

INFORMATIONAL HEARING

Subject: Voter Participation and Engagement Among Traditionally Underrepresented Groups

**Wednesday, October 26, 2016, 5:30 p.m.
San Diego State Building
1350 Front Street, Eshleman Auditorium, Sixth Floor
San Diego, CA 92101**

Hearing Overview

Over the last few years, the California Legislature has considered and approved various proposals that were intended to improve voter participation. Those efforts intensified after the historically low voter turnout in California in 2014, when just 25.2% of registered voters participated in the June Primary Election, and just 42.2% of registered voters participated in the November General Election. (Among the population of individuals who are *eligible* to vote in elections, turnout was even lower: just 18.4% of eligible voters cast a ballot in the June Primary Election, and just 30.9% of eligible voters cast a ballot in the November General Election.)

In addition to concerns that low voter participation generally may weaken the stability and legitimacy of democratic government, another significant implication of low voter turnout is that large portions of the state's electorate may be underrepresented in deciding the outcome of elections. Research by a number of organizations, including the Public Policy Institute of California and the California Civic Engagement Project, has found that the California electorate does not reflect the diversity of the state's population as a whole. In particular, communities of color, immigrants, younger individuals, and less-wealthy communities tend to be significantly underrepresented among the electorate. Furthermore, these groups tend to have different policy priorities than groups with higher levels of voter participation, meaning that election results often fail to reflect the priorities of these underrepresented groups.

Last year, this committee held a series of Joint Informational Hearings with the Senate Committee on Elections & Constitutional Amendments in an effort to investigate the causes of the historically low voter turnout in California during the 2014 Primary and General Elections, and to discuss how state and local government should respond. Those hearings helped inform the Legislature's consideration of a number of bills that were enacted during the most recent Legislative Session, and that were designed to improve voter turnout.

In addition to these new efforts to address low voter turnout, a number of bills that were adopted in prior sessions to reduce barriers to voter participation have been on hold until the completion of a new statewide voter registration database. After years of delays, that database—known as VoteCal—was certified last month by Secretary of State Alex Padilla, thereby triggering the implementation of these bills. The attached document outlines in more detail some of the significant measures that the state has considered in an effort to eliminate barriers to voter participation.

As these laws are implemented over the next few years, they will notably change the way that Californians participate in elections. While a major goal of these laws was to improve voter participation, the collective effect that they have may not be known for some time. Furthermore, the manner in which those laws are implemented will have a considerable impact on their effectiveness.

Beyond the broad effects that these laws have on voter participation levels as a whole, the effects of these new laws may vary for different communities. As they are implemented, will these laws help reduce the disparities in voter participation by underrepresented communities? Or will they further exacerbate those disparities, thereby making the California electorate even less representative of the state's diversity?

The purpose of this informational hearing is to examine the measures that the state has adopted to reduce barriers to voting, and consider further policy changes that can improve participation and engagement. In particular, this hearing will focus on steps that can be taken to improve participation by underrepresented voters, including ways in which recent election reforms can be implemented in a manner that reduces disparities in voter participation. Finally, this hearing will provide an opportunity to further consider creative ways that the state may build on recent election reforms in an effort to promote voter participation and engagement.

Recent Efforts to Improve Voter Participation in California

Implemented Election Reforms

• **Improving Voter Registration Opportunities**

- [AB 30 \(Price\) of 2009](#) and [SB 113 \(Jackson\) of 2014](#) permit 16 and 17 year-olds to pre-register to vote. The pre-registration automatically goes into effect when the voter turns 18 years old. These pre-registration laws went into effect last month when Secretary of State Padilla certified California's new statewide voter registration database.
- [SB 397 \(Yee\) of 2011](#) provided for online voter registration, which began in 2012.
- [SB 35 \(Padilla\) of 2012](#) added the California Health Benefit Exchange to the list of public assistance agencies required to provide voter registration opportunities, and codified best practices to improve voter registration at other public agencies.
- [AB 882 \(Gordon\) of 2014](#) streamlines the process for elections officials to collect required information that is missing from a voter registration application in an effort to reduce the number of rejected applications.
- [AB 1817 \(Gomez\) of 2014](#) helps facilitate voter registration on high school campuses.
- [AB 93 \(Weber\) of 2015](#)—the state budget act for the 2015-16 Fiscal Year—included \$2.4 million in funding to improve the voter registration process at the Department of Motor Vehicles (DMV) by integrating the voter registration application with DMV transactions.
- [AB 1020 \(Ridley-Thomas\) of 2015](#) streamlined voter registration updates and voter file maintenance procedures so that voters' registrations are seamlessly updated. This bill went into effect last month when Secretary of State Padilla certified California's new statewide voter registration database.

• **Ensuring that Vote by Mail Ballots are Counted**

- [AB 1805 \(Huffman\) of 2012](#) and [AB 1589 \(Frazier\) of 2014](#) streamlined the process for military and overseas voters to receive a vote by mail ballot electronically in order to ensure that those voters are able to cast their ballots in a timely fashion.
- [AB 1135 \(Mullin\) of 2013](#) expanded the types of records that elections officials may examine when determining the validity of vote by mail ballots, in an effort to reduce the number of vote by mail ballots that are disqualified.
- [SB 29 \(Correa\) of 2014](#) allows vote by mail ballots to be counted if they are cast by election day and received by the elections official no later than three days after the election. Prior to the enactment of SB 29, ballots had to be received by the elections official by the close of the

polls on election day in order to be counted. In 2014, the most common reason that vote by mail ballots were rejected in California was that the ballots arrived after election day.

- [AB 477 \(Mullin\) of 2015](#) allows a voter who failed to sign his or her vote by mail ballot identification envelope to complete and sign an unsigned ballot statement up to eight days after the election in order to have his or her ballot counted. The second most common reason why vote by mail ballots were rejected in California at the 2014 election was due to a lack of a signature on the ballot identification envelope.
- [SB 365 \(Pavley\) of 2015](#) authorizes elections officials to establish vote by mail ballot drop-off locations and establishes best practices for those locations, thereby ensuring that there are secure and convenient locations in which voters may drop off their completed vote by mail ballots.

- **Improving Access to the Electoral Process**

- [AB 817 \(Bonta\) of 2013](#) and [AB 554 \(Mullin\) of 2015](#) sought to improve language accessibility at polling places by increasing the pool of potential bilingual poll workers.
- [AB 149 \(Weber\) of 2013](#) and [SB 1063 \(Block\) of 2014](#) require accurate information about voting rights to be provided to eligible voters who are under the supervision of state and local correctional authorities.
- [SB 362 \(Padilla\) of 2013](#) helps ensure that disaster relief volunteers are not disenfranchised when responding to emergencies that occur around the time of an election.
- [AB 1311 \(Bradford\) of 2014](#) and [SB 589 \(Block\) of 2015](#) protect the voting rights of adults who are in conservatorships.
- [AB 683 \(Low\) of 2015](#) established a Voting Accessibility Advisory Committee within the Secretary of State's office to make recommendations related to improving the accessibility of elections for voters with disabilities.
- [AB 1443 \(Chau\) of 2015](#) established a Language Accessibility Advisory Committee within the Secretary of State's office to make recommendations on best practices to address language accessibility needs of voters.
- [SB 366 \(Nguyen\) of 2015](#) facilitates the preparation and availability of translated election materials by expanding the list of entities that are permitted to prepare such translations.

Forthcoming Election Reforms

• **Further Voter Registration Improvements**

- [AB 1436 \(Feuer\) of 2012](#) and [SB 439 \(Allen\) of 2015](#) permit an eligible person to register to vote and vote at the office of the county elections official and other locations designated by the elections official at any time, including on election day, as specified. Implementation of election day voter registration was delayed until the completion of a new statewide voter registration database. Now that the database is complete, election day registration will go into effect beginning January 1, 2017.
- [AB 1461 \(Gonzalez\) of 2015](#) provides for every person who has a driver's license or state identification card and who is otherwise eligible to be registered to vote, unless that person opts out, as specified. AB 1461 is expected to go into effect in the second half of 2017.
- [AB 2455 \(Chiu\) of 2016](#) requires California's public colleges and universities to establish a process that allows students to register to vote online when enrolling in the institution, beginning July 1, 2018.

• **Modernizing the Electoral Process**

- [SB 450 \(Allen & Hertzberg\) of 2016](#) permits counties to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period of 10 days leading up to election day. Fourteen specified counties are permitted to conduct elections under this system in 2018; the remaining counties may use this system beginning in 2020.

• **Improving Access to the Electoral Process**

- [AB 2252 \(Ting\) of 2016](#) establishes a process for the certification of voting systems that allow a voter with disabilities to electronically receive and mark a vote by mail ballot using a remote accessible system. AB 2252 takes effect on January 1, 2017.
- [AB 2466 \(Weber\) of 2016](#) clarifies that people who have been sentenced to mandatory supervision, post-release community supervision, or a term in county jail due to a low-level felony conviction, do not lose their voting rights. AB 2466 takes effect on January 1, 2017.

• **Increasing Voter Participation in Local Elections**

- [SB 415 \(Hueso\) of 2015](#), seeks to address low turnout in local elections by prohibiting a local government from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections, as specified. SB 415 becomes operative on January 1, 2018, though it gives local jurisdictions until 2022 to change the dates of their elections if certain conditions are met.

Other Proposals to Improve Voter Participation

- **Lowering the Voting Age**

- [ACA 2 \(Mullin\) of 2015](#) sought to place a constitutional amendment on the ballot that would have allowed a person who is 17 years of age, and who would be 18 years old at the time of the next general election, to vote in any intervening primary or special election that occurs before the general election. ACA 2 was approved by this committee on a 4-2 vote, but was never brought up for a vote on the Assembly Floor. Similar proposals have been considered in the Assembly at least four times dating back to 2004, though none of the measures have passed off the Assembly Floor.
- [ACA 7 \(Gonzalez\) of 2016](#) and [AB 2517 \(Thurmond\) of 2016](#) both sought to allow 16- and 17-year-olds to vote in school district elections. Both measures were presented to this committee earlier this year, but neither measure was voted on in the committee.
- Next month, voters in San Francisco will vote on [Measure F](#), a charter amendment that would allow 16- and 17-year-olds to vote in local elections in San Francisco.

- **Non-Citizen Voting**

- Next month, voters in San Francisco will vote on [Measure N](#), a charter amendment that would allow San Francisco residents who are legal voting age and who are the parents, legal guardians, or caregivers for children in the San Francisco Unified School District to vote in elections for the Board of Education, regardless of whether the resident is a United States citizen.