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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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March 20, 2010

Assembly Member Anna Caballero
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0028

Dear Assembly Member Caballero:

The California Association of Clerks and Election Officials, Elections Legislative Committee has reviewed **AB 419** (as amended January 14, 2010). We would like to offer some suggestions for amendment in order to address some logistical issues for election officials both in existing law, and in connection with the proposal.

- ✓ In SECTION 1. Government Code Section 57000.(e) language in existing law requires that "the board or council shall do all of the following:
 - (A) Call, provide for, and give notice of a special election or elections upon that question.
 - (B) Fix a date of election.
 - (C) Designate precincts and polling places.
 - (D) Take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and the canvass of returns of the election, as determined by the commission."

However, Boards of Supervisors and City Councils have not been involved in the designation of precinct and polling places, giving notice or providing for the conduct and canvass of returns of elections for many years. It is suggested that the section be amended to provide that the Board or Council

"(A) Call, provide for, and give notice of a special election or elections upon that question.

(B) Fix a date of election.

(C) Direct the elections official to designate precincts and polling places and to (D) Take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and the canvass of returns of the election, as determined by the commission."
- ✓ In SECTION 1. Government Code Section 57000.(2) proposed language states:

"If, within 45 days of receipt of the notification, the board of supervisors or the city council fails to direct the elections official to conduct the election pursuant to paragraph (1), the elections official shall place the item on the ballot for the next regular election."

If the board of supervisors or the city council fails to direct the elections official to conduct the election, the elections official will not be aware of the need for an election without some notification. Further, the language "the next regular election" is no longer used, as it is open to interpretation as to whether it is the next regularly scheduled language for the jurisdiction (which may be as long as 2 years in the future), the next statewide election, etc. Another issue is the length of time prior to the election by which it must be called. If the election could require candidates to be elected, which my cursory reading of the related sections tends to support, roughly 130 days of lead time is required in order to provide for a nominating period. For an election on a measure only, with no candidates, 88 days are sufficient. And both dates assume that the elections official has been provided with the boundaries of the area in advance, in order that voters may be assigned to the proposed jurisdiction. It is suggested that the section be amended as follows: "If,

within 45 days of receipt of the notification, the board of supervisors or the city council fails to direct the elections official to conduct the election pursuant to paragraph (1), *the commission shall notify the elections official, who shall place the item on the ballot for at the next regular established election date occurring at least (88/130?) days after the date of the notification to the elections official.*"

- ✓ In SEC. 2. Government Code Section 57132 existing and proposed language states:
"The election on the question of the change of organization or reorganization shall be called *pursuant to Section 57000* and held on the next regular election date occurring at least 88 days after the date upon which the resolution calling the election was adopted. This section does not apply to any election conducted solely by mailed ballot pursuant to Chapter 1 (commencing with Section 4000) of Division 4 of the Elections Code."
Again, this section repeats obsolete language and does not take into account the possibility of a nominating period (which I do not absolutely know to be necessary). Because the language specifically exempts elections conducted entirely by mail, it would be assumed that the lead time is not necessary for such elections, which is not accurate. It is suggested that the section be amended as follows: "The election on the question of the change of organization or reorganization shall be called *pursuant to Section 57000* and held on the next regular established election date pursuant to Section 1000 of the Elections Code, in the case of a polling place election, or Section 1500 of the Elections Code in the case of an election conducted solely by mailed ballot pursuant to Chapter 1 (commencing with Section 4000) of Division 4 of the Elections Code, either of which is occurring at least 88 (130?) days after the date upon which the resolution calling the election was adopted. ~~This section does not apply to any election conducted solely by mailed ballot pursuant to Chapter 1 (commencing with Section 4000) of Division 4 of the Elections Code.~~"
- ✓ In SEC. 2. Government Code Section 57132 existing and proposed language states:
"Notwithstanding Section 57132, the election on the question of a special reorganization shall be called *pursuant to Section 57000* and held at the next regular primary or general election occurring in an even-numbered year at least 88 days after the date on which the resolution calling the election was adopted."
Again, in the event that there are to be candidates on the ballot, it would be necessary to have approximately 130 days lead time to provide for a nomination period of 113 to 88 days prior to the election. It is suggested the section be amended to provide the necessary time. "Notwithstanding Section 57132, the election on the question of a special reorganization shall be called *pursuant to Section 57000* and held at the next regular primary or general election occurring in an even-numbered year at least 88 (130?) days after the date on which the resolution calling the election was adopted."

Due to these issues, we are not prepared to adopt a position on the proposal at this time. We would be happy to work with you or your staff to develop mutually agreeable language to address the issues identified. If you have any questions or concerns please feel free to contact me at the Sonoma County Clerk-Recorder-Assessor's Office at 707-565-1876.

Very truly yours,



Janice Atkinson
Correspondence Secretary
California Association of Clerks
and Election Officials

- c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting
Senator Loni Hancock, Chair, Senate Committee on Elections, Reapportionment and Constitutional Amendments
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
Barry Brokaw, Sacramento Advocates