

Barriers to Conducting a June 22 Special Vacancy Primary two weeks after the Statewide Primary

The Governor, on April 27, 2010, called for a special vacancy Primary Election to be held in State Senate District 15 on June 22, 2010. The run-off election, if someone does not get a majority (50% + 1) of the vote on June 22, would be held on August 17.

Senate District 15 includes five counties:

1. Santa Clara - 114,668 of the county's 765,578 voters
2. San Luis Obispo - 154,109 voters – countywide
3. Monterey - 92,271 of the county's 159,303 voters
4. Santa Cruz - 57,400 of the 146,440 voters; and
5. Santa Barbara - 40,604 of the county's 190,365 voters

The Governor had the option and all the counties supported consolidating the 15th Senate District special vacancy run-off election with November 2, thereby causing an August 31 special vacancy Primary. For whatever reasons, the Governor opted not to exercise that option, which would result in saving approximately \$3 million.

Instead, in calling for the two special vacancy elections this summer, one of which will occur just two weeks after the Statewide Primary on June 8, poses significant problems for elections officials and creates barriers that will be difficult, if not impossible, to overcome. These brick wall barriers include:

- **Money.** There are no discretionary funds or financial reserves for counties to pay for the costs upfront with the hopes the State will reimburse counties in the future. In fact, while the Governor promised to reimburse counties for the May 2009 Special Election, we have yet to receive a dime. Counties are already facing budget cuts and potential layoffs/additional layoffs affecting health, social and safety programs. Calling two stand-alone elections at an upward cost of \$6 million means services and supplies will be taken from other county departments.
- **Insufficient number of trained staff.** Four of the five counties are less than 200,000 voters and do not have large staffs. There is not enough trained experienced staff to conduct two elections of this size in one month. This will require recruitment and training of new staff and an increase in errors. Moreover, some staff are assigned to projects that must be completed by the end of the year or hundreds of thousands dollars in federal grant money will be lost.
- **Limited space.** Counties will have problems obtaining enough secure storage space. Counties will have insufficient warehouse space to prepare, deploy, receive back and audit voting equipment and polling place supplies for two elections in one month. Others will have limited space to securely store both unvoted and voted ballots for the legal retention cycle, which will jeopardize the integrity of the election. Lack of space to prepare and audit voting machines violates voting system use conditions established by the Secretary of State. Other counties have small lobbies and may not be able to manage voters and candidates who are coming in for voting services for two elections in the same month.

- **Polling Places are not available.** Monterey is a Section 5 County and, under the Federal Voting Rights Act, must gain pre-clearance from the U.S. Department of Justice before implementing any voting changes before the voters. Under Federal law, any changes must be submitted no less than 60-days prior to the effected election, in order to allow the Department of Justice to interpose objections. That deadline for June 22 was Friday, April 23, 2010. Monterey has begun to do outreach to secure the June 8 voting locations for the June 22 special election and are already being denied access to facilities. Santa Cruz County is under court order to make all facilities compliant with ADA and Title 24 by November 2, 2010. Schools are used by many of these counties as polling places, and when they are closed for summer, they will not be available.
- **Poll Workers will not be available.** Staffing polling places with trained poll workers will be a problem, especially when many poll workers will not be available to work. It is difficult to recruit for elections held between June and August as this is the time of year that people travel – our individual poll worker and student poll worker programs see a large decline in participation. It is uncertain if counties can recruit and train enough new poll workers to staff the polling sites for June 22 and provide adequate services to voters.
- **Voting Equipment Limitations.** In some counties there is an insufficient number of voting machines to be deployed within two weeks of each other, as well as to be used centrally to tabulate vote by mail ballots. Counties who do not own precinct vote tabulators must count 100% of the ballots on central count machines. Counties will have to secure one of the central machines for the June 22 election, leaving the Counties one short for June 8, delaying the release of election results for both elections. Additionally, if one machine fails, the counties will not have a spare machine to be able to continue to tabulate ballots and release election results as required under law.

Voting Equipment requires logic and accuracy testing that cannot be done for the June 22 election while the same people are involved in conducting the June 8 election. State law mandates all equipment is tested no later than 7-days prior to use in an election. This leaves one week for Counties to audit the machines used on June 8, clear the election data, and set up, test and prepare for deployment for the June 22 election, which will adversely impact both the June 8 and June 22 elections.

- **Military and Overseas Voters will be disenfranchised.** Voters in the military and voters residing overseas are eligible to be mailed ballots 60 days before the election. Candidate filing for the June 22 election ends May 10, 43 days before the election, and the list of certified candidates will not be available until May 17, or 36 days before the election. Many counties will also have foreign language ballot translations, further delaying the final design of the official ballot. According to the local representatives of the USPS, if counties do not mail the military and overseas voter ballots by 45-days prior to the election, there can be no guarantee the voter will be able to vote. This clearly leaves insufficient time to get a ballot mailed to a military voter, and for that voter to vote it and return it on time.
- **Voter confusion and outrage will be high resulting in disenfranchisement.** Voters will not understand why elections were not consolidated with previously scheduled elections. They will be particularly outraged that the primary elections are held just two weeks apart, causing them to travel to the polls to vote twice in one month. This situation is worsened if polling place locations change between June 8 and June 22. Also, because the voting periods for the elections will overlap, some voters may forget to vote, not understand where to vote, think they already voted, confuse the two ballots, or not vote at all in a show of anger.