



## **California and the Laws that Divide**

### **Part 2: More Primary Election Chaos**

Part 1 of this article series highlighted one major issue that led to an unacceptable level of chaos in the recent Presidential Primary election.

That issue was that the Motor Voter Law continues to generate “unintentional” changes of party affiliation for voters. The elements of the software that cause the difficulties for voters have been known and understood for years, and could have been resolved, but so far have not been.

But the Motor Voter Law is only the tip of the iceberg sinking California’s election integrity.

#### **The complicated Primary rules also contributed to the chaos.**

In California, the primary election for all offices is merged with the Presidential Primary, appearing to be one big election. **But it is not.**

**For every office except President**, all voters may vote for any candidate, irrespective of party. The top two vote getters move on to the General Election, again irrespective of party.

#### **This is what California voters have come to understand as the “rules” of a primary election.**

As a result, the **Presidential Primary** comes as a confusing complication because **it operates under entirely different rules, even though it appears to be** an integral part of the rest of the ballot.

**The state laws do not govern the Presidential Primary.**

**The “rules” are made by the participating political parties** with regard to whether their Primary is “closed” (only registered party members may vote) or “open” - and if so to whom.

- Voters registered as American Independent, Democrat, Green, Libertarian, Peace and Freedom and Republican **may vote only for the presidential candidates of their party.**
- Voters registered as **No Party Preference** (NPP) will have no presidential candidates on their ballot.

- NPP voters have the right to “cross over” and vote for either the **American Independent, Democrat or Libertarian** party candidates by requesting a cross-over ballot. That is because those three parties have written that exception into their rules.
- **ALL California voters may vote with the party of their choice by re-registering**, which may be done up to and including at the moment of voting at the polls.

This may all sound reasonable, **but what is on paper** (laws, regulations, policies) **has NO way of becoming general public knowledge.**

**It is all far too complicated, and laws, etc. change and shift so quickly and often, it is impossible to keep up.**

### **More chaos may be attributed to failures of the Registrars of Voters (ROV)**

- The ROV has a responsibility to train election workers effectively and see that laws, policies and procedures are faithfully followed.
- Each office receives generous federal funding earmarked specifically for poll worker training. Much of the money appears to be poorly and ineffectively spent.
- Voters upset because of the issues discussed so far had many options for quick and painless resolution, but under-trained poll workers were not prepared to guide them through the process.

EIPCa documentation shows that ROV employees answering the phone when voters called in their concerns and questions were by-and-large **uninformed** and gave voters mis-information more often than not.

Even in counties where poll workers were well-trained, the **elections office employees** were woefully ignorant.

EIPCa documentation also shows that poll workers in many counties were misinformed or untrained in proper resolution of these issues, which led to disenfranchised voters and many unnecessary provisional and conditional ballots.

**California laws allow for voters in e-pollbook counties** (at least 32 of the 58 counties and ALL of the most populous counties) to:

- Change their party affiliation or address at the moment of voting without a full re-registration.
- Register at the moment of voting if they attest to being eligible.
- Cast a non-provisional, same-day ballot at the polls without surrendering their vote by mail ballot.
- Use their vote by mail ballot, free of its return envelope, as a paper ballot at the polls.

### **California laws allow for voter in all other counties to:**

- Change their party affiliation or address at the moment of voting by filling out a simple re-registration form.
- Register at the moment of voting if they attest to being eligible.
- Cast a non-provisional, same-day ballot at the polls by surrendering their vote by mail ballot and envelope.

### **And yet, EIPCa documentation shows that often voters were:**

- “strongarmed” into submitting their mail-in ballot in the return envelope, thus denying them the right to vote in person.
- told they could not receive the ballot of their chosen party without voting provisionally (and not given a re-registration or cross-over opportunity).
- told their qualified county failed to implement the AB 626 mandate to allow voters to use their mail-in ballot as a “naked” paper ballot.

### **The passage of SB 626 gave a segment of California’s voting populous a sense of hope.**

- Those citizens with a reasonable skepticism of the vote by mail system elect to vote in person. However, **many counties now use Ballot Marking Devices** so voters can no longer receive a blank paper ballot to mark for themselves.
- Many voters have justifiable distrust of the “machines” and are left with nowhere to turn. **This situation acts as a form of voter suppression.** Voters deserve and must have an election system in which they can have faith.
- AB 626 promised voters the blank paper ballot they desire, allowing them to vote without machine intervention.
- When eligible counties such as Orange, Los Angeles and Kern failed to implement the law, their voters experienced further disappointment and lack of faith.

### **California’s election process is a mess, and voters are suffering as a result. Each successive law that passes simply further confuses the process.**

Please join us for the rest of the articles in this series, “California and the Laws that Divide,” as we explore the fallout from more of the allegedly unconstitutional laws being challenged by EIPCa.

And please join in [supporting](#) that challenge by remembering EIPCa with your generous gifts as the lawsuit progresses.

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