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November 8, 2001

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Accuracy in Presidential Voting Act of 2002" (File No. SA2001RF0028).

Proposal

This measure makes various changes to election laws related to overseas ballots, presidential electors, and counting ballots.

Overseas Military Ballots. Under current law, each United States citizen residing outside the United States may vote by an absentee ballot in any federal election. In order for the ballot to be included as part of the official count, they must be received by county election officials no later than 8 P.M. on the day of a federal election. The proposed initiative creates an exception for overseas military personnel by allowing their absentee ballots to be received up to 14 days after an election day, provided the ballots are dated or postmarked by the day of the federal election.

Presidential Electors. Under current law, the presidential candidate who receives the majority of the vote or the plurality of the popular vote (less than 50 percent but more than any other candidate) takes all of the state's electoral votes. The proposed initiative changes the current "winner-take-all" system to one in which the presidential candidate who has the most votes in each congressional district receives the electors for

that district. The presidential candidate who has the highest number of votes statewide would receive two additional electors.

Accelerated Certification and Ballot Recounts. Under the proposed initiative, within five days of a general election, a presidential candidate may petition the Secretary of State for an accelerated certification of the votes in any or all congressional districts. Local election officials must then complete the official vote count within 21 days of the election, instead of the 28 days allowed under current law. The proposed initiative also requires the Secretary of State to adopt regulations specifying procedures for recounting all ballots for each approved voting system.

Fiscal Effects

State Costs. This measure would result in minor absorbable costs to the Secretary of State for the administration of the accelerated certification process, as well as for the adoption of regulations related to recounts.

County Costs. Counties would also incur additional staff costs to fulfill requests for accelerated certifications of the vote count. These statewide costs are unknown but could range from hundreds of thousands to several millions of dollars every four years depending on the number and size of counties required to participate in an accelerated certification.

Summary of Fiscal Effects

This measure would result in minor absorbable costs to the state and significant unknown county costs ranging from hundreds of thousands to several millions of dollars every four years depending on the number and size of counties required to participate in an accelerated certification.

Sincerely,

Elizabeth Hill
Legislative Analyst

B. Timothy Gage
Director of Finance