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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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April 19, 2011

State Assembly Member Marty Block
State Capitol
Room 3091
Sacramento, CA 94249-0078

Dear Assembly Member Block:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee has reviewed **AB 503** (as **amended April 4, 2011**), your proposal to the process for qualified write-in candidates to request, at no cost, an examination of ballots within 5-days of tallying all votes but prior to completing the canvass and certifying the election results, if specified conditions are met.

The Committee voted to **Oppose** this bill. Elections officials understand the desire to ensure that the voter's intent is captured for all contests, including write-in candidates. The Committee has the following concerns:

- ★ The request is submitted after the elections official has completed tallying all eligible votes, however, prior to completing all required steps of the official 28-day canvass certifying the election. Recent trends reflect an increase in the number of vote by mail voters who wait until Election Day to return their ballot. Election officials are spending more time processing ballots after Election Day, using a major portion of the 28-day canvass that is necessary to finalize other mandated requirements of the official canvass, including the 1% manual tally of paper and 100% tally of electronic votes. Larger counties will be unable to determine whether a request for recount of undervotes is acceptable as they will still be processing vote by mail and provisional ballots. The April 12, 2011 Assembly Analysis acknowledges the pressure to expedite the canvass this bill will put on election officials, risking the accuracy and integrity of the election results when additional processes must be completed within the same deadlines.
- ★ Election statistics reflect that the instances of undervotes increase in multiple candidate contests, and are not due to the voter's failure to follow the voting instructions but rather due to the voter's choice. The number of manual hand recounts in multiple candidate contests will dramatically increase if the elections official must accept a recount request prior to completing all tasks listed under the official canvass of the vote. County Elections Officials may fail to meet the legal certification deadlines for consolidated elections, delaying the ability for other election jurisdictions to seat new officers or take action on approved ballot measures. The 28-day canvass period is utilized for reconciling materials, duplicating and counting defective ballots, and finalizing results through systematic manual review of votes cast.
- ★ This bill does not specify how the voter's intent could be uniformly determined across the ballot or even across the State, introducing subjectivity into the vote counting process. Requiring voters to follow voting instructions for all vote contests on the ballot is necessary for the efficient and accurate administration of elections.
- ★ The cost should be paid for by the requestor rather than the election official. The manual tally process is labor intensive, and depending on the size of the elective jurisdiction and number of ballots cast, can be a very lengthy and costly process. Under current state law for requesting recounts, the cost is born by the requestor unless the outcome of the election has changed.

The Legislative Committee suggests that all requests for review and recount of ballots be administered uniformly under Division 15 of the California Elections Code. Existing law mandates recount requests

are filed after the results are certified and that the cost is born by the requestor, unless the outcome of the election has been changed. This allows elections officials to utilize the full 28-day canvass period to complete the processing and counting of all valid ballots, and to validate the election results before they are certified, dissuading individuals from filing a recount of undervoted ballots prior to their examination and completing the canvass of the vote.

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