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* non-voting member

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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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July 21, 2009

Assembly Member Anthony Adams
State Capitol
Sacramento, CA 95814

Dear Assembly Member Adams:

The Elections Legislative Committee of the California Association of Clerks and Election Officials has carefully watched and considered **AB 257** (as amended May 6, 2009) which requires that the Secretary of State establish a uniform reporting format to collect information regarding election "incidents and irregularities." It is our understanding that the intent of this legislation is to prove that there are not a significant number of "incidents and irregularities" occurring in California elections. While we believe this to be true, as currently written, we consider the language to be far too broad in defining what constitutes an inconsistency or irregularity.

The proposal, as written, could easily be interpreted as to impose onerous reporting requirements, detailing instances such as voters mismarking their ballots, or arriving at the polls after 8:00 p.m. (providing such instances were documented by pollworkers) or voters failing to sign vote by mail envelopes (with the assumption that notification to the voter constitutes documentation). Despite our best efforts to clear up all problems in a timely manner, in the 2008 Presidential Election, Sonoma County alone had almost 700 vote by mail ballots rejected, due to missing signatures, signatures that didn't match, envelopes returned empty, ballots received too late, or those with more than one ballot enclosed. All of these situations resulted in voters being disenfranchised, and it would appear that the recordation of such instances would constitute documentation.

We have spent a significant amount of time in an attempt to recommend amendments which would reduce the reporting burden on counties, however we have not been successful in coming up with meaningful alternatives. In these difficult economic times, the counties cannot absorb any additional costs, and the reporting requirements attributed to AB 257 will definitely add to the cost of conducting elections.

We appreciate your genuine concern and offer to work with our Committee. Unfortunately, to date, our concerns with the bill persist. If you have any questions, please feel free to contact me at the Sonoma County Clerk-Recorder-Assessor's Office (707) 565-1876.

Very truly yours,


Janice Atkinson
Correspondence Secretary
California Association of Clerks
and Election Officials

c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting
Senator Loni Hancock, Chair, Senate Committee on Elections, Reapportionment and
Constitutional Amendments
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
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