

Date of Hearing: March 22, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Evan Low, Chair

AB 939 (Low) – As Introduced February 16, 2017

SUBJECT: Elections: precincts: postings.

SUMMARY: Requires the copies of the roster of registered voters for a precinct that are posted at the polling place to be listed by street address in numerical order.

EXISTING LAW:

- 1) Requires the precinct board at a polling place, before opening the polls, to post at least two copies of the index to the affidavits of voter registration for the precinct. Provides that copies of the index *may* be by street address in numerical order.
- 2) Requires a member of the precinct board to mark, on one of the copies of the index to the affidavits of voter registration that is posted at the polling place, the name of each person who has voted by drawing a line through the name of the voter, as specified. Requires the names of voters who have cast a ballot to be marked off at least once each hour until 6 p.m.
- 3) Makes it a misdemeanor for a person to remove, tear, mark, or otherwise deface any voter index with the intent to falsify or prevent others from readily ascertaining the name, address, or political party preference of any voter, or the fact that a voter has or has not voted.

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

COMMENTS:

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

Under existing law, a roster of the voters who are registered to vote in a precinct is required to be posted at the polling place for that precinct, and is updated through the day by poll workers to identify those voters who have already cast a ballot. These copies of the voter registration index are designed to ensure that the public, including election observers and others involved in voter mobilization and outreach activities, can determine the names and addresses of voters in the precinct, and whether or not each voter has voted.

Last November, election observers reported that an increasing number of counties produced public copies of the voter registration indexes that were listed in an order other than by street addresses in numerical order. These changes in the format of polling place rosters made it more difficult to effectively and efficiently identify voters who had not yet cast ballots. As a result, those changes hampered the efforts of individuals and organizations to mobilize voters and improve voter participation.

AB 939 requires that copies of the indexes of registered voters that are posted at polling places be listed by street address in numerical order. This will better enable groups and individuals involved in voter mobilization and outreach to identify registered voters who have not yet voted, and to focus their efforts on getting those voters to the polls.

- 2) **Polling Place Rosters:** Since at least the 1870s, California law has required elections officials to publicly post copies of the list of registered voters at polling places on election day. The posting of these rosters serves as a public record of the individuals who are eligible to vote in that precinct on election day. Since 1933, poll workers have been required to update those lists at least once per hour on election day by crossing out the names of the individuals who have voted. Individuals and organizations that are involved in voter mobilization and turnout efforts often rely on these updates of the polling place roster to identify those voters who have already cast a ballot, thereby allowing those individuals and organizations to focus their efforts on turning out voters who have not yet cast a ballot.

As detailed below, last year the Legislature approved and the Governor signed legislation that will permit counties to open vote centers in lieu of operating polling places at elections, among other provisions. While voters generally are assigned to vote at a particular polling place at an election, voters would have the option of voting at any vote center within the county in which they are a resident. As a result, the practice of posting rosters of registered voters at vote centers likely will be impractical in most situations. In order to ensure that there continues to be a public record of registered voters and to ensure that individuals and organizations that are involved in voter mobilization and turnout efforts can get information about the individuals who have already cast a ballot in an election, counties that operate vote centers in accordance with that legislation will be required to maintain electronic indexes of voters, which are required to be updated continuously during the time that vote centers are open.

- 3) **Previous Legislation:** AB 1020 (Ridley-Thomas), Chapter 728, Statutes of 2015, repealed a requirement that copies of the roster of registered voters that are posted at the polling place had to be listed by street address in numerical order if the county used "tabulating equipment" to produce the roster. Because elections officials stopped using tabulating equipment to maintain voter registration records many years ago, this obsolete language was repealed, and instead state law was amended to permit rosters to be posted by street address in numerical order.

SB 450 (Allen), Chapter 832, Statutes of 2016, permits counties to conduct elections in which every voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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