

November 7, 2007

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Toni Melton  
Initiative Secretary

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative related to the definition of ballots (A.G. File No. 07-0065).

### **Major Provisions**

*Current Definition.* Federal law requires that all precincts have at least one voting machine that is accessible to the disabled. (Accessible machines generally are considered to be touchscreen machines, in which a voter makes selections electronically.) Under current state law, a number of different voting systems are authorized, including electronic devices such as touchscreen machines. The Secretary of State is responsible for certifying that specific systems meet the requirements of state and federal law. Counties can then choose which type of certified system to use in their elections. Any touchscreen machine must have a voter verified paper audit trail which allows voters to check to make sure the machine correctly recorded voting choices. This paper audit trail is not used in the primary counting of votes.

*Proposed Definition.* Under this measure, electronic devices could still be used but would require a “tangible ballot” that results from the use of the device. This ballot would be used to count votes cast.

### **Fiscal Effect**

The fiscal effect on the measure would depend on the interpretation of the meaning of tangible. Under the measure, it is possible that some touchscreen machines could no longer be used in their current form. If so, counties would need to replace or alter some of their current equipment. Such costs could total in the tens of millions of dollars on a one-time basis, depending on the number of counties using touchscreens at the time of

the measure's passage. In recent years, these types of costs have been shared by federal, state, and county governments.

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

- One-time costs potentially in the tens of millions of dollars to replace or alter voting equipment.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Michael C. Genest  
Director of Finance