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# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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March 20, 2010

Assembly Member Mariko Yamada  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0008

Dear Assembly Member Yamada:

The California Association of Clerks and Election Officials, Elections Legislative Committee has reviewed **AB 1681** (as introduced January 25, 2010). While the Committee appreciates your efforts to expand the use of vote by mail elections, several provisions of this bill are cause for serious concern.

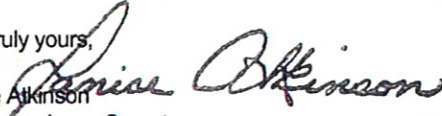
Requiring a polling place in each jurisdiction to be open for at least two weeks before the date of the election is an onerous and costly condition, and raises significant issues concerning the security and chain of custody of the ballots cast during that time period. Further, the reporting requirements regarding the success of the election include data that is not tracked by elections officials (race, ethnicity, gender, disability...) making it impossible to provide the information requested.

Finally, the issue regarding when this election may be held, which this Committee raised previously in regard to AB 1228, continues to be problematic. As you are certainly aware, they type of voting (mail or polling place) figures strategically in a jurisdiction's decision to call an election. An example of the type of issue with which county election officials would be faced is as follows: A jurisdiction calls an all mailed ballot election under these provisions, for an established election date. Meanwhile, another jurisdiction with overlapping territory calls for a polling place election on the same established date. Both jurisdictions have invested significant time and resources into planning for the election, unaware of the other jurisdiction's plan for the same date. Neither jurisdiction is interested in changing the type of voting for the election, or perhaps it is too late for the jurisdictions to meet to pass a new resolution, which jurisdiction will be required to forego holding the election, and under what authority would the elections official act in denying the jurisdiction the election by the requested means?

While our preference would be that these elections be limited to the established mailed ballot election dates set forth in Elections Code §1500, at the very least they should be prohibited to be held on an established election date pursuant to Elections Code §1000, or within 45 days before or after a statewide election.

Due to our concerns, we are not prepared to take a position on this bill at this time. If you have any questions or concerns please feel free to contact me at the Sonoma County Clerk-Recorder-Assessor's Office at 707-565-1876.

Very truly yours,

  
Janice Atkinson  
Correspondence Secretary  
California Association of Clerks  
and Election Officials

- c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting
- Senator Loni Hancock, Chair, Senate Committee on Elections, Reapportionment and Constitutional Amendments
- Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
- Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
- Barry Brokaw, Sacramento Advocates