

## OFFICERS 2010-2012

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## CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

### GAIL L. PELLERIN, PRESIDENT

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March 7, 2011

Assembly Member Anthony Portantino  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0044

Dear Assembly Member Portantino:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) has reviewed **AB 896 (as introduced February 17, 2011)**, your proposal to accept voted vote by mail ballots if postmarked or received by the date of the election.

Election officials throughout California recognize the problem of late receipt of vote by mail ballots. As of yet, we have not identified a solution that does not create a host of other problems. We are continuing to explore possibilities and are gathering statistics on the number of ballots received after Election Day, and on the number of days after an election when the majority of such ballots do arrive, in hopes of identifying the number of days following the election when it might be appropriate to receive such ballots to be included in the tally of votes.

Some of the issues identified in the discussion of your bill include the following:

- ★ reliance on a postmark for ballots not received on Election Day will surely disenfranchise some voters whose ballots slip through the postal equipment without receiving a postmark. Election officials have long dealt with this problem with voter registration forms mailed close to deadline; two forms mailed at the same time do not necessarily both receive postmarks. While it could easily be argued that under current law neither would count, voters are unhappy with unequal treatment;

- ★ no time limit is proposed as to when a ballot postmarked by Election Day could be received and deemed valid; how long does one wait to receive such ballots?

- ★ election officials in large counties or those with high percentages of vote by mail ballots are barely meeting the statutory deadline for the completion of the canvass. Any increase in the number of days in which vote by mail ballots could be received would also require an extension of the official canvass by an equivalent number of days;

- ★ small counties often complete the canvass shortly following the election. Would these counties be required to delay the canvass in case a ballot with a timely postmark was received?

If you or your staff have any questions or concerns, please do not hesitate to contact me in 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 Lou Correa, Chair, Senate Committee on Elections, Reapportionment and  
Constitutional Amendments  
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Jill Lavine, Co-Chair, CACEO Elections Legislative Committee  
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