



Informational Hearing

Subject: Voter Participation and Engagement: Strategies for Bridging Gaps and Ensuring Accurate Registration

**Thursday, November 16, 2023, 1:30 PM
State Capitol, Room 437**

Hearing Overview

The Issue

Over the last decade, California has transformed the way that it conducts elections, motivated in part by a desire to improve voter participation. In particular, efforts to address low voter turnout intensified after the 2014 elections, when just 18.4% of eligible voters cast a ballot in the primary election, and just 30.9% of eligible voters cast a ballot in the general election.

Voter participation in statewide elections in California has improved considerably since the 2014 election cycle, and the November 2020 presidential general election saw the highest percentage of eligible California voters to participate in a statewide election since 1952. It would be a mistake, however, to conclude that California no longer has reason to be concerned about voter participation rates. Although participation in recent elections has been considerably higher than in 2014, turnout has also not always been at the record levels seen in 2020. Turnout at last year's gubernatorial primary and general elections, for example, was roughly in line with the average turnout in the state over the last ten gubernatorial elections.

It is also the case that California's electorate does not reflect the diversity of the state as a whole. As a result, large portions of California's population are underrepresented in deciding the outcome of elections. For instance, a recent [analysis](#) of the demographic characteristics of California's voters prepared by the Institute for Governmental Studies at the University of California found that Californians who voted regularly in the last seven

statewide elections are older, and are more likely to be white, college graduates, married, and homeowners than Californians as a whole. By contrast, infrequent voters and non-voters in California are disproportionately younger, single, non-college graduates, renters, and Latinos.

Research by a number of other organizations, including the [Public Policy Institute of California](#), the [Center for Inclusive Democracy at the University of Southern California Sol Price School of Public Policy](#), and the [Latino Policy and Politics Institute at the University of California, Los Angeles](#), similarly finds that communities of color, immigrants, younger individuals, and less-wealthy communities are underrepresented among California's electorate. These demographic groups also tend to have different policy priorities than groups with higher levels of voter participation, meaning that election results can fail to reflect the priorities of these underrepresented groups.

Legislative efforts to reduce barriers to voter participation have been fairly comprehensive, including legislation aimed at improving voter registration and participation rates generally, as well as more targeted bills that have sought to address particular challenges to participation by underrepresented groups.

Efforts to Facilitate Voter Registration and to Ensure Accurate Voter Rolls

In the last 11 years, California has taken numerous steps to reduce barriers to voter registration and to promote more complete and accurate voter registration rolls. Those efforts include, but are not limited to, all of the following:

- [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 by the National Voter Registration Act of 1993 (NVRA) to provide voter registration opportunities, and codified best practices to improve voter registration at other public agencies.
- [AB 30 \(Price\)](#) of 2009 and [SB 113 \(Jackson\)](#) of 2014 permit 16 and 17 year-olds to preregister to vote. The pre-registration automatically becomes effective when the voter turns 18 years old. These pre-

registration laws went into effect in late 2016.

- [AB 1436 \(Feuer\)](#) of 2012 and [SB 439 \(Allen\)](#) of 2015 established a process for an eligible person to register to vote at any time, including on election day. Election day voter registration went into effect in 2017. Subsequent legislation—including [SB 1171 \(Stern\)](#) of 2018, [AB 693 \(Berman\)](#) of 2019, and [SB 72 \(Umberg\)](#) of 2019—has refined the election day voter registration process, and made it more widely available.
- [AB 882 \(Gordon\)](#) of 2014 sought to reduce the number of rejected voter registration applications by establishing a process for elections officials to obtain information that was missing from an application.
- [AB 1461 \(Gonzalez\)](#) of 2015, also known as the California New Motor Voter (NMV) Program, required the Secretary of State (SOS) and the Department of Motor Vehicles (DMV) to implement automatic voter registration for eligible voters, as specified. AB 1461 took effect in April 2018. [AB 1407 \(McCarty\)](#) of 2018 extended that program to include pre-registration of 16 and 17 year olds, and [AB 796 \(Berman\)](#) of 2021 required the SOS to establish a taskforce to evaluate the program and to advise the SOS and the DMV on the effective implementation of the program, among other provisions.
- [AB 504 \(Berman\)](#) of 2019 took steps to standardize voter roll maintenance procedures.
- [AB 2841 \(Low\)](#) of 2022 will help further standardize voter roll maintenance and protect against erroneous voter registration cancellations when it goes into effect. AB 2841 is scheduled to take effect on January 1, 2024.
- In September, Secretary of State Shirley N. Weber, in collaboration with the Shingle Springs Band of Miwok Indians, [designated](#) the Shingle Springs Health & Wellness Center as a voluntary voter registration agency under the NVRA.

Efforts to Improve Voter Participation

In addition to the efforts to reduce barriers to voter registration, the Legislature has also enacted major changes to the state's elections laws motivated, at least in part, by a desire to improve overall voter participation. Recent efforts include the following:

- [SB 29 \(Correa\)](#) of 2014 sought to reduce the number of vote by mail (VBM) ballots that are disqualified by allowing VBM 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.
- [AB 477 \(Mullin\)](#) of 2015 sought to reduce the number of VBM ballots that are disqualified by creating a process for a voter to verify their VBM ballot if the voter failed to sign the ballot return envelope. [SB 759 \(McGuire\)](#) of 2018 created a similar process for verifying VBM ballots in situations where the signature on the ballot return envelope did not match the signature on file for the voter who cast the ballot. [AB 840 \(Quirk\)](#) of 2017, [SB 523 \(McGuire\)](#) of 2019, [SB 503 \(Becker\)](#) of 2021, [AB 1037 \(Berman\)](#) of 2023, and [SB 77 \(Umberg\)](#) of 2023 refined and streamlined these processes. SB 503 also established uniform standards for the review of signatures on VBM ballot return envelopes.
- [SB 415 \(Hueso\)](#) of 2015 sought to address low and unrepresentative voter participation in local elections by prohibiting a local government from holding its regularly scheduled elections on any date other than a statewide election date if doing so in the past resulted in a significant decrease in voter turnout when compared to statewide general elections, as specified.
- [SB 450 \(Allen\)](#) of 2016, also known as the California Voter's Choice Act (VCA) 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. SB 450 additionally requires participating counties to establish a specified number of VBM ballot drop-off locations.
- [AB 1921 \(Gonzalez\)](#) of 2016 gave voters additional options for returning their VBM ballots by allowing a voter to designate any trusted person to return the voter's ballot.
- [AB 837 \(Low\)](#) of 2017 standardized procedures for informing voters who do not have a political party preference of their options for participating in a presidential primary election.

- [SB 511 \(Stern\)](#) of 2017 requires the SOS to make reasonable efforts to promote voter registration to eligible voters, encourage eligible voters to vote, promote pre-registration to eligible citizens, and promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.
- [AB 216 \(Gonzalez Fletcher\)](#) of 2018 requires that return postage be prepaid on VBM ballot return envelopes.
- [SB 207 \(Hurtado\)](#) of 2020 expanded the options for voters to update their political party preferences so that they are able to vote in the presidential primary elections of their choice.
- [AB 860 \(Berman\)](#) of 2020 required that every active registered voter be mailed a ballot for the 2020 general election due to concerns about complications with conducting elections during the COVID-19 pandemic. That policy was extended to elections held in 2021 through the passage of [SB 29 \(Umberg\)](#) of 2021, and was made permanent through the passage of [AB 37 \(Berman\)](#) of 2021. AB 37 also ensures the availability of VBM ballot drop-off locations in all counties.
- [AB 860 \(Berman\)](#) of 2020 and [AB 37 \(Berman\)](#) of 2021 also extended the deadline by which VBM ballots must be received by the elections official in order to be counted, provided that those ballots are mailed by election day. These bills sought to ensure that VBM ballots were not rejected due to delays in mail delivery.
- [AB 759 \(McCarty\)](#) of 2022 seeks to address lower and less representative voter participation in elections for certain county offices by requiring county district attorneys and sheriffs to be elected in presidential election years, instead of gubernatorial election years, beginning with the 2028 presidential primary election.
- [AB 292 \(Pellerin\)](#) of 2023 streamlines the process for voters who do not have a political party preference to participate in presidential primary elections.
- [AB 398 \(Pellerin\)](#) of 2023 makes it easier for voters to get a replacement VBM ballot and [AB 626 \(Pellerin\)](#) of 2023 gives voters additional options for returning their completed VBM ballot.

Targeted Efforts to Address Barriers to Participation by Underrepresented Groups

Finally, the last decade has seen numerous targeted efforts by the Legislature to address barriers to participation that are especially relevant to groups that have traditionally been underrepresented among California's electorate and that face unique challenges to participating in elections. These efforts include all of the following:

- **Addressing Barriers to Participation by Limited English Proficient Voters**
 - [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 multilingual poll workers.
 - [AB 1443 \(Chau\)](#) of 2015 established a Language Accessibility Advisory Committee within the office of the SOS 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.
 - [AB 918 \(Bonta\)](#) of 2017 expanded the availability of translated ballot materials.
 - [AB 57 \(Low\)](#) of 2019 helps ensure that ballots have accurate translations of candidates' names.
 - [AB 1631 \(Cervantes\)](#) of 2022 improved the availability of information about voting locations where language assistance is offered and improved the process for recruiting multilingual poll workers.
- **Addressing Barriers to Participation by Voters with Disabilities**
 - [SB 111 \(Beall\)](#) of 2013 updated the online voter registration process to allow it to be used by a voter who is unable to sign their name due to a disability.
 - [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 required the SOS to establish a Voting Accessibility Advisory Committee to make recommendations related to improving the accessibility of elections for voters with disabilities.
- [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 VBM ballot using a remote accessible system. [AB 1013 \(Low\)](#) of 2018 requires counties to make remote accessible VBM voting available to facilitate participation by voters with disabilities.
- [AB 2841 \(Low\)](#) of 2022 will standardize the process for cancelling the voter registrations of individuals whose mental incompetency have been legally established to ensure consistent application of the law and to protect against erroneous cancellations. AB 2841 additionally will require court and county staff to be trained about laws related to the voting rights of adults who are in conservatorships in an effort to ensure compliance with existing law. AB 2841 is scheduled to take effect on January 1, 2024.
- [SB 504 \(Becker\)](#) of 2022 took steps to ensure that election day registration is available to voters with disabilities.
- [AB 545 \(Pellerin\)](#) of 2023 contains various provisions to facilitate in-person voting by voters with disabilities, and ensures that curbside voting is available at all in-person voting locations.
- [AB 969 \(Pellerin\)](#) of 2023 ensures that elections are conducted using state-certified voting equipment that provides accessible voting as required by state and federal law.
- **Addressing Barriers to Participation by Justice-Involved Individuals**
 - [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.
 - [AB 2466 \(Weber\)](#) of 2016 clarified that people do not lose their voting rights if they are sentenced to mandatory supervision, post-release community supervision, or a term in county jail due to a low-level felony conviction.

- [ACA 6 \(McCarty\)](#) and [AB 646 \(McCarty\)](#) of 2020 restored voting rights to a person who is on parole for conviction of a felony.
- [SB 504 \(Becker\)](#) of 2022 took steps to standardize the procedure for cancelling the voter registrations of individuals who are imprisoned for conviction of a felony, in part to protect against erroneous cancellations.
- **Addressing Barriers to Participation by Young Voters**
 - [AB 1817 \(Gomez\)](#) of 2014 designates “high school voter education weeks” and provides for voter outreach and education activities on high school campuses.
 - [AB 2455 \(Chiu\)](#) of 2016 requires specified public colleges and universities in California to integrate voter registration options into their institutions’ enrollment processes.
 - [AB 2540 \(Mullin\)](#) of 2018 and [AB 59 \(Kalra\)](#) of 2019 facilitate the siting of vote centers and polling places at schools, colleges, and universities.
 - [AB 2815 \(Berman\)](#) of 2022 requires county elections officials to make efforts to locate VBM ballot drop-off locations on public college and university campuses.
- **Addressing Barriers to Participation by Military and Overseas Voters**
 - [AB 1403 \(Obernolte\)](#) of 2017 facilitates voter registration and voting by military and overseas voters who are required to move under official military orders in the days leading up to the election.
 - [AB 1013 \(Low\)](#) of 2018 requires counties to make remote accessible VBM voting available to facilitate participation by military and overseas voters.
 - [SB 504 \(Becker\)](#) of 2022 took steps to ensure that election day registration is available to military and overseas voters.

Effects of California's Policy Changes

Because many different factors affect voter registration and participation rates, it can be challenging to determine the exact impact of California's policy changes on those rates. Nevertheless, it's clear that recent election policy changes in California have considerably altered how voters engage in the electoral process in the state.

Over the past few years, California's voter registration rate, representing the percentage of eligible voters registered to vote, has seen substantial growth. In the first pre-primary [statewide report of registration](#) for the 2024 presidential primary election, reflecting voter registration figures as of October 3, 2023, the SOS estimates that 82.9% of eligible California voters are registered to vote. That's an increase of 12.7% compared to the first pre-primary report of registration for the 2016 presidential primary election. Since October 2019, California's voter registration rate has consistently exceeded 80%. By contrast, between 2000 and 2015, the registration rate fluctuated between 67.3% and 76.7%. (The state's registration rate has declined from a peak of 88.9% in July 2021. It appears, however, that this decrease is primarily due to a revised estimate of the number of eligible voters in California that coincided with the release of updated population figures by the United States Census Bureau.)

The NMV program, in particular, has transformed voter registration in the state. According to a [report](#) released by the SOS last month, the program is responsible for more than 4.2 million new registrations, more than 15.2 million updated voter registrations, and nearly 550,000 new pre-registrations between its launch in April 2018 and the end of 2022. Notably, the program accounted for 80% of the state's voter registration transactions in 2022.

Despite the growth in voter registration over the past decade, however, the state continues to have a sizable population of eligible voters who are not registered to vote. The most recent report of registration prepared by the SOS estimates that there are still more than 4.5 million eligible but unregistered voters in California.

Recent policy changes have also transformed how Californians participate in elections. More than seven of every eight (87.52%) Californians who participated in the 2022 general election voted on a ballot that was mailed to them, a substantial increase from just over half of voters (51.16%) who voted in the 2012 general election. Furthermore, more than three-quarters of Californians now live in counties where elections are conducted pursuant

to the VCA, where in-person voting opportunities are available for 11 days and voters have the flexibility to vote in any vote center in their county.

Research has found that at least one recent policy change – mailing a ballot to every active registered voter – likely boosted overall voter turnout and reduced turnout gaps in recent California elections. Reports from the Public Policy Institute of California in [2021](#) and [2022](#) found that California’s decision to mail a ballot to every active registered voter “likely increased turnout by several percentage points in California” in the 2020 general election, and “has either reduced the turnout gaps between under- and overrepresented groups or had little clear effect.” (The 2022 report also noted, however, that the policy may have worsened turnout gaps in the 2020 primary election, not because it lowered turnout for underrepresented groups, but because those underrepresented communities saw smaller increases in participation than the electorate as a whole.)

Research has found more mixed results for other recently-enacted reforms. For example, a [report](#) issued last month by a coalition of organizations that work to engage California’s underrepresented voters found that the VCA, “has not, to date, been the magic bullet to fix California’s voter participation problems,” and that “voter participation gaps...persist across elections and across VCA and non-VCA counties alike.” Similarly, VCA reports issued by the SOS this month analyzing participation in the [2021 gubernatorial recall election](#) and the [2022 primary election](#) found significant participation gaps in those elections both in VCA and non-VCA counties. The 2022 Public Policy Institute of California report mentioned above concluded that the VCA’s policy of consolidating traditional neighborhood polling places into fewer vote centers “often is negative for communities of color in particular.”

This Hearing

The purpose of this informational hearing is to investigate and discuss gaps in voter participation and engagement in California, and strategies for bridging those gaps and ensuring complete and accurate voter registration rolls. In particular, the hearing will serve as an opportunity to examine the effects of recent electoral reforms, and to evaluate ways that the state can build on or improve those reforms to reduce disparities in voter participation. Finally, this hearing will provide an opportunity to hear from elections officials and voting rights and community organizations about the creative efforts that they have undertaken to promote greater and more equitable voter participation and engagement.