

Little Hoover Commission
Testimony from Kathay Feng, Executive Director, California Common Cause
September 28, 2017

Since 2006, California Common Cause has been anchoring the Election Protection project in Los Angeles, which includes running a hotline of volunteer attorneys and sending out observers to poll sites. We have assisted tens of thousands of voters through the hotlines and observed polling places across Los Angeles and surrounding counties. I should say that we do not do this alone, and many of the key partners of this network are sitting on this panel today, including NALEO, AAAJ and DRC. Before Common Cause, I headed up the voting rights work at what is now Asian Americans Advancing Justice, where I spent many long election days visiting a lot of polling places serving communities with voters whose first language is not English.

I say all this because I think in order to evaluate what we are moving to, we need to have a clear sense of the election experience we have now, and how they serve or fail to serve Angelenos. In my time as a voting rights attorney, I have seen:

- Polling places based in garages, buildings with no easy access or no disability access, gated communities, or hard to find and hard to park locations. There are many poll locations that are in people's houses or an upstairs room in a building. I have seen polling places with no heat where all the poll workers were shivering through the day or no accessible bathrooms. Although I have observed many outstanding and well-run polling places, the reality is that in a county like Los Angeles, where the registrar staff have to find locations for up to 5,000 polling places, the pickings can sometimes be slim and beggars cannot always be choosers.
- Through Election Protection, we have observed an uptick in 2016 of poll workers who have decided they had permission to illegally question certain voters' eligibility to vote. We had reported incidents of poll workers actively asking if someone was Mexican, or asking Asian American voters why they did not speak English, or even suggesting candidates to voters. Again, these are not the norm, but when LA County has to recruit almost 25,000 people to work one day of the year for up to 16 hours, you cannot always choose the cream of the crop.
- Too often, there are irregularities on Election Day, such as one or more poll workers not showing up, or the polling place room being locked. There can be confusion about what the right way to handle a ballot is or what to do with a voter who cannot be found in the paper roster. When the only bilingual speaker does not show up, or someone enforces a rule that no assistance is allowed, or a pollworker forgets to check the addendum pages of the roster, that can have the effect of turning away a potential voter.
- In November 2016, there was a system-wide snafu at the beginning of the Election Day where the poll workers struggled to get their precinct ballot readers to work. The LA County Registrar hotline was flooded with desperate calls from poll workers. For most polling places, this was resolved in the first half hour of the polls opening, but as we all know, during the first half hour, there is often a crush of voters trying to vote before work, so the delay of opening by even 15 minutes can have real consequences.

In 2015 and 16, when we were working on SB 450, we had these real Election Day problems in mind. We had just come out of very low turnout elections with only 18 percent of eligible Californians casting ballots in the June 2014 primary and 31 percent in the state general election. While there are many factors contributing to this decline, according to a 2015 survey of the Public Policy Institute of California, the top reason registered voters give for not voting is being too busy or lacking the time to vote.¹ So we sought to create a new way of voting that created the opportunity for counties to move to vote centers, a longer period of voting, and more options to register and cast ballots. We recognize that people's lives are busy, and only getting

¹ Mark Baldassare et al., *PPIC Statewide Survey: Californians & their government*, PUBLIC POLICY INSTITUTE OF CALIFORNIA (Mar. 2015).

busier; we need to have a better quality voting experience; we like having options to register to vote and vote; and we want and need more convenient voting options.

We believe that under Dean Logan's leadership, LA County's phased move to a vote center model makes sense, especially given the current relatively high percentage of voters who choose to vote in person at polling places. Being able to be more selective about vote center locations that are accessible, well-recognized, welcoming, and regular is an improvement from what we have now. Being able to run a location over the course of several days, so that kinks can be worked out, and flow issues can be managed means that by the weekend before Election Day and on Election Day, when most voters will decide to vote, voters are much more likely to experience a smooth and easy voting process, instead of a frantic, sometimes uninviting one. The availability of some 1000 locations around the county to be able to register to vote and vote on days before Election Day, instead of the handful we have now, should help to dissipate the 4-hour lines at LA County Registrar's offices in Norwalk.

Too often, in 2016, we observed or received phone calls from voters who were told they had showed up to "the wrong polling place." In a vote center model, all vote centers can help any voter of LA County. The reality is that increasingly people expect to be able to pull up on Google where the closest restaurant or bus route is. Our routines on Saturday are different from our routine on Tuesday or Thursday. The new Voters Choice system allows voters to look up a vote center that might be on a route to where they need to go within a ten day voting period. This is a real evolution from the strict precinct-based approach to voting, which constrains when and where a person can vote.

LA's commitment to having 1000 Vote Centers around the county that will be open for multiple days leading up to Election Day is important. For many voters, Tuesday is a long work day that is followed by a rush to pick up the kids or a second shift. Giving Angelenos the ability to choose from several days and other ways to cast a ballot is a recognition of our reality.

For voters whose first language is not English or who have a disability that they need help with, going in to a voting location for assistance is important. LA County's rollout of the vote centers will (hopefully) coincide with the availability of new voting touchscreens that can accommodate multiple languages and access features from the starting screen. Compared to the current English-Only Ink-a-Vote device, that many voters are uncertain about how to insert the ballot and mark it correctly, the new experience is one that is designed with voters with different needs in mind.

In 2016, the UC Davis California Civic Engagement Project did focus groups as part of *The California Voter Experience Study*. Among the findings, they observed that:

"Young voters and Latino voters were more likely to say that a welcoming atmosphere of the vote center location would be an important factor in their use of the centers. In addition, these voters reported that other aspects of the vote center environment would be important factors, such as professionalism, clear signage, language access, easy in/out, safety, and a pleasant décor."

Getting the locations right is important. We acknowledge that LA County is starting a process of reaching out to voters and community leaders to solicit input about where Vote Centers. We strongly recommend the investment of resources to partner with a lot of community groups to not only provide input on Vote Center locations, but also to help educate hard to reach populations about the changes that are coming. Partnerships will also be important to help recruit the best Vote Center workers, because while there will be fewer locations, there will be more days or work. Being able to choose workers who are bi- or multi-lingual, who can manage the new flow of voters and their needs, work with technology, and who understand the importance of making every voting experience a positive one is vital.

Full Service Voting: Optimizing the Voter Experience



EXECUTIVE SUMMARY

Voter participation in the United States is plummeting.ⁱ In California, there is a widening gap between the number eligible voters and the number of voters who successfully cast a ballot. During the 2014 midterm elections, California set a record low for voter turnout in a regularly scheduled general election; only 42.2 percent of registered voters.ⁱⁱ

In an effort to address waning civic participation, some states have adopted modern technology and procedures that make the voting process more streamlined and accessible to a wider audience of



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voters. In January 2014 the Presidential Commission on Election Administration (PCEA) released a report with a series of recommendations and best practices to improve the voting experience for voters and election administrators alike.ⁱⁱⁱ The Commission made recommendations for states and individual jurisdictions to modernize voter registration, expand access to the polls, optimize poll place management, and update voting technology. This report looks at one model, as implemented in Colorado, that incorporated many of the PCEA's recommendations and has become a national standard for more streamlined and accessible voter registration and voting.

How does Colorado administer elections?

Colorado's method of voting is the direct result of sweeping legislation enacted in 2013 with bipartisan support. HB 1303, the "Voter Access and Modernized Elections Act"^v established a voting system based on three elements: **same-day registration**, required that every registered voter is **mailed a ballot**, and mandated that counties provide **drop boxes and vote centers** on days leading up to and on Election Day. Under current Colorado election law, vote centers (called Voter Service and Polling Centers) serve as full service voting locations where any voter from the county can register to vote, update their registration, or vote a regular, provisional, or replacement ballot privately and independently.

Methodology

This report is based on a literature review of dozens of publications analyzing alternative voting methods and a series of in-depth interviews with six county clerks, the Secretary of State's Director of Elections, and four election advocates, all from Colorado. (A full list of interviewees can be found in Appendix A.) In an effort to focus the research, we examined three primary reforms: vote by mail, vote centers, and early voting.

Hillary Hall, Boulder County's County Clerk

"because of where we were headed before we implemented the model, our resources now are aligned with how people actually were voting. In our 2012 presidential election, 85% of the people who voted in that election, voted with a mail ballot. Either mailing it or dropping it off, or getting a replacement ballot and voting that ballot. 15% voted in person."

Recommendations

There are five main recommendations that surfaced from our interviews.

- 1 Consider a phased-in approach to implementation.** One of the primary reasons that Colorado's modernization reforms were so successful was because most voters were already used to receiving and casting their ballot by mail. California counties that already have a high percentage of voters requesting vote by mail ballots or already mail ballots to all voters are in a prime position to convert to a Colorado-style system. California may want to consider a hybrid approach for counties with low vote by mail usage rates that allows a transition period for voters who currently vote in person.



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2 **Open more drop-off locations for voters who want the option to deposit their ballots in a secure receptacle, especially 24-hour and drive-up options.** Even as more voters started to register as permanent vote by mail voters in Colorado, there was, “a desire for a lot of the mail ballot voters that were requesting mail ballots to drop their ballot off in person instead of using the mail stream.”

Hillary Hall, Boulder County Clerk

“We get 75% - 80% of our in person voters on that Monday or Tuesday [the day before and Election day].”

3 **Focus early voting resources on the four days before Election Day.** County clerks and advocates agreed that people either cast their ballot as soon as they get their mail ballot or they wait until the last minute. Even though Colorado has two full weeks of early voting at vote centers that must be open at least four hours per day, “the turnout is dismal during that first week and starts to pick up that second week, but you really do not get the vast majority of voters until the very end,” said Elena Nunez, Executive Director of Colorado Common Cause.

Elena Nunez, Executive Director of Colorado Common Cause

“The counties that we’ve seen do it most effectively are the ones who plan for significant demand rather than low turnout.”

4 **Jurisdictions with low vote by mail usage should build in capacity to manage voters who prefer to vote in person at vote centers.** While most counties in Colorado have voters preferring to mail or drop their ballots off at specified locations, there are still some populations that prefer to vote in person at vote centers. Counties need to plan for vote centers with enough space to accommodate high volumes of traffic, like college campuses which have large number of new voters. Counties should consider planning for locations where there is a need a greater number of translators, voting machines, accommodations for voters with disabilities, and more booths to accommodate new voters.

Judd Coate, the Director of the Division of Election in Colorado Secretary of State’s office

We would get the “occasional frustrated voters who would say ‘you mailed me my ballot in the last election but now you’re not mailing it to me in this election, what gives? There was a general sense of confusion on the part of voters about when they would receive a ballot by mail and when they needed to show up in person to their assigned polling location.”

5 **Invest in voter education and outreach. Over time, move to standardized election administration rules that all counties operate under regarding ballot delivery with vote centers, same day registration, and early voting.** In the early years when some counties have adopted the new system and others have not, consideration in planning



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should be given to how to educate the public and media. In Colorado's initial years of implementation, there was significant voter confusion that could be ameliorated with greater voter education and benefited ultimately from statewide standardization of election practices. The election officials interviewed were overwhelmingly positive about the standardization to Colorado's elections that occurred as a result of HB 1303.

In 2015, Denver “saw 71% drop-off in person at one of the three ways, either 24-hour box, drive up, or at a vote center and then only 29% chose to use the mail.... In person voting is the smallest. If people can drop it off at either 24-hour box or drive up, they are unlikely to get out of their car and walk into a vote center.”

Conclusion

California's declining voter turnout is cause for concern, warranting significant and immediate action. In order to reduce the more than 40% of registered voters who do not currently vote because of process, time, or scheduling constraints, state legislators should look to Colorado as an example of how to modernize elections and improve the voting experience for all.ⁱⁱⁱ According to a recent survey of registered voters in Colorado, 95% of respondents were either satisfied or very satisfied with the overall voting experience in 2014.^{iv} Anecdotally, the majority of county election officials agree that overall turnout of registered voters has increased as a result of HB 1303.

As California considers whether to adopt similar voting approaches (Senate Bill 450 proposes an option for county election officials to offer vote centers as places for voting and registration, mail a ballot to every voter, and provide ballot drop-off locations), we should keep in mind these primary goals: to improve voter participation and options and reduce voter confusion and allowing counties to modernize their election processes while saving money over the long run. Taking the lessons learned from Colorado's experience will help California achieve all these goals.

ⁱ “Voter turnout in 2014 was the lowest since WWII,” Jose A. DelReal, The Washington Post: <https://www.washingtonpost.com/news/post-politics/wp/2014/11/10/voter-turnout-in-2014-was-the-lowest-since-wwii/>

ⁱⁱ “Voter Participation in California,” PPIC: http://www.ppic.org/main/publication_show.asp?i=1161

ⁱⁱⁱ “American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration,” PCEA: <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>

^{iv} 2014 Pew Colorado Midterm Election Survey. <https://www.sos.state.co.us/pubs/elections/CVAMEC/files/2015/2014PewColoradoMidtermElectionSurvey.pptx>.

