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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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July 21, 2009

Assembly Member Jerry Hill
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0019

Dear Assembly Member Hill:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) reviewed AB 787 (as amended June 1, 2009), regarding providing notification to Vote by Mail voters of the amount of postage required to return a voted Vote by Mail ballot by mail.

While the intent of this proposal is understandable, and we appreciate the amendment allowing the elections official to use the most cost effective means to notify voters of the need for additional postage, many of the logistical problems associated with implementing this requirement remain.

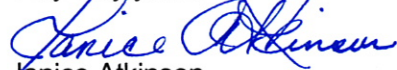
In any election, the number of issues on a ballot varies from area to area, and thus, there can be different amounts of postage required to return ballots, depending on the number of issues on the ballot. The weight of the ballot also varies depending on what the voter includes with his or her voted ballot on return. First time federal voters are required to send identification with the voted ballot, some voters are required to provide missing information, and some voters fail to remove the ballot stub(s) prior to returning a ballot – the additional weight of these items can easily tip the cost of returning the ballot (in just those instances, but not for others).

Postal rates are a moving target. Postal increases are often implemented during the month of May, after Vote by Mail ballots have been sent out for June elections (or, in this year's instance, the May 19th Special Election), and during the time the ballots are being returned. Depending on when a ballot is returned, the required postage could differ. The procedure for initiating postal rate increases has recently changed, eliminating the necessity of congressional approval. Therefore, it is anticipated that increases will occur more frequently, and it is our understanding that future postal rate increases will likely occur in the month of May.

California Election Officials go to great lengths to be certain that all voted Vote by Mail ballots are received in a timely manner, regardless of the amount of postage applied by the voter. Most have set up "Postage Due" accounts with the Post Office to cover insufficient postage on Vote by Mail ballots. Election Officials have worked cooperatively with the Postal Service to collect voted ballots directly from Postal processing facilities on Election night, prior to 8:00 p.m. Postal regulations now prohibit the return or detention of Vote by Mail ballots without postage, or with insufficient postage affixed (Postal Operations Manual section 171.3no absentee ballots or other election material may be detained or treated as unpaid mail....).

We would be happy to direct voters to check with the Post Office for the correct postage for return of a voted ballot. However, due of the significant problems we anticipate in attempting to accurately notify voters of the exact postage necessary for the return of any given ballot, the Committee has adopted a position of **Oppose**. 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: 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, Inc.