

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

Resolution No.

Adopt a Resolution 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 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 _____, seconded by Supervisor _____ and carried this ____ day of _____, _____ by the following vote, to wit:

AYES:

NOES:

ABSENT:

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 Minute Book.____ for the meeting on _____.

Dated:
File Number:

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

By: _____
Deputy