

Election committee questions Ross Valley flood tax

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Members of the Marin Election Advisory Committee want to take a closer look at the voting procedures used in the controversial Ross Valley flood tax election.

The committee, which advises the registrar of voters on voter participation and election integrity issues, stopped short of commenting on the results of the election itself. County election workers are recounting ballots Monday at the request of San Anselmo attorney Ford Greene and others who are paying for the tally.

But members raised questions about the unusual election, in which Ross Valley property owners voted by mail on a user fee to support future flood-control measures for the region. The fee won by 65 votes in a mail election - administered by public works officials - in which 1,700 ballots were tossed out, most because voters did not sign the unusual ballots.

"For us, it's hard to comment on the election," said member Bob Richard. "This wasn't really even a vote in the sense of the election code. But I think it's worth looking at Proposition 218 elections more generally. We're one of the few counties that has an advisory body like this, and we shouldn't be embarrassed to take a look at some of these questions."

Proposition 218 is the ballot measure that requires local governments to hold protest elections before imposing user fees on property owners. Items on a Proposition 218 ballot require only a 50 percent majority to pass, rather than the two-thirds majority needed to pass a tax in a regular election.

"This election was conducted by the Department of Public Works, not our office," said Elaine Ginnold, registrar of voters. "These ballots went out to property owners. They didn't have to be registered voters or even citizens. After they sent out the ballots, we were asked by the county if we wanted to cooperate in counting the votes. We didn't know what the ballots looked like, and we had no impact into their design."

Those ballots have drawn criticism because instructions on the back of the ballot required voters to sign their name. Of the 15,010 ballots returned to the county, about 1,700 had to be discarded. While officials previously reported that 1,100 of those ballots were discarded because they were unsigned, Ginnold called that number "a total guess," saying the number could be higher.

"The fact that a lot of people didn't sign suggests that the signature represented a barrier," said Antonia Hollander, a member of the committee and a representative of the Marin Grassroots Leadership Network. "Clearly, there was something wrong about the ballot if so many people did not sign."

State law does not require voters in a Proposition 218 election to sign ballots. However, the law does allow counties to impose conditions such as signatures to a Proposition 218 election, which the Marin Board of Supervisors did.

"In every one of those elections, (having to sign the ballot) is the main concern," Ginnold said. "It's always controversial."

While critics of the Ross Valley election have asked for the unsigned ballots to be counted, Ginnold said the county cannot legally do so.

"Suppose we had done that," Ginnold said. "Then the outcry would be, 'You counted those ballots and they weren't even signed!' We have to follow procedures."

Committee members at a meeting Friday agreed to evaluate the process of holding Proposition 218 elections, although not all agreed on its importance.

"This election affected a small percentage of overall voters," said member Mark Kyle. "It had to do with a small number of property owners, rather than all of the people in this county who are eligible to vote."

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