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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

GAIL L. PELLERIN, PRESIDENT

Santa Cruz County Clerk
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* non-voting member

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DEBORAH SEILER
San Diego County

September 14, 2010

The Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95814

By Facsimile Transmission: 916-558-3160

Dear Governor Schwarzenegger:

I am writing on behalf of the California Association of Clerks and Election Officials, to express the Committee's grave **concerns** in regard to **SB 1404** authored by Senator Pavley.

This legislation stems from a situation that occurred in a single California county, which was caused by a breakdown in internal communication, not by a vendor's deliberate withholding of a known defect. California's Election Officials count on election system vendors to provide quality ballot county and election management systems. Our relationship with vendors must be open and cooperative, rather than adversarial and punitive. Vendors know that their reputations are on the line each and every election.

Election system vendors are already required to pay hundreds of thousands of dollars to have their systems tested and certified. If the testing facility or the state does not do a thorough job of testing the equipment, the counties become de facto testing labs through usage. Under SB 1404 there is zero tolerance for error.

At best, the financial risk imposed by SB 1404 will have a chilling effect on the development and marketing of voting systems. At worst, it will bring development to a standstill, by all but the largest providers who would be able to withstand such penalties. Development of systems has already been impacted by the negative climate in California. Vendors are hesitant to go forward with improvements or remedies to their systems in fear of triggering more expensive testing requirements and the possibility of unintentional issues leading to exorbitant fines.

If you, or your staff, 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: Senator Fran Pavley, Author, SB 1404
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, Elections Legislative Committee
Barry Brokaw, Sacramento Advocates