

OFFICERS 2006-2008

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VICE PRESIDENT
Madera County

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TREASURER
San Diego County

GAIL PELLERIN
SECRETARY
Santa Cruz County

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DEAN LOGAN
Los Angeles County
JOHN MCKIBBEN
Los Angeles County
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Colusa County
DOLORES PROVENCIO
Imperial County
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Santa Clara County
KAY VINSON*
City Clerk, Murrieta
* non-voting member

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Lassen County
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Southern Area
Riverside County
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Bay Area
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LEE LUNDRIGAN
Central Area
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Mother Lode Area
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Los Angeles County

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Sacramento County
DEBORAH SEILER
Solano County



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

May 29, 2007

Assembly Member Pedro Nava
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0035

Dear Assembly Member Nava:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) reviewed **AB 1167** as amended April 9, 2007. This bill requires that the absentee identification envelope contain, in addition to the information listed in Election Code Section 3011(a)(1) through(11), the number of first-class stamps or the equivalent postage a voter must affix in order to return the absentee ballot.

The bill also requires the election officials to enter into negotiations with the U.S. Postal Service to deliver short paid absentee ballots to the election official, and to report to the Secretary of State, by 43 days prior to the election, the status of negotiations, the number of first class stamps or equivalent postage required, as well as a plan to inform voters if the postage exceeds a single first class stamp. Postal regulations are designed to keep short paid mail out of the mail stream, and though many election officials have established postage due accounts and have requested that short paid absentee ballots be delivered to the election official, state law cannot affect Postal regulations. Further, it should be noted that the negotiated agreements with the Postal Service do not necessarily filter down to the Postal carrier.

This bill, as written, is problematic because in any given election there could be different amounts of postage required on different ballots, depending on the number of issues on the ballot. It would necessitate destroying our current stock of generic envelopes and require specifically printed envelopes for the different weight ballots. The elections official would have to anticipate in advance the number of absentee ballots to be sent at each specific weight, to ensure that there are sufficient envelopes in stock with each postage amount printed on them, and the envelopes would have to be reprinted every time the postage increased.

Further, at 43 days prior to an election, the election official may not know what the weight of the ballot may be. Election officials usually receive official ballots 35 to 29 days prior to an election. Not until the ballots are received is the election official able to weigh the ballot to determine return postage.

The Committee voted to **Support the bill, if amended** to require that absentee return envelopes be printed with the correct Postal indicia (we believe that would read "Check with the Post Office for correct postage."), to allow election officials to deplete existing stock of their envelopes, and to delete the reporting requirements from the bill. Should you have any questions in this regard, please do not hesitate to contact me at the Sonoma County Clerk-Recorder-Assessor's Office (707) 565-1877.

Very truly yours,

Janice Atkinson
Correspondence Secretary
Elections Legislative Committee
California Association of Clerks
and Election Officials

c: Senator Ron Calderon, Chair, Elections, Reapportionment and Constitutional
Amendments Committee
Assembly Member Curren Price, Chair, Committee on Elections and Redistricting
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee