

Date of Hearing: May 13, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 554 (Mullin) – As Introduced February 23, 2015

SUBJECT: Elections: precinct board members.

SUMMARY: Authorizes an elections official to appoint a pupil, who is a lawful permanent resident of the United States (U.S.), to serve as a precinct board member. Specifically, **this bill** provides that a pupil who is a legal permanent resident may be appointed to serve as a precinct board member if the pupil otherwise possesses the qualifications required for a pupil to serve as a precinct board member.

EXISTING LAW:

- 1) Provides that in order to provide for greater awareness of the election process, the rights and responsibilities of voters, and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, an elections official may appoint no more than five pupils per precinct to serve under the direct supervision of precinct board members designated by the elections official. Prohibits a pupil appointed to serve as a precinct board member from tallying votes. Provides that a pupil may be appointed, notwithstanding his or her lack of eligibility to vote, subject to the approval of the governing board of the educational institution in which the pupil is enrolled, if the pupil possesses the following qualifications:
 - a) Is at least 16 years of age at the time of the election for which he or she is serving as a member of the precinct board;
 - b) Is a U.S. citizen or will be a citizen at the time of the election for which he or she is serving as a member of the precinct board;
 - c) Is a pupil in good standing attending a public or private secondary educational institution; and,
 - d) Is a pupil who has a grade point average of at least 2.5 on a 4.0 scale.
- 2) Requires elections officials to make reasonable efforts to recruit elections officials who are fluent in a language if three percent or more of the voting age residents in any precinct are fluent in that language and lack sufficient skill in English to vote without assistance. Requires the elections official, at least 14 days before an election, to prepare a publicly accessible list of the precincts to which bilingual officials were appointed in order to provide language assistance to those voters lacking sufficient skills in English.
- 3) Requires each precinct board to post, in a conspicuous location within the polling place, at least one copy of the ballot with ballot measures and ballot instructions printed in Spanish in counties where the Secretary of State (SOS) has determined it is appropriate. Requires the ballot to be posted in other languages if a significant and substantial need is found by the SOS.

FISCAL EFFECT: This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

1) **Purpose of the Bill:** According to the author:

In 2013 the Legislature passed AB 817 (Bonta), which was signed into law by Governor Brown, to allow legal permanent residents to serve as poll workers in California. The bill did not, however, similarly amend the section of law that allows high school students who are at least 16 years of age to serve as poll workers. AB 554 fixes this oversight by allowing high school students who are legal permanent residents to serve as poll workers in California elections.

This change is critical because elections officials have experienced a shortage of poll workers who can speak languages other than English. With over 2.6 million eligible voters in California who are not yet fully proficient in English, this poses a problem for elections officials who are charged with ensuring all voters have access to the polls. By further expanding the pool of bilingual poll workers to include high school students who are legal permanent residents, AB 554 helps address this issue.

Additionally, the bill provides an educational opportunity for high school-aged legal permanent residents who want to learn about the United States' democratic process, a privilege that already exists for legal permanent residents who are over 18. This opportunity is especially relevant for high school students, as they are already learning about government in civics classes. AB 554 would provide high school-aged legal permanent residents the opportunity to experience American democracy firsthand, potentially inspiring them to become naturalized voting citizens in the future.

2) **Student Precinct Board Members:** Under existing law a high school student may serve as a precinct board member, despite his or her lack of eligibility to vote, as long as the student is 16 years of age at the time of the election, a U.S. citizen at the time of the election and is enrolled and attending school with a grade point average of at least 2.5. County elections officials are permitted to recruit up to five student poll workers for each precinct.

In 2013 the Legislature passed AB 817 (Bonta), Chapter 162, Statutes of 2013, which authorizes elections officials to recruit and appoint someone who is a legal permanent resident, and otherwise eligible to register to vote except for his or her lack of U.S. citizenship, to serve as a precinct board member.

This bill seeks to provide for additional precinct board members who are bilingual by allowing elections officials to appoint students who are legal permanent residents to serve as precinct board members.

3) **Standard for Bilingual Precinct Workers:** Existing law requires an election official to make reasonable efforts to recruit precinct workers who are fluent in a language where three percent or more of the voting age residents in the precinct are fluent in that language and lack sufficient skill in English to vote without assistance. Existing law additionally requires each precinct board to post a copy of the ballot in a language other than English at the polling place if the SOS determines that the number of residents of voting age in the precinct who

are members of a single language minority and who lack sufficient skills in English to vote without assistance equals three percent or more of the voting age residents in the precinct.

- 4) **Language Assistance:** Under the federal Voting Rights Act, a jurisdiction must provide language assistance when an elections official finds that at least five percent of the total voting age citizens are of a single language group or number at least 10,000 and the rate of English illiteracy is above the national average. Assistance includes the translation of written materials, oral assistance at poll sites and the mailing of a translated sample ballot and statewide voter guide upon request of the voter.

Under California statute, a county must provide language assistance in election precincts where the SOS determines a need exists. This is determined when the number of limited English speaking, voting-age residents from a group reaches three percent of the total voting-age residents in a precinct. State provisions require the elections officials to translate the ballot and related instructions and to post the translated materials at those precincts. Elections officials are also required to make reasonable efforts to recruit bilingual poll workers.

- 5) **Argument in Support:** In support of the bill, Asian Americans Advancing Justice - Sacramento writes:

Many voters in California are not yet fully proficient in English and encounter difficulty participating in the electoral process without language assistance. Over 2.6 million eligible voters are limited English proficient (LEP), including over 47% of eligible voters who are naturalized citizens. To address this, the Federal Voting Rights Act and state law require jurisdictions across the state to provide language assistance to communities with large numbers of LEP individuals. In total, 56 counties currently have language obligations under federal and/or state law.

This assistance includes the recruitment of bilingual individuals to serve as poll workers on Election Day. Many LEP voters rely on bilingual poll workers to navigate the voting process. However, for large counties or counties with new language obligations, the task of recruiting sufficient numbers of bilingual poll workers can be daunting. For example, Los Angeles County, which provides assistance in nine languages pursuant to federal law, recruited over 9,300 bilingual poll workers for the November 2012 election.

Survey data and poll monitoring observations confirm LEP voters' heavy reliance on language assistance and the barriers that LEP voters face when language assistance is unavailable. Exit poll data for the November 2008 election reveal that 60% of Korean American voters in Los Angeles County used some form of language assistance to cast their ballot, and in the November 2004 elections, over 60% of Vietnamese American voters in Orange County relied on language assistance. By the same token, poll monitors deployed in our election protection efforts have witnessed LEP voters struggle with the process of obtaining and filling out a ballot because of the lack of poll workers able to communicate with them. . .

AB 554 is an innovative approach to strengthening the ability of county election officials to provide assistance to LEP voters. Without imposing any mandates, the bill provides counties with an expanded pool of individuals from which they can recruit bilingual poll workers.

- 6) **Previous Legislation:** AB 817 (Bonta), Chapter 162, Statutes of 2013, authorized county elections officials to appoint a person who is lawfully admitted for permanent residence in the U.S., and who is otherwise eligible to register to vote except for his or her lack of U.S. citizenship, to serve as a precinct board member.

AB 1856 (McPherson), Chapter 337, Statutes of 1996, authorized elections officials to appoint not more than two high school seniors to work in a polling place on election day. SB 610 (Escutia), Chapter 530, Statutes of 2003, created a task force to develop uniform training standards for poll workers and increased the maximum number of student poll workers from two to five. AB 2671 (Salinas), Chapter 576, Statutes of 2006, deleted the restriction that a student must be a senior to work as a member of a precinct board.

REGISTERED SUPPORT / OPPOSITION:

Support

Asians and Pacific Islanders for LGBT Equality
Asian Americans Advancing Justice - Sacramento
California Association of Clerks and Elections Officials
California Immigrant Policy Center
National Association of Latino Elected and Appointed Officials - Educational Fund
Santa Clara County Board of Supervisors
Southeast Asia Resource Action Center
Southwest Center for Asian Pacific American Law
Thai Community Development Center

Opposition

None on file.

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