



MEMORANDUM
OFFICE OF THE
PLACER COUNTY CLERK-RECORDER-
REGISTRAR OF VOTERS

TO: Honorable Board of Supervisors
FROM: Jim McCauley, County Clerk-Recorder-Registrar of Voters
Ryan Ronco, Assistant Recorder-Registrar of Voters
DATE: December 14, 2010
SUBJECT: Information Re. Sen. Dist. 1 - Special General Election to be held on January 4, 2011

J McCauley

Background

Senator Dave Cox passed away on July 13, 2010, which created a vacancy in State Senate District 1. On July 26, 2010, Governor Schwarzenegger called a Special General Election to be held on January 4, 2011, in accordance with Elections Code Sections 10700 and 10703, with the Special Primary Election consolidated with the November 2, 2010 Statewide General Election just completed. Elections Code Section 10705 provides that when a state legislative vacancy occurs, a candidate may be elected at a special primary election if he/she receives a majority of the votes. However, if no candidate receives a majority, as was the case in the November Special Primary Election, then the top vote-getter of each party appear on the Special General Election ballot in accordance with Elections Code Section 10706.

At the November 2, 2010 Special Primary Election, there were four candidates: three Republican and one Democratic. Because no candidate received a majority of the votes, the names of the top vote-getters for the Republican and Democratic parties will be placed on the January 4, 2011 Special General Election ballot. The candidates whose names will appear on the ballot are Ted Gaines (R) and Ken Cooley (D). The candidate receiving the highest number of votes (total, across the twelve counties in Senate District 1) at the Special General Election will be elected to serve the remainder of the term in the vacant Senate District 1 seat, which expires December 3, 2012.

Additionally, depending on the outcome of the January 4, 2011 Special General Election, there could be another special vacancy primary election required before the end of the current fiscal year.

Fiscal Impact

Current law does not contain provisions for the State to reimburse counties for costs of special vacancy elections. The estimated direct costs of the January 4, 2011 Special General Election, i.e. excluding Clerk-Recorder-Elections and County administrative/overhead support costs, are \$647,840, of which an estimated \$454,628 would be for additional, "out-of-pocket" elections expenditures, and the remaining \$193,212 would be for costs of existing elections staff salaries and benefits.

Of the estimated \$454,628 in additional, "out-of-pocket" costs for the January 4th Election, as much as \$270,986 may be able to be absorbed within the current Elections budget, but an estimated \$183,642 could require supplemental budget appropriation, once final costs for the election are known. Fortunately, it appears that counties will receive reimbursement in FY 2010-11 for their May 2009 statewide special election costs, which for Placer would fully offset these estimated additional and unbudgeted, "out-of-pocket" expenditures for the January 4th Special General Election.

