

May 23, 2005

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 constitutional initiative related to voting procedures (File No. SA2005RF0073).

Major Provisions

This measure amends the State Constitution to make a number of changes to the manner in which elections are conducted.

Election Day Registration. Under current law, Californians who want to vote in an upcoming election must register with county election officials by the 15th day before the election. This measure allows Californians to register to vote up to the day of the election.

No Voting by Electronic Means. Under current law, counties are authorized to use those electronic voting machines which are certified for use by the Secretary of State (SOS). In addition, such machines must provide a paper trail of votes in time for elections held in 2006. This measure prohibits the purchase or use of electronic voting machines. The measure requires that votes be counted by hand. The prohibition on electronic machines, however, does not apply to those counties which have already purchased and operate this type of equipment. For counties qualifying for this exemption, the measure places new requirements on the administration of elections. Specifically, each machine must offer a vote receipt, and each precinct would be required to count a sample of votes at least four times on election day.

Other Election Changes. The measure makes a number of other changes to election procedures. For instance, the measure expands the hours of polling places to 7 A.M. to 10 P.M. (currently polls operate from 7 A.M. to 8 P.M.). In addition, the measure lowers the maximum number of voters in each precinct from 1,000 to 400.

Fiscal Effect

This measure would increase local government costs to administer elections. For instance, by allowing voters to register up to election day, counties would incur additional costs from increased staff requirements to process the registrations. In addition, an increased number of precincts and longer voting hours would increase election day costs. The new hand-counting requirements would also increase the costs to process ballots. The total net increased local government costs from these requirements would be significant, potentially in the tens of millions of dollars annually. The SOS could also experience minor increased costs to implement some of the measure's provisions.

Fiscal Summary. This measure would have the following major fiscal impact:

- Increased local government costs to administer elections, potentially totaling in the tens of millions of dollars annually.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Tom Campbell
Director of Finance