



CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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April 7, 2017

The Honorable Lorena Gonzalez Fletcher
State Capitol Building, Room 2114
Sacramento, CA 95814

Dear Assembly Member Gonzalez Fletcher:

The California Association of Clerks and Election Officials Elections Legislative Committee has reviewed **AB 216**, your proposed legislation, which would require election officials to provide vote by mail voters with a return envelope for their ballots with postage prepaid.

Although the Committee understands and appreciates that it is your intent to make it easier for voters to cast their ballots by mail, we would welcome the opportunity to further discuss several aspects of your proposed legislation. Specifically, as currently written, AB 216 may lead to the following:

- **Risk of becoming an unfunded mandate:** Having met with your office, it is our understanding that you are actively searching for a revenue stream to fund this program. If funding is not secured, counties would either need to bear the cost of this requirement or distribute the cost to all the districts that are consolidating with the election. Additionally, the state would likely have to pay the costs for local elections as well.
- **Risk for business mail delays:** In order to prepay for postage, counties would either need to affix stamps to the return envelope or the county would need to use a business reply mail permit. If the county employs the mail permit method, all returned mail needs to go through a manual process at the post office which involves a hand count of the returned envelopes to charge the county appropriately. Because of this manual process, there is a delay (at minimum one business day, often times longer) for election officials to receive the mail from the post office. This becomes especially critical following the election when counties can add vote by mail ballots to their totals for up to three days post-election and the post office is still working on processing the mail.
- **Risk for postmarks complications:** Because business reply mail goes through a manual process, postmarks do not always appear on these ballot envelopes. Even though it is a United States Post Office requirement, counties that use business reply mail services continue to report that these envelopes routinely lack postmarks. This is also critical in the three days following the election, when counties can add vote by mail ballots to their totals assuming they have a postmark.
- **Other options currently exist for returning vote by mail ballots:** Currently, there are several ways to return vote by mail ballots other than mailing them. Vote by mail ballots can be returned to any polling place on Election Day. All Election offices accept voted ballots. Most counties have drop boxes located throughout their county that are available 24/7 starting 29 days prior to each election. Beginning on January 1, 2017, ballots no longer have to be returned to the county of registration by 8pm on Election Day. Now vote by mail ballots can be dropped off at polling places, elections offices or drop boxes throughout the state by 8pm Election Day. The county of receipt delivers the vote by mail ballots to the county of registration and those ballots are then added to the totals.

Speaking specifically to my experiences as Assistant County Clerk at Santa Cruz County, I can tell you that Santa Cruz County offers pre-paid postage for all of our vote by mail ballots. This is a service we

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started providing in November 2016 as directed by our Board of Supervisors. Prior to that, we only pre-paid the postage for the ballots of people who were in "Mail Ballot" precincts, meaning there were less than 250 voters in that unique ballot type precinct. Below I have detailed our return methods and percentages, and in the case of the ballots returned by mail, the total cost and the per piece cost.

82,888 vote by mail ballots returned (77.85% of vote by mails issued).
44,486 returned through the mail (53.67% of total returned).
14,173 returned at polling places on Election Day (17.1% of total returned).
9,404 returned at drop locations open during business hours (11.34% of total returned).
14,539 returned at drop locations available 24/7 starting at E-29 (17.54% of total returned).

Our postage costs were \$31,926.44 or .718 per envelope. The cost for the voters to return the ballot was .68 if they paid their own postage. The difference is the handling fee that we pay the post office to use the business reply mail service. Although we met with our local post offices and the district post office in San Jose (which handles all of Santa Cruz County's mail before being sent to Santa Cruz) we still experienced delays of up to three days in receiving our mail. This is because all business reply mail goes through the Business Mail Unit (BMU) which has to manually count the mail to adequately charge our department for postage. There is usually only one person that handles all the BMU mail (and election mail is not their priority, as they treat all mail the same). Prior to the November 2016 election, the USPS sent communication that mail delivery could take 3-10 days, so counties encouraged their voters that were wishing to return their ballots by mail to do so at least a week prior to the election and/or to have the envelope hand postmarked by a post office. For our county, we saw that delivery time stretch between 5-14 days because of the added time for the ballots to go through the BMU to be processed for delivery.

We have been noticing the increase in people using alternative methods to return their vote by mail ballots. The use of drop boxes steadily increases each election. We added a new drop box at the University of California, Santa Cruz for the November 2016 election. Close to 1000 vote by mail envelopes were dropped in that box, 666 were for Santa Cruz voters, the others were from other counties. Our office forwarded the ballots to their respective counties after marking them with the date and the location they were received. Our office also received ballots from other counties that were delivered to them by Santa Cruz voters. As mentioned previously, ballots delivered to an Election Official anywhere in California by the close of polls are considered timely, so people no longer have to rely on the mail to return their ballots.

We have enjoyed working with you and your staff on this proposed legislation. We appreciate that you are looking at ways to reduce barriers to voting. We are looking forward to continuing the discussion in order to draft language that would meet the needs of both voters and election officials. Please feel to contact me at tricia.webber@santacruzcounty.org or (831) 454-2409, or Jill LaVine, Sacramento County Registrar of Voters at lavinej@saccounty.net or (916) 875-6060.

Respectfully,



Tricia Webber

Co-Chair, CACEO Election Legislative Committee
California Association of Clerks and Election Officials

cc: Ethan Jones, Chief Consultant, Assembly Committee on Elections and Redistricting
Daryl Thomas, Consultant, Assembly Republican Office of Policy
Barry Brokaw, Sacramento Advocates, Inc.
Nick Brokaw, Sacramento Advocates, Inc.
Silvio Ferrari, Sacramento Advocates, Inc.
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