

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 287 (Lackey) – As Introduced January 22, 2025

SUBJECT: Elections: polling places and vote centers.

SUMMARY: Clarifies and expands the requirements of public buildings serving as a polling locations. Specifically, **this bill:**

- 1) Clarifies that the governing body with jurisdiction over a school building or public building serving as a polling location shall instruct their administrator to provide the elections officials with adequate space that includes space for voting operations and storage of associated supplies.
- 2) Requires the district administrator of a school building or public building serving as a polling location to make accessible parking spaces and parking for assisting voters curbside available, if requested by the elections official.

EXISTING STATE LAW:

- 1) Defines a polling place to mean a location where a voter casts a ballot and includes the following terms, as applicable: poll, polling location, and vote center. Provides that a polling place may serve more than one precinct. (Elections Code §338.5)
- 2) Requires an elections official, when designating polling places, to undertake necessary measures in the locating of polling places to ensure that polling places meet the guidelines promulgated by the Secretary of State (SOS) for accessibility by the physically handicapped. (Elections Code §12280)
- 3) Permits a governing body having jurisdiction over school buildings or other public buildings to authorize the use of its buildings for polling places, or for vote centers, beginning up to 10 days before the election and continuing through election day, and to also authorize the use of its buildings, without cost, for the storage of voting machines and other vote-tabulating devices. (Elections Code §12283(b)(1))
- 4) Requires the governing body having jurisdiction over a school building or public building to allow the use of a school building or public building for polling places, or vote centers beginning up to ten days before the election and continuing through election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, if an elections official specifically requests the use of such building. (Elections Code §12283(b)(2))
- 5) Authorizes a governing body having jurisdiction over a school buildings, when allowing use of a school building for polling places or vote centers, to do any of the following:
 - a) Continue school in session, if the governing body identifies to the elections official making the request the specific areas of the school buildings not occupied by school

activities that will be allowed for use as polling places or vote centers.

- b) Designate the day for staff training and development.
 - c) Close the school to students and certificated employees. (Elections Code §12283(b)(3))
- 6) Requires an elections official requesting the use of a school building to include in the official's request a list of the schools from which the use of a building for polling places or vote centers is needed, as specified. (Elections Code §12283(c))
 - 7) Requires the governing body, once a governing body has approved the use of a school building or public building as a polling place or vote center, to instruct the school district or other public administrator to provide the elections official a site with an adequate amount of space that will allow the precinct board or vote center to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and to make internet access available for use by local elections officials, if requested. Requires the district administrator, beginning 10 days before the election and continuing through election day, if requested by the elections official, to make building parking available at no charge to the precinct or vote center board and voters. (Elections Code §12283(d))
 - 8) Requires a public building, including, but not limited to, a building operated by a school district, that is used as a polling place or vote center to comply with applicable federal accessibility requirements. (Elections Code §12283(e))
 - 9) Requires, with certain exceptions, that state-owned buildings, parking lots, and other facilities be made available free of charge for use as polling places. (Elections Code §12284)
 - 10) Permits a voter with a disability to appear outside the polling place and vote a regular ballot. Allows the person to vote the ballot in a place that is as near as possible to the polling place and that is accessible to people with disabilities. Requires a precinct board member to take a regular ballot or ballot marking device to that person, qualify that person to vote, and return the voted ballot to the polling place. (Elections Code §14282(d)(1))
 - 11) Requires signage to be posted outside the polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. Requires the polling place to establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place. (Elections Code §14282(d)(3))

EXISTING FEDERAL LAW:

- 1) Provides, in general, protections to people with disabilities that are similar to protections provided to individuals on the basis of race, color, sex, national origin, age, and religion. Requires state and local governments to ensure people with disabilities have a full and equal opportunity to vote and applies to all aspects of voting, including voter registration, site selection, and the casting of ballots, whether on election day or during an early voting process. (42 U.S.C. §12101 et seq.)

- 2) Requires an elections official to allow a voter who is blind or has another disability to receive assistance from a person of the voter's choice (other than the voter's employer or its agent or an officer or agent of the voter's union). Prohibits conditioning the right to vote on a citizen being able to read or write, attaining a particular level of education, or passing an interpretation test. (52 U.S.C. §10101 et seq.)
- 3) Requires, in general, accessible polling places in federal elections for elderly individuals and people with disabilities. Provides that where no accessible location is available to serve as a polling place, an alternate means of casting a ballot on the day of the election must be provided. Requires states to make available registration and voting aids for disabled and elderly voters, including information by telecommunications devices for the deaf. (52 U.S.C. §20101 et seq.)
- 4) Requires jurisdictions responsible for conducting federal elections to provide at least one accessible voting system for persons with disabilities at each polling place in federal elections. Requires the accessible voting system to provide the same opportunity for access and participation, including privacy and independence, that other voters receive. (52 U.S.C. §21081 et seq.)

FISCAL EFFECT: None. This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author: “We must ensure that Californians with disabilities can fully and equally participate in the electoral process. That means making sure they have accessible parking at polling places and vote centers for curbside voting if they need it. AB 287 is a simple clarifying bill to help guarantee that everyone has an equal opportunity to vote.”
- 2) **Curbside Voting and Previous Legislation:** Voting outside of the polling location (also known as “curbside” voting) enables a voter to have a voting experience outside the voting area when a polling place is not accessible. In other words, under existing law any voter who cannot reach the voting area at the polling place because of architectural barriers or physical limitations may be allowed to vote “curbside.” In practice, voters may use curbside voting from their vehicle or along the path of travel to the voting area. An elections official will qualify the voter, and bring a ballot and any other voting materials the voter may need to cast their ballot privately and independently.

Last session, AB 545 (Pellerin), Chapter 658, Statutes of 2023, expanded access to voters with disabilities by allowing a voter with a disability to vote a regular ballot outside any polling place, regardless of whether the polling place is inaccessible.

- 3) **Public Buildings and Previous Legislation:** In 2018, the Legislature approved and the Governor signed AB 2540 (Mullin), Chapter 343, Statutes of 2018, which authorizes the governing body with jurisdiction over school buildings or other public buildings to allow its buildings to be used as vote centers, in addition to polling places, and provides that the building may serve as a vote center beginning up to 10 days before the election and continuing through election day. Additionally, AB 2540 requires the governing body having jurisdiction over a school building or public building, if an elections official specifically requests the use of the building, to allow for the school or building to be used as a vote center

beginning up to 10 days before the election and continuing through election day, as well as during key dates necessary for dropoff, set-up, and pick-up of election materials, as determined by the elections official. AB 2540 also specifies that a public building, including a building operated by a school district, that is used as a polling place or a vote center to comply with existing federal and state accessibility requirements.

According to previous analyses, “Counties have been using schools, public and state facilities as polling locations for many years because they are ideal locations. These locations are well known in local communities, usually meet [Americans with Disabilities Act (ADA)] requirements for access to voters with disabilities, and have a good infrastructure to accommodate the needs for facilitating an election. With the advent of vote centers, county elections officials now need facilities as ‘polling places’ for up to 10 days rather than the traditional model of one day. Counties are again looking to schools, public and state facilities for the same reasons – location, accessibility and infrastructure – as well as cost because these facilities do not cost counties the same amount to use as a private facility.”

This bill clarifies that a public building or a school building that serves as a polling place or vote center is required to provide adequate storage space that includes storage space for voting operations and associated voting supplies. Additionally, this bill requires a public facility building administrator to make available accessible parking spaces and parking for curbside voting. According to the author and sponsor, this bill ensures a more equitable voting experience for individuals with disabilities and provides local elections officials with the space needed to comply with accessibility laws.

4) **Implementation Concern:** According to Assembly Education Committee staff:

School district governing boards have jurisdiction over the use of school buildings. School districts have long supported the elections process by offering public school sites as polling places, but as written, many school districts report they will be unable to meet the requirements as drafted. Many schools do not have enough parking places for teachers, other school employees, and students, especially at older school sites. If school site polling places were required to make accessible parking available during the 10 day window the requirement could result in the displacement of school personnel and students, particularly those who need accessible spaces during that period. Further, school districts are ready to provide storage space when available, but the school site may lack sufficient usable space for voting operations and storage of associated supplies.

5) **Lawsuit:** In June 2023, a lawsuit was filed following a lengthy investigation that found that Los Angeles County excluded individuals with disabilities from participating in the county’s in-person voting program. The US Attorney’s Office for the Central District of California had surveyed hundreds of polling places in the June 2016, March 2020, November 2020 and November 2022 elections and found the vast majority had architectural barriers, such as steep ramps, abrupt level changes at walkways and entrance doors, and lack of accessible parking. These impediments prevented people with mobility and vision disabilities from being able to safely access vote centers and cast their ballots in person. The lawsuit also alleged that the county’s curbside voting program was inaccessible, as certain vote centers lacked signage indicating that curbside voting was available or failed to provide sufficient means by which a voter could contact an election worker for assistance with curbside voting.

Last year, Los Angeles County reached a settlement agreement with the US Department of Justice (DOJ) to resolve a lawsuit under the ADA to increase accessibility for voters with disabilities. Under the agreement, Los Angeles County will work on site selection policies and procedures to ensure that the County select voting center locations that are accessible or can be made more accessible during the voting period by employing temporary remedial measures. Los Angeles County needs to identify and recruit a minimum of 640 vote centers for each statewide election.

- 6) **Federal Accessible Polling Place Guidance:** Voters cast their ballots in a variety of facilities that temporarily serve as polling places, such as libraries, schools, and fire stations, or churches, stores, and other private buildings. The ADA requires that public entities ensure that people with disabilities can access and use their voting facilities. The US DOJ's Civil Rights Division provides guidance to states, local jurisdictions, election officials, poll workers, and voters on how the ADA and other federal laws help ensure fairness in the voting process for people with disabilities. For instance, US DOJ provides an ADA checklist for polling places which provides guidance to election officials for determining whether a polling place already has the basic accessibility features needed by most voters with disabilities or can be made accessible using temporary solutions, and ballot drop box accessibility guide helps election officials evaluate the accessibility of ballot drop boxes.

An additional US DOJ publication, Solutions for Five Common ADA Access Problems at Polling Places, illustrates suggested temporary solutions for several common problems found at polling places. For example, if a polling place includes parking but no accessible parking spaces, election administrators can create temporary accessible parking by using traffic cones and portable signs to mark off the accessible spaces and access aisles.

Moreover, the US DOJ has expanded the scope of the election day monitoring conducted by Civil Rights Division staff to include assessments of the physical accessibility of polling places. During federal general elections, the DOJ's election day monitors conduct accessibility surveys of hundreds of polling places in many states throughout the country.

- 7) **Secretary of State Accessibility Guidelines:** The SOS, in coordination with the California Department of Rehabilitation, designs Polling Place Accessibility Guidelines to help elections officials ensure polling places are accessible to voters with disabilities to the extent possible. California polling places and vote centers provide voters with disabilities the opportunity to vote their ballot privately and independently. All voting locations are surveyed in advance to ensure they are accessible to voters with disabilities, including accessible voting technology available to all voters; designated accessible parking as close to the voting area as possible; and, curbside voting. In practice, telephone numbers are posted at polling locations informing voters how to contact election workers to let them know the voter requires assistance.
- 8) **Arguments in Support:** In support, Disability Rights California writes:

This bill would improve accessibility by requiring public buildings used as polling places or vote centers to provide parking if requested by elections officials. Public buildings are governmental buildings and public schools. These buildings are often ideal for hosting elections due to space available and

convenient locations. Specifically, AB 287 mandates that, upon request, the facility administrator must make accessible parking spaces and parking for assisting voters curbside available. This ensures that voters who need accessible parking or curbside voting are not deterred from casting their ballots. Additionally, the bill strengthens existing requirements by clarifying that public buildings used for elections must provide adequate space for voting operations and storage of election equipment, which includes ballot-marking devices and other assistive technology used by voters with disabilities.

Ensuring access to parking and curbside voting is essential for voters with disabilities. Curbside voting is now a requirement and there must be adequate space provided at all facilities hosting polling places and vote centers. AB 287 removes long-standing obstacles and strengthens California's leadership in making elections accessible.

- 9) **Previous Legislation:** AB 59 (Kalra), Chapter 554, Statutes of 2019, clarifies for the purposes of a provision of law that require public buildings to comply with an election official's request to use their building for a polling place or a vote center, as specified, that the term "public building" includes a building owned or controlled by the University of California, the California State University, and a community college district.

REGISTERED SUPPORT / OPPOSITION:

Support

Los Angeles County (sponsor)
California Association of Clerks and Election Officials
Disability Rights California

Opposition

None on file.

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