



March 31, 2022

**VIA Online Portal to Author, Assembly Committee on Elections**

The Honorable Janet Nguyen  
California State Assembly  
1021 O St. Ste. 5330  
Sacramento, CA 95814

**RE: AB 1660 (Nguyen) – Elections: vote by mail ballots: notifications - OPPOSE**

Dear Assemblymember Nguyen:

**The League of Women Voters of California writes to respectfully oppose AB 1660,** your bill to require elections officials to inspect vote by mail ballot envelopes for signs of tampering. If any signs are found, the official would be required to notify the voter within seven business days. The voter could then choose to receive a new ballot or vote in person. Elections officials would be prohibited from processing a vote by mail ballot that shows signs of tampering.

AB 1660 is a solution in search of a problem. As the Brennan Center states in its analysis "[The False Narrative of Vote-by-Mail Fraud](#)"

Despite this dramatic increase in mail voting over time, fraud rates remain infinitesimally small. None of the five states that hold their elections primarily by mail has had any voter fraud scandals since making that change. As the *New York Times* editorial board [notes](#), "states that use vote-by-mail have encountered essentially zero fraud: Oregon, the pioneer in this area, has sent out more than 100 million mail-in ballots since 2000, and has documented only about a dozen cases of proven fraud." That's 0.00001 percent of all votes cast. An exhaustive investigative journalism [analysis](#) of all known voter fraud cases identified only 491 cases of absentee ballot fraud from 2000 to 2012. As election law professor Richard L. Hasen [notes](#), during that period "literally billions of votes were cast." While mail ballots are more susceptible to fraud than in-person voting, **it is still more likely for an American to be struck by lightning than to commit mail voting fraud.**

**AB 1660 is a particularly problematic scheme that, instead of protecting the integrity of elections, would result in significant disenfranchisement of California voters.** As a threshold matter, the bill does not define “tampering” and it is not uncommon for ballot envelopes to bear normal signs of wear and tear from the mailing process. Sometimes voters need to unseal their envelope and then reseal it with tape or glue – would that constitute “tampering?” USPS mail sorting equipment sometimes marks or damages envelopes in ways that do not impact the condition of the ballot itself – would that constitute “tampering?” Furthermore, without a definition, each county would have to use their own discretion to identify tampered ballots – a recipe for inconsistent application that would undermine public trust in elections.

The timeline included in the bill is problematic because it does not align the cure process with the process in place for handling missing or mismatched signatures. It also leaves only seven days for elections officials to investigate a question of tampering and offers the voter no way to register that the condition of the envelope does not reflect tampering. Finally, tampering is already illegal under California law<sup>1</sup> and given the rarity of the problem’s occurrence, it is apparent that the current law is sufficient to mitigate against any potential issue.

**The League of Women Voters respectfully opposes AB 1660 (Nguyen) because there is no demonstrated need for the bill and the restrictions proposed create unnecessary impediments to voting, discourage civic participation, and promote meritless distrust in our election system. Prohibiting elections officials from processing ballots that show signs of vague and undefined “tampering” would cause valid votes to be rejected and is a draconian cure for a problem that has not been shown to exist.** Thank you for your consideration.

Sincerely,



Carol Moon Goldberg  
President

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<sup>1</sup> “A person in charge of a vote by mail ballot and who knowingly and willingly engages in criminal acts related to that ballot... including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the appropriate punishment specified in that division” (Elections Code sec. 3017(e)(3)(a)).