



# Monterey County

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1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Order

Upon motion of Supervisor Armenta, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Adopt Resolution No. 16-043 to:

- a. Approve the Records Retention Schedule for the Elections Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
- b. Authorize the Registrar of Voters or designee to dispose of County records in accordance with the approved Records Retention Schedule for Elections.

PASSED AND ADOPTED on this 1st day of March 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

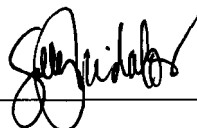
NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on March 1, 2016.

Dated: March 3, 2016  
File ID: RES 16-009

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By  Deputy

Before the Board of Supervisors in and for the  
County of Monterey, State of California

**Resolution No.: 16-043**

- a. Approve the Records Retention Schedule for the Elections Department for the storage and/or destruction of County records as set forth by federal and state laws, county codes, and policies; and
- b. Authorize the Registrar of Voters or designee to destroy or cause the destruction of County records in accordance with the approved Records Retention Schedule for Elections.....

WHEREAS, the Records Retention Schedule (hereafter "Schedule"), for the Elections Department attached hereto as Exhibit A and incorporated herein by reference, sets forth retention periods for the records of the Elections Department;

WHEREAS, California Government Code section 26201 provides that the Board of Supervisors may authorize at any time the destruction or disposition of any duplicate record, paper, or document, the original or permanent photographic reproduction of which is in the files of any officer or department of the County;

WHEREAS, California Government Code section 26202 provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper or document which is more than two years old, which was prepared or received pursuant to state statute or county charter, and which is not expressly required by law to be filed and preserved if the board determines by four-fifths (4/5) vote that the retention of any such record, paper or document is no longer necessary or required for county purposes. Such records, papers or documents need not be photographed, reproduced or microfilmed prior to destruction and no copy thereof need be retained;

WHEREAS, California Government Code section 26205 provides that the Board of Supervisors may authorize the destruction of any record, paper, or document that is not expressly required by law to be filed and preserved if all of the following conditions are complied with:

- (a) The record, paper, or document is photographed, micro-photographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, or reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document and is produced in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.
- (b) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one that accurately reproduces the original thereof in all details and which does not permit additions, deletions, or changes to the original document images.
- (c) The photographs, microphotographs, electronically recorded video images on magnetic surfaces, records in the electronic data processing system, records recorded on optical disk, or

other reproductions on film or any other medium are placed in conveniently accessible files and provision is made for preserving, examining, and using the files;

WHEREAS, California Government Code section 26205.1 provides that the Board of Supervisors may adopt a resolution authorizing a county officer having custody of non-judicial public records, documents, instruments, books, and papers to destroy such records if the records prepared or received other than pursuant to a state statute or county charter and are not expressly required by law to be filed and preserved;

WHEREAS, the National Voter Registration Act (52 US code section 10101, et seq.) contains record retention periods of two to four years that apply to records related to Federal election/voting activities;

WHEREAS, the State of California Elections and Government Code set forth the specific record retention periods of between 6 months to permanent retention periods for specific types of Election/voting records.

WHEREAS, Monterey County Board of Supervisors approved and adopted the County of Monterey Records Management Policy on July 1, 2014 which included a cross departmental records retention schedule;

WHEREAS, the retention periods set forth in the Schedule meet or exceed the retention periods required by state and federal law or the specifically delineated types of records;

WHEREAS, the Schedule is beneficial and serves the public welfare because it establishes uniform standards for management of records; saves office and storage space by allowing the destructions of records that are no longer necessary or required for County purposes; and protects and preserves records of legal, historical, research, and informational value for future reference; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors does hereby find that the Elections Department records shall be retained and then are authorized for destruction pursuant to the attached schedule provided they currently meet one or more of the following criteria: are duplicates of original records kept by other agencies; are not records prepared or received pursuant to state or federal law; are records for which any statutorily-required minimum retention period has been or will be satisfied; are records not expressly required by law to be filed and preserved by the Elections Department beyond the indicated retention periods; or are records that, if prepared or received pursuant to a state statute, are not expressly required by law to be filed and preserved and will no longer be necessary or required for County purposes after the retention period prescribed in the attached Schedule.

Further the indicated record will be retained for at least the minimum period indicated in the attached schedule and then may be disposed of as indicated in the schedule to the extent that they are not the subject of a civil or criminal litigation hold or the subject of an applicable election activity related investigation.

**PASSED AND ADOPTED** upon motion of Supervisor Armenta, seconded by Supervisor Salinas carried this 1st day of March 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter  
NOES: None  
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 79 for the meeting on March 1, 2016.

Dated: March 3, 2016  
File Number: RES 16-009

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By  \_\_\_\_\_  
Deputy

## EXHIBIT A – ELECTIONS DEPARTMENT RECORDS RETENTION SCHEDULE

		contestants; public may view but not copy nomination petitions only			
C017	Campaign Statements	Original campaign statements for county supervisors	Permanent. After 2 years hard copy can be scanned and destroyed	GC §81009(a),(g)	Shred/delete
C018	Campaign Statements	Original campaign statements for organizations, lobbyists, elected state officials as well as any candidates for these offices or committees supporting them or supporting/opposing any statewide measures	CY + 7 or after 2 years, scan and destroy	GC §81009(c),(g)	Shred/delete
C036	Campaign Statements	Original campaign statements for non-incumbent candidates not elected and supporting committees	CY + 5 or after 2 years, scan and destroy	GC §81009	Shred/delete
C019	Statements of Economic Interest	Original 700 forms of persons holding statewide elective office	Permanent. After 2 years hard copy can be scanned and destroyed	GC §81009(d),(g)	Shred/delete
C020	Statements: Copies	Any copies of statements (450, 460, 470, 700)	CY + 4 or after 2 years, scan and destroy	GC §81009(f),(g)	Shred/delete
<b>MISCELLANEOUS</b>					
E014	Canvass Materials	Canvass forms used to compile results	22 months from date of Federal Election 6 months from date of State or Local Election	52 USC §20701 EC §§17301-17306	Shred/delete
E032	Petitions	Initiative, referendum, recall	8 months after certification of election results or, if not qualified for election, 8 months after examination by elections official; access restricted	GC §6253.5 EC §§17200; 17400	Shred/delete
E034	Application	Application for copy of voter files	CY + 5	EC §§608, 2188	Shred/delete
E035	List	Federal list of new resident voters	22 months from date of the election	52 USC §20701 EC §17506	Shred/delete

### Notes

Note 1: Retention Period is minimum time required to pass before record type may be considered for disposition. Such disposition will require verification that there is no applicable civil or criminal litigation or election related investigation/audit still outstanding/pending related to the subject files. If original hard copy version of document has been subjected/reduced to electronically scanned and retained version the electronically scanned version shall be permanently retained unless specifically indicated for a shorter retention period. Applicable for all file types unless no retention period at all applies and disposition is immediate.