CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

Legislative Committee Meeting

Minutes – August 24, 2012

Sacramento, California

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| Attendee | County | Attendee | **County** |
| Barry Brokaw | CACEO | Tricia Webber | Santa Cruz |
| Steve Weir | Contra Costa | Evan Goldberg | Secretary of State |
| Tim McNamara | Los Angeles | Jane Howell | Secretary of State |
| Rebecca Martinez | Madera | Jana Lean | Secretary of State |
| Xioneida Ruiz | Napa | Anika Van Eadon | Secretary of State |
| Gregory Diaz | Nevada | Cathy Darling Allen | Shasta |
| Gail Smith | Nevada | Janice Atkinson | Sonoma |
| Jill LaVine | Sacramento | Gloria Colter | Sonoma |
| Deborah Seiler | San Diego | Linda Clayton | Stanislaus |
| Micheal Vu | San Diego | Donna Linder | Stanislaus |
| Elma Rosas | Santa Clara | Donna Johnston | Sutter |
| Jaime Young | Santa Cruz |  |  |

Deborah Seiler convened the meeting at 9 a.m. Introductions were made.

**Minutes from July 17, 2012**

Motion by Tricia Webber to approve July 17, 2012 minutes with corrections. Cathy Darling seconds motion. Motion carried.

# Miscellaneous

* Michael Wagaman from the Assembly Speaker’s Office was a guest at meeting today He:
  + Indicated that “postmark plus” bills related to allowing receipt of vote-by-mail ballots after the election are dead for this session but will likely reappear next year; he encourages tracking late mail information - including postmark information - for the November election since such data will likely be considered in bills that are introduced next year addressing “postmark plus”.
  + Asked about attendees perspective and concerns related to on-line voter registration.
  + Asked for CACEO’s input on improving the top-two primary system.
  + Reported that SB 1272 and AB 1291 - related to changing central committee terms to four years instead of two and limiting central committee candidate campaign finance filing respectively – were both make progress.
  + Reported on possible trends in legislation next year: less voter registration bills; probably more campaign finance legislation; almost certainly more vote by mail legislation; and there will be – as always – legislation based on problems that arise during the course of the November election. (Attendees voiced various concerns about the vote by mail process including a concern that a postal representative at the Annual Conference indicated that third class election mail may not continue to be treated as first class mail as it had in the past.)
* Mr. Wagaman and Barry Brokaw indicated that AB 1436 (see below) has a possibility of being signed into law. This bill addresses same day voter registration.
* There was a question regarding the practice of making vote by mail voters who return their ballot in person – by some counties – sign a log. Evan Goldberg will see if he can determine if the SOS has any historical background on this practice.
* Cathy Allen Darling indicated that there was a possibility for CACEO to receive funding from the Irvine Foundation related to election activities and asked for suggestions. Suggestions included assistance with data gathering/analysis related to election costs; better addressing of accessibility issues; better service for limited English proficient voters; and replacement of voting systems and parts. Some of these suggestions may be outside the scope of the grant. Ms. Allen Darling will keep us posted.

# Legislation

AB 216 (Swanson) Voters: residency confirmation

Position: Support

Discussion: Neal Kelley from Orange County has done extensive work related to this bill which would allow the use of credit data to update voter registration rolls. Mr. Kelley conducted a pilot program that indicates that there would be significant cost benefits by using credit data.

Bill has passed Assembly. Continues to move.

AB 1436 (Feuer) Voter registration

Position: No position

Discussion: This bill which seeks to establish same day/election day/conditional voter registration where prospective registrants could register to vote after the fifteen day close at a county election office and cast a provisional ballot at the time of registration.

The bill will most likely be enrolled. There has been much discussion about the pros and cons of this bill throughout the year. There was a suggestion that a letter detailing potential costs be sent to the Governor. There was also a suggestion that the potential passage of this bill be used in to open a discussion related to current mandates and where some mandates may need to be better funded or dropped.

AB 1805 (Huffman) Military or overseas voters

Position: Support (and seek clarification)

Discussion: There is still an outstanding issue related to the length of time that an FPCA application is valid. Ms. Seiler will work with author’s office to clarify. CACEO will send letter to Governor describing this outstanding issue.

AB 1851 (Allen) County initiative petitions

Position: Watch

Discussion: Janice Atkinson met with author’s office regarding the intent of bill. This bill appears to attempt to cure instances where measure information that affect two counties may not be available in both county election offices where the measure is being circulated. This bill does not seem to fulfill its aim. No further action.

AB 1929 (Cook) Elections: casting ballots

Position: Watch

Discussion: This bill would provide that “casting a ballot” for purposes of the definition of a voting system, does not include the physical or electronic marking of a ballot, and is limited to the act of a voter submitting his or her marked ballot for tabulation at a polling place, through the mail, or, for special absentee voters, by facsimile.

CACEO will continue its watch position.

AB 2054 ( (Fong) Elections: vote by mail ballots

Position: No Position

Discussion: This bill would authorize a voter to return his or her vote by mail ballot to a precinct board at any polling place within the state. The bill would require the elections official of a county where a vote by mail ballot is returned, if the ballot is returned to a polling place in a county other than the county of the elections official who issued the ballot, to forward the ballot to the elections official who issued the ballot. This bill is now double joined to AB 2080.

AB 2058 ( (Pan) Voter registration: paid registration activities (Note: See AB 145)

Position: Support

Discussion: This content of this bill has now been moved to AB 145. CACEO sent support letter for AB 2058 that stated in part that “This proposal will prohibit any person, company or organization from agreeing to pay money or other valuable consideration on a per-affidavit basis to any person who assists another person to register to vote by receiving the completed form. It would also prohibit a person from accepting or receiving a per-affidavit consideration, require the election official to notify the payor of any payee who submits three or more affidavits that do not comply, and would make it a misdemeanor for any person who violates these provisions … As election officials who are responsible for the integrity of the voter registration list of those eligible to vote, including enlisting deputy registrars to assist eligible electors to register, creating a misdemeanor crime for a per-affidavit payment or consideration will deter individuals from fraudulent activities and further protect the integrity of California’s list of eligible voters.”

Motion to support AB 145 by Steve Weir. Jill LaVine seconds motion. Motion carries.

AB 2080 ( (Gordon) Vote by mail ballots

Position: No Position

Discussion: CACEO sent support letter for AB 2080 that stated in part that “Existing law confuses voters who are attempting to participate in democracy, and who see these additional limitations as needless. This proposal would remove the requirement that a voter be ill or have a physical disability in order to authorize his or her spouse, parent, child, grandchild, sibling or person living in the household to return their vote by mail ballot. AB 2080 allows any vote by mail voter to authorize a representative to both receive and return his or her ballot. The proposal also maintains important protections to guard against fraud, such as written authorization by the voter; restrictions against campaigns and committees acting as such representatives, and verification of the voter’s signature upon the receipt of the voted ballot.”

This bill is now double joined to AB 2054.

AB 2452 (Ammiano) Political Reform Act of 1974

Position: No position

Discussion: This bill would authorize a local government agency to require an elected officer, candidate, committee, or other person required to file campaign statements electronically under specific conditions.

This bill has been chaptered.

SB 35 (Padilla) Voter Registration Agencies

Position: Support in concept

Discussion: Lori Shellenberger a Civic Engagement Attorney from the ACLU made presentation at Annual Conference related to SB 35 (a.k.a., NVRA Modernization Act). She described this bill as means to ensure that state agencies comply with the National Voter Registration Act of 1993 (NVRA).

Bill was amended yesterday. CACEO still supports.

SB 1233 (Padilla) Initiative and referendum petitions: translation of circulating title and summary

Position: Watch

Discussion: This bill would require that the circulating title and summary of initiative or referendum measures be translated into specific languages in counties that are subject to the Voting Rights Act. The translations would be made available to the circulator.

This bill has been enrolled.

SB 1272 (Kehoe) Political party organization: county central committees

Position: Support

Discussion: This bill would provide that county central committee elections occur every four years during the presidential primary election.

The bill continues to move and CACEO will send “enthusiastic” letter of support to Governor.

SB 1275 (Lieu) Vacancies in office: special elections

Position: Support

Discussion: This bill would adjust special election related dates in order to better accommodate overseas/military election official’s processes related to the MOVE Act mailing deadlines.

CACEO will send letter of support to Governor.

***HAVA/Voting System Subcommittee (Tim McNamara)***

Susan Lapsley and Ryan Macias of the SOS gave status reports and answered questions on the Statewide Database, Voting Systems, the Voting Modernization Board, etc.

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* Online Voter Registration, aka, COVR: various testing is ongoing with “end to end” testing scheduled for next week. Deployment to voters will take place in the very near future; a CCROV (12254) was distributed yesterday describing COVR.
* Voting systems:
  + Ms. Lapsley and Mr. Macias presented a draft memo that represents the SOS’s Office of Voting Systems Technology intent to create a channel to keep counties well informed about voting system activities on a monthly basis. This memo will include recent voting system related events; administrative approval and denial information; voting system testing and approval information at the SOS and EAC; defect, failure, and fault reports; ballot printing certification information; etc.
  + Attendees continued discussion that started in April and continued at the annual conference related to better and more trusting communication between SOS, counties, and vendors AND specific ideas related to improving use procedures and voting system user meetings.

***Voters with Specific Needs Subcommittee***

* + Four counties are assisting SOS with review of ballot designation translations.
  + Details related to differences between SOS language translations and county translations were discussed. These differences occur in various election materials including SOS web services. The differences will be discussed in more detail after the General Election. (Note: for online registration, only Spanish will be fully translated for this election. NALEO has given assistance in reviewing the online service.)
  + Next year SOS may send new data to counties related to EC 14201 (“Posting of facsimile ballot, ballot instructions; requirement pertaining to translation”). The basic requirement for issuance of the data by SOS - under EC 14201 - is January 1 of the year in which the Governor is elected.
  + Eren Mendez described her efforts to work with Disability Rights California to provide disability sensitivity training to Bay Area counties; Jaime Young and Tim McNamara described sensitivity training that is currently integrated into their county election training programs.
  + Jane Howell from the SOS described efforts by the SOS to reach out to deaf voters who are not literate in order for them to better understand ballot propositions. This can possibly be done through the use of ASL videos.
  + Data collection related to poll place accessibility was once again discussed. More efforts will be made to convince election vendors to assist counties to manage this data in improved ways.

***Other***

* + Deborah Seiler reported that the Petition Subcommittee is done with work on nomination and recall issues and would like to see all subcommittee activity on petition guidelines completed at New Law Conference.
  + Petition Subcommittee also hopes to work on a number of legislative proposals for the New Law Conference.

The meeting was adjourned by Deborah Seiler.

Respectfully submitted,

Tim McNamara

Thank you to Jill LaVine and Linda Tulett for their assistance in compiling this month’s minutes.