

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

SB 365 (Pavley) – As Amended May 4, 2015

SENATE VOTE: 26-12

SUBJECT: Vote by mail ballot drop-off locations.

SUMMARY: Authorizes county elections officials to establish vote by mail (VBM) ballot drop-off locations, as specified. Specifically, **this bill:**

- 1) Permits a VBM voter to return a VBM ballot to the elections official from whom it came at a VBM drop-off location, if provided in accordance with this bill.
- 2) Defines the following terms for the purposes of this bill:
 - a) "VBM ballot drop box" to mean 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.
 - b) "VBM drop-off location" to mean 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.
- 3) Requires the Secretary of State (SOS), on or before January 1, 2017, to promulgate regulations establishing best practices for security measures and procedures, including, but not limited to, chain of custody, pick-up times, proper labeling, and security of the VBM drop boxes, that a county elections official may use if the county elections official establishes one or more VBM ballot drop-off locations.

EXISTING LAW:

- 1) Requires all VBM ballots to be voted on or before the day of the election. Requires a VBM ballot voter, after marking the ballot, to either return the ballot by mail or in person to the elections official from whom it came or return the ballot in person to a member of a precinct board at a polling place within the jurisdiction.
- 2) Permits a VBM voter who is unable to return the ballot to designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the VBM voter to return the ballot to the elections official from whom it came or to the precinct board at a polling place within the jurisdiction.
- 3) Prohibits a ballot from being counted if it is not delivered in compliance with the aforementioned sections.

- 4) Requires an elections official to establish procedures to ensure the secrecy of a VBM ballot returned to a precinct polling place and the security, confidentiality, and integrity of any related personal information collected, stored, or otherwise used.

FISCAL EFFECT: According to the Senate Appropriations Committee, approximately \$55,000 in administrative expenses to the General Fund. The SOS indicates costs of approximately \$55,000 to promulgate regulations.

COMMENTS:

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

California law has actively evolved to facilitate vote by mail. Since 1990, vote-by-mail use has grown from approximately 18 percent of the total votes cast, to over 60 percent of the votes in the last general election in November 2014. In an effort to further motivate VBM voters, some counties have begun to provide additional drop-off locations. These additional drop-off locations (e.g., public libraries, city government offices, senior centers) allow busy voters to drop off their ballots much closer to home.

SB 365 continues California's policy of decreasing barriers to vote-by-mail adoption. The measure will make voting more convenient for the public, help increase voter turn-out, and ensure drop-off locations are secure. Presently, there is an ambiguity in current law around additional drop-off locations that may be creating a potential barrier to counties seeking to expand this service. For example, in the November 2014 election, Los Angeles County, which has a population of more than 10 million people and is over 4,700 square miles in size, had one drop-off location. This may have contributed to the fact that only 38 percent of voters in Los Angeles County used VBM—nearly 20 percent lower than any other county in the state.

SB 365 will clarify that additional drop off locations are valid methods of delivering VBM ballots to the elections official. In addition, the measure ensures the safety of these drop-off locations by directing the Secretary of State to establish suggested best practices for counties that choose to implement VBM drop-off locations. Voting by mail has become a great asset for busy voters and a potential means for increasing participation. This bill will ensure that voters will continue to have the opportunity to drop their ballot off closer to home.

- 2) **Current Practice:** As mentioned above, current law requires a voted VBM ballot to be returned by mail or in person to the elections official from whom it came from or returned in person to a member of a precinct board at a polling place within the jurisdiction in which the person is registered to vote. Moreover, any voter who is unable to return a voted VBM ballot by mail, or drop it off at the elections office or polling place may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household to return the ballot on his or her behalf. In addition, existing law requires elections officials to establish procedures to ensure the secrecy of a VBM ballot returned to a precinct polling place and the security, confidentiality, and integrity of any related personal information collected, stored, or otherwise used.

This bill adds another option for returning a VBM ballot and permits a voter to return a voted

VBM ballot to a VBM ballot drop-off location, as defined, to the elections official from whom it came. In addition, in order to ensure security, this bill requires the SOS to promulgate regulations establishing best practices for security measures and procedures, including, but not limited to, chain of custody, pick-up times, proper labeling, and security of the vote by mail drop boxes, that a county elections official may use if the county elections official establishes one or more VBM ballot drop-off locations.

- 3) **Existing VBM Ballot Drop-Off Sites:** While existing law does not specifically address VBM ballot drop-off locations, in practice, an unknown number of counties currently establish VBM drop-off sites. One of those counties, Sacramento County, designates facilities throughout the county where voters can drop-off their voted VBM ballot prior to election day. The county requires that all facilities be accessible to voters with disabilities and have at least one person monitor the station. Sites include facilities such as city halls, county departments, assisted living facilities, local businesses, non-profit and community organizations, and facilities that already serve as polling places on election day. A list of the VBM drop-off sites is included in Sacramento County's sample ballot booklets. The Sacramento County system is designed so that a voter or someone designated by the voter must hand their voted VBM ballot to the person monitoring the drop-off site.

Moreover, a few counties, such as Kings County, utilize a ballot drop-off van as well. According to the Kings County Elections website, voters are encouraged to check the County's website or the voter pamphlet for a list of drop box and van locations. Information about hours and locations of ballot drop boxes and vans are available approximately 30 days prior to each election. To ensure ballots that are dropped off at drop-off boxes are secure, in practice, Kings County elections officials regularly collect the ballots from each drop box and there are at least two official elections workers present at the temporary locations serviced by a van. However, regardless of location, two official elections workers use a chain of custody process to transport all ballots.

- 4) **VBM Data:** Statistics show that voters are choosing to cast a VBM ballot more and more each election. For instance, in the November 2004 general election approximately 32 percent of voters cast a VBM ballot. In the November 2014 general election over 60 percent of voters cast their VBM ballots. However, studies have shown that not all VBM ballots are being returned via the mail – many voters are instead choosing to drop off their VBM ballot at a drop box on or close to election day. For example, one study found that in the November 2014 general election, over 26 percent of those that voted by mail returned their ballot at a polling place instead mailing or dropping it off at the counter in an elections official's office.

This bill, which permits county elections officials to set up VBM ballot drop off locations, as specified, will help ensure there are more secure and convenient locations in which a voter may drop off their voted VBM ballot.

- 5) **Arguments in Support:** In support, the California Voter Foundation (CVF), writes:

Last August, CVF published a report on an in-depth study we conducted on three counties' vote-by-mail [VBM] programs... In our study, we found two counties (Sacramento and Santa Cruz) used drop boxes located at other governmental buildings throughout the county, such as city halls and libraries and one (Orange) did not (other than a drop box immediately outside the county election office). When the drop box

option is available, voters utilize it. In November 2012, 17 percent of Santa Cruz County's VBM voters and 9 percent of Sacramento County's VBM voters returned their ballots at drop boxes. Overall, in the three counties studies, CVF found that a growing number of VBM voters prefer to return their ballots in person, at a drop box or at a polling place on Election Day, thus eliminating the need for postage and reducing the risk and time involved when ballots are delivered by the U.S. Postal Service. In Santa Cruz for example, the percentage of voters returning their ballots in person rose from 40 percent in 2008 to 48 percent in 2012.

- 6) **Related Legislation:** SB 450 (Allen), which is pending in this committee, requires county elections officials, if they choose to conduct an election as an all-mailed ballot election, to have at least one ballot drop-off location within the jurisdiction where the election is held, as specified, among other provisions.
- 7) **Previous Legislation:** SB 240 (Yee) of 2013, which was substantively similar to this bill, died in the Assembly Rules Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California State Council of the Service Employees International Union
California Voter Foundation
CALPIRG
Secretary of State Alex Padilla

Opposition

None on file.

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