

CONCURRENCE IN SENATE AMENDMENTS

AB 2314 (Ramos)

As Amended July 27, 2020

Majority vote

SUMMARY:

- 1) Requires the Secretary of State (SOS) to establish a Native American Voting Accessibility Advisory Committee (committee), as specified.
- 2) Requires the SOS to consult with the committee to consider its recommendations related to improving the accessibility of elections for Native American voters.
- 3) Requires the committee to consist of the SOS, the SOS's designees, and additional members appointed by the SOS. Requires the appointees to have demonstrated experience with voting rights or be a county elections official.
- 4) Requires the committee to serve in an advisory capacity to the SOS and provide various recommendations related to improving the accessibility of elections for Native American voters, as specified.

The Senate Amendments:

Add a co-author and make a technical change.

COMMENTS:

The 15th Amendment to the US Constitution provides, in part, "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." Additionally, the 15th Amendment authorizes Congress to enact legislation to enforce its provisions. Congress passed and President Johnson signed the Voting Rights Act of 1965, which provides, among other provisions, that "[n]o voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge that right of any citizen of the United States to vote on account of race or color."

According to research from the National Conference of State Legislators, hard-to-count (HTC) populations are groups that historically have been less likely to respond to the census. HTC's are in both rural and urban areas and usually include young children, racial and ethnic minorities, persons with limited English proficiency, low-income, the homeless, undocumented immigrants, mobile individuals such as college students, LGBTQ persons, and individuals who are angry at or distrustful of the government. Reaching HTC populations is difficult and each one can require a unique approach, whether it includes languages other than English, an understanding of cultural practices, or addressing suspicions of government motives.

According to the National Congress of American Indians, native people especially on reservations and in Alaska Native villages historically have been underrepresented in the census. In the 2010 Census, the Census Bureau estimated that American Indians and Alaska Natives living on reservations or in Native villages were under documented by approximately 4.9%, more than double the undercount rate of the next closest population group. California has one of the largest Native American populations in the country. According to the 2010 US Census, in

California there are approximately 720,000 individuals that identify themselves as Native American.

In 2015, the Legislature approved and Governor Brown signed into law AB 1443 (Chau), Chapter 347, Statutes of 2015, which established and codified the Language Accessibility Advisory Committee to advise the SOS on issues related to language accessibility of elections and election materials, as specified. Additionally in 2015, Governor Brown also signed into law AB 683 (Low), Chapter 334, Statutes of 2015, which required the SOS to establish the Voting Accessibility Advisory Committee to make recommendations for improving access to voting and election materials and related to improving the accessibility of elections for voters with disabilities, as specified.

The Senate amendments to this bill are non-substantive changes and add a co-author. This bill as amended in the Senate is consistent with Assembly actions.

According to the Author:

"Like other disenfranchised ethnic groups in the United States, the history of Native American voter rights and accessibility to those rights is shameful. According to the Native American Voting Rights Coalition, when the Fourteenth Amendment was passed in 1866, making all persons born in the United States citizens, Indians on reservations were specifically excluded...Rights of citizenship for Native Americans could not be exercised without renouncing their tribal membership until 1924 with passage of the Snyder Act. Yet even then, voter suppression tactics such as those practiced against other groups were employed. Poll taxes, literacy tests, intimidation, along with more pragmatic issues such as high poverty rates, non-traditional mailing addresses, voter identification, language, and threshold requirements for polling locations posed and continue to pose obstacles to Native American participation in the electoral process."

Arguments in Support:

In support of this bill, the Yurok Tribe writes, "Native Americans in California have faced both historical and present day barriers to exercising their rights to vote. These barriers have resulted in disproportionately lower voter turnout rates for Native Americans. The proposed Native American Voting Accessibility Advisory Committee could make recommendations to address the many diverse barriers facing Native American voters such as distrust in state government based on historical genocide and mistreatment, high rates of incarceration and criminal records, lack of traditional addressing on remote and poorly served Native American reservations, language barriers, transportation barriers, and lack of electricity and internet services with which to engage in state and local elections. Put simply, there is not one simple solution to this complex and important issue."

Arguments in Opposition:

None received.

FISCAL COMMENTS:

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM ELECTIONS AND REDISTRICTING: 7-0-0**

YES: Berman, Gallagher, Ramos, Low, Mayes, Mullin, Weber

ASM APPROPRIATIONS: 18-0-0

YES: Gonzalez, Bigelow, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Megan Dahle, Diep, Eggman, Fong, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas, Voepel

ASSEMBLY FLOOR: 75-0-4

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Obernolte, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Choi, Frazier, Patterson, Quirk

SENATE FLOOR: 39-0-1

YES: Allen, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Jones

UPDATED:

VERSION: July 27, 2020

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FN: 0003297