

JOINT OVERSIGHT HEARING: SENATE COMMITTEE ON ELECTIONS AND CONSTITUTIONAL AMENDMENTS & ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Subject: United States Postal Service Facility Closures:
Impact on Voters and Elections

Tuesday, March 13, 2012, 2:00 p.m.
State Capitol, Room 2040

Agenda

- I. Opening Statements and Introductions
- II. Overview on United States Postal Service Facility Closures
 - United States Postal Service Representative (Invitation Declined)
- III. Impact on Voters and Elections from a State Elections Perspective
 - Secretary of State Debra Bowen
- IV. Update on Potential Federal Efforts to Postpone or Prevent Additional Closures
 - Congressman John Garamendi
- V. Impact on Voters and Elections from County Elections Officials Perspective
 - Jill LaVine, Sacramento County Elections Office, Legislative Committee Co-Chair of California Association of Clerks and Election Officials
 - Linda Tulett, Monterey County Elections Office
 - Cathy Darling, Shasta County Clerk Elections Recorder, Vice President of California Association of Clerks and Election Officials
 - Carolyn Crnich, Humboldt County Clerk Elections Recorder
 - Jim McCauley, Placer County Clerk Elections Recorder
- VI. Public Testimony (Sign-in Order)
- VII. Closing Remarks

**Hearing on United States Postal Service Facility Closures
and the Impact on Voters and Elections**

March 13, 2012

State Capitol, Room 2040

OVERVIEW:

The purpose of this hearing is to discuss the recent United States Postal Service facility closures and their impact on California, and to also explore possible areas of mitigation.

Financial challenges faced by the United States Postal Service have resulted in the approved closure of hundreds of processing facilities throughout the United States. California has been hit with 17 of those approved closures.

The timely processing of vote-by-mail (VBM) ballots is critical in California where more and more voters are choosing to mail-in their ballots. In the November 2008 presidential election 41.6 percent of the voters (5.7 million Californians) cast their ballots by mail. No doubt this number will rise this year given the continuous increase of voters choosing to vote-by-mail.

Secretary of State Debra Bowen has made appeals to the Postmaster General to delay closures from May 15, 2012 until November 15, 2012.

AREAS OF POSSIBLE MITIGATION:

Legislation:

Last year legislation was introduced to allow VBM voters to have their ballots counted after Election Day, provided they are postmarked by the United States Postal Service on or before Election Day. Specifically:

SB 348 (Correa) of 2011 - Would have provided that any VBM and special absentee ballot will be timely cast if it is postmarked on or before Election Day and received by the voter's elections official no later than six days after Election Day. The bill was held under submission in the Senate Appropriations Committee.

AB 477 (Valadao) of 2011 – Would have permitted a ballot from a special absentee voter, as defined, who is temporarily living outside the United States, to arrive up to 10 days after the election and still be counted, provided that the ballot is postmarked by the United States Postal Service or the Military Postal Service Agency on or before Election Day. The bill was held under submission in the Senate Appropriations Committee.

Other Programs:

Ballot Trapping Programs – Currently utilized by Placer County. This program requires an informal agreement between the local postal authorities and the local county election official. This may not work for all counties, but has been effective for Placer County Clerk Recorder Jim McCauley for the past 17 years.

Voter Education and Outreach – California elections officials would need to work on a consistent message to voters and the media about the need for voters to return their VBM ballots even earlier.

Included in the attached background materials is a multitude of information relative to the subject matter including letters from Patricia White, the USPS Pacific Area Marketing Manager (declining invitation to participate), and SOS Debra Bowen to the US Postmaster General, SOS Fact Sheet on closures, 2010 Superior Court Ruling from Riverside County (Riverside County ordered to count ballots that had not been picked up at Moreno Valley postal facility), explanation of Placer County's Ballot Trapping procedure, legislation noted earlier, a list of the planned USPS facility closures and recent press stories.



March 7, 2012

The Honorable Paul Fong
Chair, Assembly Committee on Elections and Redistricting
California State Assembly
Post Office Box 942849
Sacramento, CA 94249-0115

Dear Mr. Fong:

This is in response to your March 1 letter in which you invited me to attend and speak at a joint oversight hearing on Tuesday, March 13 at the California State Capitol in Sacramento, regarding planned operational changes by the U.S. Postal Service in relation to voting by mail.

I would like to open this letter by thanking you for your invitation and by noting that we understand your interest in helping to ensure that Californians are able to exercise their right to vote through convenient and effective means, including the U.S. Mail. You can be assured that we in the Postal Service are proud of our role in the voting process, and we are committed to delivering ballots and other election-related mail timely and accurately. Today we issued a statement announcing that our plan to consolidate our mail processing network includes a suspension (on August 31) of the consolidation efforts during the election mailing season in order to avoid any adverse impact on the November election. I have enclosed a copy of this statement for your information.

Please know that the Postal Service will not be sending a representative to participate in the hearing. If it is helpful to you, we can send to you a statement for the record which will provide additional information about our planned operational changes and our efforts to facilitate timely delivery of election-related mail.

Sincerely,

A handwritten signature in black ink that reads "Patricia White". The signature is written in a cursive, flowing style.

Patricia White

Enclosure



FOR IMMEDIATE RELEASE
March 7, 2012

Contact: Susan McGowan
Susan.McGowan@usps.gov
202-268-3118
usps.com/news



U.S. Postal Service Statement on Election Mail Process

The U.S. Postal Service announced today that its plan to consolidate its mail processing network includes a suspension of the consolidation efforts during the election mailing season in order to avoid any adverse impact on the November election. The Postal Service will also utilize an Election Mail Task Force to work with all 50 states to develop strategies that address the questions and concerns of state and local election boards. Together, these measures will ensure the timely delivery of election-related mail.

"Mail is an increasingly important part of the U.S. election process and we are confident in the dependable and timely delivery of election-related mail," stated U.S. Postmaster General and CEO Patrick R. Donahoe.

In December, the U.S. Postal Service formed an agreement with Congress that no consolidation or closing of any postal facility will occur prior to May 15, 2012. Therefore, most closures or consolidations would have to take place starting after May 15, 2012, and be completed by August 31, 2012. Further consolidation of facilities would then continue in early 2013. The pursuit by the Postal Service of the significant consolidation of its national network of mail processing facilities is contingent upon its adoption of a final rule changing its delivery service standards

For primary elections after May 15, the U.S. Postal Service is instituting a state-by-state outreach program to address the questions and concerns of election boards, political candidates and mailers.

In addition, for states that are promoting vote by mail, the proposed plan to study 3,600 Post Offices around the U.S. for possible closure will not adversely affect the voting process as customers have many ways in which to deposit mail, including with their carrier, with a retail partner, at a collection box location, or at a neighboring office within reasonable distance to their current location. The Postal Service is exploring options to provide customers with alternate access to postal services and products where they live, work and shop.

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A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation, 151 million residences, businesses and Post Office Boxes. The Postal Service receives no tax dollars for operating expenses, and relies on the sale of postage, products and services to fund its operations. With nearly 32,000 retail locations and the most frequently visited website in the federal government, usps.com, the Postal Service has annual revenue of more than \$65 billion and delivers nearly 40 percent of the world's mail. If it were a private sector company, the U.S. Postal Service would rank 35th in the 2011 Fortune 500. In 2011, the U.S. Postal Service was ranked number one in overall service performance, out of the top 20 wealthiest nations in the world, Oxford Strategic Consulting. *Black Enterprise* and *Hispanic Business* magazines ranked the Postal Service as a leader in workforce diversity. The Postal Service has been named the Most Trusted Government Agency for six years and the sixth Most Trusted Business in the nation by the Ponemon Institute. Follow the Postal Service on Twitter @USPS_PR and on Facebook at facebook.com/usps



Secretary of State
DEBRA BOWEN
State of California

February 22, 2012

Mr. Patrick R. Donahoe, Postmaster General
United States Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-0010

Dear Mr. Donahoe:

As the chief elections official of the nation's largest voting jurisdiction, I strongly urge the United States Postal Service (USPS) to delay shutdown of 252 mail processing centers in the middle of a presidential election year, and instead extend your moratorium set to expire on May 15, for an additional six months, through November 15, 2012. If implemented in the peak of the four-year election cycle, such major reductions in mail service could potentially disenfranchise millions of people who vote by mail.

While I certainly sympathize with the financial challenges faced by the USPS, I do not support a plan that undermines the timely delivery of election materials in the middle of a presidential election year. Pre-election USPS closures would have a devastating impact on democracy. Even as first-class USPS mail volume is dropping, the number of people who rely on the USPS to deliver ballots and other election materials is steadily growing.

In the November 2008 presidential election, 5.7 million Californians – 41.6 percent of those who voted – cast their ballots by mail. That number will likely be higher in 2012 given the continuous rise in vote-by-mail balloting in California.

This is not simply a California issue, though the USPS closure plans would disproportionately affect voters here and in other western states. Nearly five million Californians cast their ballots by mail in the November 2010 election. According to the federal Election Assistance Commission, the following states had the next largest numbers of vote-by-mail voters in November 2010:

- Washington 2.50 million
- Oregon 1.48 million
- Colorado 1.26 million
- Florida 1.24 million
- Arizona 1.06 million
- Ohio 0.84 million

Recent Closures Evidence of Future Impact

Though the USPS is targeting 15 California processing centers for pre-election closure, your agency has repeatedly stated publicly that the closures will have a minimal impact on first-class mail delivery. In a phone conversation with USPS representatives earlier this month, I was told the current first-class delivery standard is one to three days and, after additional pre-election closures, the standard will be two to three days.

However, the Postal Service's future best hopes do not coincide with the current reality. In 2011, three USPS processing centers were shuttered in California, and in each case vote-by-mail ballots took up to seven days after being mailed to arrive at county elections offices.

- Since a Salinas processing facility closed, Monterey County's mail is now processed 72 miles away in Santa Clara County. The Monterey County registrar of voters reported the USPS change delayed outbound and inbound mail for up to four additional days beyond the two- to three-day delivery promised by the USPS.
- Following an Oxnard processing facility closure, Ventura County's mail is now sent through facilities in Santa Barbara County (35 miles away) or Los Angeles County (50 miles away). This change added up to four days to the two- to three-day delivery promise during a local election last fall.
- Elections mail for Sutter County was going through the nearby Marysville USPS processing center until that facility was shut down. Now, Sutter County's mail goes to a Yolo County facility 46 miles away, and last fall election mail arrived up to four days later than the two- to three-day delivery promised by the USPS.

Closing five times as many California processing centers this year will undoubtedly amplify the challenges for California voters and elections officials, and some scenarios are particularly daunting. For example, the USPS proposes to close a Shasta County processing center before the 2012 statewide elections, meaning Shasta's mail will be processed 161 miles away in Yolo County. Should the USPS close its Eureka processing center, Humboldt County's mail will be sent 190 miles north for processing in Medford, Oregon.

History has shown that voters turn out in greater numbers for presidential elections than for any other election during the four-year cycle. I strongly urge the USPS to heed the lessons of recent California processing center closures rather than continue to assert the next 15 California shutdowns will not have any effect on voters during this presidential election.

Changes in Voting Behavior Take Time

Elections officials and voters have adapted to changes in process and technology in the past, and they can do so again with ample time for planning and outreach. However, the USPS must recognize – indeed, take pride in – the fact that millions of voters rely on participating in their

Mr. Patrick R. Donahoe, Postmaster General
February 22, 2012
Page 3 of 3

democracy by mail. Compounding this fact is the reality that many voters wait until just before Election Day to vote and mail their ballot, and many are unaware of how long a piece of mail may take to travel. This is not hyperbole, rather it is the unfortunate reality that some elections officials have already experienced.

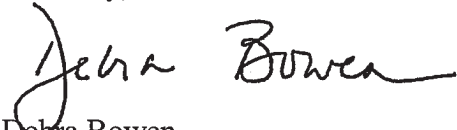
Given the considerable negative impacts that recent smaller-scale disruptions have had on non-presidential elections, I implore you: Do not begin closing down USPS processing centers this close to the 2012 presidential election.

Instead, move the implementation of any proposed closures to a non-presidential election year by extending the USPS moratorium, currently scheduled to be lifted on May 15, 2012, to November 15, 2012. This will give elections officials across the country the time to educate voters about USPS changes in service that could double the time it takes for a vote-by-mail ballot to go from a voter's home to the local elections office.

I look forward to your reply. If I can provide you with additional information or if you would like to discuss this matter further, please contact me at (916) 653-7244.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Debra Bowen". The signature is written in black ink and is positioned above the typed name.

Debra Bowen
California Secretary of State

DB:elg:nw:op



DEBRA BOWEN | SECRETARY OF STATE | STATE OF CALIFORNIA
1500 11th Street, 6th Floor | Sacramento, CA 95814 | Tel (916) 653-7244 | Fax (916) 653-4620 | www.sos.ca.gov

**Uncounted Vote-by-Mail Ballots:
The Potential Effect of United States Postal Service Closures
February 23, 2012**

Postal Service Processing Center Closures Delay Ballots

The United States Postal Service (USPS) is closing 14 mail processing facilities in California. These closures will have devastating effect on California's voters considering that nearly 5 million people – one out of every two people – cast their ballot by mail in the November 2010 election.

Under California law, a vote-by-mail ballot must be returned to the county elections office by 8:00 p.m. on Election Day to be counted. Processing facility closures will result in election-related mail and vote-by-mail ballots traveling hundreds of miles to alternate processing locations, adding days to the delivery time. Voters who mail their ballots the Friday before an election, as they done in previous years, will not have their votes counted if the USPS cannot deliver their ballot before the polls close on Election Day.

Processing facility closures in 2011 have already impacted elections. Ventura County's Oxnard facility was closed, sending mail 35 miles away to Goleta and 50 miles away to Santa Clarita. This change added 2-4 additional days to the 2-3 day delivery time promised by USPS, and resulted in uncounted ballots in a local election. Monterey County's Salinas facility closed, sending mail 72 miles away to Santa Clara County. This change delayed outbound and inbound mail up to 4 additional days beyond the 2-3 day delivery promised by the USPS.

Closures will Affect 2012 Elections

The USPS has announced they will be closing the following processing facilities in 2012:

Bakersfield	Los Angeles (Herb Peck CA Annex)	Redding
Burlingame	Modesto	San Diego (Midway)
City of Industry	Pasadena	Stockton
Eureka	Petaluma (2)	Van Nuys
Long Beach		

Making these changes in a presidential election year less than four months before California's June Primary Election is unacceptable.

Solution: Moratorium on Closures until November 2012

USPS closures during 2012 will be a disaster for democracy. There must be a nationwide moratorium on USPS closures until after the November 2012 General Election to give elections officials and the USPS time to develop solutions without risking disenfranchising voters across the country.

Contact

For more information, contact California Secretary of State Debra Bowen at (916) 653-6774 or secretary.bowen@sos.ca.gov.

1 ROBIN B. JOHANSEN, State Bar No. 79084
2 JAMES C. HARRISON, State Bar No. 161958
3 KAREN GETMAN, State Bar No. 136285
4 KARI KROGSENG, State Bar No. 215263
5 REMCHO, JOHANSEN & PURCELL, LLP
6 201 Dolores Avenue
7 San Leandro, CA 94577
8 Phone: (510) 346-6200
9 Fax: (510) 346-6201
10 Email: harrison@rjp.com

11 Attorneys for Petitioners and Plaintiffs
12 Riverside County Democratic Central
13 Committee, Naomi Ingram, Sherri Lynn Riegel
14 and Jennifer Christina Riegel

15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF RIVERSIDE
17 (UNLIMITED JURISDICTION)

18 RIVERSIDE COUNTY DEMOCRATIC
19 CENTRAL COMMITTEE, NAOMI INGRAM
20 SHERRI LYNN RIEGEL, JENNIFER
21 CHRISTINA RIEGEL, and DOES 1 through
22 12,560,

23 Petitioners and Plaintiffs,

24 vs.

25 BARBARA DUNMORE, in her official capacity
26 as Registrar of the County of Riverside,

27 Respondent and Defendant.

No.: RIC 10012986

Action Filed: June 30, 2010

**ORDER GRANTING
PETITION FOR WRIT OF
PROHIBITION/MANDATE AND
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

**ELECTION MATTER –
IMMEDIATE ACTION REQUESTED**

Hearing:

Date: July 9, 2010
Time: 9:30 a.m.
Dept: 6

(The Honorable Mac R. Fisher)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUL 09 2010

H. Lopez

AAA
JUL 12 2010
R

1 Petitioners Riverside County Democratic Central Committee, Naomi Ingram, Sherri
2 Lynn Riegel and Jennifer Christina Riegel's Petition for Writ of Prohibition/Mandate came on for
3 hearing on July 9, 2010, at 9:30 a.m. in Department 6 of the Superior Court of the County of Riverside,
4 the Honorable Mac R. Fisher presiding. Petitioners Riverside County Democratic Central Committee,
5 Naomi Ingram, Sherri Lynn Riegel and Jennifer Christina Riegel appeared by and through James C.
6 Harrison of Remcho, Johansen & Purcell, LLP. Respondent Barbara Dunmore appeared by and
7 through Pam Walls, County Counsel for the County of Riverside.

8 The Court, having read and considered petitioners' petition for writ of
9 prohibition/mandate and accompanying papers, along with all other papers on file with this court, and
10 having heard and considered the arguments of counsel, and good cause appearing therefore,

11 THE COURT HEREBY FINDS that the United States and California Constitutions, and
12 in particular, article II, section 2.5 of the California Constitution, compel respondent Dunmore to
13 include the ^{guaranteed} otherwise legal ballots that were available for pick up by the Registrar at the postal facility
14 in Moreno Valley on Election Day, June 8, 2010, in the certified election results.

15 IT IS THEREFORE HEREBY ORDERED:

- 16 1. Petitioners' Writ of Prohibition/Mandate is GRANTED, and a peremptory writ
17 of mandate shall issue.
- 18 2. Respondent, and all of her agents and employees, are prohibited from excluding
19 from the final election results for the June 2010 primary election the ^{guaranteed} otherwise legal ballots that were
20 available for pick up by the Registrar at the postal facility in Moreno Valley on Election Day.
- 21 3. Respondent, and all of her agents and employees, are prohibited from certifying
22 the final election results for the June 2010 primary election without including the otherwise legal
23 ballots that were ^{guaranteed} available for pick up by the Registrar at the postal facility in Moreno Valley on
24 Election Day.
- 25 4. The time for respondent Dunmore to certify the results of the June 8, 2010
26 primary election in Riverside County is extended pursuant to Elections Code section 15701, until the
27 otherwise legal ballots that were available for pick up by the Registrar at the postal facility in Moreno
28

1 Valley on Election Day are counted and included in the final election results for the June 2010 primary
2 election, and said count and Registrar's certification
3 DATED: shall occur on or before July 15, 2010.

4 Mac R. Fisher
5 THE HONORABLE MAC R. FISHER
6 JUDGE OF THE SUPERIOR COURT

7
8
9
10
11 Approved ~~at~~ as to Form:

12
13
14 Pam Walls
15 Pam Walls
16 County Counsel
17

18
19
20 Deborah Fox 7/9/2010
21 Deborah Fox
22 Mayers Nave
23
24
25

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause or action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On July 6, 2010, I served a true copy of the following document(s):

[Proposed] Order Granting Petition for Writ of Prohibition/Mandate and Complaint for Injunctive and Declaratory Relief

on the following party(ies) in said action:

Dana M. Smith *Attorneys for Defendant and Respondent*
Deputy County Counsel
County of Riverside
3960 Orange Street, Fifth Floor
Riverside, CA 92501
Phone: (951) 955-6300
Fax: (951) 955-6363
Email: DANASMITH@co.riverside.ca.us

- BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
 - depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the businesses' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Leandro, California, in a sealed envelope with postage fully prepaid.
- BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.
- BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.

Ballot Trapping Program in Placer County, California

By election code law, every ballot that can be legally counted must be in our possession by 8:00 PM the night of the election regardless of the postmark. In the past we would receive literally hundreds of ballots that would come to our office from the post office the day after the election that could not be counted. Now that has changed.

After extended meetings with the northern California postal authorities, it was agreed that the Placer County Elections Office of Jim McCauley would send drivers to each post office in Placer County and the large processing centers of West Sacramento and Reno, Nevada prior to 8:00 PM election night to pick up ballots that the postal authorities have trapped from the mail stream and set aside for our drivers to pick up. Without this program hundreds of voters would be disenfranchised from voting as their vote would not be counted because we would have received their ballot too late. This program allows every possible vote to be counted and has cut down tremendously on ballots received after the election.



Introduced by Senator Correa

February 15, 2011

An act to amend Sections 3020 and 4103 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as introduced, Correa. Elections: vote by mail ballots.

Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is postmarked on or before election day and received by the voter's elections official no later than 6 days after election day.

Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. 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 3020 of the Elections Code is amended
2 to read:

3 3020. (a) All vote by mail ballots cast under this division shall
4 be received by the elections official from whom they were obtained
5 or by the precinct board no later than the close of the polls on
6 election day.

7 (b) *Notwithstanding subdivision (a), any vote by mail ballot*
8 *cast under this division shall be timely cast if it is postmarked on*
9 *or before election day and received by the voter's elections official*
10 *no later than six days after election day.*

11 SEC. 2. Section 4103 of the Elections Code is amended to read:

12 4103. (a) Notwithstanding Section 3020, ballots cast under
13 this chapter shall be returned to the elections official from whom
14 they were obtained no later than 8 p.m. on election day.

15 (b) *Notwithstanding subdivision (a), any vote by mail ballot*
16 *cast under this chapter shall be timely cast if it is postmarked on*
17 *or before election day and received by the voter's elections official*
18 *no later than six days after election day.*

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY APRIL 5, 2011
AMENDED IN ASSEMBLY MARCH 14, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 477

Introduced by Assembly Member Valadao
(Coauthors: Assembly Members Fletcher, Garrick, Grove, Huffman,
Jeffries, Knight, and Silva)
(Coauthor: Senator Runner)

February 15, 2011

An act to add Section 3103.7 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 477, as amended, Valadao. Elections: vote by mail ballots.

Existing law requires that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would make an exception for special absentee voters, as defined, temporarily living outside of the territorial limits of the United States and the District of Columbia and would instead require that their vote by mail ballots be postmarked on or before election day and received by their elections officials not later than ~~14~~ 10 days after election day.

Because the bill would impose additional duties on elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. 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 3103.7 is added to the Elections Code,
2 to read:

3 3103.7. Notwithstanding Section 3020, 3311, or 4103, or any
4 other provision of law, a vote by mail ballot of a special absentee
5 voter under subdivision (b) of Section 300 who is temporarily
6 living outside of the territorial limits of the United States and the
7 District of Columbia shall be timely cast if it is postmarked by the
8 United States Postal Service or the Military Postal Service Agency
9 on or before election day and received by the voter's elections
10 official not later than ~~14~~ 10 days after election day.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.

O

	Study Facility		Gaining Facility(ies)			Status	Consolidation Type	
	State	City	Gaining Site	City	State			
1	AL	Anniston	Anniston CSMPC	Birmingham P&DC	Birmingham	AL	Approved for consolidation	Originating and destinating
2	AL	Dothan	Dothan CSMPC	Montgomery P&DC	Montgomery	AL	Approved for consolidation	Originating and destinating
3	AL	Huntsville	Huntsville P&DF	Birmingham P&DC	Birmingham	AL	Approved for consolidation	Destinating
4	AL	Mobile	Mobile AL Annex	Mobile P&DC	Mobile	AL	Disapproved Study	N/A
5	AL	Tuscaloosa	Tuscaloosa CSMPC	Birmingham P&DC	Birmingham	AL	Approved for consolidation	Originating and destinating
6	AR	Fayetteville	Fayetteville P&DF	Little Rock AR P&DC	Little Rock	AR	Disapproved Study	N/A
7	AR	Harrison	Harrison P&DF	Fayetteville P&DF	Fayetteville	AR	Approved for consolidation	Destinating
8	AR	Hot Springs National Park	Hot Springs Ntl Pk CSMPC	Little Rock AR P&DC	Little Rock	AR	Approved for consolidation	Originating and destinating
9	AR	Jonesboro	Jonesboro CSMPC	Memphis P&DC	Memphis	TN	Approved for consolidation	Originating and destinating
10	AR	Little Rock	Little Rock Lindsey Road AR Annex	Little Rock AR P&DC	Little Rock	AR	Disapproved Study	N/A
11	AZ	Gilbert	East Valley AZ DDC	Phoenix P&DC	Phoenix	AZ	Approved for consolidation	Full
12	AZ	Phoenix	North Valley AZ DDC	Phoenix P&DC	Phoenix	AZ	Approved for consolidation	Full
13	AZ	Tucson	Tucson P&DC	Phoenix P&DC	Phoenix	AZ	Approved for consolidation	Originating and destinating
14	CA	Bakersfield	Bakersfield P&DC	Santa Clarita P&DC	Santa Clarita	CA	Approved for consolidation	Originating and destinating
15	CA	Burlingame	North Peninsula CA DDC	San Francisco P&DC	San Francisco	CA	Approved for consolidation	Full
16	CA	City of Industry	Industry P&DC	Santa Ana P&DC (letters) and Anaheim P&DC (flats)	Santa Ana; Anaheim	CA; CA	Approved for consolidation	Destinating
17	CA	Eureka	Eureka CSMPC	Medford CSMPC	Medford	OR	Approved for consolidation	Originating and destinating
18	CA	Long Beach	Long Beach P&DC	Los Angeles P&DC	Los Angeles	CA	Approved for consolidation	Destinating
19	CA	Los Angeles	Herb Peck Annex	Los Angeles P&DC	Los Angeles	CA	Approved for consolidation	Full
20	CA	Modesto	Modesto CA CSMPC	West Sacramento P&DC	West Sacramento	CA	Approved for consolidation	Full
21	CA	Pasadena	Pasadena P&DC	Los Angeles P&DC	Los Angeles	CA	Approved for consolidation	Originating and destinating
22	CA	Petaluma	North Bay CA DDC	Oakland P&DC	Oakland	CA	Approved for consolidation	Full
23	CA	Petaluma	North Bay P&DC	Oakland P&DC	Oakland	CA	Approved for consolidation	Destinating
24	CA	Redding	Redding CSMPC	West Sacramento P&DC	West Sacramento	CA	Approved for consolidation	Originating and destinating
25	CA	San Bernardino	San Bernardino P&DC	Moreno Valley Annex	Moreno Valley	CA	Disapproved Study	N/A
26	CA	San Diego	Midway P&DF	ML Sellers CA P&DC	San Diego	CA	Approved for consolidation	Full
27	CA	Stockton	Stockton P&DC	West Sacramento P&DC	West Sacramento	CA	Approved for consolidation	Destinating
28	CA	Van Nuys	Van Nuys CA FSS Annex	Santa Clarita P&DC	Santa Clarita	CA	Approved for consolidation	Full
29	CO	Alamosa	Alamosa CSMPC	Denver P&DC	Denver	CO	Approved for consolidation	Originating and destinating
30	CO	Colorado Springs	Colorado Springs P&DC	Denver P&DC	Denver	CO	Approved for consolidation	Originating and destinating
31	CO	Durango	Durango CSMPC	Albuquerque P&DC	Albuquerque	NM	Approved for consolidation	Originating and destinating
32	CO	Salida	Salida CSMPC	Denver P&DC	Denver	CO	Approved for consolidation	Originating and destinating
33	CT	Stamford	Stamford P&DC	Westchester NY P&DC	White Plains	NY	Approved for consolidation	Originating and destinating
34	CT	Wallingford	Southern Connecticut P&DC	Hartford CT P&DC Springfield NDC	Hartford; Springfield	CT; MA	Approved for consolidation	Originating and destinating
35	DE	New Castle	Wilmington P&DF	South Jersey P&DC	Bellmawr	NJ	Disapproved Study	N/A
36	FL	Fort Lauderdale	Fort Lauderdale P&DC	Miami P&DC	Miami	FL	Approved for consolidation	Originating and destinating
37	FL	Fort Myers	Fort Myers P&DC	Tampa P&DC Manasota P&DC	Tampa; Sarasota	FL; FL	Disapproved Study	N/A
38	FL	Gainesville	Gainesville P&DF	Jacksonville P&DC	Jacksonville	FL	Approved for consolidation	Destinating
39	FL	Lakeland	Lakeland P&DC	Tampa P&DC	Tampa	FL	Approved for consolidation	Destinating
40	FL	Mid Florida	Mid-Florida P&DC	Orlando P&DC	Orlando	FL	Approved for consolidation	Originating and destinating
41	FL	Orlando	Orlando P&DC	Mid-Florida P&DC	Mid Florida	FL	Disapproved Study	N/A
42	FL	Panama City	Panama City P&DF	Pensacola P&DC	Pensacola	FL	Approved for consolidation	Destinating
43	FL	Pembroke Pines	South Florida P&DC	Miami P&DC	Miami	FL	Approved for consolidation	Destinating
44	FL	Saint Petersburg	Saint Petersburg P&DC	Tampa P&DC	Tampa	FL	Approved for consolidation	Destinating
45	FL	Sarasota	Manasota P&DC	Fort Myers P&DC	Fort Myers	FL	Study ongoing with change in gaining site	Destinating
46	GA	Acworth	Acworth GA CSMPC	Atlanta P&DC	Atlanta	GA	Approved for consolidation	Full
47	GA	Albany	Albany GA CSMPC	Tallahassee P&DF	Tallahassee	FL	Approved for consolidation	Originating and destinating
48	GA	Athens	Athens GA P&DF	North Metro P&DC	Duluth	GA	Approved for consolidation	Destinating