

SALUD CARBAJAL

First District

JANET WOLF

Second District, Chair

DOREEN FARR

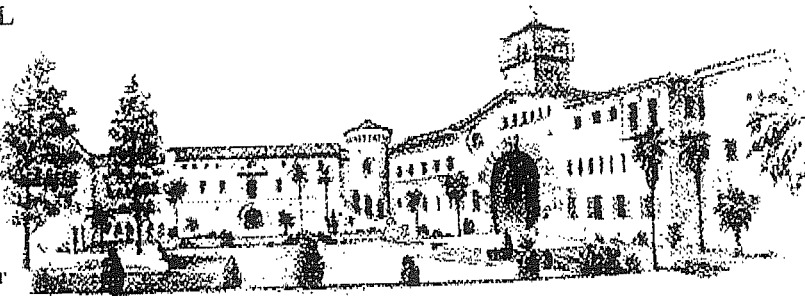
Third District

JONI GRAY

Fourth District, Vice Chair

JOSEPH CENTENO

Fifth District

**BOARD OF SUPERVISORS**

County Administration Building

105 East Anapamu Street

Santa Barbara, CA 93101

Telephone: (805) 568-2190

www.countyofsb.org

COUNTY OF SANTA BARBARA

May 10, 2010

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

Re: Special Election to fill Senate District 15 Seat

Dear Governor Schwarzenegger:

On behalf of the Santa Barbara County Board of Supervisors, I respectfully request your consideration of the five counties, including Santa Barbara County, who will now face the costs of providing two more special elections to fill the Senate seat vacated by Lieutenant Governor Abel Maldonado.

As you are well aware, counties are already struggling to balance budgets in a recessionary economy with rapidly rising expenditure demands amidst decreasing revenues. Indeed, counties across the state have yet to be reimbursed for the May 19, 2009 special election, which cost Santa Barbara County over \$1.4 million and was expended in the face of unprecedented local budget cuts. Now, as the budget picture remains bleak, counties are once again asked to expend General Fund dollars without reimbursement to fund two more special elections; one June 22 and the other August 17, 2010. The cost of holding just one new special election would cost the County of Santa Barbara over \$530 thousand dollars.

The County of Santa Barbara is very concerned about the added burden this will place upon the Office of the County Clerk-Recorder's staff. Currently, it is already a challenge to conduct the June and November elections and holding two additional stand-alone elections would only add more onerous timing and administrative challenges. In addition, voters would have to go to the polls an additional two more times before November. This creates an unnecessary demand on our citizens and would certainly diminish voter turnout.

In addition, the County supports 1769, which would require the state to reimburse the County for expenses incurred in conducting the special election. Finally, the County also supports SB 994 and SB 1102, which both provide fiscal relief for counties in future elections. For these reasons, we implore you to consider the financial and operational impact that the special elections will have on the counties involved, and consider holding a consolidated Special General Election with the General Election in November. However, in the event that this is not done we request full reimbursement for all costs associated with the election.

Sincerely,

Janet Wolf, Chair
 Santa Barbara County Board of Supervisors

cc: Members, Santa Barbara County Board of Supervisors
 Joseph Holland, Clerk-Recorder-Assessor
 Lieutenant Governor Abel Maldonado
 Senator Darrell Steinberg
 Senator Tony Strickland

Assemblymember Pedro Nava
 Assemblymember Sam Blakeslee
 Monica Miller, Governmental Advocates, Inc.



May 14, 2010

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

Dear Governor Schwarzenegger:

On behalf of the Boards of Supervisors of the Counties of Monterey, San Luis Obispo, Santa Barbara, Santa Clara, and Santa Cruz, we write to urge you to reconsider your proclamation calling for a special election to fill the vacancy in Senate District 15. If the two special elections are conducted, our counties will incur significant and unanticipated costs and be presented with operational challenges. The timing of the special election will result in the disenfranchisement of military and overseas voters. Finally, those voters who will be asked to participate in four elections in six months may be confused, which may cause fewer people to cast their votes. The consolidation of the special election with the November general election would alleviate many of our concerns and reduce our counties' costs.

Collectively, it will cost our counties \$6 million to conduct two special elections. None of our counties anticipated this expense nor are we in any financial position to absorb these costs. Counties, like the State, are facing continued budget deficits. We simply do not have discretionary funds or financial reserves to pay these unexpected expenses.

We are also concerned about the operational challenges that our respective elections staff will face to conduct these elections, particularly in light of the upcoming June primary and the compressed timeline for the special election. It will be extremely difficult to secure enough polling places and sufficient poll workers for the proposed primary election on June 22, which is only two weeks after the June 8 statewide primary.

The date of the special election does not provide enough time for our elections officials to comply with requirements to send ballots to military and overseas voters, possibly disenfranchising these voters. The minimum time for mailing ballots to these voters is 45 days, but the period for announcing candidacy will close 43 days before the election.

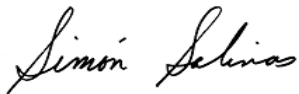
Simply stated, the ballots will not be completed in time to mail them to military and overseas voters to provide for their full participation in this election.

We also believe that the schedule for the special election will create confusion among voters, which may reduce voter participation in each of the upcoming four elections. For example, it is likely that some permanent mail-in voters in our counties will receive special election primary ballots in the mail before they have filled out their ballots for the June 8 statewide primary.

Although we understand your interest in filling the Senate vacancy as soon as possible, the special elections that you have called will cost our counties significant money, strain our ability to hold efficient and accurate elections, and create confusion among voters. These are serious concerns that could be addressed with the consolidation of the Senate District 15 special election with the November general election.

We strongly urge you to reconsider your proclamation and consolidate the vacancy election with the regularly scheduled elections.

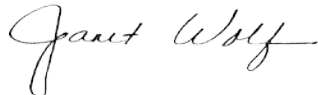
Sincerely,



Simón Salinas
Chair, Board of Supervisors
County of Monterey



Frank R. Mecham
Chair, Board of Supervisors
County of San Luis Obispo



Janet Wolf
Chair, Board of Supervisors
County of Santa Barbara



Ken Yeager
President, Board of Supervisors
County of Santa Clara



Tony Campos
Chairperson, Board of Supervisors
County of Santa Cruz



April 28, 2010

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Sacramento
California
95814

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

Telephone
916.327-7500

Facsimile
916.441.5507

Re: **Special Election for Senate District 15**

Dear Governor Schwarzenegger:

On behalf of the California State Association of Counties (CSAC), and particularly the Counties of Monterey, San Luis Obispo, Santa Barbara, Santa Clara, and Santa Cruz, I write to urge you to reconsider your proclamation calling for a special election to fill the vacancy in Senate District 15. These additional elections in these five counties pose extraordinary challenges, many which cannot be overcome – not the least of which is the significant associated costs of conducting four elections in six months, estimated at \$6.5 million for the five counties involved. Consolidation of the special election with the November general election would alleviate many of these concerns and save counties money.

Significant and unanticipated costs. As you are aware, counties are responsible for conducting all vacancy elections, in addition to regularly scheduled elections. While the state at one time provided reimbursement for costs associated with vacancy elections, the authorizing statute sunset in 2008. The additional costs of this new election are considerable and unanticipated – an estimated \$3.5 million beyond the costs of a consolidated election. These five counties are not in any financial position to absorb these costs; there are no discretionary funds or financial reserves for counties to pay for the costs upfront with the hope that the state will reimburse at some future date.

Lack of available polling places. Senate District 15 includes Monterey County, one of the California counties that is subject to Section 5 of the federal Voting Rights Act. Under these provisions, Monterey County is subject to special review and must notify the Department of Justice of any changes to the way their elections are run 60 days before an election for approval. One of the most difficult components of such a review process is the placement of polls. The primary election for Senate District 15 will take place only two weeks after the regularly scheduled June primary. Monterey County staff have already contacted several polling places that refuse to host another election so soon. Therefore, polling places must move. Since there are fewer than 60 days between now and the election, it is impossible for Monterey County to comply with the Voting Rights Act, potentially subjecting the County to legal liability.

Insufficient staff and poll workers. Four of the five counties have less than 200,000 voters and do not have large staffs. There are not enough trained experienced staff to conduct two elections of this size in one month. Staffing polling places with poll workers will be exceptionally difficult, as it is already a challenge to staff polling places during the summer months. We do not believe that counties can recruit and train a sufficient number of poll workers in the time provided.

Lack of secure storage of voting materials. Counties are experiencing difficulties securing sufficient warehouse space to prepare, deploy, receive back, and audit voting equipment and polling place supplies for two elections in one month. Lack of space to prepare and audit voting machines violates voting system use conditions established by the Secretary of State.

Voting equipment limitations. In some counties, there are not enough voting machines to be deployed within two weeks of each other, or to be used centrally to tabulate vote-by-mail ballots. Monterey County does not own precinct tabulators and must count 100 percent of the ballots on three central count machines. Since one will have to be secured for the June 22nd election, the County will be one machine short for the June 8th election, delaying the release of election results. Further, if one machine fails, the County will not have a spare machine to be able to continue to tabulate ballots and release election results as required by law.

In addition, voting machines require logic and accuracy testing that cannot be done for the June 22nd election while the same people are involved in conducting the June 8th election. State law mandates that all equipment is tested no later than 7 days prior to use in an election. The time constraints are such that we cannot adequately comply with these requirements.

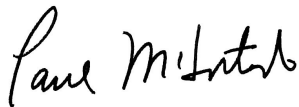
Military and overseas voters will be disenfranchised. All five counties will not be able to comply with requirements to send ballots to military and overseas voters, potentially disenfranchising these voters. For most elections, California law requires that ballots must be available to these voters no sooner than 60 days before, but the primary will be on June 22, only 56 days from your announcement of the special election. Representatives from the US Post Office report that the absolute minimum time for mailing ballots to military and other overseas voters is 45 days, but because the primary is so near, the period for announcing candidacy will close only 43 days before the election. California law also requires the Secretary of State, no later than the 39th day before the election, to comply with her responsibilities, after which the county registrar of voters can design the ballot, translate the voting materials, have the ballot printed, and mail it. It has been suggested that the counties mail generic write-in ballots to these voters, but write-in ballots require a list of names that may be

written in. Also, this would constitute a change under the Voting Rights Act for with Monterey County would require "pre-clearance," as explained above.

We recognize your interest in filling the Senate vacancy as soon as is possible; however, we urge you to consider balancing that interest with the ability of counties to conduct a fair and open election. Our concerns are serious and real; the June 22nd election creates significant cost, liabilities, and potential voter disenfranchisement. These concerns could be addressed with consolidation of the Senate District 15 special election with the November general election.

Again, we urge you to consolidate the vacancy election with the regularly scheduled elections to ensure that counties can properly administer this important election with efficiency and accuracy. We are available to assist in connecting you with the appropriate county officials to answer any technical questions that you may have.

Sincerely,

A handwritten signature in black ink that reads "Paul McIntosh". The signature is written in a cursive, flowing style.

Paul McIntosh
Executive Director

cc: Susan Kennedy, Chief of Staff, Governor's Office
Bismarck Obando, External Affairs, Governor's Office
Ana Matosantos, Director, Department of Finance
The Honorable Debra Bowen, Secretary of State
Boards of Supervisors and Elections Officials, Counties of Monterey, San Luis Obispo, Santa Barbara, Santa Clara, and Santa Cruz