

---

UNFINISHED BUSINESS

---

Bill No: SB 423  
Author: Umberg (D) and Berman (D)  
Amended: 7/27/20  
Vote: 27 - Urgency

---

PRIOR VOTES NOT RELEVANT

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 8/4/20 (Pursuant to Senate Rule 29.10)

AYES: Umberg, Hertzberg, Leyva, Stern

NOES: Nielsen

ASSEMBLY FLOOR: 57-12, 8/3/20 - See last page for vote

---

**SUBJECT:** November 3, 2020, statewide general election

**SOURCE:** Author

---

**DIGEST:** This bill authorizes changes to in-person voting requirements for the November 3, 2020 statewide general election, and requires the state and counties to conduct voter education and outreach campaigns to notify voters about voting in that election.

*Assembly Amendments* delete the entire Senate version of this bill relating to the Political Reform Act and replace it with the current version as described below.

**ANALYSIS:**

Existing law:

- 1) Requires county elections officials to mail a ballot to every registered active voter for the November 3, 2020 statewide general election, as specified.
- 2) Permits counties, pursuant to the California Voter's Choice Act (CVCA), to conduct elections in which every voter is mailed a ballot and vote centers and

ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions.

Requires, from the 10th day through the fourth day prior to the election, at least one vote center for every 50,000 registered voters, with no fewer than two vote centers, each open for at least eight hours per day.

Requires, from the third day prior to the election through Election Day, at least one vote center for every 10,000 registered voters, with no fewer than two vote centers. Requires each vote center to be open for at least eight hours per day on the days prior to Election Day, and from 7 a.m. to 8 p.m. on election day.

Requires, not less than 28 days before the election, and on the date of the election, at least one drop-off location to be provided for every 15,000 registered voters, with no fewer than two drop-off locations. Requires at least one drop-off location to include an accessible, secured, exterior drop box that is available for a minimum of 12 hours a day including regular business hours.

- 3) Prohibits a place where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages from being used as a polling place.
- 4) Provides, pursuant to Executive Order N-67-20, issued by Governor Newsom on June 3, 2020, all of the following shall apply to the November 3, 2020 statewide general election, among other provisions:
  - a) Counties that conduct the election pursuant to the CVCA are not required to have its vote centers open before the third day prior to the election.
  - b) Permits counties that do *not* conduct elections pursuant to the CVCA, and that are unable to comply with the in-person voting requirements in existing law, to comply instead with the following requirements:
    - i) At least one polling place per 10,000 registered voters is made available for voting during the following hours:
      - (1) From Saturday, October 31, 2020, through Monday, November 2, 2020, for at least eight hours each day, as specified; and
      - (2) On Tuesday, November 3, 2020, from 7 a.m. until 8 p.m.
    - ii) At least the following number of vote by mail (VBM) ballot drop-off locations are made available starting no later than 9 a.m. on Tuesday, October 6, 2020, and continuing during regular business hours through the close of voting on Tuesday, November 3, 2020:

- (1) At least one VBM ballot drop-off location per 15,000 registered voters; and
  - (2) Not less than two VBM ballot drop-off locations regardless of the number of registered voters.
- iii) At least one VBM ballot drop-off location is fully accessible to the public for at least twelve hours each day (during regular hours convenient for members of the public) between Tuesday, October 6, 2020 and Tuesday, November 3, 2020, inclusive.

This bill:

- 1) Authorizes changes to in-person voting requirements for the November 3, 2020 statewide general election, and requires the state and counties to conduct voter education and outreach campaigns to notify voters about voting in that election.
- 2) Provides that this bill applies only to the November 3, 2020 statewide general election.
- 3) Permits the following adjustments to in-person voting requirements for the purposes of the November 3, 2020 statewide general election:
  - a) In the case of a county that conducts the November election pursuant to the CVCA, as specified, provides that the county is not required to have its vote centers open before the third day prior to the election.
  - b) In the case of a county that does *not* conduct the November election pursuant to the CVCA, as specified, permits the county to comply with the following procedures in lieu of the procedures for in-person voting that would otherwise be applicable in the county under existing law:
    - i) While maintaining separate geographical precincts under the existing limits on number of voters provided in existing law, establishing consolidated precinct boards, located within the same physical polling place, at a maximum ratio of no less than one consolidated precinct board location per 10,000 registered voters, as specified.
- (1) Requires the consolidated polling locations to be open from Saturday, October 31, 2020, through Monday, November 2, 2020, for at least eight hours each day at regular hours convenient for members of the public. Requires the consolidated polling locations to be open from 7 a.m. to 8 p.m. on the day of the election.

- (2) Requires consolidated polling places to comply with accessibility requirements in state and federal law, and to be equipped with at least three voting machines that are accessible to voters with disabilities, as specified.
  - ii) Providing at least two ballot drop-off locations within the county or at least one location for every 15,000 registered voters, whichever results in more locations, as specified. Requires all locations to be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election. Requires at least one location to be an exterior drop box that is available for a minimum of 12 hours per day.
  - iii) Providing at least one location, open at least during regular business hours beginning 28 days before the day of the election, at which a voter may do any of the following:
    - (1) Return, or vote and return, the voter's vote by mail ballot.
    - (2) Register to vote, update the voter's registration, and vote, as specified.
    - (3) Receive and vote a provisional ballot, as specified.
    - (4) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. Permits the elections official to issue a provisional ballot if the official is unable to determine if a ballot for the same election has been received from the voter.
    - (5) Vote a regular, provisional, or replacement ballot using accessible voting equipment, as specified.
  - iv) Requires the county elections official, prior to finalizing the consolidated polling place and ballot drop-off locations, to publicly notice the proposed locations in all legally required languages, as specified.
- 4) Requires each county to conduct a voter education and outreach campaign in all legally required languages, as specified.
  - 5) Permits an elections official to establish a vote center, polling place, or consolidated polling place in a location where the primary purpose is the sale and dispensation of alcoholic beverages.

- 6) Requires the Secretary of State (SOS) to establish a process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations provided by this bill or by the CVCA, as specified.
  - a) Requires a county, prior to requesting a modification or waiver, to develop a draft plan that includes a specified written analysis that must be publicly noticed for at least 10 days, as specified.
  - b) Prohibits the SOS from granting a waiver or modification to a county unless the county elections official can demonstrate specified criteria and requires the SOS to post a copy of its response to a county's request for a modification or partial waiver on the SOS's website.
- 7) Requires the SOS to conduct a statewide voter education and outreach campaign regarding these new procedures in place for the November 3, 2020, statewide general election, as specified.
- 8) Requires the SOS to establish a specified strike team to assist counties as needed to acquire suitable voting locations as well as the enforcement of state elections laws, as specified.
- 9) Encourages the SOS to work with health officials, elections officials, and other stakeholders to establish guidelines for the use of personal protective equipment by individuals at in-person voting locations, as specified.
- 10) Makes various findings and declarations and contains an urgency clause.
- 11) Provides for the provisions of this bill to be repealed as of January 1, 2021.

## **Background**

*Governor's Executive Orders.* On May 8, 2020, Governor Newsom issued Executive Order N-64-20, which requires each county's elections official to send VBM ballots for the November 3, 2020 general election to all registered voters. The Executive Order noted that "it is unknown to what degree COVID-19 will pose a threat to public health in November, and California and its counties must begin taking action now—to procure supplies, secure polling places, enlist volunteers, and draw up plans, among other steps—to ensure that the November 3, 2020 General Election is held in a manner that is accessible, secure, and safe." Subsequent to the enactment of AB 860 (Berman, Chapter 4, Statutes of 2020), the Governor indicated that Executive Order N-64-20 has been superseded by AB 860,

and the Governor and SOS have indicated that they will not rely upon Executive Order N-64-20 in connection with the November 2020 election.

On June 3, 2020, Governor Newsom issued Executive Order N-67-20, which established minimum levels of in-person voting opportunities that must be available for the November 3, 2020 general election in counties that are unable to comply with the in-person voting requirements in existing law, among other provisions. Generally speaking, Executive Order N-67-20 requires counties that are unable to comply with the in-person voting requirements in existing law to provide at least one in-person voting location for every 10,000 registered voters for the three days before the election and on election day, and requires counties to provide at least two VBM ballot drop-off location or one drop-off location for every 15,000 registered voters, whichever resulted in more locations. Those requirements are similar to requirements that exist for counties that conduct elections pursuant to the CVCA, though the CVCA also requires in-person voting to be available from the 10th day before the election through the fourth day before the election. The CVCA also requires higher levels of service at in-person voting locations and requires the preparation of an election administration plan that involves extensive public outreach and input.

The provisions of this bill mirror some of the requirements found in Executive Order N-67-20.

## **Comments**

- 1) According to the author, “we have no idea to what degree the COVID-19 pandemic will still pose a threat to public health when California conducts the November 3, 2020, general election. Fortunately, Governor Newsom has already issued an Executive Order regarding in-person voting options almost identical to SB 423 making it possible for the state and counties to begin taking action to ensure that the election is held in a manner that is accessible, secure, and safe. SB 423 will codify and expand upon the Governor’s Executive Order so that there will be no debate or confusion as to the Legislature’s intent to provide California’s large and diverse electorate with vital in-person voting options.

“While AB 860 by Assembly Member Berman ensures that every registered California voter will receive a ballot in the mail this November, SB 423 guarantees access to in-person voting opportunities for those voters who may need to use accessible voting equipment, need language assistance, homeless and other California voters who never received their vote-by-mail ballot or lost

or damaged their ballot, eligible persons still needing to register to vote, as well as others.

“SB 423 will ensure ample and early in-person voting opportunities in a manner that is consistent with public health guidance and requirements while simultaneously recognizing that counties may face COVID-19 related challenges when it comes providing polling places or vote centers the way they have in prior elections. As we have already seen in some other states, a massive reduction in voting locations would result in longer lines and larger and potentially unsafe gatherings on Election Day. SB 423 will ensure that will not be the case in California.

“SB 423 will also provide numerous convenient locations for voters who simply want to drop-off their ballots as well as a statewide voter education and outreach campaign regarding these new procedures.”

### **Related/Prior Legislation**

AB 860 (Berman, Chapter 4, Statutes of 2020) required county elections officials to mail ballots to all active registered voters for the November 3, 2020 statewide general election, among other provisions.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) The SOS's office indicates the following one-time activities and associated costs can be absorbed within existing resources:
  - a) Establishing and implementing the waiver/adjustment process.
  - b) Conducting statewide voter education and outreach.
  - c) Providing a "strike team" to assist counties.
  - d) Working with stakeholders to establish guidelines for the use of personal protective equipment by in-person voters and election workers.
- 2) By requiring elections officials to conduct a one-time voter education and outreach campaign, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service, counties could claim reimbursement for those costs (General Fund). The amount of the total cost is unknown, but may be offset to some extent from savings derived from the reduction of required in-person voting locations.

- 3) Minor one-time Department of Justice costs, likely less than \$25,000, to assign a Deputy Attorney General to provide election-related advice to the SOS (General Fund).

The 2020-21 Budget provides the SOS with additional federal and state monies and also provides counties with the flexibility to spend existing designated funds to address the challenges associated with holding a statewide general election during a pandemic.

**SUPPORT:** (Verified 8/5/20)

Secretary of State Alex Padilla  
AAPIs for Civic Empowerment Education Fund  
American Civil Liberties Union of California  
Anti-Defamation League  
Asian Americans Advancing Justice – California  
Bay Rising  
Black Women for Wellness  
California Calls  
California Common Cause  
California Donor Table  
California Environmental Justice Alliance  
California Federation of Teachers  
California Labor Federation  
California League of Conservation Voters  
California Professional Firefighters  
California School Employees Association  
California Teachers Association  
Center for Community Action and Environmental Justice  
Coalition for Humane Immigrant Rights  
Courage California  
Disability Rights California  
Inland Empire United  
League of Women Voters of California  
Los Angeles County Board of Supervisors  
Mi Familia Vota  
Million Voters Project  
NARAL Pro-Choice California  
Power California  
SEIU California



Union of Concerned Scientists  
Approximately 4,500 individuals indicating support via various petitions

**OPPOSITION:** (Verified 8/4/20)

None received

ASSEMBLY FLOOR: 57-12, 8/3/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner  
Horvath, Bonta, Burke, Calderon, Carrillo, Chau, Chen, Chiu, Cooley, Cooper,  
Daly, Diep, Eggman, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia,  
Gipson, Gloria, Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra,  
Kamlager, Levine, Limón, Low, Mayes, McCarty, Medina, Mullin, Muratsuchi,  
O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert  
Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting,  
Weber, Wood, Rendon

NOES: Bigelow, Brough, Choi, Cunningham, Megan Dahle, Fong, Gallagher,  
Kiley, Lackey, Mathis, Obernolte, Patterson

NO VOTE RECORDED: Cervantes, Chu, Flora, Frazier, Gray, Maienschein,  
Nazarian, Voepel, Waldron, Wicks

Prepared by: Darren Chesin / E. & C.A. / (916) 651-4106  
8/5/20 16:35:14

\*\*\*\* **END** \*\*\*\*