

# **VOTER REGISTRATION IN SANTA BARBARA COUNTY**

## **A Study of the Facts**

### **SUMMARY**

The 2016-17 Santa Barbara County Grand Jury (Jury) was asked to consider the safeguards in place to ensure that only citizens are able to vote. There has been concern expressed by persons across the country that there may have been a number of non-citizens and other ineligible persons who have fraudulently registered and voted in the recent elections.

The Jury has found that there is *no* proof that fraudulent voting occurred in Santa Barbara County, but that there is also *no* required process in place in California to verify a person's United States citizenship status when registering to vote. If a non-citizen attempts to register, Registrars of Voters throughout California must accept that the person is a United States citizen and is eligible to register and vote, based on the information provided on the Registration Form. This is known as the "honor system."

### **BACKGROUND**

Basic requirements to register and vote as found on the Santa Barbara County Voter Registration Form are as follows:

#### **A. Right to Vote**

Only citizens of the United States (U.S.) are eligible to vote in any U.S. election. A citizen of the U.S. is a person who is:

- born in the U.S.
- born in a foreign country where one of the parents was a U.S. citizen
- a citizen by declaring a desire to become a U.S. citizen and takes an oath of allegiance to the U.S. This is known as citizenship by "naturalization"

If a person cannot claim citizenship by virtue of birth or naturalization, they cannot legally vote in any U.S. election. This includes those individuals who are legal residents of the United States by virtue of U.S. Department of Immigration and Naturalization documents that declare them to be permanent legal residents of the United States (e.g. Green Card holders).

#### **B. Process to Become a Registered Voter in the State of California**

Anyone who wishes to become a registered voter must fill out a *California Voter Registration/Pre-registration Application*, which is reviewed and approved by the local Registrar of Voters (Registrar). The person who desires to become a registered voter must:

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- declare to be a U.S citizen and be a resident of California;
- provide a home address or describe where one lives including cross street, route, N.E.S.W.;
- provide a driver's license or California I.D card (issued by the DMV, if available, but not required);
- provide a date and place of birth;
- lacking a driver's license or I.D., provide the last four digits of the Social Security card, if one is available;
- declare under penalty of perjury that all the facts in the application are true;
- declare that he/she is not in prison or on parole for a conviction of a felony;
- declare ineligibility by virtue of a court declaration of mental incapacity;
- sign the application.

The Jury found that a valid California driver's license or the last four digits of a Social Security card are *not* proof of citizenship and are *not* required for completion of the form. A declaration of citizenship without verification is commonly known as the "honor system." Providing false information on a voter registration form is perjury, which is a felony. The applicant has to be accused of providing false information by someone who knows the reasons for the ineligible status and provides information to the local District Attorney for possible prosecution.

### **C. Identity Verification Procedures on Election Day**

Anyone who has voted in a prior election and whose name appears on the rolls of the local polling place must sign his/her name next to his/her printed name on the polling place roster. The Registrar has a system that can identify a fraudulent signature and, if found, the ballot is declared invalid and is not counted. This prevents someone from voting as someone else.

New voters who registered by mail and whose name is on the polling place roster *may* have to show a valid driver's license or proof of residence (such as a utility bill) at the polling place the first time they vote. This is the *only* instance when some sort of identification is required.

Until January 1, 2017, California required that a new registrant's application must be delivered to or received by mail at the office of the Registrar no later than 15 days before the election. After January 1, 2017, a person may register on the day of the election at any polling place and that person will receive a provisional ballot. The provisional ballot will not be counted until the Registrar approves the application.

### **D. The Value of a California Driver's License and a Social Security Card for Citizenship Verification**

A valid California driver's license and a Social Security card are *not* proof of United States citizenship or eligibility to vote. Both of these documents can be issued to any person who is legally in the U.S. (Green Card holders). Furthermore, if an applicant for a driver's license declares that he /she is not a U.S. citizen nor a legal resident, the Department of Motor Vehicles will still issue a driver's license but it will indicate on the license that the person is not a legal resident of the U.S.

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Has fraud been detected in voter registration and “provisional ballots” in Santa Barbara County? Anyone who presents himself/herself at a polling place and expresses a desire to vote, if that person does not appear on the roster for that location, will be provided a provisional ballot. That means that the ballot will not be counted until it is established by the Registrar that the voter is eligible. According to the Santa Barbara County Registrar, the vast majority of these provisional ballots are legitimate and those that are rejected were 17.3 percent in Santa Barbara County in 2016. But no provisional ballot was disqualified on the basis that the voter was not eligible to vote because of fraud. (See APPENDIX.)

Some of the reasons for ballot disqualification include:

- voted in another precinct or county in California
- voted multiple times
- signature cannot be validated
- address cannot be verified
- incomplete information.

### **CONCLUSION**

Neither the State of California nor Santa Barbara County requires any kind of proof of citizenship to register to vote. Despite the fact that perjury is punishable as a felony, it depends on the honesty of those who declare that they are eligible to vote in the United States. The 2016-17 Santa Barbara County Grand Jury considers this lack of verification to be a flaw in the voter registration process.

Under *California Penal Code §933 and §933.05*, this activity report does not require a response.

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## **APPENDIX**

### **Elections Results Santa Barbara County 2016**

(Provided by the Office of the California Secretary of State)

Total Santa Barbara County Valid Ballots	182,264
Votes by Mail, etc.	121,827
Votes at Polling Centers	51,201
Provisional Ballots	9,236*
Provisional Ballots Submitted	11,174
Provisional Ballots Rejected	1,938 (17.3%)
Provisional Ballots Accepted	9,236*

Statewide, the number of Provisional Ballots rejected was 14.8 percent.

\*9,236 Provisional Ballots Counted are included in the Total Santa Barbara County Ballots line