

League of Women Voters of Los Angeles

3303 Wilshire Blvd., Suite 310

Los Angeles, CA 90010-1700

Vote by Mail Study Kit

Study Committee:

Nancy Arnheim, Chair

Thea Brodtkin

Sue Bunzel

Karen Mathews

Laura Palos de Roybal

Ann Rushton

Gerry Sallus

Sandy Wolber

Presented April 2012

Table of Contents

<u>Section</u>	<u>Page</u>
Background	1
League Positions	2
Ways of Conducting VBM Elections Election Laws in Los Angeles City	3
Data and election turnout	5
Pros and Cons	6
Consensus Questions	7
Resources used	8
Appendix	11

VOTE BY MAIL STUDY KIT

At the June, 2011 Annual Meeting, LWVLA members voted to “update our Voting Rights Position looking at Vote by Mail as an election tool.” At this meeting, we will be looking at the results of our study, and determining if there is consensus on all-by-mail-voting for some or all Los Angeles Municipal elections.

First, some background:

The original vote by mail ballot was known as the “Absentee Ballot,” which could be used only by those who gave a specific excuse for not being able to vote in person (illness, away on election day, disabled, lived 10 miles from a polling place, etc.)

Later, California, along with 28 other states, adopted a “no excuse” vote by mail ballot. Any voter can apply for this ballot and the application is printed on the back of every sample ballot booklet. Since 2001, there has also been a place to check off if a voter wishes to have “Permanent Vote by Mail Status.” Voters do not have to give any reason for this request; they will automatically receive a vote by mail ballot for every election. In the past these ballots were known as “Absentee Ballots,” but they are now simply known as vote by mail ballots.

At this meeting, we will look at a different kind of voting by mail: an election which is conducted almost entirely by mail-in ballots. We’ll refer to this as “VBM.” We will discuss whether LWVLA has consensus to support VBM for municipal elections – and if so, in what type of municipal elections should it be used : special elections, vacancy elections, one-issue elections, citywide elections, or all municipal elections? We will consider the pros and cons of voting exclusively by mail, including changes that would have to be made to the city Charter and Election Code and the opinion of the LA City Clerk on the feasibility of such voting.

We will also look at the positions of the County, State and United States LWV as well as our present LWVLA position, and the experiences with VBM in other states, other cities in California and our own county.

Places using VBM

Probably the most well known VBM experience is in the state of Oregon. In 1989, after 20 years of testing, Oregon voters passed an initiative providing for all statewide primary and general elections to be VBM. In 1993, a law was passed for optional use of VBM for special and local elections. In a survey, 81 percent of voters preferred VBM elections. According to a study by Common Cause, there has been an average increase in voter turnout in Oregon of 4.7% in presidential elections since VBM was adopted.

Since that time, VBM elections of some kind have been conducted in 13 states: Alaska, California, Colorado, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New

Mexico, North Dakota, Utah and Washington. In Washington State, all but one county has all VBM.

Several California cities conduct all their municipal elections by mail, including Burbank and Santa Barbara. Members of those Leagues were interviewed by the Vote By Mail Study Committee, and said that they were happy with VBM, that it seems to work well, and that they knew of no instances of fraud.

California state law permits county registrars to designate precincts with less than 250 registered voters as VBM precincts, and this has been done in all California counties. A study of those elections in four northern California counties by a group of university academics found that, when a mandatory VBM was implemented, the estimated odds of an individual voter voting decreased by 13.2%; however, the negative effect of being forced to vote by mail was overcome when at least four pieces of explanatory communication were sent out to voters by election officials.

In the last four years, there have been four VBM elections conducted by the LA County Registrar of Voters. All of them were Unified School District Special Parcel Tax elections and the people involved felt that these elections were successful and without fraud. Three 2009 elections were in the Palos Verdes Peninsula, South Pasadena and La Canada/ Rowland Heights districts. They had 40% or more ballots cast and used City Halls, libraries and Fire Stations as drop-off voting places. In May 2010, the Malibu/ Santa Monica District had an all VBM election with 30.37% of registered voters participating,

League positions

The Los Angeles League position on Voting Rights, adopted in 1980 is “Support of election procedures which enable citizens to carry out their rights and duties as voters,” with sub-positions on adequate and clear information for voters, placing of measures on the ballot, initiatives and sample ballots. The County LWV Election Procedures position, includes “Support of a voting system which meets the criteria of accuracy, efficiency, economy and voter encouragement. Support of an effective election commission charged with evaluating the operation, recommending improvement and assessing the feasibility of new voting methods”

The LWV of California Voting Rights position is: “Support measures that will protect every citizen’s right to vote and that will ensure government’s responsibility to protect this right through regulations and procedures that encourage an informed and active electorate.” The LWV of the United States Voting Rights statement is: “Citizen’s Right to Vote. Protect the right of all citizens to vote; encourage all citizens to vote.” The 2004 LWVUS Convention adopted “support of the implementation of voting systems and procedures that are Secure, Accurate, Recountable and Accessible” (“SARA”). The 2009 convention added “Transparency” to this list, so that the criteria to be used in evaluating

an election system is whether it is **Secure, Accurate, Recountable, Accessible and Transparent (SARAT)**.

In considering whether to adopt an all VBM system for L.A. Municipal Elections, we must keep these SARAT criteria in mind. Additionally, as we look at the reasons for low voter turnout and whether changing election systems will increase or decrease voter turnout, it should be noted that, according to the Sacramento Bee, California registration and voting rates fall well below the national average, and that only one-half of the voting age residents are registered to vote.

Ways of Conducting a VBM Election

There are different ways that a VBM election in Los Angeles could be conducted:

- 1) There are no neighborhood polling places, but a number of “Voting Centers” are established; those who don’t want to or are unable to, vote by mail may vote in person at a Voting Center staffed by trained election workers. (Because of the size of the city, this method would pose a problem in a citywide Los Angeles Municipal Election, since each voting center would have to accommodate a number of different types of ballot.)
- 2) There are no neighborhood polling places, but a number of places are designated as “drop-off” centers, where voters can drop off their ballots instead of mailing them in (as is done in Santa Barbara).

Election Laws and the Situation in the City of Los Angeles

Elections in the city are governed by the Los Angeles City Charter and the Los Angeles City Election Code. The city’s election jurisdiction covers 850 square miles, with 2.1 million registered voters, over 2,000 voting precincts, some 8,000 poll workers and an operating budget of approximately \$17 million..

Municipal elections are held in odd-numbered years. By state law, municipal elections include elections for the Los Angeles Community Colleges, and by city law (Charter and Election Code), these elections also include elections for the Los Angeles Unified School District (LAUSD). The LAUSD includes not only schools within the city, but also a number of schools in cities outside of Los Angeles. The Election Code provides that those cities are deemed to be part of the city of L.A. for the purposes of voting for and electing members of the Board of Education.

The Charter provides that the City Council, by ordinance, shall order the holding of all elections, and that all elections be conducted in accordance with the provisions of the Election Code. Both the Charter and the Election Code contain sections authorizing voting by mail, but only in the sense of what used to be known as “absentee” voting.

Both the Charter and the Election Code would have to be amended to authorize all-mail elections, and to set forth the procedures for such elections. If such elections were to be adopted by the city, only Los Angeles Municipal Elections would be affected. Voting on L.A. City ballot measures in state primary and general elections would continue to be under the control of the county.

The Election Code can be amended by an ordinance passed by the Council. Ordinances take effect six months after they are passed. A Charter amendment would have to be approved by a majority vote of the people. Such an amendment could be as simple as a statement that the City Council may, by ordinance, authorize the conduct of elections wholly by mail. Voters in Culver City recently approved a similar amendment to their Charter.

At the April 8, 1997 L.A. city primary election, voters rejected a proposed Charter Amendment which would have, among other changes to Charter election provisions, added a provision allowing the Council to pass an ordinance that would designate that “all or portions of the election jurisdiction shall vote exclusively by mail ballot.” Ironically, even those who voted by mail in that election rejected the measure. (It’s possible that the measure failed because, at that time, a new Charter was in the works, and voters were reluctant to make changes prematurely. The new Charter was adopted in June, 1999.)

In recent years, the City Council has considered the possibility of adopting new voting systems for L.A., including VBM, in hopes of improving the low turnouts at Municipal Elections. In October, 2010, the Council considered placing a Charter amendment on the March, 2011 ballot that would have authorized all-by mail voting in certain special vacancy elections, with a limited number of voting centers, but no traditional polling places. The Council decided against this, and instead instructed the City Attorney to prepare an ordinance to authorize all-mail voting in special elections to fill Council-District vacancies, that would maintain a traditional number of polling places, and thus would not require a Charter amendment. The draft ordinance that the City Attorney prepared in response to this request would have added a new sub-section to the Election Code authorizing such an election. The draft ordinance was prepared in June, 2011, and submitted to the City Clerk for comment and reporting back to the Council. In her July 8, 2011 report to the Council, the Clerk recommended against this, citing several problems, including the cost. She estimated that conducting an all-VBM election plus keeping all the polling places open, just in a single-district Special Election, would increase costs by over \$300,000, and there would be additional procedural issues.

In October, 2011, the Vote By Mail Study Committee met with the City Clerk, June Lagmay, and other election officials. We also received data from the Clerk’s office, a sampling of which is shown below. The Clerk’s office now recommends a pilot program for single-district elections, with limited neighborhood voting centers, but no neighborhood polling places. This would require that both the Charter and the Election Code be amended.

Another issue that was discussed was whether voters on the “Inactive” list should be sent ballots in a VBM election. Voters on this list are registered voters who didn’t vote in the last

two statewide general elections; had ballot materials returned for bad address; or are deceased. If the registrar has been notified of the death of a registered voter by a relative or by the Department of Health, the voter's name is removed. Otherwise, the name of the deceased voter would remain on the "inactive" list. "Inactive" voters are not sent ballots and election materials in the mail. Common Cause recommends that inactive voters should receive ballots in a VBM election, but the City Clerk is adamantly opposed to sending ballots to those voters, because of the risk of fraud.

Sampling of Data received from the Clerk's Office

In the 2011 Municipal Primary, the total voter turnout was 12.97%; of that total, 51.18% voted at the polls, and 48.84% voted by mail.

In the 2011 General Election (a runoff for Board of Education District 5 and Community College Seat 5), the total voter turnout was 6.45%; of that total, 29.74% voted at the polls, and 70.26% voted by mail.

In the January 27, 2012 runoff election for Council District 15, the total voter turnout was approximately 18%; of that total, approximately 52% cast ballots at the polls and 48% voted by mail.

See the Appendix for a chart showing turnout in Municipal Elections from September, 2001 through January, 2012.

At this point, we ask the unit members to brainstorm the pros and cons of a VBM election. Following is a set of Pros and Cons developed by the Vote by Mail Study Committee.

Pros

1. May increase turnout.
2. It would be more convenient; voters would not have to take time off work or travel to a polling place.
2. Eliminating polling places would save money by decreasing the need for staffing, training and equipment.
3. Electioneering at polls would be eliminated.
4. Voters can study candidates and issues at their leisure, in the privacy of their own homes.
5. Eliminates the need to notify voters of polling place locations—frequent changes often confuse voters.

6. Secure drop-off boxes can be set up for voters who don't want to mail their ballots.
7. There would be major cost savings in special elections.
8. Voters who don't want to mail in their ballots could vote at City Hall or a similar site, or at Voting Centers that could be set up.
9. It would be easier for voters with disabilities; they won't have to find a way to get to the polls.
10. Fail-safe procedures can guarantee that voters will receive their ballots in the mail.
11. The signature on the outside of the ballot envelope would be checked before the ballot is counted.

Cons

1. May not increase turnout.
2. Voters like to vote in their neighborhood in person—it increases their sense of participation.
3. Mail delivery may be unreliable. Post offices are facing cutbacks and price changes. Voters may distrust postal deliveries, or not want to pay for postage.
- 4 Possible apartment house misdelivery and possible theft in group mailboxes
5. It would be impractical and costly to set up Voting Centers in Los Angeles due to the number of different ballots in different areas of the city.
6. Voters with disabilities generally prefer to go to the polls where there are special services for the disabled, such as audio ballots, and they have the ability to vote on their own without help.
7. The City Charter and Election Code would have to be changed.
8. Possible confusion when starting new system.
9. L.A. Voters rejected VBM in 1997.
10. Fraud and undue influence are possible if voters don't go to the polls in person.
11. Voters on the inactive list will not receive ballots—many legally registered voters could be disenfranchised.

VOTE BY MAIL CONSENSUS QUESTIONS

1. Would you consider an all vote-by-mail (VBM) process for Los Angeles municipal elections?

2. If so, what type of election should be considered for a VBM process?
(Choose as many as appropriate.)
 - a. All municipal elections.
 - b. Vacancy elections (to fill an office that is vacant due to resignation or death).
 - c. Single issue elections.
 - d. Runoff elections.

3. Of the different ways of conducting VBM elections, which would work best for Los Angeles municipal elections?
 - a. No neighborhood polling places, but with ballot drop-off boxes in public buildings such as city offices, libraries, fire stations, etc.
 - b. No neighborhood polling places, but with one or more "voting centers" where a voter could vote in person.

4. Which if any of the following should be required for VBM elections?
 - a. Voter outreach programs to contact both active and inactive registered voters.
 - b. A fail-safe process for obtaining a replacement ballot if the mailed ballot is not received.
 - c. Envelopes with prepaid postage for returning cast ballots.
 - d. Publicity campaigns.
 - e. Other ideas?

RESOURCES USED IN VOTE BY MAIL STUDY

League Materials

League of Women Voters United States, California, Los Angeles County and Los Angeles City Position papers on *Voting Rights, Election Procedures and Election Systems*.

Fawcett, Rita and Lee, Voter Service Co-chair LWVOREF *Oregon practices with vote by mail*.

Charters and Codes

California State Education Code

Los Angeles City Election Code

Los Angeles City Charter

Culver City City Charter

Studies and Publications

Bergman, Elizabeth, Philip Yates “*How Does Vote by Mail Affect Voters?*” Cal State University, East Bay; Cal State Poly University, Pomona; and Elaine Ginnold, Registrar of Voters, Marin County, CA., 2009.

Project Vote.org, “*Vote by Mail and Absentee Voting*,” Policy Brief Number 13, July 9, 2007.

Black Box Voting.org “*Absentee Voting Expanded in 25 States*.” (Undated handout)

Gronke, Paul, Director EVIC at Reed College, “*Ballot Integrity and Voting by Mail: The Oregon Experience*,” Report for the Commission on Federal Election Reform, June 15, 2005.

Fortier, John, “*Absentee and Early Voting*,” October 2006.

Common Cause, “*Getting it Straight for 2008, What We Know About Vote by Mail Elections and How to Conduct them Well*,” Election Reform Brief, January 2008.

Campbell, Tracy, “*Deliver the Vote: a History of Election Fraud, an American Tradition 1742-2004*,” Carroll & Graf, 2005.

The Pew Center on the States, *“Inaccurate, Costly and Inefficient, Evidence that America’s Voter Registration System Needs an Upgrade,”* Election Initiatives Issue Brief, February, 2012.

Los Angeles City Reports

Report of Frank T. Martinez, City Clerk, to Los Angeles City Council entitled “Options for Conducting Los Angeles Municipal Elections,” dated February 25, 2008.

Report of June Lagmay, City Clerk, to Los Angeles City Council entitled “Report-Back on Proposals to Conduct All-Vote-By-Mail Elections In Citywide Elections and Non-Citywide Elections,” dated November 18, 2009.

“Draft Ordinance to Amend the City Election Code to Authorize the City Clerk to Conduct a Special Election to Fill a Vacancy in a Council District Such That All Registered Voters Are Issued a Vote-by-mail Ballot and Are Able to Vote by Mail, as an Alternative to Voting at a Traditional Polling Place,” submitted by Carmen A. Trutanich, City Attorney, to Los Angeles City Council on June 17, 2011.

Report of June Lagmay, City Clerk, to City Council entitled “Conducting Single-Council District Special Elections via All-Vote-By-Mail Combined with Traditional At-Poll Voting,” dated July 8, 2011.

Interviews

Interview with Marcia Ventura, Los Angeles County Clerk’s Public Information Officer, July 22, 2011, re school district elections: Palos Verdes Peninsula, June, 2009; South Pasadena, June 2009; La Canada and Rowland Heights, June 2009; and Santa Monica/Malibu, May, 2010.

Interview with June Lagmay, Los Angeles City Clerk, and staff, October, 2011.

Interview with Raphe Sonenshein (Former Executive Director of the LA. City Appointed Charter Reform Commission) August, 2011.

Interviews with League of Women Voters of Santa Barbara, Burbank, Palos Verdes and Yolo County.

Conversation with Dean Logan, Los Angeles County Registrar-Recorder/ County Clerk, January 28, 2012.

Miscellaneous

Oregon Secretary of State, www.sos.state.or.us/elections/vbm/history.html

Washington Secretary of State, “Vote by Mail,” 2007.

Los Angeles City Official Sample Ballot, Election April 8, 1997, Charter Amendment 1.

Newspaper Articles

Mayor urges mail-in vote in lieu of election on fee hikes, David Zahniser, Los Angeles Times, April 23, 2009.

A Call to overhaul nation’s voter registration process, David G. Savage, Los Angeles Times, November 10, 2009.

Election stirs debate on mail-in voting, Jean Merl, Los Angeles Times, November 19, 2009.

L.A. vote by mail could cost more, Phil Willon, Los Angeles Times, December 4, 2009.

Making California count, George Skelton, Los Angeles Times, April 14, 2011.

Balloteer: Patt Morrison asks Kim Alexander, President of California Voter Foundation, Los Angeles Times, September 17, 2011.

California’s registration, voting rates among lowest in U.S., Dan Walters, The Sacramento Bee, September 28, 2011 (posted on-line at sacbee.com.).

Dead People Can’t Vote, Los Angeles Times Editorial, February 19, 2012.

Postal closings would affect June elections, John Diaz, Daily News, February 23, 2012 (Reprinted from San Francisco Chronicle).

Vote by (slower) mail, Los Angeles Times Editorial, February 27, 2012.

Office	Election Date	Primary/Runoff	Election Type	Consolidated w/	Election Administrator	Turnout	At-Poll	VBM
Council District 4	September 11, 2001	Primary	Stand Alone	N/A	Los Angeles City Clerk	17.60%	66.88%	33.12%
Council District 4	October 23, 2001	Runoff	Stand Alone	N/A	Los Angeles City Clerk	16.22%	66.36%	33.64%
Council District 2	December 11, 2001	Primary	Stand Alone	N/A	Los Angeles City Clerk	19.02%	71.37%	28.63%
LAUSD BOE- District 2	March 7, 2006	Primary	Stand Alone	N/A	Los Angeles City Clerk	11.79%	60.07%	39.93%
Council District 2	September 22, 2009	Primary	Stand Alone	N/A	Los Angeles City Clerk	13.34%	45.82%	54.18%
Council District 2	December 8, 2009	Runoff	Stand Alone	N/A	Los Angeles City Clerk	16.27%	43.19%	56.81%
Council District 15	November 8, 2011	Primary	Stand Alone	N/A	Los Angeles City Clerk	18.24%	53.81%	46.19%
Council District 15	January 17, 2012	Runoff	Stand Alone	N/A	Los Angeles City Clerk	18.08%	52.19%	47.81%

	# Eligible Voters	At Polls Qty.	VBM Qty.	Total Voters	Used		VBM %
					Turnout	At Polls %	
Los Angeles Municipal Elections	1,763,959	155,878	68,356	2,24,234	17.72%	69.52%	30.48%
2003 Primary	1,997,895	108,680	76,188	1,84,868	9.25%	58.79%	41.21%
2003 General	1,820,060	326,278	119,487	445,765	24.49%	73.19%	26.81%
2005 Primary	1,469,298	359,434	139,295	498,729	33.94%	72.07%	27.93%
2005 General	1,300,060	9,211	6,122	15,333	11.79%	60.07%	39.93%
2006 Special (LAUSD Dist. 7)	1,769,913	98,438	83,072	1,81,560	10.26%	54.25%	45.75%
2007 Primary	1,998,879	56,693	77,192	1,33,885	6.70%	42.34%	57.66%
2007 General	1,977,237	194,726	114,722	308,948	15.63%	67.86%	37.17%
2009 Special Primary (CD 2)	123,750	7,565	8,944	16,509	13.34%	45.82%	54.18%
2009 Special General (CD 2)	124,867	8,777	11,543	20,320	16.27%	43.19%	56.81%
2011 Primary	2,060,913	136,758	130,582	267,340	12.97%	51.18%	48.84%
2011 General	2,106,780	40,405	95,450	135,855	6.45%	29.74%	70.26%

NOTES: 2005 Special (CD 10 and CD 14) conducted by County.

2009 General consolidated with/conducted by County.

The proportion of Californians voting by mail in November general elections:

- 1960- 4.21%
- 1970- 3.08%
- 1980- 6.26%
- 1990- 18.38%
- 2000- 24.53%
- 2010- 59.59%

The San Francisco Chronicle's editorial page, February 23, 2012