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May 14, 2012

Assembly Member Jared Huffman, Author
State Capitol, Room 3120
Sacramento, CA 94249-0006

RE: **AB 1805** Elections: Military or Overseas Voters

Dear Assembly Member Huffman:

The California Association of Clerks and Election Officials Elections Legislative Committee would like to thank your staff for working so closely with us to address our concerns relating to **AB 1805**, as amended on May 1, 2012. The Committee is requesting additional clarifications that we believe would further improve the administration of voting by mail for military and overseas voters. A major concern is the broader definition of military and overseas voters now included in Section 300 of Division 1, and how this broader definition relates to other operational concerns:

1. Section 300: We have concerns that all military voters, regardless of geographic location, are eligible to receive early voting materials under the provisions of AB 1805. This greatly expands the scope of the bill and raises fiscal and operational issues in counties with significantly large military populations, such as San Diego. We believe that it is necessary to maintain a narrow scope of this definition to those presently on active duty and serving outside of their county of residence.
2. Section 321(b)(2): This subsection currently states a person who was born outside of the United States is an elector if his/her parent was a resident of California prior to leaving the United States. We would like this clarified that the voter's parent must also be a citizen of the United States.
3. Section 3102 (b): It is unclear whether AB 1805 intends to create both permanent registration and permanent vote by mail status for military and overseas voters. UOCAVA and the MOVE Act leave this application up to the state; existing California law is silent. Prior to the MOVE Act, it was common practice to permit registration and vote by mail status for one election cycle, to include a primary and general election. According to information on the Federal Voting Assistance Program's website, they are recommending states honor a "one general election rule" for use of the post card application under UOCAVA. We concur with this recommendation.
4. Section 3102 (e): Amend to read "~~received~~ post marked by the elections official ..."
5. Section 3103: Amend to read "shall be deemed a duly registered voter as of the date of the post mark appearing on the application ~~to the same extent and with the same effect as though he or she had registered in proper time prior to the election~~".
6. Section 3105 (b)(1): The concern with the word "immediately" relates to the newer, more broad definition of "military and overseas voter" under Section 300. Please see item #1 above.

A suggested amendment is: (1) The elections official shall, ~~immediately send the military or overseas voter a ballot in a form prescribed and provided by the Secretary of State pursuant to Section 3101. The elections official shall send with the ballot,~~ not earlier than 60 days but not later than 45 days before the election, send the military or overseas voter a ballot, or, if ballots are not yet available, a list of all candidates who have qualified for the ballot ~~as soon as possible but not later than 45 days before the election~~ and a list of all measures that are to be submitted to the voters, ~~and on which the voter is qualified~~ eligible to vote, along with a write-in ballot. The voter shall be entitled to write in the name of

any specific candidate on the list who is seeking nomination or election to any office listed on the ballot on which the voter is qualified to vote.”

7. Section 3105 (e): This section seems to conflict with section 3102 (b).
8. Section 3105 (f): Please see #1 above and the concern with a broader definition of military and overseas voter and increased labor and costs associated with electronic transmission of ballots. In counties with larger military populations, the inclusion of domestic military and their spouse and dependents in this broad definition creates a larger population of voters to offer earlier and “immediate” services. Coupled with the requirement to provide all voters under this definition voting materials between the 60th and 45th day prior to the election, this immediate requirement places an implementation burden on large counties making it imperative to narrow the scope of Section 300 in order to meet this mandate.
9. Section 3114 (a): Please see #1 above and the concern with a broader definition of military and overseas voters. We request an amendment to this section to read “not sooner than 60 days not later than 45 days before the election...”.
10. Section 3114 (b): Amend to read, “arrives after the 60th 45th day before the election....” and “transmit them to the voter ~~not later than two business days after the application arrives~~ as soon as is practicable”.
11. Section 3123: Delete this section, or replace the reference to substantial compliance with gross negligence to substantiate court action.

While AB 1805 recognizes this as a new mandate that increases the duties of local election officials, in current form, AB 1805 contains provisions that result substantial costs relating to duplication and processing of electronically transmitted voting materials. However, such costs can be reduced substantially if the amendments we have offered were to be considered.

We again would like to thank you in advance for consideration of our additional amendments above. If you or your staff has any questions, please do not hesitate to contact me at the Monterey County Elections Department at (831) 796-1499.

Very truly yours,



Linda Tulett
Correspondence Secretary
California Association of Clerks and Election Officials

c: Honorable Filipe Fuentes, Chair, Assembly Appropriations Committee
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
Barry Brokaw, Sacramento Advocates