

CITY OF SACRAMENTO



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February 26, 1982

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Hon. City Council  
City Hall  
Sacramento, CA 95814

Re: MAIL BALLOT ELECTIONS

Dear Council Members:

SUMMARY

On February 24, 1982, the Law and Legislation Committee considered a request that mail ballot elections be used on a trial basis at the September, 1983, primary election. The Committee, by a 4-to-0 vote, recommended against the use of mail ballot elections at this time.

BACKGROUND INFORMATION

At the Law and Legislation Committee meeting on February 24, 1982, the Committee considered a request that mail ballot elections be used on a trial basis for the September, 1983, City primary election. Councilman Kastanis and the City Clerk had recommended that such a system be utilized. This system has previously been used in San Diego and in Linn County, Oregon. It has also been used in small special district elections. After considerable discussion, the Committee voted unanimously to oppose mail ballot elections at the present time. Some of the reasons expressed by the Committee in opposition were:

1. There is no clear-cut showing that there will be a cost savings by using the mail ballot system;
2. There is less privacy in the voting process and the potential that certain family members will unduly influence the way others vote;
3. There is more chance of fraud with the mail ballot system;
4. There is the possibility that mail ballots will not be adequately delivered to voters, particularly in highly transient areas.

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RECOMMENDATION

The Committee recommends that mail ballot elections not be conducted at the present time.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James P. Jackson".

JAMES P. JACKSON  
City Attorney

JPJ/p

Attachments

JACKSON  
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# CITY OF SACRAMENTO

**OFFICE OF THE CITY CLERK**  
915 I STREET SACRAMENTO, CALIFORNIA 95814  
CITY HALL ROOM 203 TELEPHONE (916) 449-5426

LORRAINE MAGANA  
CITY CLERK

Law and Legislation Committee  
Sacramento, CA 95814

Members in Session:

**SUBJECT: Mailed Ballot Elections**

## **SUMMARY**

This report will address the proposed legislation and the pros and cons of a mailed ballot election.

## **BACKGROUND**

### CITY OF SAN DIEGO

On May 16, 1981, the City of San Diego successfully completed the largest mail ballot election ever held in the United States. Since then the issue of mail ballot elections has been met by mixed reactions by everyone involved in elections.

Basically, San Diego had a special, one issue referendary election, 60.8 percent of the registered voters cast their votes and accomplished a savings of \$222,000.00, or 40 percent less than a conventional election (see material submitted by the City Attorney).

### LINN COUNTY, OREGON

On November 3, 1981, Linn County, Oregon was the first county in Oregon to take advantage of a state law allowing experimental mail voting.

The mail ballot election consisted of three ballot measures, one each for the Scio School District, City of Brownsville and the Greater Albany School District. Linn County had 22,225 registered voters eligible to vote for three ballot measures. Turnout for the Albany School District was 77 percent, for the Scio School District 78 percent, and for Brownsville 66 percent. In two other Linn

County school districts where elections were held conventionally, only 21 and 23 percent of the registered voters cast ballots. No cost savings was claimed by Linn County, Oregon. (See Exhibit A)

#### PROPOSED LEGISLATION

Assemblyman Byron Sher has authored a bill (AB2400) for mail ballot elections which will allow local jurisdictions to conduct a mailed ballot election at their discretion. Attached for your review is a copy of the bill and analysis of the bill (Exhibit B).

Also attached is a resolution of support from the City of Roseville for this legislation (Exhibit C).

The amendments suggested are those that are now being discussed to include in AB2400. This bill is tentatively scheduled for hearing before the Assembly Elections and Reapportionments Committee on March 15, 1982.

#### PROS AND CONS

**COST SAVINGS** - there has been a dispute as to whether or not cost savings are achieved through mailed ballot elections. San Diego claimed a 40 percent savings; Linn County claimed none.

The Sacramento County Registrar of Voters has conducted several mailed ballot elections and has not realized any savings. However, he feels that there is a potential for savings as more experience is gained. He is willing to conduct a mailed ballot election for the City's September 1983 election.

**GREATER VOTER TURNOUT** - There is no doubt that the mailed ballot election has increased voter participation.

**VOTER FRAUD** - There is a feeling that the mailed ballot election would encourage voter fraud. The procedure for checking mailed ballots is the same as for absentee ballots. Each signature is verified against registration cards. This procedure enhances the integrity of the election.

## CONCLUSION

From all the available data received there is no doubt that the mailed ballot election significantly increases voter turnout. Although there are differences of opinion regarding savings and voter fraud, there still appears to be a potential for savings and procedures used in mailed ballot elections is the same as for absentee balloting nullifies the argument of voter fraud.

The ever increasing constraints on the City budget have caused not only a reduction in spending but a reduction in services. If the mailed ballot election were conducted in September 1983 with no cost savings but with a greater voter turnout the cost per voter would be decreased. In essence the cost of the election would not be higher but we would have gotten more for our money by the increased voter turnout.

I have discussed this issue with the County Registrar of Voters and he has expressed his willingness to cooperate with the City of Sacramento if the City chose to conduct a mailed ballot election. The decision to conduct such an election would need to be made at least a year in advance so that current procedures could be further enhanced. This is particularly important since the September 1983 election would be the first mailed ballot election with candidates on the ballot. The use of a mailed ballot election in September 1983 would be experimental only. The City Council could then decide if it wished to conduct further elections by mailed ballot. If AB2400 fails to pass the legislature, it would not be possible to conduct a mailed ballot election for any other City election except the September Primary. The State law would not allow for mailed ballot election with a consolidated election. The City's November election is consolidated with the UDAL elections which involves 88 jurisdictions. It is highly unlikely that consensus for a mailed ballot for the November election could be obtained even if AB2400 was approved.

Therefore, the City's September Primary or a non-consolidated Special City election are the only elections that the City can hope to realize further savings in the immediate future.

A further argument for conducting a mailed ballot election in September 1983 is the history of voter turnout and costs as follows:

<u>ELECTION</u>	<u>COST</u>	<u>VOTER TURNOUT</u>
Primary Municipal, 1975, City Wide 1 measure and Mayor's race, 4 districts, even numbered	\$ 84,853.19	40%
Primary Municipal, 1977, City Wide 3 measures, 4 odd numbered districts	\$118,523.26	28%
Primary Municipal, 1979, City Wide 6 measures and Mayor's race, 4 districts, even numbered	\$161,426.98	32%
Primary Municipal, 1981, 4 odd- numbered districts	\$ 94,138.11	24.9%

**RECOMMENDATIONS**

1. Support AB2400 with proposed amendments and direct the City Attorney to prepare a resolution of support for Council adoption;
2. Approval to conduct a mailed ballot election for the September 1982 election only, and direct the City Attorney to prepare the necessary ordinance for Council adoption;
3. Report back to the Committee on the results of the mailed ballot election.

Respectfully submitted,

  
Lorraine Magana  
City Clerk

## 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

allots for the election; and.

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

(c) The election is one of the following:

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

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

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

(4) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code; or

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

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

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

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

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

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

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

(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.