

Date of Hearing: April 6, 2022

ASSEMBLY COMMITTEE ON ELECTIONS
Isaac G. Bryan, Chair
AB 2815 (Berman) – As Introduced February 18, 2022

SUBJECT: Elections: vote by mail ballot drop-off locations.

SUMMARY: Requires county elections officials to make efforts to locate vote by mail (VBM) ballot drop-off locations on public college and university campuses, as specified. Specifically, **this bill:**

- 1) Requires a county elections official to designate one location on the main campus of each California State University (CSU) within the official's jurisdiction as a VBM ballot drop-off location for each primary and general election, in addition to other drop-off locations required by law.
- 2) Requires a county elections official to request the governing body having jurisdiction over any University of California (UC) campus within the official's jurisdiction to authorize the use of one location on that campus as a VBM ballot drop-off location for each primary and general election, in addition to other drop-off locations required by law. Encourages the UC to comply with such a request.
- 3) Requires an elections official, when selecting VBM ballot drop-off locations required pursuant to specified provisions of existing law for a primary or general election, to give preference to locations on California community college campuses with an annual enrollment of at least 10,000 students.
- 4) Requires ballot drop-off locations established pursuant to this bill to be accessible to voters with disabilities and to comply with other specified accessibility requirements.

EXISTING LAW:

- 1) Requires the Secretary of State (SOS) to promulgate regulations establishing guidelines based on best practices for security measures and procedures, including, but not limited to, chain of custody, pick-up times, proper labeling, and security of VBM ballot drop boxes, that a county elections official may use if the county elections official establishes VBM ballot drop-off locations. Defines a "vote by mail ballot drop box" as a secure receptacle established by a county or city and county elections official whereby a voted VBM ballot may be returned to the elections official from whom it was obtained. Defines a "vote by mail ballot drop-off location" as a location consisting of a secured VBM ballot drop box at which a voted VBM ballot may be returned to the elections official from whom it was obtained.
- 2) Permits counties, pursuant to the California Voter's Choice Act (CVCA), to conduct elections in which every voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions.

- 3) Requires a county that conducts an election pursuant to the CVCA to operate ballot drop-off locations subject to the following provisions:
 - a) For any election other than a special election, requires at least two ballot drop-off locations within the jurisdiction where the election is held or that the number of locations be fixed in a manner so that there is at least one ballot drop-off location for every 15,000 registered voters within the jurisdiction, as specified, whichever results in more locations. Requires at least one ballot drop-off location to be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.
 - b) For a special election, requires at least one ballot drop-off location for every 15,000 registered voters, with at least one location located within the jurisdiction where the special election is held.
- 4) Requires a county that holds an election that is not conducted pursuant to the CVCA to operate ballot drop-off locations subject to the following provisions:
 - a) In the case of a jurisdiction with 30,000 registered voters or more, requires at least two ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction, whichever results in more locations.
 - b) In the case of a jurisdiction with fewer than 30,000 registered voters, requires at least one VBM ballot drop-off location, and requires the elections official to make a reasonable effort to provide a drop-off location in the jurisdiction where the election is held.
 - c) Requires at least one drop-off location to be an exterior drop box that is available for a minimum of 12 hours per day.
- 5) Provides that a VBM ballot drop-off location provided for pursuant to 3) and 4) above consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. Requires all VBM ballot drop-off locations to be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.
- 6) Requires a county that conducts an election pursuant to the CVCA, when developing a draft election administration plan for elections held in the county as required by the CVCA, to consider the placement of vote centers on public or private university or college campuses.

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

COMMENTS:

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

In recent years, California has made significant changes in how it conducts its elections. According to the Secretary of State, over 17.5 million Californians voted in the November 2020 General Election and over 15 million voted on the

ballot that was mailed to them. That was the highest turnout since Truman was president and 86.5% of the California voters voted by mail.

Nevertheless, even as voting becomes more accessible, low turnout among young voters is still prevalent. Young voters ages 18 to 24 remain underrepresented among the California's voting electorate. The Legislature continues to think of ways to address this ongoing problem of low voting turnout among our youth. We know that convenience is critical to getting younger voters to participate. Placing ballot drop boxes on college campuses is a small but meaningful change that will assist voters.

- 2) **Ballot Drop-Off Locations and Previous Legislation:** Since the early 2000s, California voters have increasingly used VBM ballots to vote in elections. As the number of Californians who were receiving VBM ballots increased, elections officials sought to provide additional options for voters to return their completed VBM ballots. By the early 2010s, an unknown number of California counties were establishing VBM ballot drop-off locations in the days leading up to elections. At the time, state law did not expressly address the issue of VBM ballot drop-off locations, and the policies and procedures for operating those locations, including security and chain-of-custody protocols, varied from county to county.

Accordingly, in 2015, the Legislature approved and Governor Brown signed SB 365 (Pavley), Chapter 733, Statutes of 2015. SB 365 expressly authorized county elections officials to establish VBM ballot drop-off locations and required the SOS to promulgate regulations establishing guidelines based on best practices for security measures and procedures for VBM ballot drop-off locations if the county chose to establish one or more such location.

Since that time, state law has been amended to *require* county elections officials to establish VBM ballot drop-off locations for all elections that they conduct. Specifically, SB 450 (Allen), Chapter 832, Statutes of 2016, also known as the CVCA, permits counties to opt-in to conducting elections in which every voter receives a VBM ballot and vote centers and VBM ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the elections, subject to certain conditions. According to information from the SOS, 27 counties (Alameda, Amador, Butte, Calaveras, El Dorado, Fresno, Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Napa, Nevada, Orange, Riverside, Sacramento, San Benito, San Diego, San Mateo, Santa Clara, Santa Cruz, Sonoma, Stanislaus, Tuolumne, Ventura, and Yolo) are expected to conduct elections pursuant to the CVCA this year. Additionally, AB 37 (Berman), Chapter 312, Statutes of 2021, requires all counties that do not conduct elections pursuant to the CVCA to provide VBM ballot drop-off locations, among other provisions.

As a result of those policies, VBM ballot drop-off locations will be available in all 58 California counties this year. The approximate number of VBM ballot drop-off locations that are required in each county for the June 2022 statewide primary election is as follows (based on the most recent report of registration prepared by the SOS, and assuming that the 27 counties identified above conduct the election pursuant to the CVCA):

| County | Required Drop-Off Locations |
|--------------|-----------------------------|
| Alameda | 63 |
| Alpine | 1 |
| Amador | 2 |
| Butte | 9 |
| Calaveras | 3 |
| Colusa | 1 |
| Contra Costa | 24 |
| Del Norte | 1 |
| El Dorado | 10 |
| Fresno | 34 |
| Glenn | 1 |
| Humboldt | 3 |
| Imperial | 3 |
| Inyo | 1 |
| Kern | 15 |
| Kings | 5 |
| Lake | 2 |
| Lassen | 1 |
| Los Angeles | 378 |
| Madera | 5 |
| Marin | 12 |
| Mariposa | 2 |

| County | Required Drop-Off Locations |
|-----------------|-----------------------------|
| Mendocino | 2 |
| Merced | 9 |
| Modoc | 1 |
| Mono | 1 |
| Monterey | 8 |
| Napa | 6 |
| Nevada | 6 |
| Orange | 121 |
| Placer | 10 |
| Plumas | 1 |
| Riverside | 86 |
| Sacramento | 58 |
| San Benito | 3 |
| San Bernardino | 39 |
| San Diego | 130 |
| San Francisco | 17 |
| San Joaquin | 13 |
| San Luis Obispo | 7 |
| San Mateo | 30 |
| Santa Barbara | 8 |
| Santa Clara | 67 |

| County | Required Drop-Off Locations |
|------------|-----------------------------|
| Santa Cruz | 12 |
| Shasta | 4 |
| Sierra | 1 |
| Siskiyou | 1 |
| Solano | 9 |
| Sonoma | 21 |
| Stanislaus | 19 |
| Sutter | 2 |
| Tehama | 2 |
| Trinity | 1 |
| Tulare | 7 |
| Tuolumne | 3 |
| Ventura | 34 |
| Yolo | 9 |
| Yuba | 2 |

This bill requires county elections officials to establish a VBM ballot drop-off location at the main campus of each CSU, in addition to the number of drop-off locations that the county is already required to provide under existing law, as detailed above. Of the 23 institutions in the CSU system, five are located in Los Angeles County, two are in San Diego County, and there is one institution each in Alameda, Butte, Fresno, Humboldt, Kern, Monterey, Orange, Sacramento, San Bernardino, San Francisco, San Luis Obispo, Santa Clara, Solano, Sonoma, Stanislaus, and Ventura counties. Additionally, this bill requires county elections officials to request the governing body having jurisdiction over each UC campus to authorize the use of a location on that campus as a VBM ballot drop-off location, in addition to the number of drop-off locations that the county is required to provide under existing law. The 10 UC campuses are located in Alameda, Los Angeles, Merced, Orange, Riverside, San Diego, San Francisco, Santa Barbara, Santa Cruz, and Yolo counties.

For community colleges, this bill does not require elections officials to make *additional* drop-off locations available on such campuses, but instead requires the elections official to give preference to community college campuses with an enrollment of at least 10,000 students when selecting VBM ballot drop-off locations that are required pursuant to existing law. According to enrollment figures from the California Community Colleges Chancellor's Office, there are approximately 90 community college campuses in the state with an annual enrollment of at least 10,000 students.

3) Recent Ballot Drop-Off and Voting Locations on College & University Campuses:

While existing law requires elections officials to take certain factors into consideration when deciding on VBM ballot drop-off locations (including requiring that such locations be accessible and be located as near as possible to established public transportation routes), officials generally have discretion in establishing those locations in places that they determine will best serve voters. Based on discussions with county elections officials, ballot drop-off locations often are located on public and private college and university campuses when the campus administrators cooperate and there is sufficient on-campus foot traffic to merit establishing such locations.

According to information from the SOS and other information compiled by committee staff, at least 6 of 10 UC campuses and 16 of the 23 CSU main campuses had a ballot drop-off location, in-person voting location, or both for the November 2020 presidential general election. Additionally, according to information from the SOS, it appears that at least 59 community college campuses and 15 private colleges and universities had a ballot drop-off location, in-person voting location, or both for the November 2020 presidential general election. The dates and times that those locations were available varied by campus.

4) Primary Elections and Suggested Amendments: This bill requires elections officials to establish VBM ballot drop-off locations on certain college campuses for each primary and general election. At many colleges and universities, most students are not attending classes in June, when gubernatorial primary elections are held under current law. For example, according to the 2021-22 CSU Campus Calendar, final exams at 22 of the 23 CSU campuses for the Spring 2022 term will conclude before the June 7, 2022 statewide primary election. (The only exception is California Polytechnic State University, San Luis Obispo, where the June 2022 statewide primary election falls during the final exam period for the Spring 2022 term.) Because elections officials are required to begin mailing VBM ballots to voters beginning 29 days before the election, students likely will have received their VBM ballots

before the conclusion of final exams and thus may be able to take advantage of on-campus ballot drop-off locations to return their ballots. Nonetheless, the fact that final exams at most CSU campuses conclude 2-3 weeks before the June primary election may limit the usefulness of ballot drop-off locations that are located on those campuses.

To avoid requiring elections officials to operate ballot drop-off locations that are unlikely to receive significant use, the author and the committee may wish to consider amending this bill to make its provisions optional with respect to campuses that are on summer or winter breaks at the time the election is held. With such an amendment, an elections official would still have the *option* of placing a ballot drop-off location on a college campus for an election held during a break if the official determined that such a location was likely to receive significant use.

- 5) **Suggested Clarifying Amendments:** As currently in print, this bill requires county elections officials to locate VBM ballot drop-off locations on public college and university campuses at every primary and general election, as specified. To clarify that this language does not apply to special primary and special general elections that are held to fill vacancies, committee staff recommends that this bill be amended to clarify that its provisions apply only to *statewide* primary and general elections.
- 6) **Arguments in Support:** In support of this bill, the Japanese American Citizens League, Berkeley Chapter (Berkeley JACL) writes:

The Berkeley JACL recognizes the importance of the youth vote and voice and engaging youth in the democratic process. It is important to realize that youth are also impacted by the policies that are put into place and the elected officials who are voted into office. Despite this, the voter turnout for youth remains low. While youth eligible to vote are about 14.5% of the population, they only made up 10.2% of voters in 2020, showing the lack of representation from youth (Center for Inclusive Democracy, USC Sol Price School of Public Policy). As such, it is important to address all of the different barriers that young people face in voting, and we believe that AB 2815 will help to address one of these barriers.

- 7) **Previous Legislation:** SB 240 (Yee) of 2014, would have required a county elections official, for each statewide primary and statewide general election, to establish at least one VBM ballot drop-off location on each CSU and UC campus within the county, and to consider establishing at least one VBM ballot drop-off location on each community college campus within the county, as specified, among other provisions. Before being taken up for a vote on the Senate Floor, SB 240 was amended to remove the provisions related to ballot drop-off locations on college and university campuses.

AB 59 (Kalra), Chapter 554, Statutes of 2019, requires an elections official, when developing the draft plan for the administration of elections conducted pursuant to the CVCA, to consider, at a minimum, placing a vote center location on a public or private university or college campus, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

Japanese American Citizens League, Berkeley Chapter
Japanese American Citizens League, Pacific Southwest District
University of California Student Association

Opposition

None on file.

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