



Improving California's Vote-by-Mail Process: A Three-County Study

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Executive Summary and Key Findings

In the twelve years since California's permanent vote-by-mail law took effect, the reliance of California voters on voting by mail has steadily increased. More than 50 percent of the votes cast in the November 2012 election were cast using mail ballots, the first time a majority of California voters cast vote-by-mail (VBM) ballots in a statewide general election. Permanent VBM voters now number nearly eight million and account for 43 percent of all registered voters in the state.

The increasing use California voters make of voting by mail has brought with it a significant increase in the number of VBM ballots that go uncounted. Given the likelihood that widespread use of vote-by-mail ballots will continue in California, it is essential to review the process as it currently operates and determine ways to maximize balloting success and reduce disenfranchisement. Enacting legislative and administrative changes, as well as improving voter education, can help reduce VBM balloting problems and, thus, the number of VBM votes that go uncounted.

To better understand how California's vote-by-mail process is working and to identify ways it can be improved to increase the mail ballot success rate, the California Voter Foundation (CVF) undertook a year-long study of three California counties and their vote-by-mail programs. The three chosen – Orange, Sacramento and Santa Cruz – are of varying sizes but all share a desire to improve their programs and maximize voter participation.

On average, across four elections studied (2008, 2010 and 2012 General and 2012 Primary elections) in Orange, Sacramento and Santa Cruz counties, 99.2 percent of vote-by-mail (VBM) ballots cast were counted, while 0.8 percent went uncounted.

Compared to other states, California's uncounted VBM ballot rate is among the highest. According to the Pew Center on the States' Election Performance Index (which measures vote-by-mail success rates based on all ballots cast), uncounted VBM ballots comprised 0.7 percent of all ballots cast in California's 2010 general election and 1 percent in 2008.

The state's performance in this area improved in 2012, when Pew reported a 0.5 percent uncounted VBM rate for California, but that was still considerably higher than most other states.

On the face of it, the fact that one half of one per cent of all ballots cast go uncounted may appear insignificant. But it matters greatly to those voters whose votes are not counted and, given the size of California's total electorate, the uncounted ballot rate

translates into tens of thousands of uncounted ballots and hundreds of thousands of lost votes in a statewide election. It also matters in close elections where the winning side is determined by extremely narrow margins of victory.

CVF's study looks closely at the way these average statistics break down in the three counties studied and establishes that among the ballots that go uncounted:

- Late-arriving ballots comprise 61 percent of the uncounted ballots;
- Ballots lacking a signature make up 20 percent of the uncounted ballots; and
- Ballots sent in envelopes with a signature that did not adequately compare to the one on file comprise 18 percent of the uncounted ballots.

These three reasons – late, no signature, or bad signature - account for 99 percent of the uncounted ballots in CVF's three-county, four-election study.

Among the study's other key findings:

- Vote-by-mail programs are receiving no funding from the state, which places them at risk of becoming an optional service for counties to provide. Although no county has stopped offering vote-by-mail options to voters, under current California law every county is entitled to do so. If even one county were to suspend its vote-by-mail program due to lack of funding it would result in serious consequences, such as election results being called into question due to unequal voter access to vote-by-mail opportunities.
- A significant percentage of VBM voters choose to return their ballots in person, either at a polling place, their county election office or a designated ballot dropoff site, rather than send them through the mail. Across the three counties in November 2012, nearly one in three vote-by-mail voters actually returned their ballots in person.
- Two of the three counties studied utilize off-site ballot dropoff sites, such as libraries and city halls; however, current California law does not authorize this option.
- Vote-by-mail envelopes come in a variety of colors, sizes and styles, which may contribute to voter confusion and postal delivery delays.
- Voters who reside in all-mail ballot precincts are provided postage-paid envelopes for returning their ballots but would likely be better off paying their own postage, because the postage-paid accounts used by counties takes extra time for the post office to process, and slow down ballot delivery.
- Existing statewide guidelines for signature verification are insufficient and do not currently instruct counties how to address challenged ballots.
- Postage rates are inconsistent from post office to post office and even from scale to scale within the same post office, making it difficult for election officials and voter educators to correctly instruct voters how much postage is actually needed on a return ballot to ensure its timely delivery.

- Lookup tools available online to help voters determine the status of their vote-by-mail ballots were available in all three counties but provided inconsistent services and messages that could confuse voters.
- It is likely that the recent rise in the use of provisional ballots can be attributed to the increase in vote-by-mail voters. Many Californians move without updating their voter registration address; if they are registered as a permanent VBM voter and their ballot gets sent to their old address, they can still cast a provisional ballot at their polling place on Election Day if they moved within the same county. Voters who lose or spoil their VBM ballots may also cast provisional ballots. In November 2012, four in ten provisional ballots cast in Santa Cruz County and nearly six in ten cast in Orange County were cast by vote-by-mail voters.

The California Voter Foundation recommends the Legislature implement a number of changes to improve the vote-by-mail process, including:

- Change California law to allow ballots postmarked by Election Day to be counted;
- Require counties to notify voters when their ballots go uncounted;
- Require counties and the Secretary of State to report the number of uncounted VBM ballots each election and why they were not counted;
- Provide the funding counties need to support vote-by-mail programs;
- Enact a comprehensive framework for early voting; and
- Allow voters to return VBM ballots to any election office or polling place in the state.

Among the recommendations for election administrators:

- Expand statewide standards for signature verification;
- Use barcodes to track vote-by-mail ballots;
- Expand and improve public access to online voter lookup tools;
- Work with voter advocacy groups to develop a statewide public relations campaign to help voters avoid common balloting mistakes; and
- Develop a campaign to educate postal workers about the importance of sending election mail through.

The study also identifies topics that would benefit from additional attention and discussion, including: exploring alternative postage approaches; examining and improving the DMV's signature gathering process; standardizing the vote-by-mail return envelope statewide; regulating automated signature verification technology; and developing more robust and uniform statewide standards for third-party return of vote-by-mail ballots.

