

Date of Hearing: March 13, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 299 (Salas) – As Introduced January 28, 2019

AS PROPOSED TO BE AMENDED

SUBJECT: Vote by mail ballot tracking.

SUMMARY: Requires a county elections official to provide updated information to the Secretary of State (SOS) about the status of a vote by mail (VBM) ballot at the same time that the county updates its election management system (EMS) or a voter look-up tool on the county's internet website with that information.

EXISTING LAW:

- 1) Requires each county elections official to establish procedures to track and confirm the receipt of voted VBM ballots and to make this information available on the county's elections division internet website, or by a toll-free telephone number if the county does not have an elections division internet website.
- 2) Requires each county elections official to establish a free access system that allows a VBM voter to learn if the voter's ballot was counted and, if not, the reason why the ballot was not counted. Requires this free access system to be available to a VBM voter upon completion of the official canvass of election results and for 30 days after the completion of the official canvass.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **Author's Amendments:** As currently in print, this bill requires a county elections official to provide updated information to the SOS about the status of a VBM ballot at the same time that the county updates *a system* with that information. After the committee's deadline for pre-committee author's amendments, the author proposed technical amendments to clarify that the bill is intended to apply whenever a county updates its *EMS* or a *voter look-up tool on the county's internet website* with that information. This analysis reflects those proposed author's amendments.
- 2) **Purpose of the Bill:** According to the author:

County elections officials are required to update the Secretary of State with updated ballot information – the communication between EMS (Election Management System) and the Secretary of State may be automatic or could take weeks. This delay causes discrepancies in ballot information provided to the public. AB 299 will ensure timely communication between county elections officials and the Secretary of State to provide voters with the most accurate, up-to

date information available. With AB 299, the State can continue to protect election integrity and provide greater transparency to voters by providing the public with accurate ballot information on both the county election website and the Secretary of State's website.

- 3) **Election Management Systems and VoteCal:** When preparing for and conducting elections, elections officials use an EMS to prepare ballots and programs for use in casting and counting votes, and to consolidate, report, and display election results. Elections officials also use their EMS to register voters and to update voter information.

The federal Help America Vote Act (HAVA) generally requires each state to implement a single, centralized, interactive computerized statewide voter registration list that is defined, maintained, and administered at the state level and that contains the name and registration information of every legally registered voter in the state. California's federally compliant statewide voter registration database—known as VoteCal—interacts and exchanges information with the county EMSs.

- 4) **Vote by Mail Ballot Tracking:** SB 589 (Hill), Chapter 280, Statutes of 2013, requires county elections officials to maintain a free access system that allows each VBM voter to learn if the voter's ballot was counted and, if not, the reason why the ballot was not counted. The free access systems that counties use to comply with SB 589 generally rely on information from the counties' EMSs to provide voters with the status of their VBM ballots.

When SB 589 was enacted, California had not yet deployed the VoteCal database. Instead, the state was using a legacy voter registration database, known as Calvoter, that achieved some of the goals of the voter registration list required by HAVA, but that did not satisfy all of the requirements in that law. When California replaced the Calvoter system with VoteCal in September 2016, the SOS also launched a "My Voter Status" portal that allows eligible Californians to register to vote, check their voter registration status, and check the status of their VBM or provisional ballots, among other functions. The "My Voter Status" portal uses information from VoteCal to provide voters with the status of their VBM ballots; VoteCal, in turn, receives information about the status of voters' ballots from the county EMSs.

If the information from a county's EMS about the status of a voter's VBM ballot is not immediately shared with the VoteCal system, a voter may receive different information about the status of the voter's VBM ballot from the county's free access system than would be provided through the SOS's My Voter Status portal. This bill seeks to ensure consistency in the information provided by those two VBM ballot status tools by requiring counties to provide VoteCal with updated information about the status of VBM ballots at the same time that the county updates its EMS with that information.

- 5) **Previous Legislation:** AB 2218 (Berman), Chapter 432, Statutes of 2018, requires the SOS, no later than January 1, 2020, to establish a system that a county elections official may use to allow a VBM voter to track and receive information about the voter's VBM ballot as it moves through the mail system and as the VBM ballot is processed by the county elections official, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Alex Padilla (sponsor)

Opposition

None on file.

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