



September 17, 2019

The Honorable Gavin Newsom
Governor of the State of California
State Capitol, First Floor
Sacramento, California 95814

Re: **SB 72 (UMBERG)**
REQUEST FOR SIGNATURE

Dear Governor Newsom:

The American Civil Liberties Union of California, League of Women Voters of California, and Common Cause California write to request your signature on SB 72 (Umberg), which expands Election Day registration ("EDR") to every polling site in counties that are not participating in the Voter's Choice Act.

Election Day registration allows eligible voters to register to vote and cast ballots up through Election Day. The process may also be used to update a registration record – such as in the event of a recent move – and cast a ballot that will be counted. While California has recently made significant strides to expand access to voter registration, 5.3 million eligible Californians still remain unregistered.¹ Studies repeatedly show that a disproportionate number of eligible, unregistered voters are younger, poorer, people with disabilities, people with limited English proficiency, or people of color.² With SB 72's Election Day registration, California takes a pro-active step towards closing voter participation gaps and making our democracy more representative. SB 72 would join California with thirteen states, as well as the District of Columbia, that provide Election Day options at all polling places: Hawaii, Idaho, Illinois, Iowa, Maine, Maryland, Minnesota, Nevada, New Hampshire, Utah, Vermont, Wisconsin, and Wyoming.³

SB 72 provides flexibility to counties to provide Election Day Registration at their polling sites using the method that best fits the county's election day plans. SB 72 will not create any new cost for the counties that have already opted into the

¹ California Secretary of State, *15 Day Report of Registration* (Feb. 10, 2019), available at <https://www.sos.ca.gov/elections/report-registration/ror-odd-year-2019/>.

² For example, see U.S. Census, *Voting and Registration in the Election of November 2018* (Tables 4b, 4c, 6, and 7), available at <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-583.html>.

³ National Conference of State Legislatures, *Same Day Voter Registration*, <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx> (last visited Sep. 11, 2019).

Voters Choice Act (VCA).⁴ Every other county has the ability to avoid any costs associated with implementing SB 72 simply by opting into the VCA. For counties that do not wish to adopt the VCA, SB 72 does not force county election officials to incur significant new costs to administering their elections because the bill provides flexible and low-cost implementation options.

- **Provisional ballots:** Non-VCA counties may comply with SB 72 by offering Election Day registrants the low-cost option of a provisional Conditional Voter Registration (CVR) ballot to cast. According to the California Association of Clerks and Election Officials (CACEO),⁵ the average cost of provisional ballot processing per registered voter ranged from less than 1 cent (Shasta) to 13 cents (Santa Clara). In 2020, over half of the state's voters will vote in a county that has adopted the VCA and will therefore not be impacted by the passage of SB 72.
- **Electronic Poll Books:** For those counties that want to start using e-Poll books, the cost is estimated to be \$1,000 for each e-Poll book.⁶ However, this is an *option* for counties, it is not mandated by SB 72. A county that opted to use e-poll books and could provide all voters with the correct ballot type would also potentially save on the costs of processing provisional ballots, now that AB 693 (Berman - 2019) has been chaptered.
- **Compatible Voting Machines:** Counties received \$134 million in the 2018 state budget to buy new voting equipment. The Secretary of State is requiring all California counties to transition to designated approved voting systems by August 27, 2019 for use in the March 2020 primary.⁷ All of the voting systems that have been approved by the Secretary are compatible with loading additional ballot types.⁸ Therefore, counties will have the option to use those machines to make every ballot type available at each polling site without additional investment other than staff time to program

⁴ In 2018, five California counties (Madera, Napa, Nevada, Sacramento, and San Mateo) conducting elections under the Voters Choice Act. In addition to the original five counties, the following counties, and are

expected to conduct elections under the VCA model beginning in 2020: Amador, Calaveras, Butte, Los Angeles, Orange, Santa Clara, Fresno, Tuolumne, and Mariposa.

⁵ The California Association of Clerks and Election Officials (CACEO), *Election Costs Study*, available at <http://results.caceoelectioncosts.org/#/county>.

⁶ Orange County Registrar of Voters, *2019 Voter's Choice Act Versus Traditional Election Models*, available at <http://results.caceoelectioncosts.org/#/county> (pg. 20).

⁷ California Secretary of State, *Secretary of State Alex Padilla Sets Deadline for Counties to Retire Old Voting Machines and Modernize Election Infrastructure* (Feb. 27, 2019), available at <https://www.sos.ca.gov/administration/news-releases-and-advisories/2019/secretary-state-alex-padilla-sets-deadline-counties-retire-old-voting-machines-and-modernize-election-infrastructure/>.

⁸ California Secretary of State, *California Voting System Standards* (Oct. 2014), available at <https://admin.cdn.sos.ca.gov/regulations/elections/california-voting-system-standards.pdf>, § 2.2.1, pp. 27-28.

these voting systems. However, staff time is likely to itself be an existing cost for these counties as part of using these voting systems to run their elections.

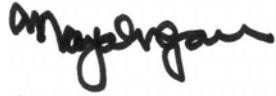
Research has shown Election Day registration to have the following benefits for voters:⁹

- **Increases voter turnout.** States that allow EDR consistently lead the nation in voter participation. Four of the top five states for voter turnout in the 2012 presidential election offered EDR. Average voter turnout was over 10 percentage points higher in EDR states than in other states.
- **Remedies inaccurate voter rolls.** Many previously-registered voters lose their eligibility merely because they have moved. Others are never added to the voter rolls because of bureaucratic errors. Failure to discover these problems prior to Election Day, when registration deadlines have passed, results in eligible citizens losing their vote. With EDR, these voters can simply update registration records or register anew at the polling place and vote a ballot that will be counted.
- **Assists geographically mobile, lower-income citizens, young voters and voters of color.** Keeping voter registration records current is a big challenge under current systems, which place the onus of updating records on the individual. Census data show that over 36 million people in America moved between 2011 and 2012, and nearly half of those moving had low-incomes. Young adults of all income levels also move more frequently—for school, for jobs, for family. EDR offers those who have recently moved but failed to update registration records another opportunity to register and vote. Research indicates that allowing young people to register to vote on Election Day could increase youth turnout in presidential elections by as much as 14 percentage points. Experts predict that EDR can be particularly effective in increasing voter participation among voters of color. That prediction was borne out in North Carolina. Though they represented 20 percent of the voting-age population, African Americans comprised 36 percent of those who used EDR to vote in the 2008 presidential election in North Carolina, the first such election when EDR was available there.
- **Eliminates arbitrary deadlines that cut off registration when voters are most interested.** Many citizens become most interested and engaged with elections only shortly before Election Day, when candidate debates and campaigns reach their peak. EDR permits voter participation by eliminating arbitrary early registration deadlines.

⁹ Estelle H. Rogers & Emmanuel Caicedo, *Same Day Registration*, Demos (2014), available at www.demos.org/sites/default/files/publications/SameDayRegistration-2015.pdf.

For all of these reasons, the ACLU of CA, League of Women Voters of CA, and Common Cause CA are proud to cosponsor SB 72 and strongly urge your signature on this important measure.

Sincerely,



Maya L. Ingram
Legislative Attorney
ACLU of California



Dora Rose
Deputy Director
League of Women Voters of California



Nicolas Heidorn
Legislative Advocate
California Common Cause

cc: Joey Freeman, Chief Deputy Legislative Affairs Secretary to Governor Gavin Newsom
Senator Thomas J. Umberg