

# AB 308 (Cook)

## Ranked Ballots for Overseas Absentee Voters

### The Problem

- Nationwide surveys report that at least 20 percent of overseas absentee voters who attempt to vote do not have their votes counted. Tight deadlines for sending and returning absentee ballots are a major part of the problem.
- When the first and second rounds of a two-round election occur close together, it is difficult for overseas voters to receive their second-round ballots and return them in time to be counted.
- Members of the active military in combat roles are affected most of all, since they are very mobile and in places where mail delivery is understandably erratic.
- The Federal Voter Assistance Program urges election officials to allow 45 days transit time for the round trip -- and that's *after* the first-round votes are canvassed and second-round ballots are designed and printed.
- In California, special elections to fill state and federal vacancies have runoffs either 56 or 63 days after the first round. About ten charter cities have runoff elections within 90 days of the preliminary round -- four of these within 50 days.

### The Solution

- AB 308 provides that, when there is a possibility of a runoff election within 90 days, overseas absentee voters will receive both a normal ballot for the preliminary round, and an optional ranked ballot. This allows the voter to rank the first-round candidates in order of preference. Voters may rank as many or as few of the candidates as they wish. Only the normal ballot will be counted in the first round.
- If a runoff is required -- and if the voter does not return a normal runoff ballot -- then the overseas voter's special runoff ballot will be counted for the candidate who receives the highest ranking of those candidates who made the runoff.

### Responses to Questions

- The counting procedure is **not** like instant runoff voting (IRV). The special runoff ballot is examined to determine which of the candidates participating in the runoff is ranked higher than all other candidates in the runoff. There is no process

of elimination and subsequent rounds of counting as in IRV.

- Processing the special runoff ballot does **not** require any equipment changes. In fact, the number of ballots per election is so small that it would not be cost-effective to modify voting systems
- We estimate the reimbursable cost to be \$100,000 per year or less. This is based on (a) roughly 5,000 special runoff ballots mailed out annually, and (b) an average of \$20 per ballot mailed for printing, mailing and processing of the ballots, instructions, return envelopes, etc.
- Deadlines in Louisiana, Arkansas and South Carolina -- where this reform has already been adopted -- are even tighter than those in California. But runoff elections in California are clearly affected when the time to canvass the first round, plus the time to prepare runoff ballots, is added to the round trip transit time.
- Regular runoff ballots will continue to be sent to overseas voters (this differs from other states). The special runoff ballot will only be counted in the event that the regular runoff ballot is not received by election day.
- It has been argued that the special runoff ballot deprives overseas voters of new information that comes out during the runoff campaign. Such information -- even the part of it that reaches overseas voters -- is of little use to them if their ballots cannot be returned on time.
- Recent legislation allowing facsimile or unspecified other forms of electronic transmission only helps some overseas voters, not all of them. In addition, some voters who do have access to fax equipment may be reluctant to use it because of privacy and election integrity concerns.

### For More Information

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