

City of Brisbane

Agenda Report

Date: City Council Meeting of April 16, 2015

To: Mayor & City Council

From: Sheri Marie Spediacci, City Clerk

Subject: Assembly Bill 2028 – All-Mailed Ballot Election in San Mateo County

Recommendation

Adopt Resolution No. 2015-10 directing the San Mateo County Chief Elections Officer to conduct the November 3, 2015 Election for the City of Brisbane wholly by mail pursuant to the pilot program authorized by Assembly Bill 2028 if all other affected jurisdictions also request participation in the pilot program at that election

Background

In 2014, the California Legislature and Governor approved Assembly Bill 2028 (AB 2028) which is a pilot program permitting certain elections in San Mateo County to be conducted wholly by mail if specific conditions are met. The San Mateo County Elections Officer March Church has stated an intention to have the November 3, 2015 Consolidated Municipal, School, and Special District Election to be the first mail election conducted pursuant to the AB 2028 pilot program in San Mateo County.

Each jurisdiction may determine whether to participate or not and the all-mailed ballot election would not be held unless all other jurisdictions in the County also wish to participate.

Discussion

If the election is authorized by all affected jurisdictions then the following actions will be taken to ensure voter access and turnout is protected:

- At least one ballot drop-off location shall be provided in each City. In Brisbane, the Library and City Hall would be the proposed locations.
- A ballot drop-off location shall be open during business hours to receive ballots beginning 28 days prior to the election through 8 p.m. on the night of the election.
- At least one polling place shall be provided per city between 7 a.m. and 8 p.m. on election day for voters to request a ballot who did not receive a ballot or who need a replacement for any reason. In Brisbane, this polling place would be the usual location at the Brisbane Community Center, 250 Visitacion Avenue.


- At the request of any city, county, or district, the Chief Elections Officer may provide additional ballot drop-off locations and polling places.
- All election materials, including a prepaid return envelope for the ballot, shall be provided to each voter.
- A list of drop-off locations and polling places shall be delivered to each voter.
- Polling places shall be located at an accessible location and equipped with voting machines that are accessible to individuals with disabilities.


The San Mateo County Chief Elections Officer March Church has reported that in San Mateo County, 59% of registered voters are permanently registered to vote by mail, in the November 3, 2013 Consolidated Municipal, School, and Special District Election over 76% of the ballots were cast by mail, and in the June 2014 Primary Election over 77% of the ballots were cast by mail.

Fiscal Impact

The costs of conducting an election pursuant to the pilot program is expected to be significantly less overall than a typical election. In Brisbane, there are currently 2,394 voters and it typically costs approximately \$3 per voter, or about \$7,000.

San Mateo County is expecting it to cost at least 1/3 less.


Sheri Marie Spediacci, City Clerk


Clay Holstine, City Manager

RESOLUTION NO. 2015-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DIRECTING THE SAN MATEO COUNTY CHIEF ELECTIONS OFFICER TO CONDUCT THE NOVEMBER 3, 2015 ELECTION FOR THE CITY OF BRISBANE WHOLLY BY MAIL PURSUANT TO THE PILOT PROGRAM AUTHORIZED BY ASSEMBLY BILL 2028 IF ALL OTHER AFFECTED JURISDICTIONS ALSO REQUEST PARTICIPATION IN THE PILOT PROGRAM AT THAT ELECTION

WHEREAS, in 2014 the California Legislature and Governor approved Assembly Bill 2028 (AB 2028), which is a pilot program permitting certain elections in San Mateo County to be conducted wholly by mail if specific conditions are met; and

WHEREAS, pursuant to AB 2028, each jurisdiction may determine whether to participate in this pilot program and whether to authorize its election on a given date to be conducted by mail, provided, however, that election in question shall not be conducted by mail pursuant to the pilot program unless all overlapping jurisdictions with elections on that same date so request; and

WHEREAS, if the election is authorized by all affected jurisdictions to be conducted pursuant to the AB 2028 pilot program, various actions shall be taken to ensure that voter access and turnout is protected, including but not limited to the following:

- At least one ballot drop-off location shall be provided in each city;
- A ballot drop-off location shall be open during business hours to receive ballots beginning 28 days prior to the election through 8 p.m. on the night of the election;

- At least one polling place shall be provided per city between 7 a.m. and 8 p.m. on election day for voters to request a ballot who did not receive a ballot or who need a replacement ballot for any reason;
- At the request of any city, county, or district, the Chief Elections Officer may provide additional ballot drop-off locations and polling places;
- All elections materials, including a prepaid return envelope for the ballot, shall be provided to each voter;
- A list of ballot drop-off locations and polling places shall be delivered to each voter; and
- Polling places shall be located at an accessible location and equipped with voting machines that are accessible to individuals with disabilities; and

WHEREAS, in general, the cost of conducting an election pursuant to the pilot program described above is expected to be significantly less overall than a typical election, and this cost reduction should translate to lower costs to each jurisdiction that participates in the pilot program election compared to the typical election costs borne by each jurisdiction; and

WHEREAS, the San Mateo County Chief Elections Officer has reported that in San Mateo County, 59% of registered voters are permanently registered to vote by mail, in the November 2013 Consolidated Municipal, School, and Special District Election over 76% of the ballots were cast by mail, and in the June 2014 Primary Election over 77% of the ballots were cast by mail; and

WHEREAS, the Chief Elections Officer has stated an intention to have the November 3, 2015 Consolidated Municipal, School, and Special District Election be the first mail election conducted pursuant to the AB 2028 pilot program in San Mateo County; and

WHEREAS, this Brisbane City Council has considered the merits of the proposed pilot election program and desires to participate in the pilot program given the protections for voter access and participation in the election and anticipated cost savings to the City of Brisbane.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Brisbane City Council authorizes the November 3, 2015 election for the City of Brisbane to be conducted wholly by mailed ballots pursuant to AB 2028 and consolidated with all other elections occurring on that date within San Mateo County. Accordingly, the San Mateo County Chief Elections Officer is requested to conduct the November 3, 2015 election for the City of Brisbane, including any elections for officials of the City of Brisbane and measures relating to the City of Brisbane, as an election conducted wholly by mail pursuant to the AB 2028 pilot program, it being understood that the election shall occur wholly by mail on that date only if all overlapping jurisdictions with elections on that date make the same request. If all overlapping jurisdictions with elections on that date do not so request, the City of Brisbane election shall occur as normal on that date pursuant to the other provisions of the Elections Code.

BE IT ADDITIONALLY RESOLVED that the Clerk of the Brisbane City Council is hereby directed to notify the Secretary of State no later than August 6, 2015, of the City of Brisbane's intent to conduct an all-mailed ballot election as outlined above.

BE IT FURTHER RESOLVED that the Brisbane City Council shall separately send information regarding the specifics of its November 3, 2015 election to the San Mateo County Chief Elections Officer.

Terry O'Connell, Mayor

I hereby certify that the foregoing Resolution No. 2015-10 was duly and regularly adopted at a regular meeting of the Brisbane City Council on April 16, 2015 by the following vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk



Assembly Bill No. 2028

CHAPTER 209

An act to amend Section 4001 of the Elections Code, relating to elections.

[Approved by Governor August 15, 2014. Filed with Secretary of State
August 15, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, Mullin. All-mailed ballot elections: San Mateo County.

Existing law authorizes, as a pilot program, until December 31, 2017, elections in Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied. If Yolo County conducts an all-mailed ballot election, existing law requires the county to report to the Legislature and the Secretary of State, as specified.

This bill would also authorize San Mateo County to conduct all-mailed ballot elections pursuant to these provisions. The bill would require that ballot dropoff locations be fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election if it would result in more dropoff locations, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4001 of the Elections Code is amended to read:

4001. (a) Notwithstanding Section 4000 or any other law, as a pilot program, elections in San Mateo County and Yolo County may be conducted wholly by mail if all of the following conditions are satisfied:

(1) The governing body of the city, county, or district, by resolution, authorizes the all-mailed ballot election and notifies the Secretary of State of its intent to conduct an all-mailed ballot election at least 88 days prior to the date of the election.

(2) The election does not occur on the same date as a statewide primary or general election or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail pursuant to this section.

(3) The election is not a special election to fill a vacancy in a state office, the Legislature, or Congress.

(4) (A) At least one ballot dropoff location is provided per city or the ballot dropoff locations are fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election, whichever results in more dropoff locations. A ballot dropoff location shall be open during business hours to receive voted ballots beginning 28 days before the date of the election and until 8 p.m. on the day of the election.

(B) At least one polling place is provided per city where voters can request a ballot between 7 a.m. and 8 p.m. on the day of the election if they have not received their ballots in the mail or if they need replacement ballots for any other reason.

(C) Upon the request of the city, county, or district, the elections official, at his or her discretion, may provide additional ballot dropoff locations and polling places.

(5) The elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot with postage prepaid.

(6) The elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, a list of the ballot dropoff locations and polling places provided pursuant to paragraph (4), and also posts that list on the Internet Web site of the county elections office.

(7) The return of voted mail ballots is subject to Section 3017.

(8) (A) The polling places provided under this section are at an accessible location and are equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation, including the ability to vote privately and independently.

(B) A ballot dropoff location provided for under this section shall consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.

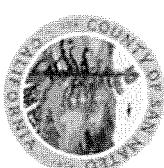
(9) Elections in the county conducted pursuant to this section may be held on no more than three different dates.

(b) (1) If the county conducts an all-mailed ballot election pursuant to this section, on or before December 31, 2017, the county shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to, to the extent possible, the population categories of race, ethnicity, age, gender, disability, permanent vote by mail status, and political party affiliation; the number of ballots that are not counted and the reasons they were rejected; voter fraud; and any other problems that become known to the county during the election or canvass.

(2) Whenever possible, using the criteria set forth in paragraph (1), the report of the county shall compare the success of the all-mailed ballot election to similar elections not conducted wholly by mail in the same jurisdiction or comparable jurisdictions.

(3) The report of the county shall be submitted to the Legislature pursuant to Section 9795 of the Government Code within six months after the date of the all-mailed ballot election or prior to the date of any other all-mailed ballot election subject to this section to be conducted in the county, whichever is sooner.

(c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.



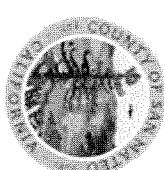
Assembly Bill 2028
All-Mailed Ballot Elections
in San Mateo County

Mark Church
Chief Elections Officer &
Assessor-County Clerk-Recorder



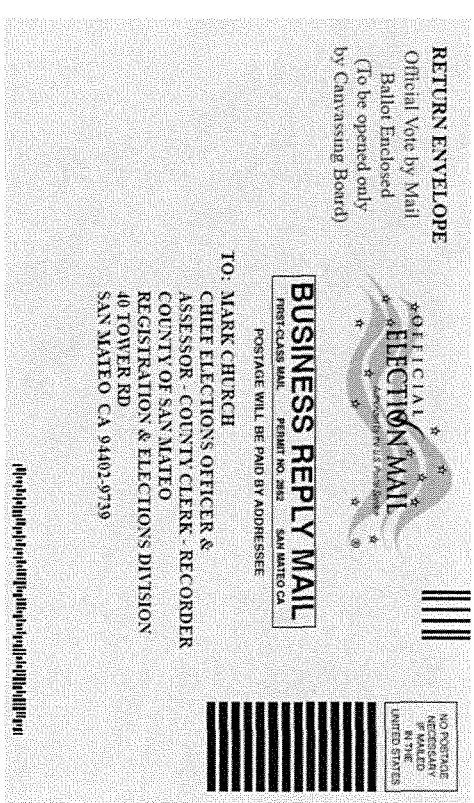
What is AB 2028?

- AB 2028 signed into law on August 15, 2014
- Legislature wants more data on all-mailed ballot elections in urban counties
- Gives San Mateo County authority to conduct up to 3 all-mailed ballot elections 2015-2017
- Will not include Presidential elections in 2016



AB 2028 Requirements

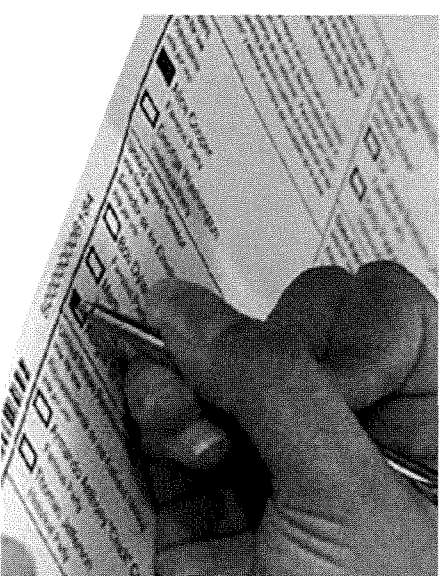
- Every voter gets a ballot in the mail
- Return envelopes are postage paid
- Voters can still vote in person
- County to provide report to the Secretary of State and Legislature



AB 2028 Possible Benefits



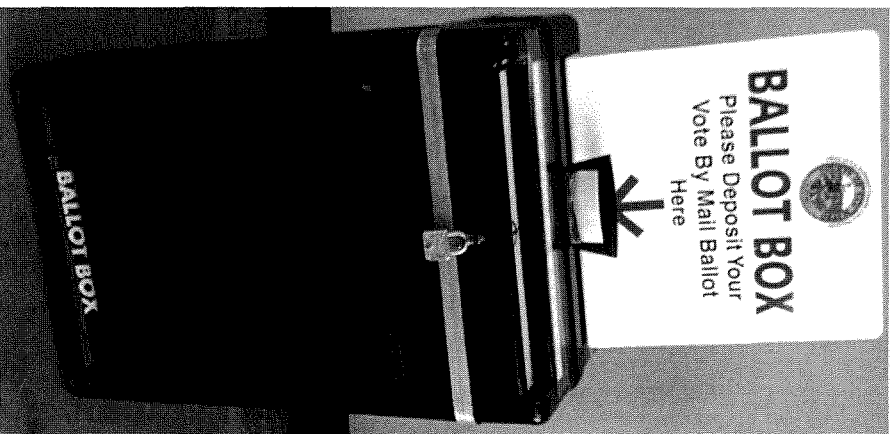
- Increase Voter Registration
- Increase Participation
- Increase Overall Turnout
- Faster Results
- Reduce Costs
 - Fewer Election Officers
 - Fewer Polling Places



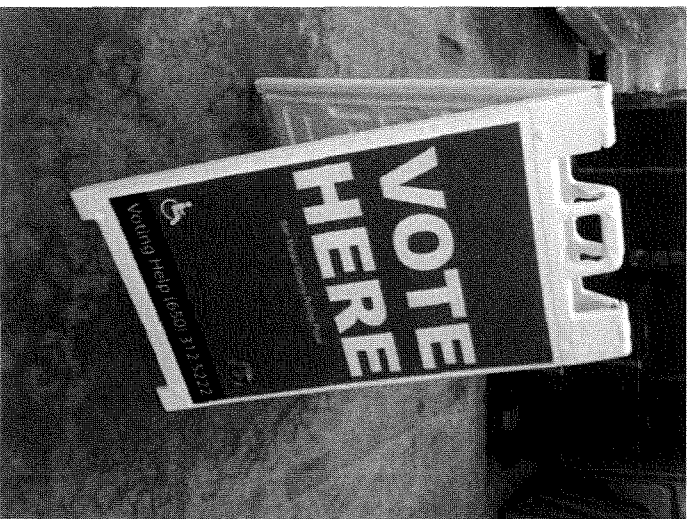


Ballot Drop Off Locations

- One ballot drop box in each city or town
- Open during business hours 28 days prior to Election Day
- Open until 8 p.m. on Election Day



Election Day Voting

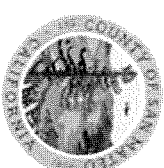


- One polling place in each city or town
- Voter didn't receive ballot or needs a replacement
- Voter prefers voting in person
- Voter can drop off voted ballot
- Voter can go to any polling place in the county



Next Steps for County

- County outreach and education will target voters who don't usually vote by mail – multiple contacts
- County has a media campaign plan that includes radio, digital, print and social media
- An independent consultant will be chosen to report on the election



Next Step for Jurisdictions

- Jurisdictions must include all-mailed ballot election language in their Resolution calling for the election