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\* non-voting member

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Sacramento County

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Kern County



# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

## NEAL KELLEY, PRESIDENT

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April 21, 2015

Keely M. Bosler, Chief Deputy Director  
Department of Finance

The Honorable Mark Leno, Chair  
Joint Legislative Budget Committee  
Senate Budget and Fiscal Review Committee

The Honorable Ricardo Lara, Chair  
Senate Appropriations Committee

The Honorable Shirley Weber, Chair  
Assembly Budget Committee

The Honorable Jimmy Gonzalez, Chair  
Assembly Appropriations Committee

## Re: Elections Mandates Report, Issued by the Department of Finance, dated March 30, 2015

Dear Chief Deputy Bosler, Senators and Assembly Members:

The California Association of Clerks and Election Officials (CACEO) writes to you all today to express our serious concerns with the Department of Finance report issued late last month.

The report asserts in several places that the cost of providing services to a polling place voter is more costly than those provided to a vote-by-mail voter. From the middle paragraph on page 3 of the report: *"We believe local agencies may be realizing savings to the extent that each voter who votes by mail is an individual that local officials do not have to provide polling place services at the higher per-voter rate."*

There are several false assumptions made in arriving at this conclusion. Firstly, while over half of California voters have cast ballots from home in the last two statewide elections, counties still must bear the expense of providing a polling place for those same voters. Any voter who is mailed a ballot may appear at a polling place, for any reason, and request to vote in person. In Shasta County in November of 2014, 65% of provisional ballots were cast at polling places by vote-by-mail voters. This is not uncommon.

Later in this same section, the report states, *"One option... is to amend Elections Code section 3003 to make the mandate permissive. Local agencies will continue providing the more cost-effective vote-by-mail ballot system..."* This is another assumption that has dangerous possible consequences. It seems unlikely that the Department wants to undermine the election system currently operating in counties in California, but statements like this one and others in the report have that effect. Making vote-by-mail ballots availability permissive (not mandatory) in state law could lead to inconsistent application amongst counties, a result that could disenfranchise some voters.

Additionally, the report fails to take into account other federal and state law requirements. For example, it is problematic to assume that disabled voters are served fully by vote-by-mail options.

The above illustrates the single dimensional, shallow nature of this report. We are, frankly, extremely disappointed that the Department of Finance seems to believe that elections in California are performed in a vacuum. The reality is, of course, that elections in California must serve a variety of populations; as our citizens are varied, so are our voters. Serving voters with differing language needs and disabilities are crucial populations that cannot be served through vote-by-mail programs alone. This is dictated by state constitutional requirements, as well as current state and federal law.

The overall tone of this report seems to be an answer searching for a justification, instead of honest fact-finding that leads to a conclusion.

CACEO is working cooperatively with California Secretary of State Alex Padilla to explore new voting options that would save counties and the state money while ensuring that every eligible Californian can cast a ballot privately and independently – however, under the current regulatory structure, the conclusions suggested by this report are just not enough to serve all California voters.

It is our hope that the Committees and the Department of Finance will take these comments in the spirit with which they are offered – in the spirit of helpfulness and assistance. We welcome the opportunity to present to the committees involved at your leisure.

Regards,

A handwritten signature in black ink, appearing to read "Neal Kelley". The signature is fluid and cursive, with a prominent loop at the end.

Neal Kelley, President CACEO and Registrar of Voters, Orange County

cc: Honorable Gerald Brown, Governor  
Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee  
Honorable Melissa Melendez, Vice Chair, Assembly Budget Committee  
Honorable Richard Roth, Chair, Senate Budget and Fiscal Review Committee No. 4  
Honorable Adrin Nazarian, Chair, Assembly Budget Subcommittee No. 4