

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 20, 2013

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Assignment No. 12-12-1005
Council File No. 13-0002-S2

SUBJECT: Resolution (Koretz – Roendahl) on S.58 – the LINE Act of 2013

CLA RECOMMENDATION: ADOPT Resolution (Koretz – Rosendahl), which would include in the City's 2013-14 Federal Legislative Program SUPPORT of S.58, Senator Boxer's LINE Act, which would set minimum standards at polling places and ensure that nobody has to wait in line over an hour to cast a vote.

SUMMARY

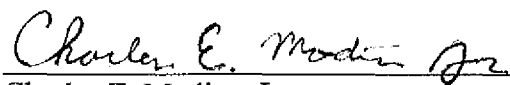
Resolution (Koretz – Rosendahl), introduced on December 13, 2012, is in support of S.58 (Boxer), the LINE Act, a bill that would set minimum standards at polling places to ensure that nobody has to wait in line more than an hour to vote. The Resolution states that in the most recent presidential election, some voters were faced with lines of up to seven hours at polling places, and that there were several additional reports of malfunctioning voting machines. The Resolution states that the LINE Act would ensure that long lines and voting machine problems would be eliminated before the next federal election.

S.58 was introduced by Senator Barbara Boxer (D – CA) on January 22, 2013, and was referred to the Senate Committee on Rules and Administration. The bill requires each state to provide for the minimum required number of voting systems, poll workers, and other election resources for each voting site on the day of any federal election and on any days in which early voting is allowed. The bill additionally directs the Attorney General to issue standards for a uniform and non-discriminatory distribution of voting systems, poll workers, and other resources in federal elections, with the goal of ensuring an equal waiting time for all voters in a state and preventing a waiting time of over 90 minutes at any polling place. The bill also requires those jurisdictions where a substantial number of voters waited more than 90 minutes in the 2012 presidential election to comply with a state remedial plan to minimize voter waiting times.

BILL STATUS

1/22/13 Introduced

1/22/13 Referred to Senate Committee on Rules and Administration


Charles E. Modica, Jr.
Analyst

Attachments:

- (1) Resolution (Koretz – Rosendahl)
- (2) S.58

13-0002-52

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the hallmark of this nation's democracy is the ability for its citizens to vote for its representatives and to take part in elections by freely going to their polling places to cast their votes without any undue obstacles; and

WHEREAS, on November 6th of this year, as the country came together as it does every four years to elect the next President of the United States, there were several reports of people in different parts of the country having to wait up to six or seven hours in line before they were able to cast their vote on a ballot; and

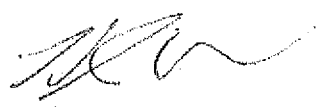
WHEREAS, there were additional reports of malfunctioning electronic poll books and voting machines, and many polling places reported that they lacked the staff and resources necessary to deal with the volume of voters that came to cast votes; and

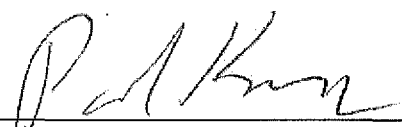
WHEREAS, no person should have to wait in line for seven hours just to cast his or her vote in a presidential election, and extremely long lines can in some cases be tantamount to denying people the ability to vote in the first place; and

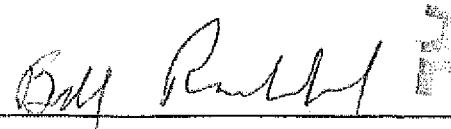
WHEREAS, California Senator Barbara Boxer has stated that she has introduced legislation, known as the Line Act, that would set minimum standards at polling places in the country to ensure that nobody has to wait in line for more than an hour, and additionally requires those places that experienced long lines during the November 6th election to implement remedial plans to fix their problems before the next federal election; and

WHEREAS, this legislation would ensure the ability of citizens to vote without needing to face undue hardships or hours of time just standing in line waiting to vote;

NOW, THEREFORE, BE IT RESOLVED, with concurrence of the Mayor, that with the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT of Senator Boxer's Line Act, which would set minimum standards at polling places and ensure that nobody has to wait in line over an hour to cast a vote.


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PRESENTED BY: 
Paul Koretz
Councilmember, 5th District

SECONDED BY: 

ORIGINAL

113TH CONGRESS
1ST SESSION

S. 58

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to ensure that voters in elections for Federal office do not wait in long lines in order to vote.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lines Interfere with
5 National Elections Act of 2013” or the “LINE Act of
6 2013”.

7 **SEC. 2. MINIMUM REQUIRED VOTING SYSTEMS, POLL**
8 **WORKERS, AND ELECTION RESOURCES.**

9 (a) **MINIMUM REQUIREMENTS.**—

1 (1) IN GENERAL.—Title III of the Help Amer-
2 ica Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
3 amended by adding at the end the following new
4 subtitle:

5 **“Subtitle C—Additional**
6 **Requirements**

7 **“SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND**
8 **POLL WORKERS.**

9 “(a) IN GENERAL.—Each State shall provide for the
10 minimum required number of voting systems, poll workers,
11 and other election resources (including all other physical
12 resources) for each voting site on the day of any Federal
13 election and on any days during which such State allows
14 early voting for a Federal election in accordance with the
15 standards determined under section 299.

16 “(b) VOTING SITE.—For purposes of this section and
17 section 299, the term ‘voting site’ means a polling loca-
18 tion, except that in the case of any polling location which
19 serves more than 1 precinct, such term shall mean a pre-
20 cinct.

21 “(c) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of this section on
23 and after September 15, 2014.”.

24 (2) CONFORMING AMENDMENT.—Section 401
25 of the Help America Vote Act of 2002 (42 U.S.C.

1 15511) is amended by striking “and 303” and in-
2 sserting “303, and subtitle C”.

3 (3) CLERICAL AMENDMENT.—The table of con-
4 tents of such Act is amended by adding at the end
5 of the items relating to title III the following:

“Subtitle C—Additional Requirements

“Sec. 321. Minimum required voting systems and poll workers.”.

6 (b) STANDARDS.—

7 (1) IN GENERAL.—Title II of the Help America
8 Vote Act of 2002 (42 U.S.C. 15321 et seq.) is
9 amended by adding at the end the following new
10 subtitle:

11 **“Subtitle E—Guidance and**
12 **Standards**

13 **“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM**
14 **REQUIRED VOTING SYSTEMS AND POLL**
15 **WORKERS.**

16 “(a) IN GENERAL.—Not later than January 1, 2014,
17 the Attorney General, to the maximum extent practicable
18 in coordination with the Commission, shall issue standards
19 regarding the minimum number of voting systems, poll
20 workers, and other election resources (including all other
21 physical resources) required under section 321 on the day
22 of any Federal election and on any days during which
23 early voting is allowed for a Federal election.

24 “(b) DISTRIBUTION.—

1 “(1) IN GENERAL.—The standards described in
2 subsection (a) shall provide for a uniform and non-
3 discriminatory distribution of such systems, workers,
4 and other resources, and shall take into account,
5 among other factors, the following with respect to
6 any voting site (as defined in section 321(b)):

7 “(A) The voting age population.

8 “(B) Voter turnout in past elections.

9 “(C) The number of voters registered.

10 “(D) The number of voters who have reg-
11 istered since the most recent Federal election.

12 “(E) Census data for the population served
13 by such voting site.

14 “(F) The educational levels and socio-eco-
15 nomic factors of the population served by such
16 voting site.

17 “(G) The needs and numbers of disabled
18 voters and voters with limited English pro-
19 ficiency.

20 “(H) The type of voting systems used.

21 “(2) NO FACTOR DISPOSITIVE.—The standards
22 shall provide that any distribution of such systems
23 shall take into account the totality of all relevant
24 factors, and no single factor shall be dispositive
25 under the standards.

1 “(3) PURPOSE.—To the extent possible, the
2 standards shall provide for a distribution of voting
3 systems, poll workers, and other election resources
4 with the goals of—

5 “(A) ensuring an equal waiting time for all
6 voters in the State; and

7 “(B) preventing a waiting time of over 1
8 hour at any polling place.

9 “(e) DEVIATION.—The standards described in sub-
10 section (a) shall permit States, upon giving reasonable
11 public notice, to deviate from any allocation requirements
12 in the case of unforeseen circumstances such as a natural
13 disaster or terrorist attack.”.

14 (2) CONFORMING AMENDMENT.—Section 202
15 of such Act (42 U.S.C. 15322) is amended—

16 (A) by redesignating paragraphs (5) and
17 (6) as paragraphs (6) and (7), respectively; and

18 (B) by inserting after paragraph (4) the
19 following new paragraph:

20 “(5) carrying out the duties described in sub-
21 title E;”.

22 (3) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended by adding at the end
24 of the items relating to title II the following:

“Subtitle E—Guidance and Standards

“Sec. 299. Standards for establishing the minimum required voting systems and poll workers.”.

1 **SEC. 3. REQUIREMENTS FOR JURISDICTIONS WITH SUB-**
 2 **STANTIAL VOTER WAIT TIMES.**

3 (a) **REMEDIAL PLANS FOR STATES WITH EXCESSIVE**
 4 **WAIT TIMES.—**

5 (1) **IN GENERAL.—**The Help America Vote Act
 6 of 2002 (42 U.S.C. 15301 et seq.) is amended by
 7 adding at the end the following new title:

8 **“TITLE X—REMEDIAL PLANS**
 9 **FOR STATES WITH EXCESSIVE**
 10 **WAIT TIMES**

11 **“SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCES-**
 12 **SIVE WAIT TIMES.**

13 “(a) **IN GENERAL.—**Each jurisdiction for which the
 14 Attorney General, to the maximum extent practicable in
 15 coordination with the Commission, determines that a sub-
 16 stantial number of voters waited more than 90 minutes
 17 to cast a vote in the election for Federal office held on
 18 November 6, 2012, or any election for Federal office held
 19 on or after such date, shall comply with a State remedial
 20 plan established under this section in accordance with sub-
 21 section (b).

22 “(b) **STATE REMEDIAL PLANS.—**The Attorney Gen-
 23 eral, to the maximum extent practicable in coordination
 24 with the Commission, shall establish for each State or ju-

1 jurisdiction which is required to comply with this section a
2 State remedial plan to minimize the waiting times of vot-
3 ers in the State or jurisdiction.

4 “(c) JURISDICTION DEFINED.—For purposes of this
5 section, the term ‘jurisdiction’ has the meaning given the
6 term ‘registrar’s jurisdiction’ in section 8(j) of the Na-
7 tional Voter Registration Act of 1993 (42 U.S.C. 1973gg-
8 6(j)).

9 “(d) FEDERAL REGISTER NOTICE.—Not later than
10 March 1 of the year following the year in which an election
11 for Federal office is held, the Attorney General, to the
12 maximum extent practicable in coordination with the Com-
13 mission, shall publish in the Federal Register a list of
14 States and jurisdictions that are required to comply with
15 a State remedial plan under this section.

16 “(e) STATE REMEDIAL PLAN CERTIFICATION.—Not
17 later than September 1 of the year following the year in
18 which the Attorney General publishes in the Federal Reg-
19 ister a list described in subsection (d), the governor of
20 each State included on the list shall submit to the Attor-
21 ney General a letter certifying that the State has made
22 a good faith effort to comply with the State remedial plan
23 established for the State under this section.”.

24 (2) CONFORMING AMENDMENT.—Section 401
25 of the Help America Vote Act of 2002 (42 U.S.C.

1 15511), as amended by section 2(a)(2), is amended
2 by striking “and subtitle C” and inserting “subtitle
3 C, and title X”.

4 (3) CLERICAL AMENDMENT.—The table of con-
5 tents of such Act is amended by adding at the end
6 the following:

“TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE
VOTER WAIT TIMES

“Sec. 1001. Remedial plans for States with excessive voter wait times.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of enactment of
9 this Act.

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