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Smoller: Phasing in The Voter's Choice Act

Fred Smoller

Chapman University, smoller@chapman.edu

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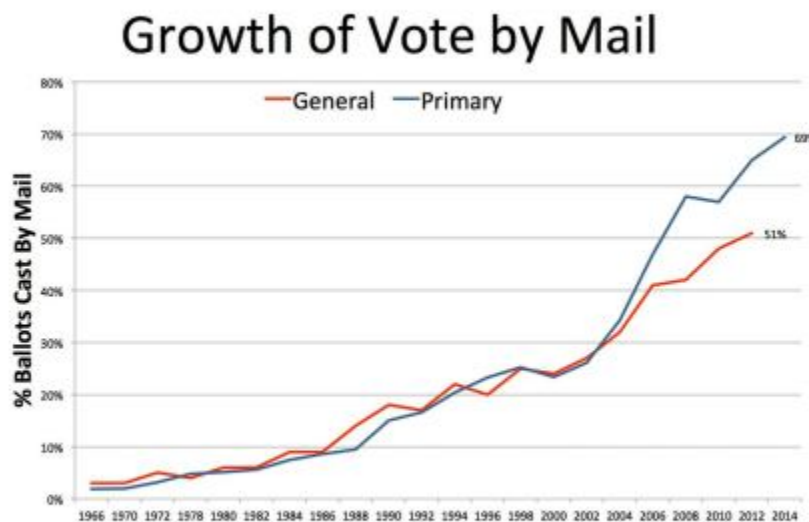
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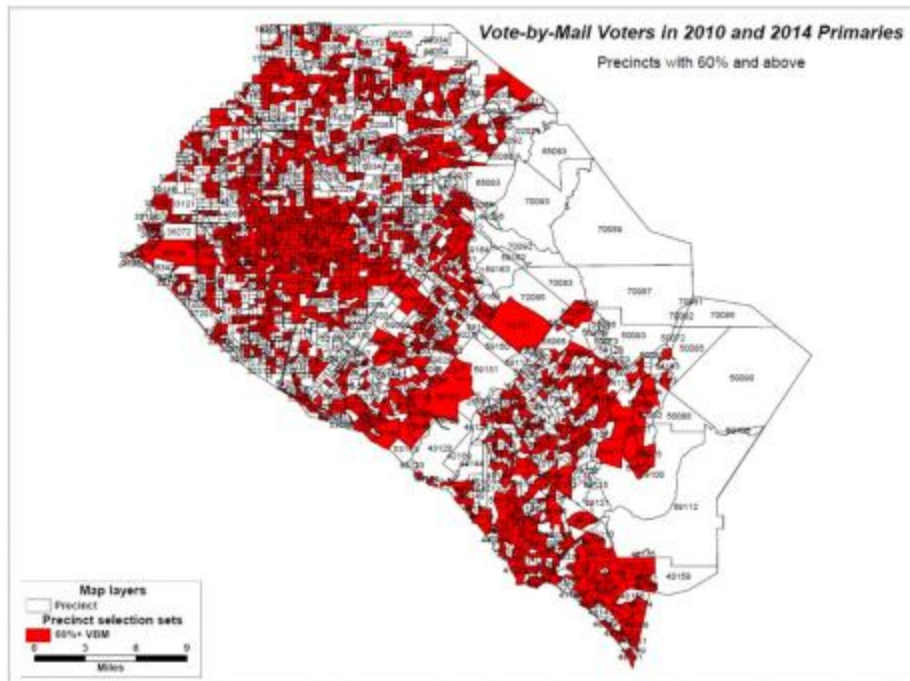
by [Fred Smoller](#) Jul 18, 2017 Updated Jul 9, 2021

In a recent editorial, the Los Angeles Times castigated the Orange County Board of Supervisors for refusing to participate in the Voter's Choice Act ([Rejecting proposals that make it easier for people to vote is anti-democratic](#)). The Times suggested the decision was un-American and possibly politically motivated; all five Supervisors are Republican, and making it easier to vote is seen as helping Democrats.

A week earlier, the Secretary of State, California's chief elections officer, had attacked the County Board of Supervisors for putting politics before the public interest by fanning baseless fears of voter fraud.



Right now, 61% of Orange County voters are permanent absentee voters. With each passing election, this percentage increases as more and more people discover the ease and convenience of voting by mail. As part of legislation signed by the Governor (SB 450), 14 counties, including Orange, have been invited to participate in a pilot program known as the Voter's Choice Act. The other counties are eligible in 2020.



Under the Voter’s Choice Act, the county would send out mail ballots to every registered voter about a month before the election. Voters can mail them in or drop them off at 93 drop-off stations. Or, they can deliver them to one of the 150 vote centers starting 10 days before the election; that’s more than the total number of McDonalds restaurants in the county. In addition to improving turnout, the county would save between \$10 and \$20 million because it would not have to fix or replace old voting equipment and hundreds of thousands of dollars more with each subsequent statewide election.

Yet, Orange County has decided not to participate in this pilot program. And it isn’t alone. So far, only *five* of the 14 eligible counties have agreed to participate.

As things stand now, counties can accept or reject the Voter’s Choice Act. But there’s a third option, a phased-precinct plan, which I presented to the California Association of Clerks and Election Officials at their annual meeting in 2014.

In this plan, each county board of supervisors adopts a formula for closing precincts based on the percentage of votes cast by mail (say, 60%, 65%, or 70%) in at least two recent consecutive statewide elections in that precinct. The supervisors would decide the required percentage and elections. Ballots would be mailed to all voters in the selected precincts. The entire county would not be mailed ballots. Permanent absentee voters, of course, would continue to receive ballots by mail.

So, let's suppose the Orange County supervisors decided to use a 70% threshold for shuttering precincts. This would mean that, based on the 2010 and 2014 primary results, 220 precincts (13% of the total number of precincts) could have been closed for the next statewide election in 2016. If they choose 65%, 491 precincts could have been closed. That is 28% of the total number of precincts. And if they decided that 60% of a precinct's votes had to be cast by mail in two consecutive elections—in this case 2010 and 2014— 893 precincts (half of the total precincts) would move to all mail voting.

There are several advantages to the phased precinct approach. The first is local buy in. Many supervisors likely don't like the Voter's Choice Act because of perceived heavy handedness by Sacramento. In this approach, each county's supervisors—not Sacramento legislators— decide the threshold for shuttering precincts.

California is a large and diverse state with many political “micro-climates.” In the phased precinct approach supervisors can adjust the formula to their county.

Also, this approach allows counties to ease into the new voting system. Rather than close all of their precincts overnight, only a portion are closed with each election. Here in Orange County that would likely mean several hundred precincts per statewide election. After the election is over, the Registrar of Voters would address issues regarding such things as voter fraud, partisan advantage, and voter complaints. Modifications could be made for the next election.

The phased precinct approach moves the debate toward numbers and away from political rhetoric. The Supervisors would be debating required vote by mail percentages and cost savings, rather than claims and counter claims about voter fraud, partisan advantage, voter suppression, disenfranchisement, and local control.

It is widely acknowledged that vote centers and postal voting are the wave of the future, but there is disagreement about how to get there. The phased precinct approach allows each county to move forward at its own pace. We might not get there as fast as some may want, or all at the same time, but we will still get there.

Fred Smoller is an Associate Professor of Political Science at Chapman University.

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