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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

Proposition 52 – Election Day Registration

The California Association of Clerks and Election Officials does not take positions on matters placed before the voters. The following is a description of how the Proposition would be implemented and some of the advantages and disadvantages of the Proposition from an election official's viewpoint.

How would it work?

The prospective voter appears at the polling place and his/her name is not listed on the index. The voter is directed to the voter registration clerk at the polling place. The voter registration clerk checks the voter's residence address against the list of addresses within the precinct to be certain the voter is in the correct polling place.

If the voter's address does not fall within the addresses for that polling location, the voter is instructed how to locate his/her correct polling place. If the voter's address does fall within the addresses for that polling location, the voter is instructed to complete an "Election Day Voter Registration Form," and the requirement for accepted proof of residence is explained.

The voter returns his/her completed Election Day Voter Registration Form, and the voter registration clerk verifies his/her proper proof of residence, marks the appropriate check boxes on the form and signs the bottom of the form. The voter takes his/her verified Voter Registration Form to the table where pollworkers are signing in voters. The voter hands the verified Voter Registration form to the pollworker, who looks to see that the proof of residence has been verified, asks the voter to sign the Roster and records the line number from the line on which the voter signed the Roster in the place so designated on the Voter Registration Form. The voter is issued a ballot, and the Voter Registration Form is placed in the envelope supplied for that purpose.

What problems would it solve?

Current law sets the last day to register to vote in an election at 15 days before the election. Election officials must continue to accept Voter Registration Forms that are postmarked by the 15th day prior to the election, up to and including election day. This requirement does not leave election officials sufficient time to enter the information into the voter registration database and create the lists of voters to send to the polls, let alone to produce Voter Notification Cards to mail to voters to verify the accuracy of the addresses they have provided (without showing any proof of residency).

Under Proposition 52, the last day to register to vote in an election would be returned to 29 days prior to the election. This would allow sufficient time for the preparation of the voter rolls to be distributed to the polls, and sufficient time to mail Voter Notification Cards to voters to verify the addresses provided, prior to the election.

Current law allows voters who have moved within the county to update their addresses on election day and vote. This process is referred to as Fail Safe voting. Fail Safe voters must provide proof of residence (from the same list as included in Proposition 52) and must be currently registered to vote within the county. These voters' ballots are enclosed in specially marked envelopes and are segregated for individual handling during the Official Canvass following the election. This process disenfranchises any voter who was not previously registered, or who moved across the county line. It also lengthens the process to complete the Official Canvass and thus delays the final outcome of

many election contests, as each Fail Safe ballot envelope must be individually researched to verify that the voter is currently registered to vote in the county. It should be mentioned that prior to the time the ballot is counted, the residence address provided by the Fail Safe voter is not verified by any means other than the verification process that occurred at the polls.

Under Proposition 52, all eligible voters would have the opportunity to register and vote on election day, regardless of whether or not they had previously registered or moved across a county line. Also, because election day registration voters' ballots are not segregated, the Official Canvass can be completed and final election results released in a timely manner.

Current law provides for voting by regular ballots, Provisional ballots (when a voter's eligibility cannot readily be determined at the polling place – no proof of residence required), Fail-Safe ballots (as described above – proof of residence required), and Absentee ballots. The myriad of laws relating to each is very confusing for the pollworkers, and leads to the inadvertent disenfranchisement of voters.

Under Proposition 52, Fail Safe Ballots would be eliminated and the reasons for using Provisional Ballots would be greatly reduced, thus simplifying procedures at the polls. And while it is true that Proposition 52 adds a new component to the polls – voter registration, it also provides funding for additional pollworkers to serve in this capacity.

What problems would it create?

Special forms would be required such as: Election Day Voter Registration Forms with the listing of acceptable proof of residence and space for verification by the voter registration clerk; Posters informing voters of Election Day Registration, the acceptable proof of residence documents, and the laws regarding fraudulent voting; Election Day Registration rosters for voters to sign who register and vote on election day; and special envelopes for the transfer of the completed voter registration forms to the Registrar of Voters Office.

Difficulty in recruiting pollworkers is at a near crisis level in California. Lack of pollworkers is a significant factor in polls not opening in a timely manner, or at all. Despite the funds provided by Proposition 52, recruiting additional pollworkers to handle voter registration at the polls would be a daunting task. Additionally, some of our existing pollworkers might be concerned that election day registration would impose an additional requirement on them, without relieving any of the current complexity.

Pollworker training would have to be revised. All materials would have to be reviewed and some reprinted to reflect the new law. Poorly trained pollworkers might disenfranchise voters who should be allowed to register and vote on election day.

Proposition 52 allows election day reregistration only on a change of legal name or place of residence. I would interpret this to mean that voters cannot change political party on election day. Unless the voter was previously registered within the same precinct, the voter registration clerk and/or pollworkers would not know the voter's previous political party, and would not be able to verify whether or not the voter had changed political parties on election day. Election Day Voter Registration Forms should include a warning to Election Day registration voters that state law does not allow changing political parties on election day.

In Summary.

While there is a significant difference of opinion among California election officials as to the advantages and disadvantages of Proposition 52, if the voters of California pass this Proposition, I believe Election Day Registration can be implemented in California without jeopardizing the integrity of the election process, and California election officials stand ready to do so.

Dated 9/2/2002