

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 6/10/02  
**Department Name:** County Clerk-Recorder-Assessor  
**Department No.:** 062  
**Agenda Date:** 6/18/02  
**Placement:** Administrative  
**Estimate Time:** 15 minutes  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Kenneth A. Pettit  
County Clerk-Recorder-Assessor & Registrar of Voters

**STAFF** Ken Pettit, County Clerk-Recorder-Assessor & Registrar of Voters  
Bob Smith, County Clerk-Recorder-Assessor/Elections Division Manager

**CONTACT:** Ken Pettit, X2215

**SUBJECT:** Recall Petition Election

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## Recommendation(s):

That the Board of Supervisors:

1. Receive certificate of sufficiency of recall petition.
2. Set public hearing for July 2, 2002;
3. Issue order setting a special election or, in the alternative, do not issue order; and;
4. If election is set for November 5, 2002, order that the election be consolidated with the statewide general election.

## Alignment with Board Strategic Plan:

1. Efficient Government. An efficient government able to anticipate and respond effectively to the needs of the community.
2. Citizen Involvement. A county government that is accessible, open and citizen friendly.  
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## Executive Summary and Discussion:

On March 7, 2002 a petition was submitted to the office of County Clerk-Recorder-Assessor (Elections Division) for the recall of the Third District Supervisor.

The verification process was initiated and subsequently stayed pending the adjudication of a lawsuit. (No On Recall Committee v. Pettit, Santa Barbara Superior Court No. 1070263) The case was determined on May 22, 2002.

The verification process was resumed forthwith and the recall petition was certified on June 5, 2002. This petition is submitted to your Board pursuant to California Elections Code section 11227. (Exhibit A)

Pursuant to Elections Code section 11240 it is requested that your Board set a public hearing for July 2, 2002, for the purpose of issuing an order setting an election not less than 88 days, nor more than 125 days (September 8 – November 4, 2002). If your Board issues such an order the optional election dates would be October 1, 8, 22 or 29. (Elections Code section 1100 declares that no election is to be held on the day before, the day of, or the day after, a state holiday. October 15, 2002, is the day after Columbus Day, a state holiday as defined by Government Code section 6700 (k)).

As a second option if your Board, for whatever reason, fails to issue the order within the time specified in section 11240, supra, then the county elections official, within five days of July 2, 2002, shall set the date for holding the election. (October 4 – November 11, 2002) The optional dates of the election would then be October 8, 22, 29 or November 5. Again, Elections Code section 1100 would preclude an election to be held on October 15 or November 12, the days prior being Columbus Day and Veterans Day, respectively. *ibid.*

The regularly scheduled gubernatorial statewide election is set for November 5, 2002, one day following the expiration for the setting of the referenced recall election.

The third option for your Board would be to order the election be held on the regularly scheduled election of November 5, 2002 as articulated in County Counsel's memo regarding "substantial compliance".

Options two and three would have the least adverse impacts with respect to costs, administration and voter acceptance. These impacts would be absorbed within existing cost centers and the regularly scheduled election. In addition the November election with a robust ballot of federal, state and local offices would more assuredly attract a higher voter turnout. Option one, a special election, is discussed under "Fiscal and Facilities Impacts."

### **Mandates and Service Levels:**

Now verified, the Recall election is mandated to be held within the prescribed time.

### **Fiscal and Facilities Impacts:**

If a special election is ordered then there will be substantial impacts upon the general fund, county elections and voters.

The costs primarily are labor, office expense and special departmental expense. (Exhibit B) These costs are mandated and non-reimbursable. The estimated cost of a special recall election is \$211,457.00. The costs have not been included in the department's FY 2002-03 proposed budget. Costs will be borne by the department's adopted budget and subsequently, request will be made to transfer fund from the county's contingency fund.

In addition to increase costs is the administrative burden placed upon the county election office. If your Board ordered a special election, staff must administer parallel (special and general elections) with redundant

responsibilities of procuring precinct workers and polling places for two distinct elections within one month of each other.

Finally, a special election would percolate the angst of voters. Registered voters would be challenged with two elections, perhaps voting in different polling places with varying protestations why they are voting or ineligible to vote. For those who are registered to vote in the special election then subsequently move prior to the regular election without re-registering, percolation becomes an eruption.

**Special Instructions:** None

**Concurrence:** County Counsel