

## MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b> May 11, 2010 – Consent	<b>Agenda Item:</b> 24.2
<b>SUBJECT:</b> Authorize the Chair of the Board of Supervisors to sign a multi-county letter to Governor Schwarzenegger regarding the barriers to successful administration of the Special Vacancy Elections in Senate District 15.	
<b>DEPARTMENT:</b> Elections	

### **RECOMMENDATION**

It is recommended that the Board of Supervisors:

Authorize the Chair of the Board of Supervisors to sign a multi-county letter to Governor Schwarzenegger regarding the barriers to successful administration of the Special Vacancy Elections in Senate District 15.

### **SUMMARY/DISCUSSION**

In late February 2010, Governor Schwarzenegger re-nominated Senator Abel Maldonado to fill a vacancy in the office of Lieutenant Governor after the first round of legislative hearings failed to confirm his appointment that same month. On Tuesday, April 27, 2010, Senator Maldonado was confirmed by both Houses and sworn in as Lieutenant Governor that afternoon.

That same day, Governor Schwarzenegger issued a proclamation calling for a special vacancy election to "...be held on the 17th day of August 2010, within the 15th Senate District of the State to fill the vacancy in the office of Senator from said district resulting from the resignation of Abel Maldonado." In the weeks and days prior to the confirmation, appointment and subsequent proclamation, state and local officials reached out to the Governor urging him to wait until Thursday, May 6, 2010, to proclaim the Special Vacancy Elections for Senate 15 in order that one of the vacancy elections could be consolidated with the scheduled Statewide General Election to be held in November throughout the District, thereby conducting the primary for the vacancy in late August. Many telephone calls, emails, and letters were written, including one sent by the Chair of the Monterey County Board of Supervisors.

In the days following the proclamation, additional letters were sent to the Governor from the California State Association of Counties (CSAC) and the California Association of Clerks and Elections Officials (CACEO) continuing to urge the Governor to move the elections in an effort to remove the barriers in place due to the scheduling. Both the CSAC and CACEO letters listed barriers to the administration of the June 22 election, including funding, staff and poll workers, polling places, voting materials, disenfranchisement of military and overseas voters, and, unique to Monterey County, the inability to meet federal preclearance requirements under Section 5 of the Voting Rights Act.

The Office of the Santa Clara County Executive and Intergovernmental Relations have requested that a joint County letter be sent to Governor Schwarzenegger requesting the Governor to reconsider his proclamation and move the election dates to a more feasible time in the next fiscal year. The letter includes a list of "barriers" to the administration of the June 22 election that were prepared in conjunction with all five County Elections Divisions. A draft of the proposed letter is attached.

Copies of the Draft Letter to Governor Schwarzenegger are on file with the Clerk of the Board.

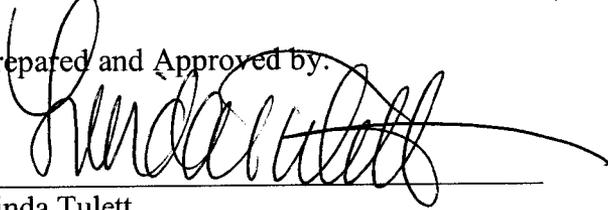
**OTHER AGENCY INVOLVEMENT**

The Elections Department has worked with the County Administrative Office - Intergovernmental & Legislative Affairs Division and the four other counties involved in the Special Elections to prepare a joint letter from all affected counties (Monterey, San Luis Obispo, Santa Barbara, Santa Clara, and Santa Cruz).

**FINANCING**

There will be no additional cost to the County General Fund associated with this recommendation.

Prepared and Approved by.

A handwritten signature in black ink, appearing to read 'Linda Tulett', written over a horizontal line. The signature is cursive and extends to the right of the line.

Linda Tulett  
Registrar of Voters

Attachments: Draft Letter to Governor Schwarzenegger

cc: Charles McKee (County Counsel)  
Leroy Blankenship (County Counsel)  
Linda Tulett (Elections)

John Arriaga (JEA & Associates)  
Brent Heberlee (Nossaman LLP)