

1. TEST CLAIM TITLE

Top Two Candidates Open Primary Act -
Amendment

2. CLAIMANT INFORMATION

Sacramento County

Name of Local Agency or School District

Julie Valverde

Claimant Contact

Director of Finance

Title

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E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Alice Jarboe

Claimant Representative Name

Assistant Registrar of Voters

Title

Sacramento County

Organization

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For CSM Use Only

Filing Date: RECEIVED

October 28, 2013

COMMISSION ON

STATE MANDATES

FILING REJECTED

November 4, 2013

Test Claim #

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections, statutes, bill numbers, regulations, and/or executive orders that impose the alleged mandate (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]). When alleging regulations or executive orders, please include the effective date of each one.

Amended Test Claim - Statutes generally and sections specifically

The original test claim included the below named statutes in their entirety. Certain sections were called out and the below sections are listed for clarification purposes.

Statutes of 2009, Chapter 1 (SB6), operative 6/9/2010

Section 17 adding EC 8002.5

Section 20 amending EC 8062

Section 21 amending EC 8068

Section 31 amending EC 8300

Statutes of 2012, Chapter 3 (AB1413), effective 1/1/2012

Section 18 amending EC 8106

Section 24 amending EC 8300

Tasks and costs associated with the above named sections are included in the original filing. Page 6 and 7 of the original test claim are resubmitted with this document for clarification purposes.

Copies of statutes and executive orders already on file.

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:

5. Written Narrative: pages 2 to 5.

6. Declarations: pages 6 to 8.

7. Documentation: pages 9 to 9.

5. WRITTEN NARRATIVE

The following are the specific sections of statutes or executive orders alleged to contain mandates. These statutes or executive orders caused claimant to first incur costs during the Fiscal Year 2011/2012.

Statutes of 2009, Chapter 2 (SCA 4), effective 6/9/2010

Statutes of 2009, Chapter 1 (SB6), operative 6/9/2010

- Section 1 amending EC 13
- Section 2 adding EC 300.5
- Section 3 adding EC 325
- Section 4 adding EC 332.5
- Section 5 amending EC 334
- Section 6 amending EC 337
- Section 7 adding EC 359.5
- Section 17 adding EC 8002.5
- Section 20 amending EC 8062
- Section 21 amending EC 8068
- Section 31 amending EC 8300
- Section 40 adding EC 9083.5
- Section 45 amending EC 13102
- Section 46 amending EC 13105
- Section 48 amending EC 13110
- Section 49 amending EC 13206
- Section 52 amending EC 13230
- Section 54 amending EC 13302
- Section 56 adding EC 14105.1

Statutes of 2012, Chapter 3 (AB1413), effective 1/1/2012

- Section 12 amending EC 8002.5
- Section 14 amending EC 8040
- Section 18 amending EC 8106
- Section 16 amending EC 8062
- Section 24 amending EC 8300
- Section 30 amending EC 9083.5
- Section 35 amending EC 13105
- Section 37 amending EC 13206
- Section 38 adding EC 13206.5
- Section 43 amending EC 13302

- Secretary of State's CC/ROV Memorandum #11005, effective 1/26/11
- Secretary of State's CC/ROV Memorandum #11125, effective 11/23/11
- Secretary of State's CC/ROV Memorandum #11126, effective 11/23/11
- Secretary of State's CC/ROV Memorandum #12059, effective 2/10/12

Actual and/or estimated costs resulting from these alleged mandates exceed one thousand dollars (\$1,000).

(A) Detailed description of the new activities and costs that arise from the mandate.

Costs were first incurred for the following 13 activities in Fiscal Year 2011/2012:

1. Reproduce and provide to each polling place the Secretary of State created explanation of electoral procedures for party-nominated, voter-nominated and nonpartisan offices, in all specified languages.
2. Post at each polling place, in specified locations and quantities, the Secretary of State created explanation of electoral procedures for party-nominated, voter-nominated and nonpartisan offices.
3. Each ballot and sample ballot will include the wording "Party Preference:" for all voter-nominated candidates.
4. Each ballot and sample ballot will list all candidates for each voter-nominated contest, regardless of party preference or lack of party preference.
5. Each ballot and sample ballot will follow added formatting rules.
6. Each ballot and sample ballot will include new specified information regarding partisan offices, and voter-nominated and nonpartisan offices.
7. Each sample ballot booklet will include authorized party endorsement lists, without cost to the party or central committee
8. Each sample ballot booklet will include specified information regarding partisan offices, and voter-nominated and nonpartisan offices.
9. Each presidential general election ballot will contain new specified language.
10. Each election ballot will contain new specified language.
11. Each ballot, sample ballot, and voter information pamphlet will include specified party abbreviations. Specified party abbreviations will be posted at each polling place and in information mailed to vote-by-mail voters.
12. The election official will collect and report additional specified information from candidates for voter-nominated office.
13. Attend meetings and trainings to ensure uniform implementation of Top Two Candidates Open Primary Act.

(B) Detailed description of existing activities and costs that are modified by the mandate.

Costs were first incurred for the following 6 activities in Fiscal Year 2011/2012:

1. Additional In-Lieu of Filing Fee petition signature verification to comply with elimination of lower signature thresholds for minor party candidates to voter-nominated offices and changes to nomination signature requirements.
2. Voting System Logic and Accuracy testing iterations more complex to verify vote counting machines programming correctly tabulates lengthy voter-nominated contests.
3. Increased length of ballot and sample ballot to accommodate lengthy voter-nominated contests.
4. Increased length of ballot and sample ballot to accommodate lengthy instructions.

5. Modify precinct officer training classes and on-line training programs to include changes from Top Two Candidates Open Primary Act
 - a. Instructions on what documents to post, and where the documents are to be posted
 - b. Information on the new contest designations and who is allowed to vote on the contests
6. Revise polling place operations manual to include changes resulting from Top Two Candidates Open Primary Act
 - a. Written instructions on what is to be posted and where it is to be posted
 - b. Written definition and lists of Party Nominated, Voter Nominated and Nonpartisan contests, including who is eligible to vote on these contests.

(C) Actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.

Actual increased costs first incurred by the claimant during the fiscal year for which the claim was filed (FY 2011/2012) in order to implement the alleged mandate are estimated to be \$33,000.

(D) Actual or estimated annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

The actual or increased costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year (2012/2013) immediately following the fiscal year (2011/2012) for which the claim was filed is estimated to be \$15,000.

(E) Statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

The statewide cost estimate of increased costs for all local agencies incurred to implement the alleged mandate during the fiscal year (2012/2013) immediately following the fiscal year (2011/2012) for which the claim was filed is \$726,000.

(F) Identification of all of the following funding sources available for this program:

- (i) **Dedicated state funds:**
Claimant is unaware of any dedicated state funds for this program.
- (ii) **Dedicated federal funds:**
Claimant is unaware of any dedicated federal funds for this program.
- (iii) **Other nonlocal agency funds:**
Claimant is unaware of any other nonlocal agency funds available for this program.
- (iv) **The local agency's general purpose funds:**
Claimant is unaware of any general purpose funds available for this program.

(v) Fee authority to offset costs:

Claimant is unaware at this time of any fee authority to offset costs available for this program

(G) Identification of prior mandate determinations made by the Board of Control or the Commission on State mandates that may be related to the alleged mandate.

Claimant is not aware at this time of any prior mandate determination made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

(H) Identification of a legislative determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order.

Claimant is not aware at this time of any legislatively determined mandate on this same statute or executive order.

6. DECLARATIONS

Support the written narrative with declarations that:

- (A) Declare actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

The actual or estimated increased costs first incurred in Fiscal Year 2011/2012 by the claimant to implement the alleged mandate are approximately \$33,000.

- (B) Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

Claimant is not aware at this time of any local, state, or federal funds, or fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct or indirect costs.

- (C) Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

Costs were first incurred for the following 19 activities in Fiscal Year 2011/2012:

1. Reproduce and provide to each polling place the Secretary of State created explanation of electoral procedures for party-nominated, voter-nominated and nonpartisan offices, in all specified languages. (EC 9083.5, Stats of 2009, c.1, §40; EC 9083.5, Stats of 2012, c.3, §30; EC 14105.1, Stats 2009, c. 1, §56; SOS CCROV 11126)
2. Post at each polling place, in specified locations and quantities, the Secretary of State created explanation of electoral procedures for party-nominated, voter-nominated and nonpartisan offices. (EC 9083.5, Stats of 2009, c.1, §40; EC 9083.5, Stats of 2012, c.3, §30; EC 14105.1, Stats 2009, c. 1, §56; SOS CCROV 11126)
3. Each ballot and sample ballot will include the wording "Party Preference:" for all voter-nominated candidates. (EC 8002.5, Stats of 2009, c.1 §17 and Stats 2012, c. 3 §12; EC 13105, Stats 2009, c. 1, §46; EC 13105, Stats 2012, c. 3, §35)
4. Each ballot and sample ballot will list all candidates for each voter-nominated contest, regardless of party preference or lack of party preference. (EC 8002.5, Stats of 2009, c.1 §17 and Stats 2012, c. 3 § 12; EC8300, Stats of 2009, c.1§ 31 and Stats of 2012, c.3 §24; EC 13102, Stats 2009, c. 1 §45; EC 13110, Stats 2009, c. 1 §48)
5. Each ballot and sample ballot will follow new formatting rules. (EC 13110; Stats 2009, c. 1, §48; EC 13230, Stats 2009, c. 1 §52; SOS CCROV 11126)
6. Each ballot and sample ballot will include new specified information regarding partisan offices, and voter-nominated and nonpartisan offices. (EC 13206; Stats 2012, c. 3, §38)
7. Each sample ballot booklet will include authorized party endorsement lists, without cost to the party or central committee (EC 13302; Stats 2009, c. 1, §54; EC 13302, Stats 2012, c. 3 §43)

8. Each sample ballot booklet will include specified information per election type regarding partisan offices, and voter-nominated and nonpartisan offices. (SOS CCROV 11005; SOS CCROV 12059)
9. Each election ballot will contain specified language, per election type. (EC 13206, Stats 2012, c. 3 §37; EC 13206.5, Stats 2012, c. 3 §38; SOS CCROV 11005; SOS CCROV 11126; SOS CCROV 12059)
10. Each ballot, sample ballot, and sample ballot booklet will include specified party abbreviations. (SOS CCROV 11125, SOS CCROV 12059)
11. Specified party abbreviations will be posted at each polling place and in information mailed to vote-by-mail voters. (SOS CCROV 11125, SOS CCROV 12059)
12. The election official will collect and report additional specified information from candidates for voter-nominated office. (EC 8040, Stats 2012, c. 3 §14)
13. Additional In-Lieu of Filing Fee petition signature verification to comply with elimination of lower signature thresholds for minor party candidates to voter-nominated offices and changes to nomination signature requirements. (EC 8062, Stats of 2009, c.1 §20 and Stats 2012, c. 3 §16; EC 8068, Stats of 2009, c.1 §21; EC 8106, Stats of 2012, c.3 § 18; SOS CCROV 11126)
14. Voting System Logic and Accuracy testing iterations more complex to verify vote counting machines programming correctly tabulates lengthy voter-nominated contests correctly. (EC 13110, Stats 2009, c.1 §48)
15. Increased length of ballot and sample ballot to accommodate lengthy voter-nominated contests. (EC 13110, Stats 2009, c.1 §48)
16. Increased length of ballot and sample ballot to accommodate lengthy instructions. (EC 13206, Stats 2009, c.1 §49; EC 13206.5 Stats 2012, c.3 §38)
17. Modify precinct officer training classes and on-line training programs to include information on changes from Top Two Candidates Open Primary Act
 - a. Instructions on what documents to post, and where the documents are to be posted (EC 14105.1, Stats 2009, c.1 §56)
 - b. Information on the new contest designations and who is allowed to vote on the contests (EC 13110, Stats 2009, c.1 §48)
18. Revise polling place operations manual to include information changes resulting from Top Two Candidates Open Primary Act
 - a. Written instructions on what is to be posted and where it is to be posted (EC 14105.1, Stats 2009, c.1 §56)
 - b. Written definition and lists of Party Nominated, Voter Nominated and Nonpartisan contests, including who is eligible to vote on these contests. (EC 13110, Stats 2009, c.1 §48)
19. Attend meetings and trainings to ensure uniform implementation of Top Two Candidates Open Primary Act
1. If applicable, describe the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Section 17573, and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of Section 17574.

Not applicable

2. Declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information or belief, by persons who are authorized and competent to do so.

I declare under penalty of perjury under the laws of the State of California, that this information in this declaration is true and complete to the best of my own knowledge, information or belief.

Julie Valverde, Director of Finance

Date: Oct 28, 2013



Alice Jarboe, Claimant Representative

7. DOCUMENTATION

Note: supporting documentation on file with original test claim

Support the written narrative with copies of all of the following:

(A) the test claim statute that includes the bill number alleged to impose or impact a mandate; and/or Statutes of 2009, Chapter 2 (SCA 4), effective 6/9/2010 (attached)

Statutes of 2009, Chapter 1 (SB6), operative 6/9/2010 (attached)

Statutes of 2012, Chapter 3 (AB1413), effective 1/1/2012 (attached)

(B) the executive order, identified by its effective date, alleged to impose or impact a mandate; and Secretary of State's CC/ROV Memorandum #11005, effective 1/26/11 (attached)

Secretary of State's CC/ROV Memorandum #11125, effective 11/23/11 (attached)

Secretary of State's CC/ROV Memorandum #11126, effective 11/23/11 (attached)

Secretary of State's CC/ROV Memorandum #12059, effective 2/10/12 (attached)

(C) relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate; and

(D) administrative decisions and court decisions cited in the narrative. Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement; and

(E) statutes, chapters of original legislatively determined mandate and any amendments.

8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission.**

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

Alice Jarboe

Print or Type Name of Authorized Local Agency
or School District Official



Signature of Authorized Local Agency or
School District Official

Assistant Registrar of Voters

Print or Type Title

October 28, 2013

Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*