

Date of Hearing: April 25, 2018

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 2540 (Mullin) – As Amended April 18, 2018

SUBJECT: State facilities and public buildings: vote centers and polling places.

SUMMARY: Requires a governing body with jurisdiction over school buildings or other public buildings to allow those buildings to be used as vote centers beginning up to ten days prior to an election day, as specified. Specifically, **this bill:**

- 1) Defines "public building" to mean a building owned or controlled by a city, county, or other local government agency.
- 2) Authorizes the governing body with jurisdiction over school buildings or other public buildings to allow its buildings to be used as vote centers, in addition to polling places, and provides that the building may serve as a vote center beginning up to ten days before the election and continuing through election day.
- 3) Requires the governing body having jurisdiction over a school building or public building, if an elections official specifically requests the use of the building, to allow for the school or building to be used as a vote center beginning up to ten days before the election and continuing through election day, as well as during key dates necessary for dropoff, set-up, and pick-up of election materials, as determined by the elections official.
- 4) Requires an elections official requesting the use of a public building to include in his or her request a list of the buildings for which the use of a building for polling places or vote centers is needed. Requires the request to be made sufficiently before election day for the governing body of the city, county, or other local government agency to adequately plan for the public building's use as a polling place or voter center.
- 5) Requires the district administrator of a building used as a polling place or a vote center to make the building parking available at no charge to the precinct or vote center board and voters beginning ten days before the election and continuing through election day, if requested by the elections official.
- 6) Requires, with certain exceptions, that state-owned buildings, parking lots, and other facilities be made available free of charge for use as vote centers, in addition to polling places.
- 7) Deletes provisions of law that require a school administrator to make a reasonable effort to ensure that a school building used as a polling place is accessible to the handicapped and instead requires a public building, including, but not limited to, a building operated by a school district, that is used as a polling place or a vote center to comply with existing state accessibility requirements, the federal Americans with Disabilities Act of 1990, the federal Help America Vote Act (HAVA) of 2002, and the federal Voting Rights Act of 1965.
- 8) Makes other technical and conforming changes.

EXISTING LAW:

- 1) Defines a polling place to mean a location where a voter casts a ballot and includes the following terms, as applicable: poll, polling location, and vote center. Provides that a polling place may serve more than one precinct.
- 2) Authorizes certain counties to conduct any election, after a specified date, as an all-mailed ballot election if certain conditions are met, including conditions related to ballot dropoff locations, vote centers, and plans for the administration of all-mailed ballot elections.
- 3) Requires, with certain exceptions, that state-owned buildings, parking lots, and other facilities be made available free of charge for use as polling places.
- 4) Authorizes the governing body with jurisdiction over school buildings or other public buildings to allow its buildings to be used for polling places on any election day, or to store voting machines and other vote-tabulating devices.
- 5) 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.
- 6) 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:

AB 2540 will clarify that public facilities are obligated to serve as vote centers at the request of county Elections Officials, provided that Elections Officials give the governing body sufficient advanced notice before Election Day. As the California Voter's Choice Act is implemented in multiple counties this year, it is imperative that Elections Officials have adequate facility options when it comes to establishing vote centers. Utilizing public facilities as vote centers is a sensible option being that they are generally well-known locations throughout communities, they are ADA accessible, and are equipped with internet and Wi-Fi infrastructure necessary for electronic voting equipment. As more counties move away from traditional polling places and begin to establish vote centers, it is of the utmost importance that Elections Officials have the necessary resources to be able to facilitate this transition and provide voting access to Californians across the state.

- 2) **California Voter's Choice Act:** In 2016, the Legislature passed and the Governor signed SB 450, Chapter 832, Statutes of 2016, which enacted the California Voter's Choice Act (CVCA), which permits fourteen specified counties, starting this year, to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots

or to vote in person at a vote center for a period of 10 days leading up to election day. Specifically, current law requires, for regularly scheduled elections, one vote center for every 50,000 registered voters from the 10th day to the 4th day prior to the election, and one vote center for every 10,000 registered voters from the 3rd day prior to the election through election day, with no fewer than two vote centers. Additionally for special elections, current law requires one vote center for every 60,000 registered voters from the 10th day to the day prior to the election, and one vote center for every 30,000 registered voters on election day, as specified.

The CVCA permits Los Angeles County, beginning January 1, 2020, to conduct elections subject to the same conditions that are generally applicable above, except that the county is not required to mail a ballot to every voter and the county must provide, for regularly scheduled elections, one vote center for every 30,000 registered voters from the 10th day to the 4th day prior to the election, and one vote center for every 7,500 registered voters from the 3rd day prior to the election through election day. Additionally, Los Angeles County is required to provide at least one vote center in each city that has at least 1,000 registered voters, as specified.

Additionally, current law requires vote centers to be open for specified minimum hours of operation, and requires that a voter be able to return his or her VBM ballot, register to vote or update voter registration, receive and vote a provisional ballot, receive a replacement ballot, or vote using accessible voting equipment at a vote center. Additionally, existing law requires a vote center to be accessible to voters with disabilities and provide language assistance consistent with current state and federal law. Five counties are expected to conduct elections under this system this year; the remaining counties may use this system beginning in 2020.

According to background materials provided by the author, due to the length of time and the number of voting centers required under CVCA for early voting, elections officials in counties that will be conducting elections under CVCA may face challenges securing enough locations to serve as vote centers. This bill will help address this problem by requiring schools and public buildings to serve as vote centers if an elections official specifically requests the use of the building. Additionally, this bill lengthens the time that a school or public building is required to be made available for use as a vote center, as specified.

3) **Arguments in Support:** In support, the Los Angeles County Board of Supervisors writes:

The placement of polling locations is a challenging operation for election administrators, a task fundamentally changed under CVCA. While the overall number of locations needed on an election day itself decreases under the CVCA model, the number of sites necessary during the early voting period has increased significantly. Absent a reliable pool of available sites, election administrators may struggle to find suitable facilities or incur significant expense securing commercial locations. Schools and public buildings have traditionally provided a consistent number of locations under the current model, and AB 2540 would ensure that these locations remain available during the early voting period and would provide election administrators with reliable, low-cost options for locating vote centers.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials

California State Association of Counties

Disability Rights California

Los Angeles County Board of Supervisors

Opposition

None on file.

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