

# California Voter Foundation



September 21, 2017

The Honorable Jerry Brown, Governor  
State of California  
California State Capitol, First Floor  
Sacramento, CA 95814

**RE: AB 840 - OPPOSE**

Dear Governor Brown:

The California Voter Foundation, which works to improve the voting process to better serve voters, opposes AB 840 and strongly urges you to veto this bill.

On August 24<sup>th</sup>, in the final weeks of this year's legislative session, **AB 840 was amended to weaken California's post-election verification law**. It would do so by dramatically reducing the number of ballots counties must include in the public, 1% manual tally performed to verify the accuracy of software vote counts by redefining the ballots subject to it as only those that are included in the semi-official canvass.

In practical terms, this would reduce the number of ballots included in the public, post-election verification process by as much as one-third. In November 2016, the number of ballots included in counties' semi-official canvasses totaled approximately 9.2 million. An additional 4.5 million arrived on or after Election Day or were cast as provisional ballots, accounting for nearly one-third of the total 14.6 million ballots cast and counted in that election.

Do not believe supporters who claim this is simply a "clarifying" amendment. It is much more than that. Reducing the number of ballots used to verify the accuracy of software-counted ballots gives us less verification, not more. The fewer ballots included, the less likely election officials will be able to detect certain types of targeted attacks or glitches. The change would also reduce the validity of the 1% manual tally, since voting patterns in the ballots included in the semi-official canvass often differ substantially from those not included.

This last-minute amendment came about because of a lawsuit filed against San Diego County in July 2016 challenging its exclusion of late-arriving and provisional ballots in its manual tally process. In January, San Diego Superior Court Judge Joel Wohlfeil ruled that all vote-by-mail ballots are subject to the one percent manual tally and San Diego County must include them in the process, but that provisionals need not be included. Both sides have appealed this decision.

Although this ruling was issued in January, the county's representatives **waited until August** to introduce this amendment, leaving some to suspect this delay was intentional and designed to deprive election security advocates the opportunity to explain to lawmakers why it's a bad idea.

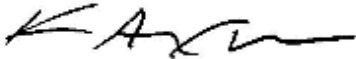
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Several other counties, including Inyo and San Francisco, reportedly do not conduct their manual tally in the way San Diego has; if AB 840 becomes law, **the lower standard San Diego has been applying will become the standard statewide**. It is a situation similar to SB 341, which you vetoed earlier this year, because, as you wrote, “This bill is a statewide solution to a limited problem.”

At a time when other states are moving ahead to strengthen their voting systems and election verification processes in light of the attempts by hostile foreign powers to intervene in our nation’s 2016 presidential election, it is unacceptable that California would opt instead to weaken our long-standing manual tally law.

I’m happy to discuss our concerns and can be reached at 916-441-2494 or [kimalex@calvoter.org](mailto:kimalex@calvoter.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'K Alexander', written in a cursive style.

Kim Alexander  
President and Founder