

ASSEMBLY THIRD READING
AB 545 (Pellerin)
As Introduced February 8, 2023
Majority vote

SUMMARY

Permits a voter with a disability to vote by regular ballot outside any polling place (also referred to as "curbside" voting). Eliminates provisions of law that require a voter to declare under oath that they are unable to mark their ballot in order to receive assistance marking their ballot.

Major Provisions

- 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, and requires these items to 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. Requires a polling place to have signage indicating curbside voting is available and how a voter with a disability can contact a precinct board member to exercise the option. Requires the county elections internet website and the voter information guide to include this information.
- 3) Repeals a 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.

COMMENTS

Due to concerns that conducting in-person voting during the spread of COVID-19 could threaten the health and safety of voters, election workers, and the public generally, in 2020 the Legislature approved and Governor Newsom signed bills that made significant changes to the way that the state conducted the November 2020 presidential general election. Those changes largely were enacted through two bills—AB 860 (Berman), Chapter 4, Statutes of 2020 and SB 423 (Umberg), Chapter 31, Statutes of 2020. Notably, those bills required that a mail ballot be sent to every active registered voter, provided voters in all counties with the ability to track their ballot, authorized changes to in-person voting requirements, and made other changes to facilitate the expected surge in voting by mail at the November election. Among other provisions, SB 423 urged each county to provide drive-through ballot drop-off or voting locations. In practice one of the ways a county elections official complied with this provision was by providing curbside voting.

Please see the policy committee analysis for a full discussion on this bill.

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. AB 545 takes important steps to ensure that the voting process is accessible to voters with disabilities. Specifically, it requires that all in-person voting locations offer curbside voting and establishes uniform requirements for curbside voting statewide. AB 545 also clarifies requirements relating to supplies, services, and procedures at voting locations. Lastly, AB 545 removes the outdated

requirement that voters with disabilities swear under oath that they need assistance completing a ballot. AB 545 will make low-cost yet impactful improvements to the accessibility of in-person voting for voters with disabilities."

Arguments in Support

The sponsor of this bill, Disability Rights California (DRC), writes: "Although only required at locations that are not accessible, curbside voting has long been offered in some counties for voters with disabilities...But even in the counties where it is available, there is no or limited signage, uneven levels of staff training, and no way for voters to contact election workers inside the voting location...Since 2018, DRC's poll monitoring has consistently demonstrated the uneven availability of handheld magnifiers and signature guides at voting locations...We would like it to be a clear requirement for these voting supplies to be at all voting locations and displayed at the voter check-in table...Finally, voters with disabilities should be allowed to get assistance with marking their ballot without swearing an oath to an election worker that they are unable to complete a ballot. DRC believes this is rarely required in practice. It is an overly burdensome requirement for voters with disabilities which should be removed."

Arguments in Opposition

With an oppose unless amended position, the Election Integrity Project California, Inc. writes, "The sole reason for our opposition is in the elimination of the [declaration under oath requirement]...The administering of the oath to a voter needing assistance protects the voter from unwanted intimidation. Any voter being forced to accept unwanted 'help' from an accompanying person will have the protection of the elections officials to vote independently without duress by simply refusing to take the oath, or by naming a different assisting individual in taking the oath. If the mandate for the assisted voter oath is eliminated, voters may lose their right to vote independently or to receive assistance from the individual of their choice."

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

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.

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.

VOTES

ASM ELECTIONS: 5-0-3

YES: Bryan, Lee, Low, Pellerin, Blanca Rubio

ABS, ABST OR NV: Lackey, Bennett, Essayli

ASM APPROPRIATIONS: 13-2-1

YES: Holden, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Weber, Ortega

NO: Megan Dahle, Sanchez

ABS, ABST OR NV: Robert Rivas

UPDATED

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FN: 0000465