



Board Report

File #: PAR 22-027, **Version:** 1

Receive a preliminary analysis report in response to Board Referral No. 2022.17 seeking the Elections staff bring forward recommendations to possibly create a fee schedule for candidates to request and plan for recounts when needed.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a preliminary analysis report in response to Board Referral No. 2022.17 and;
 - 1) Direct staff to proceed with completion of referral based on the description in this report; or,
 - 2) Direct staff to:
 - i. Proceed with completion of referral based on modifications by the Board of Supervisors; or,
 - ii. Return to the Board with a more comprehensive analysis of referral and anticipated effort for completion; or,
 - iii. Rescind referral.
- b. Provide further direction, as appropriate.

PRELIMINARY ANALYSIS:

Referral Summary & Background: Referral 2022.17 was submitted by Supervisor Lopez and assigned by the CAO on 8.23.2022. The referral seeks to have the Elections Department make recommendations that would enhance transparency and facilitate the processes to request a recount.

Proposed Project Description: Currently, the Elections Department references California Elections Code and the California Code of Regulations in estimating costs on a case-by-case basis and provides initial cost estimates based on information provided from the requester or the requester's appointed representative. California Regulations provide that "all actual costs of the recount that would not have been incurred but for the requestor's particular recount request (which) shall be directly recoverable from the requestor and may include, but are not limited to, additional supervision hours, security guard hours, the elections official's staff hours, space rental, transportation of ballots and materials and administrative costs." (CCR Title 2, Div.7, Chpt. 8, Art 1, 20815).

Some counties have recount guidelines and provide an example of a cost breakdown as opposed to a fee schedule. This is due in part to the fact that locking in a methodology can have unintended consequences. For example, some counties use guidelines that are based on an obsolete voting system (2013) and tabulation procedures that are no longer in place in the State of California. Another challenge is that requestors often seek information not anticipated in the adopted fee schedule and which can lead to actual costs not being recovered, contrary to California Regulations as noted above. We are not aware of any county fee schedule that is so comprehensive to include "all actual costs of the recount..." (CCR Title 2, Div.7, Chpt. 8, Art 1, 20815).

In response to the referral, the Department is already in the process of drafting recount guidelines with examples of cost breakdowns, similar to the counties referenced, and will include other potential costs that a requester would incur in preparing for the recount, in an attempt to meet California Regulations to recover all costs. This approach is also the most comprehensive in terms of facilitating the recount request and planning

process.

Estimated Project Cost: The cost to prepare guidelines is minimal as this is already in process. The cost to prepare a fee schedule would require additional staff time and analysis to prepare a schedule that is comprehensive and accurate of the work conducted in the recount.

Staffing Level Estimate: Staff time for the completion of guidelines that will be made publicly available upon completion will involve the Registrar of Voters, Assistant Registrar of Voters and certified translator. Staff time to complete a comprehensive fee schedule will include the Registrar of Voter, Assistant Registrar of Voters, Business Technology Analyst, and Management Analyst II.

Departmental Challenges: The Department is currently working to analyze actual tasks and charges related to recounts conducted in comparable counties. This process is being undertaken during a major election in coordination with multiple counties and limited staffing resources. Anticipating all possible details of recount request will require flexibility in the fee schedule.

Proposed Response Date: Depending on Board direction, staff can return to the Board with the final recount guidelines by October 18, 2022. Should the Board require a comprehensive fee schedule the Department would request a return to the Board no sooner than February 2023.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This item is in line with the Board's vision for providing efficient service and cost neutral administration.

Check the related Board of Supervisors Strategic Initiatives:

Administration: Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

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Attachments:

Preliminary Analysis Report

Board Referral No. 2022.17

PowerPoint - Board Referral No. 2022.17: Election Recounts