

UC Berkeley

California Journal of Politics and Policy

Title

Protecting the Right to Vote in California's 2020 Election While Keeping Voters, Election Workers and the Public Safe

Permalink

<https://escholarship.org/uc/item/1s27b8zd>

Journal

California Journal of Politics and Policy, 12(1)

Author

Berman, Marc

Publication Date

2020

DOI

10.5070/P2cjpp1150408

Copyright Information

Copyright 2020 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>



COMMENTARY

PROTECTING THE RIGHT TO VOTE IN CALIFORNIA'S 2020 ELECTION WHILE KEEPING VOTERS, ELECTION WORKERS AND THE PUBLIC SAFE

Assemblymember Marc Berman, Chair, Assembly Committee on Elections & Redistricting

Long before Californians first heard about COVID-19, the 2020 election cycle was already shaping up to be unlike any other in state history. This year is the first presidential election cycle since the implementation of the 2015 California New Motor Voter Act (AB 1461, Gonzalez), which automatically registers eligible citizens to vote when they apply for or renew a driver's license unless they opt out. Thanks in part to that law, more than 84 percent of eligible Californians are registered to vote, the highest percentage since at least 1942.

The 2020 election cycle also marks the first widespread use of the 2016 California Voter's Choice Act (SB 450, Allen) in California elections. First used in five counties in 2018, the California Voter's Choice Act allows counties to conduct elections under a modernized system in which every registered voter is mailed a ballot, expanded early in-person voting opportunities are available, and voters are able to cast a ballot at any vote center within their county. Fifteen counties—including more than half of the state's registered voters—are conducting elections pursuant to the California Voter's Choice Act this year.

When the state held its primary election in March, there were only 43 confirmed cases of COVID-19 in the state. As a result, voting in the primary was largely unaffected by the COVID-19 pandemic (though some county elections officials reported that they had a larger number of poll workers than usual who failed to show up on Election Day). Shortly after the primary election was held, however, it became clear that the state would need to make changes to the way we conducted this year's General Election.

As COVID-19 spread throughout the country, at least 16 states either postponed their scheduled primary elections or switched them to vote-by-mail elections due to concerns that conducting in-person voting during the spread of COVID-19 threatens the health and safety of voters, election workers, and the public generally. When Wisconsin held its statewide primary election as scheduled in April, it saw a spike in applications for absentee ballots that elections officials struggled to process. Thousands of voters who requested absentee ballots ultimately did not receive them in time. Furthermore, due to COVID-19 related concerns, Wisconsin elections officials were forced to significantly reduce the number of polling locations available; in Milwaukee, the number of polling locations was reduced by more than 97 percent. As a result, the millions of Wisconsin voters who did not receive an absentee ballot were forced to risk their health—and possibly their lives—by waiting in long lines during the middle of a pandemic if they wanted to cast a ballot.



It quickly became clear that the increased use of vote-by-mail ballots was essential to protecting Californians' health and safety while ensuring voters' access to elections conducted during the COVID-19 pandemic. Fortunately, California's recent elections reforms—which were designed to modernize the way we conduct elections and make our democracy more inclusive and representative of the state's diverse population—made the state better prepared to conduct an election during a pandemic.

Due in part to the implementation of the California Voter's Choice Act, approximately 78 percent of registered California voters received a mail ballot in the primary election. Furthermore, in late April, the Los Angeles County Board of Supervisors voted to begin sending vote-by-mail ballots to all registered active voters for all future elections, starting with the November 2020 General Election. As a result, more than 87 percent of California's registered voters were set to receive a ballot in the mail for this November's election even before the state took action to change how that election would be conducted in response to the pandemic.

Given the anticipated increase in demand for voting by mail, and the already substantial use of mail ballots in the state, it made sense to take further steps to facilitate voting by mail. That's why, two days after the debacle of Wisconsin's primary election, I announced legislation to require that every registered California voter be mailed a ballot for this November's election. That legislation—which was signed into law by Governor Newsom in June—also made additional accommodations in state law to facilitate mail voting. Those accommodations include extending the deadline for county elections officials to receive ballots that are postmarked by Election Day and allowing every California voter to sign up at <https://wheresmyballot.sos.ca.gov/> to track and receive notifications on the status of their vote by mail ballot.

While mailing every active registered voter a ballot is an essential part of conducting a successful presidential election during a pandemic, it doesn't eliminate the need for in-person voting. Millions of Californians will need a safe in-person voting location because they lost or damaged their ballot, need language or voting assistance, or need to register to vote. At the same time, the need to provide for social and physical distancing means that many traditional polling sites aren't appropriate for use as in-person voting locations this November. That's why I also jointly authored legislation to give counties flexibility to reduce the total number of in-person voting locations that are open on Election Day in exchange for providing at least three days of early in-person voting and a minimum number of vote-by-mail ballot drop-off locations beginning a month before the election. These changes will help "flatten the curve" of voting, and hopefully will minimize the number of people who need to gather at voting locations on Election Day in order to exercise their right to vote.

The challenges of holding a major election in the middle of a global pandemic are immense. I'm proud that state legislators, local elections officials, and representatives from community organizations came together on policies that will protect Californians' right to vote while keeping voters, election workers, and the public safe.