

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2177 (Brown) – As Amended: March 25, 2014

SUBJECT: Early voting.

SUMMARY: Requires county elections officials to offer early voting for at least six hours on a Saturday and a Sunday before each statewide election. Specifically, this bill:

- 1) Defines "early voting," for the purposes of this bill, to mean casting a vote by mail (VBM) ballot in person at the office of the elections official or another location designated by the elections official either before or on the day of the election.
- 2) Requires each county elections official to offer early voting for not less than six hours on at least one Saturday and one Sunday prior to every statewide election pursuant to the following:
  - a) Requires early voting to be offered on at least one Saturday and one Sunday on or after the date the elections official first delivers ballots to VBM voters for the statewide election;
  - b) Requires every early voting location to be accessible and to comply with disability access requirements under federal and state law; and,
  - c) Permits the elections official to determine the hours of operation for each early voting location, provided that each location is open for a minimum of six hours on each Saturday or Sunday that the location is open.
- 3) Provides that the requirement to offer early voting prior to every statewide election does not apply to an election that is conducted wholly by mail or to a precinct in which each voter is furnished a VBM ballot.
- 4) Permits county elections officials to offer early voting at elections that are not statewide elections based on voter demand, subject to the same restrictions outlined above that apply to early voting locations at statewide elections.
- 5) Requires the Secretary of State (SOS) to provide guidance to local elections officials in accomplishing the following:
  - a) Establishing one or more locations for early voting, which may include the office of the local elections official;
  - b) Notifying voters of the early voting location or locations; and,

- c) Ensuring that the early voting location or locations and the procedures used therein comply with disability access requirements under federal and state law.
- 6) Declares the intent of the Legislature in enacting this bill to make voting more convenient and accessible in order to increase voter turnout at elections.

EXISTING LAW:

- 1) Permits any voter to cast a VBM ballot in person at the office of the elections official beginning on the 29th day prior to an election, until the close of polls on election day. Provides, for the purposes of this provision, that the office of the elections official may include satellite locations. Requires advance public notice to be provided of any such satellite location not later than 14 days prior to voting at the satellite location, except as specified.
- 2) Permits, but does not require, elections officials to allow voters to cast VBM ballots prior to an election at their offices or satellite locations on weekends or at times beyond regular office hours.

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

COMMENTS:

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

In order to have a thriving democracy all citizens must exercise their right to vote. As a result, it is imperative that government makes the act of voting as accessible as possible. Early voting is voting that takes place (usually on the weekend) before election day. Voting on the weekend will give another alternative to people who work and have difficulty finding the time to vote on Tuesdays. AB 2177 would require an election official on at least one Saturday and Sunday before Election Day to allow voters to vote in person at an easily accessible designated location. Increasing participation will only help to strengthen our democracy.

- 2) Early Voting Under Existing Law: Although existing state law does not use the term "early voting," any California voter can receive and cast a VBM ballot in the office of the elections official beginning 29 days prior to election day and ending at the close of the polls on election day. Additionally, elections officials are permitted, but not required, to offer early voting at "satellite locations" of the office of the elections official, and may offer voting at their offices or such "satellite locations" on weekends or at times beyond regular office hours.

In fact, according to information from a survey of county elections officials conducted by the Los Angeles County Registrar of Voters and other information gathered by committee staff, it appears that at least 28 counties, representing 89% of registered voters in California, offered early voting for at least one weekend day prior to the November 2012 presidential general election. At least eleven counties, representing more than 56% of registered voters in California, provided weekend voting opportunities that would have complied with the

requirements of this bill. The following table details the weekend early voting opportunities that were provided in connection with the November 2012 presidential general election:

<b>County</b>	<b>Weekend Early Voting Opportunity at November 2012 election</b>
Alameda	Sat. 11/3 & Sun. 11/4: 9-5 at elections official's office
Butte	Sat. 11/3: 8-5 at elections official's office
Contra Costa	Sat. 11/3: 9-3 at elections official's office
Fresno	Sat. 11/3: 9-3 at elections official's office
Inyo	Sat. 11/3 & Sun. 11/4: 8-? at elections official's office (closing time not specified on survey)
Kern	Sat. 11/3: 8-2 at elections official's office
Los Angeles	Sat. 10/27, Sun. 10/28, Sat. 11/3, & Sun. 11/4: 8-4 at elections official's office
Madera	Sat. 11/3: 8-5 at the elections official's office
Marin	Sat. 11/3 & Sun. 11/4: 9-1 at elections official's office
Monterey	Sat. 10/27, Sat. 11/3, & Sun. 11/4: 8-5 at elections official's office
Napa	Sat. 11/3 & Sun. 11/4: 8:30-4:30 at 5 different satellite locations
Nevada	Sat. 11/3: 9-4 at elections official's office
Orange	Sat. 10/27, Sat. 11/3, & Sun. 11/4: 8-5 at elections official's office
Placer	Sat. 10/27, Sun. 10/28, Sat. 11/3, & Sun. 11/4: 9-4 at elections official's office
Riverside	Sat. 10/27 & Sun. 10/28: 10-5 at elections official's office and 3 other satellite locations
Sacramento	Sat. 11/3: 9-2 at elections official's office
San Bernardino	Sat. 11/3: 8-5 at the elections official's office and 1 satellite location
San Diego	Sat. 11/3: 8-5 at the elections official's office
San Francisco	Sat. 10/27, Sun. 10/28, Sat 11/3, & Sun. 11/4: 10-4 at elections official's office
San Luis Obispo	Sat. 11/3 & Sun. 11/4: 9-1 at elections official's office
San Mateo	Sat. 10/27 & Sat. 11/3: 10-3 at elections official's offices (2 locations)
Santa Barbara	Sat. 11/3: 8-5 at elections official's offices (3 locations)
Santa Clara	Sat. 10/27, Sun. 10/28, Sat 11/3, & Sun. 11/4: 9-3 at elections official's office
Santa Cruz	Sat. 11/3 & Sun. 11/4: 9-5 at elections official's office and 1 satellite location
Solano	Sat. 11/3: 8-5 at elections official's office
Sonoma	Sat. 10/27, Sat. 11/3, & Sun. 11/4: 8-5 at elections official's office
Tehama	Sat. 11/3: 9-3 at elections official's office
Tulare	Sat. 11/3: 8-5 at elections official's office

- 3) Other States: According to the National Conference of State Legislatures, 33 states (including California) and the District of Columbia permit any qualified voter to cast a ballot in person during a designated period prior to election day with no excuse or justification required. At least 12 of the 33 early voting states require that early vote centers be open on at least one Saturday or Sunday during the early voting period, while others (including California) give local officials the authority to determine the hours for early voting.

- 4) Presidential Commission on Election Administration: On March 28, 2013, President Obama issued Executive Order 13639, which established the Presidential Commission on Election Administration (Commission), and instructed the Commission to "identify best practices and otherwise make recommendations to promote the efficient administration of elections in order to ensure that all eligible voters have the opportunity to cast their ballots without undue delay, and to improve the experience of voters facing other obstacles in casting their ballots, such as members of the military, overseas voters, voters with disabilities, and voters with limited English proficiency." The Commission was co-chaired by Bob Bauer, the general counsel to the President's reelection campaign in 2012, and by Ben Ginsberg, who served as national counsel to Governor Mitt Romney's Presidential campaign in 2012. The Commission held six months of public hearings, and met with state and local elections officials, academic experts, and many organizations involved in voting and election administration. The Commission issued its final report in January of this year, in which it made more than a dozen unanimous recommendations for ways in which American elections could be improved.

One of the recommendations made by the Commission was that states should expand opportunities to vote before election day. The Commission's report did not endorse any specific manner in which early voting should be provided, and instead noted that different states likely would prefer different methods and time periods for early voting. The Commission's report did not discuss or make any specific recommendations about offering early voting opportunities on weekends.

- 5) Arguments in Support: The sponsor of this bill, Service Employees International Union, Local 1000, writes in support:

Expanding early voting will allow voters who may have busy schedules due to work or other reasons more opportunities to vote. Statistics in states that allow expanded early voting in person show that over the past three election cycles voter turnout is much higher. In the State of Nevada which not only allows widespread early voting but promotes it had a turnout of 70% in the last three voting cycles. This was true in nearly every state that allowed widespread early voting. California's turnout in the last three cycles all of which were highly competitive averaged 54%.

Recently California had a number of special legislative elections with turnouts averaging less than 12%. Promoting, expanding early voting and allowing weekend voting will increase turnout.

- 6) Arguments in Opposition: In opposition to this bill, the Rural County Representatives of California (RCRC) writes:

While RCRC is very sympathetic to implementing early-voting opportunities, putting many of these options into place can be challenging in rural, low-population counties. AB 2177 would require an elections official, on at least one Saturday, on or after the date the elections official first delivers ballots to vote-by-mail voters, to allow voters to cast their absentee ballots in person at a designated official polling place. In many rural counties with minimal election staff this

would be problematic. Many rural county elections officials use the Saturdays in the 29 days before the election to work on other election-related activities. It is typical for officials to use one weekend to perform state-mandated testing and the other for vote-by-mail processing. Many of these activities must be done on the weekends in order to comply with state and federal election deadlines.

In addition, we are concerned about the elections mandates associated with AB 2177. By requiring local elections officials to perform additional duties, this bill would impose a state-mandated local program. We are concerned about recent elections reimbursement mandates being suspended in recent state budgets. We remain concerned about implementing elections-related laws that voters come to expect, and in subsequent years, state funding is eliminated.

- 7) State Mandates: The last three state budgets have suspended various state mandates as a mechanism for cost savings. Among the mandates that were suspended were all existing elections-related mandates. All the existing elections-related mandates have been proposed for suspension again by the Governor in his budget for the 2014-15 fiscal year.

This bill adds another elections-related mandate by requiring county elections officials to offer early voting for at least six hours on a Saturday and on a Sunday prior to each statewide election. As noted above, many counties already offer early voting on the weekend prior to statewide elections. By requiring counties to offer early voting opportunities on the weekend, the state could be required to reimburse all counties—including those that are already offering early voting opportunities on the weekend—for the costs associated with those early voting opportunities. The Committee may wish to consider whether it is desirable to create new election mandates when current elections-related mandates are suspended.

- 8) Previous Legislation: This bill is similar to SB 637 (Yee) of the 2013-14 Legislative Session. SB 637 was held on the Senate Appropriations Committee's suspense file, and died when it failed to pass out of the Senate by January 31 of this year, in accordance with to Article IV, Section 10 (c) of the California Constitution.

REGISTERED SUPPORT / OPPOSITION:

Support

Service Employees International Union, Local 1000 (sponsor)  
American Association of University Women – California  
American Federation of State, County and Municipal Employees, AFL-CIO  
California School Employees Association, AFL-CIO  
Service Employees International Union, California State Council

Opposition

Rural County Representatives of California

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