

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Evan Low, Chair

AB 674 (Low) – As Amended March 21, 2017

SUBJECT: Election day holiday.

SUMMARY: Makes the first Tuesday after the first Monday in November of each year in which a statewide or national election is held a state holiday. Specifically, **this bill:**

- 1) Provides that the first Tuesday after the first Monday in November in any even-numbered year is a holiday in the state. Provides that all state employees are entitled to this holiday.
- 2) Requires public schools to be closed on the first Tuesday after the first Monday in November in any even-numbered year. Provides that probationary and permanent school employees that are a part of the classified service are entitled to a paid holiday on that day, as specified.
- 3) Requires community colleges to be closed on the first Tuesday after the first Monday in November in any even-numbered year. Provides that probationary and permanent school employees that are a part of the classified service are entitled to a paid holiday on that day, as specified.
- 4) Provides that regional centers shall not compensate a work activity program, activity center, adult development center, behavior management program, social recreation program, adaptive skills trainer, infant development program, program support group (day service), socialization training program, client/parent support behavior intervention training program, community integration training program, community activities support service, or creative arts program on the first Tuesday after the first Monday in November in any even-numbered year.
- 5) Makes corresponding changes.

EXISTING LAW:

- 1) Provides that the holidays in the state are:
 - a) Every Sunday.
 - b) January 1.
 - c) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."
 - d) February 12, known as "Lincoln Day."
 - e) The third Monday in February.

- f) March 31, known as "Cesar Chavez Day."
 - g) The last Monday in May.
 - h) July 4.
 - i) The first Monday in September.
 - j) September 9, known as "Admission Day."
 - k) The fourth Friday in September, known as "Native American Day."
 - l) The second Monday in October, known as "Columbus Day."
 - m) November 11, known as "Veterans Day."
 - n) December 25.
 - o) Good Friday from 12 noon until 3 p.m.
 - p) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.
- 2) Designates holidays on which community colleges and public schools are required to close.
 - 3) Entitles state employees, with specified exceptions, to be given time off with pay for specified holidays.
 - 4) Designates optional bank holidays.
 - 5) Prohibits an election from being held on the day before, the day of, or the day after, a state holiday.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

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

In 2014, California saw historically low voter turnout, with just 25% of registered voters participating in the primary, and just 42% of registered voters participating in the general election. According to a study from the Pew Research Center, work and school conflicts were the most common reason cited by eligible voters who did not vote in 2014. This is a particular problem for low income communities who face financial roadblocks to taking unpaid time off to vote.

While state law allows Californians to take up to two hours off from work, without loss of pay, to cast a ballot, the state can do more to help facilitate voter participation. Observing a state holiday on election day would eliminate work and school conflicts that many voters face.

AB 674 ensures Californians will have the time and opportunity to vote by making the day of statewide general elections in November of even-numbered years a state holiday. AB 674 demonstrates California's strong and unwavering commitment to democracy by eliminating barriers to voter participation and ensuring that the electoral process is open and accessible to all voters.

- 2) **Too Busy to Vote:** According to the Census Bureau, 28% of registered voters who failed to vote in the 2014 elections said they were too busy to vote. The Pew Research Center found work or school conflicts to be the most common reason cited by eligible voters who did not cast a ballot in 2014. Among those who were registered to vote but chose not to, more than two-thirds gave reasons related to lack of time: 35% had work or school conflicts and 34% were too busy, ill, out of town, or simply forgot.

To address this problem, California law requires that employers give voters time off for the purpose of casting a ballot under certain circumstances. Specifically, Elections Code Section 14000 requires that voters who do not have sufficient time to vote at a statewide election outside of working hours must be given up to two hours off with pay.

- 3) **National Commission on Election Reform (NCER):** In 2001, the NCER, co-chaired by former Presidents Jimmy Carter and Gerald Ford, included establishing an election day holiday as one of their bipartisan policy recommendations to help ensure a more effective and fair democratic process in elections. Specifically, the Commission's report recommended that "Congress should enact legislation to hold presidential and congressional elections on a national holiday." The report suggests that holding elections on a holiday will make voting easier for some workers. Additionally, it concluded that an election day holiday could increase the availability of poll workers and suitable polling places. The report further noted that an election day holiday could allow more students to serve as poll workers, since they would be less likely to have conflicts with classes, and could make more public buildings, especially schools, available for use as polling places.
- 4) **States with an Election Day Holiday:** Currently, fourteen states – Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Montana, New Jersey, New York, Rhode Island, West Virginia, and Wisconsin – and the territory of Puerto Rico, make election day a holiday.
- 5) **Cesar Chavez Day:** SB 984 (Polanco), Chapter 213, Statutes of 2000, established a paid holiday on March 31st of each year for state employees to celebrate the memory of Cesar Chavez. This was the most recent addition of a paid state holiday. At the time that SB 984 was being considered by the Legislature, the new holiday had an estimated annual cost of about \$34 million for one pay day for state employees, and an additional \$12.5 million annually to pay overtime for mandatory post positions, such as those in 24-hour state facilities. The purpose of SB 984 was to formally recognize the efforts of civil rights activist and labor leader Cesar Chavez, the founder of the United Farmworkers Union, by providing a

paid holiday for state employees on the anniversary of his birth every year.

Unlike the Cesar Chavez Day holiday, which is observed annually, the election day holiday that is proposed by this bill would be observed only once every two years.

- 6) **Is a State Holiday Sufficient?** AB 674 mandates a holiday for state employees, schools, and community colleges only. As is the case with other public holidays such as Presidents Day, private employers set their own policies about whether to offer their employees a paid day off.

The author of this bill notes that although it does not require private businesses to close, with the state leading by example, employers could be encouraged to give their employees the day off to ensure that their employees are able to vote. The author further notes that the Wall Street Journal reported that a group of more than 320 companies joined forces to give their employees the day off for the last presidential general election in order to facilitate voting by their employees.

- 7) **Previous Legislation:** This bill is similar to AB 2634 (Torrico) of 2008, which proposed to make the first Tuesday after the first Monday in November of each year in which a statewide or national election is held a state holiday. AB 2634 was approved by this committee, but failed to pass in the Assembly Committee on Governmental Organization.
- 8) **Double-Referral:** This bill has been double-referred to the Assembly Committee on Governmental Organization.

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union of California
Asian Americans Advancing Justice – Asian Law Caucus
Asian Law Alliance
Associated Students of the University of California
Berkeley City Council
California Labor Federation
California Professional Firefighters
FairVote California
Service Employees International Union

Opposition

None on file.

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