

COMMISSION ON STATE MANDATES

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April 14, 2011

Ms. Renee Bischof
Elections Division Manager
Santa Barbara County Clerk-Recorder-Assessor
4440 Calle Real – A
Santa Barbara, CA 93110

And Affected State Agencies and Interested Parties (See Mailing List)

Re: Notice of Complete Test Claim Filing and Schedule for Comments

Post Election Manual Tally (PEMT), 10-TC-08

Office of Administrative Law File No. 2008-2009-002E, effective October 20, 2008;
California Code of Regulations, Title 2, Division 7, Chapter 3, Post Election Manual
Tallies Sections 20120, 20121, 20122, 20123, 20124, 20125, 20126 and 20127
County of Santa Barbara, Claimant

Dear Ms. Bischof:

On March 28, 2011, the County of Santa Barbara filed a test claim entitled *Post Election Manual Tally Requirements in Close Contest*.¹ Upon initial review, Commission staff found this test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified below. Please note that for technical purposes, we have shortened the title of the test claim name to *Post Election Manual Tally (PEMT)*.

State Agency Review of Test Claim

State agencies receiving this letter are requested to analyze the merits of the test claim and to file written comments on or before Monday, **May 16, 2011**. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the Commission's regulations.

Claimant Rebuttal

The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.

¹ On November 2, 2009, the California State Association of Counties (CSAC) and Department of Finance notified the Commission that they would be pursuing a legislatively-determined mandate (LDM) on this program (*Post Election Manual Tally*, 09-LDM-01). On April 5, 2011, the Commission received notice from the Department of Finance that it would no longer be pursuing this LDM.

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Process for Filing Comments

The Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy.

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. (Cal. Code Regs., tit. 2, § 1181.2.) However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. Please see the Commission's website at http://www.csm.ca.gov/dropbox_procedures.shtml for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2) The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (c).

Please contact Heidi Palchik at (916) 323-8218 if you have any questions.

Sincerely,



Drew Bohan
Executive Director