

Date of Hearing: July 15, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

SB 450 (Allen) – As Amended July 7, 2015

**SENATE VOTE:** (vote not relevant)

**SUBJECT:** Elections: all-mailed ballot elections.

**SUMMARY:** Permits counties, beginning in 2018, to conduct elections in which every voter is mailed a ballot and vote centers and ballot dropoff locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions.

Specifically, **this bill:**

- 1) Permits a county, on or after January 1, 2018, to choose to conduct elections where all voters are mailed a ballot and where vote centers and ballot dropoff locations are available prior to and on election day, in lieu of operating polling places for the election, subject to the following conditions:
  - a) Requires the elections official, no later than 29 days before the election, to mail a vote by mail (VBM) ballot packet, including a return envelope with instructions for the use and return of the ballot, to every registered voter who is eligible to vote in the election.
  - b) Requires the elections official to deliver all of the following to each voter, with either the sample ballot or with the VBM ballot packet:
    - i) A notice, translated in all languages required for the jurisdiction under state and federal law, that informs voters of all of the following:
      - (1) An all-mailed ballot election is being conducted and each eligible voter will be issued a ballot by mail;
      - (2) The voter may cast a ballot in person at a vote center during specified days and times; and,
      - (3) The voter may request the elections official, no later than seven days before the date of the election, to send a ballot in a language other than English if such ballots are available pursuant to federal law, or a facsimile copy of the ballot printed in a language other than English if such copies are required pursuant to a specified provision of state law.
    - ii) A list of the ballot dropoff locations and vote centers established pursuant to this bill, including the dates and hours they are open. Additionally requires this list to be posted in an accessible format on the Internet Web site of the county elections official.

- iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a ballot in a language other than English.
- c) Provides that a "ballot dropoff location" consists of a secure, accessible, locked ballot box able to receive voted ballots. Requires the elections official to provide ballot dropoff locations that comply with the following:
  - i) All dropoff locations are open at least during regular business hours beginning not less than 28 days before the election, and on the date of the election;
  - ii) For regularly scheduled elections:
    - (1) There is at least one dropoff location provided for every 15,000 registered voters, with not fewer than two dropoff locations; and,
    - (2) At least one dropoff location includes an accessible, secured, exterior drop box that is available for a minimum of 12 hours a day including regular business hours.
  - iii) For special elections, at least one dropoff location is provided for every 15,000 registered voters, with at least one dropoff location located within the jurisdiction where the special election is held.
- d) Provides that a "vote center" is a location where a voter can do any of the following:
  - i) Return, or vote and return, his or her VBM ballot;
  - ii) Register to vote, or update the voter's registration, and vote, as specified;
  - iii) Receive and vote a provisional ballot, as specified;
  - iv) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the elections official; and,
  - v) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.
- e) Requires vote centers to comply with the following requirements:
  - i) To be at accessible locations as near as possible to established public transportation routes.
  - ii) To have an electronic mechanism, which is not connected to the voting system, with which the elections official can immediately access the following voter registration data:
    - (1) Name;

- (2) Address;
  - (3) Date of birth;
  - (4) Language preference;
  - (5) Party preference;
  - (6) Precinct; and,
  - (7) Whether or not the voter has been issued a VBM ballot and whether or not a ballot has been received by the elections official.
- iii) To comply with the following language accessibility requirements:
- (1) Assistance is provided in all languages required in the jurisdiction pursuant to state and federal law, in a manner that enables voters of applicable language minority groups to participate effectively in the electoral process.
  - (2) Information is posted regarding the availability of language assistance in English and any other languages required in the jurisdiction under state and federal law.
  - (3) If a vote center is located in or adjacent to a precinct, census tract, or other defined geographical subsection identified in establishing language requirements under state or federal law, or identified as needing language assistance through the public input process established by this bill, the vote center is staffed by election board members who speak the required language. If the elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance are provided.
  - (4) Translated election materials are provided in all languages required in that jurisdiction under state or federal law.
- iv) To comply with the following disability accessibility requirements:
- (1) Reasonable modifications and auxiliary aids and services are provided as required by the federal Americans with Disabilities Act (ADA).
  - (2) Comply with the accessibility requirements for polling places that are contained in the Elections Code, and with the accessibility requirements of the federal ADA, the federal Help America Vote Act (HAVA), and the federal Voting Rights Act (VRA).
  - (3) Are equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and

independently, as specified.

- f) Requires the number of vote centers, and the dates and times that those vote centers are available, to comply with the following:
  - i) Vote centers are open on the following days and hours:
    - (1) For the 10 days prior to election day, not less than eight hours each day; and,
    - (2) On election day, from 7 a.m. to 8 p.m.
  - ii) At least the following number of vote centers are established by the elections official:
    - (1) At a regularly scheduled election:
      - (a) For the 10 days prior to election day, one vote center for every 30,000 registered voters, but not fewer than two vote centers; and,
      - (b) On election day, one vote center for every 15,000 registered voters, but not fewer than two vote centers.
    - (2) At a special election:
      - (a) For the 10 days prior to election day, one vote center for every 60,000 registered voters provided, however, that in jurisdictions with fewer than 30,000 registered voters, the elections official is only required to make a reasonable effort to establish a vote center; and,
      - (b) On election day, one vote center for every 30,000 registered voters provided, however, that in jurisdictions with fewer than 30,000 registered voters, the elections official is only required to make a reasonable effort to establish a vote center.
  - iii) Requires vote centers at a regular election to be located in the jurisdiction where the election is being held. Requires the elections official, at a special election, to make a reasonable effort to locate at least one vote center in the jurisdiction where the election is being held.
- g) Provides that the requirements for eligibility and composition of precinct boards at polling places generally apply for election boards at vote centers, except as otherwise specified.
- h) Requires that a method be available to request and deliver a blank VBM ballot and, if a replacement ballot is necessary, a blank replacement ballot, that voters with disabilities can mark privately and independently.
- i) Requires the elections official, upon request, to provide written voting materials in an accessible format to voters with disabilities.

- j) Requires the elections official to develop a plan for the administration of elections pursuant to this bill.
  - i) Requires a draft plan for the administration of vote centers to be developed in consultation with the public, which shall include, but not be limited to, the following:
    - (1) One meeting, publically noticed 10 days prior to the meeting, that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under state and federal law; and,
    - (2) One meeting, publically noticed 10 days prior to the meeting, that includes representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.
  - ii) Requires the elections official, when developing the administration plan, to consider the following:
    - (1) The proximity of vote centers and dropoff locations to all of the following:
      - (a) Public transportation;
      - (b) Communities with historically low VBM usage;
      - (c) Population centers;
      - (d) Language minority communities; and,
      - (e) Voters with disabilities.
    - (2) Access to accessible and free parking at vote centers and dropoff locations.
    - (3) Distance and time a voter must travel by car or public transportation to a vote center and dropoff location.
    - (4) Availability of alternate methods for voters with disabilities for whom VBM ballots are not accessible to cast a ballot.
    - (5) Traffic patterns near vote centers and dropoff locations.
    - (6) Availability of mobile voter centers.
  - iii) Requires the county elections official to provide public notice of the draft plan and to accept public comments on the draft plan for a period of 14 days. Requires the elections official, following the public comment period, to hold a public meeting, noticed 10 days in advance, as specified, to consider the draft plan and public

- comments.
- iv) Permits the elections official to amend the draft plan after the consideration of the public comments. Requires the elections official to publicly notice the amended draft plan and accept public comments for a period of 14 days. Permits the elections official to adopt a final plan following this 14 day public comment period.
  - v) Requires auxiliary aids and services to be provided upon request at any public meeting held for the development of the administration plan in order to ensure effective communication with people with disabilities.
  - vi) Requires the elections official to hold additional public meetings to consider revising the plan, subject to the requirements outlined above, not more than two years after the adoption of the first plan, and every four years thereafter.
  - vii) Permits an elections official to amend a plan for the administration of elections under this bill as follows:
    - (1) In the last 120 days before an election held pursuant to this bill, the plan may be amended with reasonable public notification; and,
    - (2) If it is more than 120 days before an election held pursuant to this bill, the plan may be amended with reasonable public notification after a 30 day period during which public comments are accepted on the amended plan.
  - viii) Requires the administration plan developed pursuant to this process to include all of the following:
    - (1) A description of how the elections official will use the media, including social media, newspapers, radio, and television, that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
    - (2) A description of how the elections official will have a community presence to educate voters regarding the provisions of this bill.
    - (3) A description of accessible information that will be publicly available on the elections official's website.
    - (4) A description of how the elections official will educate and communicate the provisions of this bill to the public, including but not limited to:
      - (a) Communities for which the county is required to provide voting materials and assistance in a language other than English under state and federal law; and,

- (b) The disability community including organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.
- (5) A description of how a voter with disabilities may request and receive a blank VBM ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.
- (6) A description of how the elections official will address significant disparities in voter accessibility and participation identified in reports required by this bill.
- (7) Information on the following, to the extent available at the time of publication:
  - (a) The numbers and locations of vote centers and dropoff locations to be established, and an indication of whether dropoff locations are inside or outside;
  - (b) A map with the location of each vote center and dropoff location;
  - (c) Hours of operation for each vote center and each dropoff location;
  - (d) Security and contingency plans to be implemented by the county to do both of the following:
    - (i) Prevent a disruption of the vote center process; and,
    - (ii) Ensure that the election is properly conducted if a disruption occurs.
  - (e) The number of election board staff including bilingual board members and languages spoken;
  - (f) The type and number of accessible voting machines and other related services at each vote center; and,
  - (g) The design, layout, and placement of equipment inside each vote center that protects each voter's right to cast a private ballot.
- k) Requires a toll-free voter assistance hotline to be maintained by the county elections official that is operational no later than 29 days before the date of the election until 5 p.m. on the day after the election. Requires the hotline to provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under state and federal law.
- l) Requires the county elections official to solicit public input about which vote centers should be staffed by election board members who are fluent in a language in addition to English.

- m) Requires the county elections official to provide notice in the sample ballot, in VBM materials, and on the elections official's Internet Web site of the specific language services available at each vote center.
  - n) Requires the elections official to provide at least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
  - o) Requires the elections official to provide at least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under state and federal law for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
  - p) Requires the elections administration plan to be posted in a format that is accessible to persons with disabilities on the websites of the Secretary of State (SOS) and of the county elections official.
  - q) Requires election day procedures to be conducted as provided in existing law, except where otherwise specified.
  - r) Permits the county elections official to provide additional ballot dropoff locations and vote centers beyond the number required by this bill.
  - s) Provides that the return of voted VBM ballots is subject to provisions of existing law that apply to VBM ballots.
  - t) Requires election results from an election that is conducted pursuant to this bill to be reported by precinct.
- 2) Establishes reporting requirements for an election that is conducted pursuant to this bill.
- a) Requires the following reports to be submitted to the Legislature and posted in an accessible format to the website of the SOS or the county elections official, respectively, within six months after the date of the election or before the date of a subsequent election conducted pursuant to this bill, whichever is sooner:
    - i) A report by the SOS to the Legislature regarding the success of the first election conducted pursuant to this bill, including, to the extent possible, the turnout of different populations, including the population categories of race, ethnicity, language preference, age, gender, disability, permanent VBM status, and political party preference; and,
    - ii) A report by each county that conducts an election pursuant to this bill to the Legislature and the SOS with the following information regarding the election:



- (1) Information on the cost to conduct the election;
  - (2) The number of ballots that were not counted and the reasons they were rejected;
  - (3) Voter fraud;
  - (4) Any other problems that became known to the county during the election or canvass; and,
  - (5) The number of votes cast at each vote center.
- b) Requires, whenever possible, that the reports prepared under this bill compare the election to similar elections not conducted pursuant to this bill in the same jurisdiction or comparable jurisdictions.
- 3) Requires the SOS to enforce the provisions of this bill.
- 4) Requires the SOS to establish a task force to review elections conducted pursuant to this bill, and to provide comments and recommendations to the Legislature no later than April 1, 2021. Requires the task force to include, but not be limited to, the following:
- a) County elections officials;
  - b) Individuals with demonstrated language accessibility experience for languages covered under federal law;
  - c) Representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities; and,
  - d) Other experts with demonstrated experience in the field of elections.

**EXISTING LAW:**

- 1) Allows any voter to receive a VBM ballot for an election. Allows a voter who wishes to receive a VBM ballot for every election in which that voter is eligible to vote to become a permanent VBM voter.
- 2) Permits any voter to cast a VBM ballot in person at the office of the elections official beginning on the 29th day prior to an election, until the close of polls on election day. Provides, for the purposes of this provision, that the office of the elections official may include satellite locations.
- 3) Permits, but does not require, elections officials to allow voters to cast VBM ballots prior to an election at their offices or satellite locations on weekends or at times beyond regular office hours.

- 4) Entitles a voter to cast a provisional ballot if that voter claims to be properly registered, but the voter's qualification or entitlement to vote cannot be immediately established.
- 5) Requires the elections official during the official canvass to examine the records with respect to a provisional ballot cast, and provides that if the county elections official can verify the eligibility of the provisional voter, that the provisional ballot shall be counted.
- 6) Permits a voter who is otherwise qualified to register to vote to complete a conditional voter registration, as defined, and to cast a provisional ballot during the 14 days immediately preceding an election or on election day at the office of the elections official. Permits the county elections official to offer conditional voter registration at satellite offices of the county elections official on election day. Provides that these provisions do not become operative until January 1 of the year following the year in which the SOS certifies that the state has a statewide voter registration database that complies with the requirements of HAVA.
- 7) Permits an election to be conducted wholly by mail if the governing body authorizes the use of mailed ballots for the election, the election occurs on an established mailed ballot election date, and the election is one of the following:
  - a) An election in which no more than 1,000 registered voters are eligible to participate;
  - b) An election in a city, county, or district with 5,000 or fewer registered voters that is restricted to the imposition of special taxes, expenditure limitation overrides, or both;
  - c) An election on the issuance of a general obligation water bond;
  - d) An election in one of four specifically enumerated water districts; or,
  - e) An election or assessment ballot proceeding required or authorized by the state Constitution under Proposition 218.
- 8) Authorizes a school district or city with a population of 100,000 or less to conduct an all-mail ballot election to fill a vacancy in a special election.
- 9) Authorizes a district to conduct any election as an all-mailed ballot election on any date other than an established election date.
- 10) Permits San Mateo and Yolo counties, as part of a pilot program lasting through January 1, 2018, to conduct elections on up to three dates as all-mailed ballot elections, subject to certain conditions and reporting requirements.
- 11) Permits San Diego County, as part of a pilot program lasting through January 1, 2020, to conduct a special election to fill a vacancy in the Legislature or in Congress as an all-mailed ballot election, subject to certain conditions and reporting requirements.

- 12) Requires precinct boundaries to be fixed in a manner so that the number of voters in the precinct does not exceed 1,000 on the 88th day prior to the day of election, except as specified.
- 13) Requires an elections official, at least 29 days prior to an election, to designate a polling place for each precinct, except as specified.
- 14) Permits an elections official to consolidate not more than six existing precincts at any election that is not a statewide primary or general election. Requires the polling place used for a consolidated precinct to be located within the boundaries of the consolidated precinct.
- 15) Permits an elections official to make a precinct an all-mailed ballot precinct, for which no polling place is established, if the precinct contains 250 or fewer registered voters.
- 16) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate that is higher than the national illiteracy rate, and the number of United States citizens of voting age in that single language group within the jurisdiction meets at least one of the following tests:
  - a) Numbers more than 10,000;
  - b) Makes up more than five percent of all voting age citizens; or,
  - c) On an Indian reservation, exceeds five percent of all reservation residents.
- 17) Requires the elections official 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 the precinct are fluent in that language and lack sufficient skill in English to vote without assistance.
- 18) Requires, in counties where the SOS has determined it is appropriate, each precinct board to post at least one copy of the ballot with ballot measures and ballot instructions printed in Spanish. Provides that the ballot shall also be posted in other languages if a significant and substantial need is found by the SOS.
- 19) Provides that in determining whether it is appropriate to require a county to post a copy of the ballot at a precinct in a language other than English, the SOS shall find a need to post such translated copies of the ballot if 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.
- 20) Requires the elections official to undertake necessary measures when locating polling places to ensure that polling places meet the guidelines promulgated by the SOS for accessibility by the physically handicapped.
- 21) Requires at least one voting unit at each polling place to provide voters with disabilities the access required under HAVA, as specified.

- 22) Requires, pursuant to HAVA, that voting systems used in an election for Federal office be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.
- 23) Requires, pursuant to the VRA, that any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write, be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.
- 24) Provides, pursuant to the ADA, that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a state or local government.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Amendments:** The author of this bill has proposed two technical amendments to correct drafting errors in the most recent version of the bill. On page 8, line 33, and on page 9, line 4, the word "hearing" should be replaced by "meeting."

Due to upcoming committee deadlines and the Legislature's upcoming recess, committee staff recommends that this bill not be amended in committee today. Instead, if it is the committee's desire to approve this bill with amendments, committee staff recommends that the bill be passed out of committee with the author's commitment to take those amendments subsequent to passage by this committee.

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

California saw historically low voter turnout in 2014. Only 25 percent of all registered California voters cast a ballot in the June primary and only 42 percent participated in the November general election. Los Angeles County – the largest voting jurisdiction in the country – had the lowest turnout among all of California's 58 counties. Fewer than 17 percent of L.A. County voters cast a ballot in the June primary and only 31 percent voted in November. While voter turnout was poor across the entire country in 2014, California ranked an inexcusable 43rd in turnout among the 50 states and District of Columbia.

Since 1960 turnout of registered voters in California off-year general elections has steadily decreased from a high of 79 percent in 1966 to a previous low of 50.5 percent in 2002. Turnout for off-year primary elections since 1960 has also steadily decreased from a high of almost 69 percent in 1978 – when Proposition 13 appeared on the ballot – to a previous low of 33 percent in 2010.

SB 450 is modeled on the very successful way Colorado conducts its elections wherein every voter automatically receives a vote by mail ballot who may then return that ballot by mail or in person at numerous drop-off locations and

innovative vote centers. In lieu of traditional neighborhood polling places, these vote centers are placed in convenient locations all over town and open several days prior to each election. Furthermore, voters can use any vote center or drop-off location in their home county – they are not limited to using the one closest to their residence.

At the vote centers, voters can register to vote, cast a vote, or get a new ballot if they lost or damaged their mail ballot. They are also equipped with accessible voting machines for disabled voters and electronic poll books that interact with the official voter database.

Fully implemented for the 2014 elections, this hybrid system resulted in Colorado achieving one of the highest voter turnouts in the nation. SB 450 will replicate this system in California on a county by county, opt-in basis beginning in 2018.

The language of SB 450 was painstakingly developed with the input of the Secretary of State, county elections officials, and numerous advocates representing all facets of California's very diverse electorate. This effort is evident in the unprecedented lengths to which the bill goes toward accommodating non-English proficient voters and voters with accessibility needs as well as requiring extensive community involvement and voter education.

A majority of our voters are already casting ballots by mail. During the November, 2014 General Election over 60 percent of all voters statewide used a vote by mail ballot. Use of mail ballots in local and special elections is even higher. Furthermore, a recent poll conducted by the Public Policy Institute of California found that 70 percent of California adults favor sending every registered voter a vote by mail ballot.

SB 450 offers the best opportunity to significantly increase voter participation while also saving participating counties money over the current system.

- 3) **Colorado Model of Elections:** As noted in the author's statement above, the provisions of this bill are modeled after the way that Colorado conducts its elections. The essence of Colorado's elections system is that voters may choose to vote at home using a ballot that is mailed to them, or may visit any of the several vote centers within their home county on election day, or on the days leading up to election day, including weekends. The key elements of Colorado's system are as follows:
  - a) Every registered voter is mailed a ballot.
  - b) Voters may mail the voted ballot back to elections officials, or may return it in person to the elections official's office, a vote center, or a designated dropoff location.
  - c) Instead of traditional neighborhood polling places, Colorado provides vote centers which are open 8 to 14 days prior to election day, depending on the type of election. Vote

centers provide all of the following services:

- i) Voter registration through election day;
  - ii) Voting;
  - iii) Provisional voting for anyone who lost their ballot, or who otherwise needs a replacement ballot; and,
  - iv) Accessible voting machines for disabled voters.
- d) In counties with at least 10,000 voters, one vote center is provided for every 30,000 voters during early voting, with a minimum of one vote center, and one vote center is provided for every 15,000 voters on election day, with a minimum of three vote centers. In counties with fewer than 10,000 voters, at least one vote center is provided during early voting, and at least one vote center is provided on election day.
- e) In counties with at least 25,000 voters, at least one stand-alone dropoff location is provided for every 30,000 voters.

Colorado's election system came about through a series of changes over time. Larimer County in Colorado piloted the first use of vote centers in 2003, and in 2004, Colorado's SB 153 established the legal framework permitting the use of vote centers for conducting an election. By the 2006 statewide election, 19 Colorado counties were using election day vote centers.

In 2002, Colorado adopted a no-excuse, permanent absentee voting system under which any voter could sign-up to receive an absentee ballot at any election. By 2008, 50 percent of Colorado voters were signed-up as permanent absentee voters, and in 2009, the Colorado Legislature passed a bill allowing counties to conduct primary elections as all-mail ballot elections. As a result, in 2010, more than two-thirds of Colorado counties conducted the statewide primary election as an all-mail ballot election.

In 2013, the Colorado Legislature adopted and the Governor signed HB 1303, which established the framework under which Colorado's elections are now conducted. HB 1303, among other provisions, authorized voter registration to continue through election day, required that every registered voter be mailed a ballot no later than 22 days before each election, and required county clerks to establish vote centers, as outlined above. Although the changes made by HB 1303 were significant, many Colorado counties and many Colorado voters already had experienced elections conducted using vote centers, and had experienced elections in which every voter was mailed a ballot, as detailed above.

While the provisions of this bill are modeled after Colorado law, California's unique challenges will necessitate policies that differ from the Colorado model in some respects. For example, under the VRA, certain jurisdictions in Colorado are required to provide elections materials and assistance in Spanish, but Colorado counties generally are not required to provide assistance in other languages. By contrast, Los Angeles County is

required to provide language assistance in nine languages other than English. (Los Angeles also chooses to offer bilingual poll worker assistance in another seven languages.) Many other California counties also are required to provide assistance in languages other than English and Spanish. When elections are conducted using polling places, bilingual poll workers can be directed to those areas that have higher residential concentrations of voters who require assistance in a particular language. But in an election system where voters have the option of voting at any vote center countywide, and aren't tied to a specific voting location, it can be more challenging to determine where best to place bilingual election workers.

Other challenges that California likely will face in moving to an election system similar to Colorado's include the state's size (both in terms of population and geography), and the fact that fewer voters and elections officials have familiarity with vote centers and elections in which all voters are mailed a ballot. Overcoming these challenges may require more robust voter education and outreach, and may require other adjustments to the Colorado model. This bill contains many adjustments to the Colorado model in an attempt to address this state's unique challenges.

- 4) **Vote Centers vs. Polling Places:** Vote centers are polling locations at which any registered voter in a county can cast a regular (i.e., non-provisional) ballot, regardless of the voter's precinct. Voters do not need to vote at polling places near their homes, but can vote at any of the vote centers throughout the county.

Vote centers provide greater flexibility to voters in deciding where and when to cast their ballot. The trade-off is that there are considerably fewer physical voting locations in elections using vote centers than in elections using neighborhood polling places. For example, Los Angeles County had 4,684 polling places for the November 2014 general election. By contrast, if Los Angeles County chose to conduct a statewide election pursuant to this bill, it would be required to have 328 vote centers open on election day, and 164 vote centers open for the 10 days before the election. (The county would also be required to have 328 ballot dropoff locations for the 28 days before the election.) This substantial reduction in the number of physical voting locations could significantly increase the distance that some voters have to travel in order to cast a ballot in person.

On the other hand, because vote centers would be open for the 10 days prior to election day, the number of days and hours during which in-person voting is available would increase significantly. Additionally, with vote centers, a voter could have the flexibility to vote near his or her work, or near his or her child's school, if that was a more convenient option. Because of the reduced number of physical voting locations, elections officials would also have greater flexibility to locate vote centers near established public transportation routes and in areas with sufficient parking. (In fact, this bill would require elections officials to take those factors into consideration when deciding where to locate vote centers.)

- 5) **Technical Requirements for Vote Centers:** Because voters have the option of casting a ballot at any vote center in the county, vote centers need to have a system that can provide any eligible voter in the county with the appropriate ballot. While smaller counties that have fewer ballot styles may be able to accommodate that need using pre-printed paper ballots,

vote centers in larger jurisdictions likely will feature electronic voting systems that are pre-loaded with all the ballot types in the county, or ballot-on-demand printers that can produce the appropriate paper ballots as needed.

Additionally, in order to verify the registration of voters, determine the correct ballot type for each voter, and ensure that a voter has not already cast a ballot, vote centers must have a mechanism to verify voter registration information. In most jurisdictions, this requirement is likely to be met through the use of electronic poll books that can communicate with the voter registration database in real-time.

- 6) **VoteCal:** On October 29, 2002, President George W. Bush signed HAVA. Enacted partially in response to the 2000 Presidential election, HAVA was designed to improve the administration of federal elections. Among other provisions, HAVA requires every state to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level. This statewide voter registration list will serve as the official list of eligible voters for any federal election held within the state.

At the time HAVA was approved, California was already using a statewide voter registration system, known as Calvoter, which achieved some of the goals of the voter registration list required by HAVA. However, Calvoter did not satisfy many of the requirements in that law, including requirements that the database be fully interactive and have the capability of storing a complete voter registration history for every voter. Discussions between the United States Department of Justice and the SOS led to the adoption of a memorandum of agreement (MOA) between the two parties. In that MOA, the SOS committed to further upgrades to the Calvoter system to achieve short term interim compliance with the requirements of HAVA, and to complete development and implementation of a longer term solution for replacing the Calvoter system with a new permanent statewide voter registration system. That new permanent system is commonly known as VoteCal.

After a number of delays, the VoteCal system is being developed and is currently in testing. The system is scheduled to be rolled out to five counties later this month as a pilot, and if VoteCal is operating as anticipated, it will then be deployed to the remaining 53 counties in six waves between October 2015 and March 2016. After the final wave is completed, the SOS will certify VoteCal as the system of record for voter registration information in California. The current project schedule provides for that certification to occur by June 2016.

- 7) **Conditional Voter Registration (a.k.a. "Election Day" Registration):** AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits "conditional voter registration," under which a person is allowed to register to vote and vote at the office of the county elections official at any time, including on election day, if certain requirements are met. Conditional voter registration will not go into effect until January 1 of the year following the date that the SOS certifies the operation of VoteCal. Under conditional voter registration, voters will cast provisional ballots which will be counted only if the elections official is able to determine the person's eligibility to vote, as specified.

One of the conditions of this bill would require that conditional voter registration be available



at every vote center. Because counties would not be allowed to operate vote centers pursuant to this bill until 2018, and because VoteCal is scheduled to be fully implemented in 2016, the state law providing for conditional voter registration is expected to be in effect before any elections are conducted under the provisions of this bill.

- 8) **Arguments in Support:** The sponsor of this bill, Secretary of State Alex Padilla, writes in support:

While voter participation was historically low nationwide in 2014, some states maintained stronger participation. For example, Colorado had the 3rd highest voter turnout last year – 56% of their eligible citizens cast a ballot. The state recently enacted numerous reforms to improve election administration. This past May, I travelled to Denver, Colorado to observe their mayoral election and to identify best practices for California. Colorado's recent reforms include sending every voter a ballot nearly a month before Election Day, providing locations to drop off a ballot, replacing polling places with vote centers which any voter in a county may use, providing nearly 2 weeks of early, in-person voting, and allowing for same day voter registration at each vote center.

SB 450 would allow California counties, beginning in 2018, to implement a new election model based on the best practices I witnessed in Colorado:

- Every registered voter will be sent a ballot, which according to the Presidential Commission on Election Administration, can increase "aggregate turnout by two to four percentage points in presidential, midterm, and odd-year elections."
- Replace polling places with vote centers. Voters will be able to go to vote in person at any center in the county, use accessible voting machines, be provided with language assistance, and utilize conditional voter registration.
- Eligible voters, or voters who missed the voter registration deadline, will have access to conditional voter registration (CVR) at every vote center for at least 10 days before Election Day. CVR, which is California's version of same day registration, has the potential to increase voter turnout by up to ten percentage points, according to a report by Demos.
- Voters will be provided with ten days of in-person, early voting. Voters will have 93 hours, including time on weekends, to vote in-person at multiple locations. This year the Public Policy Institute of California (PPIC) found that 30% of infrequent voters said they did not have enough time to vote.
- In addition to vote centers, voters will be able to use ballot drop boxes throughout a county. In Colorado, 72% of voters placed their ballot in a drop box.

SB 450 goes beyond the Colorado reforms:

- Language minorities, protected by the Voting Rights Act, will have access to translated materials and language assistance at every vote center.

- Disabled voters will have access to alternative means of voting so that they may vote privately and independently.
- Vote centers will be required to be near to public transportation.
- County elections officials are encouraged to use mobile voting methods to further increase voting opportunities.
- The public will have a say in the number and the location of vote centers and drop boxes through an open process conducted by county election officials.
- The Secretary of State will establish a taskforce to review and make recommendations for improvements for elections conducted under this legislation.

In support of this bill, the California Nurses Association (CNA) writes:

While recent efforts have been made to increase civic participation in California, voter turnout is still a serious problem. During the 2014 elections, California experienced its lowest voter turnout since [World War II]. California ranks 38th in voter registration and 42nd in voter turnout. CNA strongly supports this effort to modernize our elections and boost election turnout and civic participation....

California is not responding to the changing needs of its citizens. People travel for work and school, oftentimes quite a distance away from their homes. Yet, they are still tied to a polling precinct that offers limited hours of availability and a fixed location that hampers the choice of voters to vote near their work or schools....

[SB] 450 will address the issue of outdated voting technology while giving voters more flexibility in casting their vote.

The California Association of Clerks and Election Officials (CACEO) writes that it "is excited by the interest in modernizing the election paradigm in California and is optimistic about the future and the potential benefits this bill offers the voters of the state. We are particularly pleased with the improvement in voting opportunities this bill provides for voters with disabilities. We believe this bill represents the broadest expansion of options for voters with disabilities of any proposed state elections legislation in many years." While CACEO has a support position, it notes in its letter that the support position "is predicated on the assumption of continued collaboration and dialogue to refine the bill." In particular, CACEO expresses a desire to continue conversations regarding refining the bill to address (1) flexibility for election administrators "to adapt to changing conditions and to function in an agile manner" and (2) a state funding mechanism to deal with the "significant up-front investment costs to implement the provisions of this bill."

- 9) **Arguments in Opposition and Concerns Raised:** Disability Rights California (DRC), which has an "oppose unless amended" position on this bill, writes:

Vote by mail, while useful for some people with disabilities, is currently inaccessible to numbers of voters with disabilities, such as those who are blind,

have manual dexterity disabilities or learning disabilities. As you know, paper ballots are not accessible to people with certain disabilities because they cannot read or mark the ballot unassisted, which means they cannot vote privately or independently as required by the federal Help America Vote Act.

Many people with disabilities who find paper ballots inaccessible would like to vote by mail just like other voters. Maintaining a separate but unequal system runs afoul of the right voters have to vote privately and in secret.

While the bill proposes to mitigate this inequity through alternatives so voters with disabilities can vote privately and independently, it does not go far enough to ensure equal access to the voting process.

To address these concerns, DRC suggests amendments to (1) require counties that opt-in to the vote center model to establish a mobile vote center; (2) provide that the method under this bill for voters with disabilities to mark a VBM ballot privately and independently also be required to allow those voters to *read* the ballot privately and independently; and, (3) include an interactive process for voters with disabilities to request or receive plans or voter information in a specific alternative format.

The California Council of the Blind (CCB), which does not have an official position on the bill, nonetheless raises similar concerns to those raised by DRC. In its letter, CCB indicates that it "can support this bill only if (1) the bill retains the requirement...that counties offer vote by mail ballots that blind and visually impaired voters can privately and independently read and mark before a county may conduct a vote by mail election under the legislation (2) the Legislature takes immediate steps to pass companion legislation that would create vote by mail ballots that blind voters can privately and independently read and mark, and (3) the Legislature clarifies and strengthens certain other accessibility provisions."

The American Civil Liberties Union (ACLU) of California, which has an "oppose unless amended" position on this bill, states:

Allowing every county to adopt a vote center model without first studying, in a more limited way, how California's voters adapt to this model creates grave risk that, despite your intentions, fundamental voting rights will be disregarded, voters will be deterred, and turnout could be suppressed among protected groups. Accordingly, we recommend amending SB 450 to limit the vote center model to a carefully monitored pilot program that will develop best practices to ensure no voter is wrongly excluded. In the alternative, if a larger trial is attempted, SB 450 should impose strict criteria participating counties must meet before being allowed to implement a vote center experiment.

- 10) **Related Legislation:** SB 439 (Allen), which is also being heard in this committee today, would allow elections officials to offer conditional voter registration at satellite offices on days other than election day, and would require the SOS to adopt and publish standards for electronic poll books and ballot on demand printers, as specified.

AB 1020 (Ridley-Thomas), which is pending in the Senate Appropriations Committee, updates various provisions of state law in preparation for the deployment of the federally-mandated VoteCal statewide voter registration database.

- 11) **Previous Legislation:** AB 3024 (Wolk) of 2006, would have authorized Solano County to conduct a pilot project whereby the county elections official would establish vote centers in lieu of polling places in each precinct. AB 3024 was vetoed by Governor Schwarzenegger. In his veto message, the Governor stated that "[w]hile the vote center system may offer some advantages over the current precinct-based voting system, the proposed pilot project would reduce the number of voting locations by 80 percent, and thereby significantly increase the distance that voters would have to travel in order to vote. This burden would fall disproportionately on those who are less mobile, frequently the poor, disabled, and elderly."

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Secretary of State Alex Padilla (sponsor)  
American Federation of State, County and Municipal Employees, AFL-CIO (prior version)  
California Association of Clerks and Election Officials  
California Foundation for Independent Living Centers (if amended)  
California League of Conservation Voters (prior version)  
California Nurses Association (prior version)  
California State Association of Counties  
California Transit Association (prior version)  
Consumer Watchdog  
Sierra Club California (prior version)

**Opposition**

American Civil Liberties Union of California (unless amended)  
Disability Rights California (unless amended)

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