

State controller vote recount that includes Fresno County ignites questions

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By Carmen George



Who finished second to Fresno Mayor Ashley Swearingin in primary balloting for the state controller job -- Betty Yee, left, or John Pérez?

SPECIAL TO THE BEE

Questions and criticism loom in a historic recount for the state controller primary election that involves 15 counties, including Fresno.

"The whole thing is completely uncharted territory," said Douglas Herman, campaign strategist for candidate John Pérez, who is requesting the recount.

"It's the largest recount in California history and the closest election."

No. 2 in the race, Betty Yee, emerged just 481 votes ahead of Pérez from among more than 4 million votes cast for controller in June.

The recount pits Democrats Pérez and Yee, each seeking a chance to challenge Fresno Mayor Ashley Swearingin, a Republican, who collected the most votes in the primary and advanced to the November

runoff.

Swearingin's campaign is "not getting involved" in the recount showdown.

"We'll know soon enough who our opposition is," said Tim Clark, Swearingin's campaign spokesman.

But many county officials say nothing will be decided "soon." Many doubt such a large recount, involving thousands of precincts, is possible before deadlines for the November runoff.

Kern County and possibly Imperial County will begin recounting ballots on Friday. Pérez, footing the bill for the recount, asked that these counties begin first and simultaneously. After they finish, No. 3 on the list, San Bernardino County, will begin, followed by Fresno County.

Other Valley counties asked to participate: Tulare County, No. 11, Kings County, No. 13, and Merced County, last at No. 15. Only some precincts within counties will be recounted.

"John Pérez is cherry-picking his best precincts in his best counties ... what we see as a completely unfair and completely undemocratic recount," said Parke Skelton, campaign consultant for Yee.

Douglas Herman, Pérez's campaign strategist, sees it differently. "We'd love to see a full statewide recount, but it's just unaffordable," Herman said. Until all counties provide estimates, it's not known how much a recount could cost.

Any California voter can request a recount — as long as they can fork out the cash to make it happen.

Skelton said that's unfair. Yee has no funds left in her primary election coffers, he said Wednesday. She is fundraising so she also can ask for a recount, if needed.

Herman declined to say how much money the Pérez campaign has. But Skelton said Pérez "certainly has more resources than Yee."

"Which raises another question," Skelton said. "Should ballots be recounted just because one candidate has more money than another candidate? It's an absurd system. ... It absolutely favors whoever can pay for the most recounts. It just seems constitutionally impermissible."

Herman said state election law is broken. Unlike 19 other states, he said, California does not require an automatic recount for close races.

Pérez's recount request is only the third for a statewide race in state history, said Shannan Velayas, spokeswoman for the California secretary of state. The other two recounts concerned 2012 ballot propositions.

Interpreting California recount law is largely up to county counsels, Velayas said. The secretary of state's required role in a recount is "very narrow."

"We did our part," Velayas said. "We forwarded a copy of the (recount) request to the election officials."

Fresno County Clerk Brandi Orth said her office will need to hire temporary staff for a recount. She's working to determine what that may cost and how many people she'll need.

In Fresno County, Pérez wants 212 of 447 precincts to be recounted.

"All election offices involved are concerned," she said. Staff will be forced to work simultaneously on the recount and gear up for the November election.

Velayas said state law doesn't specify when a recount must be completed, yet first deadlines for the November election are later this month.

Kern County will have about 20 staff assisting with the recount, some temporary hires or pulled from other departments, said Karen Rhea, the county's chief deputy county clerk and registrar of voters.

Rhea is still working out total cost, but she's estimating at least \$4,000 a day. Her goal is to complete the recount within two weeks, "but that might be overly optimistic." One obstacle: Ballots in Kern County are not sorted by precincts, so just finding the requested ballots will take time.

Another twist: The Pérez campaign can stop the recount at any time. But before the primary election results could be changed — bumping Pérez from No. 3 to No. 2 — all ballots in a county where a recount already has started must be retallied.

Herman said that affects only those counties where a campaign or voter has paid for a recount to begin. That's sparked a question for some counties listed later in the rolling recount: If they start gearing up for a recount, but it never happens, do they get reimbursed for preparation costs?

There's no clear answer for that, many officials say, or for this question: Could a recount duel continue between Pérez and Yee until the last vote in California is recounted?

If Pérez's recount bumps him up to No. 2 in the race, then all the money he spends to recount ballots would be refunded. But then if dueling recount results keep changing the final outcome, will a slew of refunds drain county coffers?

Skelton sees many "potential legal challenges" stemming from this recount.

Ann Turner, election manager for Tulare County, reiterated that the recount puts all in "unchartered waters."

"We are definitely going to have legal counsel guide us and work with the secretary of state to make sure we are doing everything we are required to do by law," she said.

Barbara Levey, Merced County's assessor/clerk/recorder and registrar of voters, thinks this recount "may force or encourage some change in our legislation."

Would it be easier on counties if automatic recounts were required in close races?

It would be an additional step, Levey said, "but at least it would be a very structured step."

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