

Voter's Choice Act Frequently Asked Questions

1. What is the public input process for drafting and submitting an Election Administration Plan (EAP)?

Counties that wish to adopt the Voter's Choice Act must develop an election administration plan in consultation with the public, including voters who speak a covered language under Elections Code §14201 and Section 203 of the federal Voting Rights Act of 1965, voters with disabilities and advocates for both populations. The public input periods should follow the order below and be named accordingly.

Step 1: Issue 10-day notice of public consultation with voters who speak a covered language and related advocacy groups

Step 2: Issue 10-day notice of public consultation with voters with disabilities and related advocacy groups

Step 3: Hold language access consultation

Step 4: Hold voter accessibility consultation

Step 5: Publish draft EAP for 14-day comment period

Step 6: Issue 10-day notice of public hearing

Step 7: Hold public hearing on the EAP

Step 8: Publish amended draft EAP for 14-day comment period

Step 9: Submit final education and outreach plan to SOS for approval

Step 10: SOS approves final education and outreach plan

Step 11: Post an accessible version of the EAP in each language covered under Elections Code §14201 and Section 203 of the federal Voting Rights Act of 1965 on the county website.

Step 12: Hold bilingual voter education workshop for each language in which the county is required to provide voting materials and assistance in a language other than English under subdivision (a) of Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.)

Step 13: Hold at least one voter education workshop to increase accessibility and participation of eligible voters with disabilities.

2. Are Election Administration Plan (EAP) renewals required to be approved by the Secretary of State?

Yes, counties that are due for a two-year or four-year EAP renewal shall hold public meetings described in Elections Code §4005(a)(10)(C)-(F) to consider revising the 2-year and 4-year plans (Elections Code §4005(a)(10)(G)). To consider revising the EAP, follow these steps:

Step 1: Publish Draft EAP for 14-day comment period

Step 2: Issue 10-day notice of public hearing

Step 3: Hold public hearing on the EAP

Step 4: Publish amended draft EAP for 14-day comment period

Step 5: Submit final EAP to SOS for approval

Step 6: SOS approves final education and outreach plan.
Step 7: Post an accessible version of the EAP in each language covered under Elections Code § 14201 and Section 203 of the federal Voting Rights Act of 1965 on the county website.

3. Can Language Access Advisory Committees (LAACs) and Voter Accessibility Advisory Committees (VAACs) be combined?

These committees can only be combined if there are fewer than 50,000 registered voters in the county, per Elections Code § 4005(a)(9)(C). The Secretary of State's Office recommends that LAACs and VAACs be separate, if possible, to allow for specific input from populations with similar needs.

4. Can transitioning counties conduct a special election under the VCA election model without having first conducted a statewide election as a VCA county?

Yes, but the county must meet certain requirements as outlined in Elections Code § 4005(b):

- Adopt a final EAP pursuant to Elections Code § 4005(a)(10)(E)(i). This means that the county must have completed all activities provided for in the voter education and outreach plan required by Elections Code § 4005(a)(10)(I)(i) before the day of the special election. (Elections Code § 4005(b)(1)(B))
- On the day of election, provide one vote center for every 30,000 registered voters. (Elections Code § 4005(b)(2)(A))
 - For jurisdictions with less than 30,000 registered voters, counties must make a reasonable effort to establish a vote center. (Elections Code § 4005(b)(2)(B))
- Provide one vote center for every 60,000 registered voters beginning 10 days before the election. (Elections Code § 4005(b)(3)(A))
 - For jurisdictions with less than 30,000 registered voters, counties must make a reasonable effort to establish a vote center. (Elections Code § 4005(b)(3)(B))
- Provide at least one ballot drop-off location for every 15,000 registered voters no later than 28 days before the election. (Elections Code § 4005(b)(4)(A))
 - For jurisdictions with less than 15,000 registered voters, counties must provide at least one ballot drop-off location. (Elections Code § 4005(b)(4)(B))

5. If no amendments are made to the Election Administration Plan (EAP) during development process and before adoption, will the second round of public comment be required?

No, a second round of public comment is not required if no amendments are made to the EAP in the development process.

This secondary public comment period required under Elections Code section 4005(a)(10)(D)(ii) is specifically to share amendments with the public and is not required to be held if no amendments are made after the first public comment period and public hearing.

6. If an Election Administration Plan (EAP) is amended within 120 days of an election, does the EAP need to go through the required public comment periods?

Elections Code section 4005(a)(10)(H) governs in this instance. With fewer than 120 days to the election, no public comment period is required, only reasonable public notification. However, with more than 120 days to the election, a public notification and comment period is required.