



Evolving California Election Policy Developments

Ensuring Safe, Fair and Accessible Options for the Ballot Box

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Californians' Use of Vote-by-Mail (VBM) Ballots

- In California, use of VBM by Latinos and other underrepresented groups is less than that of the overall population.
- Research also indicates that VBM ballots submitted by Asian Americans and LEP voters are rejected at a higher rate than the overall population.
- Reasons for low VBM usage, or failure for VBM ballots to count:
 - Lack of knowledge about procedures to obtain and complete VBM materials
 - Poor mail service (ballot does not arrive) or mistrust of mail service
 - Inability to obtain language assistance with VBM ballots
 - Incorrect information in voter files
 - Preference to vote in person to represent community, or set an example for family members

The Dialogue Starts



- March 4: Governor Newsom declares COVID-19 pandemic state of emergency
- Mid - late March: Secretary of State, county election officials, legislative staff, advocates, civic organizations, community groups and other stakeholders engage in intense dialogues about pandemic and 2020 elections (SOS working group)
- California is one of earliest states to start coordinated planning
- Key issues:
 - expanding access to VBM
 - providing safe, in-person voting options
 - election infrastructure (equipment, technology, poll workers, voting locations)
 - linguistic accessibility and accessibility for voters with disabilities
 - voter education and outreach

Initial Executive Orders



- March 20: Permits certain special elections to be conducted as “all-mail ballot” elections; “elections officials are also authorized, and encouraged, to make in-person voting opportunities available on or before Election Day for each of these elections in a manner consistent with public health and safety, to maximize voter accessibility.”
 - Extends deadlines for completing official canvass of March 3 primary by 21 days
- May 8: Requires county election officials to send VBM ballots to every registered voter in the state for November 3 election.
 - refers to need for California to retain in-person voting opportunities
 - indicates that further direction will be issued by May 30
 - California is first state in nation to issue such an order

Initial Legislative Action



- AB 860 (Berman): Requires county election officials to mail a ballot to all registered voters for the November 2020 General Election.
 - Requires counties to provide any voter with option to use a certified remote accessible vote-by-mail system
 - Requires counties to implement ballot tracking system
 - Extends the deadline for VBM receipt for November election to 17th day after Election Day
 - Authorizes counties to begin earlier processing (but not counting) of ballots
 - Explicitly states that nothing in law prevents in-person voting
 - Governor signs into law on June 18, 2020

June Executive Order



- June 3: Sets forth in-person voting requirements for VCA and non-VCA counties.
 - Non-VCA counties – generally permits counties to meet minimum in-person voting requirements if they make one “polling place” available per 10,000 registered voters if
 - polling places are open weekend and Monday before E-Day; longer hours required for E-Day
 - county meets specific ballot drop-off location requirements
 - VCA counties – more lenient requirement for number of days before election that vote centers must be open (reduces from 10 to 3 days)
 - less stringent election administration plan meeting requirements

Pending Legislative Action



- SB 423 (Umberg): Sets forth in-person voting requirements for non-VCA and VCA counties
 - VCA counties – more lenient requirement for number of days before election that vote centers must be open (reduces from 10 to 3 days)
 - Non-VCA counties – generally permits counties to meet minimum in-person voting requirements if they make one “consolidated polling location” for every 10,000 registered voters if:
 - polling locations are open weekend and Monday before E-Day; longer hours required for E-Day
 - at least two ballot drop-off locations in every county (or one for every 15,000 voters, whichever results in more locations)
 - election locations must be equitably distributed across counties; geographically accessible and accessible to voters with disabilities

SB 423 – Other provisions



- Requires posting of consolidated polling and ballot drop-off locations, with opportunity for public comment
- Requires SOS and counties to conduct voter education and outreach campaigns
- Permits counties to seek waiver of requirements, under certain circumstances
- Permits counties to establish a polling place or vote center “in a location whose primary purpose is the sale and dispensation of alcoholic beverages”
- Assembly floor vote expected July 30

Outstanding Issues

- Will there be sufficient resources for the state and localities to conduct the voter education and outreach that is needed?
- Are there sufficient mechanisms to notify LEP voters about their ability to obtain in-language materials (such as a mailer, specifically addressing this issue)?
- Will counties pursue the waiver process, and how will it be implemented?
- Are there sufficient mechanisms allowing for public input into counties' implementation efforts?

Resources



Voter Engagement and Protection

NALEO Educational Fund's year-round toll-free bilingual hotline **1-888-VE-Y-VOTA** (1-888-839-8682) provides Latino voters with vital information on every aspect of the electoral process including:

- How to register to vote;
- State voter ID requirements; and
- Election Day polling place locations.



Thank you

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