



March 10, 2025

VIA Email to Author and Online Portal to Assembly Committees on Elections and Judiciary

The Honorable Carl DeMaio
California State Assembly
1021 O Street, Suite 4630
Sacramento, CA 95814

**Re: AB 25 (DeMaio) - California Voter ID and Election Integrity Act of 2025 -
OPPOSE**

Dear Assemblymember DeMaio:

The League of Women Voters of California (LWVC) writes to oppose AB 25, your bill to restrict voting access in California through a variety of means. California has a robust system of laws in place to ensure the integrity of our elections. We already require voter identification, attestation of citizenship under penalty of perjury, and signature comparison and voter roll maintenance performed by experts. Furthermore, California provides sufficient time to accurately and carefully process and count ballots. Our laws in these areas are time-tested and carefully constructed to balance safeguarding the voting process with minimizing unnecessary burdens on voters. The LWVC stands for the principle that the right to vote should not be nullified by draconian voter identification requirements, unnecessary documentary proof of citizenship, the rejection of valid ballots, back door purges of our voting rolls, and chaotic processes that raise the risk of error.

Among the greatest threats to our democracy are inaccuracies, misinformation, and fearmongering related to the security of our elections.¹ The

¹ Brennan Center for Justice. "[Election Misinformation](#)." Brennan Center for Justice, 2024; Carey, John M., et al. "[The Effects of Elite Rhetoric on Democratic Norms and Electoral Legitimacy](#)." *Proceedings of the National Academy of Sciences*, vol. 118, no. 50, 2021.; Kim, Young Mie, et al. "[The Presumed Influence of Election Misinformation on Others Reduces Our Own Satisfaction with Democracy](#)." *Harvard Kennedy School Misinformation Review*, 2024.; Marwick, Alice E., et al. "[Electoral Misinformation and Public Trust: The Challenge of Online Disinformation](#)." *Journal of*

idea that voter fraud and non-citizen voting are significant problems has been debunked by elections officials, experts, courts, and studies.² The truth is that both are exceedingly rare, and to build policy on a bed of lies is folly.

Voter Identification

California already has robust voter identification protections that have a proven track record of success. They are as follows:

- To register to vote, a person must provide their driver's license number, their state identification number, or the last four digits of their Social Security number. Identifying information must be validated by elections officials.³
- If a person does not include identifying information with their registration application, they must provide identification the first time that they vote in a federal election and have a plethora of acceptable options to use.⁴
- Voter registration applicants must certify the truth and correctness of the content of the application, under the penalty of perjury.⁵
- Someone who registers to vote knowing that they are ineligible to do so is subject to criminal penalties.⁶
- Each person who votes in person at the polls declares their name and current address and signs the roster (or if unable to sign has another sign on their behalf.)⁷
- A voter's identity or eligibility to vote can be challenged by election workers on specified grounds and must be supported by evidence that establishes probable cause.⁸
- Every mail ballot contains a barcode, and the voter must sign the ballot envelope before returning their ballot.⁹
- If a voter who received a mail ballot votes in person, county elections staff use an electronic poll book to confirm the voter's information, determine that they have not already cast their mail ballot, and request a

Online Trust and Safety, 2024.; Bertrand, Natasha. "[A New Window into Russian Disinformation Ops.](#)" *Politico*, November 4, 2024.

² Brennan Center for Justice. "[It's Official: The Election Was Secure.](#)" *Brennan Center for Justice*, 2020; Kamarck, Elaine, "[How widespread is election fraud in the United States? Not very.](#)" *Brookings Institution*, 2024; Brennan Center for Justice, "[Noncitizen Voting is Vanishingly Rare.](#)" *Brennan Center for Justice*, 2024; Bipartisan Policy Center. "[Four Things to Know About Noncitizen Voting.](#)" *Bipartisan Policy Center*, 2023.

³ Elec. Code §§ 2150, 2188 (b), 2196(a)(7); Cal. Code Regs (C.C.R.). tit. 2, §§ 19073, 20107

⁴ C.C.R. tit. 2, §§ 19073, 20107

⁵ Elec. Code § 2188 (e)

⁶ Elec. Code § 18100

⁷ Elec. Code § 14216 (a)

⁸ Elec. Code § 14240

⁹ Elec. Code §§ 3011(a)(2), 3019.7

signature.¹⁰

- If a ballot is mailed or dropped off, county elections staff compare the voter's signature to the voter's signature on file and confirm that the voter has not already voted before counting the ballot.¹¹
- Security at voting and dropbox locations must be maintained by elections officials.¹²
- Any person who illegally casts a ballot is subject to criminal prosecution.¹³

AB 25 fails to specify the documents that constitute "valid government-issued voter identification," a vagueness that raises due process concerns and could lead to arbitrary and discriminatory enforcement. For the purposes of our analysis, we assume that it would include things like unexpired driver's licenses, state IDs, passports, and military IDs.

Not everyone has access to the "valid government-issued identification" that appears to be required by AB 25. One recent national study found that:¹⁴

Nearly 21 million voting-age U.S. citizens do not have a current (non-expired) driver's license. Just under 9%, or 20.76 million people, who are U.S. citizens aged 18 or older do not have a non-expired driver's license. Another 12% (28.6 million) have a non-expired license, but it does not have both their current address and current name....

...Black Americans and Hispanic Americans are disproportionately less likely to have a current driver's license. Over a quarter of Black adult citizens and Hispanic adult citizens do not have a driver's license with their current name and/or address (28% and 27% respectively), compared to about one out of five adult citizens who identify as Asian/Pacific Islander (21%) or White (18%). Eighteen percent of Black adult citizens, 15% of Hispanic adult citizens, and 13% of Asian/Pacific Islander adult citizens do not have a license at all, compared to just 5% of White adult citizens.

¹⁰ Elec. Code §§ 3015, 14216

¹¹ Elec. Code § 3019

¹² Elec. Code § 3025

¹³ Elec. Code § 18500

¹⁴ Center for Democracy and Civic Engagement, "[Voter ID Survey: Key Results](#)", *University of Maryland*, June 2024.

Strict voter identification laws are calculated to disenfranchise the poor, the elderly, youth, those with disabilities, and people of color who are statistically less likely to have government-issued identification. It also impacts people who have changed their name but have not updated their ID. Nearly 30% of U.S. adults have changed their name, with women making up 94% of this group.¹⁵ For these demographics, getting government-issued voter identification can be a nightmare odyssey full of physical, administrative, and legal stumbling blocks. Gathering birth certificates, correcting bureaucratic errors, and going through procedures to get documentation are tasks that often require multiple communications and trips to various agencies, government offices, and courts. Furthermore, these efforts require enormous expenditures of time and money that are tantamount to unconstitutional poll taxes.¹⁶

Finally, AB 25 has no protections in place to maintain the secrecy of the sensitive identification information it proposes to require on ballot envelopes. And the matching requirement for mailed ballots is nonsensical when: (1) people may legitimately use either a social security number or a driver's license number on the registration form, and then use the reverse form of ID on the ballot envelope; and (2) federal law¹⁷ permits those who don't provide identification on the registration forms to show a [plethora of identifying information](#) the first time that they vote.

Californians have voted for decades under the voter identification system that we have in place, and the integrity of our elections has remained secure. Over the years, the California Legislature has been steadfast in rejecting legislation to require unnecessarily strict voter ID, thus fostering a healthy democracy. We urge continuation of that tradition to protect voters against assaults to free and fair elections.

Documentary Proof of Citizenship

California has kept its elections secure using a system of attestation of citizenship under penalty of perjury. We apply this rigorously. For example, the California New Motor Voter Program, which accounts for 89.8% of our voter registrations,

¹⁵ IBID, FN 14; Movement Advancement Project. "[The ID Divide: How Barriers to ID Impact Different Communities and Affect Us All](#)." *Movement Advancement Project*, 2022.

¹⁶ Sobel, Richard. "[The High Cost of "Free" Photo Voter Identification Cards](#)." *Harvard Law School Charles Hamilton Houston Institute for Race & Justice*, 2014.

¹⁷ Help America Vote Act of 2002 (Pub. L. 107-252, 116 Stat. 1666, 42 U.S.C. 15483

includes two “hard stop” screens to confirm citizenship in the voter registration application. One of the screens even includes a red stop sign icon.¹⁸

AB 25 fails to specify what constitutes “appropriate documentation of citizenship,” a vagueness that, like the vagueness related to Voter ID, raises due process concerns and could lead to arbitrary and discriminatory enforcement. For the purposes of our analysis, we assume that it would include a U.S. Birth Certificate, U.S. Passport, U.S. Naturalization Certificate, and U.S. Certificate of Citizenship.

As is the case with valid government-issued voter identification, many U.S. citizens do not have ready access to documentary proof of citizenship.¹⁹ Obtaining it can be costly and time-consuming due to complicated records requirements, high fees, limited availability of ID services, and confusing state policies.²⁰

Over 9% of voting-age citizens, or 21.3 million people, cannot readily access documentary proof of citizenship (DPOC), either because they do not have it at all or because they could not access it easily if needed.

Just under 2% of voting-age American citizens, or over 3.8 million people, lack ANY form of DPOC.... This disproportionately affects marginalized racial and ethnic groups, as 3% of People of Color lack any form of DPOC, compared to 1% of White Americans. Eight percent of White Americans (or over 12.9 million people) and 11% of People of Color (or over 8.4 million people) cannot readily access DPOC.

The bill is also problematic because its documentation requirement conflicts with federal voter registration laws. The U.S. Supreme Court has ruled that a requirement for documentary proof of citizenship when registering to vote in federal elections is preempted by the National Voter Registration Act, which

¹⁸ California Secretary of State, “[California New Motor Voter Program: 2023 Annual Report](#).” pp. 53-54

¹⁹ Center for Democracy and Civic Engagement, “[Voter ID Survey: Key Results](#),” *University of Maryland*, June 2024.

²⁰ Movement Advancement Project. “[The ID Divide: How Barriers to ID Impact Different Communities and Affect Us All](#).”

allows voters to register using a federal form that requires only an attestation of citizenship under penalty of perjury.²¹

AB 25 is a solution in search of a problem. A wide variety of research discredits the notion that ineligible noncitizens are voting in large numbers.²² For example, an analysis of the Heritage Foundation's [Election Fraud Cases](#) national database found only 77 instances of noncitizens voting between 1999 and 2023.²³ As the Brennan Center for Justice notes²⁴:

It is not surprising that noncitizen voting is rare. In addition to prison and massive fines, a noncitizen would risk [deportation](#) or [derailing their naturalization process](#) by voting. Moreover, many undocumented individuals are reluctant to interact with government officials.

Requiring documentary proof of citizenship for voter registration would create needless barriers, disproportionately impact underrepresented and marginalized communities, violate federal law, and fail to address any real problem.

Back Door Voter Purging

AB 25 includes a provision to require the State Auditor to review county voting rosters to identify people it determines are “not qualified” to vote and, if fewer than 98 percent of voters in a county are ascertained to be qualified, to cease mailing ballots to every registered voter in the county. It would also require the State Auditor to review a random sample of signature comparisons in each county to determine whether they comply with legal requirements. If the Auditor finds an error rate of 5 percent or more then the county would be required to prepare a remediation plan and submit it to the Secretary of State.

Voter list maintenance and the [detailed process of signature verification](#) by qualified elections officials with specialized training is essential. But the mass audit schemes proposed in AB 25 run the risk of disenfranchising eligible voters and amount to back door voter purging. There are no guardrails, criteria, or methodologies proposed, no requirement for training, and no assurance that the audits would comply with state and federal laws. These elements of AB 25 are designed to cause elections officials to be fearful and overzealous in their

²¹ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013); see also *League of Women Voters of United States v. Harrington*, 560 F. Supp. 3d 177 (D.D.C. 2021).

²² Brennan Center for Justice. “[Noncitizen Voting Is Vanishingly Rare](#).” Brennan Center, 2024.

²³ Bipartisan Policy Center. “[Four Things to Know About Noncitizen Voting](#),” 2023.

²⁴ Brennan Center for Justice. “[Noncitizen Voting Is Vanishingly Rare](#).” Brennan Center, 2024.

approach to both signature verification and voter roll maintenance, and to err on the side of disqualifying eligible voters and rejecting valid ballots.

Delegating responsibility to an external auditing entity undermines local election officials' authority and expertise, potentially leading to inconsistent interpretations of verification and maintenance standards. Furthermore, large-scale audits, particularly when driven by unfounded claims, can undermine public confidence in the electoral process and perpetrate baseless doubts about election integrity. Finally, blocking mailed ballots, when voters have grown to expect and rely on their receipt, is direct disenfranchisement. This is especially true of Voter's Choice Act counties where in-person voting locations were diminished with the expectation that mailed ballots would compensate for their absence.

The audit aspects of AB 25 pose significant risks to voter access, due process, and election integrity. Existing election safeguards already ensure that voter rolls are maintained and that ballots are properly verified; additional layers of auditing without clear justification only add unnecessary hurdles to the democratic process. These flaws are features of AB 25, not bugs.

72-Hour Rule is Designed to Disrupt Elections and Disenfranchise Voters

If the preceding aspects of the bill are not sufficient evidence that AB 25 was designed to disrupt elections and disenfranchise voters, the 72-hour counting rule makes it blazingly obvious. AB 25 would require elections officials to count all ballots, except provisional ballots and vote by mail ballots for which a voter has the opportunity either to verify or provide a signature, by no later than 72 hours after the election. The punishment for failing to meet the 72-hour rule would be to prohibit mailing ballots to every registered voter in the next statewide election. There are a host of reasons this proposal is absurd.²⁵

- 72 hours is not enough time to count all ballots accurately, especially in large counties like Los Angeles, where millions of ballots must be processed.
- Accurate ballot tabulation involves a series of crucial tasks performed by experienced staff. The condensed timeframe proposed by AB 25 would exhaust the limited personnel available; inevitably resulting in mistakes and the potential publication of incorrect results.

²⁵ The bill's amendments to Elec. Code § 15301(b)(2)(B) references "Elec. Code § 3200," which is a non-existent code section. We assume that the intended reference is Elec. Code § 3000 et seq., which notably begins with the instruction that "[t]his division shall be liberally construed in favor of the vote by mail voter."

- California allows ballots postmarked by Election Day to arrive up to seven days later and still be counted. The 72-hour deadline is clearly intended to eviscerate this law and prevent the counting of legally valid ballots.
- AB 25 would disproportionately disenfranchise voters who rely on vote-by-mail, especially those in rural areas, overseas military voters, and voters with disabilities.
- California law currently requires that all active registered voters receive a vote-by-mail ballot automatically. Revoking this right for a limited set of voters could violate equal protection.
- Banning the mailing of ballots to all voters in the next statewide election harms voters, not elections officials responsible for the canvass. The punishment is not reasonably related to the purported "offense."
- As with previously noted aspects of the bill, the 72-hour rule suffers from a vagueness that makes it unworkable. For example, it does not indicate when the 72-hour clock begins to tick. Election deadlines normally follow an [Election Day plus/minus number of days](#) format.

AB 25 is a stark effort to disenfranchise voters and cause chaos in California's elections. It goes against founding principles of the League of Women Voters of California - to foster civic engagement, fair elections, and equitable access to the ballot box. We must therefore respectfully oppose AB 25 and urge a firm and resounding No vote by members.

Sincerely,



Dora Rose
Deputy Director