

California Association of Clerks and Elections Officials

Best Practices Position Paper

Absentee Voting / Vote By Mail

The California Association of Clerks and Elections Officials (CACEO) is not endorsing or advocating for the passage of legislation that would allow for California, or counties within California, to switch from polling place elections to elections conducted entirely through the mail, at this time. The CACEO promotes increased voter participation by offering California voters multiple voting options such as early voting, both at vote centers and Elections offices, as well as traditional polling place voting and the more recently popular voting by mail (VBM).

The CACEO does recognize that with the passing of each election more and more California voters are choosing to vote by mail.

Beginning in January 2002 new legislation took effect that allowed California voters to sign up to become permanent absentee voters (PAV). By signing up for this permanent absentee status California voters were assured of being mailed an "absentee ballot", to their residence, 29 days before each and every election. This PAV status remains in effect unless the voter fails to cast a vote in two consecutive statewide elections.

In the March 2002 statewide primary election 26% of voters cast their votes through the mail. In the comparable June 2006 statewide primary the percentage of voters casting ballots by mail had increased to 47%. In this same election 28 counties had over half of their voters choosing to vote by mail. Clearly, California voters are increasingly choosing the convenience of voting by mail and history suggests that we can expect this trend to continue.

The State of Oregon was an early pioneer of voting by mail. Beginning in 1983 Oregon allowed all local jurisdictions the option of conducting local elections entirely by mail. By 1990 virtually all elections in Oregon, other than Primary and General Elections were being conducted by mail. As voters became more accustomed to voting by mail they increasingly signed up for absentee ballots for the Primary and General Elections. By Election Day in 1998 over 41% of Oregon voters had signed up to vote absentee representing a 300% increase since 1992. (Note: Oregon did not have a PAV option so voters had to sign up for an absentee ballot prior to Election Day). On November 3, 1998 Oregon voters passed a statewide ballot measure to expand vote by mail to Primary and General Elections by a vote of 757,204 to 334,021.

Beginning in 1991 the State of Washington enacted legislation that allowed for any registered voter to apply for status as an ongoing absentee voter. By 2004, in most counties, the percentage of voters participating in elections who cast ballots by mail

averaged above 60 percent in General Elections and more than 80 percent in primaries and special elections. In April 2005, the State passed legislation giving individual counties the option of conducting elections entirely by mail. Soon after this option became available more than two-thirds of the counties switched to this method of voting. For the 2008 election year 37 of the States 39 counties have switched to entirely vote by mail.

With California's recent history of ever increasing popularity of voting by mail and with a review of the vote by mail experience of Oregon and Washington; two things become apparent; First, counties can expect that the percentage of voters casting ballots through the mail will continue to increase and Second, this increase in voting by mail *may* very well lead to legislation that allows some local jurisdictions or individual counties to conduct elections entirely by mail.

Given the two observations stated above, it is important that County Election Officials develop secure and reliable best practices for handling and processing the significant and increasing number of ballots currently voted through the mail.

The purpose of this position paper is to examine and analyze the various aspects of voting by mail so that California County Election Officials are well informed of the many issues surrounding voting by mail so that they may make the best decisions in developing vote by mail best practices that fit their individual county.

It is anticipated that this document / position paper will change over time as voting trends change, elections come and go, new vote by mail technology is developed and new vote by mail laws are enacted.

Effect of Voting by Mail on the Cost of Conducting Elections

As the popularity of voting through the mail increases counties are essentially running two elections; a traditional polling place election on Election Day and a mail ballot processing center election for the 29 days leading up to Election Day. For counties with a significant percentage of the registered voters signed up to vote by mail the cost of running a parallel vote by mail processing center can be significant. Current law does not allow counties to compensate for high vote by mail volume by reducing or consolidating Election Day services at the polls.

The lowering of costs, at least in elections that completely eliminate polling places and the resulting costs of staff and location has been clearly demonstrated in Oregon and Washington. In Oregon, with their all-mail voting system (no polling place costs), elections cost a third to one half of the cost of polling place elections.

Currently for those California counties with high percentage of PAV voters the cost of running parallel elections (mail ballot election and polling place election) exceed the costs of running a traditional poll place election. At this point it is unclear if future technological innovations or legislative changes that allow for greater efficiencies and

consolidations at the polls will provide the cost benefits necessary to significantly reduce the costs of conducting a hybrid vote-by-mail system in which the county continues to incur the costs associated with operating polling places.

Although the recent increases in election costs, due to increased VBM and other factors, are a cause for concern, the CACEO also recognizes that continuing to provide a variety of convenient voting options for voters in this State may be good policy if it increases participation in the electoral process.

With regards to County versus State election cost responsibilities, it is the State that incurs the current cost of conducting the mail (absentee) ballot side of the election. All costs incurred for printing absentee ballots, preparing them for delivery, postage, and processing, and counting the returned ballots, are passed on to the State. The County continues to incur costs for conducting the traditional polling place side of the election.

As a best practice counties should continue to pass along to the State all costs associated with mailing and processing absentee ballots. This becomes ever more important as the number of people voting absentee continues to increase.

Note: Should future legislation allowing counties to individually choose to conduct all elections entirely by mail, the State reimbursement for absentee voting would likely disappear. This is because absentee voting, as we know it today, as a State mandated function, would disappear. This would have the ironic affect of having the State reap all of the cost benefits associated with more people voting by mail.

Effect of Voting by Mail on Voter Turnout and Participation

We should put some turnout results of AV in California here versus poll place turnout.

Also should comment on turnout results in Oregon

increases voter participation

it increases voter turnout

turnout is substantially higher in lower profile elections.

Processing Mailed Ballots Offers Opportunity for Streamlining Elections Operations and Improving Elections Security

As more people choose the convenience of voting by mail in California it is important that County Election officials concentrate on making the processing of mailed ballots more cost-effective, with resources focused on transparency, accountability and trackability.

If California counties are allowed to opt for entirely vote by mail elections this may offer a number of improvement opportunities. The current dual voting system is costly,

complex and inefficient. Adopting a vote-by-mail system will allow the county to focus resources and systems to gain efficiencies while limiting the dependency on human interaction and ballot handling.

Voting by Mail is Easier and Reduces Accessibility Issues

Many people with disabilities choose to vote by mail as it obviously eliminates the need to travel to a polling place to cast a ballot. Absentee voting empowers voters to cast their votes when and where they choose to do so. For disabled voters that choose to vote in person, disability accessible voting equipment, is available at polling places and the Election offices.

If elections are conducted entirely by mail Elections officials must make disability accessible voting equipment available to voters who wish to use it. The CACEO believes that people with disabilities, including those who are blind and partially sighted should have the same privacy protections that sighted voters have. To ensure this, any future vote-by-mail plan should include the placement of Election Day regional voting centers throughout the county equipped with disability accessible voting equipment.

VBM - Election Day Regional Vote Centers

Currently polling places provide accessible voting equipment for the disabled to vote privately and independently. If counties were to change to voting entirely by mail, it would be important for some counties to establish Regional Vote Centers for operation on Election Day. Vote centers will need to be fully staffed with facilities distributed across the county according to user population and need. Counties should use a defined set of criteria for selecting locations to avoid any perception of politically based decisions. These facilities are required to provide services equivalent to polling places and will need to include multiple accessible voting machines. The RVCs should also accommodate a mail ballot drop box, a real-time connection with the voter registration database, and access to electronic poll books. Each facility needs to provide physical access for persons with disabilities. The number of regional vote centers necessary will vary from county to county. For many counties their regular Elections office or offices will be sufficient for voter access on Elections Day. For larger counties with multiple cities Regional Vote Centers are recommended.

VBM - Election Day Ballot Drop-Off Locations

There will always be people who prefer to vote in person. Many current absentee voters choose to drop off their ballot at their local polling place on Election Day. Similarly many people drop off their ballots at the County Elections Office prior to and on Election Day.

It is important that County Elections Officials undertake adequate outreach efforts to ensure that people with absentee ballots know the many options available to them for delivering their ballots before and on Election Day.

Some counties have drive thru drop off locations for absentee voters on the weekend before Election Day. Other counties set up drop off sites. Providing in-person voting options and places for voters to personally deliver their voted ballots remains important, even in a vote-by-mail environment.

Counties should establish Election Day drop-off locations (including some that are “drive-up”) that are secure and monitored (but not staffed) in generally recognized public places, such as city halls, libraries and community centers.

Voting in Person

There will always be people who want the experience of voting in person. Should counties eventually move to VBM it will be important accommodate them through ballot drop-off sites and regional vote centers.

Voting by Mail Provides Greater Transparency and Improves Security

With the increasing popularity of absentee voting it is important that counties demonstrate the greater transparency and security provided with voting by mail.

New technology makes it easier and faster to process returned ballots. Automatic signature verification machines and automatic envelope openers and ballot extractors help to remove human error and improve voter secrecy requirements.

It is important that counties make efforts to allow voters to monitor and track the receipt of their mailed ballot once it reaches the Elections Office. Current technology allows voters to track the receipt of their ballot over the internet.

Each county should strive to be a model jurisdiction for accountability, accuracy and transparency in the operation of their mail ballot processing center.

Pre-Election Outreach Mailings to Ensure Proper Addressing of Mailed Ballots

Vote by Mail and Provisional Voting

Return Date of Ballots Voted Through the Mail

Currently mailed ballots must be received by the Elections office or delivered to any polling place by the close of the polls at 8:00PM on Election Day.

Timeliness of Processing and Tabulating Mailed Ballots

Signature Verification of Ballots Received Through the Mail

What is process when no signature on return envelope before the election - and on Election Day?

Signature verification:

Recommend that all return envelopes have a bar code with unique voter identification. These bar codes can be scanned to bring up the voters signature on a computer screen for visual and manual signature verification by an experienced Election official.

Automatic signature verification (ASR) machines are also available to vastly improve and speed up the process of verifying signatures on mailed ballot envelopes. These machines scan and read the bar codes on absentee ballots while at the same time capturing the image of the signature and comparing it to the original signature of the voter as maintained in the County's voter registration database. These high speed machines significantly reduce labor costs and improve transparency as it removes human error from the verification process for the vast majority of ballots.

Ensuring the Secrecy of Votes Cast Through the Mail

Employ automatic envelope openers and ballot extractors – removes human eyes from the process.

If mail ballot envelopes are opened by hand have voters place the ballot in a secrecy envelope prior to inserting into return envelope.

Voters that Vote by Mail are More Informed

We have heard from voters who go to the polls and find that there was something on the ballot they knew nothing about, a local government candidate, a judge, an initiative, or a local ballot measure. When voting by mail, these voters can refer to their voters' pamphlet, call a friend, or go online and search out the information and then complete their ballot when and where they choose to do it.

Physical Security at Mail Ballot Processing Center

Security Cameras

Electronic locks

Alarm System

Fire suppression system

Sheriff Deputies on Election Day

Name badges with picture ID for all staff and extra help

Central Count Machine behind closed doors with windows for observation.

AUTOMATION METHODS FOR VOTE-BY-MAIL

As the percentage of vote by mail increases, Election Officials can take advantage of the various automated processes available to help process the vote-by-mail ballots. The following automated processes help the election office keep up with the volume of mail generated by the increase in absentee voting.

Use a mailing company to insert, label and prepare absentee ballots for the post office.

Company chosen should have a track record of mail preparation of absentee ballots. It is helpful if the company can also print ballots. Using a mail house without the experience of absentee ballot preparation or which cannot handle the volume of mail can be a painful experience.

Process:

Mail company arranges for printing outgoing and return envelopes and instructions

Ballot sent to ballot printer for printing

Extract file of absentee voters sent to mail company at E-55

Ballot printer/mail company prints ballots and inserts ballots and instructions into envelopes, labels envelopes and sorts envelopes for mailing

Marin ROV sends all absentee ballots via 1st class mail. Most are sent using a pre-sort indicia for savings on postage.

Use automatic inserter for smaller ballot runs.

An automatic inserter for smaller runs of ballots after the initial large E-29 day run by the mail company, is helpful in larger counties where the number of ballots in each run is too small for the mail house, but too large to insert by hand.

Diebold VoteRemote or similar process (Pitney Bowes has similar software) to process the returned ballots and check signatures.

Company chosen should have the ability to link its software to the election management system, such as DFM or DIMS, used in the county. Not all companies have this ability.

Process:

Returned AV envelopes are scanned through the VoteRemote scanner where they are stamped with a sequential number showing that they have been recognized by the system.

The envelopes that cannot be processed are separated and routed to a clerk for manual processing.

The signature verification program checks signatures at the same time that the envelope is being scanned. Scanned batches are routed to a clerk who manually checks the signatures not recognized by the signature checking program.

AV envelopes successfully scanned are uploaded into the election management system where they are recorded as returned.

Automatic sorter to sort AV ballots by precinct

There are two types of sorters available. One is a \$500,000 Pitney Bowes sorter, appropriate for large counties. The other is the \$120,000 NPI sorter, which Marin purchased this year. Both of these sorters have the capability of adding on other features that could combine the VoteRemote-type process. The NPI sorter also has an opening feature and an OCR feature. Marin purchased the basic NPI sorter with a barcode reader due to the low maintenance needs of the equipment.

Automatic opener to open the AV ballots.

There are various types of automatic openers. One type is a console type made by OPEX. There is another type that just slices the top of the envelope and another type that slices all three sides of the envelope. With all three types, the ballot must be extracted by hand. (I didn't like the OPEX machine because it was always breaking down and frequently the operator would miss extracting a ballot, which would end up in the bin for empty envelopes. We always had to check the empty envelopes for ballots. However, other counties have had a good experience with the OPEX machines.)

High speed ballot scanners

Some companies already have high speed ballot scanners that are certified by the State. The Diebold high speed scanners are not yet certified, but, when they are, it will help process the voted ballots more quickly than they are now.

Considerations that should be addressed by each County prior to choosing to become all VBM include:

- voting system speed, capacity, and database size
- outgoing and incoming ballot processing systems
- adequate facilities to provide for transparency, security, and accountability
- regulatory limitations and requirements on ballot processing, dates of elections and time requirements for certifying election returns
- options for voters with disabilities and special needs to cast ballots independently
- voter outreach and education programs
- voter registration database integrity

Ballot Tracking Technology: The most promising solution is an "end-to-end" provider of ballot mailing and tracking systems with automated signature verification. The latter option should be tracked to determine its capabilities within the current and proposed policies and laws.