

Date of Hearing: May 6, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1596 (Garcia) – As Introduced: February 4, 2014

SUBJECT: Elections: vote by mail ballot applications.

SUMMARY: Requires a printed vote by mail (VBM) ballot application that allows a voter to submit the application by mail to inform the voter of the address for the elections official and specify that address as the only appropriate destination address for mailing the application. Specifies that this does not prohibit an individual, organization, or group that distributes applications for VBM ballots from collecting or receiving applications from voters, pursuant to current law, by a means other than having the applications mailed directly to the address of the distributing individuals, organization, or group.

EXISTING LAW:

- 1) Requires a VBM ballot application to be received by the elections official not later than seven days prior to the date of the election.
- 2) Requires a printed application that is to be distributed to a voter for requesting a VBM ballot to include the following:
 - a) The printed name and residence address of the voter as it appears on the affidavit of registration;
 - b) The address to which the ballot is to be mailed;
 - c) The voter's signature; and,
 - d) The name and date of the election for which the request is made.
- 3) Permits the information above in subdivisions (a) and (d) to be preprinted on VBM applications. Requires information above in subdivisions (b) and (c) to be personally affixed by the voter. Requires a VBM application that contains preprinted information to contain a conspicuously printed statement substantially similar to the following: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."
- 4) Prohibits the address to which the ballot is to be mailed from being the address of a political party, a political campaign headquarters, or a candidate's residence. Provides that a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that a VBM ballot be mailed to the candidate's residence.
- 5) Requires an individual, organization, or group that distributes applications for VBM ballots and receives completed application forms to return the forms to the appropriate elections

official within 72 hours of receiving the forms, or before the deadline for application, whichever is sooner.

- 6) Provides that any individual, group, or organization that knowingly distributes any application for a VBM ballot that violates current law is guilty of a misdemeanor.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) Purpose of the Bill: According to the author:

In recent years there have been increasing reports of alleged tampering and interference with Vote by Mail applications. In 2013, the Los Angeles County Registrar-Recorder/County Clerk received numerous reports about campaigns collecting voted Vote by Mail ballots from voters, this included concerns with campaigns also holding completed Vote by Mail applications at their headquarters and the potential for losing or refusing to return the applications on time.

- 2) Current Procedures: Current law prohibits the address to which a VBM ballot is to be mailed from being the address of a political party, a political campaign headquarters, or a candidate's residence. However, current law does not apply the same prohibition to the return address of the VBM application. As a result, according to the author's office, some VBM applications have campaign addresses as the return address for the application and VBM applications are being sent to the campaign address instead of to the elections official's office. According to the author, even though current law requires an individual or organization that distributes VBM applications to return the forms to the appropriate elections official with 72 hours of receiving the completed form or before the deadline for applications, whichever is sooner, there are anecdotal reports that this is not occurring and VBM applications are being delayed, lost, or not returned at all. Not only is this a violation of current law, but it also results in interfering with the VBM process. This bill will ensure a voter's VBM ballot application is protected by requiring a VBM ballot application to inform the voter of the address of the elections official and specify that address as the only appropriate destination address for mailing the application. This will aid in ensuring voters are informed where to send their VBM ballot applications.
- 3) Is There a Problem? The author's office provided the committee staff with two VBM application examples - one VBM application that clearly shows the return address of a campaign office. The other example submitted to the committee shows that the VBM ballot application provides the voter with the address of the elections official and informs the voter in small print that they have the legal right to mail the application to the elections official, and that returning the application to anyone else may cause delay that could interfere with the voter's right or ability to vote. Additionally, proponents of this bill state that anecdotally, in local elections, county elections officials, especially Los Angeles County, have been receiving an increasing number of concerns from community members, organizations, elected officials that have brought forth complaints regarding the inappropriate handling of VBM ballots. These complaints range from campaign workers losing VBM ballot applications to concerns that campaigns may be holding applications and bringing them in

late in the election, leaving a person less time to receive, vote and return their VBM ballot.

However, beyond those two examples provided to committee and the anecdotal complaints, no statistical evidence has been provided to the committee that demonstrates there is a problem statewide. According to the Secretary of State's Election Fraud Investigations Unit, between 1994 to 2010, there was a total of five cases opened and zero convictions for the non-return of VBM applications. Additionally, there were six cases opened for fraudulent VBM applications and zero convictions. The lack of evidence illustrates that this may not be a widespread problem in California. On the other hand, ensuring voters are informed as to the appropriate place to return their VBM application will prevent VBM ballot applications from being delayed or interfered with and ensure voters are protected and not disenfranchised. Proponents argue that this bill will help provide added protections and safeguard the integrity of the VBM process as it is an important option that more voters are choosing when casting their ballots.

- 4) Arguments in Support: The California Association of Clerks and Election Officials writes in support:

This bill will facilitate and speed the processing of vote-by-mail applications by bypassing intermediaries who delay election officials' receipt of the request. The bill does not preclude individuals and organizations from gathering vote-by-mail applications by means other than through the mail which does not hamper their right to conduct vote-by-mail campaigns while retaining the 72 hour requirement for the application to be submitted to the appropriate election official. This bill will permit election officials to mail, in a timely manner, ballots to those requesting them which can often be an issue as the election nears.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Clerks and Election Officials
Los Angeles County Board of Supervisors

Opposition

None on file.

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