



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1
Vice-Chair

Kollin Kosmicki
District No. 2
Chair

Mindy Sotelo
District No. 3

Angela Curro
District No. 4

Ignacio Velazquez
District No. 5

Item Number: 1.9

MEETING DATE: 05/06/2025

DEPARTMENT: COUNTY CLERK/RECORDER/ELECTIONS

AGENDA ITEM PREPARER: Francisco Diaz

DEPT HEAD/DIRECTOR: Francisco Diaz

SUBJECT:

COUNTY CLERK/RECORDER/REGISTRAR OF VOTERS - F. DIAZ

Adopt Resolution acknowledging the election cost reimbursement responsibilities of the County Office of Education, pursuant to California Elections Code § 10002, as interpreted by the County to authorize the Registrar of Voters to bill any jurisdiction requesting election services. While there are no costs incurred at this time, this Resolution establishes that, moving forward, the County Office of Education will be charged for the cost of conducting the election contest for County Superintendent of Schools, a practice that was not in effect previously.

SBC FILE NUMBER: 285

RESOLUTION NO.: 2025-21

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Summary

The California Association of Clerks and Election Officials (CACEO), with support from the County Clerk-Recorder/Registrar of Voters of San Benito County, is leading an effort to review and standardize how counties are reimbursed for election services. A key focus is ensuring fair and accurate cost recovery across the state.

During this process, it was found that the Office of the County Superintendent of Schools has often been excluded from paying for elections it initiates, such as Board of Trustees elections and ballot measures, due to a misinterpretation of Government Code § 24000. However, this statute relates only to officer

classification and not financial responsibility.

Under California Elections Code § 10002, counties are authorized to bill any jurisdiction that requests election services. Therefore, it is both lawful and equitable to include the County Office of Education in reimbursement practices. Doing so supports fiscal fairness, operational sustainability, and consistency across jurisdictions.

Background

The California Association of Clerks and Election Officials (CACEO), in coordination with county election leaders across the state, has initiated a comprehensive review of the billing methodology used for election services. This initiative, supported by County Clerk-Recorder/Registrar of Voters for San Benito County, is intended to establish a uniform, equitable, and standardized approach to cost reimbursement for services rendered during elections.

One of the primary goals of this effort is to ensure that counties are accurately and fully reimbursed for the true cost of election administration. These costs include, but are not limited to, ballot creation and printing, postage, staff time, equipment usage, and facility overhead; all of which are necessary components to conduct free and fair elections.

Inclusion of the County Superintendent of Schools in Reimbursement

Through this evaluation, it has come to light that the Office of the County Superintendent of Schools has historically been omitted from the election cost reimbursement framework in several counties. This omission appears to be based on an interpretation of California Government Code section 24000, which enumerates county officers for classification purposes. However, this statutory interpretation has led to a misconception that the Office of Education, due to its classification or lack thereof under § 24000, is exempt from bearing costs related to elections.

This interpretation is legally flawed for the following reasons:

- 1. Government Code § 24000 is Classification-Oriented:**

The statute's purpose is to define county officers for administrative and classification matters, not to determine fiscal responsibility in elections. It does not expressly preclude the billing of jurisdictions such as the County Office of Education for services rendered during elections.

- 2. Direct Jurisdictional Benefit and Responsibility:**

The County Superintendent of Schools and the County Office of Education are frequently responsible for initiating elections including Board of Trustees elections and the placement of bond measures or special initiatives on the ballot. These are jurisdictional elections that serve the direct interests of the Office of Education and its constituencies.

- 3. Legal Precedent and Practice in Other Jurisdictions:**

Under California Elections Code § 10002, counties are authorized to seek reimbursement from jurisdictions that request election services. It is therefore both permissible and appropriate to charge the County Office of Education for elections it initiates.

- 4. Equitable and Transparent Billing:**

Billing the County Office of Education for elections they request is consistent with principles of fiscal fairness and cost recovery. These elections require the allocation of staff time, ballot space, mail processing, and other logistical supports. If other local agencies and districts are billed for these services, there is no rational basis for excluding educational offices solely based on an outdated or misapplied legal interpretation.

Conclusion

CACEO's initiative to standardize billing methodologies is critical to ensuring that all counties can operate elections sustainably and with full cost recovery. As part of this effort, the inclusion of the County Office of Education and by extension, the Office of the County Superintendent of Schools as a reimbursable jurisdiction is not only legally justifiable but also operationally necessary. This adjustment would bring greater consistency to the treatment of all jurisdictions requesting election services, help ensure transparency, and avoid placing undue financial burdens on counties for services rightly owed by requesting entities.

Estimated Cost Reimbursement Impact – 2022 Primary Election

As part of the review of election billing practices, it was determined that the elected office of the County Superintendent of Schools was not included in the cost recovery structure for the 2022 Primary Election. Had this office been billed appropriately for the election services it utilized specifically for the placement of the Superintendent's race on the ballot, the county would have received an estimated cost reimbursement exceeding \$26,000.

This figure reflects the actual expenses incurred by the county in administering the election, including ballot layout and printing, postage, vote tabulation, staff time, and general administrative overhead directly tied to supporting the Superintendent of Schools election.

The omission highlights a significant gap in the current billing methodology. Including such jurisdictions in future cost recovery efforts is essential not only for fiscal sustainability but also to ensure all requesting entities equitably contribute to the true cost of conducting elections.

Request for Board of Supervisors' Affirmation

In light of the legal and fiscal analysis presented, and to ensure consistency in election cost recovery practices, we respectfully request that the Board of Supervisors affirm the position and interpretation of County Clerk-Recorder/Registrar of Voters: *that the County Office of Education shall be responsible for reimbursing the County for the cost of conducting the election contest for County Superintendent of Schools.*

This affirmation will support a uniform and equitable billing approach, consistent with California Elections Code § 10002, and will clarify the County's intent to recover costs from all jurisdictions that place contests or measures on the ballot, including the Office of Education. Such action will also help prevent future revenue losses and ensure county resources are not disproportionately allocated without reimbursement.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

N/A

RFP AND BID HISTORY:

N/A

LAST CONTRACT AMOUNT OR N/A:

N/A

CONTRACT HISTORY (Describe all amendments and previous contracts):

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

Yes

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

Yes

BUDGET ADJUSTMENT NEEDED:

No

SOURCE OF FUNDING:

General Fund

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

101.32.1115.1000.250

CURRENT FY COST:

Between \$30,000 to \$50,000.

STAFF RECOMMENDATION:

Adopt Resolution acknowledging the election cost reimbursement responsibilities of the County Office of Education, pursuant to California Elections Code § 10002, as interpreted by the County to authorize the Registrar of Voters to bill any jurisdiction requesting election services. While there are no costs incurred at this time, this Resolution establishes that, moving forward, the County Office of Education will be charged for the cost of conducting the election contest for County Superintendent of Schools, a practice that was not in effect previously.

ATTACHMENTS:

[Resolution - CRE COE Cost Reimbursement](#)