



April 14, 2023

AB: 544

Members Assembly Committee on Elections
Assembly Member Isaac Bryan, Chair

OPPOSE

Members of the Assembly Committee on Elections,

Election Integrity Project® *California*, Inc. (EIPCa) **Opposes AB 544** as written and amended as of the date of this letter.

AB 544 is too broad and vague, and leaves far too many important details unaddressed.

AB 544 requires the county elections official to coordinate with the sheriff or county jail administrator to establish a **polling location** at each facility housing anyone eligible to vote.

- A clear definition of “polling location” is needed.
 - Does the term refer to a single day polls open from 7:00 a.m. to 8:00 p.m. on Election Day in accordance with current law for other polling locations in the state?
 - Will the polls be open for 11 days, or 4 days in counties operating under the Voters Choice Act in accordance with the rules within the county?
 - Establishing time frames for inmate voting different from those already established by statute for all voters in the state would require those specifics to be **legislated**. Such an action cannot be legally done by establishing a “plan” between county officials and facility administrators, and is not within the authority of an **executive** official (Secretary of State) to simply “regulate”.
 - Inmates whose official residence is outside the county of the facility, or outside the state cannot be provided with the proper ballot for their precinct—they would be relegated to being mailed a ballot and returning it by mail, thus being treated unequally if other inmates had the right to vote in person.
- Language determining how the mandated polls will be staffed needs to be included in the bill.

AB 544 does not address the fact that inmates are not registered to vote in the precinct where the facility is located but rather in the precinct of their most recent residence prior to their incarceration. That residence will often be in another county and may even be in another state.

- Polling locations cannot provide the appropriate ballot, even by using county voting technology, for such a wide variety of precincts of residence.
- If every voter cannot be served then there is unequal access.
- If the only service that can be equally provided to all inmates is a common location to submit their mail-in ballot, then what needs to be established is not a polling location but

a dedicated drop off location (drop box), which, by law, needs to be available for use for 30 days, with Election Day being the last. Establishing such a drop box does not require elaborate, time-consuming and expensive collaboration between county elections officials and the facility administrators. The process will be simple.

- Such an arrangement may still violate equal protection, since the drop box would not be appropriate for use by out-of-state inmates. Equality can only be provided through an official U.S. mailbox.

The bottom line is that a polling location can only effectively serve a limited population of individuals who live either within the same precinct or within the same county. Since the home precincts of the population of correctional facilities are geographically and enormously diverse, how is it possible to provide them with a serviceable polling location?

According to AB 544, every county will establish its own distinct procedures or “plan” to implement the broad and nonspecific mandates of the bill. Offering inconsistent procedures in different facilities throughout the state creates unequal treatment.

- All of the details for setting up polling locations within correctional facilities must be consistent statewide, and therefore must be clearly established by legislative means.
- **For the protection of the rights of inmate voters, state statues authorizing citizen observation at all polling location must be extended to polls within correctional facilities.** The bill must address how that access would be made possible.

Of further concern is the lack of any specificity in this or past legislation regarding how inmates will be given the privacy required in the California Voter Bill of Rights: **“The right to cast a secret ballot without anyone bothering you or telling you how to vote.”**

AB 544 lacks specificity regarding multiple essential elements of the inmate voting process. It is not a viable piece of legislation.

EIPCa strongly urges a NO vote.

Sincerely,

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