



June 3, 2020

VIA Online Portal to Author, Senate Committee on Appropriations, Assembly Committee on Elections and Redistricting

The Honorable Marc Berman
California State Assembly
State Capitol, Room 6011
Sacramento, CA 94249

Re: AB 860 (Berman) - Elections: vote by mail ballots – SUPPORT

Dear Assemblymember Berman:

The League of Women Voters of California writes in strong support of AB 860, your legislation to require county elections officials to mail a ballot to every registered voter in California for the November 3, 2020 statewide general election.

The exigencies of the current pandemic necessitate the dissemination of vote-by-mail (VBM) ballots to every registered voter for the November election. In your recent [joint letter to Governor Newsom](#) with Senator Umberg, and your [press release](#) referencing SB 423 (Umberg), you highlight many of the other areas that will need to be addressed to maximize equitable voter participation. We agree that issuing all voters a mail ballot is a good starting point. Our suggestions on other matters to tackle, many shared by a broad range of California good government, civil rights, and community-based organizations, are discussed in detail below.

The risks posed by expanded reliance on vote-by-mail must be managed. The risks, which disproportionately impact underrepresented Californians and those to whom vote-by-mail is unfamiliar, are well-documented and supported by data.¹ While California's VBM process has been improved by recently instituted laws, it still holds the potential to disenfranchise communities of color,

¹ Asian-Americans Advancing Justice, *Asian Americans Face Higher than Average Vote-by-Mail Rejection Rates in California* (2017), bit.ly/AAAJIssueBrief; Romero, Mindy S., California Civic Engagement Project (CCEP), *The California Voter Experience: Why African-American Voters Choose to Vote at the Polls or Vote-by-Mail, and How They Perceive Proposed Changes to California's Voting System* (2016), bit.ly/CVEIssueBrief2; Romero, Mindy S., *The California Voter Experience: Vote-by-Mail vs. the Polls* (2016) bit.ly/CVEIssueBrief1; Mindy S. Romero, CCEP, *Disparities in California's Vote-by-Mail Use Changing Demographic Composition: 2002-2012* (2014), bit.ly/CCEPIssueBrief1; Native American Rights Fund, *Vote by Mail in Native American Communities*, narf.org/vote-by-mail; Smith, Daniel A, *Vote-By-Mail Ballots Cast in Florida*, Daniel A. Smith, ACLU of Florida, 2018, bit.ly/ACLUVBMFloridaReport.

youth, language minorities, people with disabilities, people with low income, and those who are unhoused, housing insecure or geographically mobile. Along with the mailing of ballots, we recommend legislation to:

- **Extend the deadline for voter registration to Election Day.**
- **Extend the deadline to request a replacement VBM or RAVBM through Election Day.** To achieve this, certified remote accessible vote by mail (RAVBM) systems (currently in place for voters with disabilities and military and overseas voters) should be allowed for use by anyone who wishes to vote from home. This technology should also be extended to allow people to register and vote the same day through remote Conditional Voter Registration (CVR).
- **Extend the deadline for VBM receipt.** The deadline for VBM receipt should be extended to two days prior to the election's certification in the county. Timing around the signature cure process must be examined to make certain that notification procedures allow for maximum counting of late-arriving ballots.
- **Ensure language access and appropriate process for requesting and receiving in-language vote-by-mail ballots or facsimile ballots.** Returnable mailers should be sent to every registered voter on which the voter can identify their language preference. The mailer should be translated in all required Section 203 and 14201 languages.

In-person voting options should be robust, set at a mandatory-minimum ratio, and available for early voting. People's preference for in-person voting is born of real and significant concerns ranging from a historical distrust of voting without being able to see their ballot safely cast, to needing in-person assistance, to the fact that mailed ballots go through a verification process resulting in the rejection of some due to either voter or administrative error. Adequate in-person locations are essential, especially for voters with disabilities or limited-English proficiency, those who won't receive mailed ballots because they are housing insecure, unhoused, or displaced due to the pandemic, and people who need to be able to register and vote on the same day. The ratio should be uniform across the state to ensure that voters in every county have equal access to the polls.

Even if mailed a ballot and deluged with public education, many voters will wake up on Election Day and expect to be able to vote at their polling places. While limited space availability and safety needs may require a reduction of the number of voting locations, the in-person options we retain must be sufficient to meet a voter turnout that is widely anticipated to be huge. We recommend legislation to:

- **Require voting locations open starting four days before Election Day.** An early vote period will help avoid locations being overrun with voters on Election Day - a circumstance that could pose health risks to voters and poll workers alike.
- **Ensure all locations offer key voting services.** These services include in-person voting, CVR, at least three accessible voting machines, and in-language materials and support. All sites should meet the Secretary of State's Polling Accessibility criteria.
- **Place voting locations in or proximate to densities of non-VBM voters, voters with language needs, and voters with disabilities.** The fifteen location factors outlined in the Voter's Choice Act, as well as public health considerations, should be used when determining in-person voting locations. See [Cal. Elec. Code Section 4005\(a\)\(10\)\(B\)](#).

June 3, 2020

- **Guarantee that all locations meet health and safety guidelines for both election workers and voters.** New polling suggests that despite the pandemic, most voters want the option to vote in person, but that they would only feel comfortable doing so with the reassurance of adequate precautions.²

Dropboxes, which maintain voter trust and limit visitors to in-person locations, should be required in every county. At minimum, there should be one dropbox for every 15,000 voters beginning twenty-nine days before Election Day and at least one exterior drop box available on a 24-7 basis until 8 PM on Election Day.

Voter education and outreach must be powerful, well-funded, and structured to capitalize on the expertise of community-based and other good government organizations. This cycle will require an all-hands-on-deck approach to provide Californians with plain-language messaging about changes, inform them of options, and offer the tools they need to vote with confidence. We recommend:

- **Sufficient allocation of funds in the state budget for the massive outreach that will be necessary.** Funding to counties should allow for a process by which pass-through grants can be made to organizations that are familiar with underrepresented communities and whose work will be critical to the success of the new election model.
- **Required county communications to voters.** Counties should be required to send out a set of mailed communications and social media, newspaper, radio, and television outreach like those disseminated in the context of Voter's Choice Act implementation. These communications should be available in all required languages and accessible formats and be strategically deployed at different stages of the pre-Election Day cycle.
- **The institution of a universal language hotline available in every in-person voting location in the state.** The hotline should be adequately resourced and staffed to avoid long wait times.

The League of Women Voters of California strongly supports AB 860 as a critical step toward ensuring that Californians can exercise their right to vote in a safe environment this November. We look forward to continuing to work with you on this important matter.

Sincerely,



Carol Moon Goldberg

President

² Kousser, T., Hill, S., Lockhart, M., Merolla, J., & Romero, M. (2020). *Working Paper: How do Americans Want Elections to be Run During the COVID-19 Crisis?* pp. 12-14, UC San Diego, escholarship.org/uc/item/6mb7764n; Fabrizio, T., Lee, D. (4/29/20), National Poll Memo to Secure Democracy, *American Voters Want Choices to Safely Cast Ballots*, bit.ly/PollingMemo (Finding 81% of respondents support in-person voting so long as voting locations conform to CDC safety guidelines and 76% of respondents favor keeping in-person locations open while also giving all voters the option to vote by mail.); See also [Axios reporting on the poll](#), bit.ly/AxiosPoll.