

DEBRA BOWEN

CALIFORNIA SECRETARY OF STATE

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Federal Agreement Allows More June Ballot Return Options for Military and Overseas Voters in 11 California Counties

SACRAMENTO – Through an agreement between the California Secretary of State and the United States Department of Justice (USDOJ), extra care will be given to military and overseas citizen voters from 11 counties where local elections officials delayed ballot delivery for the June 5, 2012, Presidential Primary Election. The agreement must be approved by the United States District Court in Sacramento.

Americans who live overseas or serve in the military have historically faced unique challenges when voting because geographic distances and transmittal resources are often significant obstacles. Recognizing the extra time needed to get ballots to and from faraway voters, county elections officials frequently begin mailing ballots to military and overseas voters 60 days ahead of Election Day under California Elections Code section 3103(b). The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires military and overseas ballots be sent no later than 45 days before a federal Election Day.

UOCAVA requires that elections officials transmit blank vote-by-mail ballots by mail or electronically to military and overseas voters, using the voter's preferred method of delivery. UOCAVA also specifies that military and overseas citizen voters be given the opportunity to designate a preference for receiving ballots either by mail or electronically.

Each of California's 58 counties has a chief elections official who is either independently elected or hired by an independently elected county board of supervisors.

Despite repeated reminders by California Secretary of State Debra Bowen leading up to the April 21 deadline for the June 5 election, 11 county elections officials failed to transmit vote-by-mail ballots to all absent uniformed services voters and overseas voters on time: Contra Costa, Fresno, Modoc, San Diego, San Francisco, San Mateo, Shasta, Sierra, Tehama, Trinity, and Ventura. Of the 8,249 ballots transmitted after the 45-day deadline, most were transmitted within two days after the deadline. Only 41 military and overseas ballots were transmitted after April 27. Secretary Bowen and USDOJ agree that, absent additional fast corrective action, some military and overseas voters from California might not have enough time to receive, mark, and return their ballots in order to have those ballots counted in the June 5 election.

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Filed today in United States District Court for the Eastern District of California (located in Sacramento), the consent decree is an agreement between parties to resolve civil litigation through a judge's entry of a court order. Following is a summary of the consent decree entered into by USDOJ and the California Secretary of State.

- San Francisco, San Mateo, Shasta, and Trinity county elections officials must email all affected UOCAVA voters for whom the county offices have email addresses to notify them that if they have not yet received their ballots, they may choose to receive their ballots for the June 5 election by fax or email, instead of by postal mail; advise them of the option for returning a voted ballot by fax; and offer the option to return the ballot by express delivery at the county government's expense (no cost to UOCAVA voters). If the county has no email address for a voter, the county elections official must contact the voter by fax or telephone if that contact information is on file.
- Elections officials in Contra Costa, Fresno, Modoc, San Diego, Sierra, Tehama, and Ventura counties must notify by email any voter who was mailed a ballot late by postal mail – and who has not already been emailed or sent a second ballot by express delivery – of the option to receive a ballot by fax or email, instead of by postal mail; advise them of the option for returning a voted ballot by fax; and offer the option to return the ballot by express delivery at the county government's expense (no cost to UOCAVA voters). If the county has no email address for a voter, the county elections official must contact the voter by fax if that contact information is on file.
- If a UOCAVA voter received and returned two June 5 ballots, the procedure adopted by the Secretary of State will direct the county elections official to count the first ballot received by the voter's county elections office.
- Implementation procedures will be established so all county elections officials transmit ballots in future elections by mail and electronically in accordance with each voter's preferred voting method.
- The Secretary of State's office will maintain written records of all actions taken regarding the consent decree and provide status reports to USDOJ by December 1, 2012; December 1, 2013; and December 1, 2014.

Secretary Bowen provided California county elections officials repeated written and verbal reminders to meet this important federal deadline, including:

- A November 23, 2011, memo to all 58 county elections officials providing the 2012 elections calendar with all statutory deadlines;

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- An April 2, 2012, memo to all 58 county elections officials detailing their responsibilities under UOCAVA;
- An April 13, 2012, memo to all 58 county elections officials underscoring the importance of delivering military and overseas ballots in a timely fashion and surveying them on their plans to comply with the law;
- An April 17, 2012, monthly telephone conference call with all 58 county elections officials during which Secretary Bowen reminded officials of their duties under UOCAVA, including the 45-day mailing requirement; and
- An April 20, 2012, memo to all 58 county elections officials reminding them once again of the 45-day mailing requirement and surveying them about their progress.

For broadcast media, the following is a suggested public service announcement script:

Are you a registered voter living overseas, serving in the U.S. military, or a member of a service member's family? You may have several options when returning your June 5 California primary election ballot, depending on your home county. The federal government is requiring some California counties to accept ballots from military and overseas voters by express delivery at no cost to UOCAVA voters to ensure they arrive at county elections offices by 8 p.m. on June 5. For more information about your voting options, just call the California Secretary of State at (916) 651-3070 or email mov@sos.ca.gov. That number again: (916) 651-3070.

Go to www.justice.gov/iso/opa/resources/5132012529133127177851.pdf for the full text of the consent decree.

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