

MEMORANDUM

TO: Susie Swatt

c/o Senator Johnson

FROM: Brad Clark, President

California Association of Clerks and Election Officials

SUBJECT: Information Regarding Primary Election

DATE: June 26, 2002

We have continued to work on the material that Senator Johnson requested at our recent meeting. The calendars have been extensively reviewed and detailed by Janice Atkinson, Assistant Registrar of Voters in Sonoma County. She has continued to refine the calendar to include the code references. However, we have not been able to come up with a complete third column. Janice and I have met with Secretary of State staff to ensure that their functions are also included. We were able to make some recommendations in column three. However at some points we simply "hit the wall" and we concluded that it was not possible to continue to provide current levels of election services in the time frame suggested. While we are happy to be able to provide you with information, please remember that we do not support a change to a primary election in August or September and counties remain concerned about the cost of a bifurcated Primary Election.

Additionally, it should be noted that either an August or September Primary would impact the ability of election officials to provide absentee ballots to special absentee voters (military and overseas).

Current law says that special absentee ballot applications must be accepted 60 days before the election. This section presumes ballots are available at this time or very close to this time. It might be necessary to shorten this time period and/or amend the Code to: 1) Allow application for a special absentee ballot via the Internet (see also AB 2277 as a model); 2) Allow elections officials to accept a faxed ballot (and provide them with the ability to replicate the ballot if a signature is affixed, or require that the actual ballot to be received during the canvass period with a signature to be counted).

Potential impact: While State law can be changed this would conflict with Federal law for overseas and military voters.

EC 3103

Below I have listed some broad areas where changes might be made to assist in the conduct of a late primary election.

1. For the primary election, shorten the process of certifying the vote to 21 days, and require that counties report information to the Secretary of State's office electronically whenever possible.

The official canvass process requires: 1) A 1% manual recount, as an additional check against the tallies of election equipment; 2) Matching signatures on absentee ballots against voter registration affidavits on file with elections officials (note: the prevalence of absentee ballots is growing and is currently about 25% of the statewide ballot cast); and 3) Research to validate provisional ballots. 4) Reconciliation of ballots cast to signatures on the Roster by voting precinct.

Current law allows 28 days for counties to complete the official canvass and 11 additional days for the Secretary of State to certify the vote. The time allotted for completion of these tasks might be cut to a total of 26 days. It should be a requirement of law that whenever possible, the results be reported electronically. This effort might be ultimately be facilitated with modernized voting equipment.

EC 15372, 15375 and EC 15503

Potential impact: This may put at risk the integrity of the process, especially the 1% manual recount and the provisional ballot process.

2. Change provisions relating to recounts and election contests.

Primary election contests and/or recounts must be initiated after certified results are issued. A request for a recount/contest must be filed within 5 days of the certification and the recount/contest must commence within 7 days of the receipt of the request. The law might be amended to require a request be filed within 3 days of the certification and commence within 2 days of the receipt of the request.

EC 15620, 15621 and 15626

Potential impact: This may or may not arise as an issue, so it is really a contingency; and the real amount of time involved here relates to the recount procedure.

3. Deconsolidate local and state elections by requiring all local elections be conducted in odd years. Prohibit consolidation of any local measures with General Election.

By moving all local elections to the odd year, the complexity of the ballot is reduced considerably, which impacts the printing time necessary and simplifies the ballot counting process.

Potential impact: Fiscal - deconsolidating elections will become a state mandate and any additional cost of conducting the election will become a state cost.

EC 10400 et seq.

4. Streamline the primary ballot by eliminating any candidate who is running unopposed.

This change will simplify the ballot, and streamline the process of tracking and certifying candidates.

Potential impact: Removing unopposed candidates from the ballot would require a write-in opportunity, similar to uncontested judges, which requires a petition be filed indicating that a write-in campaign will be initiated 78 days before the election.

5. Eliminate sample ballots (unless all consolidations are prohibited).

Sample Ballots and Voter Information Pamphlets for the current consolidated General Elections require a significant time period to compile and print (due to the volumes of information to be printed - and there are a limited number of qualified vendors; three vendors have approximately 90% market share, although this information has been hard to obtain because companies consider it proprietary). If consolidations are not prohibited, it would be necessary to eliminate sample ballots thus eliminating a printing requirement that would interfere with the production of ballots and eliminates the need for mass mailing. It would be necessary to mail a postcard to each voter to inform the voter of the polling place location.

Potential impact: Less informed voters, the loss of a source of information about what candidates and issues will be on the ballot, and the loss of a source of absentee ballot applications.

There is precedent for this. State law moving the close of registration from E-29 to E-15, says voters registering after E-29 are not entitled to receive a sample ballot. These voters are entitled to a postcard that lists the polling place and directs the voter to sources of information (e.g. an Internet website).

In counties using some pre-scored punchcard voting equipment, however, it is impossible to properly vote a ballot without a Sample Ballot (a Voter Information Pamphlet is not however necessary).

EC 13300

6. Eliminate the ballot pamphlet.

This would simplify the process for the Secretary of State and elections officials. The mailing list for the ballot pamphlet is generated from the report of registration filed by county election officials.

Potential impact: Voters place a high value on the State ballot pamphlet, but again there is precedent in the law for not providing this information to voters (those that register after E-29).

Please do not hesitate to contact me at 510-272-6933, Ann Reed, Shasta County Clerk and incoming President of CACEO at 530-225-5166 or Janice Atkinson at the Sonoma County Registrar of Voters Office at 707-565-6814.