



GRAY DAVIS, GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

June 28, 2002

RECEIVED

JUN 28 2002

**COMMISSION ON
STATE MANDATES**

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of May 2, 2002, the Department of Finance has reviewed the test claim submitted by the County of Orange (claimant) asking the Commission on State Mandates to determine whether specified costs incurred under Chapter No. 898, Statutes of 2000, (SB 28, Peace) are reimbursable state mandated costs (Claim No. CSM-01-TC-13 "Modified Primary Election").

Commencing with page 2 of the test claim, the claimant has identified a number of new activities related to the State's modified primary law, which it asserts are reimbursable state mandates. While we agree that the test claim statute may have resulted in a State mandated program, we do not concur with all of the activities identified by the claimant. Although we understand the specific activities will be further addressed in the parameters and guidelines should the Commission approve the test claim, we note our concerns with the following activities identified by the claimants:

1. Planning meetings in order to obtain information from the Secretary of State as to which political parties allow voters who have not designated their political party to vote in primary elections.
 - This information is available by calling a toll free number at the Secretary of State's office. As such, a meeting is not necessary.
2. Meetings within the elections department in order to ascertain what activities are necessary to implement the legislation.
 - This is a one-time activity.
3. Development of new internal procedures to comply with the mandate legislation.
 - This should be completed in conjunction with activity number 2 as stated above and should be a one-time activity.
4. Redesign and republication of the sample ballot and absentee voter application.
 - Sample ballots must be redesigned and published each election to accommodate the different candidate names and various issues facing voters each election cycle. This does not appear to be a new program or higher level of service.
5. Redesign and implement election software.
 - This is a one-time activity.

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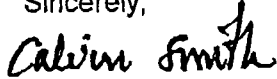
6. Additional trained poll workers.
 - The test claim legislation does not require an increase in the number of poll workers. This activity should be excluded from this test claim.
7. Additional staff to process the absent voter requests manually.
 - The test claim legislation does not increase the number of absent voters or require the absent voter requests to be processed differently than was already being done. Therefore, this activity should be excluded from this test claim.
8. Training, including training for trainers as well as new and existing staff.
 - Training should be limited to one-time per employee.
9. Update training program and manuals.
 - Costs associated with updating training and manuals should be one-time and should clearly identify only the incremental costs associated with the provisions of this test claim legislation.
10. Costs to put out a press release in order to inform the public of the changes.
 - There is no requirement in the test claim legislation to perform this task. Thus, it should be excluded from any reimbursement claim.
11. Staff time to answer an increase in the number of telephone calls and inquiries from voters and the media.
 - There is no justification for this activity and it should be excluded from this test claim.
12. Update the sample ballot and absentee voter education materials.
 - Since this information is updated each election regardless of this test claim legislation, this would not be a new program or higher level of service and should be excluded from this test claim.
13. Increase in the number of ballot types and the number of overall ballots.
 - While there may be a change to the ballot types depending on what kind of system each elections office uses, the test claim legislation does not require an increase in the number of ballots overall.
14. Increase in postage costs for mailing permanent and absentee voter information.
 - There is no justification for this activity and it should be excluded from this test claim.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your May 2, 2002 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

- 3 -

If you have any questions regarding this letter, please contact Tom Lutzenberger, Principal Program Budget Analyst and state mandates claims coordinator for the Department of Finance at (916) 916-445-8913.

Sincerely,



Calvin Smith
Program Budget Manager

Attachments

Attachment A

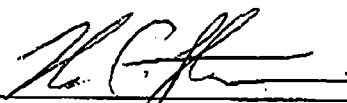
DECLARATION OF TOM LUTZENBERGER
DEPARTMENT OF FINANCE
CLAIM NO. CSM-01-TC-13

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.
2. We concur that the Chapter No. 898, Statutes of 2000, (SB 28, Peace) sections relevant to this claim are accurately quoted in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

6/28/02

On June 28, 2002, at Sacramento, CA



Tom Lutzenberger

PROOF OF SERVICE

Test Claim Name: Modified Primary Election
Test Claim Number: CSM-01-TC-13

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 8th Floor, Sacramento, CA 95814.

On June 28, 2002, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 8th Floor, for Interagency Mail Service, addressed as follows:

A-16
Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

B-8
State Controller's Office
Division of Accounting & Reporting
Attention: Glen Haas
3301 C Street, Room 500
Sacramento, CA 95816

B-29
Legislative Analyst's Office
Attention: Marianne O'Malley
925 L Street, Suite 1000
Sacramento, CA 95814

County of Orange
Roselyn Lever, Registrar of Voters
Hall of Administration
P.O. Box 11298
Santa Ana, CA 92711

Harmeet Barkschat
Mandated Resource Center
5325 Elkhorn Blvd., #307
Sacramento, CA 95842

Dr. Carol Berg
Education Mandated Cost Network
1121 L Street, Suite 1060
Sacramento, CA 95814

B-8
State Controller's Office
Division of Audits
300 Capitol Mall, Suite 518
Sacramento, CA 95814

Paul Minney
Spector, Middleton, Young & Minney, LLP
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Sacramento, CA 95825

John Mott-Smith
Chief, Elections Division
Secretary of State's Office
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Sacramento, CA 95814

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MAXIMUS
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Sacramento, CA 95814

David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd., Suite 121
Sacramento, CA 95826

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 28, 2002, at Sacramento, California.


Mary Latorre