

Agenda Report

TO: CITY COUNCIL

DATE: OCTOBER 28, 2002

FROM: CITY CLERK

SUBJECT: CONSIDERATION OF ALL-MAIL BALLOT MUNICIPAL ELECTIONS AS A METHOD TO INCREASE VOTER PARTICIPATION

RECOMMENDATION:

It is recommended that, should the City Council wish to pursue the alternative of all-mail ballot municipal elections:

- (1) The City Clerk be directed to present a similar report to the Pasadena Board of Education.
- (2) With concurrence of the Pasadena Board of Education, a Charter amendment be placed on the consolidated City and Pasadena Unified School District (PUSD) March 4, 2003 primary municipal election ballot to permit all-mail ballot municipal elections, at the option of the City Council and Pasadena Board of Education.

BACKGROUND:

At the August 12, 2002 Council meeting, the issue of increasing voter participation in elections was raised, and the City Clerk was asked to report to Council on all-mail ballot elections, including a cost comparison with traditional polling site elections, as a method to increase voter participation in municipal elections.

Authority to Conduct All-Mail Elections

The California Elections Code authorizes all-mail ballot elections, provided certain conditions apply (authorized by the governing body; the election does not occur on the same date as a statewide direct primary or general election; and the election falls under one of nine various categories of election). These nine permitted categories are the following specific types of elections, i.e., less than 1,000 eligible voters, or a property tax rate election, special tax election, general obligation water bond, four specific water agency elections, or an assessment ballot proceeding. Thus, for the most part, general law cities are not able to conduct all-mail elections for their regularly scheduled municipal elections.

Under the California State Constitution, charter cities are currently given latitude through their charters for the conduct of their elections, and such cities are not bound by the restrictions on the use of mail ballots set forth in the California Elections Code. Section 1208 of the Pasadena City Charter states: "Unless otherwise provided by ordinance, all municipal elections shall be held in accordance with the provisions of the Elections Code. . . . The conduct of all City elections shall be under the control of the City Council, and the City Council shall, by ordinance or resolution, provide for the holding of each City election."

Thus, the City Council may adopt an ordinance authorizing all-mail ballot elections for Pasadena municipal elections to be conducted in accordance with the process set forth in the Elections Code. But, because our City Charter governs the Pasadena Board of Education elections, and this election is consolidated with the City municipal election, there would be limitations on the City's ability to hold a consolidated all-mail ballot election. Attachment 1 is a copy of Pasadena City Charter Sections 708 and 711 regarding the applicability of State law to the conduct of Board of Education elections.

If there is a desire to change to a method of all-mail ballot elections, it would be prudent to solicit the vote of the electorate in both the City of Pasadena and the Pasadena Unified School District territory and amend these sections of the Charter to allow for the regularly scheduled consolidated City and PUSD elections, or special elections that may be called by the legislative body, to be conducted by an all-mail ballot election. The charter language should be crafted to specify that for consolidated City and PUSD elections, the consent of the Board of Education would need to be obtained first, with the City Council thereafter adopting an implementing ordinance to allow all-mail ballot elections. If a Charter amendment is placed on the March 4, 2003 ballot and approved, all-mail ballot elections could be implemented for the election cycle in 2005.

States Allowing All-Mail Elections - Seventeen states allow local jurisdictions to conduct various types of mail-ballot elections. Usually these elections involve only ballot issues or nonpartisan candidates, although Alaska, Minnesota, Oregon, Utah and Washington have expanded mail-ballot elections to include partisan candidates.

Oregon initially allowed mail elections for local measures, and later expanded that law for local or special elections. In January 1996, a special statewide mail-ballot election was held to fill a U.S. Senate seat, with turnout of almost 66% which was a new record for special elections in Oregon. In comparison, a 1993 special election in Texas to fill a U.S. Senate seat had turnout of less than 21%. Due to the increasing popularity of voting by mail, in 1998 Oregon voters adopted vote-by-mail for all state elections. Oregon election officials report voting-by-mail has increased voter turnout and lowered election costs. In the 2000 Presidential election, Oregon ranked 10th in the nation in percent of turnout among the voting age population eligible to vote.

In a 1995 report, Innovations in Election Administration 11, All-Mail-Ballot Elections published by the Federal Election Commission, election officials conducting all-mail ballot elections were surveyed and of the responses returned, all agreed that such elections increase voter turnout significantly; it is only a question of how much turnout

increases. The report notes that "turnout still depends, as does the turnout in traditional polling place elections, on the interest in the issues or candidates that are on the ballot; but the increase over comparable polling place elections is striking. . . ." Examples given in the report reflect that in Stanislaus County, California, its turnout in the prior ten years was usually 6-8% lower than the statewide average, but its turnout for a 1993 statewide special election, which was conducted by mail in that County, was 6.8% higher than the statewide average. The State of Florida reported that special elections usually have a turnout of 11% at the polls; all-mail ballot elections range from 40-80%. The report notes that turnout in Washington's 1994 primary elections averaged 32% in counties that had polling place elections and averaged 52% in the all-mail ballot counties.

Mail Ballot Election Process - Ballot materials are assembled and mail to all registered voters 2 ½ - 3 weeks prior to the election. Some jurisdictions use first-class mail, some use bulk mail, and some negotiate with their local post office to use bulk mail with first class delivery service. The ballot materials include the outgoing envelope, instructions, voter information pamphlet, ballot, secrecy envelope, and return identification envelope.

In traditional polling place elections, voters wishing to vote by mail must request a ballot by submitting an application to the elections official, with the exception of permanent absentee voters who are automatically mailed ballots without submitting a request. Some jurisdictions provide postage on the return identification envelope, others have the voter pay the postage. Most jurisdictions provide satellite stations on Election Day (such as libraries and community centers) for voters to drop their ballots in a secured ballot box. Some jurisdictions provide an additional day or several days prior to Election Day for drop-off satellite stations. During the election period, voters may also drop off their returned ballots at the election official's office. A voting booth would also be set up in the Clerk's Office for those voters wishing to vote in person in the City Clerk's Office.

In order for the ballot to be counted, the return identification envelope must be signed by the voter and received prior to the close of the election period. Voter signatures on the returned identification envelope are verified against the voter's signature on the affidavit of registration. This can be accomplished either by City Clerk's staff retrieving digital affidavit signatures through our computers linked to the Registrar's database, or if the workload is too great for in-house/temporary staff, by forwarding copies of the identification envelopes (by messenger) to the Registrar's Office for verification. Most jurisdictions track ballots through a computer system (utilizing bar coding) when issued and mailed, and when the ballots are returned. Officials are alerted through the computer system if there has been an attempt to vote twice.

Disadvantages of All-Mail Elections - Critics of all-mail elections raise concerns that all-mail voting will alienate voters from one another and it does not encourage the personal contact and visiting with neighbors that traditional polling sites provide. Concerns are expressed that special interests will hold "ballot signing" parties and pressure voters to vote a certain way, or there will be undue influence and spousal coercion without the

privacy of the ballot booth. Additional concerns of critics are that it will open up the process to potential fraud; early voters will not have the benefit of debates and campaigns held in the last days prior to the close of the election; and that requiring voters to affix postage is a poll tax. Some voters may also resist the change from traditional voting at the polls.

Advantages of All-Mail Elections - Some of the advantages reported by jurisdictions that have conducted all-mail elections are increased voter participation, increased integrity of the election process, decreased election costs, convenience and an increased ability for the elderly and disabled to vote, easier for the elections official to administer and increased control over the issuance of ballots, promotes the updating of voter files, and more time for voters to consider issues before casting their votes.

In traditional precinct elections, signatures on the roster book are not verified against the voter's affidavit. In mail-ballot elections, all signatures on returned identification envelopes are verified against voter affidavits before the ballot is counted. Ballots are mailed to registered voters by non-forwardable mail, with undeliverable ballots returned to the elections official. Voter files are updated and kept cleaner with this information. As mentioned earlier, a computer system tracks ballots issued and returned, alerting staff if there is an attempt to have a second ballot issued or returned.

The concerns raised above by critics may be valid concerns, but these concerns also hold the same for voters who request mail or absentee ballots in traditional precinct elections. Under a grant, University of Oregon political science professor Priscilla Southwell analyzed Oregon's all-mail elections and did a random survey of 1,225 individuals. The conclusions of this survey revealed widespread support for mail elections, even if voting required a postage stamp; the public's reservations about vote-by-mail are minimal and offset by the ease of voting; evidence of undue influence or pressure appears minimal or nonexistent; and there was no evidence of interest groups scheduling ballot parties.

Increased Demand to Vote by Mail - More and more voters are electing to vote by mail. In Pasadena's 2001 election cycle, 28% of those who voted did so by mail; in the 1999 Mayoral election, 34% voted by mail, compared to 17% in 1989. So, while there is a demand for voting by mail, far greater numbers do vote at the polls. For Pasadena's municipal elections, the elections official is basically conducting two parallel elections – a mail or absentee election and a precinct election. Much staff time and related costs are expended in finding polling places, hiring and training poll workers, delivering and recovering poll supplies, finding replacement poll workers at the last minute when poll workers cancel, dealing with polling problems on Election Day, as well as processing a large number of absentee/mail ballots.

Burbank's All-Mail Ballot Election - On October 9, 2001, the City of Burbank held an all-mail election for its Measure A (Restore Our Airport Rights Initiative). Turnout for this special election was 34.8%, reported to be the highest turnout for a Burbank municipal election. The Burbank City Council recently considered the issue of all-mail ballot

elections and took action to place an advisory vote on its spring 2003 ballot, for implementation in the 2005 election cycle if approved by voters.

Cost Comparison - There are a number of factors that will affect whether a jurisdiction will save costs on conducting an all-mail election, such as the size of the jurisdiction; whether return postage is paid by the jurisdiction or the voter; how many polling precincts have been used in the past; the type of the election; whether election material is mailed bulk or first class; whether pre-election notices are sent to voters; whether there are satellite drop-off sites and, if so, how many, number staffing, and whether drop off is allowed for additional days prior to the election; and whether the election cost is figured by comparing the total cost of a precinct versus a mail election or whether it is compared by the cost per vote.

In a mail ballot election, the biggest savings are in not having to hire poll workers, polling site costs, poll worker training, and related precinct supplies. In addition, the City would not have to hire a temporary staff person (for approximately 12 weeks) to recruit (and continually replace) poll workers and assist with securing polling sites. However, these savings are offset by having increased costs for the mail ballot supplies and increased mailing costs, especially if return postage is paid by the jurisdiction, and temporary staff to process the returned ballots and verify signatures. Attachment 2 is an estimated cost comparison of conducting the March 4, 2003 consolidated primary by a polling place election versus an all-mail ballot election.

As noted earlier, some jurisdictions do a first-class mailing, others do a bulk mailing. It would be cost prohibitive for us to do a first-class mailing of the ballot materials (which would include the lengthy bilingual voter pamphlet) due to the weight and charge per ounce for first-class mail. For a bulk mailing, the ballot materials would need to be mailed four weeks in advance in order to ensure they reach voters at least 2 ½ weeks prior to the election, as bulk mail can take up to 10 days to deliver. Jurisdictions which do bulk mailings stress the importance of the local elections official meeting with local post office officials to coordinate the bulk mailings to provide optimum service.

If Proposition 52 (Election Day Voter Registration) on the November 5, 2002 state ballot passes, the costs in hiring approximately 100 additional poll workers and providing training will add approximately \$15,000 to the cost of the precinct election, making the all-mail ballot election even more cost effective (almost a \$30,000 savings).

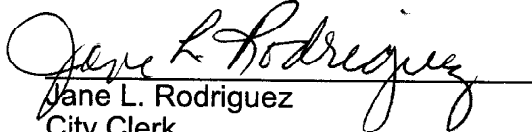
FISCAL IMPACT

Without considering the impacts of Proposition 52, there would be an approximate \$14,500 savings in conducting a mail ballot election, with similar savings for a run-off election if it included the whole PUSD area, less if it was City only or a district run-off race. This savings does not include the staff time of the Deputy City Clerk who oversees the recruitment of poll workers and polling sites, as this workload is absorbed

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by the Department. When comparing the cost of a precinct election versus an all-mail ballot election by the cost per **vote**, the all-mail ballot election is even more cost effective at \$6.55 per vote versus \$12.50 per vote for a precinct election.

Respectfully submitted,


Jane L. Rodriguez
City Clerk

Reviewed by:

10/24/02



Nicholas G. Rodriguez
Assistant City Attorney

JR:c:\data\elect-01\ar-calling election