

Joint Oversight Hearing on Statewide Voter Turnout, held by the Senate Committee on Elections and Constitutional Amendments & Assembly Committee on Elections and Redistricting

Wednesday, March 25, 2015
State Capitol, Room 3191, Sacramento CA

Testimony of Kim Alexander, President and Founder, California Voter Foundation

Good afternoon and thank you for the opportunity to testify today.

My name is Kim Alexander, and I'm president and founder of the California Voter Foundation, a nonprofit, nonpartisan organization established in 1994 and dedicated to improving the voting process to better serve voters, online at www.calvoter.org.

In considering ways to increase California's voter turnout, my testimony today will cover three topics:

- 1) the need to improve and expand voting information;
- 2) the need to improve the vote-by-mail process so that fewer ballots cast are rejected; and
- 3) the need to reinstate election funding in the state budget.

1) Improving and expanding voting information

We act as if people who don't vote are making a conscious choice to not vote. There were many commentaries after the November election featuring phrases like "only 31 percent of eligible voters bothered to turn out."

But for a lot of people, voting is a luxury, not a necessity. Many Californians are focused on essential issues – job security, shelter, health, food, safety. New data released this week by the Pew Charitable Trusts shows that in California since 2000, the median household income has declined by \$5,000 to about \$60,000, the share of households in the middle class has declined by 3.2 percent to 43.5 percent and the percentage of households spending 30 percent or more of their income on housing has increased by six percent to 44 percent.¹

If the California Legislature wants to address job security, income inequality, public safety and affordable housing, such efforts may help alleviate the barriers many people face when they consider voting.

When the California Voter Foundation surveyed infrequent voters and eligible, nonvoting Californians ten years ago to find out what kept them away from the polls, we learned that the top five reasons were:

- 1) "Politics are controlled by special interests" (66 percent of infrequent voters and 69 percent of nonvoters agree);
- 2) "I don't feel that candidates really speak to me" (49 percent of infrequent voters and 55

- percent of nonvoters agree);
- 3) "It is too hard to sift through all the information available to make good decisions on how to vote" (45 percent of infrequent voters and 52 percent of nonvoters agree);
 - 4) "I am too busy with work or my family" (43 percent of infrequent voters and 46 percent of nonvoters agree); and
 - 5) "The issues are too confusing" (42 percent of infrequent voters and 48 percent of nonvoters agree).ⁱⁱ

You might think someone is not too busy to take ten minutes out of their Tuesday to vote but it's not just that ten minutes. It's about all the issues they have to decide. People don't like to do things they feel they are not good at. And even the most experienced of us struggle to vote on some contests – judicial elections for example, are a notorious black hole of information.

Government agencies send voters lots of information but how useful, timely, relevant and accessible is it? How easy or difficult is it to read? Why are there two voter guides in the first place?

I fear we are at the point where voting has become a quaint, old-fashioned pastime of yore, like writing thank-you notes. We are at risk of the process becoming irrelevant and unfamiliar to a whole new generation of Californians. This is one reason why we want to see an expansion of access to voting information online.

The printed voter guides are useful and we realize not everyone is online, but it's important that the process of deciding how to vote is similar to other processes people undertake today when making other important decisions, like where to live, what job to apply for or where to go to school. For such decisions increasingly people look to the Internet for answers.

We are asking the government sector, which voters are most likely to trust, to provide and direct voters to the information they need to make informed decisions about all the contests on their ballots, accessible online, all in one place, and less difficult to navigate.

Fortunately the California Secretary of State has teamed up with the Voting Information Project, a collaboration of the Pew Charitable Trusts and Google to create a statewide system of online voting information voters can query with an address and have it return their polling place location and list of contests on their ballot. CVF strongly supports this initiative and is working to support its success. We also want to see this system expanded to include **all** of the content featured in the state and counties' ballot pamphlets, creating a "Unified Voter Guide" online so voters can find all their contests and information about those contests in one place.

We are also exploring ways to expand voter access to more candidate statements by providing an electronic-only path for those statements, since statements included in the ballot pamphlet are priced to defray the printing and mailing costs and thus can be prohibitively expensive for many candidates, particularly those running low-budget campaigns for down-ticket offices like school boards and special districts.

Ideally, there would not only be text statements, but also video and audio statements. Helping voters access candidates' videos is vital, particularly given literacy challenges and our state's language diversity. Watching or hearing someone speak can communicate a lot more about that person than simply reading words on a page. Helping voters find candidates and campaigns' social media activities and videos can especially help younger Californians, whose turnout levels are the

worst, access election information in formats they are familiar with and on whatever device they'd like to use.

Overall, I had 31 contests and 41 candidates on my November 2014 ballot for which more than a third – 39 percent – had no candidate statement. I could look elsewhere to find out what these candidates stand for – but such references are not included in the official state guide nor in my county sample ballot. Therefore, we also are encouraging the Secretary of State and counties (that do not already do so) to direct voters via the printed guides and agency web sites to reliable, nonpartisan election information resources online. There are many great web sites provided by the nonprofit sector that would be more heavily trafficked if government agencies would clue voters in and let them know where to find them.

2) Improving the vote-by-mail process so that fewer ballots cast are rejected

Some think expanding the vote-by-mail process is the answer to our turnout troubles. It's important to pay attention to how well that process is working today. The fact is that California has one of the highest vote-by-mail ballot rejection rates of any state in the nation. In the June 2014 Primary, the Secretary of State reported that nearly 3 percent of all mail ballots cast were rejected, no doubt contributing to that election's record-low turnout.

CVF conducted an in-depth study of three counties' vote-by-mail programs to better understand how they operate and recommend improvements to reduce the vote-by-mail error rate. Our report was published last August and highlighted the variations in practices among the three counties studied.ⁱⁱⁱ It also found that the top three reasons why some mail ballots don't get counted were because they arrived too late, lacked the voter's signature on the envelope, or the signature was found to not sufficiently compare to the signatures on file.^{iv}

Every county had its own envelope design, own set of instructions, and varying rules for verifying signatures. Two counties offered ballot drop-off sites at various locations, one did not. One sent unsigned ballots back to voters in the mail while two attempted to contact voters and have them come to the office to sign the envelope.

One reform we recommended, allowing ballots postmarked by Election Day to be counted, was enacted last year via SB 29/Correa, and will certainly help reduce the rejected ballot rate. CVF is also supporting two bills this session that would enact other recommendations we made in our report: AB 477 by Assemblyman Kevin Mullin would allow voters who forgot to sign their mail ballot envelope to fill out and sign a "Unsigned Ballot Statement" and send or deliver it to their county registrar so it could be attached to their ballot and the ballot could be counted. A second bill, SB 365 by Senator Fran Pavley, would provide for ballot drop-off boxes in California statute and direct the Secretary of State to create regulations and establish best practices for drop-off boxes.

In addition we are looking forward to working with Secretary of State Alex Padilla and his staff to improve the current signature verification guidelines so they provide more details, guidance and uniformity in signature verification practices across the state.

Some think the answer is to mail everyone a ballot, like Colorado is doing. It's important to recognize that Colorado only implemented these significant changes to its voting system after the state had enacted legislation to convene the Colorado Voter Access and Modernized Elections Commission which began in July 2013 and continues to meet (in fact they held a meeting yesterday!).^v And they didn't make one change – they made a whole host of changes that occurred

statewide and in a uniform manner. If we want to make wholesale change in California we similarly should convene an election commission and review the entire process, not just one piece of it to determine how to improve it.

3) Reinstatement election funding in the state budget

Last but certainly not least, the Legislature needs to address the lack of election funding in the state budget. Since 2011, election mandates have been suspended and the current budget anticipates continuing this suspension. The California Voter Foundation is working with a number of other groups, including the California State Association of Counties and the California Association of County Election Officials to put election funding back into the state budget. The price tag for reinstating the mandates was estimated by the Department of Finance last October to be \$70 million. In a time of budget surplus and commitments to pay down past debts, now is the time to restore this money to the budget. (The election mandates will be taken up on April 7 by the Assembly's Budget Subcommittee 4, and the Senate's Subcommittee 4 on April 9.)

We recognize that mandates are not the most popular funding mechanism in the eyes of Governor Brown and the Department of Finance, but it is the mechanism we have and the fact that this source has dried up has been harmful to counties who must do more with less. (To save money, my county registrar printed the sample ballot in a trilingual format, featuring English, Spanish and Chinese all on the same page. To make room the font size was reduced to six point, making the sample ballot extremely difficult to read.)

While we are advocating for reinstatement of the election mandates funding, we also are exploring alternative funding approaches, for example, a block grant that provides state resources, perhaps on a matching basis with county funds, based on the number of eligible and registered voters in a county. As it is, counties have absolutely no incentive to expand voter participation – more voters just means more workload with no help from the state. When seeking funding from county boards of supervisors, election departments already face stiff competition from other local government departments whose services appear to be more urgently needed, such as fire fighting and public safety.

The Legislature wants to make changes to the voting process but doesn't want to have to pay for it. We need to break this cycle because what's been happening instead is lots of little changes that create optional county programs rather than mandatory and that add to voter confusion since not all counties offer the same services.

One recent reform that has been enacted that many are eager to see implemented is same-day voter registration. But this reform is also at risk. Counties are not required to implement programs that are mandated but not funded. And that goes for same day voter registration.

While it's true the counties have continued to provide permanent and no-excuse vote-by-mail programs to voters despite the budget cuts, even though such programs are technically optional, they did so primarily because it would have been more difficult and potentially costly to stop programs that had already been implemented than to continue them. But that is not the case with same-day registration; it has not yet been implemented and it is completely within the right of any county, or all counties, to say forget it, we are not implementing this program and absorbing these additional costs.

Treating election mandates as optional also creates an equal protection problem, as the Legislative Analyst has warned for the past several years when urging the Legislature to reinstate this funding.

So if you want to see same day registration implemented, and if you want to continue expanding use of voting by mail, the best thing to do is turn the mandate spigot back on so that when VoteCal is completed the funding is lined up to support same-day registration.

To summarize, the California Voter Foundation recommends the following:

- Improve and expand online voting information by creating a Unified Voter Guide online of official state and local official ballot information and by helping voters access additional resources from candidates such as videos and social media accounts and nonpartisan resources from the nonprofit sector;
- Improve the vote-by-mail process by enhancing and expanding the statewide signature verification guidelines, allowing voters who forgot to sign the ballot envelopes to send in their signatures on a separate statement, and establishing statewide guidelines for ballot drop-off sites; and
- Fund election programs in the state budget to ensure existing and future mandated programs, such as same-day registration, are consistently implemented across all 58 counties and explore alternative funding mechanisms that reward and support counties that expand voter registration and participation.

ⁱ “How America’s Middle Class Has Shrunk Since 2000,” interactive map by Tim Henderson, Stateline, March 19, 2015, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/3/19/the-shrinking-middle-class-mapped-state-by-state>.

ⁱⁱ “California Voter Participation Survey Report,” published by the California Voter Foundation, April 7, 2005, online at <http://www.calvoter.org/issues/votereng/votpart/index.html>. Key findings cited above are available at <http://www.calvoter.org/issues/votereng/votpart/keyfindings.html>.

ⁱⁱⁱ “Improving the Vote-by-Mail Process: A Three-County Study,” published by the California Voter Foundation, August 2014, online at <http://www.calvoter.org/votebymail>.

^{iv} Statewide, county-by county research by Mindy Romero of the California Civic Engagement Project found the same results statewide, see <http://regionalchange.ucdavis.edu/ourwork/UCDavisVotebyMailBrief2.pdf>.

^v For an overview of Colorado’s reform effort, see this summary by Colorado Common Cause: <http://www.commoncause.org/states/colorado/issues/voting-and-elections/expanding-access/overview.html>. The commission’s homepage is at <http://www.sos.state.co.us/pubs/elections/CVAMEC/index.html>.