

# California Voter Foundation



September 12, 2017

The Honorable Bill Quirk  
California State Assembly Member, District 20  
State Capitol, Room 2024  
Sacramento, CA 95814

**RE: AB 840 - OPPOSE**

Dear Assembly Member Quirk:

The California Voter Foundation, which works to improve the voting process to better serve voters, opposes AB 840, as recently amended to significantly alter the definition of California's manual count laws, on procedural grounds. This new language was added to your bill on August 24<sup>th</sup>, and no public hearing has taken place to receive public input on these proposed changes.

California's manual count laws and procedures are designed to give voters confidence that they can trust the outcome of automated vote counts. This law was first enacted in 1965 and has been updated over the years to reflect the changes in the way we vote. Recently it was amended, in 2011, to provide a practical way to include the increasing number of vote by mail ballots cast in the manual count process. Provisional ballots, similarly, are on the rise in California with 1.3 million cast statewide in last year's election.

In addition, the "Postmark-plus 3" law and missing signature eight-day cure law are both resulting in an increasing number of ballots that arrive after the close of polls and are not included in the semi-official canvass. Reducing the number of ballots included in the post-election manual tally does not strengthen, but rather weakens the effectiveness of this process since it decreases the chances that a glitch or manipulation could be discovered.

There is certainly a need to update the manual count law to reflect the changes in when valid ballots are received and counted and can be used in the post-election verification process, but amending a bill in the 11<sup>th</sup> hour of the legislative session is not the way to do it, and certainly not amendments designed to impact a pending court case, as is the case with this bill, which was prompted by a judge's decision regarding San Diego County's post-election manual tally procedures.

I'm happy to discuss our concerns with you and to work with you and your staff in the future in this policy area, and can be reached at 916-441-2494 or [kimalex@calvoter.org](mailto:kimalex@calvoter.org).

Sincerely,

Kim Alexander  
President and Founder