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**Commission on
State Mandates**

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April 2, 2021

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

Response to Test Claim 20-TC-02, Extended Conditional Voter Registration

Dear Ms. Halsey:

The Department of Finance has reviewed Test Claim 20-TC-02 submitted to the Commission on State Mandates (Commission) by the County of San Diego (Claimant). The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 565, Statutes of 2019 (SB 72).

SB 72 amended Elections Code section 2170 to require conditional voter registration (CVR) and provisional voting to be available at all permanent and satellite offices and all polling places within a county. The statute also specifies the procedure that must be followed by a county elections official after receiving a conditional voter registration. Prior to SB 72, CVR only had to be available at all permanent offices of the county elections official.

As a result of SB 72 compliance, the Claimant is seeking reimbursement for costs incurred by San Diego County's Registrar of Voters (Registrar). The Claimant reports a cost of \$488,423 for fiscal year 2019-20 and estimates it will incur a cost of \$251,508 in 2020-21 to comply with SB 72. The Claimant alleges that costs were incurred and will be incurred for the March 2020 election, the November 2020 election, and special elections in April and June 2021. Some of these costs were offset by reimbursements from other counties and federal funding received from the Help America Vote Act of 2002 (HAVA). The Claimant anticipates additional HAVA funding will offset 2020-21 costs; however, the amount is unknown and has not been factored in as an offset to the estimate.

Training and Supply Costs

The Claimant alleges the Registrar incurred costs to update their training handbook and train poll workers on the CVR process. As a direct result of SB 72, the Claimant alleges the Registrar's office was required to purchase new conditional voter registration envelopes for both polling and satellite locations, so that provisional ballots could be segregated at the polling places and satellite offices. The total costs for these activities are \$96,066 in 2019-20 and \$51,793 in 2020-21.

Staffing, Equipment, and Satellite Office Costs

This claim includes several costs for activities that are not mandated by the amended statute. The Claimant alleges it incurred costs for staffing, equipment, and satellite offices. However, Elections Code section 2170 does not require local agencies to perform these activities.

The Claimant alleges the Registrar was required to recruit and hire additional temporary staff and poll workers to handle the increase in voters due to the new availability of CVR in all locations and the resulting increase in provisional ballots. The Registrar used automated processing equipment to process and sort ballots as the number of ballots increased. Additionally, the Claimant alleges it was reasonably necessary for the Registrar to create four satellite locations to decrease the potential of long lines and wait times. None of these activities are required by the statute, and the Registrar utilized its own discretion to perform these activities. Therefore, all costs related to staffing, ballot processing equipment, and the creation of satellite offices should not be considered for reimbursement. The total costs for these activities are \$392,357 in 2019-20 and \$199,715 in 2020-21.

In summary, Finance contends that several of the activities the Claimant performed or intends to perform in regard to SB 72 are not required by that statute. The costs in the test claim related to these non-required activities are \$392,357 in 2019-20 and \$199,715 in 2020-21.

Sincerely,

Teresa Calvert

TERESA CALVERT
Program Budget Manager

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 April 5, 2021, I served the:

- **Department of Finance's Comments on the Test Claim filed April 2, 2021**
Extended Conditional Voter Registration, 20-TC-02
Elections Code Section 2170 as amended by Statutes 2019, Chapter 565 (SB 72)
County of San Diego, 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 April 5, 2021 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/12/21

Claim Number: 20-TC-02

Matter: Extended Conditional Voter Registration

Claimant: County of San Diego

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, § 1181.3.)

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