

**Congressman John Garamendi's Prepared Testimony on  
Mail Processing Center Closures and Vote-by-Mail Voter Disenfranchisement**

*Joint Oversight Hearing of  
The Senate Committee on Elections and Constitutional Amendments &  
The Assembly Committee on Elections and Redistricting*

March 13, 2012

Good afternoon. Chairman Fong, Chairman Correa, Vice-Chairman Donnelly, Vice-Chairman La Malfa, and other esteemed members of the Assembly and Senate Elections committees, thank you for having me here today to speak about an issue of profound importance – the risk of voter disenfranchisement caused by changes at the U.S. Postal Service. I'm also honored to be joined today by our wonderful Secretary of State, Debra Bowen, who has been a tireless advocate for voting access in California.

Throughout our history, great Americans have fought – and sometimes died – to secure our voting rights. Since the founding days of our nation – when patriots exclaimed the great rallying cry “no taxation without representation” – we have been a nation that has aspired to live up to the ideal that government must be responsive to the people.

From the first Constitutional Convention onward, generations of Americans have worked tirelessly to make sure that America the nation lives up to America the idea. When our country was founded, with few exceptions, the only Americans that could vote were white male property owners. It would take six decades before property ownership was finally removed as a prerequisite to vote in all states.

Twenty years later, following a bloody Civil War, the 15<sup>th</sup> Amendment was enacted into law, formally giving all adult male citizens the right to vote. As we all know, the fight to prevent the disenfranchisement of African Americans and other minorities would take more than a century, with violent intimidation, poll taxes, literacy tests, and Jim Crow laws keeping blacks away from the voting booths in many states until the federal government finally intervened.

Women wouldn't be granted the right to vote in all states until the 19<sup>th</sup> Amendment was ratified in 1920. Native Americans didn't have the right to vote in federal elections until 1924. Young adults under the age of 21 finally gained the right to vote in 1971, under the idea that if you could be sent to war on behalf of your country, you should at least have a vote to help determine whether we should be at war in the first place.

We have come a long way. While there is still work to ensure equal access to the polls, there is no doubt that we have made tremendous progress.

Given how much we value voting rights, given how much we detest voter disenfranchisement, given how much we look back with scorn at people who told fellow Americans, “your vote won’t be counted today,” we must do all we can to make sure that no voter is disenfranchised.

Today we’re here to discuss a decision by the U.S. Postal Service that threatens to disenfranchise tens of thousands of California voters, not based on race or sex or age or property status, but based on geographic proximity to mail processing centers and the desire to vote-by-mail.

If lawmakers don’t act and act soon, 14 mail processing centers in California will shut their doors sometime after May 15<sup>th</sup>. Thousands of Californians will lose their jobs and businesses and households throughout California will see delays in the mail they receive and the mail they send. That’s bad enough.

But Secretary of State Bowen, elections officials throughout the state, and postal workers warn us that this timeline will cause significant delays in ballot delivery. Tens of thousands of Californians could be disenfranchised.

In the last statewide primary election, more than 12,500 mail-in ballots in Riverside County were almost invalidated because they arrived after Election Day through no fault of the voters. This delay was the direct result of a quote “change in process” unquote in mail delivery, and while the votes were ultimately counted, it took a judge’s order to make it happen. By law, late ballots aren’t supposed to be counted, and a postmark is insufficient.

In Yuba, Ventura, and Monterey counties, the closure of mail distribution centers there increased the time required to mail ballots from 1-to-3 days to 5-to-7. Voters have an intuitive understanding of how long it takes to mail something. When these expectations wind up being off by days, voter disenfranchisement can result. Indeed, Gail Pellerin, president of California's County Clerks Association, said postal cutbacks had delayed ballot delivery and were a major reason some vote-by-mail ballots have gone uncounted.

Millions of Californians will cast ballots in November, and many will be vote-by-mail. In the June 2010 statewide primary, 58 percent of all votes came through the mail. In the November 2010 general election, a record 4.9 million vote-by-mail ballots were cast.

Voters shouldn’t have to rely on a judge’s order to make sure their votes are counted. Voters living busy lives shouldn’t be expected to know that everything they’ve ever known about mail delivery is suddenly not true in the days leading up to an election. Voters should expect that if they vote-by-mail as they’ve done for years, their vote will be counted. Voters deserve a say in who represents them in local, state, and federal government.

Our elections officials and voters will be able to adapt to the changes at the post office, but they need time. It is outrageous that the post office is considering these drastic changes in California mail delivery in the run up to a presidential election.

Secretary of State Bowen comes to us today with a reasonable request to the United States Postal Service. You want to eliminate these mail processing centers? Fine. We don't like it, but we'll adapt.

But don't radically alter mail delivery expectations in a year that could very well set vote-by-mail records in California. Don't close down these centers in the lead up to a presidential election, giving voters, elections officials, and postal workers insufficient time to work out the kinks. Don't disenfranchise tens of thousands of Californians who just want their voices heard. Give us six more months to get through this election, and after six months, once the chaos of the election settles down, we'll have enough time to make the best of a bad situation. Democracy is too important to penny pinch.

Through generations of struggles, we've reached a point in America where almost every adult citizen who wants to vote can vote. We've eliminated most barriers to voting, and almost every American has ingrained in them the idea that race, sex, creed, and ethnicity should never be used as an excuse to deny voting rights.

What does it say about the greatest and wealthiest country on this planet if we manage to end overt voter disenfranchisement based on discrimination and begin voter disenfranchisement based on just being too damned cheap?

I'm working in Congress to see if there's anything we can do to keep these mail processing centers open for six months. I urge you, honorable members of the Assembly and Senate, to join Secretary of State Bowen and me in this fight to make sure our constituents are able to participate in our democracy. The California legislature can send the powerful message to Washington that these mail processing center closures in the lead up to an election are unacceptable. We are a state that takes voting rights seriously. We are a state that believes democracy is worth paying for.

Thank you for your time and thank you Secretary of State Bowen for bringing this issue to our attention. I am available for any questions.