

**From:** Orth, Brandi [mailto:BOOrth@co.fresno.ca.us]  
**Sent:** Tuesday, January 29, 2013 4:57 PM  
**To:** Brad Friedman  
**Subject:** Prop. 37 recount  
**Importance:** High

Mr. Friedman:

When the Secretary of State notified Fresno County of the Prop. 37 recount, it was Monday, January 7, 2013. Ms. Resnick's letter of January 4, 2013 to my Office was attached.

The proponent's January 4, 2013 letter requested a cost estimate for "set-up" costs and daily costs for 1, 2 or 3 recount boards. The scope of the recount, meaning other materials the proponents would want to examine, were not identified. The amount of precincts, nor the specific precinct numbers, to be recounted were also not identified.

I spoke with Mr. Courbat on January 8<sup>th</sup>, seeking more information regarding the recount parameters. He advised that he would require the Statement of Vote by precinct and the Registered Voter List to analyze what precincts he would like to recount. As mentioned previously, we immediately compiled that data and sent it to Mr. Courbat overnight, Federal Express, without requiring his advance payment which is the standard process our customers must follow.

Based on the vague information regarding the recount parameters that my Office had at that point, we prepared a cost estimate for the recount process. The Code of Regulations states that members of the recount board be registered voters in the County. I knew that the ultimate scope of the recount could also include an examination of all of the election material, such as precinct ballot statements, 1% tally results, rosters, canvass results, etc. The election staff were also responsible for several of these processes during the election and their experience would be beneficial to provide any explanation to the proponents.

Fresno County takes a recount request as a serious matter and ultimately my Office wants to be as efficient as possible in responding to the proponents requests and questions. Based on the fact that the recount parameters had not yet been identified, I made the decision that it would be appropriate to use experienced election staff to not only serve as recount board members but also to utilize them to explain and respond to any other election process question.

If the proponents would have given us more details regarding the scope of the recount, then we could have tailored our estimate more closely. As the law states, the cost estimate is just that, an estimate. Only actual costs would have been charged to the proponents.

That reasoning also applies to our cost estimate based on a regular 8 hour day. The proponents would only be charged for the actual hours worked on this process. And, conversely, if the daily costs exceeded our daily cost estimate, the proponents would be responsible for paying the total costs incurred.

Given that no specific parameters were provided to my Office, the cost estimate was prepared with the intention of having the most appropriate staff available to provide responsive answers to the proponents.