

The Future of California Elections

A ROADMAP FOR THE FUTURE OF CALIFORNIA ELECTIONS

In late 2011, a diverse group of organizations and individuals came together to develop a vision for the future of California elections. This group included people and organizations representing many different perspectives and experiences who all care deeply about voters, elections and strengthening California's democracy.

After participating in an intensive three-month process, we are pleased to present a roadmap for the future of California elections. The vision statement, affirmed by unanimous consent, is laid out in the ten guiding principles at the beginning of the attached document. The guiding principles are followed by goals and recommendations that evolved from this collaborative process. The goals and recommendations may not reflect all conceivable solutions, all priorities of each participant or the endorsement of every participant. But the entire document is enthusiastically supported by all of the participants as the starting point for modernizing and improving California's election systems.

This document is intended to spur discussion, analysis and action. We encourage other interested parties to consider their own role in this collaborative vision for the future of California elections.

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GUIDING PRINCIPLES

California is home to the largest and most diverse electorate in the nation. We are proud of the leadership California has demonstrated in regard to elections, including improving the transparency and auditability of elections and providing election information such as sample ballots to all voters. And yet, we still have far to go; California ranks near the bottom nationwide in the percentage of eligible citizens actually registered to vote, and barriers to participation yield a voting population that does not mirror that of the state as a whole.

As a broad-based group of community organizations, concerned citizens and election administrators, we believe that the time has come for transformational change of the state's laws, procedures and methods of elections. The following principles represent common ground for our collective efforts to address the future of voting in California.

The policies and practices that govern California's elections — and the institutions and individuals responsible for administering them — should:

- 1) Encourage full participation by all eligible citizens
- 2) Ensure and protect equal access to participation regardless of age, race, language, income, education, disability or location
- 3) Ensure that every eligible citizen can easily register to vote and that voter registration rolls are accurate and up-to-date
- 4) Provide citizens with information about registration and voting — including information on candidates, ballot issues and voting instructions — in a variety of formats, including disability accessible formats, and languages — so that every voter can make informed voting choices and cast a meaningful and valid ballot
- 5) Provide each voter with flexibility regarding options for casting a ballot
- 6) Protect voters from intimidation and deception and ensure enforcement and compliance with all applicable laws protecting voters' rights and the integrity of the voting process
- 7) Reflect the highest standards of transparency, accuracy and security and provide all citizens with justifiable confidence in election systems — including voting technology — and their outcomes
- 8) Provide outreach and education to California's youth about the electoral process and the value of civic participation in order to foster a spirit of lifelong participation in all voters
- 9) Guarantee that state and local governments provide resources in proportion to election administration requirements while holding election officials accountable for efficient and effective use of those funds
- 10) Commit to seeking improvements of all kinds — from small fixes to big and fundamental changes — that make California's elections work for the voters of today and tomorrow

GOALS AND RECOMMENDATIONS

Voter Registration and Education

- 1) Implement online voter registration in time for the 2012 state primary election
 - a) Provide access to online voter registration on state and county elections websites
 - b) Collaborate with state agencies, colleges and universities to coordinate online voter registration with other services they provide online
- 2) Enact and implement same-day voter registration
- 3) Update voter rolls and identify new potential registrants
 - a) California should explore participation in national data exchanges which will allow election offices to use information from a variety of sources — including data from national sources, other state agencies and other states — to update the state’s voter rolls and identify new potential registrants
 - b) If the state will not or cannot participate in national data exchanges, allow individual counties to participate
 - c) Evaluate existing voter registration collaborations with state agencies that were mandated by the National Voter Registration Act and identify opportunities to expand related voter registration efforts
 - d) State and local election offices should work with colleges and high schools to make registration materials available as part of their regular services to students
- 4) Provide access to information that enables voters to confirm, update and correct their registration records and get trusted information about upcoming elections
 - a) Allow voters to confirm their registration status on state and county election websites
 - b) Allow voters to use an online registration system to update and correct their registration records on state and county election websites
 - c) Allow voters to access personalized information regarding polling places, ballots, election dates and rules via state and county election websites
 - d) To the extent secure and possible, make such tools available via mobile devices, tablets and other common consumer technology
- 5) Ensure voters have full access to trusted information about upcoming elections
 - a) Seek opportunities to improve state and local ballot pamphlets and other election information materials
 - b) Improve effectiveness and accessibility of voter education about ballot measures, candidates and any other election matters (including to third parties who want to disseminate this information to voters)

GOALS AND RECOMMENDATIONS

Voter Registration and Education (continued)

- 6) Develop technical standards to govern the transmission of voters' new and updated registration information from third party groups and individuals
- 7) Ensure full compliance with mandates of the National Voter Registration Act, the Higher Education Act and all other applicable federal and state voter registration laws
 - a) Ensure accessibility of the federal registration form mandated by the NVRA to all eligible citizens regardless of age, race, language, income, education or disability
 - b) Ensure collaboration between appropriate government agencies to achieve this goal
- 8) Implement the VoteCal statewide registration database as quickly as possible, but no later than the November 2016 election
- 9) Evaluate opportunities to register citizens automatically upon eligibility
- 10) Evaluate opportunities to enfranchise or re-enfranchise recently eligible or currently incarcerated individuals
 - a) Clarify whether felons in county custody (post-"realignment") are eligible to vote
 - b) Improve the process for notifying formerly incarcerated individuals about their rights to register (or re-register) and vote
 - c) Make sure there is a more streamlined process to allow formerly incarcerated individuals to register to vote
- 11) Evaluate opportunities to implement "pre-registration" of 17-year-olds
- 12) Design and implement comprehensive civic education — especially about the importance of voting — for use in schools and through the media
- 13) Expand public and private sector support for California voter outreach, registration and education
- 14) Ensure that the United States Citizenship and Immigration Services works with election officials and community organizations to provide newly-naturalized citizens with the opportunity to submit their voter registration forms at all naturalization ceremonies

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GOALS AND RECOMMENDATIONS

Election Administration

- 1) To the extent possible, standardize election procedures and practices statewide among cities and counties, including, but not limited to:
 - poll worker training
 - vote by mail
 - provisional voting
 - canvass and auditing procedures
 - voter registration forms
 - recounts
 - language assistance
 - access for voters with disabilities
 - early voting
 - a) Conduct research (including outreach to community-based organizations) to identify election administration processes that could be standardized statewide and, to the extent possible, facilitate standardization
 - b) Encourage county election officials to identify best practices and share those practices through the California Association of Clerks and Election Officials in order to promote more standardization through common practice
 - c) Explore the need for legislation, regulations or guidelines to achieve standardization
- 2) Increase voter education efforts regarding the administration of elections
- 3) Conduct public opinion research to learn more about what Californians do and do not know about the state's election processes and procedures
- 4) Urge state and local governments to provide election offices with resources in proportion to election administration requirements
 - a) Compile information on county election costs and identify costs that the state currently reimburses, previously reimbursed and/or has never reimbursed
 - b) Conduct a review of state expenditures of Help America Vote Act funding and explore the possibility of repurposing discretionary HAVA funding to support voter education and outreach, improvements in election technology and greater standardization
 - c) Conduct a review of other potential election funding sources, including those authorized by Proposition 41
- 5) Research alternatives to the current system of using elections to fill vacancies at every level of government by collecting and evaluating data on different methods used by states and localities to fill elective vacancies that can help reduce the frequency of elections, including:
 - reworking election dates
 - special elections
 - an appointment process alternative

GOALS AND RECOMMENDATIONS

Voting Options

- 1) Adopt voting procedures and rules that allow voters to cast a meaningful and valid ballot and ensure that outcomes reflect the interests of the entire voting population
 - a) Evaluate the effects of the current “top two” primary and identify what, if any, opportunities there are to improve it
 - b) Compile and evaluate data on alternative voting systems in jurisdictions utilizing such practices
 - c) Evaluate opportunities to protect the rights of minority voters to elect candidates of their choice, such as alternatives to at-large elections like single-member district elections
- 2) Research the potential impacts of California adopting or expanding alternatives to the polling place, including but not limited to:
 - early voting
 - election day vote centers
 - voting at mobile polling places
 - providing unmarked vote by mail ballots online and/or by email
- 3) Evaluate the aforementioned procedures, rules and alternatives, potential security and fiscal impacts and impacts on all voter populations, including newly eligible voters, minority language voters and voters with disabilities
- 4) Improve existing elections practices
 - a) To the extent possible, locate at least one accessible polling place onsite or near any community with a large residential population, including educational institutions, residential care facilities and military bases
 - b) Evaluate whether special procedures for military and overseas voters could be improved and broadened to assist other voters

GOALS AND RECOMMENDATIONS

Voting Technology

- 1) Foster an environment of innovation that can identify and seize opportunities to improve voting technology through small fixes and/or fundamental changes
 - a) Explore modular development of voting technology
 - b) Adopt and implement common data standards for voting technology in order to encourage innovation, improve auditing and allow information transfer between participants in the election process
 - c) Permit and encourage competitive or “proof of concept” voting technology development using public and/or private funds
 - i. Allow election offices to develop their own voting technology consistent with other state requirements
 - ii. Give local election offices a means to enter into development contracts for voting systems without violating applicable certification rules and procedures
 - d) Ensure that voting technology is consistent with other policies, including:
 - Compliance with voting rights requirements (e.g. accessibility for disabled voters, language accessibility for limited-English speaking voters, etc.)
 - Evolving voting options (e.g. early voting, Election Day vote centers, etc.)
 - Security, transparency, auditability and ballot secrecy
- 2) Improve California’s systems for testing and certification of voting technology
 - a) Identify the optimal relationship between state and local election officials on decision-making about voting system standards
 - b) Identify necessary legal and procedural changes to implement these roles
 - c) Enact and implement state-specific standards for, and testing and certification of, voting systems
 - i. The Secretary of State should comply with state code establishing specifications for, and regulations governing, voting systems consistent with the goals above
 - ii. Explore the possibility of having an independent group develop a set of recommended voting system testing guidelines that could be provided to the Secretary of State for discussion and possible adoption
 - d) Evaluate whether or not to continue requiring federal testing and certification of voting technology in addition to/in lieu of state programs

GOALS AND RECOMMENDATIONS

Voting Technology (continued)

- 3) Ensure a proper level of funding for voting technology
 - a) Determine the necessary level of public investment in voting technology
 - i. Research costs of voting technology in California
 - ii. Research available funds to support voting technology
 - iii. Identify potential shortfalls and opportunities for investment
 - b) Allocate sufficient funds to state and local election offices to meet state voting technology needs

The James Irvine Foundation convened numerous experts in Fall 2011 to consider the future of California's election system. The recommendations contained in this document are the result of their work. The Foundation is pleased to support this process, but is not responsible for either the content of the recommendations, or how they may be used by any of the participants hereafter. The Foundation does not take positions on legislative proposals or ballot measures, and does not lobby.