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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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March 26, 2012

Assembly Member Mike Feuer, Author
State Capitol, Room 4106
Sacramento, CA 94249-0049

Dear Assembly Member Feuer:

The California Association of Clerks and Election Officials Elections Legislative Committee has reviewed **AB 1436** (as amended March 20, 2012), 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 your desire to increase voter registration levels in California and understand it should be addressed in some manner. However, the Committee voted to **Oppose AB 1436** due to grave concerns with its provisions and timing.

As with prior legislation to establish conditional and/or Election Day registration procedures, we urge further discussion of the logistical concerns that will trigger *major cost increases* for county election officials during times of state and county fiscal crises. We also 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.

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

- ★ Lack of dedicated funds. While AB 1436 addresses the creation of new mandates increasing the duties and costs for local election officials, 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 that funds would be available to allow claimants to receive financial relief for this proposal in the future.
- ★ The necessary logistics 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.
- ★ The lack of a fully functioning statewide voter registration database, 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.

- ★ Increase of workload during the critical 28-day canvass and certification of the vote. Large counties with a high number of conditional registrants 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.

The Assembly's analysis of AB 1436, similarly to SB 641 in the prior legislative cycle, mentions 10 states that provide some manner of Election Day voter registration. Our research last year reflected all 10 states listed have a functioning statewide voter registration database. The largest state, North Carolina, had a voter roll approximately only one-third the size of California's, and Wisconsin, the second largest state listed, maintained a smaller voter roll than California's largest County, Los Angeles.

We respectfully ask you consider these very important concerns. 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: Honorable Paul Fong, Chair, Assembly Committee on Elections and Redistricting
Honorable Lou Correa, Chair, Senate Committee on Elections and Constitutional Amendments
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
Barry Brokaw, Sacramento Advocates