

AMENDMENTS TO SENATE BILL NO. 423
AS AMENDED IN ASSEMBLY MAY 27, 2020

Amendment 1

In the title, in line 2, strike out “elections.” and insert:

elections, and declaring the urgency thereof, to take effect immediately.

Amendment 2

On page 4, in lines 35 and 36, strike out “per 10 precincts, not to exceed a total of 10,000 registered voters per location.” and insert:

for every 10,000 registered voters.

Amendment 3

On page 4, in lines 37 and 38, strike out “starting with the Saturday immediately prior to election day through election day.” and insert:

from Saturday, October 31, 2020, through Monday, November 2, 2020, for at least eight hours each day at regular hours convenient for members of the public.

Amendment 4

On page 5, in line 1, strike out “8 p.m. and on each of the three days before the election,”; strike out line 2 and insert:

8 p.m.

Amendment 5

On page 5, in line 11, after the period insert:

A consolidated polling place shall be located within the boundary of one of the precincts it serves.

Amendment 6

On page 7, in line 10, after “notice” insert:

in all legally required languages for that county



Amendment 7

On page 7, in line 22, after “languages” insert:

for that county

Amendment 8

On page 7, in line 23, after the second comma insert:

accessible voting options,

Amendment 9

On page 7, in line 34, after “or” insert:

partially

Amendment 10

On page 7, in line 35, after the first comma insert:

location,

Amendment 11

On page 7, in line 40, after the period insert:

The Secretary of State shall not grant a county a complete waiver of the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations described in Section 1602 or Sections 4005 and 4007.

Amendment 12

On page 8, in line 1, after “or” insert:

partial

Amendment 13

On page 8, in line 20, after “notice” insert:

in all legally required languages for that county

Amendment 14
On page 8, in line 22, after “plan” insert:

in all legally required languages for that county

Amendment 15
On page 8, in line 31, after “or” insert:

partial

Amendment 16
On page 8, in line 31, after the period insert:

The elections official shall post the county’s request for a modification or partial waiver on the elections official’s internet website, and the Secretary of State shall post a copy of the secretary’s response on the secretary’s internet website.

Amendment 17
On page 8, in line 32, after “A” insert:

partial

Amendment 18
On page 8, in line 33, strike out “both” and insert:

all

Amendment 19
On page 8, in line 37, after “on” insert:

disabled voters or

Amendment 20
On page 8, between lines 38 and 39, insert:

(C) The plan will not reduce in-person voting locations below a number of locations necessary to safely and efficiently accommodate the anticipated demand for in-person voting services.

Amendment 21

On page 10, in line 3, after “each” insert:

registered

Amendment 22

On page 10, in line 3, strike out the second “provided” and insert:

mailed

Amendment 23

On page 10, below line 11, insert:

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the November 3, 2020, statewide general election can be conducted safely and successfully, it is necessary for this act to take effect immediately.

PROPOSED AMENDMENTS TO SENATE BILL NO. 423

AMENDED IN ASSEMBLY MAY 27, 2020

AMENDED IN ASSEMBLY MAY 5, 2020

AMENDED IN SENATE APRIL 9, 2019

SENATE BILL

No. 423

Introduced by Senator Umberg and Assembly Member Berman

February 21, 2019



RN2013219

Amendment 1

An act to add and repeal Chapter 7 (commencing with Section 1600) of Division 1 of the Elections Code, relating to ~~elections~~, *elections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 423, as amended, Umberg. November 3, 2020, statewide general election.

Existing law authorizes counties, on or after specified dates, to conduct any election as an all-mailed ballot election if, among other conditions, the county elections official provides for ballot drop-off locations and vote centers meeting minimum requirements. Vote centers are required to be open from the 10th day before the election until election day, as specified.

This bill would authorize a county for the November 3, 2020, statewide general election to not have its vote centers open before the 3rd day prior to the election.

In counties without all-mailed ballot procedures, existing law requires the elections official to divide the jurisdiction into precincts meeting certain requirements and to designate a polling place for each precinct.

This bill would provide an alternative procedure for the November 3, 2020, statewide general election authorizing the elections official to

SB 423

— 2 —

establish consolidated precinct boards, located within the same physical polling place, serving the voters residing in multiple adjacent precincts, as provided.

For the November 3, 2020, statewide general election, the bill would also (1) require elections officials to conduct a voter education and outreach campaign, (2) urge counties to provide drive-through ballot drop-off or voting locations, (3) authorize elections officials to establish vote centers, polling places, or consolidated polling places in locations whose primary purpose is the sale and dispensation of alcoholic beverages, (4) require the Secretary of State to establish a process to consider requests from counties to adjust or *partially* waive the minimally required number, *location*, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations, (5) require the Secretary of State to conduct a statewide voter education and outreach campaign regarding new procedures in place for the election, and (6) require the Secretary of State to establish a strike team to assist counties as needed to acquire suitable locations for vote centers, polling places, and consolidated polling places as well as other assets necessary for the safe and successful conduct of the election.

By imposing new requirements on counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

Page 3 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) To maintain a healthy democracy in California, it is
4 important to encourage eligible voters to vote and to ensure that

Page 3 5 residents of the state have the tools needed to participate in every
6 election.

7 (2) When California conducts the November 3, 2020, statewide
8 general election, it is unknown to what degree the COVID-19
9 pandemic will still pose a threat to public health. The state and its
10 counties need to begin taking action now to procure supplies and
11 equipment, secure voting locations, enlist volunteers, and draw up
12 plans, among other steps, to ensure that the November 3, 2020,
13 statewide general election is held in a manner that is accessible,
14 secure, and safe.

15 (3) To preserve public health in the face of the threat of
16 COVID-19, and to ensure that the November election is accessible,
17 secure, and safe, all Californians will be empowered to vote by
18 mail, from the safety of their own homes, pursuant to Governor
19 Newsom’s Executive Order N-64-20, issued on May 8, 2020, and
20 as proposed by Assembly Bill 860 of the 2019–20 Regular Session.

21 (4) However, many Californians will still need access to
22 in-person voting opportunities, including, but not limited to,
23 individuals with disabilities, individuals who speak languages
24 other than English, individuals experiencing homelessness,
25 individuals who never received their vote-by-mail ballot, lost or
26 damaged their ballot, or need to register to vote, as well as others
27 who may find vote-by-mail less accessible than in-person voting.
28 We owe these Californians safe in-person voting opportunities this
29 November.

30 (b) It is the intent of the Legislature in enacting this act to do
31 all of the following:

32 (1) To ensure that the November 3, 2020, statewide general
33 election is conducted in a manner that protects and strengthens
34 access for low-propensity voters and voters who have no history
35 of voting by mail, first-time voters such as young voters and newly
36 naturalized voters, housing insecure voters, and other voters who
37 may be disproportionately impacted by the changes to election
38 procedures that were necessitated by the COVID-19 pandemic.

Page 4 1 (2) To ensure that safe, in-person voting opportunities are
2 available this November in a manner that is consistent with public
3 health guidance and requirements.

4 (3) To provide flexibility to counties in conducting the election
5 in recognition of the challenges to election administration posed
6 by the COVID-19 pandemic, while limiting changes to in-person

Page 4

7 voting opportunities to the minimum changes necessary to ensure
8 that the election can be conducted in a manner consistent with
9 public health requirements.

10 (4) To redirect any money that is saved from a reduction of
11 in-person voting locations into voter education and outreach for
12 the November 3, 2020, statewide general election.

13 SEC. 2. Chapter 7 (commencing with Section 1600) is added
14 to Division 1 of the Elections Code, to read:

15
16 CHAPTER 7. NOVEMBER 3, 2020, STATEWIDE GENERAL ELECTION

+
18 1600. This chapter applies only to the November 3, 2020,
19 statewide general election.

20 1601. Notwithstanding Sections 4005 and 4007, a county that
21 conducts the November 3, 2020, statewide general election
22 pursuant to either of those sections is not required to have its vote
23 centers open before the third day prior to the election.

24 1602. (a) A county that does not conduct the November 3,
25 2020, statewide general election pursuant to either Section 4005
26 or 4007 may choose to follow the procedures described in this
27 section as an alternative to procedures that would otherwise be
28 applicable in that county.

29 (b) (1) While maintaining separate geographical precincts under
30 the existing limits on number of voters provided in Section 12223,
31 the elections official may establish consolidated precinct boards,
32 located within the same physical polling place, serving the voters
33 residing in multiple adjacent precincts established pursuant to
34 Section 12223 at a maximum ratio of one consolidated precinct
35 board location per 10 precincts, not to exceed a total of 10,000
36 registered voters per location. *for every 10,000 registered voters.*
37 These consolidated polling locations shall be open ~~starting with~~
38 ~~the Saturday immediately prior to election day through election~~
day: from Saturday, October 31, 2020, through Monday, November
2, 2020, for at least eight hours each day at regular hours
convenient for members of the public. On the day of the election,

Page 5

1 the consolidated polling location shall be open from 7 a.m. to 8
2 p.m. ~~and on each of the three days before the election, for a~~
+ minimum of eight hours per day: 8 p.m.

3 (2) In establishing the consolidated polling places, the elections
4 official shall take into consideration the boundaries of state

Amendment 2

Amendment 3

Amendment 4

Page 5 5 legislative, congressional, county supervisorial, and any other
6 affected local legislative districts.
7 (3) The elections official shall ensure that the consolidated
8 polling places are equitably distributed across the county to afford
9 maximally convenient options for all voters and are established at
10 accessible locations as near as possible to established public
11 transportation routes. *A consolidated polling place shall be located*
+ *within the boundary of one of the precincts it serves.*
12 (4) (A) The consolidated polling places shall be equipped with
13 voting units or systems that are accessible to individuals with
14 disabilities and provide the same opportunity for access and
15 participation as is provided to voters who are not disabled,
16 including the ability to vote privately and independently, in
17 accordance with Sections 12280 and 19240. Each consolidated
18 polling place shall have at least three voting machines that are
19 accessible to voters with disabilities.
20 (B) The consolidated polling places shall comply with the
21 accessibility requirements described in Article 5 (commencing
22 with Section 12280) of Chapter 3 of Division 12, the federal
23 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
24 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C.
25 Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52
26 U.S.C. Sec. 10101 et seq.).
27 (5) The elections official shall provide each consolidated polling
28 place with enough ballots, provisional ballots, and provisional
29 ballot envelopes to ensure every voter can be accommodated, as
30 necessary.
31 (c) (1) In a county with consolidated polling places as described
32 in this section, the elections official shall provide at least two ballot
33 drop-off locations within the county or at least one ballot drop-off
34 location for every 15,000 registered voters, whichever results in
35 more ballot drop-off locations. For purposes of this paragraph, a
36 consolidated polling place that includes an exterior ballot drop box
37 counts only as a single ballot drop-off location.
38 (2) A ballot drop-off location provided for under this subdivision
39 consists of a secure, accessible, and locked ballot box located as
40 near as possible to established public transportation routes and that
Page 6 1 is able to receive voted ballots. All ballot drop-off locations shall
2 be open at least during regular business hours beginning not less

Amendment 5

Page 6

3 than 28 days before the day of the election, and on the day of the
4 election.

5 (3) At least one ballot drop-off location shall be an exterior drop
6 box that is available for a minimum of 12 hours per day. Because
7 health directives to prevent the spread of COVID-19 may result
8 in reduced access to some buildings, counties are encouraged to
9 maximize the number of ballot drop-off locations that are exterior
10 drop boxes or that are located in buildings, such as supermarkets
11 or drugstores, that are likely to be considered essential businesses
12 that will remain open to the public notwithstanding any physical
13 distancing measures that are in place during the period beginning
14 28 days before the date of the election and ending on election day.

16 (4) For the purposes of this section, "ballot drop-off location"
17 has the same meaning as in Section 3025.

18 (d) (1) In a county with consolidated polling places as described
19 in this section, the elections official shall provide at least one
20 location, open at least during regular business hours beginning 28
21 days before the day of the election, at which a voter may do any
22 of the following:

- 23 (A) Return, or vote and return, the voter's vote by mail ballot.
- 24 (B) Register to vote, update the voter's voter registration, and
25 vote pursuant to Section 2170.
- 26 (C) Receive and vote a provisional ballot pursuant to Section
27 3016 or Article 5 (commencing with Section 14310) of Chapter 3
28 of Division 14.
- 29 (D) Receive a replacement ballot upon verification that a ballot
30 for the same election has not been received from the voter by the
31 county elections official. If the county elections official is unable
32 to determine if a ballot for the same election has been received
33 from the voter, the county elections official may issue a provisional
34 ballot.
- 35 (E) Vote a regular, provisional, or replacement ballot using
36 accessible voting equipment that provides for a private and
37 independent voting experience.

38 (2) The elections official is urged to offer voters the ability to
39 schedule an appointment to visit a location established pursuant
40 to this subdivision.

Page 7

1 (e) In determining the locations of consolidated polling places
2 and ballot drop-off locations pursuant to this section, the county
3 shall consider vote center and ballot drop-off location proximity

Page 7 4 to communities with historically low vote by mail usage. Counties
5 shall also consider other criteria described in subparagraph (B) of
6 paragraph (10) of subdivision (a) of Section 4005, to the extent
7 data is readily available.

8 (f) Prior to finalizing the locations of consolidated polling places
9 and ballot drop-off locations, the county elections official shall
10 publicly notice *in all legally required languages for that county*
11 the proposed consolidated polling place locations and ballot
12 drop-off locations, shall post a copy of those locations on the
+ elections official’s internet website, and shall accept public
13 comments on the proposed locations for at least 10 days after
14 publicly noticing the proposed locations. Following the 10-day
15 public comment period, the elections official shall consider any
16 comments the official receives from the public, and shall adjust
17 consolidated polling place and ballot drop-off locations in response
18 to the public comments to the extent the official deems appropriate
19 before finalizing the locations to be used as consolidated polling
20 places and ballot drop-off locations.

21 1603. (a) Each county shall conduct a voter education and
22 outreach campaign in all legally required languages *for that county*
23 notifying voters about mail ballots, early voting opportunities,
24 *accessible voting options*, and where and how to remedy any voting
+ related problem.

25 (b) Each county is urged to provide drive-through ballot drop-off
26 or voting locations. If a voter is waiting in a vehicle, the voter is
27 considered “in line” for the purposes of keeping the polls open a
28 sufficient time to enable them to vote pursuant to Section 14401.

29 (c) Notwithstanding Section 12288, an elections official may
30 establish a vote center, polling place, or consolidated polling place
31 in a location whose primary purpose is the sale and dispensation
32 of alcoholic beverages.

33 1604. (a) (1) The Secretary of State shall establish a process
34 to consider requests from counties to adjust or *partially* waive the
35 minimally required number, *location*, or operational duration, of
36 vote centers, consolidated polling places, or ballot drop-off
37 locations described in Section 1602 or Sections 4005 and 4007.
38 The process shall include, but not be limited to, review and
39 modification, denial, or granting of a county’s request in a
40 timeframe to be determined by the Secretary of State. *The Secretary*
+ *of State shall not grant a county a complete waiver of the minimally*

Amendment 6

Amendment 7
Amendment 8

Amendment 9
Amendment 10

Amendment 11

+ *required number, location, or operational duration, of vote centers,*
+ *consolidated polling places, or ballot drop-off locations described*
+ *in Section 1602 or Sections 4005 and 4007.*

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Amendment 12

1 (2) (A) Prior to requesting a modification or *partial* waiver
2 pursuant to paragraph (1), a county shall develop a draft plan that
3 includes, but is not limited to, a written analysis of in-person voting
4 needs in that county. The written analysis shall identify how the
5 county’s proposed levels of in-person voting are designed to safely
6 accommodate the anticipated demand for voting services at those
7 locations, including in-person voting, ballot replacement, ballot
8 drop-off, conditional voter registration, language assistance, and
9 voting assistance, shall report on efforts made to secure the
10 otherwise required number of vote centers, consolidated polling
11 places, and election personnel, and shall include a discussion of
12 how the elections official will ensure that there will not be a
13 disparate impact on any protected class of voters with regard to
14 availability of voting machines and voting locations. In determining
15 in-person voting locations that will be made available pursuant to
16 the plan, the county shall consider the needs of individuals who
17 do not have a history of voting by mail and other criteria described
18 in subparagraph (B) of paragraph (10) of subdivision (a) of Section
19 4005, to the extent data is readily available.

Amendment 13

Amendment 14

20 (B) The county elections official shall publicly notice *in all*
21 *legally required languages for that county* the draft plan required
22 by subparagraph (A), shall post a copy of the draft plan *in all*
+ *legally required languages for that county* on the elections
23 official’s internet website, and shall accept public comments on
24 the draft plan for at least 10 days after publicly noticing the draft
+ plan.

Amendments 15 & 16

25 (C) Following the 10-day review period required by
26 subparagraph (B), the elections official shall consider any public
27 comments the official receives from the public, shall amend the
28 draft plan in response to the public comments to the extent the
29 official deems appropriate, and may adopt a final plan and submit
30 that plan to the Secretary of State along with the request for a
31 modification or *partial* waiver pursuant to paragraph (1). *The*
+ *elections official shall post the county’s request for a modification*
+ *or partial waiver on the elections official’s internet website, and*
+ *the Secretary of State shall post a copy of the secretary’s response*
+ *on the secretary’s internet website.*

Page 8 32 (3) A *partial* waiver or modification shall not be granted to a
33 county unless the elections official in that county can demonstrate
34 ~~both~~ *all* of the following:

35 (A) The official made best efforts to secure the required
36 in-person voting locations.

37 (B) The plan will not have a negative disparate impact on
38 *disabled voters* or any protected class of voters.

+ (C) *The plan will not reduce in-person voting locations below
+ a number of locations necessary to safely and efficiently
39 accommodate the anticipated demand for in-person voting services.*

Page 9 1 (4) For the purposes of this subdivision, “protected class” means
2 a class of voters who are members of a race, color, or language
3 minority group, as this class is referenced and defined in the federal
4 Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

5 (b) The Secretary of State shall conduct a statewide voter
6 education and outreach campaign regarding new procedures in
7 place for the November 3, 2020, statewide general election,
8 including, but not limited to, procedures relating to voting by mail,
9 newly consolidated polling places and services provided therein,
10 available language assistance, voter registration, conditional voter
11 registration and voting, and accessible vote by mail voting.

12 (c) The Secretary of State shall establish a strike team to assist
13 counties as needed to acquire suitable locations for vote centers,
14 polling places, and consolidated polling places as well as other
15 assets necessary for the safe and successful conduct of the
16 November 3, 2020, statewide general election. The strike team
17 shall include members of the Secretary of State’s legal and
18 investigative divisions as well as Deputy Attorneys General
19 provided for this purpose by the Department of Justice. The strike
20 team shall assist with the enforcement of this code, including, but
21 not limited to, Article 5 (commencing with Section 12280) of
22 Chapter 3 of Division 12 and Chapter 1 (commencing with Section
23 18000) of Division 18. In undertaking its responsibilities, the strike
24 team shall seek to ensure that the November 3, 2020, statewide
25 general election is conducted in a manner that is as consistent as
26 possible with state and federal voting rights laws.

27 (d) The Secretary of State is encouraged to work with health
28 officials, elections officials, and other stakeholders to establish
29 guidelines for the use of personal protective equipment by
individuals at in-person voting locations, including election

Amendment 19

Amendment 20

Page 9 30 workers, precinct board members, and voters. These guidelines
 31 may include, but are not limited to, requiring that individuals who
 32 are physically present at voting locations wear personal protective
 33 equipment when they are required by state or local health
 34 guidelines, ensuring that elections officials have sufficient personal
 35 protective equipment for use at in-person voting locations by
 36 election workers, precinct board members, and voters, and
 37 procedures to ensure that voters are not turned away from using
 38 in-person voting locations due to a lack of access to the necessary
 39 personal protective equipment.

Page 10 1 1605. Notwithstanding any other law, a county may only hold
 2 the November 3, 2020, statewide general election in the manner
 3 provided for in this chapter if each *registered* voter is also ~~provided~~
 4 *mailed* a vote by mail ballot.

Amendments 21 & 22

5 1606. This chapter shall remain in effect only until January 1,
 6 2021, and as of that date is repealed.

7 SEC. 3. If the Commission on State Mandates determines that
 8 this act contains costs mandated by the state, reimbursement to
 9 local agencies and school districts for those costs shall be made
 10 pursuant to Part 7 (commencing with Section 17500) of Division
 11 4 of Title 2 of the Government Code.

Amendment 23

+ SEC. 4. *This act is an urgency statute necessary for the*
 + *immediate preservation of the public peace, health, or safety within*
 + *the meaning of Article IV of the California Constitution and shall*
 + *go into immediate effect. The facts constituting the necessity are:*
 + *In order to ensure the November 3, 2020, statewide general*
 + *election can be conducted safely and successfully, it is necessary*
 + *for this act to take effect immediately.*

O