

# California Legislature

## SENATE COMMITTEE ON ELECTIONS AND CONSTITUTIONAL AMENDMENTS

SENATOR STEVEN M. GLAZER  
CHAIR

SCOTT MATSUMOTO  
PRINCIPAL CONSULTANT

STATE CAPITOL ROOM 410  
SACRAMENTO CA 95814  
TEL (916) 651-4106  
FAX (916) 266-9289

MEMBERS  
JANET NGUYEN VICE CHAIR  
BENJAMIN ALLEN  
MIKE MCGUIRE  
CAROLINE MENJIVAR  
JOSH NEWMAN  
THOMAS J UMBERG



### Oversight Hearing: California Voter's Choice Act

#### HEARING BACKGROUND

#### **Senate Bill 450 (Allen, Chapter 832, Statutes of 2016)**

In 2016, the Legislature passed and Governor Brown signed SB 450 (Allen, Chapter 832, Statutes of 2016). SB 450 enacted the California Voter's Choice Act (VCA) and provided a new model for counties to administer elections. This election model was based off of a Colorado election model where every registered voter is mailed a vote by mail (VBM) ballot and may visit any voting location, known as vote centers, within the voter's county prior to and on Election Day to vote or seek assistance with voting

While there was some variation in California, prior to SB 450, jurisdictions had two options to administer elections. First, jurisdictions under a specific number of registered voters were able to conduct their election by mail. Second, and more common, jurisdictions provided polling places where voters voted at an assigned polling place. Voters were divided into precincts of no more than 1,000 voters and assigned a polling place. Counties using this method are sometimes referred to as "traditional polling place" counties.

The VCA requires counties to mail a VBM ballot to all active registered voters and replaced polling places with vote centers and ballot drop-off locations. For regularly scheduled elections, one vote center is required for every 50,000 registered voters open from the 10th day to the 4th day prior to the election, and one vote center for every 10,000 registered voters from the 3rd day prior to the election through Election Day, with no fewer than two vote centers. For special elections, one vote center is required for every 60,000 registered voters from the 10th day to the day prior to the election, and one vote center for every 30,000 registered voters on Election Day. Voters could visit any vote center in the voter's county to return a VBM ballot, register to vote, and vote. Vote centers also need to be accessible to voters with disabilities and provide language

assistance in a way consistent with current state and federal law. Finally, a ballot drop-off location was required for every 15,000 registered voters and available from the 28th day before the election through Election Day.

## **Los Angeles County**

With the passage of SB 450, the legislation provided Los Angeles County with a variation of the VCA because of the county's complexity and population size. Los Angeles County was originally permitted to conduct elections with similar conditions for the VCA with the following exceptions

- 1) The county was not required to mail a ballot to every registered voter, but was required to mail ballots to permanent VBM voters, voters in precincts with fewer than 500 registered voters, voters in jurisdictions that are shared with counties that are conducting elections pursuant to the VCA, and voters in precincts that are either more than a 30-minute travel time from a vote center, or where the precinct's polling place from the last statewide election is more than 15 miles from the nearest vote center.
- 2) For regularly scheduled elections, there was a requirement of one vote center for every 30,000 registered voters from the 10th day to the 4th day prior to the election, and one vote center for every 7,500 registered voters from the 3rd day prior to the election through Election Day. One vote center had to be located in every city within the county that has at least 1,000 registered voters. At least one drop-off location for every 15,000 permanent VBM voters, with no fewer than two drop-off locations, was required.
- 3) The county was permitted to conduct elections under this method for no more than four years, and allowed the county to conduct elections as otherwise provided in this bill after that time.

Los Angeles County conducted their 2020 elections pursuant to SB 450. In 2023, this variation for Los Angeles County was removed pursuant to AB 1762 (Committee on Elections, Chapter 479, Statutes of 2023) and now follows the VCA model that applies to all the counties that opt for the VCA.

## **Counties Adopting the VCA**

Following the enactment of SB 450, five counties elected to change their election model to the VCA for the 2018 elections. In 2020, 10 counties made the switch. In 2022, 12 more counties opted for the VCA. Below is a chart of when counties began conducting elections using the VCA and counties are shifting to the VCA for 2024 (as of November 29, 2023).

2018 Election Cycle	2020 Election Cycle	2022 Election Cycle	2024 Election Cycle
Madera	Amador	Alameda	Humboldt
Napa	Butte	Kings	Placer
Nevada	Calaveras	Marin	
Sacramento	El Dorado	Merced	
San Mateo	Fresno	Riverside	
	Los Angeles	San Benito	
	Mariposa	San Diego	
	Orange	Santa Cruz	
	Santa Clara	Sonoma	
	Tuolumne	Stanislaus	
		Ventura	
		Yolo	

For the November 2022 general election, below is a list of counties separated by what election model was used (VCA, traditional polling places, and all VBM):

VCA	Traditional Polling Places	All VBM
Alameda	Colusa	Alpine
Amador	Contra Costa	Plumas
Butte	Del Norte	Sierra
Calaveras	Glenn	
El Dorado	Humboldt*	
Fresno	Imperial	
Kings	Inyo	
Los Angeles	Kern	
Madera	Lake	
Marin	Lassen	
Mariposa	Mendocino	
Merced	Modoc	
Napa	Mono	
Nevada	Monterey	
Orange	Placer*	
Riverside	San Bernardino	
Sacramento	San Francisco	
San Benito	San Joaquin	
San Diego	San Luis Obispo	
San Mateo	Santa Barbara	
Santa Clara	Shasta	
Santa Cruz	Siskiyou	
Sonoma	Solano	
Stanislaus	Sutter	
Tuolumne	Tehama	
Ventura	Trinity	
Yolo	Tulare	
	Yuba	

\*switching to VCA in 2024

Using data from the Secretary of State's Report of Registration, as of October 3, 2023, there were 26,673,525 eligible voters with 22,114,456 registered voters in California. There were 20,613,173 eligible voters with 17,276,230 registered voters in counties using or planning to use the VCA as an election model. This equates to 77.28 percent of California's eligible voters and 78.12 percent of registered voters. For counties using all VBM and traditional polling places, there were 6,060,352 eligible voters with 4,838,226 registered voters. This equates to 22.72 percent of California's eligible voters and 21.88 percent of registered voters.

## **The COVID-19 Pandemic**

The COVID-19 pandemic required elections officials to rethink how to keep voters and election workers safe while conducting an election. Elections officials needed to contemplate how to administer every aspect of an election from finding spacious voting locations, hiring a sufficient number of election workers, and being able to process ballots in a safe manner. To meet the challenges presented by the COVID-19 pandemic, the Legislature passed and Governor Newsom signed two bills that established a minimum set of requirements for the November 3, 2020 statewide general election.

First, AB 860 (Berman, Chapter 4, Statutes of 2020) required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election. Additionally, AB 860 required county elections officials to permit any voter to cast a ballot using a certified remote accessible VBM system, required county elections officials use a specified ballot tracking system, extended the deadline by which VBM ballots must be received from three days after Election Day to 17 days after Election Day, and authorized counties to begin processing VBM ballots on the 29th day before the election.

Second, SB 423 (Umberg, Chapter 31, Statutes of 2020) authorized changes to in-person voting requirements for the November 3, 2020 statewide general election. VCA counties were not required to have their vote centers open before the third day prior to the election. Non-VCA counties were permitted to comply with a set of procedures for in-person voting. These included the establishment of consolidated polling places/locations that were required to be open three days before the day of the election with one voting location open 28 days before the day of the election and VBM ballot drop-off locations beginning not less than 28 days before the day of the election, as specified and among other requirements.

The changes established by AB 860 and SB 423 were only applicable for the November 3, 2020 statewide general election. A number of provisions for this bill were based off the provisions from AB 860 and SB 423.

Following the 2020 elections, in February 2021, the Legislature passed and Governor Newsom signed SB 29 (Umberg, Chapter 3, Statutes of 2021). Prior to the signing of

this urgency bill, elections in 2021 were conducted using the pre-AB 860/SB 423 requirements. SB 29 required elections officials to mail all active registered voters a VBM ballot and required them to use the VBM ballot tracking system developed by the Secretary of State, or a system that meets or exceeds the level of service provided by the Secretary of State's system, for any election proclaimed or conducted prior to January 1, 2022. The provisions of SB 29 are only applicable to the end of 2021 and additional legislation would be needed to extend these requirements

In June 2021, the Legislature passed and Governor Newsom signed SB 152 (Committee on Budget, Chapter 34, Statutes of 2021). SB 152 provided a modified election model that consolidates polling places with aspects related to vote centers for counties conducting elections for the remainder of 2021. This approach is similar to what took place for the November 2020 general election.

SB 152 also made changes to in-person requirements and VBM ballots processing, procedures, and deadlines. Among the provisions, SB 152 required VBM ballot drop-off locations for counties using the prescribed consolidated election model. Counties using this consolidated election model are required to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 15,000 registered voters within the jurisdiction where the election is held, whichever resulted in more VBM ballot drop-off locations, as specified.

### **Recent Changes to State Law**

One of the notable changes to California elections following the elections conducted during the COVID-19 pandemic was AB 37 (Berman, Chapter 312, Statutes of 2021). Among the changes to California elections, AB 37 required county elections officials to mail a ballot to every active registered voter for all elections. At the time, only counties under the VCA or all mail ballot counties were required to send a VBM ballot to all active registered voters.

AB 37 also required a county that does not conduct an election pursuant to the VCA to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations. The bill also required a jurisdiction with fewer than 30,000 registered voters to provide at least one VBM ballot drop-off location and requires an elections official to make a reasonable effort to provide a VBM ballot drop-off location in the jurisdiction where the election is held.

Additionally, and as previously mentioned, AB 1762 deleted the VCA provisions specific to Los Angeles County permitting them to use the VCA model that applies to all the counties that opt for the VCA.

## Vote Center Usage

Under the VCA, counties are required to have a number of vote centers open prior to and through Election Day. Beginning 10 days before the day of the election and continuing daily up to and including the fourth day before the election, for a minimum of eight hours per day, at least one vote center is required for every 50,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. For jurisdictions with fewer than 50,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.

Beginning three days before the election and Election Day, at least one vote center is provided for every 10,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. These vote centers are required to be open for a minimum of eight hours per day for the first three days and from 7 a.m. to 8 p.m. on Election Day. At least 90 percent of the number of these four-day vote centers required to be open for all four days during the required times. Up to 10 percent of the number of vote centers may be open for less than four days if at least one vote center is provided for every 10,000 registered voters on each day.

For special elections, at least one vote center is required for every 30,000 registered voters open from 7 a.m. to 8 p.m. on Election Day. Additionally, for at least 10 days before Elections Day, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official is required to make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.

Vote centers are required to meet accessibility requirements, provide language assistance if required by existing law, and have an electronic mechanism, such as an electronic pollbook, for the county elections official to immediately access, at a minimum.

Once at a vote center, a voter could register to vote, update their voter registration, vote, return a VBM ballot, receive a provisional ballot, 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, and use accessible voting equipment to vote. Counties are also required to provide at least one drop-off location for every 15,000 permanent VBM voters, with no fewer than two drop-off locations.

The data below represents the number of in-person votes recorded by day in VCA counties prior to, through Election Day, and votes recorded after Elections Day and was provided by the Secretary of State's office. This data includes votes cast by conditional voter registration, regular ballots, provisional ballots, vote center VBMs, and vote locations VBMs. The data was provided by the Secretary of State's office and is based on the dates for which counties recorded votes within the Election Management System and sent to VoteCal, California's voter database.

In-person votes recorded by day relative to the election in VCA Counties								
	2018 Primary		2018 General		2020 Primary		2020 General	
1) Vote Recorded Prior to E-10	868	0 47%	6,854	2 28%	2,903	0 14%	65,312	2 54%
< 10	868	0 47%	6,854	2 28%	2,903	0 14%	65 312	2 54%
2) Vote Recorded E-10 through E-4	7,580	4 13%	11,889	3 95%	72,451	3 48%	435,472	16 95%
-10	121	0 07%	861	0 29%	6,351	0 30%	31 905	1 24%
-9	61	0 03%	233	0 08%	5 730	0 27%	27,960	1 09%
-8	1,236	0 67%	1 354	0 45%	7,897	0 38%	32,529	1 27%
-7	1,242	0 68%	2,043	0 68%	9,840	0 47%	45,705	1 78%
-6	1 775	0 97%	2 653	0 88%	11,385	0 55%	46 346	1 80%
-5	1,576	0 86%	827	0 27%	13,241	0 64%	51,619	2 01%
-4	1,569	0 86%	3,918	1 30%	18 007	0 86%	199,408	7 76%
3) Vote Recorded E-3 to Before Election Day	13,494	7 36%	25,173	8 36%	202,612	9 72%	764,978	29 78%
3	839	0 46%	2,428	0 81%	52,148	2 50%	189,095	7 36%
-2	6,674	3 64%	4 874	1 62%	59,190	2 84%	228 178	8 88%
-1	5 981	3 26%	17,871	5 94%	91,274	4 38%	347,705	13 53%
4) Vote Recorded on Election Day	42,734	23 31%	71,647	23 80%	382,829	18 37%	522,261	20 33%
0	42,734	23 31%	71,647	23 80%	382,829	18 37%	522 261	20 33%
5) Vote Recorded After Election Day	118,648	64 72%	185,465	61 61%	1,423,222	68 29%	781,034	30 40%
> Election Day	118,648	64 72%	185 465	61 61%	1,423,222	68 29%	781,034	30 40%
<b>Total</b>	<b>183,324</b>	<b>100 00%</b>	<b>301,028</b>	<b>100 00%</b>	<b>2,084,017</b>	<b>100 00%</b>	<b>2,569,057</b>	<b>100 00%</b>

In-person votes recorded by day relative to the election in VCA Counties						
	2021 Recall		2022 Primary		2022 General	
1) Vote Recorded Prior to E-10	22,200	1 98%	14,492	1 14%	19,618	0 81%
< 10	22,200	1 98%	14,492	1 14%	19,618	0 81%
2) Vote Recorded E-10 through E-4	127,264	11,35%	53,096	4 19%	123,907	5 11%
10	11,767	1 05%	3,990	0 31%	7 615	0 31%
9	6,003	0 54%	1,970	0 16%	5,276	0 22%
-8	12,286	1 10%	3 785	0 30%	16 505	0 68%
-7	19,508	1 74%	6,201	0 49%	20 912	0 86%
6	24,968	2 23%	9 722	0 77%	21,961	0 91%
5	23 898	2 13%	12,741	1 01%	23,661	0 98%
4	28,834	2 57%	14,687	1 16%	27,977	1 15%
3) Vote Recorded E-3 to Before Election Day	231,204	20 62%	130,574	10 30%	302,543	12 48%
-3	50,112	4 47%	23,252	1 83%	54 709	2 26%
-2	46,434	4 14%	33,912	2 68%	71 947	2 97%
-1	134,658	12 01%	73,410	5 79%	175 887	7 25%
4) Vote Recorded on Election Day	418,747	37 34%	363,579	28 68%	592,785	24 44%
0	418,747	37 34%	363,579	28 68%	592,785	24 44%
5) Vote Recorded After Election Day	321,997	28 71%	705,769	55 68%	1,386,140	57 16%
> Election Day	321,997	28 71%	705,769	55 68%	1,386,140	57 16%
<b>Total</b>	<b>1,121,412</b>	<b>100 00%</b>	<b>1,267,510</b>	<b>100 00%</b>	<b>2,424,993</b>	<b>100 00%</b>

When removing vote location VBM's since they include any attended drop-off location, the Secretary of State noted that for the 2022 primary, 21.07 percent of ballots were cast at vote centers. For the 2022 general election, 26.90 percent of ballots were cast at vote centers.

It should be noted that for polling place counties, 7.71 percent of votes were cast at polling places for the 2022 primary election and 10.92 percent of votes were cast at polling places for the 2022 general election.

Overall turnout for the 2022 general election using either a vote center or a polling place was 23.10 percent. In other words, 23.10 percent of voters used a polling place or vote center to vote.

### **Election Administration Plans**

When determining the placement of vote centers and VBM drop-off locations, county elections officials are required to develop a plan for election administration under the VCA. The county elections official, when developing the draft election administration plan, are required to consider, at a minimum, all of the following: vote center and ballot drop-off location proximity to public transportation, to communities with historically low VBM usage, to population centers, to language minority communities, to voters with disabilities, to communities with low rates of household vehicle ownership, to low-income communities, to communities of eligible voters who are not registered to vote and may need access to same day voter registration, and to geographically isolated populations. Additionally, elections officials must also consider access to accessible and free parking at vote centers and ballot drop-off locations, the distance and time a voter must travel by car or public transportation to a vote center and ballot drop-off location, traffic patterns near vote centers and ballot drop-off locations, the need for alternate methods for voters with disabilities for whom VBM ballots are not accessible to cast a ballot, the need for mobile vote centers in addition to the number of vote centers established pursuant to the VCA, and vote center locations on a public or private university or college campus.

The plan must also include all of the following:

- 1) A description of how a voter with disabilities may request and receive a blank VBM ballot and, if a replacement ballot is necessary, a blank replacement ballot that a voter with disabilities can mark privately and independently.
- 2) A description of how the county elections official will address significant disparities in voter accessibility and participation identified in the report required after an election.
- 3) A description of the methods and standards that the county elections official will use to ensure the security of voting conducted at vote centers.
- 4) Information about estimated short-term and long-term costs and savings from conducting elections as compared to recent similar elections in the same jurisdiction that were not conducted using the VCA.
- 5) A toll-free voter assistance hotline that is accessible to voters who are deaf or hard of hearing, and that is maintained by the county elections official that is operational no later than 29 days before the day of the election until 5 p.m. on the day after the election in languages required by state and federal law.



- 6) To the extent available at the time of publication, information on all of the following:
  - a) The total number of vote centers and ballot drop-off locations to be established.
  - b) The location of each vote center and each ballot drop-off location, including whether the ballot drop-off location is inside or outside.
  - c) A map of the locations and the hours of operation of each vote center and ballot drop-off location
  - d) The security and contingency plans that would be implemented by the county elections official to prevent a disruption of the vote center process and to ensure that the election is properly conducted if a disruption occurs.
  - e) The number of election board members and the number of bilingual election board members and the languages spoken.
  - f) The services provided to voters with disabilities, including, but not limited to, the type and number of accessible voting machines and reasonable modifications at each vote center
  - g) The design, layout, and placement of equipment inside each vote center that protects each voter's right to cast a private and independent ballot.

These election administration plans are also drafted in consultation with the public through meetings publicly noticed in advance of the meeting. One meeting is required include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and assistance in a language other than English. Another meeting is required to include representatives from the disability community and community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities. Both meetings need to be publicly noticed at least 10 days in advance of the meeting.

Following the public meeting, the county elections official is required to consider any public comments the official receives from the public and amend the draft plan in response to the public comments to the extent the official deems appropriate. Following this step, the amended draft plan is publicly noticed and additional public comments are accepted for at least 14 days before the county elections official may adopt the amended draft plan. After the public review period, the elections official may adopt a final election administration plan.

The county elections official is also required to create and submit to the Secretary of State a voter education and outreach plan for approval. The voter education and outreach plan must include all of the following:

- 1) A description of how the county elections official will use the media, including social media, newspapers, radio, and television that serve language minority communities for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.
- 2) A description of how the county elections official will use the media, including social media, newspapers, radio, and television for purposes of informing voters

of the availability of a VBM ballot in an accessible format and the process for requesting such a ballot.

- 3) A description of how the county elections official will have a community presence to educate voters about the VCA.
- 4) A description of the accessible information that will be publicly available on the accessible website of the county elections official.
- 5) A description of the method used by the county elections official to identify language minority voters.
- 6) A description of how the county elections official will educate and communicate the provisions of the VCA to the public, as specified.
- 7) A description of how the county will spend the necessary resources on voter education and outreach to ensure that voters are fully informed about the election. This description includes information about the amount of money the county plans to spend on voter education and outreach activities under the plan, and how that compares to the amount of money spent on voter education and outreach in recent similar elections in the same jurisdiction that were not conducted pursuant to the VCA.
- 8) At least one public service announcement in the media, including newspapers, radio, and television, that serve English-speaking citizens for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline. Outreach made includes access for voters who are deaf or hard of hearing and voters who are blind or visually impaired.
- 9) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under state and federal law for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline
- 10) At least two direct contacts with voters for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline. The two direct contacts are in addition to any other required contacts, including, but not limited to, sample ballots and the delivery of VBM ballots.

Following the adoption of the election administration plan, including the voter education and outreach plan, the plan is submitted to the Secretary of State. The Secretary of State is required to approve, approve with modifications, or reject the voter outreach and education plan within 14 days after the plan is submitted by the county elections official. The draft plan, the amended draft plan, and the adopted final plan for the administration of elections is required to be posted on the website of the county elections official in each language in which the county is required to provide voting materials and assistance under state and federal law and the Secretary of State's website in a format that is accessible for people with disabilities.

### **Outreach Efforts**

Counties using the VCA are also required to create two committees under the county elections official: a language accessibility advisory committee (LAAC) and a voting

accessibility advisory committee (VAAC) A local LAAC is comprised of representatives of language minority communities. A local VAAC is comprised of voters with disabilities This is similar to the statewide LAAC and VAAC. These local committees provide the elections official with input and feedback when creating election administration plans.

Of note, San Mateo County also established a Voter Education and Outreach Advisory Committee (VEOAC) The VEOAC was created in 2018, San Mateo County's first election using the VCA. This committee, though not required by state law, advises and assists the San Mateo County elections official on matters relating to education and outreach by providing expertise and advice on voter education and outreach issues, gather feedback from local communities on voter education and outreach issues, propose recommendations on how to better assist voters, and monitor new laws and regulations on elections voter education and outreach issues.

The Secretary of State also provides outreach specifically related to the VCA For example, in 2021, the state budget included \$5.8 million from the General Fund to support VCA counties in preparation for the 2022 primary and general elections. This funding provided local assistance to counties that adopted the VCA model and funded statutory elections research and reporting requirements In 2022, the Secretary of State received \$452,000 from the General Fund and \$437,000 annually thereafter to support three positions for the continued administration of VCA mandates.

Additionally, the Secretary of State also launched the VCA Ambassador Program to promote awareness about increased voting options. This program assists the Secretary of State's office in building partnerships with organizations and connecting these organizations with VCA counties to help close voter participation gaps According to the Secretary of State's website, these ambassadors seek to amplify the "More Days, More Ways to Vote" voter education and outreach message to ensure voters in VCA counties are informed about the available voting options under the VCA election model.

## **VCA Reports**

Within six months of each election, the Secretary of State is required report to the Legislature, to the extent possible, all of the following information by categories of race, ethnicity, language preference, age, gender, disability, permanent VBM status, historical polling place voters, political party affiliation, and language minorities as it relates to the languages required under state and federal law: voter turnout, voter registration, ballot rejection rates, reasons for ballot rejection, provisional ballot use, accessible VBM ballot use, the number of votes cast at each vote center, the number of ballots returned at ballot drop-off locations, the number of ballots returned by mail, the number of persons who registered to vote at a vote center, instances of voter fraud, and any other problems that became known to the county elections official or the Secretary of State during the election or canvass. The report is required to be posted on the Secretary of State's website in a format accessible for people with disabilities

The reports seek to provide information in order to improve aspects of election administration using the VCA in a timely manner. However, the March 3, 2020 Primary Election and the November 3, 2020 General Election reports were received on May 6, 2022. This was approximately 26 months following the March 2020 primary election and approximately 18 months following the November 2020 general election.

The initial reports from the 2021 gubernatorial recall election, the 2022 primary election, and the 2024 general election were received in June 2023. A supplemental report with additional data for the 2021 gubernatorial recall election and the 2022 primary election were received in November 2023. For the 2021 gubernatorial recall election, this was approximately two years from that election. For the 2022 primary election, this was approximately 17 months from that election. As of this printing, the Secretary of State has not posted the supplemental report for the 2022 general election.

Additionally, county elections officials are required to post on the official's website a report that compares the cost of elections conducted pursuant to the VCA to the costs of previous elections. These reports are required to be posted in a format that is accessible for people with disabilities.

## **VCA Analysis**

In October 2023, a report was published to examine the impact of the VCA on California's voter participation gap and explored how the VCA could be used to increase voter turnout. The project was sponsored by the Evelyn and Walter Haas, Jr. Fund and the Silicon Valley Community Foundation. Dr. Mindy Romero, founder and director of the Center for Include Democracy at the University of Southern California, was the principal researcher and advisor for this project. Lori Shellenberger, an election policy consultant, facilitated the project and drafted the report.

The report found that a participation gap exists across elections in both VCA and non-VCA counties. For example, the report shows that eligible voter turnout gaps between Latino and Asian American voters and the general voter population were slightly wider in VCA counties when compared to non-VCA counties in the 2022 general election. The report notes that this is in contrast to turnout increases in the first five VCA counties in the 2018 elections and the 2020 elections. While there was not a single provision as to why this participation gap continues to exist, the report makes the following recommendations for statewide leadership and counties:

Statewide:

- 1) The Secretary of State and the Legislature should work together to secure more funding in the Governor's 2024 budget for voter outreach and education and to ensure robust election administration planning and implementation.

- 2) The Secretary of State should revive the VCA Taskforce, required during the first five years after the VCA went into effect but was allowed to sunset on January 1, 2022. The re-establishment of the Taskforce would be the best avenue for the Secretary of State to intentionally and formally convene elections officials, voter engagement experts, and legislative stakeholders. The Taskforce would play an important role in reviewing VCA election planning, spending, and outreach efforts, and in formally reporting their analysis – and suggestions for how gaps can be narrowed – to the Legislature.
- 3) The Legislature should turn a closer eye to the voter participation crisis, including a joint elections committee informational hearing to review the Secretary of State's 2022 VCA election reports and other reports and research from the elections field that could inform recommendations for elections funding in the Governor's 2024 budget, as well as steps the Legislature might take in the future to address participation gaps.

#### Counties:

- 1) County elections officials should post the required VCA election cost analysis, including detailed information on the dollars spent to reach marginalized voters and the methods used to reach those voters in the 2022 election, and should continue to make that information available, as required, following subsequent elections.
- 2) Each county elections official should host a debrief of the 2024 primary election with voter engagement organizations in their county and the county's language and accessibility advisory committees, share data on primary election turnout and vote center and drop box usage, explore ways to better reach marginalized voters, and share details of 2024 general election voter outreach plans. This practice should be utilized after all elections moving forward.
- 3) County elections officials should seek additional outreach funding from their Boards of Supervisors and consider ways to get those funds to trusted messengers.

#### Conclusion

When SB 450 was being considered by the Legislature, Senator Ben Allen, the bill's author, noted that the bill offered "the best opportunity to significantly increase voter participation while also saving participating counties money over the current system." Since then, there have been significant reforms to California's elections. However, there has not been a legislative hearing on whether any changes to the VCA are needed. For the original five VCA counties, there have been seven statewide elections using this the VCA model. The goal of this hearing is to learn what is working, what could be improved, and how to move forward.