

Memo

To: Laryn Bishop, Assistant Superintendent Solano County Office of Education
From: Lindsey McWilliams, Assistant Registrar of Voters
CC:
Date: February 15, 2011
Re: Potential Election Cost Increases; Schools as polling places

I wish to bring to you and your Board's attention matters of mutual interest, specifically likely cost increases due to anticipated Census data and state budget actions; and requirements for accessible polling places as they relate to Elections Code § 12283.

Census: We will have Census data by April 1 and will use it to adjust supervisorial districts at the direction of the Board of Supervisors. Sometime after April 1, the federal Department of Justice Civil Rights Division will publish in the Federal Register those states and counties subject to the National Voting Rights Act Sections 4 and 5. Section 4 concerns language requirements. Section 5 requires counties to preclear with DOJ their elections; that is, they must present an election plan that shows the county is not discriminating against specified minority groups. There are four California counties subject to preclearance and 25 with multiple language requirements. It is reasonable to expect we will have a general Spanish language requirement and possibly Tagalog in particular areas. The first election affected by this will probably be the November 2011 districts election.

There will be some incremental increase in costs for adding additional languages to election materials. Ballot contests will take up more space on the ballot; in some elections this will increase the number of cards in the ballot. For example, the November 2010 ballot had an A and B card. Adding another language to the ballot would have also added a C card. In round numbers, a ballot costs 50 cents. The costs will also increase for sample ballots. It is not possible to accurately predict the impact of multiple languages. When we have better information, we will pass it along.

SB 90: Elections Code § 3024 provides that when school district elections are consolidated with non-school districts, the County claims school district costs through the SB 90 process. The Governor has proposed suspending SB 90 for this fiscal year and revisiting mandates in the next budget. Over the past 20 years, these "revisits" have resulted in the mandates being ended. If the cost recovery for school district vote by mail costs is ended, we will bill the districts. Assuming no other changes (see above), school districts can expect election costs to increase approximately 25 percent.

There are two advocacy positions school districts may want to pursue. First, lobby or ask your legislative advocate to lobby for you, that the mandate continue with adequate funding. Second, support conducting all elections by mail. We are confident we can easily save 20 percent of election costs by conducting elections entirely by mail.

Schools as polling places: A number of forces are coming together that will require us to identify and thoroughly survey and inventory all actual and most potential polling places in the County. From a purely practical standpoint, the November 2010 election and its two-card ballot, with a modest 41% poll voter turnout, proved that 92 polling places were not sufficient when voter turnout exceeded 25 per hour. More prominent and threatening, Santa Cruz and Kern counties were sued by the Attorney General for not having accessible polling places. After five years and hundreds of thousands of dollars spent by the counties, there still is no final resolution to the lawsuits.

In the meantime, the Secretary of State, the state Department of Rehabilitation, and the California Association of Clerks and Elections Officials, have worked with the Department of Justice to develop polling place accessibility guidelines. These guidelines are exacting in detail for documenting parking, path of travel, signage, rooms, and mitigation measures if the site is not perfectly accessible. In general, the survey involves physical measurements, slope measurements, proximity – the path of travel from parking to the poll or public transit to the poll, and anything else affecting accessibility. A complete survey includes photos and video of the site.

We have to conduct these inventories for not only the polling places currently in use, but all realistically potential polling places. This is to show that we have the most accessible available site for our polling place. Once we have a number of sites surveyed, we will present them to a Voting Accessibility Advisory Committee (VAAC) for review. This committee will be made up from members of or representatives for voters with specific needs and others knowledgeable about buildings and accessibility issues. Depending on the VAAC's decision, we may have to resurvey a site, provide mitigation measures to use the site, use the site as it is, or not use it at all.

Which brings us to Election Code § 12283. This section of the code is unequivocal in requiring schools to make space available as a polling place on our request. This space must conform to federal ADA and state Title 24 laws regarding accessibility.