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* non-voting member

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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

GAIL L. PELLERIN, PRESIDENT

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May 10, 2011

State Assembly Member David Valadao
State Capitol
Sacramento, CA 95814

Dear Assembly Member Valadao:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee has reviewed **AB 477 (as amended April 5, 2011)**, your proposal to allow the elections official to accept and count the special absentee voter's mail ballot that is postmarked on or before election day and received not later than 10-days after the election.

The Committee voted to **Oppose** this bill. Elections officials understand the desire to ensure that all votes cast are counted and would like to acknowledge the author's amendment from 14-days to 10-days; however, this amendment does not resolve the concerns that the Committee listed in the March 7, 2011 letter, or those listed below:

- ★ The requirement that the vote by mail envelope contain a postmark. Many vote by mail envelopes are returned through the United States Postal System without a postmark, or with an illegible postmark. Additionally, the system logo, "Election Mail", that is now required on all mail pieces sent by the elections official often obscures the postmark. The inability to validate a postmark on a returned vote by mail ballot will become an issue in close contests.
- ★ Timeframe exceeds the short schedule for conducting special vacancy elections. California's election laws regarding special vacancy elections generally require the election official to complete the canvass of the vote within as little as 3-days of the special primary in order for the Secretary of State to certify the names of the candidates in time to produce voting materials for the subsequent special general election. The federal Military and Overseas Voter Empowerment Act (MOVE Act) requires election officials to mail official voting material to military and overseas voters no later than 45-days before the election. Adding 10-days to canvass voted ballots for the primary election will affect the ability to certify winning candidates in time to meet this mail date.

We do not believe that this bill is a solution that does not create a host of other problems. We are continuing to gather statistics on late special absentee ballots and would be happy to work with you or your staff to study the problem and find a solution. If you or your staff have any questions or concerns, please do not hesitate to contact me at the Monterey County Elections Department, at (831) 796-1499.

Very truly yours,

Linda Tulett
Correspondence Secretary
California Association of Clerks and Election Officials

- c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting
Senator Lou Correa, 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