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# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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March 2, 2010

The Honorable Paul Fong, Chairman  
Assembly Committee on Election and Redistricting  
State Capitol, Room 444  
Sacramento CA 95814

Re: Impacts of the "Top Two Primary" and SB 6 on Election Costs and Administration

Dear Chairman Fong:

The purpose of this letter is to analyze the impact that Senate Bill 6 (Chapter 1, Statutes of 2009) and Senate Constitutional Amendment 4 (if approved by voters in the June 8, 2010 Primary Election) will have on the administration and cost of elections in California. Should these two proposals be approved by the voters and adopted, the transition and implementation to the new primary system will require significant technical and operational changes impacting voting systems, election management systems, ballot creation, poll worker training and voter education. The following sections will provide further details on the logistical and technical requirements that implementation of the proposals will involve.

The California Association of Clerks and Election Officials is a professional association of County Clerks, Clerks of the Board of Supervisors, Registrar of Voters, City Clerks, and associates. The information and details herein do not represent a formal position in favor of or opposition to these proposals. The goal of this letter is to provide the committee and the public important details associated with the implementation SCA 4 and Senate Bill 6.

### Voting Systems

Election officials will be required to reconfigure complex ballot layout and tally systems. Changes to these systems may prove to be problematic in light of current federal and state voting system approval and certification requirements. (See the *hearing on Future of Voting in California* held by the Secretary of State on February 8, 2010.) The best case scenario would involve voting system revision, which may result in substantial financial challenges and time limitations. At the other end of the spectrum, county's voting systems may become obsolete; the time required to purchase, test, and certify a new voting system may be lengthy and problematic.

This legislation will trigger unknown system changes that may result in unanticipated technical and fiscal challenges.

### Ballots

The proposals will cause most counties to print additional ballots per voter for two reasons. First, certain provisions will result in a greater number of candidates on each ballot type during a primary election. Ballot design and creation is a delicate balance, and a dramatic increase in the number of candidates on a ballot may have a detrimental effect on ballot layout and spacing. The challenge of having too little space on a ballot is exacerbated in counties with minority language requirements. Second, Senate Bill 6 mandates the addition of a substantial amount of new ballot text that guides voters through the nominating process.

These two factors will likely result in most voters receiving at least one or two additional ballot cards in primary elections.

This increase in the number of ballot cards per voter will generate millions of dollars statewide in ballot production and postage costs. It will increase challenges faced by ballot print vendors to produce and deliver ballots in a timely manner and will tax the resources of election officials as they attempt to count and store the additional volume of ballots.

### **Voter Education**

Election officials and poll workers will be required to learn a new method of voting and teaching it effectively to voters. Experience with several dramatic technical changes to California's election environment over the past two decades has illustrated the difficulties in overcoming voter confusion and technical glitches during initial implementation of new voting systems. The legislation not only changes the method of voting, but it also impacts the manner in which ballots are cast and the nature of the voter registration system – all in a single election. Such a complex set of changes has not occurred in recent memory and certainly not in an environment where diverse and complex voting technology is used throughout the state.

### **Other Factors/Challenges**

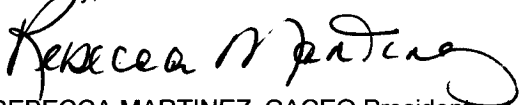
In addition to the impacts mentioned above, Senate Bill 6 and SCA 4 will cause major changes in:

- The voter registration and election management systems used throughout the State. These systems are the repositories for registration and candidate information and they contain related modules or components dealing with precincts, poll workers, and ballot layout.
- Sample ballot booklets. The size of these booklets is expected to increase by at least 25% as a result of SB 6. This increase will have a corresponding impact on postage and printing costs.
- Poll worker training programs. These training programs will need to address changes to the process of nominating/selecting candidates to go forward to the general election ballot and of posting new information for voters.
- Voter registration forms and records. These will be completely revamped under SB 6.
- Candidate filing documents. These will need to be revised to reflect the changes in law.

Based on our evaluation, the changes and total implementation of these proposals SCA 4 and SB 6 have the potential to be costly, complex, and time-consuming to implement. In addition, for some Counties the implementation may require a fundamental redesign of their voting systems if not the implementation of a completely different system. Taking these factors into consideration, we are concerned that the current time table for implementation, specified in the proposals, may be inadequate, considering the significant changes that may be required. Of greater concern is the possibility that the Governor might proclaim a Special Vacancy Election for an Assembly or Senate vacancy as early as January 2011.

The California Association of Clerks and Election Officials would be more than happy to provide any additional information or respond to any additional questions, and welcomes the opportunity to work with you to ensure an electoral process that is accessible for all Californians.

Sincerely,



REBECCA MARTINEZ, CACEO President

Cc: The Honorable Anthony Adams, Vice-Chair, Assembly Committee on Elections and Redistricting  
The Honorable Bill Berryhill, Member, Assembly Committee on Elections and Redistricting  
The Honorable Joe Coto, Member, Assembly Committee on Elections and Redistricting  
The Honorable Tony Mendoza, Member, Assembly Committee on Elections and Redistricting  
The Honorable Lori Saldaña, Member, Assembly Committee on Elections and Redistricting  
The Honorable Sandre R. Swanson, Member, Assembly Committee on Elections and Redistricting