

**OFFICERS 2006-2008**

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\* non-voting member

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# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

May 29, 2007

Assembly Member Paul Cook  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0054

Dear Assembly Member Cook:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) reviewed **AB 1662** as amended April 25, 2007. This bill proposes to establish ranked choice or instant run-off voting (IRV) for special absentee voters in a primary, special, or general election, for which there may be a runoff election held within 90 days of that election. The special absentee ballot is to be sent in addition to the regular absentee ballot.

Sending two ballots, one of which requires voters to rank their choices, would be very confusing to voters. What if only the ranked, special absentee ballot is returned, and there is no run-off election? Does the voter's ballot not count for the first election? While the bill does describe how the voter would rank his or her choices, nowhere in the bill is the instant run-off process defined, nor is there direction on how to tabulate these votes - only that the special ballot would allow the special absentee voters' votes to be counted if there is a runoff election.

While there are numerous possible variations, let me provide an example: A special vacancy election in a congressional district with 6 candidates [2 Democrats (Candidate A and Candidate B), 2 Republicans (Candidate C and Candidate D), 1 Green, and 1 Libertarian] running for the office. No candidate receives a majority in the "Primary" and Candidates B and C received the most votes for their respective parties. Therefore, there are four candidates on the ballot for the general election (Candidates B and C, and the Green and Libertarian candidates). The special absentee voter returns only the special absentee ballot, not the regular absentee ballot. The voter casts his or her first choice for the Green Candidate, the second choice for Candidate A and the third choice for Candidate D. How are these votes to be counted? Does the voter's ballot count in the "Primary?" If so, what is the purpose of the regular absentee ballot? If the voter's vote is counted in the Primary for the Green candidate, and there is a runoff election, does the voter's vote count again for the Green candidate? And what if the Green candidate does not win the election, would you then take this one vote away from the Green candidate (no candidates are eliminated, unlike a "traditional" IRV election), and if so, to whom would it be attributed? Neither Candidate A or D made it to the General Election ballot.

Again, this scenario is one of many to which there are unanswered questions. Mixing ranked choice voting with traditional one person, one vote elections, is not feasible. Providing multiple ballots to special absentee voters would be very confusing, and these voters would not be presented with the final candidates for whom they are entitled to vote. The Committee has taken a position of **Oppose** in regard to this bill.

Should you have any questions in this regard, please do not hesitate to contact me at the Sonoma County Clerk-Recorder-Assessor's Office (707) 565-1877.

Very truly yours,

Janice Atkinson  
Correspondence Secretary  
Elections Legislative Committee  
California Association of Clerks  
and Election Officials

c: Senator Ron Calderon, Chair, Elections, Reapportionment and Constitutional Amendments Committee  
Assembly Member Curren Price, Chair, Committee on Elections and Redistricting  
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee  
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee