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San Diego County
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Fremont City Clerk
* non-voting member

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Sacramento County
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San Diego County



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

GAIL L. PELLERIN, PRESIDENT

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May 10, 2011

State Senator Lou Correa
State Capitol, Rm. 5052
Sacramento, CA 95814

Dear Senator Correa:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee has reviewed **SB 348** (as introduced February 15, 2011), your proposal to allow the elections official to accept and count all vote by mail ballots postmarked on or before election day and received not later than 6-days after the election.

The Committee voted to **Oppose** this bill. Elections officials understand the concern with late receipt of vote by mail ballots; however, this proposed solution will create a host of additional problems. The Committee continues to have concerns as listed in the March 7, 2011 letter in addition to below:

- ★ Mail pieces may not only fail to show a date but may fail to show a time stamp. A vote by mail voter who returns their ballot on Election Day prior to 8:00 p.m. but whose envelope did not get processed by the Post Office prior to 8:00 p.m. will be disenfranchised. Some Post Office locations are open for public service after the polls close at 8:00 p.m., having a false sense of security that their vote by mail will be received on time and counted. Reliance upon postal workers to ensure no ballot is accepted after 8:00 p.m. will be impossible.
- ★ Voter behavior will change. Campaigns and the media will inform voters that their vote by mail ballot can now be returned through the mail on Election Day, affectively altering voter behavior. Voters who normally drop their vote by mail ballot at the polls on Election Day may change their behavior and return their ballot through the mail. Final mail collection and processing times will vary depending on the Post Office. Mail is postmarked according to processing time. A voter who returns their ballot through the post office after the final collection and processing time for their neighborhood will have their mail processed the following day, unknowingly disenfranchising themselves.
- ★ Timeframe surpasses the short schedule for canvassing the returns for 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 6-days to canvass voted ballots for the primary election will affect the ability to certify winning candidates in time to meet this mail date.

The Committee is gathering statistics on the number of vote by mail ballots received after Election Day in hopes to identify a solution. We 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