

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

Election Code Sections 1450 through 1456
Chapter 1422, Statutes of 1982

No. CSM-4358

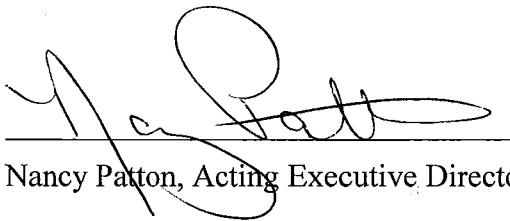
Permanent Absent Voter

PARAMETERS AND GUIDELINES AND
DECISION PURSUANT TO GOVERNMENT
CODE SECTION 1700 ET SEQ.; TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 2.5, ARTICLE 7.

Adopted on December 1, 2011

PARAMETERS AND GUIDELINES AMENDMENT

On December 1, 2011, the Commission on State Mandates adopted the staff analysis as its decision and the attached parameters and guidelines amendment for the above-named matter.



Nancy Patton, Acting Executive Director

Dated: December 6, 2011

Amended: 12/01/11
Adopted: 3/27/90

PARAMETERS AND GUIDELINES
Election Code Sections 1450 through 1456
Chapter 1422, Statutes of 1982
Permanent Absent Voters
CSM-4358

Reimbursement for this program ends June 30, 2010

I. SUMMARY OF MANDATES

Chapter 1422, Statutes of 1982, added Chapter 7, commencing with Section 1450 to the Elections Code, to establish a permanent absent voter program. Prior to the enactment of Chapter 1422, an absent voter ballot was not mailed to a voter unless a written request for an absent voter ballot was received before each election. With the enactment of Chapter 1422, counties were required to establish and maintain a list of permanent absent voters and delete from the list if that person fails to return an executed absent voter ballot for any statewide primary or general election.

II. COMMISSION ON STATE MANDATES DECISION

On September 21, 1989 the Commission determined that Chapter 1422, Statutes of 1982, in adding Sections 1450 through 1456 to the Elections Code resulted in reimbursable costs mandated by the state.

III. ELIGIBLE CLAIMANTS

All counties that incurred increased costs as the result of the mandate.

IV. PERIOD OF CLAIM

Chapter 1422, Statutes of 1982 became effective January 1, 1983. The test claim was filed with the Commission on May 11, 1989. Section 17557 of the Government Code (GC) states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. Therefore, all costs incurred on or after July 1, 1988 are reimbursable. Reimbursement for this program ends on June 30, 2010.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. In the event revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency

filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)

5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

V. REIMBURSABLE COSTS

A. Scope of Mandate

Elections Code sections 1450 through 1456, as added by Chapter 1422/82, require county clerks to implement a new program by performing the following:

- (1) Establish and maintain a list of permanent absent voters who provide evidence of physical disability.
- (2) Mail absent voter ballots to such voters for each election in which they are eligible to vote.
- (3) Delete from the permanent absent voter list any person who fails to return an executed absent voter ballot for any statewide direct primary or general election.

B. Reimbursable Activities

Counties shall be reimbursed for the increased costs associated with complying with Elections Code sections 1450 through 1456 in the following cost categories:

Election Planning and Preparation Costs

Increased costs associated with preparation costs, to include, but not limited to:

Initial one-time costs:

- Computer costs
- Sample Ballot (change format)
- Creating initial absentee file

Ongoing costs:

- Maintenance of permanent absentee file
- Increased postage
- Cancellation of voters who do not vote; then reinstatement upon request
- Marking of permanent absentee voter affidavit for identification

C. Justification of Purchases

If an entity claims for increased costs resulting from the purchase or modification of voting equipment or additional secrecy envelopes, an explanation of how these costs are a direct result of the mandate must be provided with the claim. The increase for these costs during the fiscal year being claimed must be shown separately. Also, documents which indicate the cost and purchase dates of the above items, must be submitted with the claim.

VI. CLAIM PREPARATION

A. Description of Activity

B. Supporting Documentation

Claimed costs should be supported by the following information

1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

2. Services and Supplies

Only expenditures which can be identified as a direct cost as a result of the mandate can be claimed. List cost of materials acquired which have been consumed or expended specifically for the purposes of this mandate.

3. Allowable Overhead Costs

Indirect costs may be claimed in the manner prescribed by the State Controller in his claiming instruction.

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents or worksheets that show evidence of and the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period of no less than three years from the date of the final payment of the claim pursuant to this mandate, and made available on the request of the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT

Any offsetting savings the claimants experience as a direct result of this statute must be deducted from the costs claims. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.