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Ms. Barbara Paget
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Paget,

We spoke briefly before and after the January 26 public meeting on the Citizens Redistricting Commission. After the hearing concluded I thought of some things that I think should be brought to the attention of the Bureau of State Audits. I would appreciate it if you would add this letter to the other public comments submitted at the hearing.

I am commenting on this subject in light of my background in elections administration. From 1980 to the end of 1998, when I retired, I was the Nevada County Clerk-Recorder. Administering elections was among my responsibilities. Prior to that I worked for the State Legislature for almost five years on election legislation.

My first comments are directed to the requirement in Section 2 (c) (3) of the California Constitution as amended by Proposition 11, namely:

(3) Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.

My comments are as follows:

1. Ascertaining that applicants meet registration and voting requirements

Because of my experience with voter registration systems and election administration, I am concerned about how the Bureau of State Audits will go about verifying that pool applicants meet the voter registration and past voting requirements. Although the application form presumably will elicit this information, without verification there is the risk that an applicant may

deliberately or unwittingly misstate that he or she meets these qualifications. It is common for people to switch party registrations, particularly from a major party to Independent and back again. In addition, I have had people insist that they have always voted in the major elections, only to find that they haven't. It would be extremely undesirable to have a pool applicant chosen to serve on the Citizens Redistricting Commission only to discover then that the person did not meet the requirements.

Unless the Secretary of State's voter database has changed significantly since I retired ten years ago, much, if not all, of this information will have to be obtained from individual counties. And the county voter databases may or may not have all the needed information. Software for keeping the records varies from one county to another. Moreover, in some counties it may be necessary to delve into old paper records to confirm the person's eligibility. Making matters worse is the possibility of error on the part of the election officials at the polling place where the voter is supposed to sign the roster or among the clerks at the elections office (who are processing absentee ballots) that result in erroneous information about whether the person voted.

I expect that most pool applicants will come from the major counties but that a smattering will come from the smaller ones. So you will need to notify all the county election officials in advance that they should expect to receive from you requests for verification of voter eligibility of the pool applicants. Note that in the large counties the chief election official is likely to be a civil servant known as the "Registrar of Voters." In the smaller counties the chief election official is most likely to be known as the "Assistant Registrar of Voters" and will be second in command to the "County Clerk," who is also the "Ex-officio Registrar of Voters." However, some small counties have transferred responsibility for elections to a "Registrar of Voters" not under the County Clerk. The Secretary of State's office can provide you the necessary information on who the election officials are.

Here are some specific points:

- The requests should be certified to by the person in charge of elections who will take responsibility for overseeing the accuracy of the research into the applicant's eligibility. It is too risky to leave the research to some clerk who may not do a thorough job and may not have experience with past election records. If there is a County Clerk over the person in charge of elections, he or she should also certify to the accuracy.
- If the condition of the county's record-keeping leaves any doubt about the applicant's eligibility or non-eligibility, the county officials

need to be specific about any reservations they have about the accuracy of their records.

- The election officials will be in the middle of preparations for the statewide November 2010 general election at the time the Bureau of State Audits needs the information. It may be difficult to get their full attention. It may be advisable to send a communiqué from the Secretary of State, the Bureau of State Audits, and the president of the California Association of Clerks and Election Officials in advance of sending any requests for information pool applicant eligibility.
- The language of Sec. 2 (c) 3 refers to the last three statewide general elections. In this case that works out to be the November 2004, 2006, and 2008 elections. The Elections Code, commencing with Sec. 17300, provides for the retention of election records for 22 months. Depending on how those sections are being interpreted and to what extent the record of who voted is being retained on databases, there is the possibility of some of the information your office will need having been discarded.
- I recommend that your office immediately begin discussions with the Secretary of State's office and the California Association of Clerks and Election Officials (CACEO) about (1) retention of the necessary information, (2) what form the information will take, and (3) what likelihood there will be of information from the 2004 and even the 2006 elections having been discarded. They will know far better than I what problems there may be.
- The current president of the CACEO is Rebecca Martinez, County Clerk-Recorder of Madera County. You can reach her at martinez@madera-county.com.

2. Readable copies of Proposition 11

The copies of Prop. 11 at the Jan. 26 hearing were reproductions of what appeared in the state voter pamphlet. The type size is so small that it is difficult to read the text. I urge the Bureau of State Audits to make available copies that are of a readable type size and that also make use of indenting of subsections and sub-subsections. Lack of indenting makes it much more difficult to read the text.

Best wishes,

Bruce Bolinger

