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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

GAIL L. PELLERIN, PRESIDENT

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August 2, 2011

The Honorable Felipe Fuentes, Chair
Assembly Appropriations Committee
California State Assembly
State Capitol, Room 3056
Sacramento, CA 95814

Dear Chairman Fuentes:

The California Association of Clerks and Election Officials Elections Legislative Committee has reviewed **SB 641 (as amended May 31, 2011)**, and is writing to express concerns with this proposal to establish a "conditional voter registration" and provisional voting period beginning 14-days before and up through the close of polls on Election Day.

The Committee does share the author's concerns with voter registration levels in California and wishes to address this in some manner. However, in a June letter to the author, Senator Calderon, the Committee voted to **Oppose SB 641** due to grave concerns with its provisions and timing. We continue to strongly believe that this proposal should not be put into practice until the Secretary of State's Office has a functioning statewide voter registration database that meets the provisions of the Help American Vote Act and would guard against voter fraud and protect the integrity of the election. We also urged further discussion of the logistical concerns that will trigger major cost increases for county election officials during times of state and county fiscal crises.

At present, the issues that remain with a conditional voter registration and provisional voting period in California relate to:

- ★ The lack of a fully functioning statewide voter database, or VoteCal, puts the integrity of the election at risk. State regulation prohibits election officials from sending their full index of registration to the Secretary of State during the period following the 15-day close of registration and continuing through the completion of the 28-day canvass. Requiring election officials to accept hundreds, if not thousands, of conditional voter registrations without the ability to validate the information against a statewide database provides a greater opportunity for voter fraud. There would be a grave risk of duplicate voting and inaccurate Rosters of Voters at the state's 24,000 polling places. County election officials would simply have no practical way to determine whether or not a person was registered and voted in another county until after the completion of the canvass period.
- ★ The necessary logistics and lack of funding required to manage the influx of voters. States which have already adopted Election Day registration experience a change in voter behavior in which 10% to 20% of voters delay registering to vote until Election Day. If this same percentage of California's 17 million voters registered or re-registered during a 14-day period, counties would need to prepare for 1.7 to 3.4 million voters in their offices during this time. Without a vast expansion of space, computer terminals, additional voting materials, and staffing within each of the state's 58 county election offices, officials would be unable to serve voters adequately and would risk creating a denial of service. During the 2008 presidential general election, counties experienced an unprecedented surge in early voting and voters were forced to wait for hours in parking lots where they were exposed to traffic and the elements. In Los Angeles and San Diego counties, voters waited up to 5 hours to vote. In Monterey County, when election officials attempted to accommodate voters by expanding lobby space, they were still unable to fully accommodate customers and prevent long lines in the parking lot. The reallocation of space for

early voters contributed to delays in ballot counting due to the corresponding decrease in processing space. That population of early voters in 2008 was a small fraction of the number of voters who would visit county election offices under this proposal.

- ★ Increase of workload may delay the canvass and certification of the vote. In addition to risking denial of service, counties may be unable to complete the canvass in the prescribed 28-day period. Provisional ballots are extremely time-consuming to process and many counties do not complete their canvass until the final day under current circumstances. Adding 1.7 to 3.4 million additional provisional ballots to the canvass period will require vast additions of space, terminals, and staff to complete the job. In view of the State's extreme fiscal limitations, current failure to pay existing election mandates and its refusal to recognize recent mandates claimed by counties, there is a low probability of funding this proposal.

Our June letter to the author also noted that the Senate's analysis of SB 641 mentioned 10 states that provide some manner of Election Day voter registration. According to our research, all 10 states listed have a functioning statewide voter registration database. The largest state, North Carolina, has a voter roll approximately only one-third the size of California's, and Wisconsin, the second largest state listed, maintains a smaller voter roll than California's largest County, Los Angeles.

We respectfully ask you consider these very important concerns when reviewing SB 641. If you or your staff have any questions or wish to discuss our 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: State Senator Ron Calderon, author
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
Barry Brokaw, Sacramento Advocates