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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

CATHY DARLING ALLEN, PRESIDENT

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June 18, 2014

The Honorable Alex Padilla
Chairman, Senate Committee on Elections
and Constitutional Amendments
State Capitol, Room 4038
Sacramento, CA 95814

AB 280 (ALEJO) -OPPOSE

Dear Senator Padilla:

The California Association of Clerks and Elections Officials 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 the proposed amended version of AB 280 as it is unworkable and incredibly costly.

Prior to the US Supreme Court's decision in Shelby v. Holder, there were three California counties subject to the preclearance requirements of the Voting Rights Act, one of which was in the process of "bailout." Under the proposed language of this bill, it is our estimate that thirty-six counties within the state will be affected by the provisions of AB 280. 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.

The legal protections afforded by the Voting Rights Act remain in statute, along with remedies should the protections be violated. As an Association, we are hopeful that the Federal government will soon amend the provisions of the VRA struck down by the Court, thereby restoring oversight of voting practices in jurisdictions in which the voting rights of minorities has been, is, or might be in jeopardy. While the intent of AB 280 appears to be an effort to bridge the gap between now and then, some of the proposed changes requiring preclearance would be administratively impossible.

The pre-clearance provisions of the Federal Voting Rights Act were directed at jurisdictions with a history of suppressing minority populations' voting rights and were never targeted at jurisdictions based solely upon the presence of minority populations as is done in this bill. AB 280, as amended, arguably has little to do with the Federal Voting Rights Act or the exercise of civil rights. The single, arbitrary criterion of minority populations in excess 20% of a county's population as the basis for determining that a county has a pattern of discrimination and disenfranchisement of minority populations is not accurate. Such a sweeping criterion for

subjecting local governments to state pre-clearance misrepresents the efforts made election officials across the state to equitably administer elections.

Obtaining preclearance of changes to voting locations is an example of only one of several mandates that is unachievable. Current law provides that polling locations be established no later than 29 days prior to an election and makes provision for replacement of a site prior to the election should unforeseen events render it unusable. It is challenging for election officials to locate sufficient poll sites that meet statutory requirements for location and accessibility. Preclearance of tens of thousands of the sites covered by this bill would not be possible to achieve timely way. Efforts to comply with this single requirement would require a commitment of time, cost and personnel resources that could jeopardize counties' abilities to conduct other election duties. Furthermore, hindering or delaying the process of replacing polling locations would infringe on the rights of all voters not solely those of a minority.

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.

We respectfully urge reconsideration of the need for AB 280 at this time. Should you have questions regarding our position, please contact me at the Contra Costa County Election Division at scott.konopasek@vote.cccounty.us or (925) 335-7808.

Respectfully,



Scott O. Konopasek
Corresponding Secretary
California Association of Clerks and Election Officials

Cc: The Honorable Luis Alejo, Member of the Assembly
Darren Chesin, Chief Consultant, Senate Elections and C.A. Committee
Ethan Jones, Chief Consultant, Assembly Committee on Elections and Redistricting
Cory Botts, Consultant, Senate Republican Caucus
Daryl Thomas, Consultant, Assembly Republican Caucus
Barry Brokaw, Sacramento Advocates, Inc.
Jill LaVine, Co-Chair, CACEO Election Legislative Committee
Karen Rhea, Co-Chair, CACEO Election Legislative Committee