

Official Certified Results
Consolidated General Election
November 6, 2018

Madera Unified School District
Trustee Area 5

Governing Board Member, Area 5

Lucy Salazar	901
Steve T. Duncan	834

I hereby certify that in accordance with the provisions of Section 15300 of the California Elections Code, I did canvass the returns of the votes cast in Madera County at the Consolidated General Election held on November 6, 2018 and that the totals shown are full, true and correct.

WITNESS my hand and Official Seal, this 25th day of January, 2019.



Rebecca Martinez, County Clerk-Recorder and Registrar of Voters





Rebecca Martinez, County Clerk-Recorder and Registrar of Voters

FOR IMMEDIATE RELEASE

January 25, 2019

Contact: Rebecca Martinez (559) 675-7720

County Registrar Certifies Election for Madera Unified School District Governing Board Trustee Area No. 5

Madera, CA – County Registrar of Voters Rebecca Martinez has certified the result of the Madera Unified School District's Governing Board Trustee Area No. 5 election, conducted as part of the November 2018 General Election.

As reported in a press release dated November 15, 2018, just prior to Election Day, Madera County discovered that a mistake was made by the County's contracted ballot printer, which resulted in just over 400 voters in the Madera area receiving a vote-by-mail ballot that included an additional local contest for which they were not entitled to vote. The error had no effect on any state, federal, or countywide local contests.

After notifying the ballot printer, the Elections Department conducted extensive research while carefully maintaining the integrity of the process, and was able to isolate most of the returned ballots and correct the error.

Ultimately, 85 ballots were returned and counted that contained the additional Area 5 contest, and thus there were 85 voters who **possibly** voted in this contest without being eligible to do so. The difference between the leading candidate Lucy Salazar (945 votes) and the trailing candidate Steve Duncan (875 votes) was only 70 votes. Based on this uncertainty, the Registrar obtained an order from the Madera County Superior Court extending the deadline to certify this election. This was done in an effort to be transparent about what took place with this election, and to allow the Madera Unified School District the opportunity to call for a new election if it chose to do so. However, only very recently, the School District communicated to the County that a new election will not be called in this matter.

Based on the response from the School District's legal representation, the Registrar was only left with the alternative of certifying the election to the best of her ability under the law. To this end, the Registrar used the proportional vote reduction approach recognized in cases *Russell v. McDowell* (1890) 83 Cal. 70, and *Singletary v. Kelly* (1966) 242 Cal.App.3d 611, as well as California Elections Code section 16203. Using this approach, the 85 incorrect ballots were reduced from the vote totals of each candidate in the same proportion as the percentage of the vote for each candidate. As Lucy Salazar had 51.92% of the total vote, her vote total was reduced by 44 votes. Steve Duncan's vote total was then reduced by the remaining 41 votes. As a result, the certification for Trustee Area 5 will be provided to Madera Unified School District today. Thereafter, it is the responsibility of the Governing Body to declare the result and seat the candidate receiving the highest number of votes. The Registrar believes that in the absence of a new election, this is the fairest approach she could have taken under the law to certify the election results.

The certification of this contest will be available on the Registrar's website at www.votemadera.com.

COUNTY CLERK-RECORDER & REGISTRAR OF VOTERS

200 West Fourth Street • Madera, CA 93637 • 800.435.0509 Toll Free • 559.675.7720 • 559.675.7721 • 559.675.7724 • 559.675.7870 Fax
www.maderacounty.com • www.votemadera.com

