

Date of Hearing: June 29, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

SB 450 (Allen and Hertzberg) – As Amended June 21, 2016

SENATE VOTE: (vote not relevant)

SUBJECT: Elections: vote by mail voting and mail ballot elections.

SUMMARY: Permits specified counties beginning in 2018, and all other counties beginning in 2020, 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. Permits Los Angeles County, beginning in 2020 and for a period of not more than four years, to conduct elections in which 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. Specifically, **this bill:**

- 1) Permits the counties of Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne, on or after January 1, 2018, and permits all other counties, on or after January 1, 2020, to choose to conduct elections where all voters are mailed a ballot and where 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 the following conditions:
 - a) **Vote Centers.** Requires vote centers to be open, in lieu of polling places, on election day, and for the 10 days prior to election day, in accordance with the following:
 - i) **Number of Vote Centers and Dates and Hours of Operation.** Requires the number of vote centers, and the dates and times that those vote centers are available, to comply with the following:
 - (1) **Regular Elections.** At a regularly scheduled election, requires vote centers to be open in accordance with the following:
 - (a) From the 10th day through the fourth day prior to the election, requires at least one vote center for every 50,000 registered voters, with no fewer than two vote centers, each open for at least eight hours per day.
 - (b) From the third day prior to the election through election day, requires at least one vote center for every 10,000 registered voters, with no fewer than two vote centers. Requires each vote center to be open for at least eight hours per day on the days prior to election day, and from 7 a.m. to 8 p.m. on election day. Requires at least 90 percent of the number of required vote centers to be open for all four days; provides that up to 10 percent of the locations need not be open for all four days as long as the *total* number of vote centers open on each day does not fall below the required number of locations.

- (c) Requires vote centers to be located in the jurisdiction where the election is being held.
- (2) **Special Elections.** At a special election, requires vote centers to be open in accordance with the following:
- (a) From the 10th day through the day prior to the election, requires at least one vote center for every 60,000 registered voters, each open for at least eight hours per day, provided, however, that in jurisdictions with fewer than 30,000 registered voters, the elections official is only required to make a reasonable effort to establish a vote center.
 - (b) On election day, requires at least one vote center for every 30,000 registered voters, each open from 7 a.m. to 8 p.m., provided, however, that in jurisdictions with fewer than 30,000 registered voters, the elections official is only required to make a reasonable effort to establish a vote center.
 - (c) Requires vote centers to be located in the jurisdiction where the election is being held unless the jurisdiction is not wholly contained within the county, in which case the elections official is required to make a reasonable effort to locate at least one vote center in the jurisdiction.
- ii) **Location of Vote Centers.** Requires vote centers to be located in accordance with the following requirements:
- (1) Equitably distributed around the county so as to afford maximally convenient options for voters.
 - (2) At accessible locations as near as possible to established public transportation routes.
- iii) **Voter Experience at a Vote Center.** Requires that a voter be able to do any of the following at a vote center:
- (1) Return, or vote and return, a vote by mail (VBM) ballot;
 - (2) Register to vote, or update his or her registration, and vote, as specified;
 - (3) Receive and vote a provisional ballot, as specified;
 - (4) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the elections official; and,
 - (5) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.
- iv) **Assistance Available at, and Accessibility of, Vote Centers.**
- (1) **Language Assistance.** Requires vote centers to comply with the following language assistance requirements:

- (a) Assistance is provided in all languages required in the jurisdiction pursuant to state and federal law, in a manner that enables voters of applicable language minority groups to participate effectively in the electoral process.
 - (b) Information is posted at each vote center regarding the availability of language assistance in English and any other languages required in the jurisdiction under state and federal law.
 - (c) If a vote center is in or adjacent to a precinct, census tract, or other defined geographical subsection identified in establishing language requirements under state or federal law, or identified as needing language assistance through the public input process established by this bill, the vote center is staffed by election board members who speak the required language. If the elections official is unable to recruit board members who speak the required language, alternative methods of effective language assistance are provided.
 - (d) Translated election materials are provided in all languages required in that jurisdiction under state or federal law.
- (2) **Accessibility.** Requires vote centers to comply with the following disability accessibility requirements:
- (a) Reasonable modifications and auxiliary aids and services are provided as required by federal law, as specified.
 - (b) Vote centers comply with state and federal accessibility requirements, as specified.
 - (c) Each vote center is equipped with no fewer than three accessible voting units that provide individuals with disabilities the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently, as specified.
- v) **Additional Requirements.**
- (1) Requires every vote center to have an electronic mechanism that allows elections officials to immediately access voter registration data, including whether each voter has been issued a VBM ballot and whether a ballot has been received by the elections official.
 - (2) Provides that the requirements for eligibility and composition of precinct boards at polling places generally apply for election boards at vote centers, except as otherwise specified.
- b) **Vote by Mail Ballots and Ballot Return.** Requires registered voters to be mailed ballots and requires drop-off locations to be established as follows:
- i) **Materials and Information Mailed to Voters.** Requires the elections official to mail all of the following to each registered voter:

- (1) A VBM ballot, along with instructions and a ballot return envelope, beginning the 29th day before the election.
 - (2) A notice, translated in all languages required for the jurisdiction under state and federal law, that informs voters of all of the following:
 - (a) An all-mailed ballot election is being conducted and each eligible voter will be issued a ballot by mail;
 - (b) The voter may cast a ballot in person at a vote center during specified days and times;
 - (c) The voter may request the elections official to send a ballot or a copy of a ballot in a language other than English, if such materials are required by state or federal law, no later than seven days before the election; and,
 - (d) The voter may request the elections official to deliver a ballot that voters with disabilities can mark privately and independently, as specified, no later than seven days before the election.
 - (3) A list of the ballot drop-off locations and vote centers established pursuant to this bill, including the dates and hours they are open. Additionally requires this list to be posted in an accessible format, as specified, on the Internet Web site of the county elections official.
 - (4) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a ballot in a language other than English.
- ii) **Ballot Drop-Off Locations.** Provides that a "ballot drop-off location" consists of a secure, accessible, locked ballot box located as near as possible to established public transportation routes to receive voted ballots. Requires drop-off locations to comply with specified regulations adopted by the Secretary of State (SOS). Requires the elections official to provide ballot drop-off locations that comply with the following:
- (1) **Number of Drop-Off Locations and Dates and Hours of Operation.** Requires drop-off locations to be open during regular business hours beginning not less than 28 days before the election, and on the date of the election, and requires the number of drop-off locations to comply with the following:
 - (a) **Regular Elections.** For regularly scheduled elections:
 - (i) At least one drop-off location is provided for every 15,000 registered voters, with no fewer than two drop-off locations; and,
 - (ii) At least one drop-off location includes an accessible, secured, exterior drop box that is available for a minimum of 12 hours a day including regular business hours.

- (b) **Special Elections.** For special elections, at least one drop-off location is provided for every 15,000 registered voters, with at least one drop-off location located within the jurisdiction where the special election is held.

iii) **Accessibility of VBM Ballots and Written Election Materials.**

- (1) Requires that a method be available for a voter with a disability to request a blank VBM ballot and, if a replacement ballot is necessary, a blank replacement ballot, that voters with disabilities can read and mark privately and independently, as specified.
- (2) Requires the elections official, upon request, to provide written voting materials in an accessible format to voters with disabilities, as specified.
- c) **Election Administration Plan.** Requires the elections official to develop a plan for the administration of elections (administration plan) pursuant to this bill.

i) **Operational Details.**

- (1) Requires the elections official, when developing the administration plan, to consider the following:
- (a) The proximity of vote centers and drop-off locations to all of the following:
- (i) Public transportation;
 - (ii) Communities with historically low VBM usage;
 - (iii) Population centers;
 - (iv) Language minority communities; and,
 - (v) Voters with disabilities.
- (b) Access to accessible and free parking at vote centers and drop-off locations.
- (c) Distance and time a voter must travel by car or public transportation to a vote center and drop-off location.
- (d) Need for alternate methods for voters with disabilities for whom VBM ballots are not accessible to cast a ballot.
- (e) Traffic patterns near vote centers and drop-off locations.
- (f) Need for mobile vote centers.
- (2) Requires the administration plan to include information on the following, to the extent available at the time of publication:

- (a) The numbers, locations, and operating hours of vote centers and drop-off locations to be established, and an indication of whether drop-off locations are inside or outside.
 - (b) A map with the location of each vote center and drop-off location.
 - (c) Security and contingency plans to be implemented by the county to do both of the following:
 - (i) Prevent a disruption of the vote center process; and,
 - (ii) Ensure that the election is properly conducted if a disruption occurs.
 - (d) The number of election board staff including bilingual board members and languages spoken.
 - (e) The services provided for individuals with disabilities including, but not limited to, the type and number of accessible voting machines and reasonable modifications at each vote center.
 - (f) The design, layout, and placement of equipment inside each vote center that protects each voter's right to cast a private and independent ballot.
- ii) **Voter Education and Outreach Plan.** Requires the administration plan to include a voter education and outreach plan (outreach plan) that is subject to all of the following requirements:
- (1) Requires the outreach plan to include descriptions of the following:
 - (a) How the elections official will use the media, including social media, newspapers, radio, and television, that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
 - (b) How the elections official will have a community presence to educate voters.
 - (c) The accessible information that will be publicly available on the elections official's website.
 - (d) The method used by the elections official to identify language minority voters.
 - (e) How the elections official will educate and communicate the provisions of this bill to the public, including but not limited to:
 - (i) Communities for which the county is required to provide voting materials and assistance in a language other than English under state and federal law, including a plan for a bilingual voter education workshop for each such language; and,

- (ii) The disability community including organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities, including a plan for a voter education workshop to increase accessibility for participation of voters with disabilities.
 - (f) How the county will spend the necessary resources on voter education and outreach to ensure that voters are fully informed about the election, including information about how the education and outreach budget compares to recent similar elections.
 - (g) A plan for at least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline. Requires this outreach to include access for voters who are deaf, hard of hearing, blind, or visually impaired.
 - (h) A plan for at least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance, for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
 - (i) At least two direct contacts with voters, in addition to the mailing of the VBM ballot and of the sample ballot, for the purposes of informing voters of the upcoming election, and promoting the toll-free voter assistance hotline.
- (2) Requires the county elections official, after the adoption of the final administration plan, to submit the outreach plan to the SOS for approval.
- (3) Requires the SOS to approve, approve with modifications, or reject a voter education and outreach plan within 14 days after the plan is submitted by an elections official.
- iii) **Miscellaneous Elements of the Administration Plan.** Requires the administration plan to include descriptions of all of the following:
- (1) How a voter with disabilities may request and receive a blank VBM ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can mark privately and independently.
 - (2) How the elections official will address significant disparities in voter accessibility and participation identified in reports required by this bill.
 - (3) The methods and standards that the county elections official will use to ensure the security of voting conducted at vote centers.
 - (4) Estimated short- and long-term costs and savings from conducting elections pursuant to this bill as compared to recent similar elections.

iv) Process for Adoption of Administration Plan.

- (1) Requires a draft plan for the administration of vote centers to be developed in consultation with the public, which includes, but is not limited to, both of the following:
 - (a) One meeting, publicly noticed 10 days prior to the meeting, that includes representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English under state and federal law; and,
 - (b) One meeting, publicly noticed 10 days prior to the meeting, that includes representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.
- (2) Requires the county elections official to provide public notice of the draft plan and to accept public comments on the draft plan for a period of 14 days. Requires the elections official, following the public comment period, to hold a public meeting, noticed 10 days in advance, as specified, to consider the draft plan and public comments.
- (3) Requires the elections official to consider any public comments and permits the official to amend the draft plan after the consideration of the public comments. Requires the elections official to publicly notice the amended draft plan and accept public comments for a period of 14 days. Permits the elections official to adopt a final plan following this 14 day public comment period.
- (4) Requires auxiliary aids and services to be provided upon request at any public meeting held for the development of the administration plan in order to ensure effective communication with people with disabilities.
- (5) Requires the draft plan, amended plan, and adopted plan to be posted on the county's website in each language in which the county is required to provide voting materials and assistance, and on the county's and the SOS's website in an accessible format, as specified.

v) Updates and Amendments to the Administration Plan.

- (1) Requires the elections official to hold additional public meetings to consider revising the plan, subject to the requirements outlined above, not more than two years after the adoption of the first plan, and every four years thereafter.
- (2) Permits an elections official to amend a plan for the administration of elections under this bill as follows:
 - (a) In the last 120 days before an election held pursuant to this bill, the plan may be amended with reasonable public notification; and,

- (b) If it is more than 120 days before an election held pursuant to this bill, the plan may be amended with reasonable public notification after a 30 day period during which public comments are accepted on the amended plan.

d) **Additional Requirements.**

- i) Requires a toll-free voter assistance hotline, which is accessible to voters who are deaf and hard of hearing, maintained by the county elections official that is operational no later than 29 days before the day of the election until 5 p.m. on the day after the election. Requires the hotline to provide assistance to voters in all languages in which the county is required to provide voting materials and assistance, as specified.
- ii) Requires the county elections official to establish a Language Access Advisory Committee (LAAC), comprised of representatives of language minority communities, and a Voting Accessibility Advisory Committee (VAAC), comprised of voters with disabilities. Requires the LAAC and the VAAC to be established no later than October 1 of the year prior to the first election conducted pursuant to this bill, and requires the LAAC and the VAAC to hold their first meetings no later than April 1 of the year in which the first election is conducted pursuant to this bill. Permits a county with fewer than 50,000 registered voters to establish a joint advisory committee for language minority communities and voters with disabilities.
- iii) Requires the elections official to solicit public input about which vote centers should be staffed by election board members who are fluent in a language in addition to English.
- iv) Requires the county elections official to provide notice in the sample ballot, in VBM materials, and on the elections official's Internet Web site of the specific language services available at each vote center.
- v) Requires election day procedures to be conducted as provided in existing law, except where otherwise specified.
- vi) Permits the county elections official to provide additional ballot drop-off locations and vote centers beyond the number required by this bill.
- vii) Provides that the return of voted VBM ballots is subject to provisions of existing law that apply to VBM ballots.
- viii) Requires election results from an election that is conducted pursuant to this bill to be reported by precinct.
- ix) Requires an elections official who conducts an election in accordance with the provisions of this bill to maintain an electronic index of voters who have done any of the following at a vote center:
 - (1) Registered to vote or updated his or her voter registration;

- (2) Received and voted a provisional ballot or replacement ballot; or,
 - (3) Voted a ballot using the equipment at a vote center.
 - x) Permits a county to conduct a special election as an all-mailed ballot election under this bill only if the county has done one of the following:
 - (1) Previously conducted an election in accordance with the provisions of this bill; or,
 - (2) Adopted a final election administration plan, as specified, and completed all activities provided for in the county's outreach plan prior to the special election.
 - xi) Requires a county elections official that conducts an election pursuant to this bill to make a reasonable effort to inform a voter whose VBM ballot is missing a signature of that fact, and to notify those voters on how to correct the missing signature.
- 2) **Los Angeles County Alternative.** Permits Los Angeles County, beginning January 1, 2020, to conduct elections subject to the same conditions that are generally applicable above, with the following exceptions:
- a) The county is not required to mail a ballot to every registered voter, but is required to mail ballots to all of the following voters:
 - i) Permanent VBM voters;
 - ii) Precincts with fewer than 500 registered voters;
 - iii) Voters who reside in jurisdictions adjacent to counties that are conducting elections pursuant to this bill; and,
 - iv) Voters in precincts that are either more than a 30 minute travel time from a vote center, or where the precinct's traditional polling place from the last statewide election is more than 15 miles from the nearest vote center.
 - b) At a regularly scheduled election, the county establishes vote centers in accordance with the following:
 - i) Beginning 10 days before the election and continuing daily through and including the fourth day before the election, requires vote centers to be open for at least eight hours per day, and requires at least one vote center for every 30,000 registered voters.
 - ii) Beginning on the third day before the election and continuing daily through and including election day, requires at least one vote center for every 7,500 registered voters. Requires each vote center to be open for at least eight hours per day on the days prior to election day, and from 7 a.m. to 8 p.m. on election day. Requires at least 90 percent of the number of required vote centers to be open for all four days; provides that up to 10 percent of the locations need not be open for all four days as long as the *total* number of vote centers open on each day does not fall below the

- required number of locations.
- c) For regularly scheduled elections, the county establishes at least one drop-off location for every 15,000 permanent VBM voters, with no fewer than two drop-off locations, as specified.
 - d) Requires vote centers to be located within a reasonable travel time of registered voters.
 - e) Requires the county to conduct a service area analysis of its vote center plans to identify service gaps, and requires the county to report its findings.
 - f) Provides that the county may conduct elections under this alternative for no more than four years, and allows the county to conduct elections as otherwise provided in this bill after that time.
- 3) **Reporting Requirements.** Establishes reporting requirements for an election that is conducted pursuant to this bill.
- a) Requires the SOS to submit a report to the Legislature, and to post that report in an accessible format on the SOS's website, within six months after the date of any election conducted pursuant to this bill, that includes the following information by categories of race, ethnicity, language preference, age, gender, disability, permanent VBM status, historical polling place voters, political party preference, and language minorities, as specified, to the extent possible:
 - i) Voter turnout;
 - ii) Voter registration;
 - iii) Ballot rejection rates, and the reasons for ballot rejection;
 - iv) Provisional ballot use;
 - v) The number of votes cast at each vote center;
 - vi) The number of ballots returned at drop-off locations;
 - vii) The number of ballots returned by mail;
 - viii) The number of persons who registered to vote at a vote center;
 - ix) Instances of voter fraud; and,
 - x) Any other problems that became known to counties or the SOS during the election or the canvass of the election.
 - b) Requires a county that conducts an election pursuant to this bill to do both of the following:

- i) To the extent possible, submit information to the SOS that the SOS needs to prepare the report detailed above.
 - ii) Post a report on its official website in an accessible format, as specified, that compares the costs of elections conducted pursuant to this bill to the costs of previous similar elections.
- 4) **Task Force.** Requires the SOS to establish a task force, in existence until January 1, 2022, to review elections conducted pursuant to this bill, and to provide comments and recommendations to the Legislature no later than six months after each election. Requires the task force to include, but not be limited to, the following:
 - a) County elections officials;
 - b) Individuals with demonstrated language accessibility experience for languages covered under federal law;
 - c) Representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities; and,
 - d) Other experts with demonstrated experience in the field of elections.
- 5) Requires the SOS to enforce the provisions of this bill, as specified.
- 6) Repeals limits on the individuals who a voter may designate to return his or her VBM ballot, and instead permits a voter to designate *any* person to return his or her VBM ballot.
- 7) Allows a VBM ballot to be returned to any polling place within the state, instead of being limited to polling places within the jurisdiction of the elections official who issued the ballot.
 - a) Permits a voted VBM ballot to be returned in person to any member of a precinct board at any polling place or vote center within the state, instead of being limited to polling places within the jurisdiction of the elections official who issued the ballot.
 - b) Provides that if a VBM ballot is returned to a precinct board of a polling place, vote center, or ballot drop-off location that is located in a county other than the county from which the ballot was issued, the elections official for the county in which the VBM ballot was returned shall forward the ballot to the elections official who issued it no later than eight days after receipt.
- 8) Makes technical and corresponding changes.

EXISTING LAW:

- 1) Allows any voter to receive a VBM ballot for an election. Allows a voter who wishes to receive a VBM ballot for every election in which that voter is eligible to vote to become a permanent VBM voter.

- 2) Permits, but does not require, elections officials to allow voters to cast ballots prior to an election at their offices or satellite locations on weekends or times beyond regular office hours.
- 3) Permits a voter who is otherwise qualified to register to vote to complete a conditional voter registration, as defined, and to cast a provisional ballot during the 14 days immediately preceding an election or on election day at the office of the elections official. Permits the county elections official to offer conditional voter registration at satellite offices of the county elections official. Provides that these provisions do not become operative until January 1 of the year following the year in which the SOS certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act (HAVA).
- 4) Allows local elections held on no more than three different dates in Monterey, Sacramento, San Mateo, and Yolo counties to be conducted wholly by mail, as part of a pilot project lasting through January 1, 2018, subject to certain conditions.
- 5) Permits San Diego County, as part of a pilot program lasting through January 1, 2021, to conduct a special election to fill a vacancy in the Legislature or in Congress as an all-mailed ballot election, subject to certain conditions and reporting requirements.
- 6) Requires precinct boundaries to be fixed in a manner so that the number of voters in the precinct does not exceed 1,000 on the 88th day prior to the day of election, except as specified. Requires an elections official, at least 29 days prior to an election, to designate a polling place for each precinct, except as specified.
- 7) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate that is higher than the national illiteracy rate, and the number of United States citizens of voting age in that single language group within the jurisdiction meets at least one of the following tests:
 - a) Numbers more than 10,000;
 - b) Makes up more than five percent of all voting age citizens; or,
 - c) On an Indian reservation, exceeds five percent of all reservation residents.
- 8) Requires the elections official to make reasonable efforts to recruit elections officials who are fluent in a language if three percent or more of the voting-age residents in the precinct are fluent in that language and lack sufficient skill in English to vote without assistance.
- 9) Requires, in counties where the SOS has determined it is appropriate, each precinct board to post at least one copy of the ballot with ballot measures and ballot instructions printed in Spanish. Provides that the ballot shall also be posted in other languages if a significant and substantial need is found by the SOS.
- 10) Provides that in determining whether it is appropriate to require a county to post a copy of the ballot at a precinct in a language other than English, the SOS shall find a need to post such translated copies of the ballot if the number of residents of voting age in the precinct

who are members of a single language minority and who lack sufficient skills in English to vote without assistance equals three percent or more of the voting-age residents.

- 11) Requires the elections official to undertake necessary measures when locating polling places to ensure that polling places meet the guidelines promulgated by the SOS for accessibility by the physically handicapped.
- 12) Requires, pursuant to HAVA, that voting systems used in an election for federal office be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

FISCAL EFFECT: Unknown

COMMENTS:

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

California saw historically low voter turnout in 2014. Only 25 percent of all registered California voters cast a ballot in the June primary and only 42 percent participated in the November general election. Los Angeles County – the largest voting jurisdiction in the country – had the lowest turnout among all of California's 58 counties. Fewer than 17 percent of L.A. County voters cast a ballot in the June primary and only 31 percent voted in November. While voter turnout was poor across the entire country in 2014, California ranked an inexcusable 43rd in turnout among the 50 states and District of Columbia.

Since 1960 turnout of registered voters in California off-year general elections has steadily decreased from a high of 79 percent in 1966 to a previous low of 50.5 percent in 2002. Turnout for off-year primary elections since 1960 has also steadily decreased from a high of almost 69 percent in 1978 – when Proposition 13 appeared on the ballot – to a previous low of 33 percent in 2010.

SB 450 is modeled on the very successful way Colorado conducts its elections wherein every voter automatically receives a vote by mail ballot who may then return that ballot by mail or in person at numerous drop-off locations and innovative vote centers. In lieu of traditional neighborhood polling places, these vote centers are placed in convenient locations all over town and open several days prior to each election. Furthermore, voters can use any vote center or drop-off location in their home county – they are not limited to using the one closest to their residence.

At the vote centers, voters can register to vote, cast a vote, or get a new ballot if they lost or damaged their mail ballot. They are also equipped with accessible voting machines for disabled voters and electronic poll books that interact with the official voter database.

Fully implemented for the 2014 elections, this hybrid system resulted in Colorado achieving one of the highest voter turnouts in the nation. SB 450 will replicate this system in California on a county by county, opt-in basis beginning in 2018.

The language of SB 450 was painstakingly developed with the input of the Secretary of State, county elections officials, and numerous advocates representing all facets of California's very diverse electorate. This effort is evident in the unprecedented lengths to which the bill goes toward accommodating non-English proficient voters and voters with accessibility needs as well as requiring extensive community involvement and voter education.

A majority of our voters are already casting ballots by mail. During the November, 2014 General Election over 60 percent of all voters statewide used a vote by mail ballot. Use of mail ballots in local and special elections is even higher. Furthermore, a recent poll conducted by the Public Policy Institute of California found that 70 percent of California adults favor sending every registered voter a vote by mail ballot.

SB 450 offers the best opportunity to significantly increase voter participation while also saving participating counties money over the current system.

- 2) **Colorado Model of Elections:** As noted in the author's statement above, the provisions of this bill are modeled after the way that Colorado conducts its elections. The essence of Colorado's elections system is that voters may choose to vote at home using a ballot that is mailed to them, or may visit any of the several vote centers within their home county on election day, or on the days leading up to election day, including weekends. The key elements of Colorado's system are as follows:
 - a) Every registered voter is mailed a ballot.
 - b) Voters may mail the voted ballot back to elections officials, or may return it in person to the elections official's office, a vote center, or a designated drop-off location.
 - c) Instead of traditional neighborhood polling places, Colorado provides vote centers which are open 8 to 14 days prior to election day, depending on the type of election. Vote centers provide all of the following services:
 - i) Voter registration through election day;
 - ii) Voting;
 - iii) Provisional voting for anyone who lost their ballot, or who otherwise needs a replacement ballot; and,
 - iv) Accessible voting machines for disabled voters.
 - d) In counties with at least 10,000 voters, one vote center is provided for every 30,000 voters during early voting, with a minimum of one vote center, and one vote center is provided for every 15,000 voters on election day, with a minimum of three vote centers. In counties with fewer than 10,000 voters, at least one vote center is provided during early voting, and at least one vote center is provided on election day.

- e) In counties with at least 25,000 voters, at least one stand-alone drop-off location is provided for every 30,000 voters.

Colorado's election system came about through a series of changes over time. Larimer County in Colorado piloted the first use of vote centers in 2003, and in 2004, Colorado's SB 153 established the legal framework permitting the use of vote centers for conducting an election. By the 2006 statewide election, 19 Colorado counties were using election day vote centers.

In 2002, Colorado adopted a no-excuse, permanent absentee voting system under which any voter could sign-up to receive an absentee ballot (referred to as VBM ballots in California) at any election. By 2008, 50 percent of Colorado voters were signed-up as permanent absentee voters, and in 2009, the Colorado Legislature passed a bill allowing counties to conduct primary elections as all-mail ballot elections. As a result, in 2010, more than two-thirds of Colorado counties conducted the statewide primary election as an all-mail ballot election.

In 2013, the Colorado Legislature adopted and the Governor signed HB 1303, which established the framework under which Colorado's elections are now conducted. HB 1303, among other provisions, authorized voter registration to continue through election day, required that every registered voter be mailed a ballot no later than 22 days before each election, and required county clerks to establish vote centers, as outlined above. Although the changes made by HB 1303 were significant, many Colorado counties and many Colorado voters already had experienced elections conducted using vote centers, and had experienced elections in which every voter was mailed a ballot, as detailed above.

While the provisions of this bill are modeled after Colorado law, California's unique challenges will necessitate policies that differ from the Colorado model in some respects. For example, under the federal Voting Rights Act (VRA), certain jurisdictions in Colorado are required to provide elections materials and assistance in Spanish, but Colorado counties generally are not required to provide assistance in other languages. By contrast, Los Angeles County is required to provide language assistance in nine languages other than English. (Los Angeles also offers bilingual poll worker assistance in another seven languages.) Many other California counties also are required to provide assistance in languages other than English and Spanish. When elections are conducted using polling places, bilingual poll workers can be directed to those areas that have higher residential concentrations of voters who require assistance in a particular language. But in an election system where voters have the option of voting at any vote center countywide, and aren't tied to a specific voting location, it can be more challenging to determine where best to place bilingual election workers.

Other challenges that California likely will face in moving to an election system similar to Colorado's include the state's size (both in terms of population and geography), and the fact that fewer voters and elections officials have familiarity with vote centers and elections in which all voters are mailed a ballot. Overcoming these challenges may require more robust voter education and outreach, and may require other adjustments to the Colorado model. This bill contains many adjustments to the Colorado model in an attempt to address this state's unique challenges.

- 3) **Vote Centers vs. Polling Places:** Vote centers are polling locations at which any registered voter in a county can cast a regular (i.e., non-provisional) ballot, regardless of the voter's

precinct. Voters do not need to vote at polling places near their homes, but can vote at any of the vote centers throughout the county.

Vote centers provide greater flexibility to voters in deciding where and when to cast their ballots. The trade-off is that there are considerably fewer physical voting locations in elections using vote centers than in elections using neighborhood polling places. For example, Orange County had 1,135 polling places for the November 2014 general election. By contrast, if Orange County chose to conduct a statewide election pursuant to SB 450, it would be required to have 140 vote centers open on election day and each of the three days prior to the election (Saturday, Sunday, and Monday), and 28 vote centers open each day between the 10th day (Saturday) and the 4th day (the following Friday) before the election. (The county would also be required to have 94 ballot drop-off locations for the 28 days before the election.) This reduction in the number of physical voting locations could increase the distance that some voters have to travel in order to cast a ballot in person.

On the other hand, because vote centers would be open for the 10 days prior to election day (including two full weekends), the number of days and hours during which in-person voting is available would increase significantly. Additionally, with vote centers, a voter could have the flexibility to vote near his or her work, or near his or her child's school, if that was a more convenient option. Because of the reduced number of physical voting locations, elections officials would also have greater flexibility to locate vote centers near established public transportation routes and in areas with sufficient parking. (In fact, this bill would require elections officials to take those factors into consideration when deciding where to locate vote centers.)

- 4) **Technical Requirements for Vote Centers:** Because voters have the option of casting a ballot at any vote center in the county, vote centers need to have a system that can provide any eligible voter in the county with the appropriate ballot. While smaller counties that have fewer ballot styles may be able to accommodate that need using pre-printed paper ballots, vote centers in larger jurisdictions likely will feature electronic voting systems that are pre-loaded with all the ballot types in the county, or ballot-on-demand printers that can produce the appropriate paper ballots as needed.

Additionally, in order to verify the registration of voters, determine the correct ballot type for each voter, and ensure that a voter has not already cast a ballot, vote centers must have a mechanism to verify voter registration information. In most jurisdictions, this requirement is likely to be met through the use of electronic poll books that can communicate with the voter registration database in real-time.

- 5) **VoteCal:** On October 29, 2002, President George W. Bush signed HAVA. Enacted partially in response to the 2000 Presidential election, HAVA was designed to improve the administration of federal elections. Among other provisions, HAVA requires every state to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level. This statewide voter registration list will serve as the official list of eligible voters for any federal election held within the state.

At the time HAVA was approved, California was already using a statewide voter registration system, known as Calvoter, which achieved some of the goals of the voter registration list

required by HAVA. However, Calvoter did not satisfy many of the requirements in that law, including requirements that the database be fully interactive and have the capability of storing a complete voter registration history for every voter. Discussions between the United States Department of Justice and the SOS led to the adoption of a memorandum of agreement (MOA) between the two parties. In that MOA, the SOS committed to further upgrades to the Calvoter system to achieve short-term interim compliance with the requirements of HAVA, and to complete development and implementation of a longer-term solution for replacing the Calvoter system with a new permanent statewide voter registration system. That new permanent system is commonly known as VoteCal.

After a number of delays, the VoteCal system has been developed and rolled out to all 58 counties. Although every California county now has access to the VoteCal system, it will not become the official system of record for voter registration information in California until the system is certified by the SOS. That certification is expected to happen later this summer.

- 6) **Conditional Voter Registration (a.k.a. "Election Day" Registration):** AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits "conditional voter registration," under which a person is allowed to register to vote and vote at the office of the county elections official at any time, including on election day, if certain requirements are met. AB 1436 does not, however, require conditional voter registration to be available at polling places. Conditional voter registration will go into effect on January 1 of the year following the date that the SOS certifies the operation of VoteCal. Under conditional voter registration, voters will cast provisional ballots which will be counted only if the elections official is able to determine the person's eligibility to vote, as specified.

One of the conditions of this bill would require that conditional voter registration be available at every vote center. Because counties would not be allowed to operate vote centers pursuant to this bill until 2018, and because VoteCal is scheduled to be fully implemented this summer, the state law providing for conditional voter registration is expected to be in effect before any elections are conducted under the provisions of this bill.

- 7) **San Mateo Pilot Project:** As noted above, existing law allows four counties to conduct certain local elections as mailed ballot elections, subject to certain conditions, as part of a pilot project lasting through January 1, 2018. San Mateo County conducted its first election under that pilot project last November, and submitted its required report on that election to the Legislature last month.

While the pilot project in which San Mateo is participating is described as an all-mailed ballot pilot project, the actual election that was conducted in San Mateo last November shares some similarities with the manner in which elections would be conducted under this bill. While all registered voters were mailed a ballot, the county also opened 32 "universal polling places," which functioned similar to vote centers, on election day, and had two vote centers and 20 ballot drop-off locations available for 28 days prior to the election. (By contrast, had the election been a regularly scheduled election conducted pursuant to the terms of this bill, San Mateo County would have been required to have 36 vote centers open on election day and for the three days prior to election day, eight vote centers open from the 10th day before the election through the fourth day before the election, and 24 ballot drop-off locations available for 28 days prior to the election.) San Mateo County also conducted an extensive voter education and outreach campaign, similar to that which would be required by

this bill, and sent between three and six pieces of mail to every registered voter to educate voters about the election, similar to this bill's requirement that elections officials make at least two direct contacts with voters, in addition to the mailing of the VBM ballot and of the sample ballot, for the purposes of informing voters of the election. On the other hand, San Mateo County also prepaid the return postage on VBM ballots—something that is not required by this bill.

The report to the Legislature regarding San Mateo County's election found that turnout in the pilot election was slightly higher than in the two most recent similar elections in the county (elections held in November 2011 and November 2013). In addition, turnout was higher than in the two most recent similar elections among all age groups and political party preferences, for both men and women, for voters who were *not* signed up as permanent VBM voters, and among whites, Asian Americans, and Latinos. Among African American voters and permanent VBM voters, turnout was higher than in the 2013 election, but lower than the 2011 election. While the report noted that previous research suggested that increased convenience and mobilization by the office of the elections official could have contributed to the observed changes in turnout, it also cautioned that "the degree to which these increases in turnout can be attributed to each of these factors is uncertain, however, as the pilot did not include an experimental component."

- 8) **Early Adopters:** Of the 14 counties that would have the option of adopting the provisions of this bill beginning in 2018, three of the counties have more than 500,000 registered voters based on the SOS's most recent report of registration (Orange, Santa Clara, and Sacramento); two of the counties have more than 100,000, but fewer than 500,000 registered voters (San Mateo and San Luis Obispo); four of the counties have more than 50,000, but fewer than 100,000 registered voters (Shasta, Napa, Nevada, and Madera); and five of the counties have fewer than 50,000 registered voters (Sutter, Tuolumne, Calaveras, Inyo, and Sierra).

The following table details the 14 counties that would have the option of adopting the provisions of this bill beginning in 2018, and the number of vote centers and drop-off locations that each county would be required to operate, based on current registration figures.

County	Registered Voters*	Polling Places at 11/2014 Election**	Vote Centers, E-10 to E-4	Vote Centers, E-3 through Election Day	Drop-off Locations
Orange	1,395,380	1135	28	140	94
Santa Clara	788,063	697	16	79	53
Sacramento	715,975	528	15	72	48
San Mateo	367,155	211	8	37	25
San Luis Obispo	155,801	145	4	16	11

Shasta	96,310	79	2	10	7
Napa	72,461	13	2	8	5
Nevada	66,149	39	2	7	5
Madera	54,017	39	2	6	4
Sutter	42,351	22	2	5	3
Tuolumne	29,472	27	2	3	2
Calaveras	27,532	15	2	3	2
Inyo	9,697	5	2	2	2
Sierra	2,217	0***	2	2	2

*As of 5/23/2016, per Secretary of State's Report of Registration.

**According to information provided by the counties to the United States Election Assistance Commission as part of the 2014 Election Administration and Voting Survey.

***Due to the fact that none of Sierra County's precincts have more than 250 registered voters, all of its precincts were designated as mailed-ballot precincts for the November 2014 election. As a result, it did not have polling places for that election.

- 9) **Los Angeles Option:** This bill includes an option for conducting elections that is only available to Los Angeles County. While that option is similar to the election model offered to other counties under the bill, the "Los Angeles option" generally requires a larger number of vote centers than are otherwise required, but does not require the county to mail a ballot to every registered voter. This option is designed, in part, in recognition of the fact that voters in Los Angeles County use VBM ballots at much lower rates than in other counties in the state. Furthermore, the county's large population would create significant logistical challenges if the county were required to begin mailing VBM ballots to millions of additional registered voters in a short period of time. This bill, however, would require Los Angeles County to transition to the election model that is applicable to all other counties after four years of conducting elections under the "Los Angeles option."

The following table details the number of vote centers and drop-off locations that Los Angeles County would be required to operate under each of these two systems, based on current registration numbers.

Voting Model	Registered Voters*	Polling Places at 11/2014 Election**	Vote Centers, E-10 to E-4	Vote Centers, E-3 through Election Day	Drop-off Locations
"Los Angeles Option"	4,909,904	2,849	164	655	102***

General SB 450 Option	4,909,904	2,849	99	491	328
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*As of 5/23/2016, per Secretary of State's Report of Registration.

**According to information provided by Los Angeles County to the United States Election Assistance Commission as part of the 2014 Election Administration and Voting Survey.

***Based on 1,525,569 permanent VBM voters as of 5/1/2016, according to information from the website of the Los Angeles County Registrar-Recorder/County Clerk.

10) **Arguments in Support:** The sponsor of this bill, Secretary of State Alex Padilla, writes in support:

California's current election system feeds the lack of confidence that keeps many eligible voters away from our democracy. In a September 2015 Public Policy Institute of California survey the #3 reason registered voters cited for not voting was a lack of confidence in elections. The top reason unregistered voters do not register and vote was lack of confidence in elections and politics.

SB 450 would allow counties to adopt tested and proven policies that increase voter participation. Specifically, the bill would, beginning January 1, 2018, allow specified counties to send every registered voter a ballot 28 days before Election Day, provide in-person early voting 10 days before Election Day, widely deploy Same Day Voter Registration and establish vote centers across the county which can be used by every voter.

The State of Colorado adopted these policies statewide in 2014 and California's San Mateo County piloted these policies for their 2015 local elections. Both Colorado and San Mateo saw an increase in voter participation and a reduction in the use of provisional ballots. In 2014, Colorado had the 3rd highest turnout in the nation; while California was 43rd. San Mateo had the highest turnout, among all demographics in 20 years.

The Colorado and San Mateo experiences demonstrate research conducted by the California Institute of Technology, New York University and the Brennan Center for Justice on the effects these policies have on turnout and voter experience. California Institute of Technology and New York University concluded that widely available Same Day Voter Registration would increase turnout in California by an average of 4.8% with bigger gains among young people, Latinos and new citizens. The Brennan Center found that early voting can result in shorter lines on Election Day, improved poll worker performance, early correction of registration or voting errors, and increased voter satisfaction.

Also in support of this bill, Consumer Watchdog writes:

SB 450 would enact several key reforms that have proven to increase participation, improve election administration, and save money.

The bill would allow California counties, beginning in 2018, to begin conducting

elections in a new way. A similar system used in Colorado has already proven to increase turnout while reducing administrative costs. It would reduce barriers for voters, including:

Extended period to vote: Every registered voter will receive a ballot a month before Election Day and can start voting a month before. Voters may mail their ballot back, drop it at a voter drop-box or at any vote center in their county;

Weekend voting: Every voter can vote in-person at least 10 days before Election Day, which includes 2 weekends;

More convenient voting locations: Voters can use any vote center in their county to cast a ballot. Many of these vote centers will be in more convenient locations, for example near a voter's workplace or school;

Greater language access: Every vote center will provide translated materials and assistance in the languages protected by the federal Voting Rights Act;

Greater disabled access: Every vote center will have accessible voting machines to assist voters with physical impairments to vote on their own, and any voter can request an accessible ballot, including ballots necessary for the visually impaired;

Same Day Voter Registration: Every vote center will have to provide same-day voter registration which allows citizens to register to vote or update their registration information until the close of the polls on Election Day;

Direct public participation: The public will have an unprecedented voice in how elections are run, including formal consultation on the location and number of vote centers and ballot drop boxes.

- 11) **Concerns Raised:** While not taking an official position on the bill, the American Civil Liberties Union of California, Advancement Project, Asian Americans Advancing Justice – California, California Calls, California Foundation for Independent Living Centers, California Voter Foundation, Disability Rights California, and PICO California sent a joint letter of concerns. The letter suggests the following amendments to address the concerns those organizations have identified:

Participating counties must provide return envelopes with prepaid postage.

When approving vote-by-mail pilot programs that authorize a county to mail all voters ballots in lieu of providing accessible neighborhood polling sites, the Legislature has consistently recognized that all-mail ballot programs must be conditioned on the provision of prepaid postage on ballot return envelopes...

The Legislature has acknowledged that lack of postage can be a barrier to participation for low income persons, the elderly, and people with disabilities. The San Mateo County vote-by-mail pilot, tested for the first time in November 2015, confirmed the importance of prepaid postage to ensuring voter participation....

Expansion of the S.B. 450 vote-by-mail model to other counties should occur in 2022, not in 2020...

[B]efore opening up to the entire state, the S.B. 450 vote-by-mail model should be implemented and tested for a presidential primary and election by the limited number of counties initially authorized to participate. This will give the initial counties the opportunity to develop and test best practices, will give the S.B. 450 task force the opportunity to meaningfully evaluate and compare the impact of both the vote-by-mail model and the Los Angeles County vote center model in a presidential election year, and will afford the Legislature the time needed to enact any legislative changes necessary to ensure the best model and practices are in place to serve California voters' and election officials' beyond 2020.

In the absence of ballots mailed to all voters, the proposed Los Angeles County vote center model should provide 1) one vote center for every 5,000 voters from E-3 to Election Day, and 2) a lower threshold for when a ballot must be mailed to a voter who does not have ready access to a vote center.

1) In the absence of mailed ballots, Los Angeles County must provide more vote centers than the 1 per 7,500 vote center ratio that S.B. 450 currently proposes....

Los Angeles County has pointed to Travis County as a jurisdiction for comparison since vote centers are used in a manner similar to what Los Angeles County proposes. However, while Travis County does not mail all voters a ballot, it provides far more vote centers per person than what S.B. 450 proposes for Los Angeles County. For example, in 2012, Travis County had 207 vote centers for 635,300 registered voters, a ratio of one vote center per 3,069 registered voters. Two years later, in 2014, Travis County had 186 vote centers for 652,463 registered voters, a ratio of one vote center per 3,585 registered voters. Thus, under the most recent version of S.B. 450, Los Angeles County would have one vote center for more than twice as many voters, presenting challenges both in terms of the distance and means of getting to a vote center and in terms of predicting the sheer volume of voters and wait times to be managed at vote centers when voters have not been mailed a ballot to offset in-person turnout....

2) Ballots should be mailed to all voters who are more than 10 minutes from a vote center, as determined by travel time from their home to a vote center via public transportation, and to any voter who lives more than five miles from a vote center.

12) **Arguments in Opposition:** In opposition to this bill, the Election Integrity Project writes:

By allowing “convenience” and indiscriminant use of the vote by mail ballot, California law already significantly increases the threat to election integrity by opening the door to many forms of ballot harvesting. Currently, roughly 50% of California voters either choose to or have been forced into voting with a mail ballot. However, the other half of Californians are exercising their right of choice to vote in person, and do so wisely because of the increased risk to the integrity of

a vote by mail ballot, regardless of how it is submitted. SB 450 would remove all choice from the citizens of California without their consent by allowing the county bureaucracy to choose an all-mail ballot format for elections. **Citizens should not be subjected to such a choice without their consent.**

13) **Related Legislation:** AB 1921 (Gonzalez), which is pending on the Senate Floor, permits a VBM voter to who is unable to return his or her ballot to designate any person to return the ballot, as specified. AB 1921 was approved by this committee on a 5-2 vote, and was approved by the Assembly on a 46-29 vote.

14) **Previous Legislation:** SB 439 (Allen), Chapter 734, Statutes of 2015, allows elections officials to offer conditional voter registration at satellite offices on days other than election day, and requires the SOS to adopt and publish standards for electronic poll books and ballot on demand printers, as specified.

AB 3024 (Wolk) of 2006, would have authorized Solano County to conduct a pilot project whereby the county elections official would establish vote centers in lieu of polling places in each precinct. AB 3024 was vetoed by Governor Schwarzenegger. In his veto message, the Governor stated that "[w]hile the vote center system may offer some advantages over the current precinct-based voting system, the proposed pilot project would reduce the number of voting locations by 80 percent, and thereby significantly increase the distance that voters would have to travel in order to vote. This burden would fall disproportionately on those who are less mobile, frequently the poor, disabled, and elderly."

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (sponsor)
American Federation of State, County and Municipal Employees, AFL-CIO (prior version)
California Association of Clerks and Election Officials
California Association of Nonprofits (prior version)
California Common Cause
California Foundation for Independent Living Centers (if amended) (prior version)
California League of Conservation Voters
California Nurses Association (prior version)
California State Association of Counties (prior version)
California Transit Association (prior version)
CALPIRG
City Clerks Association of California (prior version)
Consumer Watchdog
Courage Campaign (prior version)
Equality California (prior version)
League of California Cities (in concept) (prior version)
Los Angeles County Board of Supervisors
NARAL Pro-Choice California (prior version)
San Mateo County Board of Supervisors (prior version)
Sierra Club California
Urban Counties of California

Opposition

Election Integrity Project
One Individual (prior version)

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