OCTOBER 2023

The Voters Choice Act
Impact Analysis and Recommendations

AAPIs FOR CIVIC EMPOWERMENT EDUCATION FUND

California LABOR Federation

CALIFORNIA BLACK POWER NETWORK

DOLORES HUERTA FOUNDATION FOR COMMUNITY ORGANIZING ORGANIZE

CALIFORNIA CALLS an alliance to renew the dream

California Common Cause

IE UNITED EDUCATION FUND

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SVCF SILICON VALLEY COMMUNITY FOUNDATION

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Executive Summary

About This Project

This project was conceived and sponsored by the Evelyn and Walter Haas, Jr. Fund and Silicon Valley Community Foundation to examine the impact of the California Voter's Choice Act (VCA)[1] on California's persistent voter participation gaps and explore how the VCA might be better utilized as a tool to increase turnout for historically marginalized voters.

Dr. Mindy Romero, founder and director of the Center for Inclusive Democracy (CID) at the University of Southern California, was the principal researcher and advisor to the project. Lori Shellenberger, election policy consultant, facilitated the project and drafted this report.

Research Approach

The Steering Committee recognized it is difficult to isolate any one factor from the range of factors that contribute to overall voter turnout and the persistent turnout gaps in California. At the outset, the Committee noted that while this project would be contained to the VCA's potential impact on voter turnout, there are other influences that could be playing an equal or even more significant role in excluding historically marginalized voters from California's democracy. Such additional factors include voter discouragement over systemic racial and class inequities, growing distrust of democratic institutions and elected officials, the growing role and influence of corporate interests in our democracy, lack of responsiveness to community needs by decisionmakers, and lack of civic education and understanding of what is on the ballot.

The Steering Committee's analysis, findings, and recommendations are based on the following:

- Steering Committee member experience with VCA implementation, direct voter engagement, and technical support for grassroots voter engagement organizations in their networks in VCA and non-VCA counties.
- Quantitative and qualitative analysis conducted by Dr. Romero,[2] including:

  o Voter file analysis of the 2022 elections.
  o Interviews with the Secretary of State's office, county elections officials, voter engagement organizations, and organizations involved in VCA implementation.
  o A survey completed by 47 voter engagement organizations across California.
  o A survey of all county elections officials.

- A review of previous VCA studies and recent California voter polling data.

The findings and recommendations in this report represent the views of the Steering Committee unless otherwise noted.

The project convened a Steering Committee that included the following organizations from across the state that work to engage California's most marginalized voters in elections:

Asian Americans and Pacific Islanders for Civic Empowerment Education Fund (AAPI Force-EF)

California Black Power Network

California Calls

California Labor Federation

California Common Cause

Dolores Huerta Foundation

Inland Empire United Education Fund

Key Project Takeaways

The VCA has not, to date, been the magic bullet to fix California's voter participation problems. Although eligible voter turnout is slightly higher in VCA versus non-VCA counties, in 2022 overall turnout in California dropped to its lowest rate for a general election since the pre-VCA, 2014 election.[3]

More importantly, voter participation gaps, particularly for Latino and Asian American voters, persist across elections and across VCA and non-VCA counties alike. The turnout drop was particularly precipitous in the 2022 midterm election, even when accounting for the usual turnout drops that follow high profile presidential elections. From 2020 to 2022, white voter turnout declined 21 percentage points, but Latino turnout dropped a remarkable 38 points, Asian American turnout declined 34 points, and Black turnout was down 29 points.[4]

At a time when nearly half of California counties had implemented the VCA, 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. This is in contrast to turnout bumps for Latino, Asian American, and youth voters in the first five VCA counties in the 2018 elections;[5] and in contrast to the 2020 elections, when 15 counties had implemented the VCA and turnout gaps were slightly wider in non-VCA counties.[6]

It is not possible given current research to isolate whether the slight fluctuation in turnout gaps between VCA and non-VCA counties is in any way connected to whether a county has or has not implemented the VCA. And stakeholders interviewed for this project who regularly engage marginalized, low propensity voters declined to point a finger at the VCA, largely attributing the drop in turnout to: widespread distrust of elections and political institutions, lack of understanding of what is on California's often daunting ballots and how it may impact individuals or community due to shortcomings in civic and voter education, accessibility of voter education and votable ballots in languages of origin, and the inadequacies of traditional methods of voter outreach in the face of these challenges.

While a range of variables make it difficult to measure the impact of any one election reform, there were themes that emerged from stakeholder interviews, surveys, and Steering Committee experiences that could inform decisions about the amount of time and resources that should go toward VCA implementation, VCA-specific voter education, and any future tweaks to the structure of the VCA. Key Steering Committee takeaways include:

Voter Impact

- In-person voting is still a critical option for marginalized voters, and in the 2022 general election the rate of in-person voting was higher in VCA counties than non-VCA counties.
- In the 2022 general election, nearly 19.6% of voters in Los Angeles County voted in person, and Latinos voted in person at a rate of nearly 23%.
- Statewide, 26% of new voters voted in person in the 2022 general election, double the rate of in-person voting by all voters (12.2%).[7]
- Statewide, in-person ballot drop-off at a voting location is still a prevalent means of casting a ballot, and especially for Latino and Black voters, who in the 2022 general election cast 19.5% and 18.3% of their ballots by dropping them off at a voting location instead of a drop box.
- Provisional voting is lower in VCA counties, where only .2% of in-person voters used provisional ballots, as opposed to over 8% of in-person voters who voted provisionally in non-VCA counties.

Eligible voter turnout gaps were slightly wider in VCA counties when compared to non-VCA counties in the 2022 general election, when nearly half of California counties had implemented the VCA.

- Having several days of early voting under the VCA model is an important option for voters, especially for wage-earning voters who cannot get to the polls on Election Day. The early voting period also provides poll workers with time to troubleshoot issues heading into Election Day. The first seven days of early voting continue to be underutilized, and early voting does not pick up until the weekend before Election Day. More research and discussion are needed to determine the right number of days for early voting, especially as voters are still getting used to this as an available option.

Overall VCA Implementation

- There are several positive aspects to the VCA, including the opportunity for public input on county voter outreach plans and drop box and vote center siting; fewer reported issues with bilingual poll worker staffing than in non-VCA counties; more accessible voting machines for voters with disabilities; fewer reported problems at vote centers during the three days before and on Election Day than at polling sites in non-VCA counties; and the near elimination of provisional voting.[8]

- The VCA offers a path for more accountability on how counties approach voter outreach and how they spend their outreach dollars by 1) requiring county elections officials to seek public input on outreach plans, 2) requiring the Secretary of State to review and approve county voter outreach plans, and 3) requiring counties to provide details on VCA election spending. All three are currently underutilized.

- Since initial VCA implementation in 2018 – when both the Secretary of State's office and statewide organizations were heavily engaged in every step of VCA implementation in the first five counties to implement – both state and organizational monitoring and engagement in VCA implementation have declined. The decline coincided with the challenges of the 2020 election, a transition to a new Secretary of State in 2021, and decreased funding, capacity, and shifting priorities for statewide organizations that previously monitored and engaged in VCA implementation.

- Although public engagement and monitoring of VCA implementation has declined, the required Election Administration Plan (EAP) that VCA counties develop and publish on their websites at a minimum ensures some amount of intentionality, uniformity, and accountability in election administration across VCA counties that is lacking in non-VCA counties. When organizations do engage, they reported that their feedback was generally incorporated into the EAP.

- To any extent voter engagement organizations can provide input on and follow the EAP process, it is seen as valuable because it informs their own voter education and outreach efforts, and deepens their understanding of how elections are administered, which can lead to more trust and stronger relationships between local elections officials and organizations trying to engage the most marginalized voters.

- The direction of resources toward more public engagement in the minute details of VCA implementation risks making only a slight difference, if any, at the margins, and should not detract from resources needed for bigger and more intensive voter education and outreach campaigns independent of the VCA, improved language accessibility in California elections, and critical work to build voter trust in democratic institutions.

In-person voting is still a critical option for marginalized voters, and in the 2022 general election the rate of in-person voting was higher in VCA counties than non-VCA counties. In Los Angeles County, nearly 20% of voters voted in person, and Latinos voted in person at a rate of nearly 23%. Statewide, 26% of new voters voted in person.

Key Recommendations

The Steering Committee looked at how the VCA's existing accountability infrastructure could be leveraged to explore solutions to the voter participation crisis. The following three areas of opportunity emerged along with suggested steps that can be taken ahead of the 2024 elections:

1. Statewide leadership is needed to sound the alarm and pursue solutions to the voter participation crisis.

   - 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.
   - 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.[9] 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.
   - 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.

2. County elections officials can take steps locally to build relationships with voter engagement organizations and improve voter trust, education, and outreach.

   - 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,[10] following subsequent elections.
   - Each county election 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.
   - County elections officials should seek additional outreach funding from their Boards of Supervisors and consider ways to get those funds to trusted messengers.

3. Deeper philanthropic investments in voter education and outreach are needed.

   - Philanthropy should work with voter engagement organizations to explore pilot outreach programs to reach marginalized voters, including ways to educate voters about the significance of policies and elected offices on the 2024 ballot.
   - Ongoing support for statewide and regional organizations monitoring VCA implementation and building relationships with elections officials is important.

The Secretary of State should revive the VCA Taskforce, viewed by stakeholders as the best avenue to intentionally and formally convene elections officials, voter engagement experts, researchers, and legislative stakeholders to review VCA election planning, spending, voter participation gaps, and county voter outreach efforts.
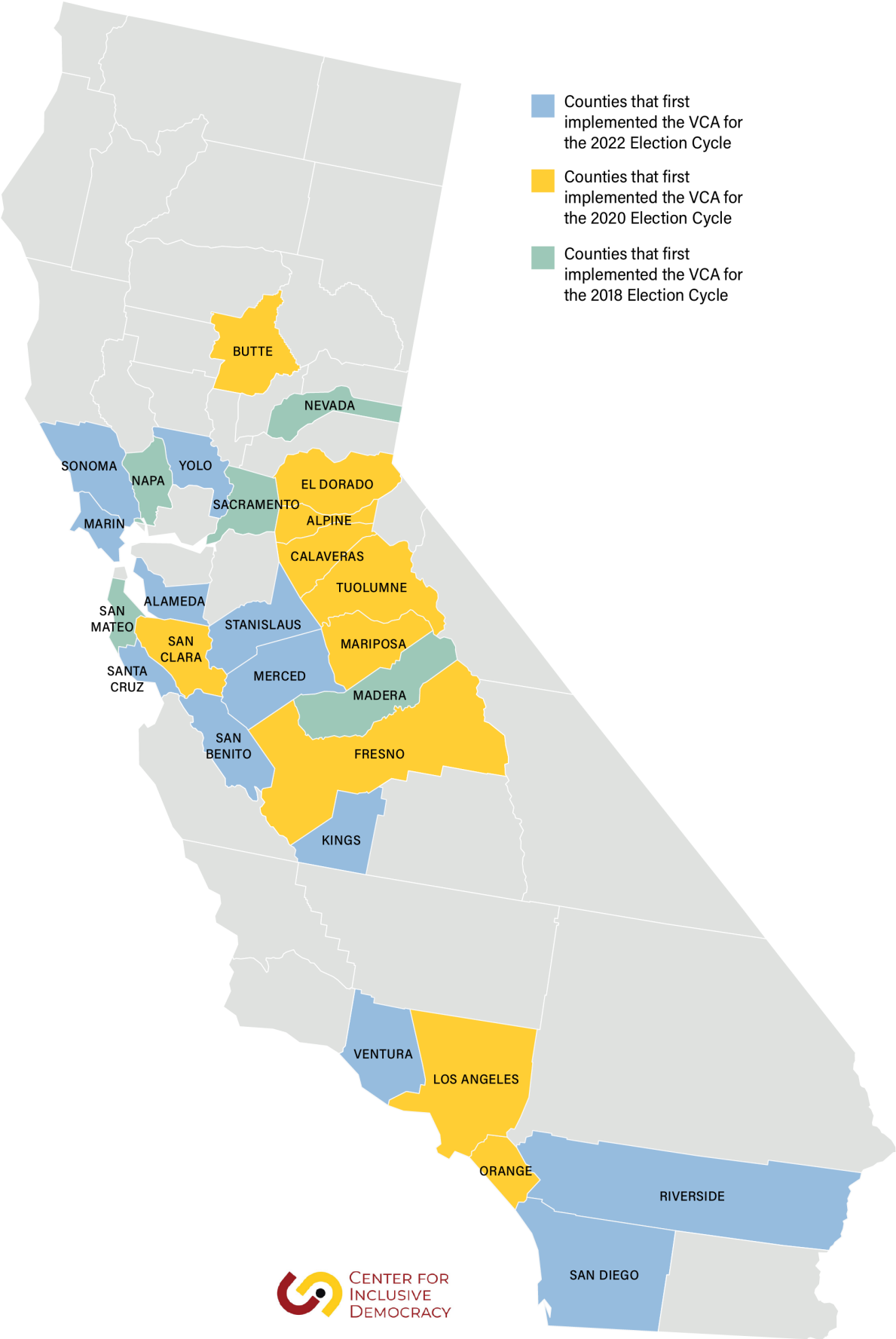
VCA Overview and Implementation Timeline

Signed into law in 2016, the VCA was a major election reform designed to expand voting options for eligible California voters and instill confidence in California's election process.[11] The VCA authorized participating counties to shift away from the traditional neighborhood polling site model of election administration to a new vote center model, so long as the county sent every registered voter a mail ballot and met other requirements related to drop box and vote center siting, voter outreach, and public input.[12] While dramatically fewer in number than neighborhood polling sites, vote centers offer registered and unregistered eligible voters the option to vote in person at any vote center in their county up to 10 days before and on Election Day.[13]

When the VCA was drafted, requirements such as the number of days of early voting, number of vote centers, and number of drop boxes were loosely based on what had been done in Colorado, the first state to deploy a similar election administration model.[14] During drafting, voter engagement and civil rights groups expressed concerns that the dramatic reduction of in-person voting sites could have a negative impact on turnout for communities that still relied heavily on in-person voting.[15] The bill was amended to include several voter-friendly protections designed to ideally minimize any negative impact on marginalized voters including, among other requirements, that elections officials engage the community in and publicly post their plans for VCA elections, including input on voter outreach plans and vote center and drop box siting; that the Secretary of State review and approve county outreach plans; and that the Secretary of State analyze and report out data on VCA elections.

The VCA was implemented by five counties in 2018, an additional 10 in 2020, and by the 2022 election cycle, 27 of California's 58 counties had adopted the VCA model.[16] Clean, comparative analysis of VCA and non-VCA counties is challenging, however, due to emergency changes to the administration of the November 2020 election during the COVID-19 pandemic that 1) required all counties to send every registered voter a mail ballot ahead of the 2020 election,[17] 2) allowed counties to consolidate polling sites but required counties that did so to offer 3 days of early voting and a minimum number of drop boxes, and 3) allowed VCA counties to reduce the early voting period to 3 days.[18]

In addition, although non-VCA counties reverted to the neighborhood polling site model after the 2020 election, all counties continued to be required to send all registered voters a mail ballot and establish drop boxes.[19] And beginning with the 2020 elections, non-VCA counties are also required to offer same day registration at all polling sites, not just county elections offices as was previously required.[20]

California Voter's Choice Act Counties

Legend:
- Counties that first implemented the VCA for the 2022 Election Cycle
- Counties that first implemented the VCA for the 2020 Election Cycle
- Counties that first implemented the VCA for the 2018 Election Cycle

County labels on map: BUTTE, NEVADA, SONOMA, YOLO, NAPA, MARIN, EL DORADO, ALPINE, SACRAMENTO, CALAVERAS, TUOLUMNE, ALAMEDA, SAN MATEO, SAN CLARA, STANISLAUS, MARIPOSA, SANTA CRUZ, MERCED, MADERA, SAN BENITO, FRESNO, KINGS, VENTURA, LOS ANGELES, ORANGE, RIVERSIDE, SAN DIEGO

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Summary of Key Findings[21]

Overall VCA Implementation: Success and Challenges

Voter engagement organizations and elections officials generally viewed the VCA as a successfully implemented reform. Definitions of what success looks like varied widely, however, and the Secretary of State's office struggled to offer a description of success. The following is a summary of some of the positives and challenges associated with the VCA that were identified through interviews and surveys.[22]

VCA Positives

- The requirement that counties publicly develop a detailed Election Administration Plan (EAP) offers a first-ever pathway for formal community engagement, accountability, and transparency in election planning.
- Secretary of State (SoS) oversight of VCA implementation is helpful when the office is engaged, and proactive feedback on EAPs and best practices was a key to the success of early VCA implementation.
- Community input on siting of vote centers and drop boxes, bilingual poll worker staffing, and outreach and education strategies has been helpful to elections officials, and voter engagement organizations generally reported that their feedback was well received, and often incorporated into final EAPs.
- Elections officials report that a reduced number of voting locations makes it easier to staff sites with bilingual poll workers, and voter engagement organizations reported fewer issues with bilingual poll worker staffing in VCA counties.
- More days of early voting means more opportunities for voters to cast an in-person ballot or drop off completed mail ballots at a voting location, both of which are still highly used methods of casting a ballot and especially for marginalized voters.
- More drop boxes make ballot drop-off more convenient in VCA counties, where the ratio of drop boxes to voters is double that of non-VCA counties.
- Voting is more accessible due to the requirement that every vote center have a minimum of three accessible voting machines.
- Provisional voting has been reduced – and is lower in VCA than in non-VCA counties – because a voter can get a replacement ballot or update their voter registration and vote at any vote center, regardless of where they live in a county.

VCA Challenges

- The VCA's requirements, and especially its vote center and drop box ratios, were designed to be floors, not ceilings, but there is a culture of offering only the minimum required by law.
- Fewer in-person voting locations present challenges for marginalized voters who prefer in-person voting or need language assistance, and for voters in rural areas who do not live near a vote center.
- As a new Secretary of State transitioned into office and more counties have implemented the VCA, there is a lack of coordinated statewide leadership and less accountability for county VCA implementation.
- The statewide VCA Taskforce, required by law for the first two VCA elections,[23] was allowed to sunset by the Legislature in 2022, and was not voluntarily convened

> More days of early voting means more opportunities for voters to cast an in-person ballot or drop off completed mail ballots at a voting location, both of which are still highly used methods of casting a ballot and especially for marginalized voters.

by the Secretary of State (SoS), creating a void in collaboration and information sharing between the SoS, county elections officials, statewide voter engagement organizations, and academic researchers studying the impact of the VCA. The Taskforce played an important role in reviewing county Election Administration Plans and providing feedback to the SoS. When interviewed for this project, the Secretary of State's office said they would be willing to revive the VCA Taskforce if stakeholders are interested. Statewide voter engagement organizations interviewed expressed interest in participating in a Taskforce to ensure collaboration. As of the writing of this report, the Taskforce has not been re-established.

- The Secretary of State has delayed the release of the required VCA reports[24] to the Legislature and the public, including an 18-month withholding of the 2020 primary report and a year delay for the 2020 general election report. In addition, when the 2018, 2020, and 2022 VCA reports were eventually posted, interested stakeholders were not notified of their release. The delays preclude VCA lessons and findings from being used, as intended, to inform VCA implementation in subsequent elections.

- Public engagement in local VCA implementation has decreased over time in many counties. A few reasons were consistently cited:

  o Many elections officials are not building relationships with organizations that reach marginalized voters and have little to no experience working with community-based organizations and instead turn to good government or policy groups that may lack marginalized voter outreach expertise.

  o County Language Access Advisory Committees (LAACs) and Voting Accessibility Advisory Committees (VAACs) – committees required by VCA counties to facilitate relationships with community experts on language and disability access – are not being developed, staffed, and utilized, and voter organizations surveyed could not point to many good examples of high functioning LAACs or VAACs.

  o Many voter engagement organizations do not have capacity and opportunity to engage in VCA implementation and county EAP processes due to lack of information and invitation to participate, skepticism about whether engagement in election administration planning has sufficient impact on the voters they serve, and other organizational priorities.

VCA Impact on Eligible Voter Turnout and Voting Method[25]

Studies that compare voter turnout across elections and across VCA and non-VCA counties demonstrate that the reform has not had a definitive impact on voter turnout one way or the other, and for the 2022 election, turnout dipped significantly across all counties. Concerningly, voter participation gaps persist across VCA and non-VCA counties alike.

- Eligible voter turnout is only slightly higher in VCA versus non-VCA counties, and even that could be consistent with turnout differentials across counties prior to VCA implementation. And in 2022 overall turnout in California dropped to 42.3% of eligible voters, the lowest rate for a midterm election since the pre-VCA, 2014 election.

- Eligible voter participation gaps, particularly for Latino and Asian American voters, persist across elections and across VCA and non-VCA counties alike. From 2020 to 2022, white voter turnout declined 21 percentage points, but Latino turnout dropped a remarkable 38 points, Asian American turnout declined 34 points, and Black turnout was down 29 points.[26]

- Eligible voter turnout gaps between Latino and Asian American voters and the general voter population were slightly higher in VCA counties than non-VCA counties in the 2022 general election (0.6% greater for Latinos and 0.9% greater for Asian American voters).
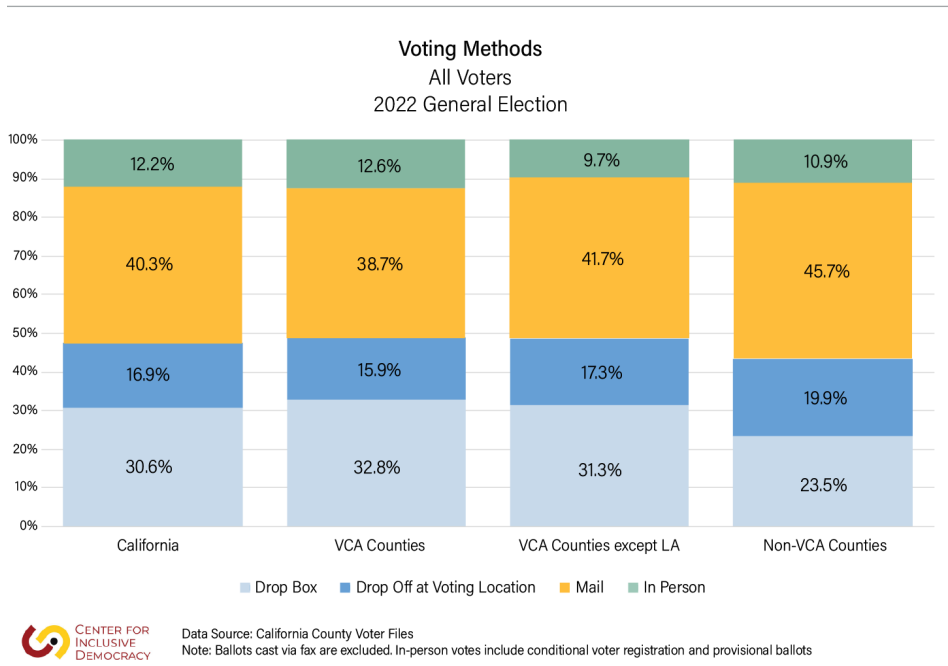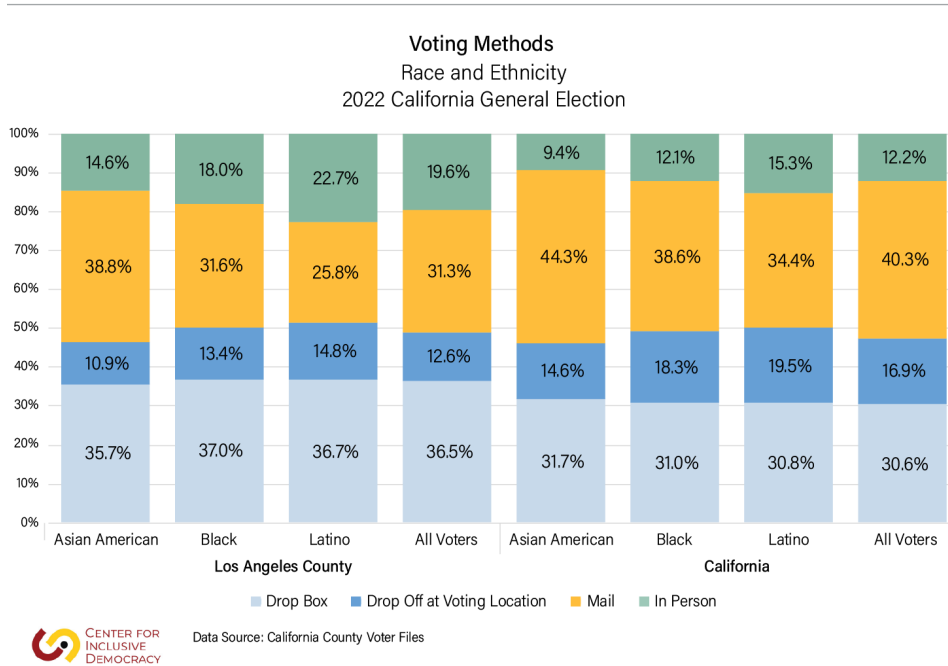
Fewer in-person voting locations present challenges for marginalized voters who prefer in-person voting or need language assistance, and for voters in rural areas who do not live near a vote center. The VCA's requirements, and especially its vote center and drop box ratios, were designed to be floors, not ceilings, but there is a culture of offering only the minimum required by law.

But the VCA has had important impacts on voters, such as a significant reduction in provisional voting. Importantly, the findings reveal that while returning a ballot by mail is the most popular means of casting a ballot, in-person voting and in-person ballot drop off at a staffed voting location are still a widely used option, especially for marginalized voters. The following findings are based on voter file analysis by Dr. Mindy Romero unless otherwise referenced.[27]

Voting Methods
All Voters
2022 General Election

	California	VCA Counties	VCA Counties except LA	Non-VCA Counties
In Person	12.2%	12.6%	9.7%	10.9%
Mail	40.3%	38.7%	41.7%	45.7%
Drop Off at Voting Location	16.9%	15.9%	17.3%	19.9%
Drop Box	30.6%	32.8%	31.3%	23.5%

■ Drop Box ■ Drop Off at Voting Location ■ Mail ■ In Person

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Data Source: California County Voter Files
Note: Ballots cast via fax are excluded. In-person votes include conditional voter registration and provisional ballots
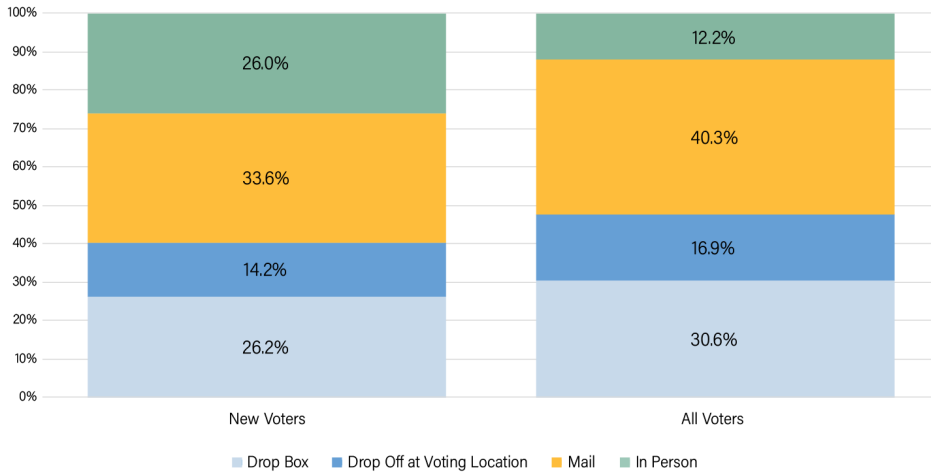
In-person voting is still a critical option for marginalized voters, and in the 2022 general election the rate of in-person voting was higher in VCA counties than non-VCA counties.

Voting Methods
Race and Ethnicity
2022 California General Election

Los Angeles County

	Asian American	Black	Latino	All Voters
In Person	14.6%	18.0%	22.7%	19.6%
Mail	38.8%	31.6%	25.8%	31.3%
Drop Off at Voting Location	10.9%	13.4%	14.8%	12.6%
Drop Box	35.7%	37.0%	36.7%	36.5%

California

	Asian American	Black	Latino	All Voters
In Person	9.4%	12.1%	15.3%	12.2%
Mail	44.3%	38.6%	34.4%	40.3%
Drop Off at Voting Location	14.6%	18.3%	19.5%	16.9%
Drop Box	31.7%	31.0%	30.8%	30.6%

■ Drop Box ■ Drop Off at Voting Location ■ Mail ■ In Person

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Data Source: California County Voter Files

In the 2022 general election, 19.6% of voters in Los Angeles County voted in person, and Latinos voted in person at a rate of nearly 23%.
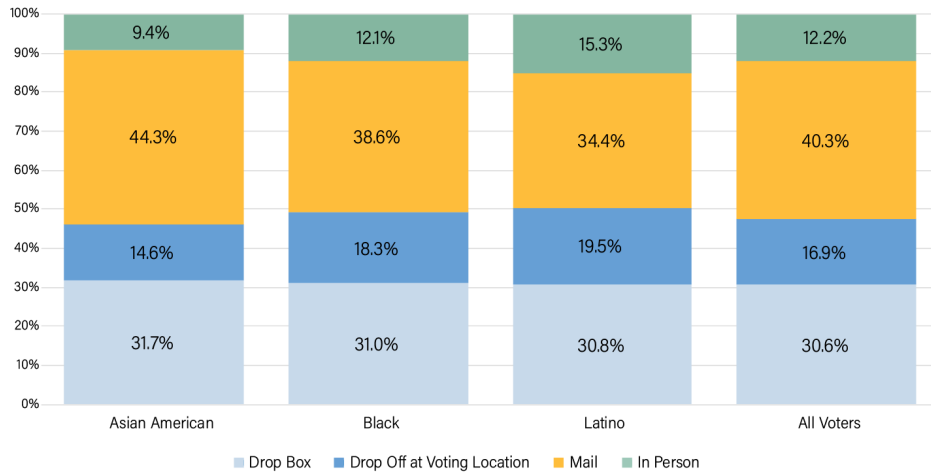
Voting Methods in California
New Voters
2022 General Election

New Voters: Drop Box 26.2%, Drop Off at Voting Location 14.2%, Mail 33.6%, In Person 26.0%

All Voters: Drop Box 30.6%, Drop Off at Voting Location 16.9%, Mail 40.3%, In Person 12.2%

Legend: Drop Box | Drop Off at Voting Location | Mail | In Person

Data Source: California County Voter Files
Note: Ballots cast via fax are excluded. In-person votes include conditional voter registration and provisional ballots

Statewide, 26% of new voters voted in person in the 2022 general election, double the rate of in-person voting by all voters (12.2%).

Voting Methods in California
Race and Ethnicity
2022 General Election

Asian American: Drop Box 31.7%, Drop Off at Voting Location 14.6%, Mail 44.3%, In Person 9.4%

Black: Drop Box 31.0%, Drop Off at Voting Location 18.3%, Mail 38.6%, In Person 12.1%

Latino: Drop Box 30.8%, Drop Off at Voting Location 19.5%, Mail 34.4%, In Person 15.3%

All Voters: Drop Box 30.6%, Drop Off at Voting Location 16.9%, Mail 40.3%, In Person 12.2%

Legend: Drop Box | Drop Off at Voting Location | Mail | In Person

Data Source: California County Voter Files
Note: Ballots cast via fax are excluded. In-person votes include conditional voter registration and provisional ballots

In-person ballot drop off at a voting location is still a prevalent means of casting a ballot, and especially for Latino and Black voters, who in the 2022 general election cast 19.5% and 18.3% of their ballots by dropping them off at a voting location instead of a drop box.

Conditional Voter Registration and Provisional Ballots - All Voters
Percent of In-Person Ballots
2022 General Election
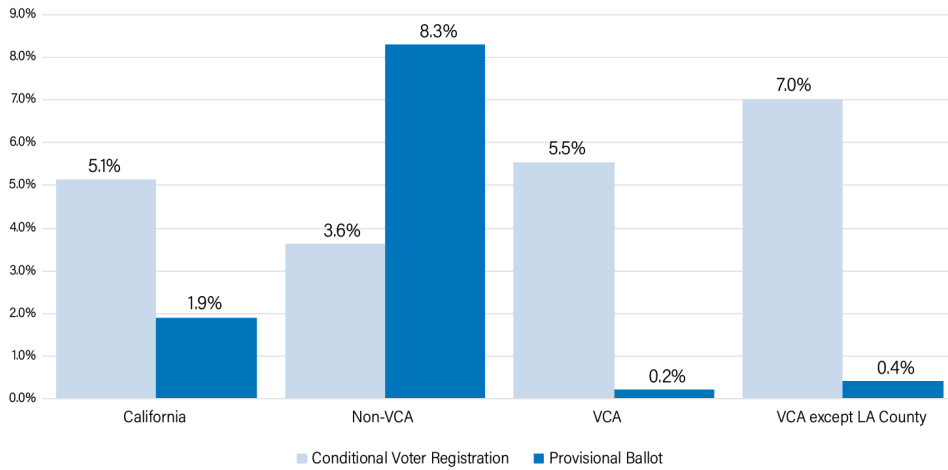
While under 2% of in-person voters used provisional ballots throughout California, over 8% of in-person voters in non-VCA counties used provisional ballots, notably higher than in VCA counties, where only .2% of in-person voters used provisional ballots.

Total Votes by Method and Date Processed
All California Counties
October 11, 2022 to November 15, 2022
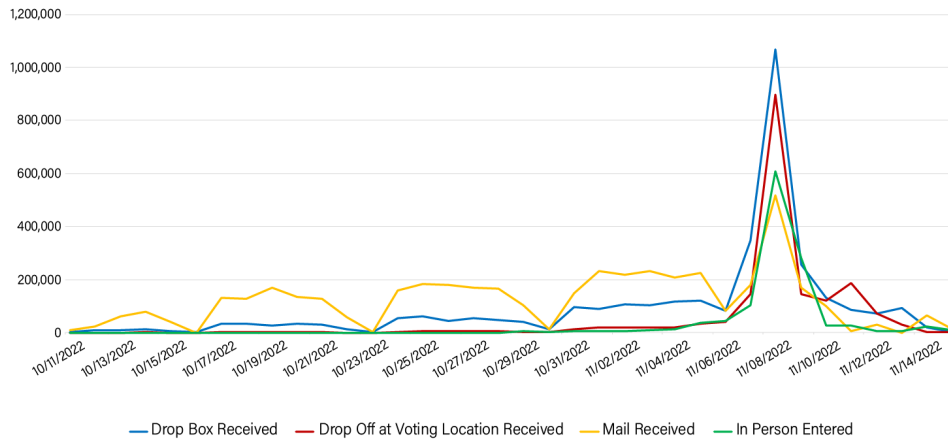
Having several days of early voting is an important option for voters, especially for wage-earning voters who cannot get to the polls on Election Day. The early voting period also provides poll workers with time to troubleshoot issues heading into Election Day. The first seven days of early voting continue to be underutilized, and early voting does not pick up until the weekend before Election Day. More research and discussion are needed to determine the right number of days for early voting, especially as voters are still getting used to this as an available option.

The VCA Implementation Experience

Interviews with voter engagement organizations, elections officials, and other stakeholders engaged in VCA implementation as well as reviews of California Election Protection reports revealed the following:[28]

- There are several positive aspects to the VCA, including the opportunity for public input on county voter outreach plans and drop box and vote center siting; fewer reported issues with bilingual poll worker staffing than in non-VCA counties; more accessible voting machines for voters with disabilities; fewer reported problems at vote centers during the three days before and on Election Day than at polling sites in non-VCA counties; and the near elimination of provisional voting.

- The VCA offers a path for more accountability on how counties approach voter outreach and how they spend their outreach dollars by 1) requiring county elections officials to seek public input on outreach plans, 2) requiring the Secretary of State to review and approve county voter outreach plans, and 3) requiring counties to provide details on VCA election spending. All three are currently underutilized.

- Since initial VCA implementation in 2018 – when both the Secretary of State's office and statewide organizations were heavily engaged in every step of VCA implementation in the first five counties to implement – both state and organizational monitoring and engagement in VCA implementation have declined. The decline coincided with the challenges of the 2020 election, a transition to a new Secretary of State in 2021, and decreased funding, capacity, and shifting priorities for statewide organizations that previously monitored and engaged in VCA implementation.

- Although public engagement and monitoring of VCA implementation has declined, the required Election Administration Plan (EAP) that VCA counties develop and publish on their websites at a minimum ensures some amount of intentionality, uniformity, and accountability in election administration across VCA counties that is lacking in non-VCA counties. When organizations do engage, they reported that their feedback was generally incorporated into the EAP.

- To any extent voter engagement organizations can provide input on and follow the EAP process, it is seen as valuable because it informs their own voter education and outreach efforts, and deepens their understanding of how elections are administered, which can lead to more trust and stronger relationships between local elections officials and organizations trying to engage the most marginalized voters.

- The direction of resources toward more public engagement in the minute details of VCA implementation risks making only a slight difference, if any, at the margins, and should not detract from resources needed for bigger and more intensive voter education and outreach campaigns independent of the VCA, improved language accessibility in California elections, and critical work to build voter trust in democratic institutions.

The VCA and Voter Outreach and Education

Interviews and surveys of elections officials and voter engagement organizations revealed that, despite the VCA's requirements that county election officials include voter outreach plans in their Election Administration Plans (EAPs) and that they report on the costs associated with VCA elections, very little is ultimately known about whether voter outreach efforts are targeting or reaching marginalized voters. And of course, participation gaps and voter surveys suggest they are not. Key findings from the interviews and surveys include:[29]

- Both elections officials and voter engagement organizations identified lack of funding as a barrier to effective voter outreach and education.
- Voter organizations expressed frustration that county EAPs lacked specificity on outreach to language minorities, people with disabilities, and other marginalized voters, and that counties were not reporting their spending on outreach or how dollars are directed to narrow participation gaps.
- When surveyed about targeted outreach to voters, elections officials largely reported using the same outreach and education methods as used for the general population, such as voter information guides and the county website.
- A majority of voter engagement organizations reported they did not conduct VCA-specific outreach and education. Instead, most emphasized that voter education on how to cast a ballot is a part of voter outreach regardless of whether the voter lives in a VCA or non-VCA county, and that education on what is on the ballot and how it impacts voters is equally if not more important.
- In a recent poll of voters, only 1 in 10 voters said that voting itself was inconvenient or confusing.[30] Instead, 3 out of 10 infrequent voters cited lack of information about the candidates and issues as a reason for not voting, and 1 in 4 felt their vote did not matter given special interests and money in politics.
- Voter engagement organizations noted that political campaigns target frequent voters, and infrequent voters receive less information about candidates and ballot initiatives.
- Voter engagement organizations cited lack of broader civic education as a barrier to voting.

Both elections officials and voter engagement organizations identified lack of funding as a barrier to effective voter outreach and education.

Recommendations for the 2024 Elections

The following are three areas of recommendation intended to inform steps the Secretary of State, elections officials, lawmakers, philanthropy, and voter engagement organizations can take to explore and implement solutions to the state's stark voter participation gaps as it prepares for the 2024 elections. While the recommendations look to the VCA infrastructure as a mechanism for engaging a broad range of stakeholders – and particularly the VCA's public engagement, transparency, and voter outreach requirements – the recommendations extend beyond VCA counties and the logistics of elections administration.

Recommendation Area One: Stronger Statewide Leadership and State Funding for Voter Outreach

Steps the Secretary of State Can Take Now

As the state's chief elections officer, the Secretary of State is best positioned to lead efforts to ensure VCA and non-VCA counties are implementing best practices and to secure more funding for targeted voter outreach to address participation gaps. Steps that can be taken before and carried out through the 2024 election cycle include:

- **Reconvene the VCA Taskforce** and include local elections officials, academic researchers, and elections and voter engagement experts from statewide organizations that work directly with California's most marginalized communities. The Taskforce should be led by member co-chairs, ideally one county election official and one nonprofit representative. Among its responsibilities, the Taskforce should review and provide feedback on VCA county Election Administration Plans (EAPs);[31] request and review the required 2022 VCA county election cost analysis with particular focus on how outreach dollars are spent to reach marginalized voters; review and approve the required the post-election VCA reports six months after each election; and report Taskforce findings and recommendations to the Legislature.

- **Advocate for more voter education and outreach funding** in the Governor's 2024 budget and work with the VCA Taskforce to propose the best ways to direct funds toward outreach to marginalized voters.

- **Work with and convene a wide array of data experts, advocates, and community organizations to identify, research, and develop solutions to voter file race and ethnicity data challenges**, especially for Black voters. Establish minimum standards for uniformity in voter file and elections data across counties, and ensure the public has access to detailed voter file and elections data, including race, ethnicity, and voting method.

- **Publish the required VCA report six months after elections as required by law**, and in a transparent manner, so stakeholders can meaningfully engage with the findings and those findings can inform the planning of the next election.

> The Secretary of State should publish VCA reports six months after elections, as required by law, so stakeholders can meaningfully engage with the findings and those findings can inform the planning of the next election.

Steps the Legislature Can Take Now

The Legislature plays an important role in formulating and passing elections policies and should play a more active role in reviewing the implementation and effectiveness of those policies, whether they are being properly funded, and what role the Legislature can play in closing participation gaps. Steps the Legislature can take before the 2024 elections include:

- **Hold a joint elections committee informational hearing** to shine a light on and explore solutions to the state's stark voter participation gaps, including review of the Secretary of State's report on the 2022 elections and other research from the elections field.
- **Renew the requirement that the Secretary of State convene a VCA Taskforce** to ensure collaboration among elections officials, researchers, and elections and voter engagement experts to inform and monitor ongoing VCA implementation.
- **Push for increased elections funding in the Governor's 2024 budget**, implement allocation formulas that are tied to turnout gaps and marginalized voter demographic data, include accountability metrics that provide the ability to assess how outreach dollars are spent and who they are reaching, and incentivize county partnerships with trusted voter engagement organizations working in the most marginalized communities.

Steps Statewide Organizations Can Take Now

Statewide voter engagement organizations are an important resource for the Secretary of State's office and the Legislature. In addition, statewide organizations that monitor VCA implementation play an important role in keeping partners on the ground informed about VCA county election administration and outreach planning, and possible points of engagement with county elections officials. Steps statewide voter organizations can take heading into the 2024 elections include:

- **Participate in a VCA Taskforce** convened by the SoS.
- **Participate in the Secretary of State's Language Access Advisory Committee and Voting Accessibility Advisory Committee**.
- **Share county EAPs and voter outreach plans with local and regional partners** and encourage engagement with county elections officials well ahead of elections.
- **Share VCA studies, toolkits, the Center for Inclusive Democracy's helpful vote center and drop box siting tool**, and other resources with each other and with local and regional partners.
- **Support efforts to secure more state and local funding for voter outreach** and educate stakeholders and philanthropy on the need for deeper investments in voter education focused on the policies and elected offices on the ballot and the impact they have on marginalized communities.

The Legislature must push for increased elections funding in the Governor's 2024 budget, should implement allocation formulas tied to turnout gaps and marginalized voter demographic data, and should incentivize county partnerships with trusted voter engagement organizations working in the most marginalized communities.

Recommendation Area Two: Greater County Election Official Engagement with Voter Engagement Organizations

Steps County Elections Officials Can Take Now

County elections officials have considerable discretion in their administration of VCA elections. At the time the VCA was drafted, requirements for public outreach workshops, voter outreach, and vote center and drop box ratios and hours were negotiated as bare minimums. Elections capacity and resources vary widely across counties. But there are steps county elections officials can take to improve engagement with the public that could expand opportunities and minimize structural barriers for youth and marginalized voters and could inform outreach and language services to marginalized voters. Here are suggested steps county elections officials can take heading into the 2024 elections and can become best practices for subsequent elections:

- **Build authentic and enduring relationships with voter engagement organizations working in marginalized communities**, and work with those organizations on an ongoing basis to explore strategies for outreach and accessibility that could narrow participation gaps.

- **Host an election debrief workshop** with voter engagement organizations, the county's Language Access and Voting Accessibility Advisory Committees, and other important stakeholders following the 2024 primary election to inform additional planning, resources, and strategies needed for the 2024 general election. Include data on vote center and drop box usage by date, and an analysis of how that might impact siting decisions for the general election.

- **Go above the minimum requirement for vote centers and drop boxes**, especially in rural areas and communities where voter turnout gaps are prevalent.

- **Complete and post the required 2022 VCA election cost analysis**, including detailed information on the dollars spent to reach marginalized voters and the methods used to reach those voters.

- **Request additional outreach dollars from Boards of Supervisors** and consider following the San Mateo County model of partnering with a regional foundation to get outreach dollars into the hands of a broad cross section of organizations that engage marginalized voters.

- **Seek additional input from voter engagement experts on voter outreach strategies** and post more detailed information about the way in which the elections office will reach voters with concerning participation gaps.

- **Solicit ongoing community input on vote center and drop box siting**, post regular updates on drop box and vote center siting and staffing needs, and flag those updates for voter engagement partners.

- **Consider additional, in-language educational mailings and text messaging** to new and infrequent voters.

San Mateo County Voter Outreach Partnership

Since 2020, the San Mateo County Registrar of Voters and Silicon Valley Community Foundation have partnered to provide nearly $750,000 in direct grants to support community-led voter education and outreach programs in precincts with lower-than-average historical turnout. The partnership includes public and private funding awarded through an open, competitive process to local nonprofit organizations across the County that clearly understand the barriers voters in targeted areas may face.

Recommendation Area Three: Deeper Philanthropic Investments in Voter Outreach and Education

Philanthropy has played an important role in VCA implementation, supporting a statewide network of organizations that, during initial implementation, developed grass tops and voter education materials on the VCA, worked closely with the Secretary of State's office and VCA counties to monitor implementation, and provided technical assistance that enabled local organizations to engage in the development of local Election Administration Plans (EAPs). Additionally, in 2022, the Silicon Valley Community Foundation partnered with San Mateo County to distribute county voter outreach funding to local organizations that work with marginalized communities, and Haas, Jr. Fund supported local coalitions engaging elections officials in new VCA counties.

While VCA monitoring and organizational engagement in VCA implementation is still helpful to elections officials and important to ensure structural barriers to voting are minimized, voter education and building voter trust in elections is seen as a more critical need. At a time when political and partisan get-out-the-vote campaigns increasingly focus on higher propensity voters, philanthropy plays an important role in supporting work to reach new and low propensity voters. Steps philanthropy can take ahead of the 2024 elections include:

- **Fund research on voter trust and attitudes toward voting** that will inform new voter outreach and education strategies.
- **Invest in voter outreach programs that target and educate marginalized voters** about the policies and candidates on the ballot, and work with voter engagement experts to explore pilot programs that reach voters who slip through the cracks of existing outreach infrastructure.
- **Continue to support statewide and regional organizations monitoring ongoing VCA implementation** that can flag deficiencies or gaps in county EAPs for organizations on the ground in those counties and support county election official engagement where needed.

Philanthropy should invest in voter outreach programs that target and educate marginalized voters about the policies and candidates on the ballot, and work with voter engagement experts to explore pilot programs that reach voters who slip through the cracks of existing outreach infrastructure.

VCA Resources

There are several available resources that can assist elections officials with VCA implementation and effective public engagement, and that community-based organizations can use to guide their engagement with elections officials and voters during VCA implementation. The following is a selection of helpful resources:

The Voter's Choice Act Toolkit, League of Women Voters of California, Updated February 2022, https://docs.google.com/document/d/1LO3pedU6lW5HfEilQgHEDvvLyi1hMq9tTfklrBbpO-o/edit

Voter's Choice Act Digest: Election Administration Plan Voter Outreach and Education Checklists, Voter's Choice California, A Project of Future of California Elections, https://futureofcaelections.org/voters-choice-act-digest-election-administration-plan-voter-education-and-outreach-plan-checklist/

California Voter's Choice Act Starter Kit, California Secretary of State, undated, https://elections.cdn.sos.ca.gov/vca/toolkit/starter-kit.pdf

California Voting Location and Outreach Tool, Center for Inclusive Democracy, 2022, https://ca.cidsitingtool.org

Voter Outreach Materials, California Secretary of State, undated, https://www.sos.ca.gov/voters-choice-act/vca-resources

Voter's Choice Act Implementation: Building a VCA Coalition, Voter's Choice California, A Project of Future of California Elections, September 2019, https://futureofcaelections.org/wp-content/uploads/2020/12/1-VCA-Nonprofit-Guide-091719-final.pdf
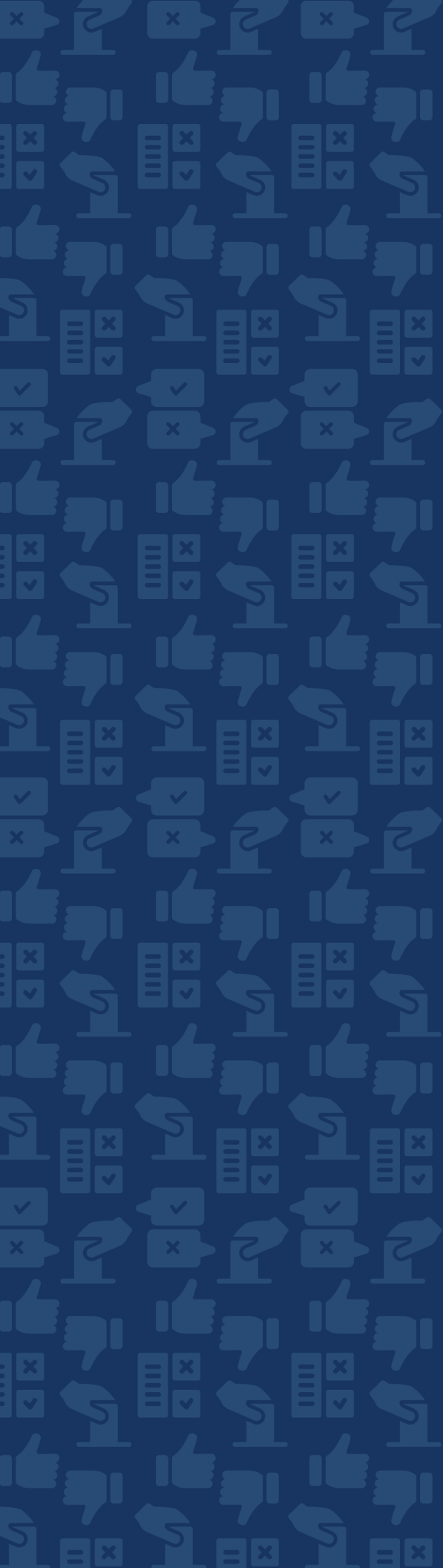
Voting Accessibility Advisory Committees (VAACs): Best Practices for County Elections Offices, Disability Rights California, April 11, 2022, https://www.disabilityrightsca.org/publications/voting-accessibility-advisory-committees-vaacs-best-practices-for-county-elections

County Voting Accessibility Advisory Committee Toolkit, Secretary of State's Voting Accessibility Advisory Committee, August 2017, https://elections.cdn.sos.ca.gov/pdfs/guide-create-local-vaac.pdf

County Language Accessibility Advisory Committee Toolkit, Secretary of State's Language Accessibility Advisory Committee, August 2017, https://elections.cdn.sos.ca.gov/laac/guide-create-local-laac.pdf

Endnotes

1 Senate Bill 450 (Allen), Chapter 832, Statutes of 2016, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB450.

2 Romero 2023, forthcoming.

3 Romero 2023, forthcoming.

4 Eric McGhee, "Who Voted in the 2022 Election and What Does It Mean for 2024?" Public Policy Institute of California (May 24, 2023), https://www.ppic.org/blog/who-voted-in-the-2022-election-and-what-does-it-mean-for-2024/.

5 Eric McGhee, Mindy Romero, Laura Daly, Thad Kousser, "New Electorate Study: How Did the Voter's Choice Act Affect Turnout in 2018?" ttps://futureofcaelections.org/wp-content/uploads/2020/12/5-Research-Brief-How-Did-the-VCA-Affect-Turnout.pdf.

6 Romero 2023, forthcoming.

7 Romero 2023, forthcoming.

8 Romero 2023, forthcoming.

9 California Elections Code Section 4008.

10 California Elections Code Section 4005 (g)(2).

11 Then Secretary of State Alex Padilla sponsored and led the push for SB 450 in the wake of low voter turnout in the 2014 elections and surveys showing that lack of confidence in elections was the leading reason for not voting for unregistered voters and among the top reason for registered voters who did not vote. See Assembly Committee on Elections and Redistricting, Analysis of SB 450 (Allen) as Amended June 21, 2016 (June 27, 2016), https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB450.

12 The VCA included an exemption for Los Angeles County, which was allowed to initially implement the vote center model in the 2020 primary election without mailing every registered voter a ballot. California Elections Code Section 4007.

13 VCA counties are required to offer in-person early voting in the 10 days leading up to Election Day at a ratio of one vote center for every 50,000 registered voters; in the three days before and on Election Day, early voting must be offered at a ratio of one vote center for every 10,000 voters. California Elections Code Sections 4005(a)(3)(A) and 4005(a)(4)(A).

14 Senate Elections and Constitutional Amendments Committee, Analysis of SB 450 (Allen) as Amended August 18, 2016) (August 24, 2016), https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB450.

15 Assembly Committee on Elections and Redistricting, Analysis of SB 450 (Allen) as Amended July 7, 2015 (July 13, 2015), https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160SB450.

16 A full list of participating counties can be found on the California Secretary of State's website, https://www.sos.ca.gov/voters-choice-act/vca-participating-counties.

17 After the 2020 primary election, at the onset of the COVID-19 pandemic, Governor Newsom issued Executive Order N-64-20, https://www.gov.ca.gov/wp-content/uploads/2020/05/05.08.2020-EO-N-64-20-signed.pdf, subsequently codified by Assembly Bill 860 (Berman), Chapter 4, Statutes of 2020, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB860, requiring all counties to send mail ballots to registered voters for the November 2020 general election.

18 Senate Bill 423 (Umberg), Chapter 31, Statues of 2020, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB423.

19 Assembly Bill 37 (Berman), Chapter 312, Statutes of 2021, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB37.

20 California Elections Code Section 2170.

21 The findings outlined in this section are not listed in order of importance.

22 Romero 2023, forthcoming.

23 Senate Bill 450 (Allen), Chapter 832, Statutes of 2016, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB450.

24 California Elections Code Section 4005(g) requires the reports to be released within six months of an election conducted under the VCA.

25 A note on data limitations: The commonly applied research method to identify a voter's gender, race, and ethnicity from state and county voter records uses a combination of the registrant's name (first name commonly associated with gender and surname for race/ ethnicity) and neighborhood characteristics (geocoding with census tract data) to infer probability of racial categories. The accuracy of surname matching and geocoding to identify a voter's race and ethnicity varies by group and population size. These methods have a high degree of accuracy of identifying Latino and Asian-American voters as a whole (although to a lesser degree for Asian-American communities). However, surname matching and geocoding can be unreliable for some demographic groups – and especially Black, Indigenous, and Asian-American subgroup populations – due to low population numbers in California for these groups and surnames not being specific to a race/ethnicity. The Center for Inclusive Democracy identified registrants' race and ethnicity – including identifying Black voters to the degree possible – in county voter files with the statistical software package Who Are You (WRU), which computes the probability of each racial category for registrants using surname, neighborhood demographics (geocoding with census tract data), and other characteristics, such as gender, party, and age. Nonetheless, caution is suggested when reviewing the charts in relation to Black voters.

26 Eric McGhee, "Who Voted in the 2022 Election and What Does It Mean for 2024?" Public Policy Institute of California (May 24, 2023), https://www.ppic.org/blog/who-voted-in-the-2022-election-and-what-does-it-mean-for-2024/.

27 Romero 2023, forthcoming.

28 Romero 2023, forthcoming.

29 Romero 2023, forthcoming.

30 Oreskes, Benjamin, "California Has Made Voting Easier, But Regular Voters Still Skew White and Old, Poll Finds," *The Los Angeles Times*, August 8, 2023, https://www.latimes.com/california/story/2023-08-08/despite-making-voting-easier-voters-in-california-are-whiter-and-older-new-poll-finds.

31 Even if VCA county EAPs have been finalized for the 2024 elections, most are general enough that they do not preclude implementation of suggestions for improved voter outreach or other improvements to the administration of the election.