

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 59 (Kalra) – As Amended March 14, 2019

SUBJECT: Elections: polling places: college and university campuses.

SUMMARY: Requires an elections official to designate at least one location on each California State University (CSU) campus within the official's jurisdiction as a vote center or satellite office, as specified, requires an elections official to request the use of University of California (UC) campuses as vote centers and satellite offices, as specified, and encourages the UC to comply with these requests. Specifically, **this bill:**

- 1) Requires an elections official, when developing the draft plan for the administration of elections conducted pursuant to the California Voter's Choice Act (CVCA), to consider, at a minimum, placing a vote center location on a public or private university or college campus that has an annual enrollment of at least 10,000 students.
- 2) Requires a local elections official to designate one location on each CSU campus within the official's jurisdiction as a vote center, if the official's jurisdiction conducts an election pursuant to the CVCA, as specified, or as a satellite office offering conditional voter registration and provisional voting pursuant to existing law for any election called in that jurisdiction. Requires each vote center or satellite office to be accessible to voters with disabilities in accordance with existing law.
- 3) Requires a local elections official to request that the governing body having jurisdiction over any UC campus within the official's jurisdiction to authorize the use of one location on that campus as a vote center, if the official's jurisdiction conducts election pursuant to the CVCA, or as a satellite office offering conditional voter registration and provisional voting pursuant to existing law for any election called in that jurisdiction. Requires each vote center or satellite office to be accessible to voters with disabilities in accordance with existing law. Encourages the UC to comply with a request made pursuant to this bill.
- 4) Requires a local elections official to give preference to locations on California Community College (CCC) campuses and private university campuses with an annual enrollment of at least 10,000 students when selecting the location of additional vote centers and satellite offices. Encourages a private university to comply with a request made by the elections official for the university to authorize the use of one location on that campus as a vote center or satellite office.

EXISTING LAW:

- 1) Permits any registered voter to apply for and receive a vote by mail (VBM) ballot.
- 2) Allows a voter, prior to the close of the polls on election day, to vote a VBM ballot in person at the office of the elections official.
- 3) Permits a local elections official to allow a voter to vote in person at a satellite office prior to the close of the polls on election day.

- 4) Authorizes any county to conduct any election, on or after January 1, 2020, as an all-mailed ballot election if certain conditions are met, including conditions related to ballot dropoff locations, vote centers, and plans for the administration of all-mailed ballot elections.
- 5) Authorizes a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day, as specified.
- 6) Requires county elections officials to offer conditional voter registration and provisional voting at their permanent offices, and permits them to offer this type of registration and voting at satellite offices on election day and other days preceding election day.
- 7) Provides that at all elections, a voter claiming to be properly registered to vote, but whose qualifications to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, is entitled to vote a provisional ballot.
- 8) Declares the intent of the Legislature that voter registration be maintained at the highest possible level.
- 9) Requires the SOS to provide every high school, community college, and CSU and UC campus with voter registration forms annually, as specified.
- 10) Expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote.
- 11) Provides that a properly executed affidavit of voter registration shall be deemed effective upon receipt by the elections official if postmarked or received on or before the 15th day prior to an election to be held in the registrant's precinct.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

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

In an effort to instill college youth with a strong commitment to voting and civic participation, AB 59 prioritizes the placement of vote centers and satellite elections offices on college and university campuses. Many college voters are first-time voters or experience barriers that discourages them from exercising their right to vote, and they need a convenient place to vote or drop-off their ballot, register to vote, and other voter assistance services. AB 59 is in line with the state's commitment to increase voter turnout among our youth by placing vital voter registrar services in high-traffic, central locations for students and broader community.

- 2) **California Voter's Choice Act:** In 2016, the Legislature passed and the Governor signed SB 450 (Allen), Chapter 832, Statutes of 2016, which enacted the CVCA, which permits fourteen specified counties, starting last year, 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. Remaining counties can start using this method of elections in 2020.

Specifically, the CVCA requires, for regularly scheduled elections, one vote center for every 50,000 registered voters from the 10th day to the 4th day prior to the election, and one vote center for every 10,000 registered voters from the 3rd day prior to the election through election day, with no fewer than two vote centers. Additionally, for special elections, current law requires one vote center for every 60,000 registered voters from the 10th day to the day prior to the election, and one vote center for every 30,000 registered voters on election day, as specified.

The CVCA permits Los Angeles County, beginning January 1, 2020, to conduct elections subject to the same conditions that are generally applicable above, except that the county is not required to mail a ballot to every voter and the county must provide, for regularly scheduled elections, one vote center for every 30,000 registered voters from the 10th day to the 4th day prior to the election, and one vote center for every 7,500 registered voters from the 3rd day prior to the election through election day. Additionally, Los Angeles County is required to provide at least one vote center in each city that has at least 1,000 registered voters, as specified.

Additionally, the CVCA requires vote centers to be open for specified minimum hours of operation and requires that a voter be able to return their VBM ballot, register to vote or update voter registration, conditionally register to vote, receive and vote a provisional ballot, receive a replacement ballot, or vote using accessible voting equipment at a vote center. Vote centers must be accessible to voters with disabilities and provide language assistance consistent with current state and federal law.

Five counties (Madera, Napa, Nevada, Sacramento, and San Mateo) all conducted elections under this system last year; the remaining counties may use this system beginning in 2020. According to the SOS, the following counties will be conducting elections next year using this system: Fresno, Los Angeles, Madera, Mariposa, Napa, Nevada, Orange, Sacramento, and San Mateo. Other counties may still choose to join the list of counties conducting elections pursuant to the CVCA in 2020.

- 3) **Criteria for Vote Centers:** The CVCA established detailed criteria for an elections official to consider when developing a plan for the location of vote centers located throughout a county, such as requiring the vote center to be accessible to voters with disabilities; be located near population centers, public transportation, and low-income and language minority communities; and have access to accessible and free parking, as specified, among other considerations. This bill additionally requires an elections official to consider placing a vote center location on a public or private university or college campus that has an annual enrollment of at least 10,000 students.

In addition, this bill explicitly requires an elections official to designate one location on a CSU campus to serve as a vote center. It is unclear whether this requirement would count towards the minimum number of vote centers required to be established under the CVCA or if this vote center would be in addition to the vote centers required by the CVCA.

Additionally, is an elections official required to give preference to placing a vote center at a CSU ahead of the other preferences stated above?

- 4) **Conditional Voter Registration and Previous Legislation:** In 2012, the Legislature approved and Governor signed AB 1436 (Feuer), Chapter 497, Statutes of 2012, which established conditional voter registration, also known as "same-day" registration, in California. Specifically, current law authorizes a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot at the elections official's permanent office during the 14 days immediately preceding an election or on election day. After receiving a conditional voter registration, current law requires an elections official to determine the registrant's eligibility to register to vote and validate the information, as specified. If the conditional voter registration is deemed effective, the registrant's provisional ballot is included in the official canvass. Conditional voter registration went into effect on January 1, 2017, after the SOS certified VoteCal, the state's statewide voter registration database.

In 2015, the Legislature approved and the Governor signed SB 439 (Allen), Chapter 734, Statutes of 2015, which permits county elections officials to offer conditional voter registration and provisional voting at satellite offices during the entire 14 days immediately preceding election day, among other provisions.

- 5) **Satellite Offices:** As mentioned above, current law authorizes an elections official to allow a voter to vote in person and offer conditional voter registration at a satellite office prior to the close of the polls on election day. In practice, many counties provide early voting and conditional voter registration at satellite offices the weekend before and on election day. However, this practice is not standardized and varies across counties.

The CVCA has specific requirements for the number of days and hours a vote center must be open. The same requirements, however, do not apply to satellite offices. How many days and how many hours each day would a satellite office on a college or university campus be required to be operational? The author may wish to provide greater specificity about the minimum required days and hours that satellite offices required by this bill would need to be operational.

- 6) **Sacramento County and the CVCA:** As mentioned above, five counties conducted elections last year pursuant to the CVCA. In 2017, the Sacramento County Board of Supervisors adopted CVCA and the Sacramento County Registrar of Voters conducted last year's statewide elections in June and November via CVCA. At both of those elections, a vote center was placed at California State University, Sacramento (Sac State). According to data provided by the Sacramento County Registrar of Voters, during the June statewide election the Sac State vote center had 180 in-person voters and processed 30 conditional voter registrations and provisional ballots. During the November statewide election, the Sac State vote center had 1,072 in-person voters, 2,400 VBM ballots dropped off, and processed 588 conditional voter registrations and provisional ballots. According to the Registrar, the vote center at Sac State was considered to be a successful location for a vote center and the county plans to place a vote center at Sac State for the 2020 elections. The Registrar did

point out that ensuring that free parking and adequate space were available to voters at the vote center were two challenging factors.

- 7) **Definition of a College Campus and Suggested Amendment:** As noted above this bill requires an elections official to designate one location on a CSU campus as a vote center or a satellite office, as specified. There are 23 CSU campuses, however, many CSUs also offer extension or satellite offices. For example, San Francisco State University has a main campus, a downtown campus, and four satellite campuses. It is the committee staff's understanding that it is the author's intent to require a vote center or satellite office to be designated on the main campus of the CSU. Consequently, the committee and the author may wish to amend the bill to clarify that the term "CSU campus" refers to the main campus of each CSU.
- 8) **State Buildings and Previous Legislation:** Last year, the Legislature approved and the Governor signed AB 2540 (Mullin), Chapter 343, Statutes of 2018, which requires a governing body with jurisdiction over school buildings or other public buildings, as defined, to allow those buildings to be used as vote centers beginning up to 10 days prior to an election day, as specified. AB 2540 required 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. One of the reasons why utilizing public facilities as vote centers is a sensible option is because they are generally well-known locations throughout communities, they are accessible to voters with disabilities, and equipped with internet and Wi-Fi infrastructure necessary for equipment that is needed to efficiently conduct elections pursuant to the CVCA. It is unclear, however, whether the provisions of AB 2540 apply to CSUs or CCC buildings.
- 9) **Student Voter Registration Act:** AB 593 (Ridley-Thomas), Chapter 819, Statutes of 2003, created the Student Voter Registration Act of 2003 which, among other things, required the SOS to provide every high school, CCC, CSU, and UC campus with voter registration forms and information describing eligibility requirements and instructions on how to return the completed form. SB 854 (Ridley-Thomas), Chapter 481, Statutes of 2007, amended the law to require every CCC and CSU that operates an automated class registration system to permit students, during the class registration process, to receive a voter registration application that is preprinted with personal information relevant to voter registration, as specified. The UC system was encouraged to comply with this provision.

Following the launch of California's online voter registration system, the Student Voter Registration Act was updated by AB 1446 (Mullin), Chapter 593, Statutes of 2014, to eliminate requirements for the SOS to provide high schools, CCC, CSU, and UC campuses with a number of paper voter registration forms consistent with the number of students enrolled, and instead required the SOS to provide voter registration forms upon request. AB 1446 also updated the voter registration process at CSU and CCC campuses that was created through SB 854 by requiring that an automated class registration system permit students to

apply to register to vote online by submitting an affidavit of voter registration electronically on the SOS's Internet Web site. According to an annual report prepared by the SOS, in 2015, 14,669 students at CCC, CSU, and UC campuses completed a voter registration application online using the process established by the Student Voter Registration Act.

Additionally, in 2016, AB 2455 (Chiu & Bonta), Chapter 417, Statutes of 2016, was signed into law and required the CSU and CCC systems, and requested the UC systems, to create a process to allow a student to submit an electronic voter registration affidavit at the time the student enrolls online at the higher education institution.

- 10) **Secretary of State Outreach Programs:** The SOS has established a variety of programs to engage voters where they live, work, or go to school. Programs geared towards youths include the California Student Mock Election program, which encourages high school and middle school students to become active voters when they are 18, and High School Education Weeks, a program to promote on-campus voter registration drives.

According to the SOS's 2018 Annual Report to the Legislature on Voter Registration, last year the SOS partnered with the California Department of Education, Superintendent of Public Instruction, to promote and coordinate Student Mock Elections throughout the state and High School Education Weeks designated in the last two weeks of April and September. Last year, the SOS had 477 schools request materials to conduct their student mock elections and the SOS's office provided ballots, student voter information guides, and other materials to participating schools.

Additionally, the SOS hosts the California Students Vote Project, a project in partnership with the California Lieutenant Governor and nonprofit organizations, which aims to increase civic engagement and voter participation among California college students. Moreover, the SOS encourages campuses to engage their students in the democratic process by conducting the College Bowl allowing all California colleges to participate in a friendly competition for the highest number of student body registered to vote.

- 11) **Youth Voter Registration:** According to information from the SOS's website, youth aged 18-24 years old stand out as registering at a far lower rate than any other age group. According to the 15-Day Report of Registration for the 2018 gubernatorial general election, of the nearly 78% of Californians who were registered to vote, only 12.73% were youth between the age of 17.5 to 24. Additionally, according to the 15-Day Report of Registration for the 2016 presidential general election, of the nearly 78% of Californians who were registered to vote, only 13.21% were youth between the ages of 17.5 to 24.

In its report California's Likely Voters, the Public Policy Institute of California states that young adults (ages 18 to 34) make up 33% of the population but only 18% of likely voters, while adults ages 35 to 54 are proportionally represented. In contrast, Californians age 55 and older make up 32% of the state's adult population but constitute 48% of likely voters.

- 12) **Amendments Requested:** Californians for Disability Rights, Inc. states that this bill is essential to full compliance with the CVCA, however, they believe it must be acknowledged

that community colleges, CSU and UC campuses throughout California are not universally accessible, and do not fully and completely comply with all state and federal laws and regulations. Accordingly, Californians for Disability Rights, Inc. requests that AB 59 be amended to include language requiring that community college, CSU, and UC campuses will have to demonstrate that any site selected for the establishment of a vote center or VBM drop box shall comply with all state and federal accessibility requirements.

- 13) **Related Legislation:** SB 72 (Umberg), requires a county elections official to offer conditional voter registration and provisional voting at all county elections officials' satellite offices and polling places, as specified. SB 72 passed out of the Senate Elections & Constitutional Amendments Committee on a 3-0 vote, and is pending in the Senate Appropriations Committee.

AB 363 (Gonzalez), requires a county elections official to provide one early voting location for every 10,000 registered voters for the three days prior to each election, as specified. AB 363 passed out of this committee on a 6 -1 vote, and is pending in the Assembly Appropriations Committee.

- 14) **Previous Legislation:** AB 2540 (Mullin), Chapter 343, Statutes of 2018, requires a governing body with jurisdiction over school buildings or other public buildings, as defined, to allow those buildings to be used as vote centers beginning up to 10 days prior to an election day, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees, AFL-CIO
California League of Conversation Voters
Disability Rights California
Mi Familia Vota
NextGen California
Young Invincibles

Opposition

None on file.

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