



May 29, 2020

Senate Committee on Elections
and Constitutional Amendments
State Capitol, Room 2203
Sacramento, CA 95814

AB 860 Elections: Vote-by-Mail Ballots

OPPOSE

Esteemed Committee Member,

Election Integrity Project *California*, Inc. (EIPCa) **OPPOSES AB 860** - Elections: Vote-by-Mail Ballots - urgency bill, as amended as of the date of this letter.

Election Integrity Project *California* (EIPCa) finds three major objections to **AB 860**.

Citing COVID-19 concerns, and mirroring the governor's Executive Order (challenging which there are currently at least two active lawsuits), **AB 860** would require all registered voters to be mailed (requested or no) a vote-by-mail ballot (VBM) for the November 3, 2020 election.

Using VoteCal data from early May, 2020, EIPCa data analysts have identified at least **458,000** individuals on the active voter list who are likely **deceased** or **relocated** to other states. All have been electorally inactive at least since November of 2008, and large numbers have been so for up to 60 years. **178,000** of those registrants have participated in **NO** electoral activity since their registration, and **2,000** of them are **105+** years of age according to their registration birthdate.

EIPCa finds **24,000** active registrants **duplicated** on the voter rolls, and in an all VBM scenario they **will receive two or more ballots**. In addition, **424,543** registrants who have **not requested** a vote by mail ballot will now be mailed a ballot, frustrating or confusing many of them. This situation will result in discarded ballots (which may then be illegally appropriated) and many more provisional ballots as these individuals may be unaware of the need to present the VBM for surrender in non-VCA counties.

It is understandable to look to the VBM process to protect the rights of voters to participate in an election without jeopardizing their health or safety in a time of pandemic threat. But to maintain electoral integrity, there must be extra effort expended to assure the voters that the cure is not more lethal than the disease.

As the preceding numbers would indicate, California is woefully derelict in its responsibility to maintain its voter rolls as mandated by Section 8 of the National Voter Registration Act. Voters such as those cited above should have long ago been moved to the

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inactive list and then appropriately removed entirely. A vast majority of the **4,604,838** individuals on the **inactive** list qualify for permanent removal and have for some time. Yet, in defiance of federal law, common sense and any desire to maintain integrity in the process, California has not moved in any significant way to resolve its voter roll issues, despite having signed a summary judgment in January of 2019 to do so. The voter rolls remain chaotic, and VoteCal remains woefully unreliable.

It should then come as no surprise that an even greater concern regarding **AB 860** arises as a result. The bill (as is the governor's Executive Order) is worded to mandate that not only every registrant on the **active** voter list but also those on the **inactive list** (who are still considered registered voters with the right to vote) be mailed a VBM. **AB 860** would mandate that over **4.5 million** individuals, most of whom are likely deceased or no longer living in California, be mailed a VBM. **This is a recipe for electoral ineptitude and disaster.**

The third concern with regard to **AB 860** is its extension of the post-Election Day grace period for the arrival and acceptance of VBMs. There is no evidence of which EIPCa is aware that any organization providing postal service has been negatively impacted or its service delayed by the COVID-19 pandemic. Quite the opposite, increased numbers of people have happily depended on the reliability of those services while limited in their ability to conduct business in person. To allow for up to 17 additional days of late-arriving ballots is not only completely unnecessary, but detrimental to the ability of the elections offices' process of validating and counting ballots. Saddling them with such an additional and onerous mandate would further overwhelm the system and greatly impact election integrity. **Such a mandate also opens further the doors to corruption and fraud.**

AB 860 represents an over-reaction to the needs of the current and projected public health situation. As with all over-reactions, it creates significantly more problems than it purports to solve.

Election Integrity Project *California* opposes and urges the dismissal of **AB 860.**

Thank you. Should further information be required, please contact Ruth Weiss, Director Legislative Oversight at 619-820-5175.

Yours very truly,

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