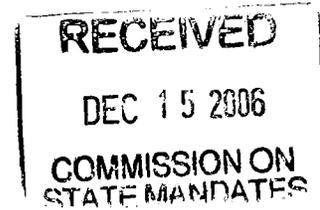


**RESPONSE TO COMMENTS BY DEPARTMENT OF FINANCE  
ON PROPOSED PARAMETERS AND GUIDELINES**

*Modified Primary Election*  
CSM-01-TC-13

By County of Sacramento



The Department of Finance requests that various activities be deleted. This in response to same.

The Department of Finance requests deletion of "Conducted meetings in order to obtain information from the Secretary of State as to which political parties allowed voters who have not designated their political party to vote in primary elections of given political parties." We object to same.

Elections Code, Section 13102, as found by the Commission, allows only those persons who have declined to state their party affiliation to vote in a partisan primary if the political party "by rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party." When the legislation was initially passed, it was unclear as to what political parties, if any, would allow decline to state voters to participate in their primary election. Meetings were necessary in order to obtain the information from the Secretary of State. Only if the Secretary of State received such a rule could persons vote in that party's primary. Neither the Counties nor the California Association of Clerks and Elections Officials (CACEO) are authorized to obtain this information directly from the political parties, as contended by the Department of Finance.

Although this activity did not take long, it was required in order to properly implement the test claim legislation.

The Department of Finance next claims that the following should not be reimbursable on a one-time basis: "Redesign and republish the sample ballot and the absentee ballot", on the basis that the activities are on-going for each election and any costs should be included in absentee ballot claim for those ballots. However, both the sample ballot and absentee ballot had to be redesigned on a one time basis by creating and adding material that addressed the fact that those individuals who had declined to state their party affiliation could request a ballot for those parties whose rules allow those who decline to state to vote in their primary. This activity is a new activity strictly for the implementation of this test claim legislation and was not previously required to be included in the sample ballot or absentee ballots. Accordingly, this activity should be allowed.

The Department of Finance also claims that the following activity should not be allowed: "Informed and trained poll workers regarding the voting options for the decline to state

voter”, on the basis that at each election most of the extra help employees have never worked an election previously. This does not obviate the fact that all poll workers must now be trained on the decline to state voter. Each poll worker is trained on all election duties for each election. Training on this issue is in addition to the existing training and is only included as a result of this test claim legislation. This request includes only that portion of the training dealing with the modified primary rules and the decline to state voter.

The Department of Finance has requested that the following activity be deleted: Hand process absentee voter requests”. The stated reason for such deletion is that same is already covered by an increase in absentee ballots in the absentee ballot claim. This is not what is being requested. Rather, those absentee voters who decline to state their party affiliation can vote in the party’s primary if the party so allows. This absentee voter can select a different party affiliation in different primaries. This activity relates to selecting the correct party for the decline to state voter and must be hand processed, as their primary party selection is not permanently “keyed in” to the computer for future elections. This activity is not related to the increase in absentee ballots to be voted, but recognizes that there is an additional activity to make sure that each decline to state voter who chooses to vote absentee in a primary has their computer record properly coded in order to receive the proper absentee ballot.

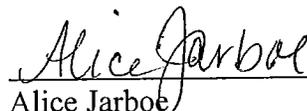
Finance also requests deletion of “Send to each voter a sample ballot containing the information regarding the options available to the ‘decline to state’ voters.” Voters who have declined to state their political party are required by this legislation to be given the opportunity to select which political party ballot to receive. This selection changes with each primary election, depending on which political parties opt to open their election for that particular primary. This information is in addition to the existing information required to be in the sample ballot and is solely there in response to this legislation, adding to the number of pages needed in each sample ballot. This legislation has increased the complexity of the booklet layout, as well as adding to printing and mailing costs.

Finance also requests that the training of poll workers in the decline to state voters must be deleted because poll workers change each year and is already part of the election process and not unique to the requirements of this test claim. However, what we are requesting is that portion of training which now must be given for each primary so that the poll workers know what to do with the decline to state voter. The decline to state voter is the most difficult voter to assist during the primary election due to this legislation. It has necessitated additional training on the subject of modified primary voting in order to eliminate any voter disenfranchisement due to confusion on the part of the poll worker. This is a necessary component of this test claim legislation and is clearly an on-going cost. Without this training, the poll workers will not be able to implement the intent of the modified primary.

The Department of Finance has requested that the activity of notification to each decline to state voter that they have the option to vote in a political party’s primary should be

moved from an ongoing activity to a one-time activity, and claims that the terminology can be satisfied by using the wording on the Secretary of State's statewide voter registration cards. The Department of Finance does not state that the political parties who opt into the modified primary changes for each primary election so a one-time notice will not be sufficient. Therefore, each decline to state voter must be sent a notice prior to each primary election informing them of their voting rights for that particular election. This was not a requirement prior to this legislation but is now a necessary in order to provide the decline to state voters their legal voting options.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 13<sup>th</sup> day of December, 2006 at Sacramento, California.

A handwritten signature in cursive script that reads "Alice Jarboe". The signature is written in black ink and is positioned above a horizontal line.

Alice Jarboe  
Assistant Registrar of Voters

**RESPONSE TO COMMENTS BY DEPARTMENT OF FINANCE  
ON PROPOSED PARAMETERS AND GUIDELINES**

*Modified Primary Election*  
CSM-01-TC-13

By County of Orange

The Department of Finance requests that various activities be deleted. This in response to same.

First of all, the Department of Finance requests deletion of “Conducted meetings in order to obtain information from the Secretary of State as to which political parties allowed voters who have not designated their political party to vote in primary elections of given political parties.” We object to same.

Elections Code, Section 13102, as found by the Commission, allows only those persons who have declined to state their party affiliation to vote in a partisan primary if the political party “by rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party.” When the legislation was initially passed, it was unclear as to what political parties, if any, would so allow. Meetings were necessary in order to obtain the information from the Secretary of State. Only if the Secretary of State received such a rule could persons vote in that party’s primary – requesting information from the political parties, as contended by the Department of Finance, would not satisfy the test claim legislation.

Although this activity did not take long, it was required by the test claim legislation.

The Department of Finance next claims that the following should not be reimbursable on a one-time basis: “Redesign and republish the sample ballot and the absentee ballot”, on the basis that the activities should be included in absentee ballot for those ballots. However, both the sample ballot and absentee ballot had to be redesigned on a one time basis to address the fact that those individuals who had declined to state their party affiliation could request a ballot for those parties whose rules allow those who decline to state to vote in their primary. This activity is not just for absentee ballots, which, to the best of my knowledge, does not allow for the redesign of the absentee ballot. Accordingly, this activity should be allowed.

The Department of Finance also claims that the following activity should not be allowed: “Informed and trained poll workers regarding the voting options for the decline to state voter”, on the basis that at each election most of the extra help employees have never worked an election previously. This does not obviate the fact that all poll workers must now be trained on the decline to state voter. Each poll worker should be allowed such training on a one-time basis. We are not requesting all training for each poll worker, just that portion of their training which pertains to the decline to state voter.

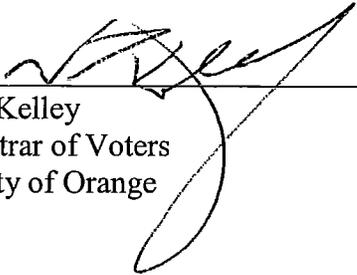
The Department of Finance has requested that the following activity be deleted: Hand process absentee voter requests". The stated reason for such deletion is that same is already covered by an increase in absentee ballots in the absentee ballot claim. This is not what is being requested. Rather, those absentee voters who decline to state their registration can vote in the primary if a party so allows. This absentee voter can vote in different parties in different primaries. This activity must be hand processed, as their party affiliation is not "keyed in" to the computer. This activity is not related to the increase in absentee ballots to be voted, but recognizes that there is an additional activity to make sure that each decline to state voter who chooses to vote absentee in a primary receives the proper ballot.

Finance also requests deletion of "Send to each voter a sample ballot containing the information regarding the options available to the 'decline to state' voters." Without this option during a primary, those voters who have declined to state their political party, when receiving a sample ballot, may have forgotten that they are eligible to vote in the primary in a political party' primary which so allows. This has nothing to do with the fact that the sample ballot changes in each election: it refers to sending the information to the decline to state voters when there are political primaries.

Finance also requests that the training of poll workers in the decline to state voters must be deleted because poll workers change each year and is already part of the election process and not unique to the requirements of this test claim. However, what we are requesting is that portion of training which now must be given for each primary so that the poll workers know what to do with the decline to state voter. This increases the time that training must be given for each primary election, and is a necessary component to reasonably conduct the election.

The Department of Finance has requested that the activity of notification to each decline to state voter that they have the option to vote in a political party's primary should be moved from an ongoing activity to a one-time activity, and claims that the terminology can be satisfied by using the verbage on the Secretary of State's statewide voter registration cards. What the Department of Finance does not note is that frequently voters do not remember from one primary to another that they have the ability to vote in a partisan primary election even if they have declined to state their political party affiliation. Without notification, the Registrar of Voters would be inundated with telephone calls and inquiries, which take up valuable time during an election season. The only way to streamline the process and enable the election to proceed smoothly is to notify the decline to state voters of their option to vote in a partisan party's primary.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed this 11th day of December, 2006 at Santa Ana, California.



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Neal Kelley  
Registrar of Voters  
County of Orange

PROOF OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento, and I am over the age of 18 years and not a party to the within action. My place of employment is 4320 Auburn Blvd., Suite 2000, Sacramento, CA 95841.

On December 15, 2006, I served Amended Proposed Parameters and Guidelines, *Modified Primary*, by placing a true copy thereof in an envelope addressed to each of the persons listed on the mailing list attached hereto, and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully prepaid.

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 this 15<sup>th</sup> day of December, 2006, at Sacramento, California.

A handwritten signature in cursive script, appearing to read "Mike Hank", written over a horizontal line.

Declarant

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