

OFFICERS 2010-2012

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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

GAIL L. PELLERIN, PRESIDENT
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Fremont City Clerk
* non-voting member

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Sacramento County

DEBORAH SEILER
San Diego County

March 9, 2011

Senator Juan Vargas
State Capitol, Room 3092
Sacramento, CA 95814

Dear Senator Vargas:

The California Association of Clerks and Election Officials' Elections Legislative Committee is pleased to convey its **Support of SB 441 (as introduced February 16, 2011)**. This proposal will repeal certain provisions of existing law relating to political party contributor envelopes or letters, as specified, to be included with the sample ballot in the voter information guide prepared and mailed by the county election official.

During the June 2010 statewide direct primary election, county central committees in the counties of San Diego, Yolo, and Los Angeles, provided letters to the local election officials that not only solicited funds, as allowed under Section 13305 of the California Elections Code, but also specifically advocated for the election of certain candidates of their parties. In San Diego County, the mailing was so specific in its advocacy for candidates, state propositions, and local ballot measures, that it had the appearance of a slate mailer. A lawsuit was filed in the County of San Diego against the Registrar of Voters, who refused to publish and distribute materials provided by the local political party because it failed to meet existing provisions of law with regard to content. The resulting challenge cost the County of San Diego over \$25,000 in legal fees merely to defend its compliance with existing law. A superior court upheld the ruling; however, the matter is now on appeal. Counties are not in a fiscal position to mount a legal defense of the practice of private organizations such as organized central committees.

Additionally, the implementation of the new "Top Two Primary" Election mandates that all candidates for partisan office appear on the same ballot, virtually eliminating political-party-specific voter information materials and partisan elections (excluding the office of President and county central committees). This change in how Primary Elections are conducted will impact the ability to effectively distribute political party committee materials.

If you or your staff have any questions or concerns, please do not hesitate to contact me in the Sonoma County Clerk-Recorder-Assessor's Office at (707) 565-1876.

Very truly yours,

Janice Atkinson
Correspondence Secretary
California Association of Clerks
and Election Officials

- c: Assembly Member Paul Fong, Chair, Assembly Committee on Elections and Redistricting
Senator Lou Correa, Chair, Senate Committee on Elections, Reapportionment and Constitutional Amendments
Deborah Seiler, Co-Chair, CACEO Elections Legislative Committee
Jill Lavine, Co-Chair, CACEO Elections Legislative Committee
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