

Date of Hearing: May 1, 2012

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1724 (Fong) – As Amended: March 29, 2012

SUBJECT: Voting: polling place procedures.

SUMMARY: Resolves a conflict in existing law that governs the amount of time that a voter can spend in the voting booth, and permits a voter to receive additional time to mark his or her ballot when necessary. Specifically, this bill:

- 1) Repeals a provision of law that prohibits voters from remaining in or occupying voting booths or compartments longer than five minutes, except under certain circumstances. This provision conflicts with another portion of existing law that prohibits voters from remaining in or occupying voting booths or compartments longer than 10 minutes.
- 2) Permits any voter who needs more than 10 minutes to complete his or her ballot to inform a precinct board member of that fact and to receive additional time to complete the ballot. Repeals a provision of law that provides that a voter may only be permitted additional time to mark his or her ballot when no other voter would be inconvenienced.

EXISTING LAW:

- 1) Prohibits voting booths or compartments from being occupied by more than one person at a time, unless the voter is eligible to receive assistance in casting his or her ballot.
- 2) Prohibits voters from remaining in or occupying the booths or compartments for longer than either five or 10 minutes unless a longer time period will not inconvenience other voters.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

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

Existing law contains two conflicting provisions that set a limit on the amount of time that a voter can remain in a voting booth or compartment.

Section 14224 of the Elections Code provides that a voter may not remain in the voting booth longer than necessary to mark his or her ballot, but the total amount of time shall not exceed ten minutes. Section 19363 of the Elections Code, however, provides that a voter may not remain in the voting booth longer than necessary to mark his or her ballot, but the total amount of time shall not exceed five minutes.

These conflicting standards can cause confusion for voters and for poll workers. Furthermore, since Section 19363 is in an area of the Elections Code that governs

the use of lever voting machines (machines that are no longer used in this state), that section is obsolete and should be repealed.

Finally, the two existing code sections that establish a limit on how long a person can spend in the voting booth both allow voters to have additional time in the booth, but only if "no other voter would be inconvenienced." While many voters are able to complete their ballots in ten minutes, some voters need additional time to make their selections, especially at elections where there are a large number of offices and measures on the ballot. Those voters should be given the opportunity and time that they need to complete their ballots.

AB 1724 resolves the conflict in existing law regarding the amount of time that a voter can spend in the voting booth by repealing Section 19363 of the Elections Code. As a result, voters will have ten minutes to mark their ballots.

Additionally, in order to protect the voting rights of voters who require additional time to mark their ballots, AB 1724 permits a voter to remain for longer than ten minutes if the voter informs a precinct board member that he or she requires additional time to mark the ballot.

- 2) Previous Legislation: This bill is substantially similar to AB 686 (Ruskin) of 2009, which was vetoed by Governor Schwarzenegger. In his veto message, the Governor argued that there was "no evidence that the discrepancy in current law has resulted in a significant problem for voters."

In addition, this bill is substantially similar to AB 3014 (Mullin) of 2008, which was vetoed by Governor Schwarzenegger, though the Governor did not express any policy objections to that bill. AB 3014 was one of the 136 bills that received the same veto message. That veto message is as follows:

The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees  
Secretary of State Debra Bowen

Opposition

None on file.

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