



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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RECEIVED
March 01, 2022
**Commission on
State Mandates**

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March 1, 2022

Via Drop Box

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

Dear Ms. Halsey:

**RESPONSE TO THE DEPARTMENT OF FINANCE
COMMENTS ON THE COUNTY'S CALIFORNIA VOTING FOR ALL ACT:
BALLOT TRANSLATIONS AND POSTING REQUIREMENTS TEST CLAIM**

The County of Los Angeles ("Claimant") submits the attached Comments in response to the Department of Finance's comments on our *California Voting for All Act: Ballot Translations and Posting Requirements, 20-TC-03* Test Claim.

If you have any questions please call me, or your staff may contact Fernando Lemus at (213) 974-0324 or via e-mail at flemus@auditor.lacounty.gov.

Very truly yours,

Arlene Barrera
Auditor-Controller

AB:OV:CY:EB:EW:FL

Attachment

In its response, the Department of Finance (Finance) recommends that the Commission on State Mandates (Commission) examine this Test Claim within the context of the Commission's recent decision on Test Claim 20-TC-02, Extended Condition Voter Registration. While the nature of the activities in both claims involve elections, this Test Claim is sufficiently dissimilar to Test Claim 20-TC-02 to warrant an independent review by the Commission. The County of Los Angeles (County) urges the Commission to evaluate this Test Claim on its own merits.

Indeed, the County was already complying with minority language translations as required in Elections Code section 14201. However, Secretary of State Memorandum 20096 imposed a higher level of service on the County by requiring the County to translate elections materials in six additional languages at a significant cost to the County. Under Article XIII B, section 6 of the California Constitution, the County is entitled to reimbursement for the costs of State-mandated new programs or higher levels of service. A higher level of service exists when the requirements in the law are new and did not exist prior to the enactment of the law, and the requirements were intended to provide an enhanced service to the public. *San Diego Unified School District v. Commission on State Mandates*, 33 Cal. 4th 859, 878 (2004). Memorandum 20096 imposes new requirements on the County's elections official to provide translations in six additional languages. This requirement is unique to county elections officials and provides a governmental service to the public, similar to the mandated activity the Commission found in the Vote by Mail Ballots: Prepaid Postage, 19-TC-01.

Finance also recommends that the Commission examine the timeliness of this Test Claim, but offers no basis for this recommendation. This Test Claim was timely filed on May 21, 2021, which is within 12 months of the May 21, 2020 issuance of Secretary of State Memorandum 20096.

For the reasons stated above, the County requests that the Commission grant the County's test claim.

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 March 3, 2022, I served the:

- **Claimant's Rebuttal Comments filed March 1, 2022**

California Voting for All Act: Ballot Translations and Posting Requirements, 20-TC-03
Executive Order: County Clerk/Registrar of Voters Memorandum #20096, Effective May 21, 2020; Elections Code Section 14201 as Amended by Statutes 2017, Chapter 845 (AB 918), Effective January 1, 2018; Statutes 1994, Chapter 920, Section 2, Effective January 1, 1995
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 March 3, 2022 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/24/22

Claim Number: 20-TC-03

Matter: California Voting for All Act: Ballot Translations and Posting Requirements

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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