



Striving to be the Best

**OFFICE OF COUNTY CLERK-RECORDER
& REGISTRAR OF VOTERS
ELECTIONS DIVISION**

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August 13, 2013

The Honorable Loretta Murphy Begen, Presiding Judge
Stanislaus County Superior Court
P.O. Box 3488
Modesto, CA 95353

Re: Comments to Grand Jury Report 13-02C

Dear Judge Begen,

The Clerk-Recorder-Registrar of Voters Department is in receipt of the Stanislaus County Civil Grand Jury 's letter dated June 17, 2013, including completed case # 13-02C Monterey Park Track Community Services District. This letter serves as comment from the Clerk Recorder pursuant to Penal Code § 933 (c) and 933.05 (f) on the findings and recommendation in said letter which pertain to matters under the control of the Clerk-Recorder-Registrar of Voters Department.

Findings:

F1. The expired term Monterey Park Tract Community Services District board member appointed in 2007 continues until he or she resigns or is replaced by a successor through the election or appointment process.

Comment: The Clerk-Recorder-Registrar of Voters Office agrees with this finding.

F2. A quorum did exist on the MPTCSD board during the meeting of May 14, 2012. The board member in question was legitimately serving a term in office.

Comment: Clerk-Recorder-Registrar of Voters Office does not have knowledge regarding the MPTCSD meeting of May 14, 2012.

F3. Procedures for the MPTCSD elections have not always been followed.

Comment: It is not clear what procedures are referred to. California Election Code procedures are followed by the Clerk-Recorder-Registrar of Voters when conducting elections. Clerk-Recorder-Registrar of Voters has no specific knowledge of MPTCSD election practices which may or may not have been followed.

- F4. The separate records maintained by the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters made to verify the status of MPTCSD board member's difficult.

Comment: Clerk-Recorder-Registrar of Voters Office agrees that the MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk- Recorder-Registrar of Voters maintain separate records. The MPTCSD, Stanislaus County Board of Supervisors and the Office of the Clerk-Recorder-Registrar of Voters each have specific Government regulations that mandate their recordkeeping responsibilities. The Clerk- Recorder-Registrar of Voters staff works closely with the Clerk of the Board staff and the MPTCSD to ensure our on-line list of elected officials located at www.stanvote.com remains current. The Clerk-Recorder-Registrar of Voters website is available to the public and reflects the elected directors of the MPTCSD, date of election year and expiration of their term of office.

RECOMMENDATIONS

- R1. The MPTCSD and Stanislaus County Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should make MPTCSD board member candidate recruitment a priority to fill present board position vacancy(s).

Comment: It is the function of the Clerk-Recorder-Registrar of Voters to conduct state, county and district elections. The Clerk-Recorder-Registrar of Voters also conducts city elections pursuant to request and contract with a particular city. The Clerk-Recorder-Registrar of Voters does not have authority to recruit candidates and remains impartial and neutral in the conduct of elections.

Pursuant to California Government Code Section 1780, vacancies on a Board can be filled by a quorum of remaining directors within 60 days; by the Stanislaus County Board of Supervisors between 60 and 90 days; and by election after 90 days. In order to be eligible to serve as a director in the MPTCSD, an individual must meet the requirement of being a registered voter. The MPTCSD has a total of 57 registered voters.

- R2. The MPTCSD should develop and implement a record keeping system that is complete, secure and readily available.

Comment: Clerk-Recorder-Registrar of Voters conducts elections on behalf of the elective districts within Stanislaus County including MPTCSD. It does not instruct nor oversee the manner in which individual districts conduct business.

- R 3. The Board of Supervisors and the Office of the Clerk Recorder/Registrar of Voters should convert existing hard copy paper files to searchable computer files as soon as financially feasible. The converted files should be available to county offices and the public as necessary and/or reasonable.

Comment: Records from 1854 to current are accessible from the Clerk-Recorder-Registrar of Voters. The Clerk-Recorder-Registrar of Voters maintains documents in multiple formats including electronic, digital, microfiche, microfilm and original paper, and said documents are available to the public upon 48 hours notice.

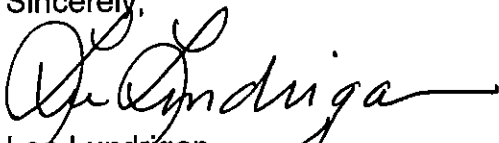
Multiple election documents are on-line at www.stanvote.com some of which include the election calendar of important dates, candidates and measures for current elections, an explanation of the canvass of the vote, department overview, e-sample ballot pamphlet which contains the sample ballot pamphlet, a copy of the ballot and candidate statements as well as voter information, the list of elected officials and their statement of economic interest, the election results from 2002 to present, the Statement of the Vote from 2007 to present which includes the detail of all candidates and election results, an interactive ballot tracker/look-up with the ability to check a voters' provisional and vote by mail status, polling places, precincts and election officers, vote by mail history, required steps to request a vote by mail ballot and information, voter registration/ information, Stanislaus County voting system information and voter information guide materials.

In addition to information placed on-line, the Clerk-Recorder-Registrar of Voters utilizes the Data Information Management System (DIMS) specialized database system to maintain records which include voter, candidate, election officer, polling place, district, precinct, street and affidavit distribution.

No Clerk-Recorder-Registrar of Voters records were requested by the Grand Jury during its investigation. The Grand Jury inquiry focused on California Election Code sections which are available on-line at several sites including <http://leginfo.legislature.ca.gov/> and an explanation the general election process.

The contact information for the Clerk-Recorder-Registrar of Voters is 525-5211.

Sincerely,



Lee Lundrigan
Stanislaus County Clerk Recorder & Registrar of Voters

cc:

Supervisor Vito Chiesa, Chairman, Stanislaus County Board of Supervisors
Richard W. Jacobs, Foreperson, Stanislaus County Civil Grand Jury 2012-2013
Monica Nino, Chief Executive Officer, Stanislaus County