



County of Sacramento

RECEIVED
January 21, 2014
**Commission on
State Mandates**

January 2, 2014

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

Dear Ms. Halsey:

RE: Claimant's Challenge to Rejection of Test Claim Amendment
Top Two Candidates Open Primary Act (12-TC-02)

Dear Ms. Halsey,

The County of Sacramento respectfully challenges the decision of the Executive Director to reject the proposed test claim amendment submitted on October 28, 2013, for reasons explained below.

The Executive Director rejected the proposed amendment 'because the amendment newly identifies specific sections of statutes not pled in the initial test claim filing, and the statute of limitations has passed...' However, Claimant is allowed to amend a test claim filing under Government Code 17557 (e), which states 'A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. The claimant may thereafter amend the test claim at any time, but before the test claim is set for a hearing, without affecting the original filing date as long as the amendment substantially relates to the original test claim.'

The proposed amendments submitted on October 28, 2013 substantially relate to the original test claim and were submitted prior to the test claim being set for hearing. Further, the code allows for amendments to be submitted '*at any time....without affecting the original filing date*'. Therefore, the statute of limitations does not apply.

It is for these reasons that I ask the rejection of the proposed test claim amendment be reversed and the amendment be accepted in its entirety.

We proudly conduct elections with accuracy, integrity and dignity

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please feel free to contact me directly at (916) 875-6255.

Sincerely,

A handwritten signature in blue ink that reads "Alice Jarboe". The signature is written in a cursive, flowing style.

Alice Jarboe. Claimant Representative
Assistant Registrar of Voters
Sacramento County

cc: Julie Valverde, Sacramento County Auditor/Controller

DECLARATION OF SERVICE BY EMAIL

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 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 28, 2014, I served the:

Claimant Comments

Top Two Candidates Open Primary Act, 12-TC-02

Statutes 2009, Chapter 2 (SCA 4); Statutes 2009, Chapter 1 (SB 6);

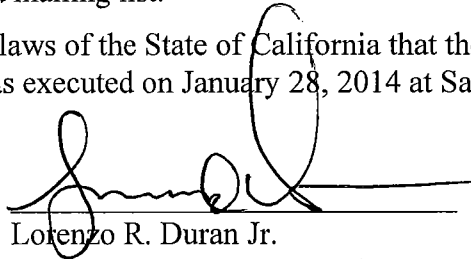
Statutes 2012, Chapter 3 (AB 1413)

Secretary of State's CC/ROV Memorandums #11005, #11125, #11126, and #12059

County of Sacramento, 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 January 28, 2014 at Sacramento, California.



Lorenzo R. Duran Jr.

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/16/14

Claim Number: 12-TC-02

Matter: Top Two Candidates Open Primary Act

Claimant: County of Sacramento

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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