

## COMMISSION ON STATE MANDATES

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March 26, 2014

Mr. Tom Dyer  
Department of Finance  
915 L Street  
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Ms. Renee Bischoff  
Elections Division Manager  
County of Santa Barbara  
4440 Calle Real – A  
Santa Barbara, CA 93110

Mr. Lowell Finley  
Secretary of State's Office  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Notice of Postponement Approval and Request for Comment from Claimant and the Secretary of State on the Requirements Imposed by HAVA**  
*Post Election Manual Tally (PEMT), 10-TC-08*  
Former California Code of Regulations, Title 2, Sections 20120, 20121, 20122, 20123, 20124, 20125, 20126 and 20127; Register 2008, No.43  
County of Santa Barbara, Claimant

Dear Mr. Dyer, Ms. Bischoff, and Mr. Finley:

On March 25, 2014, the Commission on State Mandates (Commission) received Department of Finance (Finance) comments on the final staff analysis and proposed statement of decision as well as a request to postpone the March 28, 2014 hearing on the above-named matter.

In the letter, Finance requested that the Commission reconsider its proposed decision based on two points. First, Finance alleges that the subject regulations result in increased costs not a "new" or "higher level of service" because post-election manual tallies have "always existed." Second, Finance asserts that the Help America Vote Act (HAVA) does not mandate a mechanical or electronic voting system, but is rather an "access" statute that requires "individuals with disabilities, including the visually impaired, have the opportunity to vote independently and in private." Furthermore, Finance points to the Secretary of State's State Plan (2008) to support its argument regarding HAVA. Finance's comments can be viewed in their entirety on the Commission's website at <http://www.csm.ca.gov/pendingclaims/pemt.shtml>.

Accordingly, Commission staff requests comment specifically from the County of Santa Barbara and the Secretary of State regarding these two issues. These comments may be considered in the revised final staff analysis which will be issued approximately two weeks prior to the hearing of this matter.

Therefore, the request for postponement of hearing is approved for good cause, pursuant to section 1183.01 (c)(1)(B) and (2)(A) of the Commission's regulations. All comments are now due on or before **April 16, 2014**. This matter is now set for hearing on **May 30, 2014**, at 10:00 a.m. in Room 447 of the State Capitol, Sacramento, California.

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,

Handwritten signature of Heather Halsey in black ink.  
Heather Halsey  
Executive Director

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 26, 2014, I served the:

**Department of Finance Comments and Request Postponement of Hearing; and  
Notice of Postponement Approval and Request for Comment from Claimant and the  
Secretary of State on the Requirements Imposed by HAVA**

*Post Election Manual Tally (PEMT), 10-TC-08  
Former California Code of Regulations, Title 2, Sections 20120, 20121, 20122,  
20123, 20124, 20125, 20126 and 20127; Register 2008, No.43  
County of Santa Barbara, Claimant*

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 March 26, 2014 at Sacramento, California.



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Heidi J. Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 1/22/14

**Claim Number:** 10-TC-08

**Matter:** Post Election Manual Tally (PEMT)

**Claimant:** County of Santa Barbara

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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