

JUNE LAGMAY
CITY CLERK

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CALIFORNIA

OFFICE OF THE
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ANTONIO R. VILLARAIGOSA
MAYOR

January 9, 2013

Honorable Members of the Los Angeles City Council
c/o Office of the City Clerk
200 North Spring Street
Room 395, City Hall

**SUBJECT: ENCOURAGING GREATER VOTER PARTICIPATION:
ALTERNATIVE VOTING METHODS AND USE OF CITY FACILITIES AS
POLLING PLACES**

INTRODUCTION

This report addresses two recently introduced motions regarding the administration of City elections. In response to a Perry-Parks motion (C.F. 10-1649-S1) regarding alternative voting methods for municipal elections as a means of encouraging greater voter participation, this report will provide details on early voting, voting centers, and alternative election days. This report also responds to a LaBonge-Buscaino motion (C.F. 12-1780) regarding the use of City facilities as polling places.

ALTERNATIVE VOTING METHODS

Voters in the City of Los Angeles participate in municipal elections either by going to their assigned polling place on Election Day and casting a paper ballot, or by returning a Vote-By-Mail (VBM) ballot by Election Day. The Perry-Parks motion (C.F. 10-1649-S1) requests that the City Clerk explore alternative voting methods as a means of encouraging greater voter participation. In response, this report will discuss three alternative voting methods: early voting, voting centers, and alternative election days.

For each, the discussion will include the City's or other jurisdiction's prior experience with the method, any administrative challenges with implementation, and how the method may impact voter turnout. In addition this report will discuss ongoing developments that will affect how elections are conducted in the City of Los Angeles with the hope of increasing voter turnout, including the development of a new voting system and same-day voter registration.

In response to the LaBonge-Buscaino motion (C.F. 12-1780), this report will also discuss the use of City facilities in municipal elections and steps the City is taking to ensure that polling places are situated in convenient locations for voters.

Early Voting

In general, Early Voting is a process, distinct from Vote-By-Mail, whereby voters cast their ballots at select locations throughout an election jurisdiction during an established period before Election Day. Early Voting is sometimes coupled with Voting Centers which are typically located in strategically ideal areas that can accommodate large numbers of voters, such as libraries, recreation centers, or other public facilities.

Early Voting in the City of Los Angeles

In 2003 and 2007, the City established an Early Voting program using 80 electronic touchscreen voting devices provided by the Los Angeles County Registrar-Recorder/County Clerk (LA RR/CC). The cost of the program was approximately \$179,000 in 2003 and approximately \$264,619 in 2007. In 2003, Early Voting took place over a period of 10 days for both the Primary and General Elections at 16 locations throughout the City. In 2007, Early Voting took place over 11 days at 16 locations for the Primary Nominating Election and five locations for the General Election. In both 2003 and 2007, the City Clerk utilized City libraries as Early Voting sites as well as City Hall and the Marvin Braude Constituent Service Center.¹ In each election, the City Clerk hired up to five pollworkers and eight reservists to staff each Early Voting site.

Although the Early Voting program was implemented without incident, implementing the Early Voting program introduced a variety of challenges that the City must consider if the program is reestablished for future elections. To start, Early Voting created a separate and additional voting operation that required extensive technological and logistical support, including new polling place and administrative procedures, new polling place supplies, additional staff (including specialized pollworkers), extensive staff and pollworker trainings, and additional transportation and security obligations.

The Early Voting program also introduced electronic touchscreen devices to the City election process. The City is required to comply with the City's Election Code which requires that all voting equipment used at Early Voting locations include every ballot group and every mandated language for a given election so that any voter can vote in any Early Voting location.² However, these electronic devices have never been fully certified for use on a regular basis by the State and are subject to technological and legal restrictions imposed by the State due to previous issues with their security and reliability. As a result, these devices are no longer used in City or County elections.

¹ Please note that although the City consolidates its elections with the Los Angeles Unified School District (LAUSD) and Los Angeles Community College District (LACCD), Early Voting locations were only established with the City boundaries. If necessary, the City Election Code permits the City Clerk to establish Early Voting locations "throughout the election jurisdiction," which may include locations beyond the City's borders.

² See Chapter XI, §1101(b) of the City's Election Code.

Were the City to reestablish the Early Voting program, the City would face these same issues as in 2003 and 2007. The City would have to build this extra program into existing operations. The City is still required by law to provide any voter the opportunity to vote at any Early Voting location. As an example, a voter who is a San Pedro resident who decides to vote near his/her place of work in the San Fernando Valley, would need a copy of his/her San Pedro-specific ballot available at the San Fernando voting location. Since electronic voting devices are still subject to stringent State restrictions, the City would have to provide all ballot types in sufficient quantities at all locations (with their corresponding Vote Recorders) or invest in new voting equipment that satisfies both State and City requirements, which is prohibitively expensive (see *Los Angeles County's Voting Systems Assessment Project* later in this report). This would prove extremely difficult since there are typically 50 to 100 ballot groups per election. In any event, whether new procedures or equipment are adopted or not, an Early Voting program will require additional funding which was not budgeted for the 2013 Municipal elections, as well as adequate advance preparation time.

Effect of Early Voting on Voter Turnout

Only a low number of voters participated in the City's pilot Early Voting programs in 2003 and 2007. The following is a summary of voter turnout during each Early Voting period:

Election	Registered Voters	At-Polls (Percent of Total)	VBM (Percent of Total)	Early Voting (Percent of Total)
2003 Primary	1,763,059	152,925 (68.2%)	68,356 (30.48%)	2,953 (1.32%)
2003 General	1,997,896	105,275 (56.95%)	76,188 (41.21%)	3,405 (1.84%)
2007 Primary	1,769,913	97,144 (53.51%)	83,072 (45.75%)	1,344 (0.74%)
2007 General	1,998,879	55,983 (41.81%)	77,192 (57.66%)	710 (0.53%)

The Early Voting program was underutilized by voters despite its widespread availability and promotion, which included television and newspaper advertisements, notices in the Official Sample Ballot, and flyers and brochures distributed at public events and facilities. As a result, the Early Voting pilot program proved to be very costly on a per-voter basis.

However, Early Voting in general appears to be growing in popularity. As with any emerging voting alternative, it takes time for voters to become aware of the option, understand its value, and develop extensive use of the process. The LA CC/RR once had early voting via touchscreen but discontinued it in 2007 due to the State's restrictions. Then, starting in 2008, the LA RR/CC was permitted to offer early voting at its Norwalk headquarters two weeks before Election Day. Voters who walk in request an absentee ballot which they can fill out and submit or take home and mail back. As a result, over 30,000 voters voted early. The City Clerk already does the same – allowing voters to come in to our Piper Tech facility 29 days prior to the election, although this is a feature voters do not regularly take advantage of. Over the past three municipal

election cycles (2007-2011), only 155 voters requested a VBM ballot from the Public Services Counter at the Election Division Headquarters. As an anti-fraud precaution, if a voter is issued a ballot after the VBM roster is generated and issued, we do not process their ballot until we can determine they did not vote at the polls on Election Day.

Elsewhere, Early Voting appears to be gaining in popularity as a way of participating in elections. While not necessarily drawing in new voters, studies suggest that Early Voting is emerging as a popular alternative to active voters who would have otherwise voted on Election Day.³ If the City were to reestablish Early Voting at polling locations, more voters may take advantage of the process than in the past, although overall voter turnout may not necessarily increase. To raise awareness of Early Voting, the City would also have to invest in an extensive voter outreach and education campaign.

Voting Centers

Voting Centers (also known as Neighborhood Voting Centers or Satellite Voting Centers) are large polling places strategically located throughout a jurisdiction on Election Day. Whereas most jurisdictions, including the City, are divided into precincts that serve small areas, Voting Centers are not precinct-specific and serve a larger area. Jurisdictions that utilize Voting Centers typically do not assign voters to specific locations, thus allowing voters to vote their ballot at any Voting Center. If a jurisdiction were to assign voters to specific Voting Centers, these locations would effectively serve as Super-Precincts, with distinct ballot groups and a fixed number of voters. An example of the latter would be in Los Angeles County, where the LA RR/CC consolidates two to four polling places in accessible locations and classifies them as Neighborhood Voting Centers.

In general, Voting Centers would require larger space configurations than regular polling places in order to accommodate a larger number of voters and more polling place equipment. Pollworkers recruited to work in Voting Centers would require additional, specialized training and possibly higher compensation. However, by utilizing Voting Centers on Election Day, election officials could recruit fewer polling places, fewer pollworkers, and use fewer supplies. In a jurisdiction as large as Los Angeles, reducing the number of polling places, pollworkers, and supplies could significantly reduce costs. Election Day Voting Centers were first utilized in Larimer County, Colorado in 2006, but have since been implemented in Indiana, New Mexico, Tennessee, Texas, and other jurisdictions across the country. In general, implementation has been successful and increasing in popularity with voters. For many jurisdictions, shifting to Voting Centers has resulted in lower costs and fewer Election Day complications. Other jurisdictions, such as Galveston County, Texas, experienced significant Election Day complications, including late openings for 38 out of 45 Voting Centers and waits as long as 4.5 hours. Some Voting Centers even ran out of ballots.⁴

³ United States Election Assistance Commission. "Alternative Voting Methods." Washington, D.C. September 2008. P. 6.

⁴ Pew Center on the States. "Vote Centers, Long Lines, and Provisional Ballots in Galveston County, Texas." Washington, D.C. The Pew Charitable Trusts. November 27, 2012.

In November 2009, the City Clerk reported on the possibility of combining an all-Vote-By-Mail election with Neighborhood Voting Centers (see Council File 09-1222-S1). In this context, the need for regular polling places would be eliminated and all voters would receive a VBM ballot. Neighborhood Voting Centers would provide a location to voters who prefer to deliver or vote their VBM ballot in person and seek language assistance if necessary. Neighborhood Voting Centers would also give voters the opportunity to replace a lost or damaged VBM ballot. Voters would still be required to fill out VBM envelopes in order for the Election Division to verify their eligibility since no Roster of Registered Voters would be used. In addition, the City would also have to invest in an extensive voter outreach and education campaign to properly inform voters about this new process.

At the time, the City Clerk reported that using Neighborhood Voting Centers in conjunction with an all-VBM methodology for Citywide elections would result in higher election costs, primarily due to the logistics to prepare each NVC so that any voter could cast a ballot at any NVC. As with Early Voting, the City would need additional funds to make all ballot types and corresponding Vote Recorders available in sufficient quantities at all locations or invest in prohibitively expensive new voting equipment.

Further research will be required to determine the cost and requirements of establishing Voting Centers in the City, as part of a traditional election. In addition, further inquiry is necessary to determine what type of Voting Center would be most beneficial to the City and its voters: Voting Centers that serve all voters or Super-Precincts which serve a fixed number of voters assigned to a specific location under one ballot group. In order to implement Voting Centers Charter and Election Code changes will likely be required depending on the configuration.

Effect of Voting Centers on Voter Turnout

The effect of Voting Centers on voter turnout is still inconclusive, given its recent introduction and limited use. However, preliminary research indicates that when Voting Centers are coupled with Early Voting, voter turnout may increase.⁵ At the very least, when implemented properly, Voting Centers could provide voters with convenient access to a polling place and knowledgeable pollworkers, and lower election costs.

Alternative Election Days

Most elections across the country are traditionally held on Tuesdays. As proscribed in the City Charter, the City's own primary nominating elections are held on the first Tuesday after the first Monday in March, and the general elections are held on the third Tuesday in May in every odd-numbered year.⁶ Changing the City's election days would require a Charter ballot measure to be voted upon and approved by the electorate, and therefore is not feasible for the 2013 Election cycle.

⁵ United States Election Assistance Commission. "Alternative Voting Methods." Washington, D.C. September 2008. P. 35.

⁶ See the Los Angeles City Charter, Volume I, Article IV, §401 and Chapter I, §104 of the City's Election Code.

Several jurisdictions such as Hawaii, Illinois, and Louisiana, have opted to hold non-Federal elections on Saturdays rather than Tuesdays. Many of these jurisdictions changed their Election Day from Tuesday to Saturday in order to make voting more convenient for voters who had difficulty going to the polls during the week, thereby increasing voter turnout.

Our review of current research indicates that changing the City's Election Day from Tuesday to another weekday would have no positive or negative impact on voter convenience, voter turnout, or administrative obligations. Therefore, the only alternative to achieving any kind of impact on these features would be to change the City's Election Day from Tuesday to a Saturday, Sunday, or both. However, research indicates that holding an election on a Saturday, Sunday, or both (typically referred to as weekend voting) may produce mixed results in terms of voter turnout and will likely produce a variety of administrative hurdles for the City Clerk.

Some studies indicate that election officials in jurisdictions with weekend voting have had difficulty recruiting pollworkers.⁷ Pollworkers who would otherwise have been available to work on a Tuesday indicated that they could not serve due to prior weekend obligations, including attending to family, social, or religious affairs. When an election is held on both Saturday and Sunday, election officials found that pollworkers were less willing or able to work both days, often due to fatigue. This issue might also affect permanent and temporary election staff, who typically work longer hours than pollworkers on Election Day. Election officials have also indicated that pollworker compensation costs have increased in order to attract enough pollworkers to work on the weekend. In many jurisdictions with weekend voting, pollworker compensation was the highest single cost for an election.

Election officials have also reported difficulties recruiting polling locations for weekend elections.⁸ In particular, places of worship, normally available during the week, are often unavailable during the weekend due to prior commitments. In the City's 2011 municipal elections, churches or other places of worship accounted for 25% of all polling places. In many instances, many election officials also received objections over the scheduling of the election from voters with religious obligations. Other locations, such as schools or recreational centers, have also been difficult to recruit due to prior commitments. Further, if voting were to occur on both Saturday and Sunday, polling places would have to commit to be used for two days rather than just one. For those facilities that are available, particularly public facilities that may otherwise be closed on the weekend, the election jurisdiction is responsible for covering staff overtime costs.

In jurisdictions that have held elections on both Saturday and Sunday, election officials were required to develop stringent security measures to ensure all ballots and voting

⁷ United States Government Accountability Office. "Elections: Views on Implementing Federal Elections on a Weekend." GAO -12-69. Washington, D.C. January 2012. Pp. 19-21.

⁸ Id. At 22.

equipment was properly stored and secured.⁹ The City has had to develop similar procedures for the 16 locations used during the Early Voting periods in 2003 and 2007. However, if a weekend election is expanded to cover the many hundreds and, possibly thousands of polling places, the City would have to devote considerable resources to overnight security measures to reduce the risk of a security breach. Costs can be expected to increase for staffing the polls for both days as well.

If the City were to switch to some form of weekend voting, it would have to address all the challenges identified above. As with Early Voting and Voting Centers, the City would also have to invest in an extensive voter outreach and education campaign, since most voters are accustomed to voting on Tuesdays and may be confused by the switch to a new day or days. Additionally, if the City were to switch the days it holds its elections, the City Charter would first have to be amended to establish the new day(s). The City's Election Code would also have to be revised accordingly.

Effect of Alternative Election Days/Dates on Voter Turnout

Research indicates that the day an election is held on does not affect voter turnout.¹⁰ Voter turnout in jurisdictions that permit Saturday or weekend voting is not significantly higher or lower than jurisdictions that hold their elections on Tuesdays.

In light of the City's liberal VBM program, statutes that allow voters to take time off from work to vote, and the option of reestablishing Early Voting, the City appears to have more viable options for increasing voter turnout and engaging voters than changing the day of the election.

Voter Turnout and Voter Participation

In general, voter turnout in any given election will be influenced by a variety of factors. These factors include voting method and procedural requirements, the number of competitive races, the number and subject matter of ballot measures, media coverage, and socio-economic demographics. Currently, the City Clerk is engaged in a multi-faceted voter outreach program called "LA City Votes-2013" that encourages City residents to actively participate in their municipal elections, not only as voters, but as pollworkers. This program includes:

- Participation in community events across the City;
- Voter education presentations at Los Angeles Unified School District/Los Angeles Community College District schools, senior centers, and housing communities;
- Quarterly meetings with community-based organizations as part of the Los Angeles Votes Committee;
- Distribution of election materials at City libraries and pollworker recruitment events;
- Print advertisements in 13 non-English newspapers;

⁹ Id. At 25.

¹⁰ Id at 32-41.

- Televised public service announcements; and,
- Development of a social media presence on websites like Facebook, Twitter, and YouTube.

In addition to ongoing outreach efforts, the City Clerk anticipates at least two developments outside the City to have a potential positive effect on the City's future voter turnout and participation: the County's continuing development of a new, customized voting system that meets the needs of voters in Los Angeles, and the State's recent adoption of same day voter registration.

Los Angeles County's Voting Systems Assessment Project

Since its inception in September 2009, the City has participated in the Los Angeles County's Voting Systems Assessment Project (VSAP), which was initiated to develop a new voting system that meets the County's needs. Since the City shares many characteristics with the County from an election administrative standpoint, and has worked with the County on developing a customized voting system in the recent past, the City has a continued interest in the development of a modern voting system that could also satisfy the City's election administration needs.

Currently, the VSAP is in the process of identifying voting system model and technical requirements as well as identifying procurement and development models. Overall implementation is scheduled for 2015 at the earliest. If the City were to adopt an alternative voting method, it will be necessary for this new voting system to be able accommodate such a change. As such, the City Clerk will continue to participate in the VSAP and communicate the City's specific voting system needs to the County.

Same Day Registration

Same Day Registration (also known as Election Day Registration) is a process that allows an unregistered voter to register to vote at their polling place or other designated location on the day of the election and cast a ballot. Currently, eight states and the District of Columbia allow same day registration. On average, these states typically have higher voter turnouts than the rest of the nation.¹¹

On September 24, 2012, Governor Jerry Brown signed a bill allowing same day registration (AB 1436) for all California elections. This law will go into effect once the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the Federal Help America Vote Act of 2002, which could take place as soon as 2014. If this is the case, same day registration may be an available feature for the 2015 Municipal Elections. In this instance, the City will require full cooperation with the County, which has sole jurisdiction over the voter registration database, in order to properly process new voters. Whenever same day registration is implemented throughout the State and the City, voter turnout will likely increase as a result.

¹¹ National Conference of State Legislatures. "Same-Day Voter Registration". Elections and Campaigns. Denver, Colorado. September 24, 2012.

Public Facilities in Municipal Elections

The LaBonge-Buscaino motion (C.F. 12-1780) requests that the City Clerk explore expanding the use of City facilities in future municipal elections. Indeed, the public's participation in elections is impacted by the convenience of the location of polling places throughout a jurisdiction. To ensure robust participation, polling places generally must be located in accessible, familiar, and spacious locations with sufficient parking, enclosed area with proper lighting, and amenities for pollworkers including restrooms. In addition, all polling places must be in compliance with requirements set forth in the Americans with Disabilities Act (ADA).

For its municipal elections, the City Clerk recruits polling places by using the LA RR/CC's Data Information System, which serves as a database of previously used polling places for all statewide and municipal elections, and by indirect research of appropriate locations. Staff assesses all polling place locations to ensure they meet all accessibility requirements and are convenient for the assigned voters.

Currently, public facilities are already the primary locations used as polling places in the City, such as Los Angeles Unified School District schools, City Recreation and Park facilities, Los Angeles Fire Department facilities, and other public facilities. The Clerk tries to get these locations without cost. The City also uses other locations such as places of worship, elder care facilities, private businesses, and some residences if necessary. However, these locations are subject to a more stringent screening process. In regards to private residences, there are residences that have historically served as polling places and, therefore, are continuously recruited, while others are recruited as a last resort for precincts that are primarily residential and/or cannot be co-located with another precinct. Residences tend to be less than 10% of the recruited polling places. In the 2011 Municipal Elections, of the 1571 precincts, 159 polling places were residences.

The City Clerk will continue to recruit City and other public facilities as a first option and, if necessary, recruit private neighborhood facilities as an alternative. Private residences will continue to be recruited as a last resort.

CONCLUSION

At this time, the Clerk is restrained by lack of a suitable certified electronic voting system that would enable the alternative voting methods discussed in this report. In addition, we face the challenges of insufficient funding and resources dedicated to both implementation and voter outreach, meeting all technical and legal requirements, and sufficient advance preparation time. Given the significant work that has already occurred for the 2013 Municipal Election, it is not feasible to implement these alternatives at this time, nor has funding been provided to do so. However, the City Clerk will be in a better position to conduct further research on these methods and what impact it may have on City elections and voter turnout after the 2013 Municipal

Honorable Members of the
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Elections have concluded. The City Clerk will continue to work with voting advocacy organizations to increase participation and voting outreach.

RECOMMENDATION:

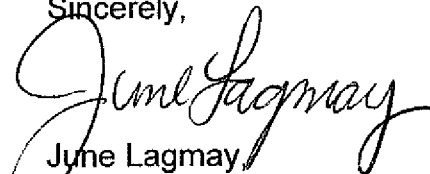
That the City Council Note and File this report.

FISCAL IMPACT

This is a report for informational purposes only and therefore there is no fiscal impact to the General Fund.

If you have any questions regarding this report, please contact me directly at (213) 978-1020.

Sincerely,


June Lagmay
City Clerk

JL/HW:amm
EXE-003-13