

March 17, 1982

ELECTIONS BY MAIL

AB 2400

City Clerk Reimche presented a report regarding Assembly Bill No. 2400, Elections by Mail, which had been introduced by Assemblyman Sher.

Existing law authorizes a local, special, or consolidated election to be conducted by mail if (1) the local agency authorizes the use of mailed ballots, (2) the election does not occur on the same date as a statewide election, and (3) the election is limited to 300 eligible voters and to specified taxation and water issues. This bill would specify which local agencies may authorize the use of mailed ballots, would delete the requirements of (3) above, and would add certain requirements for the conduct of elections by mail including a minimum period for return of ballots, verification of signatures, and procedures for consolidating the election with a county election as specified.

Proposed amendment to the bill were also presented for Council's review.

A lengthy discussion followed with questions being directed to the City Clerk by the Council.

RES. NO. 82-24

Councilman Katnich then moved for adoption of Resolution No. 82-24 supporting Assembly Bill 2400 with proposed amendments, which bill authorizes the extended use of mailed ballot elections to General Law Cities under certain conditions. The motion was seconded by Mayor McCarty and carried by the following vote:

Ayes:	Councilmen - Katnich, Murphy McCarty
Noes:	Councilmen - Hughes & Pinkerton
Absent:	Councilmen - None

Following a report by Assistant City Manager Glenn, discussion, and questions being directed to Staff,

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. GLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD M. STEIN
City Attorney

March 10, 1982

MEMORANDUM

TO: Honorable Mayor and
Members of the Lodi City Council

FROM: Alice M. Reimche
City Clerk

SUBJECT: AB 2400 Elections by Mail

As President of the League of California Cities City Clerks' Department, I am presently working with a committee to review AB 2400 introduced by Assemblyman Sher authorizing the use of mailed ballots to General Law Cities under certain conditions.

This method of conducting an election is presently available to charter cities and has been used successfully and at substantial cost savings by several cities--perhaps San Diego is the best example.

This method is also presently available to General Law Cities in a very limited way. It is certainly true that this method of conducting an election would not be feasible for all cities, but this piece of legislature would allow those General Law Cities that have the vehicles to conduct such an election to do so.

A copy of AB 2400 is attached for your information.

Also attached is a copy of the amendments proposed by the committee on which I serve.

It is important to note that the committee strongly urges that this type of legislation be limited to Special Elections on ballot issues only. If passed as amended, General Law Cities, upon the approval of their governing body may authorize the use of mailed ballots for specific elections.

RECOMMENDED ACTION:

It is recommended that the Lodi City Council adopt a resolution supporting AB 2400 with the proposed amendments.

Alice M. Reimche
ALICE M. REIMCHE
City Clerk

AR:dg

Attachment

ASSEMBLY BILL

No. 2400

Introduced by Assemblyman Sher

January 14, 1982

An act to amend Section 1340 of, and to add Section 1340.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2400, as introduced, Sher. Elections by mail.

Existing law authorizes a local, special, or consolidated election to be conducted by mail if (1) the local agency authorizes the use of mailed ballots, (2) the election does not occur on the same date as a statewide election, and (3) the election is limited to 300 eligible voters and to specified taxation and water issues.

This bill would specify which local agencies may authorize the use of mailed ballots, would delete the requirements of (3), above, and would add certain requirements for the conduct of elections by mail including a minimum period for return of ballots, verification of signatures, and procedures for consolidating the election with a county election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1340 of the Elections Code is
- 2 amended to read:
- 3 1340. Any local, special, or consolidated election may
- 4 be conducted wholly by mail provided that:
- 5 (a) The governing body of the local agency county,
- 6 city, city and county, school district, community college
- 7 district, or special district authorizes the use of mailed

1 ballots for the election ; and .

2 (b) The election does not occur on the same date as a
3 statewide direct primary election or statewide general
4 election ; and .

5 (c) The election is one of the following:

6 (1) An election in which no more than 200 registered
7 voters are eligible to participate;

8 (2) A maximum property tax rate election as provided
9 for in Section 2287 of the Revenue and Taxation Code;

10 (3) An election on a measure or measures restricted to
11 the imposition of special taxes in a city, county, or special
12 district with 5,000 or less registered voters calculated as
13 of the time of the last report of registration by the county
14 clerk to the Secretary of State;

15 (4) An election on the issuance of a general obligation
16 water bond in accordance with Section 12941.5 of the
17 Water Code; or

18 (5) An election of the Directors of the Monterey
19 Peninsula Water Management District as authorized in
20 Section 122 of Chapter 527 of the Statutes of 1977, known
21 as the Monterey Peninsula Water Management District
22 Law;

23 (6) An election of the Aliso Water Management
24 Agency, or its affected member agencies, pursuant to
25 Sections 13416 and 13417 of the Water Code;

26 (7) An election of the San Jacinto Mountain Area
27 Water Study Agency pursuant to Sections 13416 and
28 13417 of the Water Code.

29 SEC. 2. Section 1340.5 is added to the Elections Code,
30 to read:

31 1340.5. An election conducted wholly by mail
32 pursuant to this chapter is subject to the following
33 requirements:

34 (a) The mailed ballots may be sent third-class bulk
35 rate and presorted by carrier route.

36 (b) At least 15 days shall be allowed from the date of
37 the mailing of the ballots by the local agency conducting
38 the election to the date by which the ballots must be
39 received in order to be counted.

40 (c) The clerk shall ensure that at least 75 percent of

1 the signatures on the ballots are verified against the
2 signatures on the voters registration lists.

3 (d) An election which is to be consolidated with a
4 county election shall conform to the requirements of
5 Section 23302, to the extent those requirements are
6 applicable.

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr.

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. CLAVES, Jr.
City Manager

ALICE M. REINICHE
City Clerk

RONALD M. STEIN
City Attorney

March 24, 1982

Assemblyman Byron Sher
State Capitol
Sacramento, CA 95814

Re: AB 2400
Extended Use of Mailed Ballots

Dear Assemblyman Sher:

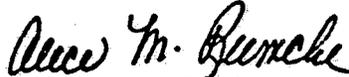
Please be advised that the Lodi City Council in action taken at its March 17, 1982 regular meeting adopted Resolution No. 82-24 endorsing Ab 2400 with the following amendments:

- 1) That existing provisions of the law relating to mail ballot elections for special districts or for cities with less than the prescribed number of registered voters not be changed.
- 2) That the provisions of AB 2400 be limited to special elections on ballot issues.
- 3) That language be inserted as Section 1340 c--A mail ballot election is not held on the same day as an election being conducted at polling places within all or part of the jurisdiction. In such cases, all affected jurisdictions shall agree to a consolidated mail ballot election. If agreement is not reached, all elections shall be conducted at the polls or the date of the mail ballot election shall be changed to another date.
- 4) That Section 1340.5 c be amended to provide that the clerk insure that 100% of the signatures on the ballot be verified against the signatures on the voters registration lists.
- 5) That Section 1340.5 c be amended to read "An election which is conducted by the county shall

conform to the requirements of Section 23302, to the extent those requirements are applicable."

- 6) That Section c be added to 1340.5 to read "The elections' official conducting the election shall insure that all undelivered ballots are returned to the jurisdiction conducting the election."

Very truly yours,



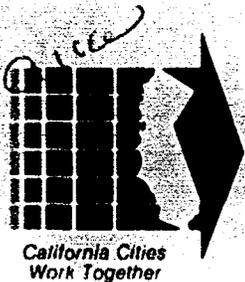
Alice M. Reimche
City Clerk

AR:dg

Mailed to Assemblypersons

Alatorre
Hallett
Agnos
Berman
D. Brown
Campbell
Goggin
Johnson
Lehman
Levine
Mountjoy
Naylor
Roos
Statham
M. Waters

Also mailed to League of California Cities and Pauline Brockman,
City Clerk, Roseville



League of California Cities

*Thanks for your help!
a very productive day
Clark*

Committee on AB 2400 - Mail Ballots
March 2, 1982 - Sacramento

H I G H L I G H T S

Attendees: Alice Reimche, City Clerk, Lodi, Pauline Brockman, City Clerk, Roseville, Ann Tanner, City Clerk, Palo Alto, Ernie Marriner, City Manager, Lafayette, Ernie Hawkins, County Clerk, Sacramento County, Gary Page, City Clerks Office, San Deigo, Pam Swift, City Clerk, Pasadena. Staff: Clark Goecker. The following are the highlights of the actions of the committee.

Amendments to the Bill

It is recommended that the following amendments be made to AB 2400:

- 1) That existing provisions of the law relating to mail ballot elections for special districts or for cities with less than the prescribed number of registered voters not be changed.
- 2) That the provisions of AB 2400 be limited to special elections on ballot issues.
- 3) That language be inserted as Section 1340 c "A mail ballot election is not held on the same day as an election being conducted at polling places within all or part of the jurisdiction. In such cases, all affected jurisdictions shall agree to a consolidated mail ballot election. If agreement is not reached, all elections shall be conducted at the polls or the date of the mail ballot election shall be changed to another date.
- 4) That Section 1340.5 c be amended to provide that the clerk insure that 100% of the signatures on the ballot be verified against the signatures on the voters registration lists.
- 5) That Section 1340.5 c be amended to read "an election which is conducted by the county shall conform to the requirements of Section 23302, to the extent those requirements are applicable."
- 6) That Section c be added to 1340.5 to read "the elections official conducting the election shall insure that all undelivered ballots are returned to the jurisdiction conducting the election."

It was further agreed that Section 1340.5 a remain the same and that we oppose any effort that would require mailing by first class mail. It was also agreed that the fifteen days between the date of the mailing and last day to receive ballots to be counted, not be changed, but that that date could go as low as ten days.

HEADQUARTERS
1400 K STREET, SACRAMENTO 95814
(916) 444-5790

CONFERENCE REGISTRATION OFFICE
HOTEL CLAREMONT, BERKELEY 94704
(415) 843-3083

FEDERAL AFFAIRS OFFICE
1301 PENNSYLVANIA AVE. N.W. SUITE 600, WASHINGTON, D.C. 20004
(202) 626-3108

SOUTHERN CALIFORNIA OFFICE
900 WILSHIRE BLVD., SUITE 702, LOS ANGELES 90017
(213) 624-4934

MAR - 9 1982

RESOLUTION NO. 82-4

RESOLUTION OF THE COUNCIL OF THE CITY OF ROSEVILLE SUPPORTING EFFORTS TO AMEND SECTION 1340 OF THE STATE ELECTIONS CODE.

WHEREAS, the use of a mail ballot has proven to be a cost effective election process resulting in a higher voter participation than in conventional elections; and

WHEREAS, the State Elections Code presently strictly limits the application of mail ballot elections in general law cities; and

WHEREAS, local governments should be given the option to implement cost savings measures if they so desire;

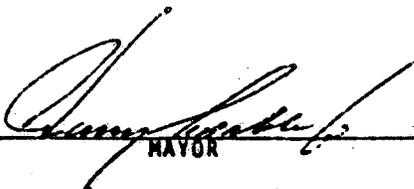
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Roseville, that the Council of the City of Roseville and the Office of the City Clerk are hereby directed to support any efforts to amend Section 1340 of the State Elections Code so as to allow localities greater flexibility in the use of the mail ballot election process.

PASSED AND ADOPTED by the Council of the City of Roseville this 13th day of January, 1982, by the following vote on roll call:

AYES COUNCILMEMBERS: Byron Claiborne, June Wanfish, George A. Buljan, Richard Rocucci, Harry Crabb, Jr.

NOES COUNCILMEMBERS: None

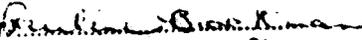
ABSENT COUNCILMEMBERS: None


MAYOR

ATTEST:


CITY CLERK

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST 
City Clerk of the City of Roseville, California

.....
DEPUTY CLERK

JAN 21 1982

NEWS

STATE

CALIFORNIA STATE ASSEMBLY

CONTACT: Susanne Levitsky
916)445-7632

FOR RELEASE: January 14, 1982

SHER INTRODUCES LOCAL "VOTE BY MAIL" BILL

Higher voter participation and lower election costs are expected to result from a proposal by Assemblyman Byron Sher (D-Palo Alto) to permit local elections to be conducted by mail ballot.

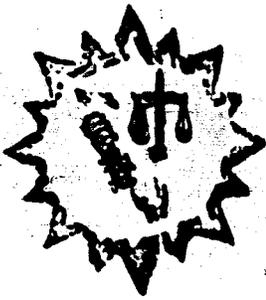
Sher's bill, AB 2400, was introduced Thursday. Sponsored by the City Clerks' Association of California, it would permit cities, counties, and other local agencies the option of holding an election by mail, as long as it does not coincide with State primary or general elections. At the present time, only charter cities and certain local districts can hold mail ballot elections.

Sher said his proposal was inspired by the success of a citywide mail ballot election conducted in San Diego last May. He said 60.8% of the registered voters cast the mail ballots, and the costs totalled some \$222,000 less than the normal city elections.

AB 2400 contains specific provisions to guard against possible fraud, Sher said. The bill requires that "at least 75%" of the mail ballot signatures be verified by a comparison with the registration signatures. Sher said that in the case of the San Diego election, all signatures on the returned ballots were able to be verified.

"Local elections historically have been plagued by poor turnouts," Sher said. "If voting is as easy as mailing a letter, we should see a greater expression of public opinion on important local issues."

Sher added that by eliminating the need to set up and staff precinct polling places, AB 2400 would reduce the costs of administering the elections.



CITY CLERKS' ASSOCIATION OF CALIFORNIA

January 19, 1982

PRESIDENT

Ernie Marriner, CMC
City of Lafayette
(415) 284-1488

Ernie Marriner
251 Lafayette Circle
Lafayette, CA 94549

FIRST VICE PRESIDENT

Victoria A. Brockman, CMC
City of El Segundo
(310) 322-4479

Subject: Mail Ballot Elections

SECOND VICE PRESIDENT

Pauline Brockman, CMC
City of Redwood City
(415) 783-8755

A copy of AB 2400, introduced by Byron Sher proposing an amendment to Elections Code Section 1340 and adding Section 1340.5 relating to elections by mail is enclosed.

RECORDING SECRETARY

Dorothy Daykin
City of Orange
(714) 752-0232

Assemblyman Sher has indicated that a question has arisen concerning the number of signatures in San Diego that were, in fact, fraudulent. Gary Page of the San Diego City Clerk's Office informed me that two (2) signatures out of approximately 269,000 were determined fraudulent in the mail ballot election May 1981.

CORRESPONDING SECRETARY

Alice Royce, CMC
City of Modesto, CA
(415) 988-8200

My City Council adopted Resolution 82-4, January 13, 1982 supporting efforts to amend the State Elections Code to give the cities more flexibility in the use of the mail ballot election process. A copy is enclosed.

TREASURER - VISA

Joan Lohmeyer, CMC
City of Berkeley, CA
(415) 850-4678

TRUSTEES

Edm J. Fagan, CMC 01
City of Modesto
(209) 574-4329

A meeting will be held prior to hearing by the Elections and Re-apportionment Committee in February. Please send any comments to me immediately so they can be considered.

Sincerely,

Pauline Brockman

PAULINE BROCKMAN, CMC
Second Vice President
Legislative Chairman
City Clerks' Association of California

Jacqueline C. Wickert, CMC 02
City of Redwood City
(415) 368-4251

Debra Arp, CMC 03
City of Orange
(714) 988-1151

Ann J. Tamm, CMC 11
City of Palo Alto
(415) 327-2673

Alice M. Royce, CMC 04
City of Los Angeles
(213) 334-3676

Helen Kasper, CMC 05
City of Carson
(213) 830-7400

PB/cp

CENTRAL DIVISION PRESIDENT

Dorothy Daykin
City of Orange
(714) 752-0232

- cc: Clark Goecker
- Val Burrowes
- Alice Reimche
- Pam Swift
- Byron Sher
- Ricardo Niato
- Lorraine Magana
- Peter Meyer
- Ernie Hawkins
- Charles Abdelnour
- Donna Hall
- Wm. E. Smith
- Joann Jelley

NORTHERN DIVISION PRESIDENT

Mary Kaye, CMC
City of Modesto
(415) 882-3500

SOUTHERN DIVISION PRESIDENT

Pamela S. Smith, CMC
City of Northridge
(714) 864-9800

IMMEDIATE PAST PRESIDENT

Dorothy Daykin, CMC
City of Orange
(714) 752-0232

League of California Cities

1400 K STREET SACRAMENTO, CALIF. 95811
(916) 441-5710



BILL REFERRAL

TO: CITY CLERKS LEGISLATIVE SUBCOMMITTEE

FROM: CLARK GOECKER

AB 2665 SB _____
(Hannigan)

STATUS: Assembly Elections & Reapportionment
Committee

REPLY NO LATER THAN: March 12, 1982

1. Should this measure be: _____ Supported _____ Opposed
_____ Watched _____ Other, Explain

2. Please explain your reasons for the above determination.

3. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, what amendments would you propose?

4. What would be the fiscal impact of this measure on your city?

5. Form Completed by _____

(Use other side or attach additional sheets, if necessary)

ASSEMBLY BILL

No. 2665

Introduced by Assemblyman Hannigan

February 16, 1982

An act to amend Sections 1017 and 14002 of, and to add Section 14253 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2665, as introduced, Hannigan. Ballots.

Existing law authorizes a voter to request and vote an absent voter ballot after the close of the period for requesting absent voter ballots by mail only if the voter, because of illness or disability, is unable to go to the polling place on election day.

This bill would provide that, after the close of the period for requesting absent voter ballots by mail, any voter may request in writing that a ballot be provided to him or her. The voter would have to appear in person in the office of the clerk conducting the election, with the exception that a voter may, in writing, designate another person as his or her authorized representative for purposes of delivering the absent voter ballot to the voter.

Existing law requires the clerk to provide 1 official ballot for each voter in the precinct, and for absentee and emergency purposes shall provide such additional number of ballots as may be necessary.

The bill would require the clerk to provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct.

The bill would also require the clerk to provide any voter who did not receive a ballot at the polling place with a ballot.

Article XIII B of the California Constitution and Sections

2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Vote: $\frac{3}{4}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1017 of the Elections Code is
2 amended to read:

3 1017. After the close of the period for requesting
4 absent voter ballots by mail, any voter unable to go to the
5 polls because of illness or disability resulting in his or her
6 confinement in a hospital, sanatorium, nursing home, or
7 place of residence; or any voter unable because of a
8 physical handicap to go to his or her polling place or
9 because of such handicap is unable to vote at his or her
10 polling place due to existing architectural barriers at his
11 or her polling place denying him or her physical access
12 to the polling place; voting booth; or voting apparatus or
13 machinery; or any voter unable to go to his or her polling
14 place because of conditions resulting in his or her absence
15 from the precinct on election day may request in a
16 written statement, signed under penalty of perjury that
17 a ballot be delivered to him or her. This ballot shall be
18 delivered by the elections official to any authorized
19 representative of the voter who presents this written
20 statement to the official.

21 Before delivering the ballot the official shall compare
22 the signature on the request with the signature on the
23 voter's affidavit of registration. may request in writing
24 that a ballot be provided to the voter. The voter shall

1 *appear in person in the office of the clerk conducting the*
2 *election, with the exception that a voter may, in writing,*
3 *designate an authorized representative for puposes of*
4 *delivering the absent voter ballot to the voter. If a voter*
5 *designates another person for the purpose of delivering*
6 *the absent voter ballot to the voter, the written statement*
7 *authorizing another person shall be delivered to the clerk*
8 *conducting the election, along with the written*
9 *statement by the voter requesting an absent voter ballot.*

10 *Upon receipt of an absentee ballot request under this*
11 *section, the clerk may verify the signature and residence*
12 *address with that appearing on the affidavit of*
13 *registration on file. The clerk may make the signature*
14 *check upon receiving the voted ballot but the signature*
15 *shall be compared prior to canvassing the ballot.*

16 *The voter shall mark the ballot, place it in the*
17 *identification envelope, fill out and sign the envelope and*
18 *return the ballot, personally or through the authorized*
19 *representative, to either the elections official or any*
20 *polling place within the jurisdiction.*

21 *These ballots shall be processed and counted in the*
22 *same manner as other absentee ballots.*

23 **SEC. 2.** *Section 14002 of the Elections Code is*
24 *amended to read:*

25 *14002. The clerk shall provide one official ballot for*
26 *each voter in the preeinct a sufficient number of official*
27 *ballots in each precinct to reasonably meet the needs of*
28 *the voters in that precinct on election day, and for*
29 *absentee and emergency purposes shall provide such*
30 *additional number of ballots as may be necessary.*

31 *The number of party ballots to be furnished to any*
32 *precinct for a primary election shall be computed from*
33 *the number of voters registered in that preeinct as*
34 *intending to affiliate with a party, and the number of*
35 *nonpartisan ballots to be furnished to any precinct shall*
36 *be computed from the number of voters registered in*
37 *that precinct without statement of intention to affiliate*
38 *with any of the parties participating in the primary*
39 *election.*

40 **SEC. 3.** *Section 14253 is added to the Elections Code,*

1 to read:

2 14253. Any voter who is unable to vote because the
3 precinct board is unable to provide the voter with a ballot
4 shall be provided a ballot by the clerk by 8 o'clock p.m.
5 on the day following the day of the election.

6 SEC. 4. No appropriation is made and no
7 reimbursement is required by this act pursuant to Section
8 6 of Article XIII B of the California Constitution or
9 Section 2231 or 2234 of the Revenue and Taxation Code
10 because this act is in accordance with the request of a
11 local agency or school district which desired legislative
12 authority to carry out the program specified in this act.

13 SEC. 5. This act is an urgency statute necessary for
14 the immediate preservation of the public peace, health,
15 or safety within the meaning of Article IV of the
16 Constitution and shall go into immediate effect. The facts
17 constituting the necessity are:

18 In order that the provision of this act may apply in time
19 for the 1982 elections, resulting in a substantial savings to
20 the counties in terms of the printing and distribution of
21 ballots, it is essential that this act take effect immediately.

O



THE CITY OF

SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

OFFICE OF THE
CITY CLERK
236-6420

January 26, 1982

Ms. Pauline Brockman, CMC
City of Roseville
316 Vernon Street
Roseville, CA. 95678

Dear Ms. Brockman:

Thank you for sending me a copy of your letter to Ernie Marriner.

In reviewing Assemblyman Sher's proposed bill, AB 2400, I noticed that Section 1340.5, subparagraph (b) may be unnecessary, given Section 1351 of the Elections Code which specifies that the mailing shall be between the 18th and 22nd day prior to the election.

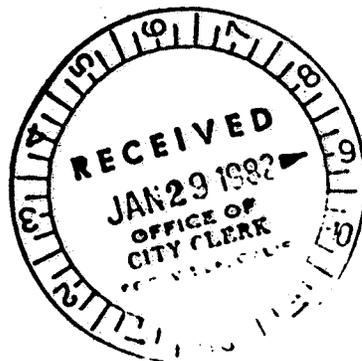
Since I am not aware of the considerations, research, etc. which went into AB 2400 I am making this comment to you so that you may pass it along if you feel it is pertinent.

If I can be of any assistance in the future please do not hesitate to let me know; I am glad to help in whatever way I can.

Sincerely,

Charles G. Abdelnour
City Clerk

CGA/GRP/crw





CITY COUNCIL

Gayle B. Ullkens, Mayor
S. Thomas Cleveland, Vice Mayor
William M. Chicote
La Vaughn Craig
Ned Robinson

E. C. Marriner, City Manager

January 26, 1982

Pauline Brockman
City Clerk
316 Vernon Street
Roseville, CA 95678

Dear Pauline:

Thank you very much for sending me a copy of your letter of January 19 advising us about AB 2400.

You have done a super job in getting this bill introduced. If you do not accomplish anything else this year on the elections by mail issue, you deserve considerable commendation for your accomplishments to date.

I think the bill is excellent as drafted. I would be inclined to go along with any amendments which might be suggested by Ernie Hawkins, since the County Clerks will be involved to some extent in many counties in handling such elections. It is quite possible that Mr. Hawkins will suggest some additional provisions for the bill to make it more precise and to avoid future misunderstandings and possible litigation.

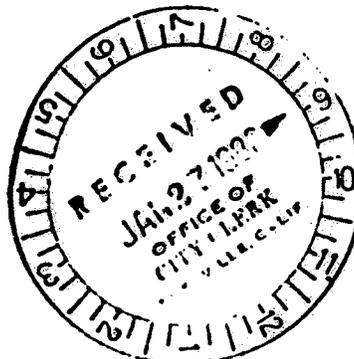
Obviously there is a long way to go between getting a bill introduced in the second year of the legislative session and getting it signed into law by the Governor. I would not expect to attain that success in 1982, but we should pave the way for a successful effort in the 1983-84 legislative session.

Yours very truly,

A handwritten signature in cursive that reads "Ernie".

E. C. MARRINER,
City Manager

ECM:sl





THE CITY OF
SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

OFFICE OF THE
CITY CLERK
236 6420

January 25, 1982

Assemblyman Larry Stirling
State Capitol
Sacramento, CA 95814

Dear Larry:

I believe that both your bill and Assemblyman Sher's are satisfactory approaches to broadening the use of the mail ballot. I would be able to support either bill.

Whatever action you decide to take, I hope that the legislature will see fit to adopt a bill allowing broader use of the mail ballot.

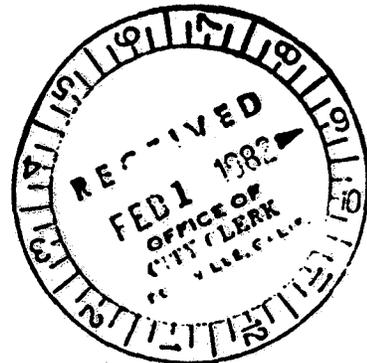
I will be glad to provide whatever help I can on this issue so please do not hesitate to ask.

Sincerely,

Charles G. Abdelnour
City Clerk

DK:jab

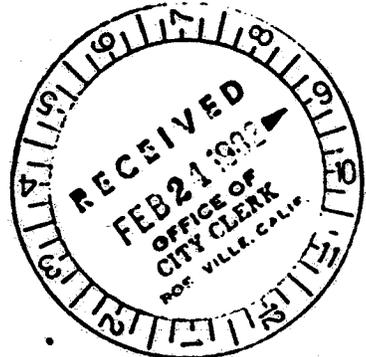
cc: Intergovernmental Relations
Pauline Brockman



FE 23

February 22, 1982

The Honorable Byron D. Sher
California State Assembly
State Capitol
Sacramento, California 95814



Re: Assembly Bill 2400

Dear Assemblyman Sher:

This is to express our support for your Assembly Bill 2400 which would authorize local agencies under specified conditions to use mailed ballot election procedures. We feel that this legislation will be of benefit to our member agencies and could reduce election costs.

However, we do have one technical problem with the bill relating to verification of signatures. As you know, several types of districts vote on the basis of landownership rather than resident voter and, thus, the verification provision of the bill (Sec. 1340.5 (c)) will not work with regard to such districts. It appears that the bill should be modified to make specific provisions for the verification of ballots in landowner voting agencies. We do not have a recommendation as to how this can best be accomplished but perhaps the filing of an affidavit under penalty of perjury would work well.

4-15-8226

The County Clerks Association or someone such as Rick Maness in the Secretary of States Office might be helpful in this regard.

We will be happy to discuss this matter with you at your convenience and to assist you in securing passage of the bill.

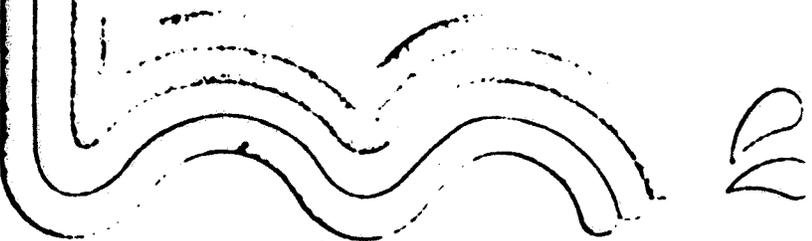
Sincerely,

Louis B. Allen
Assistant Executive Director

LBA:DH

cc: Assembly Committee on Elections and Reapportionment

305 Sacramento, ca. 95814 • (916) 441-4545 • Garvin H. White, president
John P. Ramsdell, vice president • John P. Fraser, executive director and general counsel





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February 11, 1982

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SUBJECT: Mail Ballot Legislation

You are invited to attend the meeting at the League Office. March 2, 1982, 10:00 a.m. to 4:00 or 5:00 p.m. has been set for the meeting to discuss the various issues regarding Assembly Bill 2400 introduced by Assemblyman Byron Sher on January 14, 1982.

The Preliminary Agenda:

10:00 a.m. - 12:00 noon	General Discussion
1:30 p.m. - 4:00 p.m.	Meetings with Various Legislators re: Mail Ballot Legislation

Transportation:

To and from the Sacramento airport will be provided by the League of California Cities staff. Contact Clark Goecker if you need transportation.

For those driving:

The League office is at 14th and K Streets. Community Convention Center Parking Garage is located at 13th and I Streets (entrance on 13th).

Meeting on Tuesday instead of Friday, as previously planned, will enable those persons in Assemblyman Sher's office and the Legislative Committee to meet with the City Clerks to discuss the issues and also we will be able to talk to the various legislators on Tuesday afternoon.

If you are unable to attend please give me a call.

Sincerely,

Pauline Brockman

PAULINE BROCKMAN, CMC
Second Vice President
Legislative Chairman
City Clerks' Association of California

PR/ep

- | | |
|-------------------|---------------|
| cc: Pam Swift | Edy Campbell |
| Alice Remche | Ernie Hawkins |
| Ernie Marriner | Ann Tanner |
| Charles Abdelnour | Val Burrows |
| Lorraine Magana | Clark Goecker |

FEB 16 1982

The Sacramento Bee

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Editorials

Voting By Mail

San Diego's successful mail ballot election last May sparked enormous interest in the possibility of similar elections in numerous states and in Canada. Such enthusiasm is understandable: Voting by mailbox instead of ballot box in San Diego dramatically increased voter turnout and decreased election costs. California charter cities already have the option of using this method. Counties and general-law cities don't. Assemblyman Byron Sher, D-Palo Alto, wants to give them that choice.

Sher's bill, AB 2400, would extend the same privilege to all counties and local government entities. The measure contains specific provisions to safeguard against possible fraud, such as requiring that at least 75 percent of the mail ballot signatures be verified by a comparison with the registration signatures. Among those supporting this legislation is the City Clerk's Association of California.

The San Diego experiment does indeed offer a strong argument for mail ballots. In that election, the ballot listed a single issue — whether to authorize revenue bonds to build a convention center. Election officials verified all mail ballot signatures. They found two instances of voter fraud. In contrast to the previous high turnout of 35 percent for such elections, almost 61 percent of registered voters cast ballots by mail. The cost came to \$328,000,

compared with \$600,000 for a similar ballot box election in the past.

Since then, Oregon has conducted its own successful mail ballot election. Berkeley plans a similar election in March. A number of other California cities, including Los Angeles and San Francisco, have expressed interest in mail ballots.

For all its benefits, however, mail ballot voting may have a potentially serious flaw — voter coercion. Election laws stringently protect against such pressure by requiring that all political activity be kept at a distance from voting areas. When voters enter the booth, they cast their ballots in secret.

Mail ballots don't offer that protection. Subtle or blatant coercion could readily be exerted by family members, the company boss, the union leader, the party organization, and others. In the process, the wishes of the electorate could easily be distorted.

One way to curb abuses is to limit mail voting to those expensive but otherwise necessary off-year elections where few issues are on the ballot and no candidates are running. In addition, some study or monitoring should accompany this new voting procedure, so that coercion of the legal sort does not go unnoticed and its impact unassessed. Without such protections, Sher's bill may exact too high a price for the increased voter turnout.

visions of the current Act, including the Sec. 5 pre-clearance requirement, will expire in August. The house has already passed, by 389-24, HR.3112, a bill identical to S.1992 currently before the Senate. The bill makes permanent the temporary provisions of the VRA, provides standards for allowing covered jurisdictions to "bail out," and continues the bilingual provisions of the Act. (See *Election Administration Reports*, Oct. 19, 1981.)

**MAIL BALLOT "UNQUALIFIED SUCCESS"
IN LINN COUNTY, OREGON EXPERIMENT**

Linn County, Ore. County Clerk Del W. Riley has called the county's vote-by-mail effort of Nov. 3, 1981 an unqualified success. Riley's assessment is contained in a report released last month describing the procedures and cost of the county's mail ballot election. Linn County was the first county in Oregon to take advantage of a state law allowing experimental mail voting.

The law, passed after San Diego's successful mail ballot election last year, contains a sunset provision terminating the experiment in 1983. The Secretary of State is required to report on the results of the experiment to the 1983 state legislature which will then determine the future of the process.

Riley has recommended not only that the vote-by-mail method be continued but that it be expanded to include elections with candidates, other than primary and general, with the possibility that those elections may eventually be included as well.

Linn County had 22,225 registered voters eligible to vote on one of three ballot measures submitted to the voters Nov. 3. The issues included a greater Albany Public School District \$1.2 million special one year levy for construction and equipping two gymnasiums, a \$130,000 operating levy for the Scio School District, and a City of Brownsville charter revision. The Greater Albany School District extends beyond Linn County into neighboring Benton County which also conducted the district measure election by mail.

Preliminary discussions were held with the postal service to arrange the details and costs of mailing the ballots. The postal service supplied trays and sorting boxes at no charge. Linn County mailed its 22,225 ballots in seventy boxes October 16, 18 days before the election. Delivery was made to the voters Monday October 19.

Each Linn County mail voter received a voting packet consisting of an official punch card ballot mounted on styrofoam with a punching tool, voting instructions, a secrecy envelope, and an envelope for returning the voted ballot. Instructions directed the voter not to remove the card from the styrofoam and to return the styrofoam with the ballot card thereby protecting it from damage in the mail. Instructions also advised the voter not to show the voted ballot card to anyone and to personally mail or deliver the voted ballot.

Of the 22,225 ballots mailed, 5,016 were returned by the postal service as undeliverable, reducing the number of apparently eligible voters to 17,209. Of these, 13,537 returned voted ballots and all but 154 were valid. Turnout for the Albany school district was 77 per cent; for the Scio school district, 78 per cent and for Brownsville, 66 per cent. In two other Linn county school districts where elections were held conventionally, only 21 and 23 per cent of the registered voters cast ballots.

There were 140 ballots returned without signatures but 76 of these voters who were contacted by telephone or mail came in person to sign in the appropriate place and their ballots were counted. Somewhat surprisingly, only seven ballots were received too late to be counted.

The signature verification procedure went very quickly. After the envelopes had been sorted alphabetically, the slowest worker could verify one signature per minute and some persons could verify as many as three per minute.

Very few voters had any trouble with the ballots. Only 22 telephone calls requesting assistance were logged, mainly from elderly people with reading problems. Only ten ballots were returned in damaged condition and required duplication.

The ballot envelopes, weighing under one ounce, were mailed at 8.8 cents, bulk rate. The county received the ballots back as business reply mail at 18 cents per envelope. Undeliverables were returned at 18 cents each. The county made no claims of cost savings for this election. The budget, roughly equal to conventional elections in total cost, included the following items:

Postage	\$4,193.83	Total Cost	\$10,307.52
Labor	3,329.67	Cost per reg. voter	.46
Printing	457.15	Cost per voter voting	.77
Supplies	2,326.87		

Riley listed four reasons why he supports mail voting even if the cost is not reduced. These included increased voter participation, voter acceptance, enhanced integrity of the election, and an election procedure that combines the first three reasons and does not increase the cost of elections significantly.

Press reaction to the mail ballot election was very favorable. Newspaper commentary emphasized the increased voter turnout, voter convenience, and energy savings. Writers were satisfied that the secrecy of the ballot had been preserved. Great efforts had been made, however, to keep the press informed at every step of the process.

The media information program included an early press conference Oct. 1, complete with the Secretary of State and other state officials. This was followed by a three-hour open house October 15 to explain the details of the process. Special attention was given to media requests for information daily and media were invited to cover the mail-out and ballot pick-up procedures.

The results of the election, however, were similar to many held in other counties and states on the same day. Voters rejected the two school levies, by 68-32 and 58-42 per cent divisions. Brownsville voters passed the charter amendment with 65 per cent of the vote.

Additional information on the Linn County mail election may be obtained by writing to Del W. Riley, Linn County Clerk, PO Box 100, Albany, Oregon 97321. Tel. (503) 967-3829.

**NEW REVISED FEDERAL POST CARD APPLICATION
WILL BE AVAILABLE FOR 1982 ELECTION YEAR**

A new revised Federal Post Card Application (FPCA) will be issued for use by more than five million U.S. citizens entitled to vote by absentee ballot.