



March 8, 2023

Members Assembly Committee on Elections
Assembly Member Isaac Bryan, Chair

AB 13: Election Day Holiday

SUPPORT IF AMENDED

Esteemed Members of the Assembly Committee on Elections,

Election Integrity Project® *California*, Inc. (EIPCa) is enthusiastic in its support of several element of AB 13: Election Day Holiday as written and amended as of the date of this letter. Unfortunately, **EIPCa cannot support the entire bill unless significantly amended.**

The suggestion that the November election every 2 years be given holiday status is problematic in many ways.

1. The AB 13 mandate for an Election Day holiday only benefits State employees and perhaps a few others. No other business can be ordered to or will shut down, meaning that AB 13 gives undue preference to a certain segment of the population and not the blue collar, working person. As such, the proposal would be discriminatory.

There is already a law in place mandating employers to provide up to 2 hours of paid leave on Election Day to employees for the purpose of voting.

Efforts should be made to inform citizens of that right—PSAs, SOS announcements, required inclusion in all communications from ROVs, so that all Californians will know they already have fair and equal access to vote, regardless of employment expectations.

2. It does not take all day to vote. With responsible division of precincts into legitimately manageable numbers of voters in traditional voting model counties, everyone can easily vote in 10-30 minutes.
3. Almost half of CA counties (probably accounting for far more than 50% of the population) operate under the Voters Choice Act, which grants 11 days to go to any Vote Center in the county to vote. There is no need for additional voting time for those voters.
4. AB 13 suggests that the General Election is more important than the Primary Election or any special election held by or within a county by singling out that day as the only Election Day worthy of holiday status. Yet due to the Top Two law, the Primary is more consequential than the General in CA. **Government should NOT send the message to citizens that any election is more important than any other by incentivizing voting in one over another with carrots such as holiday status for selected elections only.**

5. Given the current voter mentality fomented by decades of propaganda and misinformation that voting by mail is easy (true) and safe (false), 75%+ of the population will continue to vote that way. For that huge percentage of the population there is no "Election Day", only a "30-day season", and an Election Day holiday would be meaningless and unnecessary for them.

Only 15-25% of voters would then remain as in-person, "Election Day" voters, and only a fraction of those work for the State and would actually be given a day off if the State were to declare this proposed holiday. Given that voter turnout averages approximately 60% in most General Elections, proposing the State declare "Election Day" a holiday for 65% of a fraction of 15 - 25% of the people is clearly **symbolism over substance only**.

The elimination of the universal mailing of vote by mail ballots is the element of the bill EIPCa supports most strongly, for reasons delineated below. But this great step toward securing election integrity is meaningless if "permanent vote by mail" status is still an option.

1. As long as there is **any** voting by mail outside of the 1-3% of individuals who have no other choice, there will be no election integrity in this state.
2. First, the moment a ballot goes into the mail to or from the voter, it loses chain of custody and becomes vulnerable to the errors and intentional acts by postal workers and other handlers.

Every election season the news headlines are replete with stories, pictures and videos of large numbers of ballots found in dumpsters, in ditches, in the bushes, etc., put there by individuals acting under a variety of motivations, none of them good.

News stories also abound from whistle-blowing USPS employees disclosing that they were ordered to backdate postmarks to legitimize ballots that entered the system too late to be legally counted per the law.

3. The chain of custody is equally broken by the use of unstaffed drop boxes that are vulnerable to vandalism and ballot theft and stuffing. One only need consult the news stories to verify that this concern is a great deal more than hypothetical.
4. **When ballots are marked and handled outside the supervision and protection of elections officials there is no way to determine who actually marked the ballot, whether it was marked under duress or undue influence, or whether it arrived at its intended destination untampered with or at all.**
5. Mailing a ballot to any individual without a recent verification of their eligibility, correct residence or even existence is reckless as well as wasteful of millions of taxpayer dollars. Over half a million ballots are returned undeliverable each election because of the permanent vote by mail program and now the universal mailing statute. The cost of paper, printing and postage for that many unnecessary ballots is astronomical and incurring that cost is irresponsible.

The only way to avoid that waste is to expect capable voters to physically go to the polls, and require those who cannot to apply for an absentee ballot each election they need it. That way ballots are mailed only to those who have recently verified their address and their desire for a ballot.

AB 13's proposal to reduce the seven-day grace period for ballot arrival to three days is a step in the right direction. A seven-day grace period is an undisguised invitation to fraud and manipulation. Nevertheless,

EIPCa stands firm that allowing any post-election day grace period enables and incentivizes vote fraud and ballot manipulation. With 30 days to vote and return a ballot, and the option of authorizing a family member or member of the household to return a voter's ballot to a polling location or county elections office (another excellent proposal of AB 13 to eliminate indiscriminate ballot harvesting) there is no justification for grace periods.

EIPCa encourages retaining the positive elements of AB 13:

- eliminating the universal mailing of ballots
- eliminating the statute allowing unrestricted and uncontrolled ballot harvesting, returning to the previous provision for voters to authorize a family or household member to submit their ballot
- reducing or eliminating a post-Election Day grace period for ballot arrival

EIPCa strongly urges amending AB 13 to:

- eliminate the retention of permanent vote by mail status
- eliminate the superfluous suggestion of an Election Day holiday

With those changes AB 13 will have our enthusiastic support.

Thank you.

Should further information be required, I may be contacted at 661-313-5251.

Yours very truly,

Linda Paine, President
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