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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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May 19, 2009

Assembly Member Paul Cook
State Capitol
Room 5164
Sacramento, CA 95814

Dear Assembly Member Cook:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee has reviewed **AB 308** requiring local election officials to prepare a special runoff ballot for special absentee voters. This bill would require a new, paper (manually handled) ballot (there is no certified voting system that counts ranked choice voting), in addition to the regular ballot, to be sent to special absentee voters in any election in which there is to be a runoff election held within 90 days of the election.

Sending two ballots, to be voted in two different ways (one with regular voting and one with ranked choice voting) would be very confusing to voters and the processing of these ballots raises many unanswered questions – such as: What if only the ranked, special absentee ballot is returned, and there is no run-off election? Does the voter's ballot not count for the first election? What if the voter ranks his or her choices on the regular ballot – do you use that ballot for both elections? Special absentee voters do not have anyone to ask questions of in attempting to decipher the different types of voting. Mixing ranked choice voting with traditional one person, one vote elections, is not a feasible option.

While the bill does describe how the voter would rank his or her choices, nowhere in the bill is the ranked choice process defined, nor is there direction on how to tabulate these votes - only that the special ballot would allow the special absentee voters' votes to be counted if there is a runoff election. One would assume the ranked choice ballot would be examined by election staff to determine, of the candidates remaining in the contest, which is the voter's highest preference. The vote for the preferred candidate as marked on the paper ballot would then have to be duplicated onto a machine-readable ballot. This is a manual, labor intensive process. What is not discussed is whether or not there is any reallocating of those votes if the voter's top preference should be eliminated in the vote count.

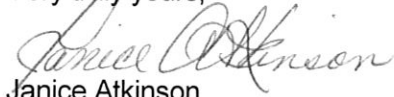
Estimating costs for this proposal is not possible. There is no way to predict how many times in a given year these provisions would be in effect, nor how many of these special run-off ballots would be necessary. According to CACEO's vote by mail chart for the last November election, there were approximately 103,000 special absentee voters statewide who would qualify pursuant to E.C. 300(b). But, from there, it is impossible to determine how many elections with run-off elections within 90 days will occur. This bill would apply to special legislative and congressional vacancy elections. These elections occur only when a legislator or congressional representative leaves office during his or her term, and the elections have a tendency to come in close succession (a member of congress resigns, the state senator runs; the state senator wins and resigns the senate seat and the assembly member runs; the assembly member wins and there is a special election for that vacancy.... these elections can

impact several counties with a single vacancy.) Obviously, none of these are statewide elections, but there can be multiple special vacancy election occurring simultaneously in different areas of the state, and there are also other instances (charter cities and counties) in which there could be run-off elections within 90 days.

CACEO has taken an **Oppose** position in regard to this bill. The process would not only be confusing to voters, but costly for election officials to administer.

If you have any questions or concerns, please feel free to contact me at the Sonoma County Clerk-Recorder-Assessor's Office (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
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