



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

April 24, 2019

Alex Padilla
Secretary of State
State of California
1500 11th Street
Sacramento, CA 95814

Dear Mr. Padilla:

The U.S. Commission on Civil Rights is pleased to transmit to your office our California Advisory Committee's [report](#), *Voting Integrity in California Issues and Concerns in the 21st Century*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the California Committee's focused attention on the general compliance by the state with the federal Help America Vote Act (HAVA) of 2002.

The Commission requests that your office review the recommendations on pp. 42-44 in the [report](#). They are also attached to this letter in a stand-alone "Recommendations" document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction. The report also recommends actions by the county registrars in the state.

The Commission's 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*, was informed in part by the work of our state Committees, including our California Committee.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Lhamon".

Catherine E. Lhamon
Chair

cc: Betty Wilson, Chair, California Advisory Committee

Encl. Recommendations in report (PDF)

**Report of the California Advisory Committee
to the U.S. Commission on Civil Rights:**

Voting Integrity in California: Issues and Concerns in the 21st Century

Recommendations

The recommendations below are not listed by preference of suggested action.

- 1) Training for Election Officials and Poll Workers
 - a. Include awareness and knowledge of applicable election laws (HAVA, NVRA, California Election codes, and the U.S. Constitution) and of the poll workers' authorities;
 - b. Increase length of training time of election workers;
 - c. Verify that an election official or poll worker completed recommended online training instruction;
 - d. Establish citizen oversight ensure training materials correspond to the law;
 - e. Train poll workers to follow California Election Code §14215, asking voters to state their names and addresses - in their own words -to avoid voter impersonation.

- 2) Citizen Oversight
 - a. Provide expert citizen election integrity oversight for the pending VoteCal statewide voter registration database;
 - b. To ensure instructions to poll workers and election officials correspond to election laws, provide expert citizen oversight of training procedures and materials, and voting and election materials.

- 3) The Disabled Voter
 - a. Legislation required to assure that current and future digital or computerized voting systems are accessible and will accommodate voters with disabilities;
 - b. Poll workers shall be provided training, communication, and accommodations for voters with disabilities;
 - c. All polling sites shall be accessible to voters with disabilities.

- 4) Office of the Secretary of State
 - a. Appoint a non-partisan citizen election integrity and oversight organization with authority to assess VoteCal, its methods, and test results;
 - b. Clarify the state's current standards for voting, election processes, voting equipment and systems and assure procedures and equipment are in compliance with state and federal disability laws;

- c. Clarify the process by which the Secretary of State verifies that the person applying to vote, whether through online registration, DMV registration, or in-person registration, is eligible to vote;
- d. Inform public agencies that only those agencies mandated to examine and verify proof of citizenship shall process voter registration applications;
- e. Create and advertise the complaint procedure by which citizen complaints about the administration of elections are addressed and rectified;
- f. Recommend to the California legislature an upgrade of all coded obstacles to the modernization of California's election process and voting systems (Election Code Article 4, Sections §19217, §9217, §19250 (a), §14223 (b));
- g. Recommend each California county standardize its forms and costs for citizen organizational purchases of voter data;
- h. Verify that every poll location is accessible to voters with disabilities;
- i. Clearly state the methodology used to report prior HAVA expenditures in the HAVA spending plan.

5) County Registrars of Voters

- a. To prevent inaccurate voter turnout statistics and possible election results, follow HAVA and California Election Code procedures for the distribution of provisional ballots;
- b. To ensure voters' privacy and ballot integrity during handling, redesign absentee ballot forms and improve current processing procedures for security;
- c. To prevent impersonation and fraud, timely remove deceased, inactive and ineligible voters from voter lists according to HAVA's suggestions;
- d. Establish standard fee schedules for citizen groups requesting public documents and lists;
- e. Verify that every poll location is accessible for voters with disabilities;
- f. In accord with election laws, train election officials and poll workers in the handling of provisional, absentee, and in-person ballots;
- g. Clarify the procedures by which registrars of voters process and rectify election complaints;
- h. Provide citizen oversight of training manuals and materials, poll worker training, and at election polls and voting centers;
- i. Train poll workers and election officials in the proper use of California Election Code §14216, which, without a voter ID requirement, provides for self-identification.

6) Upgrade Outdated Election Laws (Legislation Required)

- a. Modernization requirements -
 - A. Upgrade outdated California Election Codes (Article 4, Sections §19217, §9217, §19250 (a), and §14223 (b)):
 - i. Permit digital and telephone access for voter systems;
 - ii. Allow connectivity to the internet;

- iii. Allow electronic transmission of election data through exterior communication networks;
 - iv. Allow wireless communications or wireless data transfers;
 - v. Allow a remote server to store any voter's identifiable selections and tabulate votes using military grade encryption;
 - B. Reconsider the requirements of federal qualification and accessible voter verified paper audit trails for voting systems;
 - b. Upgrade and revise the Military and Overseas Voter Empowerment Act of 2009 (MOVE) to incorporate military grade encryption for secure online voting;
 - c. Allow poll workers to redact voters' street addresses when posting precinct voter lists near poll entrances to prevent harvesting of data used for voter impersonation.
- 7) California's "Motor Voter" Law – AB1461
- a. Pass AB 2067 amending AB 1461 to -
 - a. Create a clear, mandated procedure by which the citizenship status of all potential registrants will be verified prior to uploading information to the Secretary of State;
 - b. Establish oversight provisions;
 - c. Authorize ongoing education and/ training for Department of Motor Vehicles (DMV) personnel

<https://www.usccr.gov/pubs/docs/07-24-Voting-Integrity-in-CA.pdf>