



September 13, 2021

VIA Email

The Honorable Gavin Newsom
Governor of California
State Capitol
Sacramento, CA 95814

RE: AB 37 (Berman) – Elections: vote by mail ballots – Coalition Recommendations on Voter Education and Outreach Funding

Dear Governor Newsom:

The League of Women Voters of California, California League of Conservation Voters, NextGen California, Asian Americans Advancing Justice California, Disability Rights California, California Calls, ACLU California Action, NALEO Educational Fund, and Common Cause California **urge you to promote and support funding for voter education and outreach in the next budget to ensure that AB 37 (Berman), if signed, will maximize equitable voter participation.**

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, ensures that every county will provide dropboxes, 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 disproportionately impact underrepresented Californians and those to whom vote-by-mail is unfamiliar or inaccessible.¹ 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. [Recent research](#) by the Center for Inclusive Democracy (CID) at the USC Price School reinforces this conclusion, finding that in the November 2020 election over 80,000 (0.5%) ballots were rejected for a mismatched or missing signature or for being late. These numbers were higher for Latinos, young voters, new voters, and previous polling place voters. As our [support if amended position](#) on AB 37 reflected, we believe that the risks can be mitigated by intensive and thoughtful voter education and outreach.² The importance of voter education was emphasized by Dr. Mindy S. Romero, the CID study's author, in a recent [CalMatters commentary](#) where she wrote:

Proactive education to voters about how to fill out, return and track the status of their mail-in ballot could help reduce ballot rejection rates.... More voter education and outreach are also needed to inform Californians of the new voting options available to them. Our survey found that less than a third of eligible voters in California were aware of voting changes in the 2020 General Election. Awareness of voting changes was even lower among Latino, Asian-American and older eligible voters who we surveyed.

¹ See, Romero, Mindy S., USC Price School of Public Policy, Center for Inclusive Democracy, California's Changing Electorate: A 2020 Post Election Analysis of Voting Behavior (August 2021) bit.ly/CACHangingElectorate; 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.

² **The importance of voter education and outreach was recognized in two other recent bills related to mailing ballots to every active, registered voter.** Both [SB 152](#), the budget bill related to the 2021 recall election, and [SB 423 \(Umberg 2020\)](#) related to the November 2020 general election, include Elec. Code Section 1603. (a) that reads "Each county shall conduct a voter education and outreach campaign in all legally required languages for that county notifying voters about mail ballots, early voting opportunities, accessible voting options, and where and how to remedy any voting-related problem."

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.

Funding should be made available to allow every county to conduct a voter education and outreach campaign in all legally required languages for that county, notifying voters about mail ballots, early voting opportunities, in-person voting opportunities, accessible voting options, how to access in-language materials and assistance, and where and how to remedy any voting related problem.

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 postage-paid postcards that the voter may return to the county elections official to request a vote by mail or facsimile ballot in a language other than English or in an accessible format, including remote accessible vote-by-mail. Such a postcard is already required in counties adopting the Voter's Choice Act. The mailer should be translated in all required Section 203 and 14201 languages.

While we believe that education on these matters should be funded for all elections, it is especially important to ensure that targeted messaging occur in the first few election cycles in which all active, registered voters will be receiving ballots in the mail.

We appreciate Assemblymember Berman's exemplary work in crafting AB 37 to maximize equitable voter participation. The one missing piece, to help ensure that every eligible vote is counted, is funding for an in-depth and thoughtful voter education and outreach campaign. We look forward to working with your office on this important matter.

Sincerely,



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League of Women Voters of California



Melissa Romero
Legislative Affairs Manager
California League of Conservation Voter



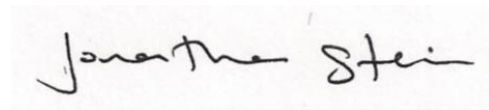
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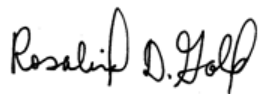
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**CC: The Honorable Marc Berman, Chair of the Assembly Committee on Elections
The Honorable Shirley Weber, California Secretary of State**