

California's Uncounted Vote-By-Mail Ballots: Identifying Variation in County Processing

In 2012, for the first time in a statewide general election, over 50% of California's voters chose to cast their votes with a vote-by-mail (VBM) ballot (whether by mail or dropped off at an official location). This totaled 6.7 million ballots.¹ In primary and special elections, VBM use can reach higher percentages.²

In every election, there are mail ballots that are cast but go uncounted. Despite the high use rate of VBM ballots in California, accurate, comprehensive data has not been collected at a statewide level to identify the reasons why voters' ballots are rejected, nor have we known the variation in how counties process rejected VBM mail ballots.

Understanding how and why many California ballots are invalidated (e.g., signature verification issues, postal issues) at the county level can critically inform efforts to reduce the percentage of the state's mail ballots that go uncounted in 2014 and beyond.

In order to gain a better understanding of California's use of vote-by-mail ballots (including all return methods), the California Civic Engagement Project (CCEP) conducted a statewide survey of California's 58 county election offices. Through analysis of these survey data, this brief identifies: (1) reasons for VBM ballot rejection and (2) the methods taken at the county level to help voters correct VBM ballot issues.³

1. Reasons for VBM Ballot Rejection

VBM Rejection Rates

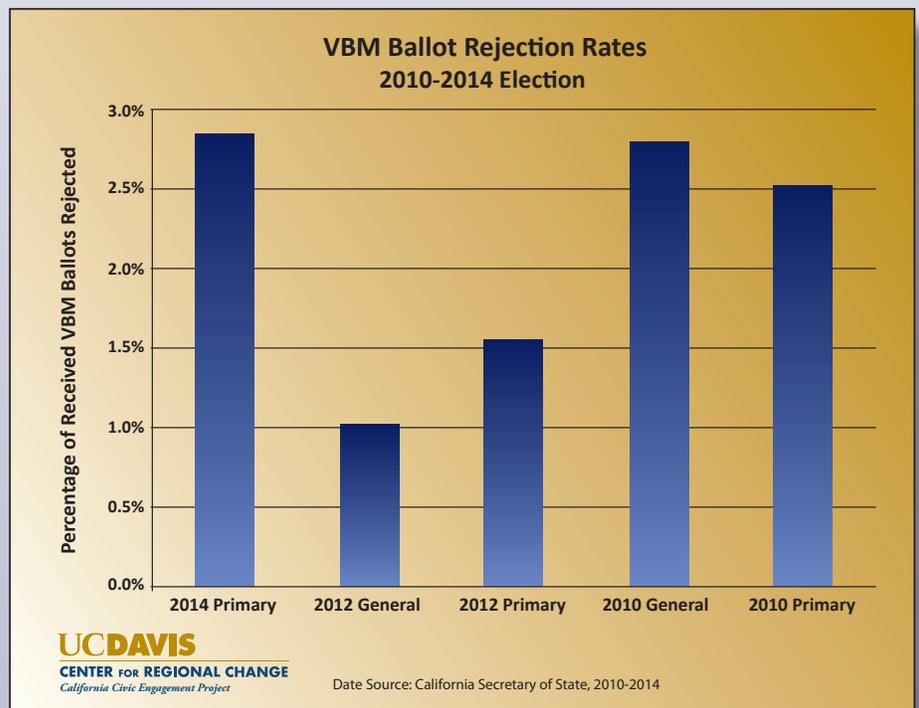
There is a significant number of VBM ballots in every election that go uncounted after they are received by California counties.

In the 2012 general election, 1% of all VBM ballots received by county election offices in the state were rejected during ballot processing. This amounts to nearly 69,000 ballots that were cast by Californians who effectively became disenfranchised in that election.

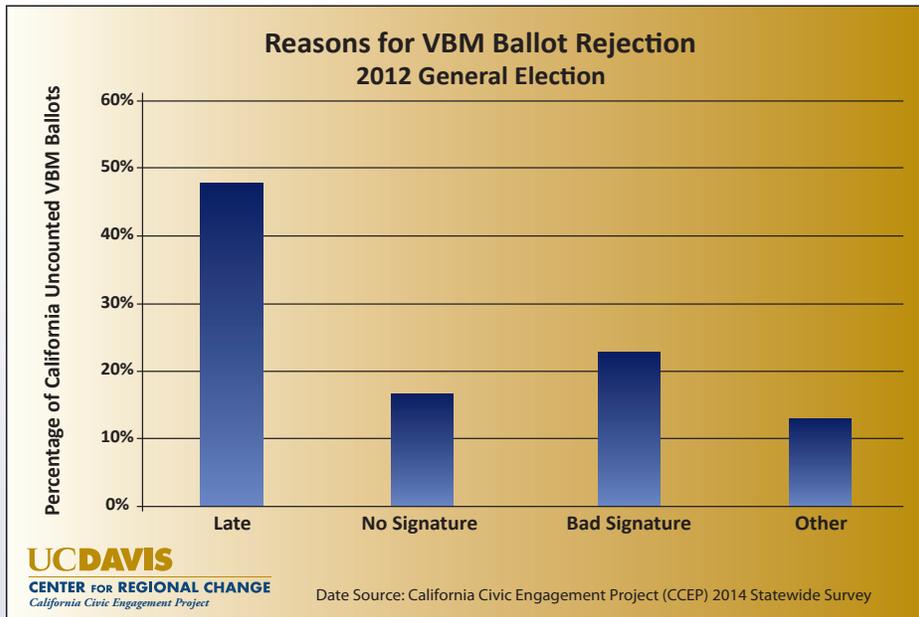
These findings are consistent with the 2012 General Election data on uncounted received VBM ballots reported by counties to the California Secretary of State's Office. Utilizing these data, we calculated the statewide VBM ballot rejection rate also at 1%.

We also examined available California Secretary of State data for the 2010 and 2014 mid-term elections and found the VBM rejection rates for these elections to be much higher, 2.5% and 2.8% in the 2010 primary and general elections, respectively. In the 2014 primary, the state's overall VBM rejection rate spiked to 2.9% - nearly double the 1.5% rejection rate in the 2012 primary, countering what appeared to be a declining VBM rejection rate in recent statewide elections.⁴

Note: Fifty-two counties (of 54 completing the CCEP survey) reported data on this topic to the CCEP survey.⁵



Reasons for VBM Rejection: Late, Bad Signature, and No Signature



As of the publication date of this brief, California Election Code requires that in order for a VBM ballot to be counted, it must be received by the close of polls on Election Day. Postmarks cannot be considered. On January 1, 2015, Senate Bill 29 will become law allowing VBM ballots postmarked by election day to be counted if received in election offices within three days of mailing.⁶

Statewide, late receipt was the most common reason California’s received VBM ballots went uncounted in the 2012 general election. Nearly half (47.8%) of all uncounted VBM mail ballots received by county elections offices were late. Signature issues constituted the second and third most common reasons for ballot rejections.

Once implemented, SB 29 is expected to significantly reduce the number of late VBM ballots received by counties. However, late VBM ballots should remain a high concern for the November 2014 election given study findings.

Counties rely on voter signature images to verify the identity of vote-by-mail voters. These images can sometimes not compare to those on vote-by-mail ballots received by counties due to a change in voters’ signatures over time or because the initial images (typically voter registration or DMV signatures) were not a high quality or did not accurately represent a voter’s signature.

We found in the 2012 General Election, twenty three percent of rejected ballots were uncounted due to a VBM ballot envelope signature not sufficiently comparing to the voter’s signature on file. Almost seventeen percent of uncounted ballots were received without a signature at all.

The remaining uncounted VBM ballots (13%) were reported by counties as being rejected for a combination of reasons such as no VBM ballot inside an envelope, a VBM mail ballot sent in an envelope from a prior election, or an unvoted VBM ballot returned by the post office or family members due to a voter being deceased.⁷

The Secretary of State’s office, does not produce official guidelines, and is not required by election law to do so, on how uncounted VBM mail ballots should be reported. Counties have the authority to develop their own standards in categorizing and reporting uncounted VBM ballots.

Note: Fifty California counties (of 54 responding counties) reported data on this topic.⁸

County Variation

Looking at a county level, the top reasons for late VBM ballots varied by county for the 2012 general election. In 51.2% of counties, most mail ballots were rejected due to lateness, 32.6% of counties reported their most common rejection as bad signature, and no signature was the most common in 14.0% of counties (two counties reported ties).

Twenty one percent of counties reported “other” as among their top three reasons for ballot rejection and one county (Trinity) reported “other” as their top reason for rejected mail ballots. All counties with large registered voter populations (over 800,000) reported late return as their top reason for rejected VBM ballots.

County Variation

California counties vary in the systems utilized to process VBM ballots and verify voter signatures. Seventy-eight percent of counties utilize a manual-based processing system and 20% employ an automated system. One county utilizes both types. Ballot processing systems have elements of subjectivity with regard to signature comparison. Manually based systems rely on individual county standards in signature comparison, while automated systems vary in their threshold settings for signature verification match. Automated systems utilized by counties are from different vendors with different software also prohibiting a lack of signature threshold standardization.

No identifiable pattern was found between counties with high non-match signature rates and the use of manual versus automated systems. For instance, the group of counties that reported non-matching signatures as their top reason for ballot rejection were made-up of both manual and automated system counties. However, more research needs to be conducted to further identify how different signature verification systems and settings may be impacting variation in county signature rejection rates.

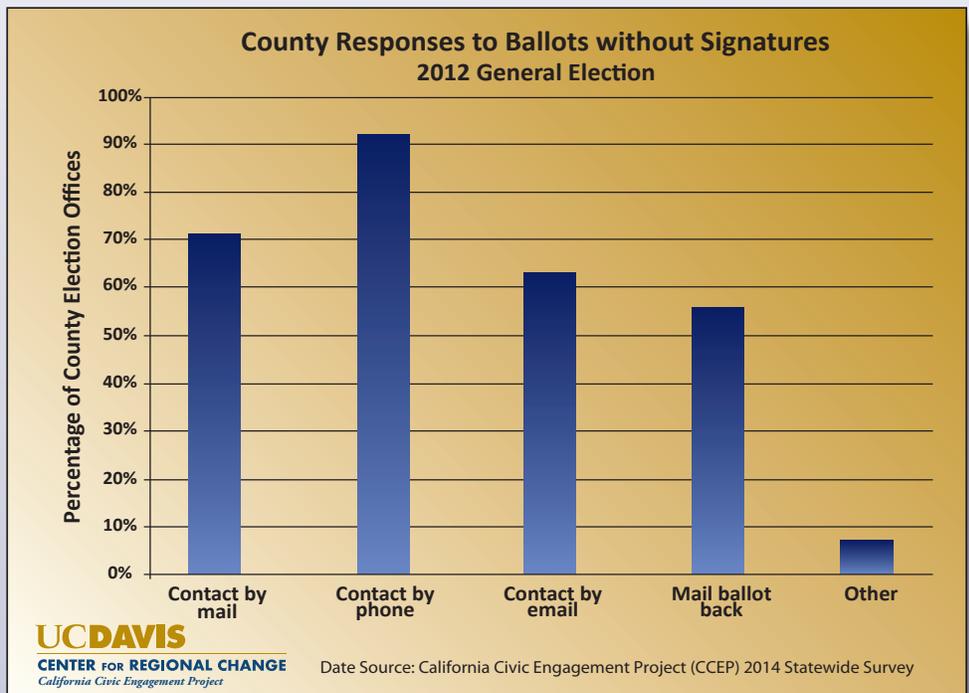
2. Methods to Help Voters Correct Ballot Issues

Counties Contact Voters

California counties are not required by law to contact voters to inform them that their ballots were not counted (for any reason), either before or after an election. When it comes to VBM ballot rejection due to missing signatures, CCEP research found that all California counties attempt to contact the voter prior to Election Day in order to provide them an opportunity to correct their ballot. Nearly all of these counties utilize multiple methods in these attempts.

The breakdown of methods utilized by counties when a VBM ballot is not signed is as follows:

- 70.4% (38 counties) reported contacting voters by mail
- 92.6% (50 counties) reported contacting voters by phone
- 63% (34 counties) reported contacting voters by email
- 55.6% (30 counties) reported mailing the ballot back
- 7.4% (4 counties) reported “other” methods of response



Counties Cover Insufficient postage

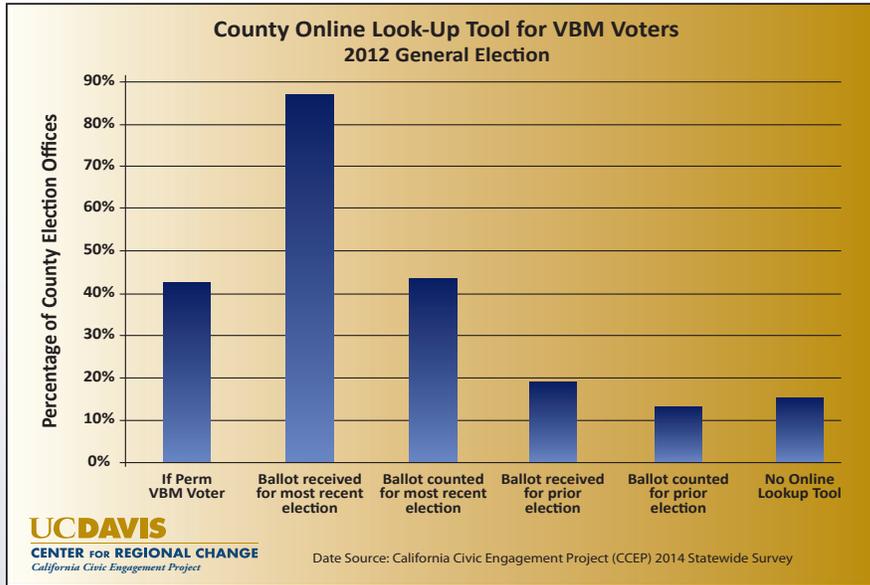
Among 54 California counties responding to the survey, 100% reported covering insufficient postage costs for VBM ballots.

Twenty-three counties listed calling the voter as the first contact option utilized.

While these are the policies of counties, we heard from many counties that contacting the voter can often be unsuccessful because of either a lack of current phone number or email, or because neither of these pieces of information are available in the voter’s record. Currently, California voters are not required to provide a phone number or email when they register to vote or request a vote-by-mail ballot. Counties have the discretion to decide whether to request this information on voter forms. Often it is left up to the voter to volunteer this information, which many voters opt not to do.

Note: Fifty-four California counties (of 54 responding counties) reported data on this topic.⁹

Limited Information on Online VBM Ballot Status Look-up



Under current California Elections Code (3017 and 3019.5), county elections officials are required to provide a voter an ability to check whether his or her VBM ballot was received, counted, and if not counted, the reason why it was not counted, through online access or via a toll-free telephone number. While getting this information requires the voter to take the initiative (as opposed to being contacted directly by their county), this tool is an important point of access for VBM voters.

Almost eighty-seven percent of counties (47 counties) provide voters with the ability to look up online whether their mail ballot for a most recent election was received, but only 42.6% (23 counties) allow voters to find out if their ballots were actually counted. Voters in an overwhelming

majority of counties are not able to look up whether a VBM ballot was received for the prior election – just under 19% of counties provide this option and only 13% of counties allow a voter to confirm if their ballot in a previous election was counted. Only 3 counties (5.6%) also provide voters with the reason a VBM ballot was rejected as part of the online tool.

Only 16 California counties currently provide their online look-up tool in a language other than English (10 of these counties are only English and Spanish).

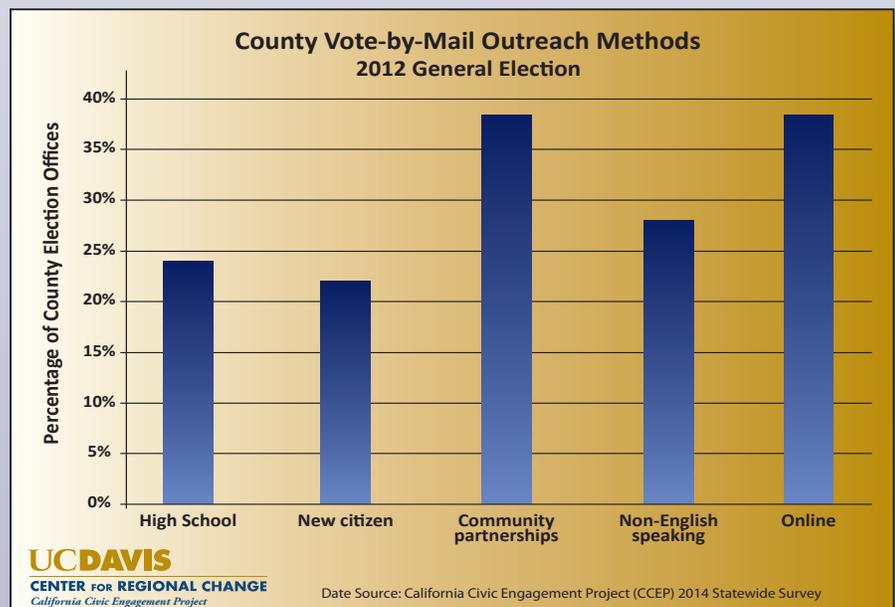
Note: Fifty-four California counties (of 54 responding counties) reported data on this topic.¹⁰

County VBM Outreach

In 2002, California Election Code changed to allow voters to sign up as permanent vote-by-mail (PVM) voters, meaning voters no longer needed to request a VBM ballot for each election. After this policy was enacted, many California elections offices began engaging in outreach to encourage voters to use the PVM option. Currently, 62% of counties (31 of respondents) are conducting some form of outreach to county residents suggesting they sign up as permanent vote-by-mail (PVM) voters.

California counties engage in the following forms of PVM outreach:

- 24% (12 counties) reported engaging in high school outreach
- 22% (11 counties) reported engaging in new citizen outreach
- 38% (19 counties) reported partnering with community-based efforts to promote outreach
- 28% (14 counties) reported engaging in outreach to non-English speaking communities
- 38% (19 counties) reported engaging in online/internet outreach to voters



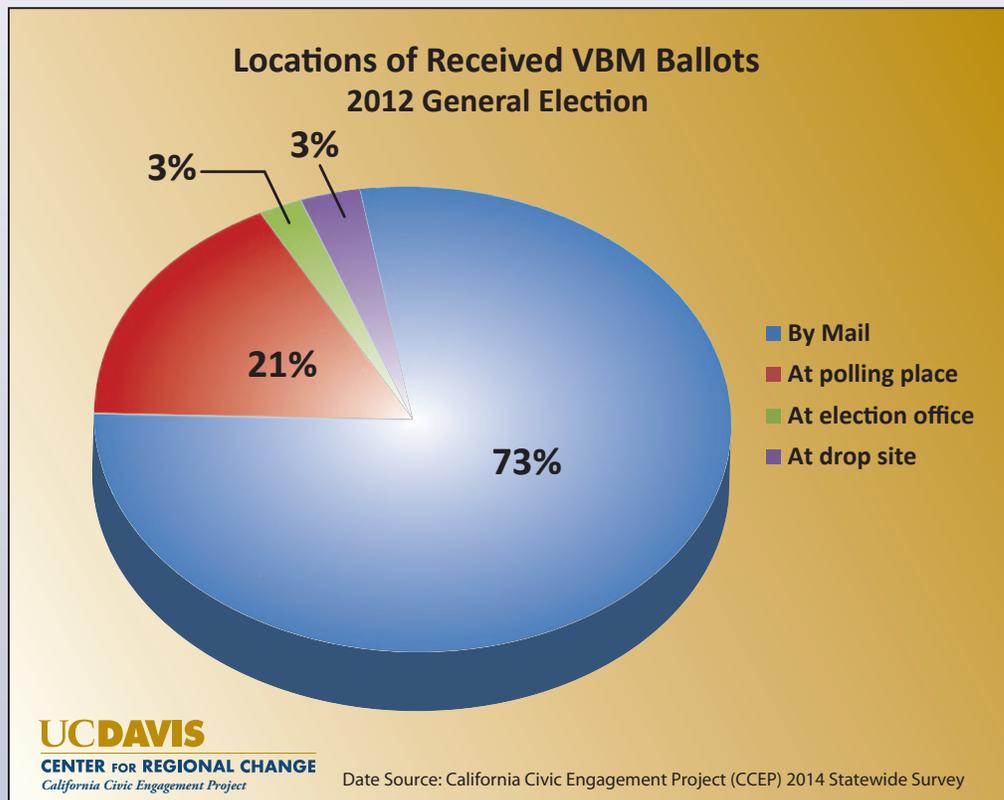
County VBM Outreach

All counties with large registered voter populations (over 800,000) reported engaging in some form of outreach that encouraged voters to sign-up as a PVM. All other counties not engaging in PVM outreach were moderate to small in their registered voter populations.

Most California county election offices reported not conducting permanent vote-by-mail outreach to high school-going youth, new citizens and non-English speaking communities, all historically underrepresented groups in the electorate. Failing to reach out to these potential participants could leave them further underrepresented among PVM voters and without an important option in exercising their right to vote.

Note: Fifty California counties (of 54 responding counties) reported data on this topic.¹¹

Many VBM Ballots are Not Returned by Mail



Not all California VBM ballots go through the mail. In the 2012 General Election, 73.5% of the state’s VBM ballots were received by county election offices via the the mail system. But many VBM voters used polling places - 21% chose to return their VBM ballots at an official county polling place. Just under 6% of mail ballots were received at an elections drop box or in person at a county elections office. Regardless of how VBM ballots are received by election offices, they are subjected to the same signature verification requirements.

Note: Forty-six counties reported data on this topic, including seven counties with large registered voter populations (over 800,000 - Alameda, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Santa Clara).¹²

Research Highlights

In 2012, California’s VBM use passed 50% for the first time in a general election.

Nearly 69,000 mailed ballots (1 percent) were not counted in the November 2012 election.

California has one of the highest mail ballot rejection rates in the country

In the 2014 primary, the state’s overall VBM rejection rate spiked to 2.9%.

The top three reasons California mail-in ballots were rejected: not arriving on time, not being signed or because signatures could not be verified.

California counties are not required by law to contact voters to inform them that their ballots were not counted.

All California counties attempt to contact the voter prior to Election Day in order to provide them an opportunity to correct signatures issues with their ballot.

27% of VBM ballots are returned to polling places or election offices – not by mail

Actions to Ensure Every Vote Counts

All voters should have confidence their cast ballots will be counted. Currently, many VBM voters may not be aware of how VBM ballots are processed and what steps they must take to ensure their ballots are not rejected. CCEP study findings suggest that action on two fronts is likely to help reduce the occurrence of VBM voter disenfranchisement in California: (1) aggressive education of voters with regard to state VBM counting deadlines and signature verification requirements and (2) establishment of statewide standards in VBM signature comparison, VBM data reporting and voter notification. The following are specific action steps:¹³

- Create a statewide education campaign to help voters avoid VBM errors.
- Counties should contact voters before Election Day for non-matching or missing VBM ballot signatures. After an election, counties should notify voters if their VBM ballots were not counted for any reason.
- Educate voters on January 2015 election law changes in VBM receipt deadlines resulting from SB 29 passage.
- Establish statewide procedures for signature comparison. Expand the state's Uniform Vote Counting Procedures to include these guidelines.
- Fund counties for vote-by-mail programs, including county VBM education programs for voters.
- Counties and the Secretary of State must report the total number of uncounted VBM in ballots each election and the reasons for VBM ballot rejection. Include a breakdown of these numbers for non-English language ballots and provisional ballots.

Challenges to Reducing the Number of Uncounted VBM Ballots

In the 2012 general election, California counties experienced different VBM ballot rejection rates and engaged in different methods for correcting errors with voters. A critical step in reducing disenfranchisement by way of ballot rejection is identifying the magnitude and factors involved in the issue. Without transparent, consistent and accurate data, this work is greatly challenged. However, many types of voter data are not consistently tracked across counties.

When cross-validating the CCEP's survey answers on the number of rejected ballots for each county with other data sources, we found there were inconsistencies in the number of uncounted received VBM ballots that many counties reported for the 2012 General Election. Only a small number of counties reported the same number of rejected ballots in the CCEP survey as in their official survey reports to the California Secretary of State and to the U.S. Election Assistance Commission's Election Administration and Voting Survey (EAVS). Most counties reported at least small differences in their uncounted VBM ballot numbers, with some counties reporting very large differences. There was no identifiable pattern to these reported differences.

Further, over 60% of counties that participated in the survey did not provide data on the non-English percent of their VBM ballots. Seventy-five percent of all counties did not provide data on the numbers of non-English ballots that were returned. Understanding the use of VBM by non-English language voters can help better improve outreach to these voters, as well as identify if they are disproportionately experiencing higher VBM rejection rates. Many counties also did not report the total provisional ballots cast by VBM voters (who did not cast VBM mail ballot). These counties indicated data were either not applicable or not tracked by their offices.

In addition, since the 2011-2012 state budget, the State of California has withheld funding to pay for state-mandated county programs, including vote-by-mail programs. Despite not receiving state monies necessary to run vote-by-mail operations fully, as the state legislatively intended, all county elections officials continue to run vote-by-mail operations for their voters. As the use of vote-by-mail increases in every county, county elections offices are doing more with fewer resources.¹⁴

CCEP study findings suggest a need to develop standardized procedures for California counties with regard to VBM ballot processing and reporting. Now that a majority of California voters use VBM ballots, such procedures, fiscally supported by the state, would likely help ensure continued public confidence in the increasing use of an important voter option in California.

NOTES

- ¹ See the California Civic Engagement Project's Issue Brief: Disparities in California's Vote-by-Mail Use Changing Demographic Composition: 2002-2012
- ² Data for California's VBM use in primary elections is available from the California Secretary of State. See: <http://www.sos.ca.gov/elections/sov/2012-general/03-voter-participation-stats-by-county.pdf>.
- ³ In order to collect information on vote-by-mail ballot use in California, we developed and disseminated a statewide survey to all 58 California County Registrar and Clerk offices. Fifty-four counties completed and returned the survey (a 93% completion rate). These counties hold 96% of the state's total registered voter population. Placer, San Mateo, Siskiyou and Stanislaus counties did not complete the survey. As is common with surveys collecting self-reported data, a small number of counties completing the survey did not answer some survey questions or gave incomplete data on others. Due to the response variation, the number of counties with reportable data differs by topic as presented in this brief.
- ⁴ For county data on VBM uncounted ballots reported to the California Secretary of State's office. See: http://www.sos.ca.gov/elections/elections_m.htm
- ⁵ Fifty-two California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 95% of the state's total registered voter population. Del Norte and El Dorado Counties did not provide data. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey.
- ⁶ On September 27, 2014, Governor Brown signed Senate Bill 29. The bill allows VBM ballots postmarked by election day to be counted if received at election offices within three days. The bill becomes law on January 1, 2015. It will not be in effect for the November 2014 election. See: <http://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml>
- ⁷ The CCEP study found that counties differ in how they count and categorize unvoted VBM ballots issued to deceased voters. Some counties count unvoted VBM ballots returned from the post office (due to voter being deceased), as well as those unvoted VBM ballots returned from family members as part of their received but uncounted mail ballot tallies. Some counties only include mail ballots returned by family members (due to a voter being deceased) as received but uncounted. There are also a number of counties that do not consider unvoted ballots to be officially "received" ballots by their office and do not count them in their receive ballot total and, thus, those unvoted ballots do not get reported as rejected. Different county standards in how unvoted VBM ballots belonging to deceased voters are categorized and reported impacts county rejection rates and makes comparisons of county rates more challenging. Additional research is needed to better understand this coding variation seen among counties.
- ⁸ Fifty California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 67% of the state's total registered voter population. Del Norte, El Dorado, Lake and Los Angeles Counties did not provide data. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey. Lateness was the most frequent reason a ballot was uncounted in the three counties examined for the 2012 General Election in the California Voter Foundation VBM study, *Improving California's Vote-by-Mail Process: A Three County Study*. See: <http://www.calvoter.org/votebymail>. Research published by the Public Policy Institute of California (PPIC) also found late return as the most frequent reason or the number one reason VBM ballots are not counted in many California counties. See: http://www.ppic.org/content/pubs/report/r_114emr.pdf
- ⁹ Fifty-four California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 96% of the state's total registered voter population. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey.
- ¹⁰ Fifty-four California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 96% of the state's total registered voter population. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey. Some counties may have updated their online look-up tools since completing the CCEP survey.
- ¹¹ Fifty California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 95% of the state's total registered voter population. These counties hold 66.4% % of the state's total registered voter population. Glen, Mariposa, Merced and Modoc did not provide data. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey.
- ¹² Forty-six California counties (of 54 responding counties) reported data to the CCEP on this topic. These counties hold 94% of the state's total registered voter population. Colusa, Del Norte, El Dorado, Modoc, Napa, Nevada, Sierra, and Trinity counties did not provide data. Placer, San Mateo, Siskiyou and Stanislaus counties did not respond to the survey.
- ¹³ CCEP listed VBM recommendations are consistent with those provided in the California Voter Foundation VBM study - *Improving California's Vote-by-Mail Process: A Three County Study*. See: <http://www.calvoter.org/votebymail>
- ¹⁴ For a discussion on the topic of unfunded county VBM mandates, see the California Voter Foundation VBM study - *Improving California's Vote-by-Mail Process: A Three County Study*. See: <http://www.calvoter.org/votebymail>

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About the Future of California Elections (FOCE):

The Future of California Elections (FOCE) is collaboration between election officials, civil rights organizations and election reform advocates to examine and address the unique challenges facing the State of California's election system. FOCE was formed in late 2011 to examine and address the unique challenges facing the State of California's election system. In 2013 and beyond, FOCE will be focused on building on this foundation of consensus and success.



About the California Civic Engagement Project (CCEP):

In 2011, the UC Davis Center for Regional Change established the California Civic Engagement Project (CCEP) to inform the public dialogue on representative governance in California. The CCEP is working to improve the quality and quantity of publicly available civic engagement data by collecting and curating data from a broad range of sources for public access and use. The CCEP is engaging in pioneering research to identify disparities in civic participation across place and population. It is well positioned to inform and empower a wide range of policy and organizing efforts in California to reduce disparities in state and regional patterns of well-being and opportunity. Key audiences include public officials, advocacy groups, political researchers and communities themselves. To learn about the CCEP's national and state advisory committee, or review the extensive coverage of the CCEP's work in California's media, visit our website at: <http://regionalchange.ucdavis.edu/ccep>



About the Center for Regional Change

Launched in 2007, the CRC is a catalyst for innovative, collaborative, and action-oriented research. It brings together faculty and students from different disciplines, and builds bridges between university, policy, advocacy, business, philanthropy and other sectors. The CRC's goal is to support the building of healthy, equitable, prosperous, and sustainable regions in California and beyond. Learn more! Visit the CRC website at <http://regionalchange.ucdavis.edu>

For more information about this research study and the California Civic Engagement Project, contact Mindy Romero, CCEP Director, at 530-665-3010 or msromero@ucdavis.edu.

Visit our website at: <http://regionalchange.ucdavis.edu/ccep>