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April 9, 2021

Honorable Marc Berman
Chair, Elections Committee
California State Assembly
Capitol Building, Room 3123
Sacramento, CA 95814

RE: AB 53 (LOW) as amended March 15, 2021 – SUPPORT

Dear Assembly Member Marc Berman:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 53**. This bill is scheduled for hearing before Assembly Elections Committee on April 15, 2021.

Current 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, creating a barrier to voting for many workers. In 2014, a Pew poll of registered voters who failed to vote in that year's election found that 35 percent of respondents cited work and school scheduling conflicts as their reason for not voting.

California can do more to help facilitate greater voter participation. Observing a state holiday on Election Day will eliminate work and school conflicts faced by many voters. Eighteen states and Puerto Rico have already declared Election Day a holiday. Over 300 companies — including California's own Patagonia, Paramount Pictures, Lyft, Levi Strauss, and Twitter — have pledged to give their employees time off during Election Day, and many of these give their employees the entire day as a holiday.

The Americans with Disabilities Act (ADA) is a federal civil rights law that provides protections to people with disabilities to ensure that they are treated equally in all aspects of life. Title II of the ADA requires state and local governments (“public entities”) to ensure that people with disabilities have a full and equal opportunity to vote. The ADA’s provisions apply to all aspects of voting, including polling places (or vote centers). Voting at one’s polling place allows voters the chance to interact with neighbors and candidates who talk with voters outside the polling place, and to ask questions of or receive assistance from trained poll workers inside the polling place. Simply put, voting in person at a local polling place is the quintessential American voting experience.

In cities throughout the state, people cast their ballots in a variety of facilities that temporarily serve as polling places, such as libraries, schools, and fire stations, or churches, stores, and other private buildings. Voters include people with a variety of disabilities, such as those who use wheelchairs, scooters, or other devices, those who have difficulty walking or using stairs, or those who are blind or have vision loss. However, the Government Accountability Office estimates that only 27% of polling places were accessible to people with disabilities in the 2008 elections.¹ This means that 73% of the polling places used in 2008 had architectural barriers that made it difficult or even impossible for people with disabilities to enter their polling place and vote side by side with their neighbors.

People with disabilities must have the opportunity to be full participants in an integrated civic event. The ADA requires that public entities ensure that people with disabilities can access and use all of their voting facilities. Because a mix of public and private facilities are used as polling places, public entities may ensure Election Day accessibility of a polling place by using low-cost temporary measures, such as portable ramps or door stops, rather than necessarily making permanent modifications to a facility. If temporary measures will not fix a barrier, and public entities are unable to make a permanent modification to fix the barrier, then the public entity must look for an alternative, accessible polling place.

In some circumstances, when a public entity is unable to identify or create an accessible polling place for a particular voting precinct or ward, election administrators may instead use an alternative method of voting at the

¹ U.S. Government Accountability Office Report: Voters with Disabilities; Additional Monitoring of Polling Places Could Further Improve Accessibility; September 2009. [“Return to Main Document”](#)

polling place. Public entities are encouraged to make permanent modifications to their facilities used as polling places, such as schools, community centers, and town halls. The use of temporary measures to provide access to polling places on Election Day does not change a public entity's obligations under the ADA to ensure that its other programs and services are accessible to people with disabilities, or does it mean that a temporary remedy would be appropriate in a public facility on an everyday basis.²

AB 53 ensures that Californians will have the time and opportunity to participate in our civic life by making Election Day a state holiday. This important legislation demonstrates California's strong commitment to democracy by eliminating barriers to voter participation and ensuring that the electoral process is open and accessible to all voters.

For these reasons, DRC supports this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Harris", with a stylized flourish at the end.

Eric Harris
Director of Public Policy
Disability Rights California

cc: Honorable Members, Assembly Elections Committees
Honorable Evan Low, California State Assembly
Cassie Mancini, Office of Assembly Member Low
Daryl Thomas, Consultant, Assembly Republican Caucus

² Americans with Disabilities Act. ADA Checklist for Polling Places. U.S. Department of Justice, Civil Rights Division. [ADA Checklist for Polling Places 2016](#) ["Return to Main Document"](#)