



DEPARTMENT OF
FINANCE

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January 02, 2020

**Commission on
State Mandates**

GAVIN NEWSOM - GOVERNOR

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January 3, 2020

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
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Response to Test Claim 19-TC-01, Vote by Mail Ballots: Prepaid Postage

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed Test Claim 19-TC-01 submitted to the Commission on State Mandates (Commission) by the County of Los Angeles (Claimant). The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 120, Statutes of 2018 (AB 216).

In 2001, the California Legislature enacted AB 1520 (Chapter 922, Statutes of 2001), allowing voters to permanently Vote By Mail (VBM). In 2018, the Legislature enacted AB 216 (Chapter 120, Statutes of 2018), requiring local elections officials to include prepaid postage for the return of VBM ballots.

The requirement to provide prepaid postage does not amount to a new program or higher level of service. Increased costs alone will not result in a reimbursable state mandate (*City of Anaheim v. State* (1987) 189 Cal.App.3d 1478). Reimbursement is not required if the test claim statute merely implements some change that increases the cost of providing a service. (*San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859). Accordingly, the Commission should deny the test claim because AB 216 does not impose a new program or higher level of service.

Additionally, it appears that Claimant's asserted 2018-19 costs have been overstated. The Claimant reports a cost of \$668,939 to comply with the AB 216 mandate in fiscal year 2018-19. However, \$584,909 of the cost was invoiced on November 6, 2018, which is prior to AB 216 becoming law. AB 216 went into effect on January 1, 2019.

Sincerely,

ERIKA LI
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 January 3, 2020, I served the:

- **Department of Finance's (Finance's) Comments on the Test Claim filed January 2, 2020**

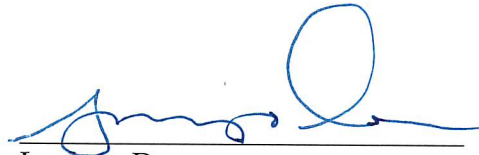
Vote by Mail Ballots: Prepaid Postage, 19-TC-01

Elections Code Section 3010; Statutes 2018, Chapter 120 (AB 216)

County of Los Angeles, 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 3, 2020 at Sacramento, California.



Lorenzo Duran

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/2/20

Claim Number: 19-TC-01

Matter: Vote by Mail Ballots: Prepaid Postage

Claimant: County of Los Angeles

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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