



Asian Americans face higher than average vote-by-mail rejection rates in California

Research Highlights

- Asian American voters are using vote-by-mail (VBM) ballots in large numbers. Two-thirds (66%) of Asian Americans who voted in the November 2016 election cast their votes using a VBM ballot, a rate higher than average (58%).
- Vote-by-mail ballots submitted by Asian Americans are more likely to be rejected by county election officials than average. Among the targeted counties in this study, the VBM ballot rejection rate for Asian Americans was 15% higher than average (1.02% compared to 0.89%).
- Immigrant voters had higher VBM ballot rejection rates than average and higher rates than native born in their same age group.
- Signature mismatch is the most common reason for rejection among Asian American voters. Over half of Asian American rejected VBM ballots were rejected for a mismatched signature, a rate higher than average (51% compared to 44%).
- Foreign-born Asian American VBM voters were more likely to experience ballot rejection due to a signature mismatch than their native-born counterparts across all age groups.

Asian American voters are using vote-by-mail ballots in large numbers

A majority of California voters are now opting to cast their votes using vote-by-mail (VBM) ballots rather than head to their assigned polling place on Election Day. During the November 2016 presidential election, over 8 million voters in California (58%) used VBM ballots, a 13% increase from previous presidential election.¹ The proportion of voters choosing to vote by mail during general elections increased from 33% in 2004 to 58% in 2016.

Two-thirds (66%) of Asian Americans who voted in the November 2016 election (about 787,000) cast their votes using a VBM ballot, a rate higher than average (58%).² Vietnamese, Chinese, Japanese, and



¹ Historical Vote-By-Mail (Absentee) Ballot Use in California. California Secretary of State's Office. <http://www.sos.ca.gov/elections/historical-absentee/>

² California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

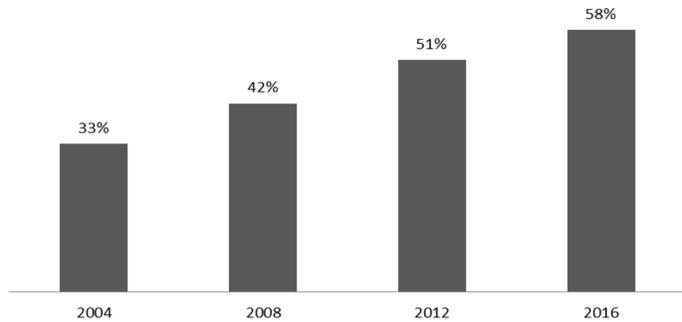
Korean American voters had the highest rates of VBM mail ballot usage among Asian American ethnic groups.³

As record numbers opt to vote by mail, at least four California counties are on track to implement a new model of voting in 2018 in which all voters will be sent a VBM ballot.⁴ Under the Voter's Choice model,⁵ the voter can choose whether to (1) return the ballot by mail, (2) drop off the ballot in a drop box, or (3) surrender the VBM ballot and vote in-person at any vote center in the county. All counties in California⁶ can implement the new model in 2020.⁷

As jurisdictions consider implementing the Voter's Choice model, it is important to examine these changes may have on voters, particularly limited English proficient voters who may require translated materials. This brief analyzes Asian American VBM ballot rejection rates and the reasons why ballots are rejected utilizing VBM data from the November 2016 presidential election. A voter's ballot is "rejected" when it is received by the local election official but not counted for a variety of reasons.⁸ Examining rates of VBM ballot rejection can help identify population groups that are disenfranchised at higher rates when their submitted⁹ VBM ballots are left uncounted. Identifying common reasons for VBM ballot rejection is also an important step towards creating

Vote-by-mail ballot use

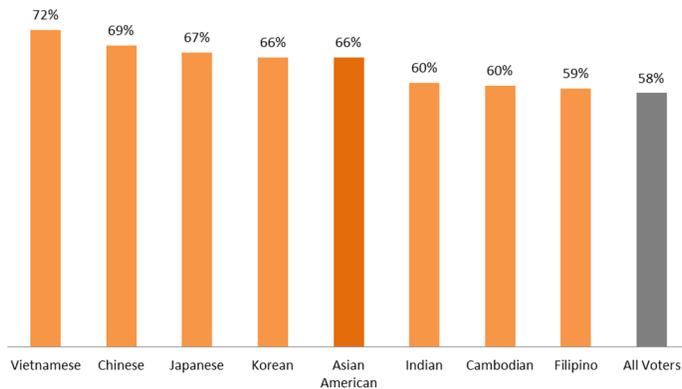
All voters, general elections, California 2004 to 2016



Source: Historical Vote-By-Mail (Absentee) Ballot Use in California. California Secretary of State's Office. <http://www.sos.ca.gov/elections/historical-absentee/>

Percent of voters who used VBM ballots

California, November 2016



Source: California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

³ California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles. Data on seven Asian American ethnic groups included in this study.

⁴ As of the release of this issue brief, those counties include Napa, Nevada, Sacramento, and San Mateo.

⁵ Senate Bill 450 (Allen 2016)

⁶ In 2020, Los Angeles County will be allowed to adopt a modified version that does not require the election official to send a VBM ballot to every voter. Elections Code Section 4007.

⁷ Colorado was the first state to implement this model, and while in-person voting is also an option there, 93% of Colorado voters either voted by mail or dropped off their VBM ballots in the November 2016 elections. Only 7% of Coloradans voted in-person. www.denverpost.com/2016/11/20/turnout-flat-colorado-election-2016-mail-ballot-laws.

⁸ Whether voting under the traditional or Voter's Choice model, in all jurisdictions in California, a VBM voter must sign the VBM envelope (Elections Code Section 3019). Additionally, when voting by mail, the ballot and envelope must be mailed by Election Day and received by the election official within 3 days of the election. (Elections Code Section 3020).

⁹ Submitted VBM ballots are those that were received by the local election official.

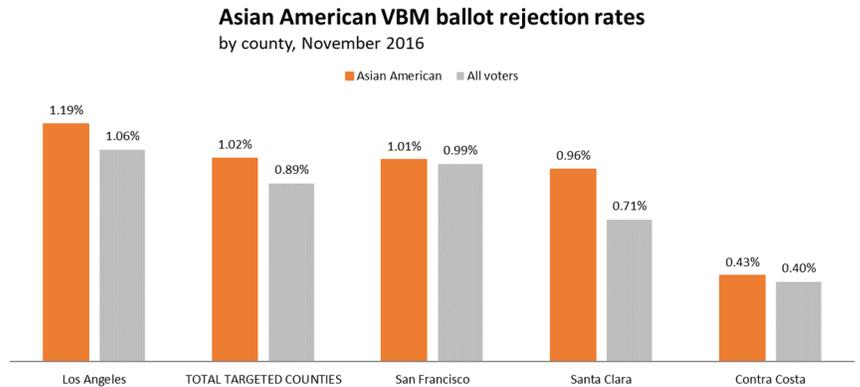
solutions to address VBM problems. This brief also provides county-level analysis that can help shed light on potential problems at the local level.

Vote-by-mail data in this study are from four counties – Contra Costa, Los Angeles, San Francisco, and Santa Clara counties.¹⁰ Together, these targeted counties are home to about 45% of the total Asian American electorate statewide¹¹ and 44% of the state’s Asian American VBM voters.¹² Asian American voters were identified in data files using proprietary ethnic name lists that measure the association between first, last, and middle names and race and ethnic group status. Rejected VBM ballots were classified by county election officials as “challenged” and not counted due to a variety of reasons identified by local election officials such as lateness and signature issues. The VBM ballot rejection rates in this study were produced by dividing the number of ballots that were “challenged” and not counted by the total number of submitted VBM ballots (counted and not counted).

Asian American VBM ballot rejection rates are higher than average

In the targeted counties in this study, 1.02% of Asian American VBM voters had their ballots rejected in November 2016, a rate 15% higher than average (0.89). Los Angeles County had the highest Asian American VBM ballot rejection rate (1.19%), followed by San Francisco (1.01%) and Santa Clara Counties (0.96%). In Santa Clara County, Asian American VBM voters had a 35% higher VBM ballot rejection rate than average, the largest disparity among targeted counties in this study.

Among Asian American ethnic groups, those that have higher rates of limited English proficiency¹³ had higher VBM ballot rejection rates. Korean and Cambodian Americans had the highest rejection rates, followed by Chinese, Indian, and Vietnamese Americans. The VBM ballot rejection rate for Korean Americans was 47% higher than average (1.31% compared to 0.89%).



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

¹⁰ Vote-by-mail data was not available statewide. We received data from four out of nine counties we targeted for this study.

¹¹ Asian Americans at the Ballot Box, 2012. Asian Americans Advancing Justice – Los Angeles.

¹² California Voter File (January 25, 2017), California Secretary of State’s Office and Asian Americans Advancing Justice – Los Angeles.

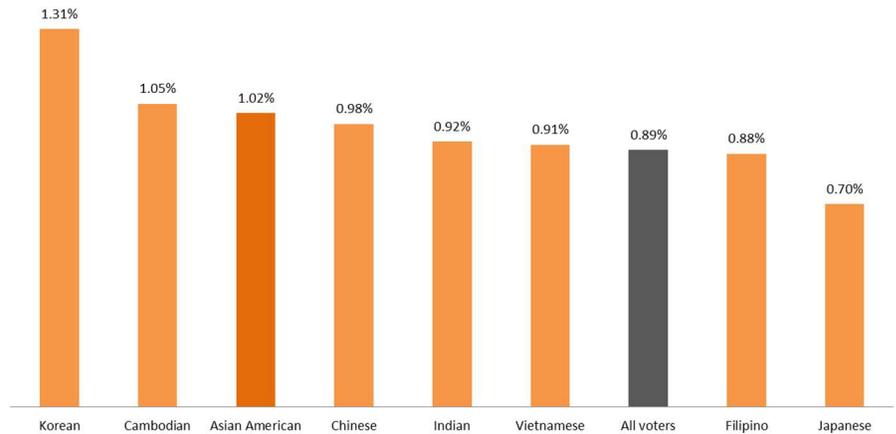
¹³ A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in California, 2013. Asian Americans Advancing Justice – Los Angeles.

Asian American Vote-By-Mail Ballot Rejection Rates in California

Similar to a 2014 analysis of all VBM ballots by the University of California, Davis' California Civic Engagement Project,¹⁴ this study found that VBM ballot rejection rates are highest among younger voters. The VBM ballot rejection rate for Asian American VBM voters 18-24 was 2.05%, a rate two times higher than average for all Asian American VBM voters.¹⁵ Younger Asian American voters were also disproportionately more likely to have their ballots rejected than their share of votes cast. While Asian American voters 18 to 24 years old made up 8% of those who voted, they made up 16% of Asian American VBM rejected ballots.¹⁶ Asian American voters 25 to 34 years old made up about 15% of all Asian Americans who voted but made up about 24% of Asian American rejected ballots.

However, VBM ballot rejection rates did not consistently decrease as voters aged. For example, older Asian American voters 75 years old and older experienced a higher rate of VBM ballot rejection (0.96%) than younger, middle-aged Asian American VBM voters (0.76% among 45 to 54 year olds).¹⁷

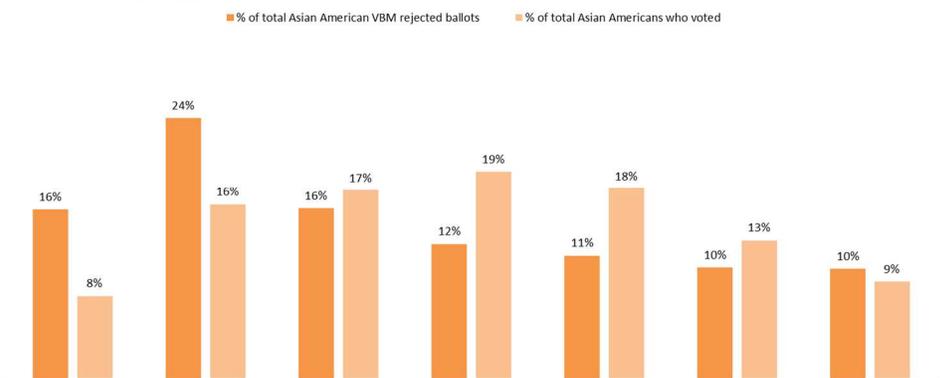
VBM ballot rejection rates
by race and ethnic group, November 2016



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

Age distribution of Asian American VBM ballot rejections versus all Asian American voters

November 2016



Source: California Voter File (January 25, 2017), California Secretary of State's Office; Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

¹⁴ University of California, Davis, California Civic Engagement Project, Issue Brief #3: "Disparities in California's Uncounted Vote-By-Mail Ballots: Youth, Language Preference and Military Status." October 2014.

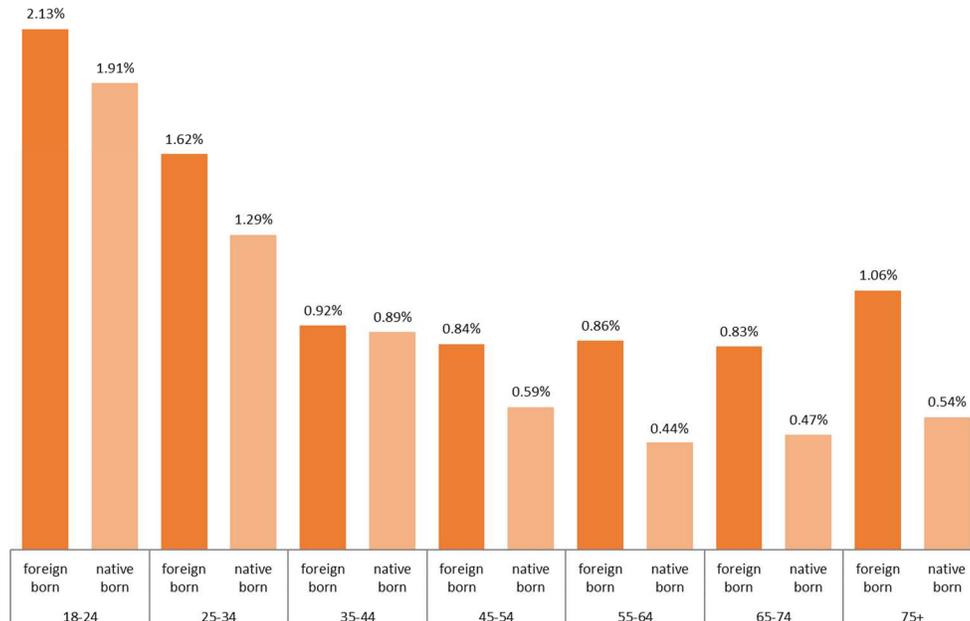
¹⁵ Source: California Voter File (January 25, 2017), California Secretary of State's Office; Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

¹⁶ Source: California Voter File (January 25, 2017), California Secretary of State's Office; Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

¹⁷ Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files, and vote-by-mail files; and Asian Americans Advancing Justice - Los Angeles.

When examining Asian American VBM ballot rejection rates by both age and nativity¹⁸, this study found that immigrant voters had higher VBM ballot rejection rates than average and higher rates than native born in their same age group. For example, the rejection rate among young foreign-born Asian American VBM voters 18 to 24 years old was 2.13%, 139% higher than the average for all VBM voters in the targeted counties (0.89%). This rate was also 12% higher than their native-born counterparts in the same age category (2.13% compared to 1.91%). Foreign-born Asian American seniors 75 years old and older had a VBM ballot rejection rate nearly double that of their native-born counterparts (1.06% compared to 0.54%).

Asian American VBM ballot rejection rates
by age and nativity, November 2016



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice – Los Angeles.

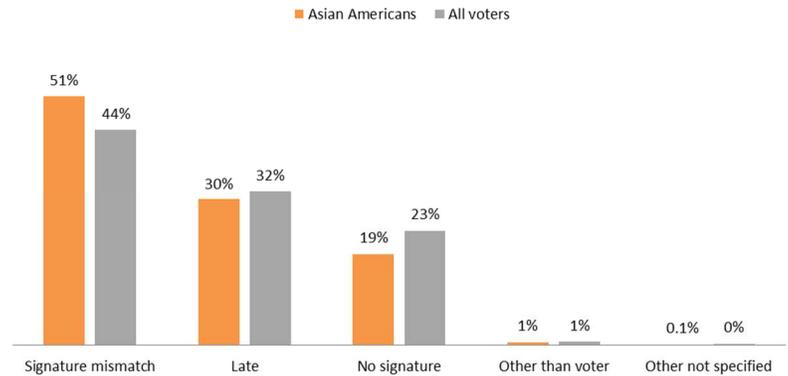
¹⁸ In a 2016 poll of Asian American registered voters conducted by Asian Americans Advancing Justice – Los Angeles, 71% of foreign-born Asian American voters in California were limited English proficient.

Asian American VBM voters were more likely than average to have their ballots rejected due to a non-matching signature

A non-matching signature or “signature mismatch” was the most common reason for VBM ballot rejection among Asian Americans statewide in November 2016. While this was also the most common reason for ballot rejection among all VBM voters, Asian Americans faced a disproportionate share of VBM ballot rejections due to signature mismatch than average. **Over half of Asian American rejected VBM ballots had a mismatched signature, a rate higher than average (51% compared to 44%).** Signature mismatch was the top reason for Asian American VBM ballot rejection in three of the four counties. About 30% of all rejected Asian American VBM ballots in the targeted counties arrived too late to be counted, slightly lower than average (32%). About 19% of rejected Asian American VBM ballots did not have a signature, a rate lower than average (23%).

Reasons for VBM ballot rejection

Asian American and all voters, November 2016



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files and Asian American Advancing Justice – Los Angeles.

Among Asian American ethnic groups, Vietnamese and Korean American VBM voters were the most likely to have their ballots rejected because of a signature mismatch. About 63% of rejected Vietnamese American VBM ballots had a non-matching signature (0.57% of submitted Vietnamese American VBM ballots). Over half (53%) of rejected Korean American VBM ballots had a non-matching signature (0.69% of submitted Korean American VBM ballots).¹⁹ Japanese Americans were the only group among the seven in this study that had a larger proportion of their rejected VBM ballots rejected for lateness (41% of rejected VBM ballots or 0.29% of submitted VBM ballots).²⁰

Foreign-born Asian American VBM voters were more likely to experience ballot rejection due to a signature mismatch than their native-born counterparts across all age groups. For example, 56% of rejected VBM ballots from immigrant Asian American voters 25 to 34 years old had mismatched signatures (0.90% of submitted Asian American VBM ballots) compared to 43% of rejected VBM ballots from native-born Asian American voters in the same age group (0.56% of submitted Asian American VBM ballots).²¹ Signature mismatch was the most common reason for ballot rejection among immigrant Asian American VBM voters in most age groups except among 18 to 24 year olds, where it was slightly lower than ballot lateness. While late VBM ballots comprised a larger share of rejected VBM ballots among younger voters overall, it was a less common reason for VBM ballot rejection among older voters.

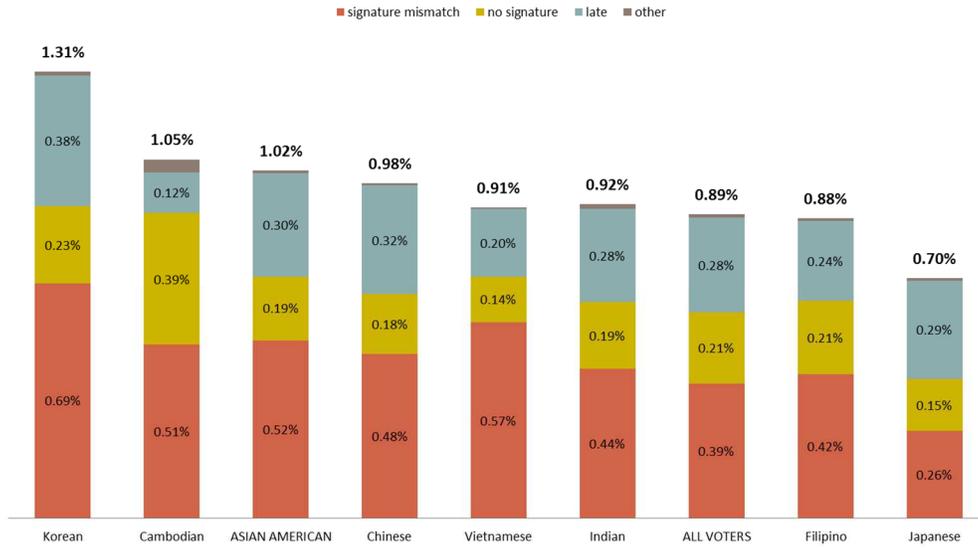
¹⁹ Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files, and vote-by-mail files; and Asian Americans Advancing Justice - Los Angeles.

²⁰ Ibid.

²¹ Ibid.

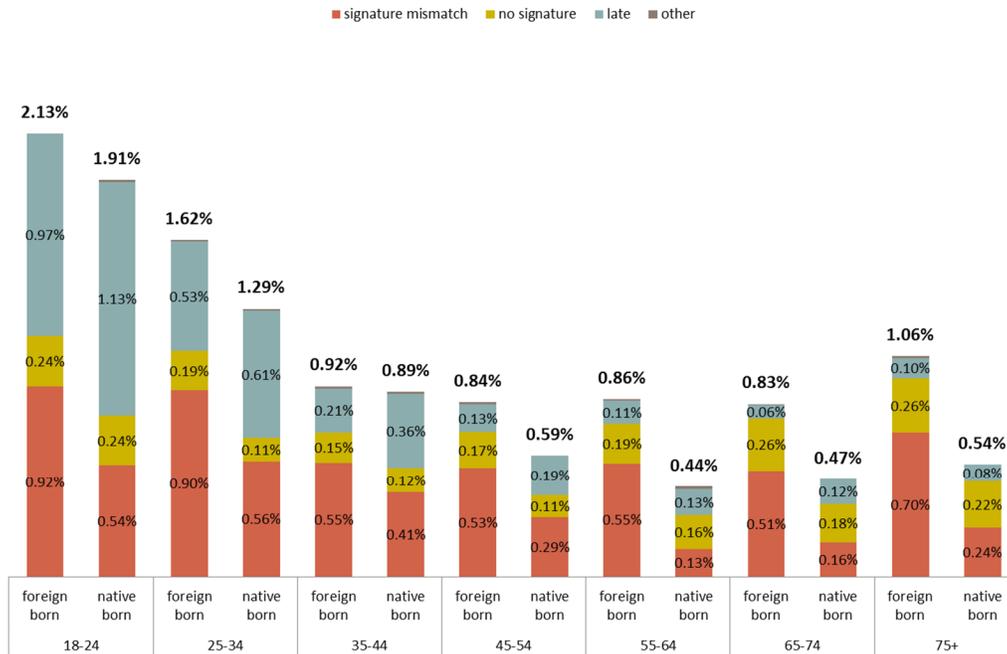
Asian American Vote-By-Mail Ballot Rejection Rates in California

VBM ballot rejection rates and reasons for rejection by ethnic group, race, and all voters, November 2016



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files, and vote-by-mail files; and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar. Percentages for "other" are not labeled.

Asian American VBM ballot rejection rates and reasons for rejection by age and nativity, November 2016



Source: Contra Costa, Los Angeles, San Francisco, and Santa Clara Counties Registrars of Voters, voter files and vote-by-mail files; and Asian American Advancing Justice - Los Angeles. Total rejection rate labeled at the top of the bar. Percentages for "other" are not labeled.

COUNTY ANALYSIS

Contra Costa County

About 69% of Asian American voters in Contra Costa County (nearly 29,000) cast their vote using a vote-by-mail ballot in the November 2016 election.²² The VBM ballot rejection rate for Asian Americans was 0.43%, a rate slightly higher than average (0.40%). Among the largest Asian American ethnic groups, Indian, Filipino, and Korean American VBM voters had higher-than-average VBM ballot rejection rates. Indian and Filipino American VBM ballot rejection rates were 23% higher than average. VBM ballot rejection rates among foreign-born Asian Americans were higher than their native-born counterparts across most age groups, with younger voters facing the highest rates.

Among Asian Americans countywide, ballots from young VBM voters make up a larger share of rejected ballots compared with share of younger Asian American voters who voted in November 2016.²³ While voters 25 to 34 years old made up about 13% of voters in November 2016, their ballots made up 24% of all rejected Asian American VBM ballots.²⁴

Signature issues disproportionately affected Asian American voters and were the most common reasons for ballot rejection among Asian Americans in Contra Costa. About 43% of Asian American rejected VBM ballots had a non-matching signature (0.19% of submitted Asian American VBM ballots), a rate disproportionately higher than average (39% or 0.15% of submitted VBM ballots). About 38% of rejected Asian American ballots did not have a signature (0.16% of submitted Asian American VBM ballots) compared to 49% among all VBM voters (0.19% of submitted VBM ballots). Across age and nativity, larger proportions of rejected VBM ballots among younger Asian American VBM voters had non-matching signatures, while larger proportions of rejected VBM ballots among older Asian American VBM voters lacked a signature.

²² California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

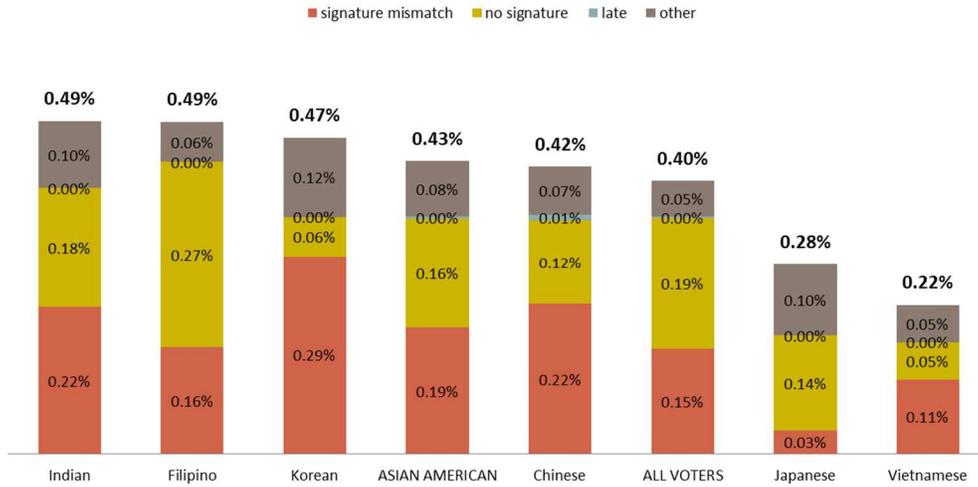
²³ Contra Costa County voter file (April 20, 2017), Contra Costa County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

²⁴ Ibid.

Asian American Vote-By-Mail Ballot Rejection Rates in California

VBM ballot rejection rates and reasons for rejection

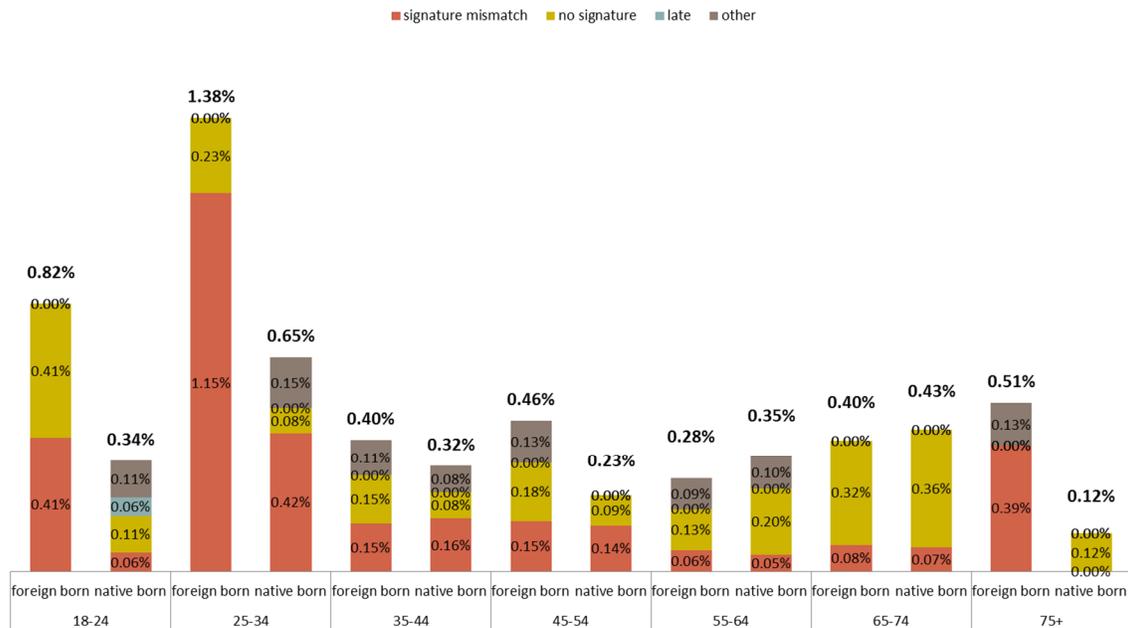
by race and ethnic group, Contra Costa County, November 2016



Source: Contra Costa County voter file (April 20, 2017), Contra Costa County Registrar of Voters and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar.

Asian American VBM ballot rejection rates and reasons for rejection

by age and nativity, Contra Costa County, November 2016



Source: Contra Costa County voter file (April 20, 2017), Contra Costa County Registrar of Voters and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar.

San Francisco

Nearly three quarters (74%) of Asian American voters in San Francisco County (over 60,000) cast their vote using a vote-by-mail ballot in the November 2016 election.²⁵ The VBM ballot rejection rate for Asian Americans was 1.01%, a rate similar to the county's average (0.99%). Among the largest Asian American ethnic groups, Korean, Vietnamese, and Japanese American voters had higher-than-average ballot rejection rates. Rejection rates among foreign-born Asian American VBM voters were the higher than their native-born counterparts across all age groups, with younger voters facing the highest rejection rates. The highest VBM ballot rejection rate in San Francisco was among young foreign-born Asian American voters 18 to 24 years old (3.13%), 31% higher than their native-born counterparts (2.39%).

Among Asian Americans, ballots from young VBM voters made up a larger share of rejected ballots compared with the share of younger Asian American voters who voted in November 2016.²⁶ While voters 25 to 34 years old made up about 22% of Asian American voters in November 2016, their VBM ballots made up 33% of all Asian American VBM rejected ballots.²⁷

Turning in a late ballot was the most common reason for ballot rejection, however having a mismatched signature²⁸ made up a larger-than-average proportion of VBM ballot rejections among Asian Americans. About 33% of rejected Asian American ballots had a non-matching signature (0.33% of submitted Asian American VBM ballots), a rate higher than average (21% or 0.21% of submitted VBM ballots). About 48% of rejected Asian American VBM ballots were submitted late or were postmarked after Election Day (0.48% of submitted Asian American VBM ballots), a rate lower than average (60% or 0.59% of submitted VBM ballots). About 19% of rejected Asian American ballots lacked a signature (0.20% of submitted Asian American VBM ballots), a rate just slightly higher than average (18% or 0.18% of submitted VBM ballots).²⁹

²⁵ California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

²⁶ San Francisco County master voter file (February 22, 2017). San Francisco County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

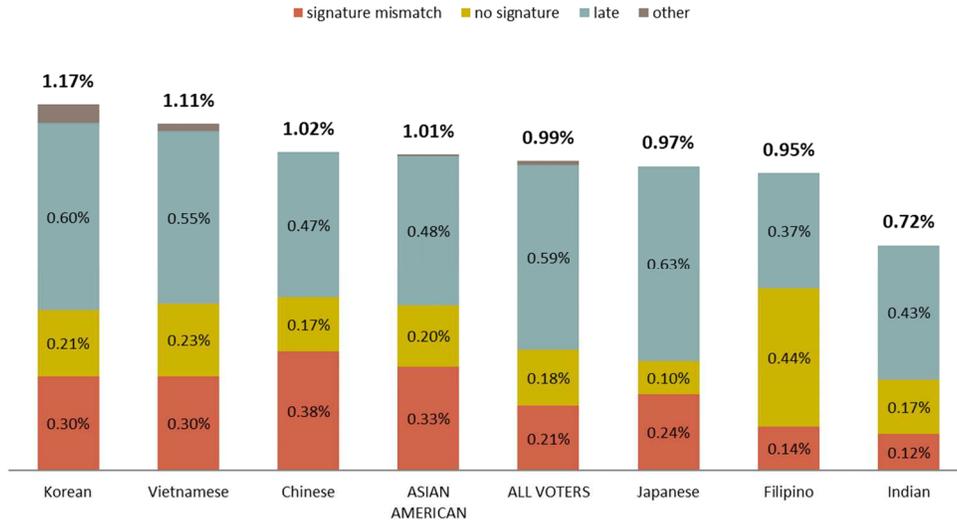
²⁷ Ibid.

²⁸ In this study, "Signature mismatch" in San Francisco includes a printed signature, wrong signature, use of a signature stamp, or the signature on the vote-by-mail envelope did not match any signature in their registration history. The vast majority of those in this category were rejected due to signatures that did not match any signature in their voter registration history.

²⁹ Ibid.

VBM ballot rejection rates and reasons for rejection

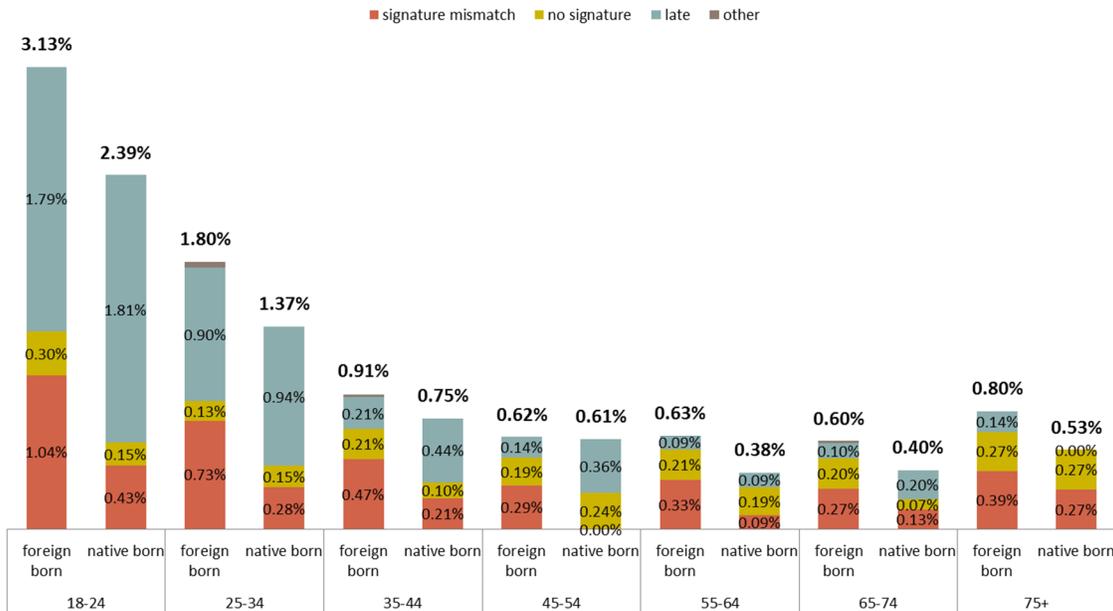
by ethnic group, race, and all voters, San Francisco, November 2016



Source: San Francisco County master voter file (February 22, 2017), San Francisco County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles. The total rejection rate is labeled at the top of the bar. Percentages for "other" are not labeled.

Asian American VBM ballot rejection rates and reasons for rejection

by age and nativity, San Francisco, November 2016



Source: San Francisco County master voter file (February 22, 2017), San Francisco County Registrar of Voters and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar. Percentages for "other" are not labeled.

Santa Clara County

About 78% of Asian American voters in Santa Clara County (over 128,000) cast their vote using a vote-by-mail ballot in the November 2016 election.³⁰ Ballots from Asian American VBM voters made up a disproportionate amount of rejected VBM ballots. While Asian American VBM ballots made up about 29% of all VBM ballots, they made up 39% of all rejected ballots countywide. The vote-by-mail rejection rate among Asian Americans was 35% higher than average (0.96% compared to 0.71%). Vietnamese Americans had the highest rejection rate among Asian Americans, followed by Indian, Korean, and Chinese Americans. The VBM ballot rejection rate for Vietnamese Americans was 92% higher than the countywide average (1.36% compared to 0.71%). VBM ballot rejection rates among foreign-born Asian Americans were higher than their native-born counterparts across all age groups, with younger voters facing the highest rejection rates. The rejection rate among the oldest foreign-born Asian American VBM voters (75 years old and older) was 89% higher than that of their native-born counterparts (1.06% compared to 0.56%)

Among Asian Americans, ballots from younger VBM voters (18 to 24 and 25 to 34 year olds) made up a larger share of those rejected, compared with the share of younger Asian American voters who voted in November 2016.³¹ For example, voters 25 to 34 years old made up 14% of Asian American voters in November 2016 but made up 18% of all Asian American VBM rejected ballots.³²

About 61% of rejected Asian American VBM ballots had a non-matching signature (0.59% of submitted Asian American VBM ballots), a rate higher than average (52% or 0.37% of submitted Asian American VBM ballots). About 28% of rejected Asian American VBM ballots were submitted late (0.27% of submitted Asian American VBM ballots), a rate lower than average (35%, or 0.25% of submitted VBM ballots). Across age and nativity, signature mismatch remained one of the top reasons for rejection among foreign-born VBM voters.

³⁰ California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

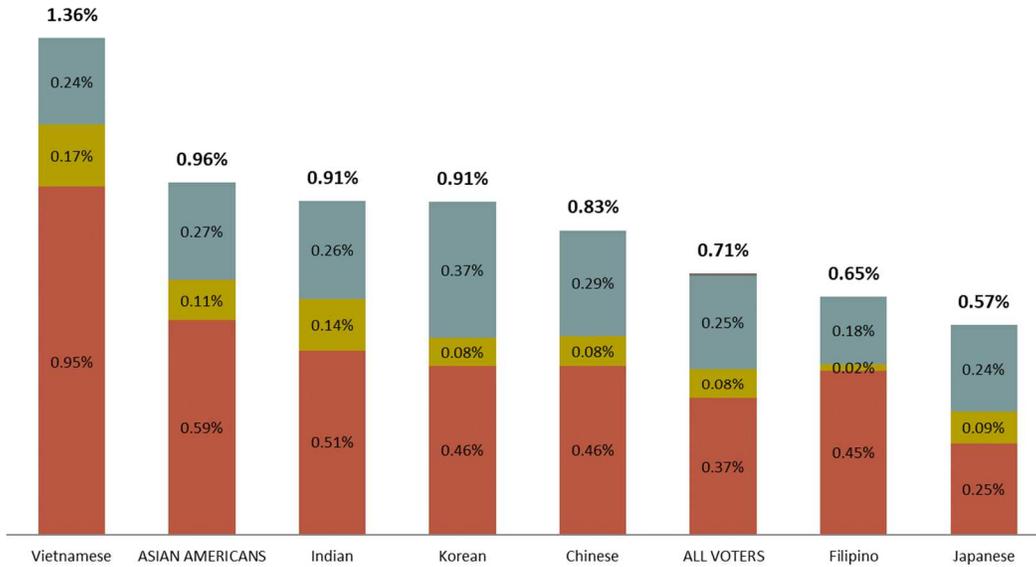
³¹ Santa Clara County Voter File (April 3, 2017), Santa Clara County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

³² Ibid.

VBM ballot rejection rates and reasons for rejection

by ethnic group, race, and all voters, Santa Clara County, November 2016

■ signature mismatch ■ no signature ■ late ■ deceased ■ other

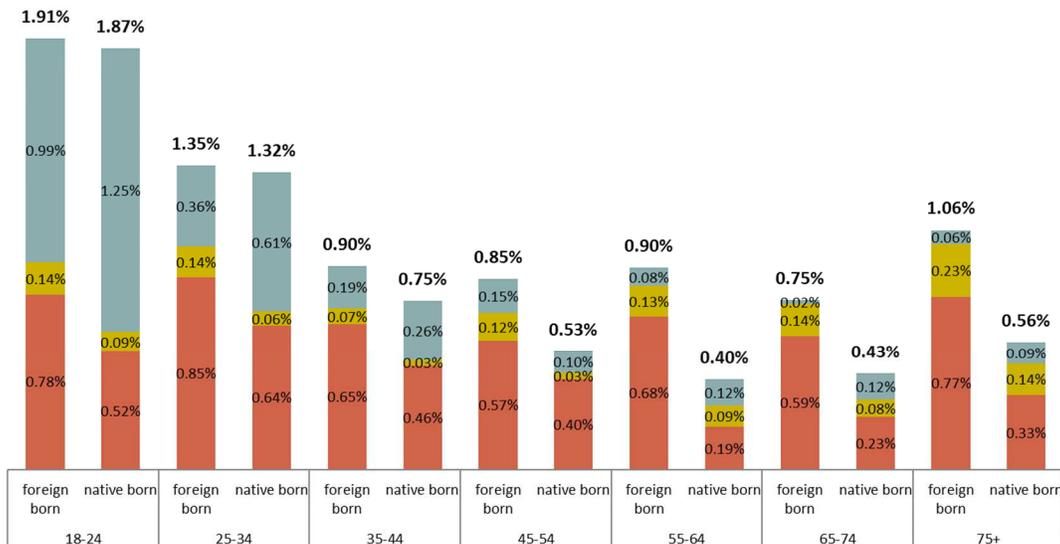


Source: Santa Clara County voter file (April 3, 2017), Santa Clara County Registrar of Voters and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar. Percentages for "other" are not labeled.

Asian American VBM ballot rejection rates and reasons for rejection

by age and nativity, Santa Clara County, November 2016

■ signature mismatch ■ no signature ■ late



Source: Santa Clara County voter file (April 3, 2017), Santa Clara County Registrar of Voters and Asian Americans Advancing Justice - Los Angeles. The total rejection rate is labeled at the top of the bar.

Los Angeles County

About 47% of Asian American voters in Los Angeles County (over 130,000) cast their vote using a vote-by-mail ballot in the November 2016 election.³³ Asian American VBM ballots made up a slightly higher proportion of all rejected VBM ballots than VBM ballots cast countywide (15% compared with 13%).³⁴ The VBM rejection rate for Asian Americans was 12% higher than average (1.19% compared to 1.06%).³⁵ Among the largest Asian American ethnic groups, Korean, Vietnamese, Cambodian, Indian, and Chinese American voters had higher-than-average VBM ballot rejection rates.³⁶ The VBM ballot rejection rate for Korean Americans was 41% higher than the countywide average (1.49% compared to 1.06%). Rejection rates among foreign-born Asian American VBM voters were higher than their native-born counterparts across almost all age groups, with younger voters facing the highest rejection rates.

Among Asian Americans, ballots from younger VBM voters (18 to 24 and 25 to 34 year olds) made up a larger share of those rejected, compared with share of younger Asian American voters who voted in November 2016.³⁷ For example, voters aged 25 to 34 years old made up 16% of Asian American voters in November 2016 but made up 22% of all Asian American VBM rejected ballots.³⁸

Just over half (51%) of rejected Asian American VBM ballots had a non-matching signature (0.60% of submitted Asian American VBM ballots), a rate slightly higher than average (47% or 0.50% of submitted VBM ballots). Over one-quarter (26%) of rejected Asian American VBM ballots were submitted late (0.32% of submitted Asian American ballots) and 22% of rejected Asian American VBM ballots did not have a signature (0.26% of submitted Asian American ballots).³⁹

³³ California Voter File (January 25, 2017), California Secretary of State's Office and Asian Americans Advancing Justice – Los Angeles.

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³⁵ Los Angeles County Vote-by-Mail File (May 18, 2017), Los Angeles County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

³⁶ Los Angeles County Vote-by-Mail File (May 18, 2017), Los Angeles County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

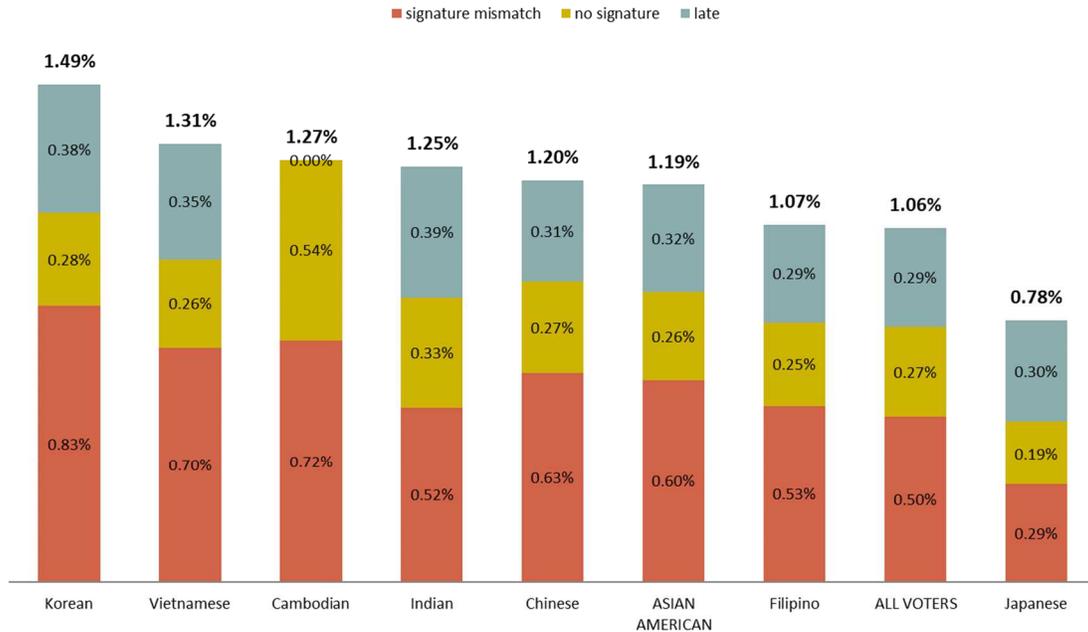
³⁷ California Voter File (January 25, 2017), California Secretary of State's Office; Los Angeles County Vote-by-Mail File (May 18, 2017), Los Angeles County Registrar of Voters; and Asian Americans Advancing Justice – Los Angeles.

³⁸ Ibid.

³⁹ Los Angeles County Vote-by-Mail File (May 18, 2017), Los Angeles County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles.

VBM rejection rates and reasons for rejection

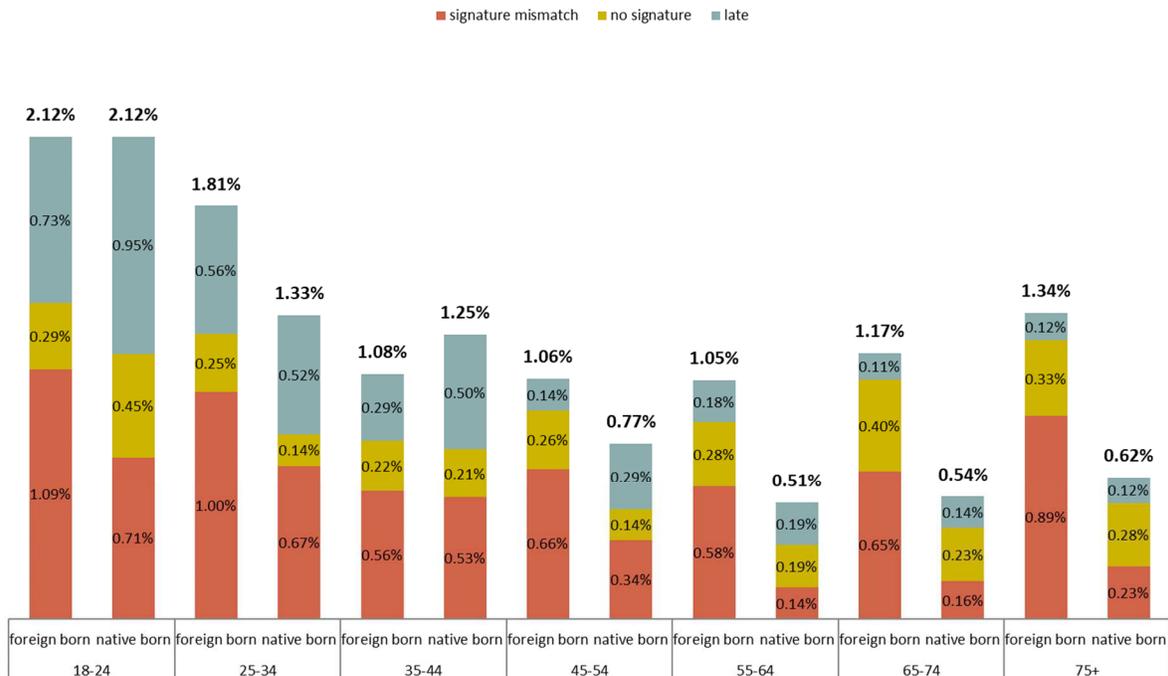
by ethnic group, race, and all voters, Los Angeles County, November 2016



Source: Los Angeles County vote-by-mail File (May 18, 2017), Los Angeles County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles. The total rejection rate is labeled at the top of the bar.

Asian American VBM ballot rejection rates and reasons for rejection

by age and nativity, Los Angeles County, November 2016



Source: Los Angeles County vote-by-mail File (May 18, 2017), Los Angeles County Registrar of Voters and Asian Americans Advancing Justice – Los Angeles. The total rejection rate is labeled at the top of the bar.

Summary

Asian American voters use VBM ballots at a higher rate than average and also experience a higher-than-average rejection rate. Two-thirds of Asian Americans used VBM ballots in the November 2016 general election, compared to 58% of all voters. Among the targeted counties in this study, Asian American VBM voters were more likely than average VBM voters to have their ballots rejected. Asian American VBM voters in Los Angeles County had the highest VBM ballot rejection rate among the targeted counties included in this study, followed by San Francisco, and Santa Clara counties. Korean, Cambodian, Chinese, Indian, and Vietnamese American VBM voters had above-average VBM ballot rejection rates. In Santa Clara County, the VBM ballot rejection rate among Vietnamese Americans was 92% higher than the countywide average.

Similar to a 2014 University of California, Davis' Center for Community Change study, younger VBM voters experienced the highest rejection rates. However, when examining data by age and nativity, this study found that immigrant Asian American VBM voters, who are more likely to require translated voting materials, faced consistently higher rejection rates than their native-born counterparts in all age groups. For example, Asian American foreign-born VBM voters aged 18 to 24 in San Francisco had a VBM ballot rejection rate 31% higher than their native-born counterparts and a rate three and a half times that of the average VBM voter in the targeted counties (3.13% compared to 2.39% and 0.89%). In addition, though rejection rates tend to decrease among older voters across the targeted counties, Asian American foreign-born VBM voters who were 75 years or older had a slightly higher VBM ballot rejection rate than those 35 to 74 years old.

Submitting a ballot with a signature that did not match registration history ("signature mismatch") was the most common reason for VBM ballot rejection among all voters but was disproportionately high among Asian American VBM voters. Though many VBM ballot rejections could be attributed to lateness among younger voters, having a non-matching signature was a major reason for ballot rejection across most age groups. Immigrant Asian American VBM voters were more likely to experience ballot rejection for a signature mismatch than their native-born counterparts across all age groups.

Policy Recommendations

California recently implemented reforms to address two of the major reasons for rejection – lateness and lack of signature.⁴⁰ Beginning in 2015, Elections Code Section 3020 allows a voter to mail a VBM ballot up to Election Day so long as the election official receives it within three days after the election. The prior deadline required the ballot to be received by Election Day. Beginning in 2016, Election Code Section 3019 requires election officials to contact voters whose ballots are rejected for lack of signature in order to provide voters with the opportunity to sign an "unsigned ballot statement."

⁴⁰Prior to the reforms, a study of three counties found that late ballots comprised 61% of uncounted ballots and ballots lacking a signature made up 20% of uncounted ballots. The California Voter Foundation, "Improving California's Vote-by-Mail Process: a Three-County Study" (August 2014).

While these two reforms go far in addressing the VBM rejection rate, more can be done. To ensure that the intended votes of citizens are counted, we offer the following recommendations:

- As noted above, a voter is now given the opportunity to submit a missing signature.⁴¹ However, there is no comparable requirement for signature mismatch, the top reason for rejection among Asian American voters. Legislation should be adopted to require notice of a mismatch and the opportunity to cure. In Colorado, where the entire state uses the Voter's Choice model, voters are provided this notice and allowed to verify who they are.⁴²
- Election officials should conduct robust outreach and education, including information on how to complete the VBM envelope.⁴³ Given the higher rate of rejection among younger voters, the education must include social media. Given the higher rate of rejection among immigrant voters, the use of ethnic media is crucial.
- A current assembly bill, AB 216 (Gonzalez Fletcher), should be passed and implemented. This bill would require paid postage for VBM ballots. It includes reimbursement of costs to election officials should the provision be determined to be a mandate.
- Legislators should investigate a VBM process that has an alternative to the current signature requirement.
- Given that a person's signature can change over time (or may not look like the signature captured through an electronic pad at the Department of Motor Vehicles), election officials should follow up with a letter asking the voter for a new official signature where signature mismatch occurs.
- California Elections Code Sections 3017 requires election officials to provide look-up tools which track and confirm receipt of VBM. Section 3019.5 requires the county election official to maintain a system by which voters can learn if their VBM ballots were counted and if not, the reasons their ballots were rejected. The California Secretary of State and all the local election officials studied in this brief have look-ups tools that comply with these provisions. Links to these look-up tools should be provided in all VBM instructions.
- Election officials should investigate how to make private the signature required on all VBM envelopes given the concern for identity theft.⁴⁴
- An accurate assessment of statewide VBM patterns allows policy makers to understand what problems need to be addressed. However, counties currently code ballot rejection reasons differently. In order to more easily make an accurate assessment of rejection patterns, local election officials should adopt uniform rejection codes.

⁴¹ Elections Code Section 3019

⁴² <http://ebenchmark.wm.edu/colorado/statutes/1-7-5-107-3-verification-of-signatures-rules/>

⁴³ Information should include notice of the requirement to use a signature that is similar to the voter's official signature (often times the signature on one's driver's license). For voters from countries that do not use our alphabet, in-language education should include a reminder that the voter's official signature is based on the Latin-based alphabet.

⁴⁴ For the 2012 elections, California Voter Foundation found that Santa Cruz County provided a privacy flap but that Sacramento County did not because a flap would require different processing equipment than it had. <http://www.calvoter.org/issues/votereng/votebymail/study/findings.html#h13> at p. 36.

Data Notes

Rejected VBM ballots were categorized by County Registrars of Voters as “challenged” and not counted due to a variety of reasons identified by each Registrar of Voters. County registrars of voters provided some limited guidance on how to identify and classify “rejected” or “challenged” ballots. Each county categorizes and codes reasons for ballot rejection differently, however across the targeted counties in this study, three major ballot rejection reasons were consistent: signature mismatch (did not match voter’s registration history), no signature, and late ballot arrival. These three major reasons were included in the reasons for VBM ballot rejection in this study. In some cases based on County Registrar of Voter guidance, additional rejection reasons were included in the analysis (categorized as “other”). In all counties except for Contra Costa County, “other” reasons for ballot rejection comprised 1% or lower of rejected ballots.

Data on ethnic groups with fewer than 1000 VBM ballots submitted in the November 2016 general election were not included in this brief.

About Asian Americans Advancing Justice-CA:

Asian Americans Advancing Justice-California is a joint project of Advancing Justice-Los Angeles and Advancing Justice-Asian Law Caucus in San Francisco.

Asian Americans Advancing Justice-Los Angeles (Advancing Justice-LA) is the nation’s largest legal and civil rights organization for Asian Americans, Native Hawaiians, and Pacific Islanders (NHPI). Through direct services, impact litigation, policy advocacy, leadership development, and capacity building, Advancing Justice-LA focuses on the most vulnerable members of Asian American and NHPI communities while also building a strong voice for civil rights and social justice.

Advancing Justice - ALC was founded in 1972 as the nation's first legal and civil rights Asian American organization. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, Advancing Justice - ALC is committed to the pursuit of equality and justice for all sectors of our society, with a specific focus directed toward addressing the needs of low-income, immigrant and underserved Asian Americans and Pacific Islanders.

Acknowledgements:

Advancing Justice-CA would like to thank the Contra Costa County Clerk/Recorder and Registrar of Voters and his staff; the Los Angeles County Registrar-Recorder/County Clerk and his staff, the San Francisco Director of Elections and his staff, and the Santa Clara County Registrar of Voters and her staff. This issue brief would not have been possible without the generous support of the James Irvine Foundation.

We would also like to thank Advancing Justice staff who contributed to this report, including Joanna Lee (coauthor and principle researcher), Deanna Kitamura (coauthor), Dan Ichinose, and Jonathan Stein.