SENATE JUDICIARY COMMITTEE Senator Thomas Umberg, Chair 2023-2024 Regular Session

AB 2642 (Berman) Version: May 2, 2024

Hearing Date: June 25, 2024

Fiscal: Yes Urgency: Yes

AM

SUBJECT

Elections: intimidation

DIGEST

This bill prohibits a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person who is participating in any of the certain election related activities or due to their status as a past or present participant in the administration of elections. The bill authorizes private enforcement by a person a person aggrieved by a violation of these provisions, by the Attorney General, and by an officer holding an election or conducting a canvass on behalf of an aggrieved person who is in the officer's jurisdiction or is eligible to vote in the officer's jurisdiction, as specified. The bill establishes a presumption that a person who openly carries a firearm or imitation firearm while interacting with or observing one or more persons engaging in any of the specified voting activities, or interacting with or observing a person due to their status as a past or present participant in the administration of elections, are presumed to have engaged in intimidation prohibited by this bill in the absence of an affirmative showing to the contrary by a preponderance of the evidence.

EXECUTIVE SUMMARY

In light of the increase in threats and violence towards election workers and voters since the 2022 election and unfounded allegations of both voter and election fraud, the author and sponsors argue this bill is necessary to protect both election workers and voters. This bill is sponsored by the Brennan Center for Justice and the GIFFORDS Law Center to Prevent Gun Violence. The bill supported by Secretary of State, Shirley N. Weber, Ph.D and various organizations, including the Brady Campaign, Disability Rights California, numerous branches of Indivisible CA, and organizations that support voting rights. No timely opposition was received by this Committee. This bill is an urgency statute. The Senate Elections and Constitutional Amendments Committee passed this bill on a vote of 6 to 1.

PROPOSED CHANGES TO THE LAW

Existing federal law:

- 1) Provides that a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. (U.S. Const. 2nd amend. (Second Amendment) & 14th amend.; see Gitlow v. People of State of New York (1925) 268 U.S. 652, 666 (First Amendment guarantees apply to the states through the due process clause of the Fourteenth Amendment).)
- 2) Provides that whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined or imprisoned not more than one year, or both. (18 U.S.C. § 594.)
- 3) Provides that no person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote. (52 U.S.C. § 10307(a).)
- 4) Provides that no person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under, specified sections of law. (*Id.* at (b).)

Existing state law:

- 1) Provides that the Secretary of State (SOS) is the chief elections officer of the state, and shall administer the provisions of the Elections Code. Requires the SOS to see that elections are efficiently conducted and that state election laws are enforced. (Gov. Code § 12172.5(a).)
- 2) Provides that voters have a right to cast a secret ballot free from intimidation. (Elec. Code § 2300(a)(4).)
- 3) Makes it a felony for a person to interfere with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted. Provides that "officers holding an election or conducting a canvass"

includes, but is not limited to, the SOS as the chief elections officer, and their staff, as it relates to performance of any of their duties related to administering the provisions of the Elections Code, and elections officials and their staff, including temporary workers and poll workers, and members of a precinct board, in their performance of any duty related to assisting with holding an election or conducting a canvass. Provides that "holding an election or conducting a canvass" includes, but is not limited to, the election observation process governed by the Elections Code and applicable regulations adopted by the SOS. Provides that "voting at an election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations, and voting by mail and returning a voted ballot. (Elec. Code § 18502.)

- 4) Makes it a felony for a person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, or to hire or arrange for another person to do so, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election. Provides that "voting at any election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations, and voting by mail and returning a voted ballot. (Elec. Code § 18540.)
- 5) Makes it a crime punishable by a fine, by imprisonment in county jail or in state prison, or by both a fine and imprisonment, for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place, or to hire or arrange for another such person do so, without written authorization of the appropriate city or county elections official. Defines "immediate vicinity" to mean the area within 100 feet of the room or rooms in which the voters are signing the roster and casting ballots. (Elec. Code § 18544, 18545, & 18546(b).)
- 6) Makes it a crime punishable by imprisonment in county jail or in state prison for a person to knowingly challenge a person's right to vote without probable cause or on fraudulent or spurious grounds; to engage in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting; or to fraudulently advise any person that the person is not eligible or registered to vote when in fact that person is eligible or is registered, or who violates a provision of existing law relating to challenges of voters at a polling place. Makes it a felony to conspire to violate these provisions. (Elec. Code § 18543.)
- 7) Makes it a misdemeanor for a person to openly carry an unloaded handgun on the person while in or on a public place or public street, as specified. (Pen. Code § 26350.)

- 8) Provides that a person is guilty of carrying an unloaded firearm that is not a handgun when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in any of the following areas:
 - a) an incorporated city or city and county; or
 - b) a public place or a public street in a prohibited area of an unincorporated area of a county; and except as specified, makes a violation a misdemeanor. (Pen. Code § 26400.)

This bill:

- 1) Establishes the Protecting Elections from Armed Coercion and Extremism (PEACE) Act and defines the following terms for the purposes of the Act:
 - a) "Firearm" to mean a device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion. It includes any firearm that is in the nature of an air gun, spring gun or pistol, or other weapon in which the propelling force is a spring, an elastic band, carbon dioxide, compressed or other gas or vapor, or air or compressed air, or is ignited by compressed air, and that ejects a bullet or missile smaller than three-eighths of an inch in diameter with sufficient force to injure a person that is so substantially similar in coloration and overall appearance to an existing firearm or weapon as to lead a reasonable person to perceive that the device is a firearm or weapon.
 - b) "Imitation firearm" has the same meaning as in Section 16700 of the Penal Code.
 - c) "Law enforcement officer" has the same meaning as in Section 13519.05 of the Penal Code.
 - d) "Officer holding an election or conducting a canvass" has the same meaning as in Section 18502 of the Elections Code.
 - e) "Open carry" has the same meaning as in Section 26350 of the Penal Code, except *this* definition applies to any firearm or imitation firearm that is openly carried and applies to any firearm that is openly carried, regardless of whether the firearm is loaded.
 - c) "Voting" to include any action necessary to make a vote effective in a primary, special, or general election, including registration or other action required by law as a prerequisite to voting, casting a ballot by any method permitted by law, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to a candidate or measure for which votes are received in an election.
- 2) Prohibits a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person for any of the following:
 - d) Voting or attempting to vote.
 - e) Urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise.
 - f) Exercising any powers or duties to administer elections, including counting votes, canvassing, and certifying an election in accordance with existing law.

- g) That other person's status as a past or present participant in the administration of elections.
- 3) Provides, in any suit to enforce 2), above, that a person who openly carries a firearm or imitation firearm while interacting with or observing one or more persons engaging in any of the activities described above in a) through c), or interacting with or observing a person due to their status describe in d), of 2), above, are presumed to have engaged in intimidation prohibited by this bill in the absence of an affirmative showing to the contrary by a preponderance of the evidence.
 - h) Provides that a law enforcement officer acting within the scope of their official duties are not subject to this presumption, but a court may nonetheless consider a law enforcement officer's possession of a firearm in determining whether the officer violated the provisions of this bill.
- 4) Provides that a person aggrieved by a violation of the prohibitions described in 2) may enforce the provisions of this bill in a suit at law or in equity, or both. Entitles a prevailing plaintiff to recover reasonable attorney fees, reasonable expert fees, reasonable litigation expenses, and all such fees as are appropriate as part of the costs to be determined by a court of competent jurisdiction.
- 5) Authorizes an officer holding an election or conducting a canvass to enforce the provisions of this bill and to institute an action for equitable relief on behalf of an aggrieved person who is in the officer's jurisdiction or is eligible to vote in the officer's jurisdiction.
- 6) Authorizes the AG to enforce the provisions of this bill and to institute for the state, or in the name of the state, an action for equitable relief, including an application for a temporary or permanent injunction, restraining order, or other order.
- 7) Provides that a suit brought by an officer holding an election or conducting a canvass or the AG under the provisions of this bill does not preclude a contemporaneous private suit by an aggrieved person to enforce the provisions of this bill.
- 8) Authorizes a court to grant relief enjoining the use or carrying of firearms by a defendant beyond the areas defined in a suit to enforce these provisions. Specifies that this does not limit the court's authority to grant any other just and equitable relief.
- 9) Provides that in order to prevail in a suit to enforce the provisions of this bill, a plaintiff need not prove that a defendant intended to intimidate, threaten, or coerce any person, except in order to prove an attempt to intimidate, threaten, or coerce. Permits a court to nonetheless consider evidence of intent in determining the appropriate relief.
- 10) Provides that the provisions of the bill are cumulative and not to be construed as restricting the application of any other law.

11) Contains an urgency clause, allowing this bill to take effect immediately upon enactment, and contains various findings and declarations.

COMMENTS

1. Stated need for the bill

The author writes:

In an era when our nation faces an epidemic of gun violence, as well as escalating threats to elections officials and volunteers, we must prepare for the worst and continue to strengthen our election security and accessibility. California voters and election workers are among those who are at risk of experiencing intimidation and violence. As a result, there has been a nationwide exodus of workers from the job. In California, 41% of the state's counties now have a new chief local elections official, and 44% of voters will see a different election administrator for the 2024 election than the official who oversaw the 2020 election.

AB 2642 would protect voters and election workers by strengthening and supplementing existing anti-intimidation laws by providing civil remedies to anyone who experiences intimidation, threats, or coercion while engaging in election-related activities. The PEACE Act would make it clear that the polling place is not the place for guns by creating a presumption that people who carry firearms around election activities or workers did so to intimidate. California has long been at the forefront of implementing sensible gun reform and strengthening access to our elections, the PEACE Act would continue this work and ensure that Californians have the freedom to vote without the fear of intimidation.

2. Background

Despite the fact that existing law provides several statutory protections for both voters and election workers, surveys have reported that 17 percent of America's local election officials have been threatened due to their jobs during the 2020 election cycle.¹ These spikes in threats and harassment are attributed to former President Trump and his associates' claims of fraud in the 2020 election. For example, Tommy Gong, an Asian-American county clerk-recorder in San Luis Obispo, was accused of being a member of the Chinese Communist Party for refusing to conduct an audit of the 2020 election and the county's voting machine because such an audit is prohibited by state law.² After this accusation, months of harassment, nationwide threats against election officials, and

¹Zack Beauchamp, 'We are going to make you beg for mercy': America's public servants face a wave of threats, Vox.com, (Nov. 18, 2021), available at https://www.vox.com/22774745/death-threats-election-workers-public-health-school.)

² Amanda Wernik, Former SLO County Clerk-Recorder Tommy Gong reflects on election denialism after 2020 election, KCBX, (Jun. 16, 2023), available at https://www.kcbx.org/government-and-politics/2023-06-16/former-slo-county-clerk-recorder-tommy-gong-reflects-on-election-denialism-after-2020-election.

documented increases in hate crimes toward Asians led him to have concerns for the safety of his family and himself, eventually leading to him leaving his position. In December 2020, the Michigan Secretary of State reported having armed protesters surround her home while she and her four-year-old son were inside.³ In the wake of similar experiences, multiple states have moved to increase criminal penalties against those who threaten election workers.⁴

One of the sponsors of the bill, the Brennan Center for Justice, notes:

The urgency for AB 2642 was recently emphasized in a report titled "Guns and Voting" that we co-authored with the Brennan Center for Justice. This report underscores how unfounded conspiracies about elections and voter fraud have precipitated an unprecedented surge in threats and violence towards election workers and voters. High rates of gun ownership, coupled with legal challenges to gun safety laws brought by gun rights advocates following the U.S. Supreme Court's decision in NYSRPA v. Bruen, 142 S. Ct. 2111 (2022), has further exacerbated these challenges.

A Global Project Against Hate and Extremism report found that only 41% of respondents now feel safe at their polling places. This figure is even lower for Hispanic (37%), Black (28%), and 18-25 year old (26%) respondents. Such fears have contributed to a nationwide exodus of election workers. Specifically, in California, between 2020 and 2024, 44% of election administrators in California left their positions, resulting in a significant loss of invaluable experience and institutional knowledge.

3. <u>Bill enacts more protections for voters and election workers</u>

a. Prior legislation

The Legislature has attempted to address the rising threats and harassment against election officials by enacting SB 1131 (Newman, Ch. 554, Stats. 2022) required a county elections official, upon application of a qualified worker, to make confidential that qualified worker's residence address, telephone number, and email address appearing on the affidavit of registration. SB 1131 also prohibited the names of precinct board members from being listed when posting information about precinct board members, as specified. Last year, SB 485 (Becker, Ch. 611, Stats. of 2023) clarified the law to ensure the applicability of the term "officers holding an election" included elections officials

³ Bill Chappell, *Michigan Secretary of State Says Armed Protesters Descended on Her Home Saturday*, NPR, (Dec. 7, 2020), available at https://www.npr.org/sections/biden-transition-updates/2020/12/07/943820889/michigan-secretary-of-state-says-armed-protesters-descended-on-her-home-saturday (as of Apr. 21, 2022).

⁴ Rick Rouan and Deborah Barfield Berry, *Election workers faced new threats after* 2020 *election. Experts fear it will drive them away.* USA Today (Feb. 7, 2022) available at <u>Election workers faced new threats after 2020 election. Experts fear it will drive them away (yahoo.com)</u> (as of Apr. 17, 2022).

and their permanent staff, temporary workers and volunteers who conduct certain tasks during the election and canvass, and that the applicability of the phrase "holding an election or conducting a canvass" and the phrase "voting in an election" were updated to reflect recent election reforms and changes in the way voters are choosing to return their ballots.

b. Prohibits the intimidation, threat, or coercion of various activities related to voting

This bill would address this issue by prohibiting a person from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any other person who is participating in any of the following election related activities:

- voting or attempting to vote;
- urging or aiding any person to vote or attempt to vote, whether as part of official election administration activity or otherwise;
- exercising any powers or duties to administer elections, including counting votes, canvassing, and certifying an election in accordance with Division 15; and
- that other person's status as a past or present participant in the administration of elections.

The bill authorizes enforcement in three different ways:

- A person who is a victim of the unlawful activity may bring a suit to enforce these provisions, and can recover reasonable attorney fees, reasonable expert fees, reasonable litigation expenses, and all such fees as are appropriate as part of the costs to be determined by a court of competent jurisdiction if they prevail.
- An election officer holding an election or conducting a canvass may bring an action for equitable relief on behalf of an aggrieved person who is in the officer's jurisdiction or is eligible to vote in the officer's jurisdiction.
- The Attorney General may enforce the Act and may institute for the state, or in the name of the state, an action for equitable relief, including an application for a temporary or permanent injunction, restraining order, or other order.

The bill specifies that a suit brought by the Attorney General or an election officer holding an election or conducting a canvass does not preclude a contemporaneous private suit by an aggrieved person to enforce the Act. Additionally, the bill specifies that the provisions of the Act are cumulative and are not to be construed as restricting the application of any other law, including, but not limited to, the application of a criminal law to a person whose conduct violates Section 18581 of the Elections Code.

c. Establishes a presumption

The bill establishes a presumption that a person who carries a firearm or imitation firearm while interacting with or observing any of the specified voting activities is

presumed to have engaged in intimidation prohibited by the Act in the absence of an affirmative showing to the contrary by a preponderance of the evidence. The bill states a law enforcement officer acting within the scope of their official duties is not subject to this presumption, but a court may nonetheless consider a law enforcement officer's possession of a firearm in determining whether the officer violated the Act.

d. Bill is an urgency statute

The bill provides that the necessity for the bill being an urgency statute is In order to deter intimidation, harassment, and violence at the polls in the upcoming November 5, 2024 general election, it is necessary that this act take effect immediately.

4. Second Amendment considerations

This bill may implicate the Second Amendment. There is currently a case pending at the 9th Circuit Court of appeals challenging the state's laws prohibiting the open carry of firearms. (*Baird v. Bonta* (Ninth Cir. Ct. of App., Case No. 23-15016.) The author and sponsor argue that if California's statues banning open carry are overturned, then this bill is needed more than ever.

The U.S. Supreme Court has held that the following as it applies to the Second Amendment:

- The standard applied in Second Amendment cases is that when the Second Amendment's "plain text covers an individual's conduct. The Constitution presumptively protects that conduct, the government must then justify its regulation by demonstrating that it is consistent with the nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's 'unqualified command.'" (Bruen at 24.)
- It protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home and to carry a handgun for self-defense outside the home (*D.C. v. Heller* (2008) 554 U.S. 570, 574-594.; *N.Y. State Rifle & Pistol Ass.v. Bruen* (hereafter *Bruen*) (2022) 597 U.S. 1, 70-71.
- It allows for the prohibition of carrying firearms in "sensitive places," such as schools, government buildings, polling palaces, and courthouses. (*Heller* at 626-27; *Bruen* at 30.)

The provision of the bill that most likely implicates the Second Amendment is the presumption that a person who openly carries a firearm or imitation firearm while interacting with or observing one or more persons engaging in any of the specified voting activities or interacting with or observing a person due to their status as a past or present participant in the administration of elections, is presumed to have engaged in intimidation prohibited by this bill in the absence of an affirmative showing to the

AB 2642 (Berman) Page 10 of 13

contrary by a preponderance of the evidence. As the bill' provisions apply to any person whose status as a past or present participant in the administration of elections – this presumption would essentially apply any place they are located and a person either interacted with them or observed them and was carrying a firearm, regardless if pursuant to an open carry permit or not. This presumption is rebuttable by a preponderance of the evidence; however, it is unclear if that fact would be considered sufficient to justify an infringement to a person's Second Amendment right based on the current jurisprudence in this area and potential result of the *Baird v. Bonta* case.

5. Statements in support

The Brennan Center for Justice, one of the sponsors of the bill, writes:

While California currently has several criminal laws that prohibit carrying guns openly and at places where elections are being conducted as well as intimidating voters, election workers, or officials, it lacks a comprehensive mechanism for victims of such criminal behavior to receive compensation for the emotional distress or other harm they may endure. AB 2642 is designed to provide this much-needed relief. The importance of AB 2642, when viewed through the lens of democracy, cannot be overstated. A cornerstone of any democratic society is the ability of its citizens to vote freely without fear of intimidation or violence. This principle is enshrined in the U.S. Constitution. In recent times, we have seen a concerning rise in efforts to suppress or intimidate voters, both in the United States and globally. This profoundly troubling state of affairs is a direct threat to the individuals targeted and the democratic process itself. By providing a clear path to legal recourse for victims of such behavior, AB 2642 not only upholds the rights of individual voters and election workers but also fortifies the integrity of our democratic system. This legislation sends a clear message that threats and intimidation have no place in American elections, reinforcing the fundamental democratic principle that every voice has a right to be heard.

SUPPORT

Brennan Center for Justice (sponsor)
GIFFORDS Law Center (sponsor)
All Rise Alameda
ACLU California Action
American Federation of State, County, and Municipal Employees (AFCSME)
Asian Americans Advancing Justice
Brady California
Brady Campaign to Prevent Gun Violence
Building the Base Face to Face
California Black Power Network
California Environmental Voters
California Teachers Association

AB 2642 (Berman)

Page 11 of 13

California Voter Foundation

Change Begins With ME

Cloverdale Indivisible

Contra Costa MoveOn

County of Los Angeles

Defending Our Future: Indivisible in CA 52nd District

Disability Rights California

East Valley Indivisibles

El Cerrito Progressives

Everytown

Feminists in Action Los Angeles (Indivisible CA 34 Womens)

Indi Squared

Indivisible 30/Keep Sherman Accountable

Indivisible 36

Indivisible 41

Indivisible Auburn CA

Indivisible Beach Cities

Indivisible CA-3

Indivisible CA-7

Indivisible CA-25 Simi Valley-Porter Ranch

Indivisible CA-29 Indivisible CA-33

Indivisible CA-37

Indivisible CA-39

Indivisible CA-43

Indivisible CA Statestrong

Indivisible Claremont/Inland Valley

Indivisible Colusa County Indivisible East Bay

Indivisible El Dorado Hills

Indivisible Elmwood

Indivisible Euclid

Indivisible Lorin

Indivisible Los Angeles

Indivisible Manteca

Indivisible Marin

Indivisible Media City Burbank

Indivisible Mendocino

Indivisible Normal Heights

Indivisible North Oakland Resistance

Indivisible North San Diego County Indivisible OC 46

Indivisible OC 48

Indivisible Petaluma

Indivisible Sacramento

Indivisible San Bernardino

Indivisible San Jose

Indivisible San Pedro

AB 2642 (Berman)

Page 12 of 13

Indivisible Santa Barbara

Indivisible Santa Cruz County

Indivisible Sausalito

Indivisible Sebastopol

Indivisible SF

Indivisible SF Peninsula and CA-14

Indivisible Sonoma County

Indivisible South Bay LA

Indivisible Stanislaus

Indivisible Suffragists

Indivisible Ventura

Indivisible Windsor

Indivisible Yolo

Indivisible: San Diego Central

Indivisibles of Sherman Oaks

League of Women Voters of California

Livermore Indivisible

Mill Valley Community Action Network

Mountain Progressives

Neal Kelly, retired Chief Election Official, Registrar of Voters for Orange County

Nothing Rhymes with Orange

Orchard City Indivisible

Orinda Progressive Action Alliance

Our Revolution Long Beach

RiseUp

Rooted in Resistance

San Diego Indivisible Downtown

Secretary of State, Shirley N. Weber, Ph.D.

SEIU California

SFV Indivisible

Tehama Indivisible

The Resistance Northridge

Together We Will Contra Costa

TWW/Indivisible - Los Gatos

Vallejo-Benicia Indivisible

Venice Resistance

Women's Alliance Los Angeles

Yalla Indivisible

OPPOSITION

None received

RELATED LEGISLATION

<u>Pending Legislation</u>: AB 1979 (Ward, 2023) provides an individual with a specific cause of action and robust civil remedies against any person who doxes, as defined, another person with the intent to place another person in reasonable fear for their or their immediate family's safety and for the purpose of imminently causing that other person unwanted contact, injury, or harassment by a third party. AB 1979 is pending in the Senate Appropriations Committee.

Prior Legislation:

SB 485 (Becker, Ch. 611, Stats. 2023) see Comment 3, above.

SB 1131 (Newman, Ch. 554, Stats. 2024) *see* Comment 3, above.

PRIOR VOTES