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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2023 - 2024 Regular Session

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## AB 545 (Pellerin) - Elections: access for voters with disabilities

**Version:** May 22, 2023

**Urgency:** No

**Hearing Date:** July 3, 2023

**Policy Vote:** E. & C.A. 6 - 0

**Mandate:** Yes

**Consultant:** Robert Ingenito

**Bill Summary:** AB 545 would (1) permit a voter with a disability to vote by regular ballot outside any polling place, and (2) eliminate 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.

### Fiscal Impact:

- By requiring a county elections official to procure specified tools and facilitate curbside voting to assist voters with disabilities, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs (General Fund). The magnitude is unknown, but potentially in excess of \$50,000 annually.
- This bill would not have a fiscal impact to the Secretary of State (SOS).

**Background:** Under current law, any voter who cannot reach the voting area at the polling place because of architectural barriers or physical limitations may be allowed to vote “curbside.” In practice, voters may use curbside voting from their vehicle or along the path of travel to the voting area. An elections official will qualify the voter, bring a ballot and any other voting materials the voter may need to cast a ballot privately and independently.

As a result of health concerns from the COVID-19 pandemic, the Legislature enacted bills that made significant changes to the way that the State conducted the November 2020 General Election. Notably, those bills, AB 860 (Berman) and SB 423 (Umberg) 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 accommodate the surge in voting by mail. 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.

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 to the extent possible. California polling places and vote centers provide voters with disabilities the opportunity to vote their ballot privately and independently. All voting locations are surveyed in advance to ensure they are

accessible to voters with disabilities, including ensuring (1) that accessible voting technology is available to all voters, (2) that there is designated accessible parking as close to the voting area as possible, and (3) curbside voting. In practice, telephone numbers are posted at polling locations informing voters how to contact election workers to let them know when assistance is needed.

**Proposed Law:** This bill would, among other things, do the following:

- Expand the list of supplies an elections official is required to provide at each polling place to assist a voter with a disability to include (1) handheld magnifying glasses displayed and available at the table or desk used by the precinct board, and (2) a signature guide card to assist persons while signing their names on the roster displayed and available at the table or desk used by the precinct board.
- Delete a provision of law that requires a voter, in order to receive assistance marking their ballot, to declare under oath, administered by any precinct member at the time the voter appears at the polling place to vote, that the voter is unable to mark their ballot, and instead allows a voter that is unable to mark a paper ballot or the ballot marking device to receive assistance without taking that oath.
- Repeal provisions of law that require a polling place to be inaccessible under the accessibility guidelines promulgated by SOS in order for a voter with a disability be allowed to vote a regular ballot outside of the polling place (curbside voting).
- Repeal provisions of law that require a VBM ballot to be provided if it is impractical to vote a regular ballot outside a polling place, and instead permit a voter with a disability to vote a regular ballot outside any polling place.
- Provide that a precinct board member may bring a regular ballot outside to the voter if the county does not have the capability to bring a ballot marking device outside of the polling place, as specified.
- Require a county elections official to provide information on the county elections official's internet website informing a voter with a disability that they may vote a regular ballot outside any polling place.
- Require signage to be posted outside a polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. Requires a polling place to establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place.

**Related Legislation:** SB 1480 (Glazer, 2022) would have (1) authorized SOS to certify a remote accessible vote by mail system that allows a voter with a qualifying disability, as defined, to return their ballot electronically, (2) required a county elections official, upon certification of such a remote accessible vote by mail system, to permit a voter with a qualifying disability to use the certified remote accessible vote by mail to return their completed ballot electronically, and (3) permitted a voter with a qualifying disability to return their completed remote accessible vote by mail ballot by facsimile until the

SOS certifies a remote accessible vote by mail system that allows electronic return of a completed ballot. The bill was not heard in the Assembly Committee on Elections.

**Staff Comments:** As noted above, this bill would expand access to voters with disabilities by allowing a voter with a disability to vote a regular ballot outside any polling place, regardless of whether the polling place is inaccessible. 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.

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