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# California State Senate



SENATOR

**JOHN M. W. MOORLACH**

THIRTY-SEVENTH SENATE DISTRICT

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JOINT COMMITTEE ON RULES

September 17, 2018

The Honorable Alex Padilla  
Secretary of State  
1500 11th Street  
Sacramento, CA 95814

Dear Secretary Padilla:

Last year, on November 7<sup>th</sup>, we met at your Sacramento office over concerns I was receiving from my constituents and good-government groups regarding the problems associated with noncitizen registration as a result of implementing Assembly Bill 1461 (Gonzalez, Chapter 729, Statutes of 2015).

During the legislative process where AB 1461 was being debated, several of my colleagues noted the bill was substantially amended several times, including an amendment that deleted language that would have required the Department of Motor Vehicles (DMV) to provide your office with "the document code or equivalent identifier associated with the document the person provided to prove that his or her presence in the United States is authorized under federal law and that the applicant is a citizen of the United States." With the deletion of the language, it appears your office relies solely on the applicant's attestation that he or she is legally entitled to vote. Further, it appears that there is no independent confirmation of eligibility, establishing an honor system for individuals who register to vote via the DMV. One of my primary concerns is that this makes the automatic registration of noncitizens very likely.

In our meeting, you personally assured me that there was no conceivable way such noncitizens would be allowed to vote. Additionally, you wrote in an email on behalf of the California Democratic Party: "As California's chief elections officer, I assure you that election officials throughout the state take pride in maintaining the integrity of our elections while protecting voters' rights."

Unfortunately, with the recent revelation related to 23,000 erroneous motor voter registrations, I am no longer convinced and, in fact, have grave concerns. As you know, on September 5, 2018, the *Sacramento Bee* reported:

“The California Department of Motor Vehicles on Wednesday said it has discovered it sent the Secretary of State’s Office 23,000 erroneous voter registrations.

“The agency said the errors occurred within the state’s Motor Voter program — which allows eligible applicants getting a driver license to be automatically registered to vote.

“The DMV said the errors stem from technicians toggling between multiple screens and registration information being improperly merged. According to the agency, 1,600 residents did not complete a voter registration affidavit and had their information sent to the secretary of state, which maintains the state’s list of registered voters. The DMV said none of the applicants were undocumented immigrants.”

First, I am unclear as to how this could happen and what role you have “in maintaining the integrity of our elections,” particularly as it relates to motor voter. This article appears to place motor voter registration issues at the feet of the DMV. While the errors took place at the DMV, it is my understanding that determining whether a person is eligible to vote and confirming registration data is the role of the Secretary of State. In fact, AB 1461 specifically states, “This chapter shall not be construed as requiring the Department of Motor Vehicles to determine eligibility for voter registration and voting. The Secretary of State is solely responsible for determining eligibility for voter registration and voting.”

That having been said, I’d like to know where the breakdown occurred at the SOS’s office as it relates to confirming the accuracy of motor voter registration data and verifying voter eligibility.

Second, I’d also like to know what the current process is for confirming the accuracy the motor voter registration data, as well as the current process for verifying the eligibility of individuals who are automatically registered via motor voter. This concern includes party affiliation selection as “No Party Preference” does not appear to be the default.

Third, in the article mentioned above, the DMV states that “none of the applicants were undocumented immigrants.” I’d like to know how you as the chief elections officer and the DMV can know this for sure.

Fourth, as mentioned above, one of my primary concerns with California’s motor voter program is with the automatic registration of noncitizen legal residents. It appears that, given the lack of controls with the current motor voter program, made apparent by the news report mentioned previously, 23,000 erroneous registrations could have included ineligible individuals.

Accordingly, I’d like to know how many of the erroneous registrations included these ineligible individuals as well as what is being done to rectify this. If you respond by stating there were none, I’d like to know how you determined this.

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Finally, I'd like to know what is being done to correct the erroneous registrations and the circumstances that gave rise to this in order to better guarantee the future integrity of California's election system.

You have complained that President Donald Trump misrepresented the state relating to the claim of voter fraud in California. Now I ask you to prove that this, or at least the potential of this as discussed above, is not happening.

I appreciate the courtesy that you extended to me last year. I look forward to your prompt response. This will assist my staff and me in responding to the many constituent inquiries that have occurred as a result of this recent revelation.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Moorlach". The signature is fluid and cursive, with a large, sweeping flourish at the end.

John M.W. Moorlach  
Senator, 37<sup>th</sup> District