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AB-545 Elections: access for voters with disabilities. (2023-2024)

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Assembly Bill No. 545

CHAPTER 658

An act to amend Sections 14105 and 14282 of the Elections Code, relating to elections.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 545, Pellerin. Elections: access for voters with disabilities.

(1) Existing law requires elections officials to furnish each polling place with specified supplies for an election.

This bill would expand the list of required supplies to include specified items to assist voters with disabilities.

(2) Existing law restricts who may be within the voting booth area and who may occupy a voting booth or compartment. Existing law allows a voter, after declaring under oath before a member of the precinct board that the voter is unable to mark a ballot, to receive assistance of up to two persons selected by the voter, as specified.

This bill would eliminate the requirement that the voter issue a declaration under oath before receiving assistance, as specified.

(3) In certain inaccessible polling places, existing law allows a voter with a disability to appear outside the polling place and vote by regular ballot. Where it is impractical to vote a regular ballot outside the polling place, existing law requires vote by mail ballots to be provided in sufficient numbers to accommodate voters with disabilities who present themselves on election day, and authorizes a voter with a disability to vote a vote by mail ballot in the same manner as a regular ballot may be voted by that person outside the polling place.

This bill would expand that authority to allow a voter with a disability to vote by regular ballot outside any polling place, regardless of whether the polling place is inaccessible. The bill would require the posting of signage in specified areas indicating that the option is available for a voter with a disability to vote there, and the establishment of a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place. The bill would require elections officials to include information regarding this option in the county elections internet website and the county voter information guide.

(4) By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14105 of the Elections Code is amended to read:

14105. The elections official shall furnish to each polling place all of the following:

- (a) At least one accessible copy of the voter list.
- (b) Necessary printed blanks for the roster, tally sheets, voter list, declarations, and returns.
- (c) Not fewer than 6 nor more than 12 instruction cards to each polling place for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.
- (d) A digest of the election laws with any further instructions the county elections official may desire to make.
- (e) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place.
- (f) A ballot container, properly marked on the outside indicating its contents. If it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside indicating their contents.
- (g) At least one copy of the certified write-in list, if applicable.
- (h) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about the voter's polling place. The card shall state that the voter may call collect during polling hours.
- (i) An identifying badge or insignia for each member of the precinct board. The member shall print the member's name on the badge or insignia, and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.
- (j) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.
- (k) Sufficient copies of the notices to be posted on the voter list used at the polls. The notice shall read as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."
- (l) A roster for each polling place in the form prescribed in Section 14107.
- (m) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.
- (n) For a partisan primary election, printed copies of the posters or other materials described in Section 14105.2. The posters or other materials shall be conspicuously posted both inside and outside every polling place.
- (o) Handheld magnifying glasses, displayed and available at the table or desk used by the precinct board.
- (p) A signature guide card, to assist persons while signing their names on the roster, displayed and available at the table or desk used by the precinct board.

SEC. 2. Section 14282 of the Elections Code is amended to read:

14282. (a) If a voter is unable to mark a paper ballot or the ballot marking device, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member.

(b) The county elections official shall provide information on the county elections internet website and in the county voter information guide informing voters that a voter who is unable to mark a ballot may bring up to two individuals to the polls to assist them in voting as specified in subdivision (a), and that a voter with a disability may vote a regular ballot outside a polling place in accordance with subdivision (d). The information shall be available in all languages for which the county has requirements under Section 14201 of this code and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(c) A person assisting a voter shall not divulge any information regarding the marking of the ballot.

(d) (1) A voter with a disability may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to people with disabilities. A precinct board member shall take a regular ballot or ballot marking device to that person, qualify that person to vote, and return the voted ballot to the polling place.

(2) A precinct board member may satisfy paragraph (1) by only bringing a regular ballot outside to the voter if the county does not have the capability to bring the ballot marking device outside of the polling place.

(3) Signage shall be posted outside the polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. The polling place shall establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.