



County of Sacramento

**RECEIVED**  
January 21, 2014  
**Commission on  
State Mandates**

January 2, 2014

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

Dear Ms. Halsey:

RE: Claimant's Challenge to Rejection of Test Claim Amendment  
Top Two Candidates Open Primary Act (12-TC-02)

Dear Ms. Halsey,

The County of Sacramento respectfully challenges the decision of the Executive Director to reject the proposed test claim amendment submitted on October 28, 2013, for reasons explained below.

The Executive Director rejected the proposed amendment 'because the amendment newly identifies specific sections of statutes not pled in the initial test claim filing, and the statute of limitations has passed...' However, Claimant is allowed to amend a test claim filing under Government Code 17557 (e), which states 'A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. The claimant may thereafter amend the test claim at any time, but before the test claim is set for a hearing, without affecting the original filing date as long as the amendment substantially relates to the original test claim.'

The proposed amendments submitted on October 28, 2013 substantially relate to the original test claim and were submitted prior to the test claim being set for hearing. Further, the code allows for amendments to be submitted '*at any time....without affecting the original filing date*'. Therefore, the statute of limitations does not apply.

It is for these reasons that I ask the rejection of the proposed test claim amendment be reversed and the amendment be accepted in its entirety.

*We proudly conduct elections with accuracy, integrity and dignity*

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please feel free to contact me directly at (916) 875-6255.

Sincerely,

A handwritten signature in blue ink that reads "Alice Jarboe". The signature is written in a cursive, flowing style.

Alice Jarboe. Claimant Representative  
Assistant Registrar of Voters  
Sacramento County

cc: Julie Valverde, Sacramento County Auditor/Controller