated process over which citizens may exert oversight.</p> <p>This law mandates that everything from voter registration to SOS verification of registrants be accepted on the honor system with no verification provided.</p> <p>This is a violation of the public trust and a sure recipe for disaster.</p>
<p>“If a person who is <u>ineligible</u> to vote becomes registered to vote pursuant to this chapter...that person’s registration shall be presumed to have been effected with official authorization and not the fault of that person.”</p>	<p>This section amounts to an overt invitation to unauthorized registration. If ineligible registrants are not caught, they may continue to vote unlawfully. If caught at any point, NO HARM, NO FOUL!</p>	<p>This provision protects “innocent” victims of error and misunderstanding from legal ramifications.</p>	<p>A solid requirement to show proof of citizenship or eligibility would eliminate “innocent victims” and untold numbers of fraudulent votes, intentional or otherwise. Such proof is required under CA law for the issuance of a license, so it will already be provided.</p>

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<p>All people who submit an application for a driver’s license, ID card or change of address with the DMV must have their information submitted to the SOS for voter registration unless they “affirmatively decline to become registered”.</p>	<p>People with no desire to be registered will become registered because of the extra step they must take to “affirmatively decline”.</p> <p>There will be even more “dead wood” on the rolls that cannot be removed until they fail to vote for a minimum of four election cycles.</p> <p>The names of these unsuspecting people will be on the rolls and will be vulnerable to impersonation by people who know they will take no effort to vote or remove themselves from the rolls because they don’t care that their application for a driver’s license was used to register them to vote.</p> <p>If these people, citizens and non-citizens alike, become victims of impersonation, they will never know it, and will remain on the rolls as “active” voters.</p>	<p>This law removes the impediment of a would-be voter having to take affirmative action to register. Once registered, people will be more likely to vote, and participation in the “democratic process” will be more widespread.</p>	<p>Prior to this law, there were no impediments to registration—it was remarkably easy and available just about everywhere, with postage paid. This law infringes upon the citizens’ freedom to be unregistered by forcing a registration unless they take an extra step to decline.</p> <p>Those who do not wish to be registered or who cannot lawfully register will be required to “affirmatively decline” <u>each and every time</u> they renew their license or register a change of address. This places undue burden on these people.</p>
<p>The law cannot be implemented until the SOS certifies that CA has a HAVA (Help America Vote Act) compliant statewide database, and until the DMV and the SOS have established their method of electronic transmission.</p>	<p>This is not a reassuring safeguard. Again, there are no checks and balances. The SOS is sole determiner of registration eligibility and of functional database and procedures.</p> <p>The state’s record of ignoring the rule of law and implementing laws in spite of imbedded safeguards is long and infamous. One example is the online registration, which was not supposed to be implemented until the HAVA database was certified (yet to be done), yet it was implemented in October of 2012 and was proven by EIP research to be responsible for a not-insignificant number of duplicate registrations and votes.</p>	<p>It’s the law. There’s no way around it. The safeguards will protect Californians from early implementation.</p>	<p>Trust but verify!!</p> <p>Once the law is unlawfully implemented, if it is - and we suspect it will be - there will be no way to correct the harm that will be done to the integrity of California’s electoral process.</p> <p>The safeguards are completely inadequate, given the history of this state’s noncompliance with state and federal law.</p> <p>See EIP Report: VOTER ALERT: Non-compliance with Election Laws, No Voter ID, Inaction by Election Officials, and a Rogue Legislature www.electionintegrityproject.com</p>

Further concerns:

The law appears to be in direct conflict with other statutes in the CA penal code with respect to prosecution of election fraud.

The law gives up to a year for the SOS and the DMV to establish the system by which registration information will be shared, and states that implementation is delayed until such system is in place. The law creates NO checks and balances—no verification apparatus that the system put in place is effective, secure, and trustworthy. There is absolutely no oversight provided in the law for this or many other mandates in the law. We are expected to just “trust” the SOS to certify everything from the HAVA database to all of the bureaucratic procedures involved in the law’s implementation.

The law does not provide for training of DMV clerks (a large cause of the breakdown of the DMV’s competence as a reliable registration agent under the current Motor Voter regulations). This will result in incomplete information on voter registrations, and is likely to generate a large number of NPP voters and VBM voters. Given the significant evidence of ballot harvesting that emerged in the 2014 election, along with evidence of systematic identity theft for the purpose of voter impersonation, exposed by EIP, there is significant reason for concern.

How is it even conceivable to pass a law, and then in the text of the very same law establish absolution of culpability for those who break that law?