

Feb. 23: Study on Mail Ballot Elections

At Annual Meeting in 2010, LWVSFC adopted a study on elections that can be conducted by mailed ballots only—no polling places.

This procedure was established in statute in New Mexico in 1987 and has been used by a few other counties. It can be used only for special elections, which means those with no candidates on the ballot. For example, our bond elections for Santa Fe Public Schools and the Santa Fe Community College are eligible to be conducted this way. The purpose of our study is to see if LWVSFC members would like to come to consensus on a position that might allow us to advocate for or against such elections here.

At our unit meeting on February 23, we will discuss the issues, reviewing results from a survey of all counties in the state; we will also develop some potential consensus questions, identifying pros and cons.

Santa Fe County Elections Bureau Chief Denise Lamb will be our special guest, providing enlightenment and piquing our critical faculties as she always does. If attendees express interest in moving forward, the study committee will propose consensus questions to the Board, and a consensus meeting will be scheduled for a later date. Meanwhile, read on for issues, advantages and disadvantages, risks and benefits identified so far.

Los Alamos County has conducted 10 or 11 of these elections since 1998, and, on balance, evaluates the process favorably. Sheryl Nichols, Chief Deputy Clerk in that county (and President of the Clerk's Affiliate for the NM Association of Counties) shared some advantages and disadvantages in their experience. The single greatest advantage is higher voter turnout. For example, in Los Alamos County, the turnout for special elections with

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polling places is 23% to 49%; however, the same type of election conducted by mail-only ballots results in voter turnout in the high 60s to the low 90s, a significant increase.

You may be wondering how this could be any more easy for voters than just voting by absentee ballot: the answer is that voters do not need to request their ballots; they are mailed out automatically to every registered voter. This is also a convenience for the county clerk's staff because they do not need to process any ballot requests. The single printed ballot for each voter constitutes a control mechanism, as well, as it can be used to identify invalid addresses and to ensure that no one votes more than once.

An initial disadvantage concerns record-keeping, which has already been overcome. When this statute first took effect, county clerks were not on a statewide voter database, which resulted in "deadwood" in county databases when voters moved from one county to another. The county from which the voter moved was not always able to remove the voter in a timely manner. Now there is a statewide database, so such moves are actually processed as transfers; there is still lag time, but the way the system works is a plus.

Note that the cost of conducting such an election is neither a pro nor a con: this is not a cheaper way to

conduct an election, although the costs do tend to even out. There are no special election personnel to pay, but printing and mailing costs are just as substantial.

There is no evidence of fraud in any of the Los Alamos County elections conducted by mail-out ballot. Although no formal audits have occurred, there have been no signals or symptoms to trigger an audit, such as voters complaining that someone else voted their ballot.

So far, the picture looks rosy. However, there are some drawbacks. Denise Lamb, the Elections Bureau Chief for Santa Fe County (and longtime LWVSFC member) notes that voting in person means that if you make a mistake on your ballot, an election worker may be able to notice the error and provide you a new ballot; when you vote by mail, a ballot with an error becomes a spoiled ballot—or at least one of your votes may be lost if there is more than one question on the ballot.

Some research on some mail ballot elections in other states has found other problems, as well: "...lost votes, decreased legitimacy, and a further skewing of the composition of the electorate" (Charles Stewart III, "More Voting by Mail? First, Consider the Hidden Costs," *Election Law @ Moritz*, October 2010).

Please come to our unit meeting at 11:45 a.m. Wednesday, February 23, at 2052 Galisteo St. in the Santa Fe County Health and Human Services Conference Room. Find out how our county clerks assess this kind of election and also why the research quoted above may or may not apply to our special elections. Help us decide whether this is an issue the League may want to pursue for advocacy.

League of Women Voters of Santa Fe County

Mail Ballot Elections Position (2011)

The LWVSFC supports all-mailed ballot elections as approved by resolution of the governing body for any bond election, any election on the imposition of a mill levy or a property tax rate for a specified purpose or any special election at which no candidates are to be nominated for or elected to office, in order to increase voter participation, and subject to the following considerations:

The governing body judges that the mailing can be done in an accurate and timely manner. The governing body should develop a timetable that ensures there is adequate time for the ballots to be received and returned.

Drop stations with adequate security are provided around the jurisdiction to provide an alternative to returning the ballots by mail.

If information in addition to the ballot is included in the mailing, it should be objective and balanced.

The LWVSFC supports documented, transparent processes to ensure election integrity.