

Date of Hearing: April 4, 2018

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 2165 (Low) – As Introduced February 12, 2018

SUBJECT: Election day holiday

SUMMARY: Makes the first Tuesday after the first Monday in November of each even-numbered year a state holiday. Specifically, **this bill:**

- 1) Provides that the first Tuesday after the first Monday in November in any even-numbered year is a holiday in the state. Provides that all state employees are entitled to this holiday.
- 2) Requires public schools to be closed on the first Tuesday after the first Monday in November in any even-numbered year. Provides that probationary and permanent school employees that are a part of the classified service are entitled to a paid holiday on that day, as specified.
- 3) Requires community colleges to be closed on the first Tuesday after the first Monday in November in any even-numbered year. Provides that probationary and permanent college employees that are a part of the classified service are entitled to a paid holiday on that day, as specified.
- 4) Requires that the first Tuesday after the first Monday in November in any even-numbered year is to be included in the list of days in which regional centers shall not compensate a work activity program, activity center, adult development center, behavior management program, social recreation program, adaptive skills trainer, infant development program, program support group (day service), socialization training program, client/parent support behavior intervention training program, community integration training program, community activities support service, or creative arts program, for providing service to a consumer.

EXISTING LAW:

- 1) Provides that the holidays in the state are:
 - a) Every Sunday.
 - b) January 1.
 - c) The third Monday in January, known as "Dr. Martin Luther King, Jr. Day."
 - d) February 12, known as "Lincoln Day."
 - e) The third Monday in February.
 - f) March 31, known as "Cesar Chavez Day."
 - g) The last Monday in May.

- h) July 4.
 - i) The first Monday in September.
 - j) September 9, known as "Admission Day."
 - k) The fourth Friday in September, known as "Native American Day."
 - l) The second Monday in October, known as "Columbus Day."
 - m) November 11, known as "Veterans Day."
 - n) December 25.
 - o) Good Friday from 12 noon until 3 p.m.
 - p) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.
- 2) Designates holidays on which community colleges and public schools are required to close.
 - 3) Entitles state employees, with specified exceptions, to be given time off with pay for specified holidays.
 - 4) Designates optional bank holidays.
 - 5) Prohibits an election from being held on the day before, the day of, or the day after, a state holiday.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author: "In 2014, California saw historically low voter turnout, with just 25% of registered voters participating in the primary, and just 42% of registered voters participating in the general election. According to a study from the Pew Research Center, work and school conflicts were the most common reason cited by eligible voters who did not vote in 2014. This is a particular problem for low income communities who face financial roadblocks to taking unpaid time off to vote.

While state law allows Californians to take up to two hours off from work, without loss of pay, to cast a ballot, the state can do more to help facilitate voter participation. Observing a state holiday on Election Day would eliminate work and school conflicts that many voters face.

AB 2165 ensures Californians will have the time and opportunity to vote by making the day of statewide general elections in November of even-numbered years a state holiday. AB 2165 demonstrates California's strong and unwavering commitment to democracy by eliminating barriers to voter participation and ensuring that the electoral process is open and accessible to all voters."

National Commission on Election Reform (NCER): The NCER, which was co-chaired by former Presidents Jimmy Carter and Gerald Ford and is sometimes known as the Carter-Ford Commission, was formed in the wake of the 2000 Presidential election to quickly evaluate the body of research on election reform, review policy proposals, and offer a bipartisan analysis to the Congress, the President, and the American people. In 2002, Congress approved and the President signed into law the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). The intent of HAVA was to "establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections," among other purposes. Many of the provisions of HAVA were based in part on recommendations from the NCER. One of the recommendations made by the NCER was that Congress should enact legislation to hold presidential and congressional elections on a national holiday - possibly by moving Veterans Day to coincide with Election Day in even numbered years. The NCER report concluded, "[h]olding national elections on a national holiday will increase availability of poll workers and suitable polling places and might make voting easier for some workers."

Election Assistance Commission (EAC): The U.S. Election Assistance Commission is an independent, bipartisan commission created by the Help America Vote Act (HAVA) of 2002 to assist State and local election officials with the administration of Federal elections. In a national survey of voters in 2008 they found that 51 percent of individuals favored establishing an Election Day Federal holiday compared with 45 percent who opposed it. They further investigated the implementation of the statewide Election Day holiday in Maryland. EAC researchers interviewed local election officials in eight counties in Maryland: Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Harford, Montgomery, and Washington Counties. They found: "In Carroll County, 32 of 33 polling places are in schools. In Montgomery County, 600 to 700 high school students work on Election Day at polling places, either as poll workers or helping in other ways during busy hours early in the morning and later in the evening. Election officials in a smaller jurisdiction also prefer using the closed schools as polling places. Election officials interviewed from all eight counties say they have more poll workers when State offices are closed. In Harford County, for example, 15 to 20 percent of the 800 poll workers are State employees who have the day off."

Support: According to the California School Employees Association, (CSEA), AFL-CIO, State law allows Californians to take up to two hours off from work, without loss of pay, to cast a ballot. However, Election Day is often characterized by long lines at polling places before and after work making voting impossible for many workers. The state can do more to help facilitate greater voter participation. Observing a state holiday on Election Day will eliminate work and school conflicts that many voters face.

Schools are especially busy during early November. Many CSEA members will not take time off to vote if they feel their services are needed on campus. CSEA members often work two jobs and finding time between shifts is also not an option. Although employees are legally allowed time off to vote, managers still discourage employees from leaving during their workday. AB 2165 ensures that classified employees will have the time and opportunity to vote by making the statewide general election a holiday.

States with an Election Day Holiday: Currently, fourteen states – Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Montana, New Jersey, New York, Rhode Island, West Virginia, and Wisconsin – and the territory of Puerto Rico, make election day a holiday.

Double Referral: AB 2165 was first heard in Assembly Committee on Elections and Redistricting on March 21, 2018, and passed on a 5-1 vote.

Prior Legislation: AB 674 (Low), 2017-2018 Legislative Session. Would have made the first Tuesday after the first Monday in November of each even-numbered year a state holiday. (Held in Assembly Appropriations Committee)

AB 2634 (Torrice), 2007-2008 Legislative Session. Would have made the first Tuesday after the first Monday in November of each year in which a statewide or national election is held a state holiday. (Never heard in Governmental Organization Committee)

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union of California
Asian Law Alliance
California Association of Nonprofits
California Federation of Teachers
California Labor Federation
California School Employees Association, AFL-CIO
FairVote California
Indivisible East Bay
Service Employees International Union

Opposition

None on file.

Analysis Prepared by: Kenton Stanhope / G.O. / (916) 319-2531