

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

SB 505 (Mendoza) – As Amended April 9, 2015

**SENATE VOTE:** 26-11

**SUBJECT:** Voter Bill of Rights.

**SUMMARY:** Eliminates the requirement that the Voter Bill of Rights (VBOR) be worded as currently specified in code, and instead authorizes the Secretary of State (SOS) to revise the wording as necessary to ensure that the language used is clear and concise and free from technical terms.

**EXISTING LAW:**

- 1) Requires a VBOR be made available in the statewide voter pamphlet to all voters with printed copies supplied by the SOS for conspicuous posting both inside and outside of every polling place. Requires the VBOR to read as follows:
  - a) You have the right to cast a ballot if you are a valid registered voter. (A valid registered voter means a United States (U.S.) citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.)
  - b) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
  - c) You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
  - d) You have the right to cast a secret ballot free from intimidation.
  - e) You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake. If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote-by-mail (VBM) voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on election day.
  - f) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
  - g) You have the right to return a completed VBM ballot to any precinct in the county.
  - h) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
  - i) You have the right to ask questions about election procedures and observe the election process.

- j) You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.
  - k) You have the right to report any illegal or fraudulent activity to a local elections official or to the SOS's office.
- 2) Requires that beneath the VBOR a toll-free telephone number be listed to call if a person has been denied a voting right or to report election fraud or misconduct.
  - 3) Permits the SOS to develop regulations to implement and clarify the VBOR.
  - 4) Requires the VBOR be made available to the public before each election and on election day, at a minimum, as follows:
    - a) Requires the VBOR be printed in the statewide voter pamphlet; and,
    - b) Requires posters or other printed materials containing the VBOR be included in precinct supplies.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

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

Senate Bill 505 would ensure that California's Voter Bill of Rights is provided to voters in plain, accessible language. Pursuant to existing law, the Voter Bill of Rights is provided to voters at every election in the state ballot pamphlet prepared by the Secretary of State. It is also posted inside and outside of all polling places. The Voter Bill of Rights seeks to ensure that voters understand their eligibility to vote, how they can receive help with voting or other polling place problems, their ability to be provided election materials in another language, their rights to be free from intimidation, whether their mail ballot is counted, and more. It also provides a toll free number for reporting denial of voting rights and other potential violations of election law. The original English language version of the Voter Bill of Rights is currently translated into nine languages. An American Sign Language video is also available on the Secretary of State website. Translation of the Voter Bill of Rights is challenging because standards for translation require direct translation of each word and the statutory wording, which is the source for translation, is not written in plain language. When source documents are written in plain language, translation is easier and more effective because the message that needs to be communicated is clearer.

The Secretary of State has limited authority to ensure that election materials are prepared and provided in plain language. SB 505 helps ensure that voters are better informed about

their key electoral rights under state law by formally allowing the SOS to inform voters using plain language text to describe the Voter Bill of Rights.

- 2) **Importance of Using Clear and Concise Wording:** The purpose of the VBOR is to provide California voters with information about their voting rights and the SOS is required to make it available before each election and on election day. Under existing statute, the VBOR must be printed verbatim in the statewide voter pamphlet and on posters or other printed materials included in precinct supplies.

According to data provided by the U.S. Census Bureau nearly 44% of Californians speak a language other than English at home and less than 31% of voting age Californians have completed a Bachelor's degree or higher. Additionally the National Assessment of Adult Literacy suggests that 44% of Americans read at basic or below-basic level. A basic or below-basic level reader may only be able to read short texts with common words or follow simple written instructions.

Surveys completed by the Center for Civic Design (Center) found that the VBOR was surprising popular among non-voters, infrequent voters and new voters who stopped to read it completely and carefully. Participants in the study reported finding the VBOR hard to read and understand – often prompting additional questions about the contents. In their Best Practices Manual for Official Information Guides in California 2015, the Center recommends revising the VBOR to use plain language.

Although the original intention of the VBOR is to provide information to voters, the current provisions use terminology that is difficult for many voters to understand and inadvertently present a challenge to voters who are trying to understand the law as it affects them. This poses a particular obstacle for voters in which English is a second language or whose education stopped at or prior to the twelfth grade.

- 3) **Argument in Support:** In support of the bill, Asian Americans Advancing Justice – Los Angeles, writes:

Language is a significant barrier to voting for many Asian American voters. Nearly one third of all Asian Americans have some difficulty communicating in English. While language assistance is provided to Asian American communities who have reached legally set threshold numbers, many limited English proficient Asian American voters still are not able to access language assistance during elections because their language is yet to be covered. By allowing the [SOS] to convey the [VBOR] in plain English, SB 505 ensures that voters understand their rights to vote. Moreover, by using plain English, the [SOS]'s translation vendors can translate the [VBOR] into terminology that is accessible in all the mandated languages in California.

- 4) **Prior Legislation:** AB 177 (Oropeza), Chapter 425, Statutes of 2003, originally codified the VBOR.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Secretary of State Alex Padilla (Sponsor)  
Asian Americans Advancing Justice – Los Angeles  
California Association of Clerks and Elections Officials  
League of Women Voters of California

**Opposition**

None on file.

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