

Senate Bill 450

Introduced by Sen. Allen and Sen. Hertzberg
(Principal Coauthor: Asm. Gonzalez, Asm. Mullin)

BACKGROUND

Summary of SB 450

SB 450 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, and establish vote centers across the county which can be used by every voter.

Why Do We Need SB 450?

Evidence strongly suggests that many California voters experience problems when casting a ballot. The Election Performance Index (EPI) by the Pew Charitable Trusts in partnership with the Massachusetts Institute of Technology measures 17 indicators to compare election policy and performance across the 50 states and the District of Columbia. Many of these indicators provide insight into the voter experience including disability-related voting problems, rejected mail and provisional ballots, the number of provisional ballots cast, problems with registration, and voter turnout. In 2008 California ranked 47 on the EPI. In 2010 and 2012 California ranked 49. The Pew has indicated to our office that little changed in California's 2014 performance.

The EPI mirrors the questions and complaints the Secretary of State's election hotline receives on Election Day and the weeks leading up. A survey of news headlines and social media posts further underscores the problems voters are experiencing.

Provisional ballot use is one of the strong indicators of election administration errors and negative voter experiences. Provisional ballots exist to protect every registered voter's right to vote. However, they are time consuming to fill out and the voter leaves the polling place not knowing if their vote was counted. In 2012, California had the second highest rate of provisional ballot use - 8.1% of ballots cast were provisional - over 1 million. The June 2016 primary election will likely have a similar provisional ballot rate.

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.

California's voter participation rates hit a historical low in 2014. Only 31% of eligible citizens cast a ballot in the General Election, ranking our state 43rd in voter participation. The low turnout is not a blip, but an enduring trend in California Gubernatorial elections:

- 1990 – 41% turnout of eligible voters
- 1994 - 46.9% turnout of eligible voters
- 1998 - 41.43% turnout of eligible voters
- 2002 - 36% turnout of eligible voters
- 2006 - 39.29% turnout of eligible voters
- 2010 - 43.74% turnout of eligible voters
- 2014 – 31% turnout of eligible voters

This trend will continue as the communities that are on track to become the majority of eligible voters are also the least likely to vote. Only 17.3 percent of eligible Latinos and 18.4 percent of eligible Asian-Pacific Islanders cast a ballot in the 2014 election.

Colorado Model

In 2014, Colorado enacted a new method of administering elections:

- Every registered voter is mailed a ballot.
- Polling places were replaced with vote centers.
- Voters may vote at any vote center in a county.
- Voters may utilize same day registration at every vote center.
- Voters may receive a replacement ballot at every vote center.
- Ballot drop-off locations are provided throughout the county.

Colorado's most populous county, Denver, saw a significant reduction in provisional ballot use. In 2010 3.2% of ballots were provisional. In 2014, 0.075% of ballots were provisional.

In 2014 Colorado had the 3rd highest voter turnout in the US, 55% of eligible voters participated. Sixty percent of Colorado voters dropped their ballot off, instead of sending it by mail. Only 4.8% of Colorado voters voted in person. Of those that voted in person, 73% did so on Election Day.

Colorado has also seen an increase in Latino voter participation. In 2010, Latinos in both California and Colorado turned out at a rate of 22%. In 2012, 38% of Colorado Latinos voted, compared to California's 31.8%. In 2014, 54.8% of Colorado Latinos voted, compared to 29.7% of California Latinos.

San Mateo Pilot Project

In November 2015, San Mateo County was authorized to administer their elections under a model similar to Colorado and SB 450. Every voter was delivered a ballot, vote centers replaced polling places, drop-off locations were established, and extensive voter education campaign was conducted, and early voting

was provided. Same Day Registration is the only major provision from Colorado and SB 450 that was not available.

The results of the pilot strongly suggest that SB 450 can be successful in California. Voter turnout was the highest in 20 years, among all demographics. The county saw an overall cost savings of 14.57%. Immediately after the election the county surveyed 1,071 voters. 71.9% said they support the all-mail election model.

Research

SB 450 contains several election reforms and best practices that research has strongly suggested has a positive effect on voter participation.

SB 450 requires every vote center to provide same day voter registration. In their 2011 report “Election Day Voter Registration in California” Michael Alvarez of the California Institute of Technology and Jonathan Nagler of New York University look at the potential impact of widely available Same Day (or Conditional Voter Registration). The report concludes that widely available same day registration would increase;

- Overall turnout by 4.8 percent.
- Turnout among those aged 18 to 25 by 9.0 percent.
- Turnout for those who have moved in the last six months by 7.3 percent.
- Turnout for Latinos and newly-naturalized citizens by 5.1 percent.

SB 450 provides for 10 days of early, in-person voting, which includes 2 weekends. Additionally the bill sets minimum hours for early voting, allows for the use of public and private locations, requires a public education campaign and facilitates the deployment of technology to allow for real-time updates of the voter file.

In their 2013 report “Early Voting: What Works” the Brennan Center for Justice identifies the benefits and best practices for early voting. The report concluded that the key benefits of early in person voting are:

- Reduced stress on the voting system on Election Day;
- Shorter lines on Election Day;
- Improved poll worker performance;
- Early identification and correction of registration errors and voting system glitches; and
- Greater access to voting and increased voter satisfaction.

Public Opinion

In May of 2015 the Public Policy Institute conducted a survey of California adults about their opinion of automatically sending every registered voter a ballot. Overall, 70% of all adults favored the policy.

Democrats supported it the most (76%) followed by independents (67%), likely voters (66%), and Republicans (58%).

San Mateo surveyed 1,071 voters who participated in their pilot election that was similar to SB 450 - 71.9% said they support the all-mail election model.

The Pew Charitable Trusts in a survey of more than 1,500 voters about their experience in Colorado, mail and in-person voters reported almost identical high rates of satisfaction with their voting experience. Among mail voters, 95 percent indicated that they were satisfied or very satisfied with their voting experience, compared with 96 percent of in person voters.

Bill Details

Implementation Date

SB 450 would allow, beginning in 2018, Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne counties to implement the new election model.

All counties would be allowed adopt SB 450 in 2020.

Vote Centers

Polling places would be replaced by vote centers. Vote centers look and feel like polling places, but provide additional benefits and options for voters.

A voter may use any vote center in their county.

At a vote center, a voter may;

- Cast a ballot in-person.
- Drop-off their ballot.
- Register to vote or update registration information.
- Receive a replacement ballot.
- Use accessible voting machines.
- Access language assistance and translated materials.

There would be 1 vote center for every 10,000 registered voters on Election Day and the Saturday, Sunday, and Monday leading up to Election Day.

There would be 1 vote center for every 50,000 registered voters from 4 days before Election Day through 10 days before Election Day.

Vote centers will be open from 7 a.m. to 8 p.m. on Election Day.

Vote centers open before Election Day will be open for a minimum of 8 hours per day.

Vote centers must be equitably distributed across a county.

When deciding locations for vote centers a county must consider proximity to

- Public transportation
- Communities with historically low vote by mail rates
- Population centers
- Language minority communities
- Voters with disabilities
- Distance and time a vote must travel to a vote center

Drop-Off Locations

Drop-off locations provide voters with more options to return their ballot.

Starting 28 days before Election Day there would be at least 1 drop-off location for every 15,000 registered voters.

Drop-off locations must be accessible and secure and located as near as possible to public transportation routes.

When deciding locations for drop-off locations a county must consider proximity to

- Public transportation
- Communities with historically low vote by mail rates
- Population centers
- Language minority communities
- Voters with disabilities
- Distance and time a vote must travel to a drop-off location

Ballot Return

All counties would be required to return ballots they receive from other counties within 8 days.

A voter can designate any person to return their vote by mail ballot on their behalf.

Early Voting

Every voter would be afforded multiple, early voting options.

Every registered voter would be delivered a ballot 28 days before Election Day.

Voters would be able to mail their ballot back, drop it off at a vote center or drop-off location, or vote in-person at a vote center.

Ballot drop-off locations, in addition to vote centers, would be established throughout a county.

Vote Centers would be open for no less than 10 days before Election Day.

Public Process for Adopting Vote Center Plans

Every county who adopts the new election administration model would be required to draft and adopt a detailed plan through an open, public process.

County election officials would be required to coordinate with the public and stakeholders to develop the vote center plan.

County election officials would be required to hold at least two public meetings to receive and accept public input before adopting the vote center plan.

A county's vote center plan could not be changed without public notification and input.

When considering the placement of vote centers and ballot drop-off locations a county would be required to consider:

- Proximity to public transportation.
- The distance and time a voter must travel by car or public transportation.
- Proximity to communities with historically low vote by mail usage.
- Proximity to language minority communities.
- Proximity to voters with disabilities.

A county's vote center plan would be required to include:

- A description of how the county elections official will address significant disparities in voter accessibility and participation.
- A description of how the county elections official will use the media that serve language minority communities for purposes of informing voters of the upcoming election.
- A description of how the county elections official will have a community presence to educate voters.
- A description of the accessible information that will be publicly available.
- A description of how the county elections official will educate the public

A county would be required to re-adopt their plan 2 years after their first election and then every 4 years thereafter.

Voter Education

Counties would be required to conduct a voter education campaign about the changes.

The county will be required to hold education workshops with community groups, including organizations that assist voters with disabilities and language minority communities.

The county will be required to have two direct contacts with voters to educate them about the changes. The contacts would be in addition to the mailed ballot and county voter information guide.

Counties have flexibility about how they conduct their education campaign; but are suggested to consider mailings, social media, television, radio, newspapers, a hotline, and a community presence.

Accessibility

SB 450 would expand accessibility for voters with disabilities and language minority communities.

Disabled voters will have access to alternative means of voting so that they may vote privately and independently.

If a county is required under the federal Voting Rights Act to provide assistance and translated materials in a language, that assistance and materials would be available at every vote center.

All materials related to SB 450 will be required to be provided translated and available in an accessible format.

Counties will be required to have both an advisory committee for voters with disabilities and an advisory committee for language minority communities.

Accountability

SB 450 would establish a framework to analyze election data and recommend improvements to policy and administration.

SB 450 would require that within 6 months of each election conducted pursuant to the bill, the Secretary of State shall report to the Legislature including, to the extent possible, the following information by categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, historical polling place voters, political party affiliation, and language minorities;

- voter turnout
- voter registration
- ballot rejection rates
- reason for ballot rejection
- Provisional ballot use
- Votes cast at each vote center
- Ballots returned at drop off locations
- Ballots returned by mail
- Persons who registered to vote at a vote center
- Voter fraud
- Any other problems that became known to the county or Secretary of State during the election or canvass.

The SOS would be required to establish a task force to review elections conducted pursuant to this bill, and to provide comments and recommendations to the Legislature after each election until January 2022.

The counties would be required to send their education plans to the SOS for approval.

Los Angeles County

Los Angeles County given its size and complexity would be provided with a “ramp up” model that they would be allowed to adopt in 2020.

The Los Angeles model differs from SB 450 in the following ways:

Only permanent vote by mail voters will automatically receive a ballot in the mail.

There will be at least one drop-off location for every 15,000 voters registered as permanently vote by mail.

There would be 1 vote center for every 7,500 registered voters on Election Day and the Saturday, Sunday, and Monday leading up to Election Day. There would be 1 vote center for every 50,000 registered voters from 4 days before Election Day through 10 days before Election Day.

Precincts with fewer than 500 registered voters will be determined to be all vote-by-mail precincts.

Voters who reside in jurisdictions next to counties that are conducting elections pursuant SB 450 shall receive a vote-by-mail ballot.

Voters in precincts that are either (a) more than a 30 minute travel time from a vote center; or (b) where the precinct's traditional polling place in the last statewide election is more than 15 miles from the nearest Vote Center shall be mailed a VBM ballot.

Vote centers shall be located within a reasonable travel time of registered voters.

The county will be required to conduct a service area analysis of their Vote Center plans to identify service gaps and report their findings.

No later than four years after conducting its first election pursuant to this section, the Los Angeles County shall sunset and they shall conduct the "full" SB 450 model.

Support

- Secretary of State Alex Padilla (Sponsor)
- California Association of Clerks and Elections Officials
- California State Association of Counties
- California City Clerks Association
- County of San Mateo
- The Courage Campaign
- Common Cause
- Sierra Club
- Service Employee International Union California State Council
- American Federation of State, County and Municipal Employees, AFL-CIO
- California Teachers Association
- California Nurses Association
- California League of Conservation Voters
- Consumer Watchdog
- California Transit Association
- NARAL Pro-Choice California
- Equality California
- Coalition for Humane Immigrant Rights of Los Angeles