

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Chris Holden, Chair
AB 545 (Pellerin) – As Introduced February 8, 2023

Policy Committee: Elections Vote: 5 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill modifies election procedures to assist voters with disabilities.

Specifically, this bill:

- 1) Requires an elections official to furnish each polling place with handheld magnifying glasses and a signature guide card to assist people signing their names on the roster. These items must be displayed and available at the table or desk used by the precinct board.
- 2) Allows a voter with a disability to vote by regular ballot outside any polling place (“curbside voting”), instead of at inaccessible polling places only. The polling place must have signage indicating such an option is available and how a voter with a disability can contact a precinct board member to exercise the option. The county elections internet website and voter information guide must also include this information.
- 3) Repeals the requirement that a voter declare under oath that they are unable to mark a ballot before the voter is allowed to select individuals to provide assistance at the polling place.

FISCAL EFFECT:

- 1) By requiring a county elections official to procure specified tools and facilitate curbside voting to assist voters with disabilities, this bill may create a state-mandated local program. If the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service for which the state must reimburse local costs, the county could claim reimbursement from the state (General Fund). Individual counties estimate one-time and per-election costs ranging from the low thousands of dollars to several hundreds of thousands of dollars for tools and staff time to provide and publicize curbside voting at all polling places.
- 2) Minor and absorbable costs to the Secretary of State (SOS) to update informational materials reflecting specified changes to election procedures. If a significant number of other bills necessitating such updates become law, SOS notes additional resources may be needed to address the aggregate impact.

COMMENTS:

- 1) **Purpose.** According to the author:

Although curbside voting, signature guides, and magnifying glasses are available at many voting locations to help voters with disabilities, minimal requirements in the Elections Code create inconsistency of these [aids] for voting centers across California.

- 2) **Support and Opposition.** This bill is sponsored by Disability Rights California, which argues this bill “will make impactful and low-cost improvements to in-person accessible voting for voters with disabilities.” This bill is also supported by the California Association of Clerks and Election Officials and other groups representing individuals with disabilities.

This bill is opposed, unless amended, by Election Integrity Project California, which argues against the provision of this bill repealing the declaration under oath requirement, stating “Voters needing assistance deserve the same right to privacy and an uninfluenced vote as all other voters.”

- 3) **SOS Accessibility Guidelines.** The SOS, in coordination with the California Department of Rehabilitation, designs Polling Place Accessibility Guidelines to help elections officials ensure polling places are accessible to voters with disabilities, so all voters can cast their ballot privately and independently. All voting locations are surveyed in advance to ensure each location has accessible voting technology, designated accessible parking as close to the voting area as possible, and curbside voting. Curbside voting is the practice of voting outside the polling location, in the voter’s vehicle or along the path of travel to the voting area, when a polling place is not accessible because of architectural barriers or other physical limitations. This bill allows a voter with a disability to cast a ballot outside any polling place, regardless of whether the polling place is inaccessible, and allows a voter to receive assistance at the polling place without first declaring under oath that the voter is unable to mark their own ballot. This bill also requires an elections official to furnish each polling place with specified tools to assist voters with disabilities.

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