

Date of Hearing: April 15, 2021

ASSEMBLY COMMITTEE ON ELECTIONS
Marc Berman, Chair
AB 728 (Mullin) – As Introduced February 16, 2021

SUBJECT: Elections: county voter information guides.

SUMMARY: Requires county elections officials to mail county voter information guides no later than at 29 days before an election, as specified. Specifically, **this bill** requires a county elections official to mail county voter information guides no later than 29 days before an election, instead of 10 days before a partisan primary election or 21 days before any other election.

EXISTING LAW:

- 1) Requires a county elections official, at least 10 days before a partisan primary election, to prepare and send out a county voter information guide for each political party and a separate nonpartisan county voter information guide, as specified.
- 2) Requires a county elections officials to prepare a county voter information guide before each election and to mail the guide to each voter no later than 21 days before the election, as specified.
- 3) Requires county elections officials, no later than the 29th day before an election, to begin mailing vote by mail (VBM) ballots, as specified.

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

COMMENTS:

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

AB 728 will require that county voter information guides be mailed out at least 29 days before Election Day, the same as is required for vote by mail ballots, to increase the likelihood that voters receive their voter information guides before or at the same time as their ballots. During the November 2020 General Election, there were multiple reports of voters receiving their county voter information guides in the mail long after receiving their vote by mail ballots, sometimes even weeks later. This is problematic given that many voters rely on their county's voter information guide to learn about the items on their ballot and decide how to ultimately vote. Since vote by mail ballots are required to be mailed out to voters no later than 29 days before Election Day, it seems appropriate that we require voter information guides to be mailed out at the same time. During our last General Election in 2020, over 86% of total ballots cast were mail ballots. While California's election process and overall voter habits were disrupted by the ongoing COVID-19 pandemic, Californians [overwhelmingly] vote by mail and this trend will continue to grow. Especially with the emphasis on early voting, it is critical that voters have access to their voter information guide before they cast

their ballots. Overall, AB 728 will increase the likelihood that voters have access to this essential election tool before casting their ballots.

- 2) **Practical Effect:** Existing law requires an elections official to mail every voter a county voter information guide containing a sample of the ballot, information about local candidates and ballot measures, and the locations of polling places and vote centers. In practice, a variety of processes, procedures, and deadlines, some in state law, dictate when this information is received by the elections officials. For instance, current law requires candidate filings, certified candidate lists, and candidate statements to be completed by certain dates. Additionally, guides are required to be translated into various languages in accordance with state and federal law, placed on public display for a period time, and mailed by certain deadlines. Moreover, there are other administrative tasks that need to be completed, such as ballot layout and proofing to ensure its compliance with current law and printing of the guides. All of these tasks must be built into the timeline for preparing the guides. Consequently, these timelines may need to be adjusted in order to accommodate mailing the guides at 29 days before the election.
- 3) **Current Vote by Mail Ballot Use in California:** In 2001, the Legislature approved and Governor Davis signed AB 1520 (Shelley), Chapter 922, Statutes of 2001, which, among other provisions, authorized any voter to become a permanent VBM voter. As a result, California voters have increasingly used VBM ballots to vote in elections. According to data from the Secretary of State's office, over 69% of voters (14.4 million) were registered as PVBM voters for the March 2020 primary election, and over 75% of voters (over 16.5 million) were registered as PVBM voters for the November 2020 general election.

Additionally, there are three counties (Alpine, Plumas, and Sierra), in which 100 percent of their precincts are small enough that they are deemed all-mail ballot precincts. Moreover, fifteen counties have chosen to conduct elections pursuant to the California Voter's Choice Act, (Amador, Butte, Calaveras, El Dorado, Fresno, Los Angeles, Madera, Mariposa, Napa, Nevada, Orange, Sacramento, San Mateo, Santa Clara, and Tuolumne) which requires an elections official to mail every active registered voter a ballot. As a result, nearly 90% of California's registered voters receive a ballot in the mail for each election in which they are eligible to vote.

- 4) **Arguments in Support:** In support of this bill, the Election Integrity Project California, Inc. writes:

As more and more California voters are availing themselves of the many options to vote early (as much as 29 days prior to Election Day) by using a vote by mail ballot or appearing in person at their county elections office or Vote Center, a statutory revision to provide voters with the Information Guide in a timely fashion is well overdue.

A mailing of the Guide on the same timeline as the mailing of the vote by mail ballots will encourage voters to cast more informed votes by providing them vital information before or when they actually cast their votes.

AB 728 is a common sense and long voter-requested adjustment to Sections

13300 and 13303 of the California Elections Code.

- 5) **Previous Legislation:** SB 151 (Umberg), Chapter 566, Statutes of 2019, deleted provisions of law that prohibited a county elections official from mailing the county voter information guide for an election more than 40 days before that election, among other provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

Election Integrity Project California, Inc.

Opposition

None on file.

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