



April 9, 2021

VIA Online Portal to Author, Assembly Committee on Elections

The Honorable Marc Berman
California State Assembly
State Capitol, Room 6011
Sacramento, CA 94249

RE: AB 37 (Berman) – Elections: vote by mail ballots – SUPPORT IF AMENDED

Dear Assemblymember Berman:

The California League of Conservation Voters, the League of Women Voters of California, NextGen California, Asian Americans Advancing Justice California, Disability Rights California, California Calls and the ACLU California Action write to support AB 37 if amended to include guardrails to maximize equitable voter participation and ensure that every eligible vote will be counted.

AB 37 includes many laudable elements that we support. It expands access to voting by requiring county elections officials to mail a ballot to every registered voter, mandates an accessible ballot tracking system, makes remote accessible vote by mail available to everyone, extends the ballot receipt deadline to seven days after election day, authorizes consideration of any information from the USPS or a bona fide private mail delivery company to determine whether a ballot was timely cast, and allows jurisdictions with computer capability to start processing vote by mail ballots starting 29 days before an election.

While universal mailing of ballots is important to expand voter access, it is not

without risks that may disproportionately impact underrepresented Californians and those to whom vote-by-mail is unfamiliar¹ or inaccessible. Despite recently instituted laws to improve the process in California, and the benefits inherent in affording every registered voter a ballot automatically, vote by mail still holds the potential to disenfranchise communities of color, youth, language minorities, people with disabilities, people with low income, and those who are unhoused, housing insecure or geographically mobile if it is not done thoughtfully. We recommend the following amendments to mitigate those risks.

Voter education and outreach should be required and structured to capitalize on the expertise of community-based and other good government organizations.

It is vitally important that the introduction of universal mailed ballots be accompanied by robust, plain-language messaging about all voting options and the tools Californians need to vote with confidence.

- **Statewide messaging.** Statewide voter education should have a broad, consistent message directing voters how to access specific information regarding where, when, and how to vote. Messaging should emphasize all voting options including in-person, drop off, and vote by mail.
- **County messaging.** Counties should be required to send out a set of mailed communications and to conduct other outreach via social media, newspaper, radio, and television just as they do in the context of Voter's Choice Act implementation. These communications should be available in all required languages and accessible formats and be strategically deployed at different stages of the pre-Election Day cycle.
- **Community-Based Organization Funding.** Funding to counties should consider the importance of trusted messengers and allow for a process by which pass-through grants can be made to organizations that are familiar with underrepresented communities and whose outreach efforts will be critical to the success of the new election model.

As part of the voter education process, language access and access for people with disabilities should be ensured. In particular, **we recommend a statewide requirement for a postage-paid postcard that the voter may return to the county elections official to request a vote by mail or facsimile ballot in a language other**

¹ See, e.g., Asian-Americans Advancing Justice, *Asian Americans Face Higher than Average Vote-by-Mail Rejection Rates in California* (2017), bit.ly/AAAJIssueBrief; Romero, Mindy S., California Civic Engagement Project (CCEP), *The California Voter Experience: Why African-American Voters Choose to Vote at the Polls or Vote-by-Mail, and How They Perceive Proposed Changes to California's Voting System* (2016), bit.ly/CVEIssueBrief2; Romero, Mindy S., *The California Voter Experience: Vote-by-Mail vs. the Polls* (2016) bit.ly/CVEIssueBrief1; Mindy S. Romero, CCEP, *Disparities in California's Vote-by-Mail Use Changing Demographic Composition: 2002-2012* (2014), bit.ly/CCEPIssueBrief1; Native American Rights Fund, *Vote by Mail in Native American Communities*, narf.org/vote-by-mail; Smith, Daniel A, *Vote-By-Mail Ballots Cast in Florida*, Daniel A. Smith, ACLU of Florida, 2018, bit.ly/ACLUVBMFloridaReport.

than English or in an accessible format, including remote accessible vote-by-mail, as is required by the Voter's Choice Act. The mailer should be translated in all required Section 203 and 14201 languages

Dropboxes, which maintain voter trust, increase convenience and limit crowding at in-person locations, should be required in every county. If every voter is mailed a ballot, options for return should include accessible methods that do not require mailing. People's preference for dropboxes is born of real and significant concerns ranging from a historical distrust of voting without being able to see their ballot safely cast to issues related to the USPS. We recommend requiring dropboxes in a formula similar to that in the Voter's Choice Act - at least one for every 15,000 voters (or two in counties with fewer than 15,000 registered voters) beginning twenty-nine days before Election Day and at least one exterior drop box available on a 24-7 basis until 8 PM on Election Day.

The Secretary of State should have authority to mandate vote by mail ballot envelope design. Currently the Secretary of State has [recommended best practices](#) for envelope design to avoid voter confusion and the rejection of vote by mail ballots. As California increasingly promotes the use of vote by mail ballots, the Secretary of State should be given the authority and flexibility to mandate design that meets current and evolving best practices.

Ballot Tracking should include a notification to voters when a corrected or resubmitted signature was accepted. Current notification requirements cover every major stage of the process other than a follow-up after a voter goes through the process of curing a mistake. Adding this provision will help ameliorate voter concerns and ensure more ballots are counted.

We appreciate all the work that has gone into crafting AB 37 and your openness to recommendations designed to maximize equitable voter participation and ensure that every eligible vote will be counted. We look forward to continuing to work with you on this important matter.

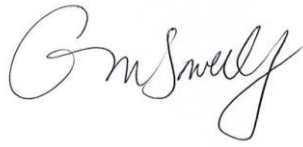
Sincerely,



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**California League of Conservation
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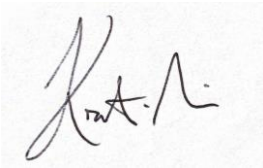
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