

CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS



OFFICERS 2006-2008

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May 29, 2007

Assembly Member Sam Blakeslee
State Capitol, Room 4117
Sacramento, CA 95814

Dear Assembly Member Blakeslee:

The Elections Legislative Committee of the California Association of Clerks and Election Officials (CACEO) has reviewed **AB 773**, as amended April 9, 2007. This bill would allow a voter to return his or her voted absentee ballot to any polling place in the State, and would require the election official who receives a ballot from another jurisdiction within the state, to return the voted ballot to the election official of the jurisdiction that issued the ballot.

Every election a number of absentee ballots are returned to polling locations in jurisdictions other than those from which the ballots were issued. While this is not a significant number of ballots, it is important that every vote cast in a timely manner be counted. It should be noted that the proposal could result in delays in the certification of an election while waiting for ballots to be forwarded from another jurisdiction, re-certification in the event absentee ballots are forwarded after the jurisdiction has certified the election, and in changes to vote totals and outcomes of close contests.

The Committee has voted to **Support** the proposal, and asks that the bill be amended to also allow an absentee ballot to be returned directly to any election official in the state (as opposed to being delivered to a polling place on election day) and to substitute the word jurisdiction in lieu of county, to allow voters in city elections held on the same day to return the ballot to another city in the state. Suggested amendments appear below.

3017. (a) All absentee ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the absent voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to the office of any elections official in the state or (3) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction state. However, an absent voter who, because of illness or other physical disability, is unable to return the ballot, may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the absent voter to return the ballot to ~~the any~~ an elections official in the state from whom it came ~~who issued the ballot~~ or to the precinct board at any polling place within the jurisdiction state. The ballot must, however, be received by either ~~the an~~ an elections official ~~from whom it came who issued the ballot~~ or ~~the any~~ any precinct board in the state before the close of the polls on election day. In the case of an absentee ballot returned to a precinct board of a polling place located in a county jurisdiction other than the county jurisdiction of the elections official who issued the ballot, the elections official responsible for the polling place at of the jurisdiction to which the ballot is returned shall deliver the ballot to the elections official who issued the ballot.

(b) The elections official shall establish procedures to ensure the secrecy of any ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted absentee ballots and to make this information available by means of online access using the county's elections division Internet Website. If the county does not have an elections division Internet Website, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted absentee ballot was received.

d) The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

e) Notwithstanding subdivision (a), no absent voter's ballot shall be returned by any paid or volunteer worker of any general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision shall not apply to a candidate or a candidate's spouse.

15320. Absentee ballots and mail ballot precinct ballots returned to the elections office and to the polls on election day, including those returned to another jurisdiction in the state and forwarded to the jurisdiction of issuance, that are not included in the semifinal official canvass phase of the election shall be processed and counted during the official canvass in the manner prescribed by Chapter 3 (commencing with Section 15100).

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of *Division 4 of Title 2 of the Government Code*.

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