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# CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

**NEAL KELLEY, PRESIDENT**

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April 27, 2015

The Honorable Reginald B. Jones-Sawyer  
State Capitol, Room 4126  
Sacramento, CA 95814

**AB 1301 (Jones-Sawyer) –Oppose**

Dear Assembly Member Jones-Sawyer:

The California Association of Clerks and Elections Officials regrets to advise you of our opposition to AB 1301, which places preclearance provisions on counties in the conduct of elections. This Association and its members, support the principle, and uphold in practice, the Voting Rights Act (VRA) of 1965 and the State of California’s Voting Rights Act. We are witness to the positive progress of enfranchising minorities directly resulting from the VRA. Thus, it is with much regret that we must oppose AB 1301 as it is unworkable and incredibly costly.

Under the proposed language of this bill, every city and county would be subject to the provisions of AB 1301 without a demonstrated history of, real or alleged, discrimination and disenfranchisement of minority populations. The legal protections afforded by the Voting Rights Act remain in statute; along with remedies should the protections be violated. This mandate would impose extensive administrative and fiscal burdens on those counties and the Secretary of State. We are deeply supportive of the rights of all citizens to vote, but we can only question the need for such a drastic, sweeping change.

Further, local legislative bodies do not conduct elections nor set election policies and practices and are, therefore, the wrong entity for submitting preclearance requests. The unreasonable burden of proof this bill places on local jurisdictions is also unworkable as it requires election official to attempt to prove a negative. The private right of action and the delays created by any legal action threaten the integrity of the entire voting process for all voters.

Additionally, the proposed bill bases the formula for determination that a voting location change is a covered practice on census tract data within the political subdivision. AB 2692 (stats. 2012) deleted the requirement that tied precinct boundaries to census tracts. Reestablishing this data in counties’ information management systems to comply with this mandate would require extensive efforts and result in significant costs.

The mandates in this bill placing responsibility for pre-clearing and policing counties by the Office of the Secretary of State is impractical and extremely costly both in the increased staffing that would be required and in recruiting those who have the experience and qualifications to make such determinations. The addition of another layer of bureaucracy will dramatically increase the costs of elections across the state and will negatively impact the voting experience for all voters.

Should you have questions regarding our position, please contact me at the Contra Costa County Election Division at [scott.konopasek@vote.cccounty.us](mailto:scott.konopasek@vote.cccounty.us) or (925) 335-7808.

Respectfully,



Scott O. Konopasek

Corresponding Secretary

California Association of Clerks and Election Officials

Cc: Assembly Member Ridley-Thomas, Chair, Assembly Committee on Elections and Redistricting  
Ethan Jones, Chief Consultant, Assembly Committee on Elections and Redistricting  
Daryl Thomas, Republican Caucus Consultant  
Barry Brokaw, Sacramento Advocates, Inc.  
Jill LaVine, Co-Chair, CACEO Election Legislative Committee  
Karen Rhea, Co-Chair, CACEO Election Legislative Committee