

**Board Members**

Joe Neves, District 1  
Richard Valle, District 2 - Chairman  
Doug Verboon, District 3 – Vice-Chairman  
Rusty Robinson, District 4  
Richard Fagundes, District 5



**Staff**

Edward Hill, County Administrative Officer  
Diane Freeman, County Counsel  
Catherine Venturella, Clerk of the Board

## Board of Supervisors Regular Meeting Action Summary

**Date:** Tuesday, January 3, 2023  
**Time:** 9:00 a.m.  
**Place:** Board of Supervisors Chambers, Kings County Government Center  
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) ❖ website: <https://www.countyofkings.com>

The meeting can be attended telephonically, on the Internet by clicking this link:

<https://countyofkings.webex.com/countyofkings/j.php?MTID=m37c754834cb8d873b903ec42b7edeeb4>

or by sending an email to [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) on the morning of the meeting for an automated email response with the WebEx meeting link information. Members of the public attending via WebEx will have the opportunity to provide public comment during the meeting.

**\*WebEx will be available for access at 8:50 a.m. \***

Members of the public who wish to view/observe the meeting virtually can do so via the worldwide web at:

[www.countyofkings.com](http://www.countyofkings.com) and click on the “Join Meeting” button or by clicking this link:

<https://youtu.be/qSNNakhEu0k>

Members of the public viewing the meeting through YouTube will not have the ability to provide public comment.

Members of the public who wish to comment may submit written comments on any matter within the Board’s subject matter jurisdiction, regardless of whether it is on the agenda for the Board’s consideration or action, and those comments will become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read into the record. Written comments received by the Clerk of the Board of Supervisors no later than 8:30 a.m. on the morning of the noticed meeting will be included in the record, those comments received after 8:30 a.m. will become part of the record of the next meeting. Email is not monitored during the meeting. To submit written comments by email, please forward them to [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) or by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. 9:00 AM **CALL TO ORDER**  
ROLL CALL – Clerk of the Board  
INVOCATION – Pastor Arthur Fox – New Hope Orthodox Presbyterian Church  
PLEDGE OF ALLEGIANCE  
ALL MEMBERS PRESENT



II.

**BOARD REORGANIZATION**

**Clerk of the Board/Chairman of the Board**

- A. The Office of Chairman of the Board of Supervisors is declared vacant and a call for nomination is made.  
**On a motion by Supervisor Verboon, seconded by Supervisor Neves, the Board elected Supervisor Valle as Chairman for 2023 and closed the nominations. (DV, JN, RR, RF, RV-Aye)**
- B. The Office of Vice-Chairman of the Board of Supervisors is declared vacant and a call for nominations is made.  
**On a motion by Supervisor Fagundes, seconded by Supervisor Robinson, the Board elected Supervisor Verboon as Vice-Chairman for 2023 and closed the nominations. (RF, RR, DV, JN, RV-Aye)**

III.

**UNSCHEDULED APPEARANCES**

*Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.*

**Andreas Borgeas, Fresno County resident read a letter into the record regarding his concerns with the Kings County Registrar of Voters processes of the requested recount for the David Shepard for Senate race and indicated they should not have to resort to litigation over their concerns.**

**David Shepard, Tulare County resident read portions of a letter into the record regarding his concerns with the Kings County Registrar of Voters processing of his recount request for the California Senate District 16 race.**

**Lupe Villa, Kings County Registrar of Voters gave an update on the recount process being conducted in Kings County by his staff for the California Senate District 16 race and answered questions from the Board of Supervisors**

**Catherine Venturella, Clerk of the Board stated that the Board members received a copy of the letters from Mr. Borgeas and Mr. Shepard will become part of the permanent record of today's minutes.**

IV.

**APPROVAL OF MINUTES**

- A. Report out of Closed Session from the regular meeting for December 20, 2022.  
**REPORT OUT: Diane Freeman, County Counsel stated that the Board took no reportable action in closed session at the December 20, 2022 meeting.**
- B. Approval of the minutes from the regular meeting for December 20, 2022.  
**ACTION: APPROVED AS PRESENTED (RF, DV, JN, RV-Aye, RR-Abstain)**

V.

**CONSENT CALENDAR**

- A. **Human Resources Department:**
1. Information Only - Competition for the Assistant District Attorney positions have been suspended by the Human Resources Director, and Thom Snyder and Cindy Underwood appointed to the Assistant District Attorney positions effective today, January 3, 2023 (Pay Period 01-2023).
- B. **Administration:**
1. Consider appointing one new member and reappoint one member to the San Joaquin Valley Air Pollution Control District Citizens Advisory Committee.
- ACTION: APPROVED AS PRESENTED (DV, RF, JN, RR, RV-Aye)**



**VI.**

**REGULAR AGENDA ITEMS**

**A. Information Technology Department – John Devlin**

1. Consider approving the Agreement with Okta for multi-factor authentication and single sign on services. [AGMT 23-001]

**ACTION: APPROVED AS PRESENTED (RF, JN, DV, RR, RV-Aye)**

**B. Administration – Edward Hill/Kyria Martinez**

1. Consider setting the Salary of the new District Attorney, Sarah Hacker, to be effective January 2, 2023 at 12 o'clock noon, the date she will be sworn into office.

**ACTION: APPROVED AS PRESENTED (DV, RR, JN, DV, RV-Aye)**

2. Consider approving the 2023 Board and Committee Assignments.

**ACTION: APPROVED AS PRESENTED (RF, DV, JN, RR, RV-Aye)**

**VII.**

**BOARD MEMBER ANNOUNCEMENTS OR REPORTS**

*On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).*

**Supervisor Neves stated that he wrapped up the Santa visits for 2022.**

**Supervisor Fagundes welcomed Supervisor Robinson to the Board and stated that he is looking forward to moving on with the New Year.**

**Supervisor Verboon stated that he had a quite Holiday and welcomed Supervisor Robinson to the Board and Sarah Hacker to the District Attorney's Office and stated that he hopes for a prosperous New Year and gave thanks for the recent rainfall.**

**Supervisor Robinson thanked the citizens of District 4 for their support to allow him to serve them and work hard, listen, and stay informed. He thanked his wife Theresa and son Patrick for their help on his campaign, thanked the Board of Supervisors and County staff for their inclusiveness towards him.**

**Supervisor Valle stated that he is looking forward to 2023 being a good year and stated that the Corcoran Veteran's Memorial Park will tentatively be dedicated in April 2023 and he will advise as the date gets finalized to invite everyone.**

- ◆ Board Correspondence: **None**
- ◆ Upcoming Events: **Edward Hill stated that Kings County Behavioral Health is hosting a Family Member Support Group on Tuesday, January 3, 2023 from 5:30 p.m. – 7:30 p.m. at 460 Kings County Drive, Ste. 101 in Hanford. They will be providing support to families and others. There will be a lite meal provided and interpreter services will be provided upon request. The Rotary Club of Hanford will host its 45<sup>th</sup> Annual Crab Feed Fundraiser on Saturday, February 4, 2023 at the Hanford Civic Auditorium. Tickets are \$100. There are also various sponsorship opportunities available ranging from \$1,000 to \$5,000.**
- ◆ Information on Future Agenda Items: **Edward Hill stated the following items would be on a future agenda: Administration - quarterly update from Waste Management and American Rescue Plan Act Cemetery District Agreement; Department of Finance - Agreement with MGT of America, Inc. for consulting services on State Mandated claims; Human Services Agency - Contract with University of California Davis, Transitional Housing Program application Resolution, Housing Navigators Program Round 2 application Resolution, and THP Round 4 & HNMP Round 1 application Resolution; Public Health - DIS Workforce Development Grant and HIV Care Agreement Amendment; Public Works - Fiscal Year 21/22 Senate Bill-1 funded Kings County Roadway Improvement Project Notice of Completion; Sheriff's Office - Firearms Purchase.**



- VIII. CLOSED SESSION**
- ◆ **Significant exposure to litigation: (1 Case) Kings County groundwater export ordinance [Govt. Code Section 54956.9 (d)(2)(e)(2)]**
  - ◆ **Personnel Matter: [Govt Code Section 54957]  
Public Employee Appointment: Director of Finance**

**IX. ADJOURNMENT**  
The next regularly scheduled meeting will be held Tuesday, January 10, 2023 at 9:00 AM.

<b><i>FUTURE MEETINGS AND EVENTS</i></b>		
January 10	9:00 AM	Regular Meeting
January 11, 12, 13	9:00 AM	Board of Equalization – Leprino Foods Hearing
January 17	--	Regular Meeting Canceled due to Martin Luther King Jr. Holiday on January 16
January 24	9:00 AM	Regular Meeting
January 31	9:00 AM	Regular Meeting
<i>Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.</i>		

Chairman and Supervisors,

Thank you for allowing me a few minutes to explain a serious situation with the Registrar of Kings County. A situation that has enormous consequences well beyond a race for the California State Senate, but one that reaches the foundations of County institution and legal fairness in the democratic process.

As a former Fresno County Supervisor, I thought your Board might appreciate a brief reference to the laws that control the recounting of ballots. Both the California Elections Code and the Secretary of State Regulations require a legal presumption that the signature on the Mail in Ballot is the voter's signature (EC 3019(a)(2)(A) & (S/State Regulation 20960)).

It is a legal presumption that must be overcome before a voter may have his/her ballot excluded from the count. An exact match, therefore, is specifically not required by law. Instead, similar characteristics in signature are sufficient to determine a signature's validity (EC 3019(a)(2)(B)).

Further, the Elections Code and Elections Regulations provide the Registrar must consider certain discrepancies, such as initials, shortened or rearranged names, stylistic changes, age-related penmanship, handwriting surfaces, and hastily written signatures, just to mention some.

Here, the Kings County Registrar could not have complied with the mandatory review criteria imposed by the Secretary of State. Last Tuesday the relevant parties convened and were presented with approximately 150 mail-in ballots involving signatures. With an average time of less than ten seconds, both parties were forced to examine, consider, and render a decision on whether to challenge a particular ballot. Thereafter, despite numerous objections by both parties, the Registrar forced the parties to address the approximately 29 challenged ballots in the same egregiously fast process to which verdicts were rendered by the Registrar without providing rationale, reasoning, or criteria used to reach a decision.

In short, 150 ballots and then an additional 29 challenged ballots were dispatched by the Registrar in a record time of approximately 1 hour and 45 minutes. To put this in perspective, that means the Registrar allotted approximately 49 seconds for a complete determination of approximately 179 separate matters, including the physical processing time of each ballot review, each ballot challenge and counter-argument, and a written verdict.

Contrast this with Fresno, Tulare, and Kings Counties where only a mere fraction of challenged ballots were determined in a similar amount of time. Under these circumstances, it is clear the Registrar could not have complied with the mandatory review criteria imposed by the Secretary of State, and consequently deprived the parties of their legal right to meaningfully review the ballots in question.

It is also clear the Registrar lacked basic knowledge of California recount law. First, there was no apparent presumption by the Registrar that the signature on the mailed ballot was the voter's signature. The Registrar's operational premise instead likely reversed the presumption – that each ballot was presumptively invalid rather than valid.

Second, the Registrar categorically denied a number of challenged ballots because initials were used or names were in a different sequence, in direct violation of State Regulation 20960. Thirdly, the Registrar categorically disallowed Hurtado's Team from challenging any ballot. It was only until lawyers for the Hurtado team organized an effort to convince County Counsel that the Registrar was clearly in violation of the Elections Code that they were permitted to levy challenges.

Finally, the Registrar forced me to sign an illegal document that attempted to override Shepard's formal recount parameters as a precondition to proceeding with specific recount activities. Under these circumstances, it is clear the Registrar of Kings County lacked basic knowledge of recount law to the material detriment of the recount process.

Finally, the Registrar is disenfranchising the vote in Kings County. The Shepard team has no knowledge of how these voters voted in the Senate race, as the ballots remain unopened. So, this is not an effort to rehabilitate only favorable votes. But to disallow votes under the processes in place conflicts with the basic tenets of election law and plain fairness to both candidates.

My respectful request to you is that you encourage the Registrar, in the most appropriate ways, to allow for these specific ballots to be lawfully processed. The recount cannot be deemed complete by Kings County without this remedy, to which we are seeking your assistance.

In fact, I would extend an invitation to every member of this Board to attend a secondary review and ensure firsthand that it is conducted fairly and legally. There should be no need for the Shepard Campaign to resort to litigation when Kings County has an opportunity to correct glaring mistake at this very time.

Thank you in advance for your consideration.

– Andreas Borgeas

David Shepard  
 Candidate for State Senate District 16  
 01-03-2023

Official Complaint to Kings County

Thank you, Kings County Supervisors, for your continued service to Kings County and the constituents of State Senate District 16. My name is David Shepard and I submitting this more extensive complaint on behalf of the voters of Kings County and my campaign for State Senate. Most of you know my race for State Senate in District 16 between incumbent State Senator Melissa Hurtado and I came down to a difference of 22 votes out of 136,000 ballots casts. With the margin of my race being historically close I took the arduous and expensive path of filing for a recount, as even the smallest or errors could be consequential in determining the outcome of the race.

I believe it necessary to bring to light the conduct of the Registrar of Voters in Kings County, and the subsequent negative impact that has resulted to the voters of Kings County and my campaign. It is my belief that the combative and adversarial nature by which Kings County Registrar of Voters has taken toward my campaign has resulted in a rushed recount process and could result in detrimental outcome for the voters of Kings County.

On December 9<sup>th</sup> following a joint press release put out by State Senator Brian Jones and State Senator Scott Wilk calling on the State Senate to hold off the swearing in for Senate District 16, the Kings County Registrar of Voters, Mr. Villa, took personal offense to a small section of the release that stated that there were reports of a handful of uncounted ballots in Kings County. Mr. Villa took it upon himself to contact the Communications Director for Senator Jones Nina Krishel, in which he proceeded to interrogate Mrs. Krishel on how their office received the information regarding their press release. From Mrs. Krishel's perspective, Mr. Villa's defensive disposition of the Kings County Elections office was further implied to be "threatening to hurt Senator's Jones's reputation in the press." (*See Exhibit A for Mrs. Nina Krishel's written statement.*) Mr. Villa did in fact speak to the press regarding the joint press release in which reporter for the GV Wire David Taub describes Mr. Villa as "incensed".

Decemeber 27<sup>th</sup> was the first day of the recount in Kings County. Representatives of both campaigns and the ROV were present in the review of around 150 unprocessed ballots due to signature mismatches. Representatives of my campaign reported that the Kings County ROV held an expedited review of signature mismatches and did not give adequate time for either campaign or have our challenges contemplated. This resulted in no challenges being accepted by either campaigns. (*See Exhibit B for Fmr. State Senator Andreas Borgeas written statement.*) We have reviewed and challenged ballots in every other county in District 16 and in no other county have we not been able to have our challenges contemplated and extensively reviewed by all parties. King's County ROV only provided one hour and forty-five minutes to review around 150 ballots that had been disqualified. This hastily conducted review not only disenfranchises voters but also leaves compelling evidence that Kings County will not have provided an equitable recount in comparison to every other county in Senate District 16.

My campaign has faced substantial combativeness and difficulty from the ROV as well as the ROV's counsel Susan Fisher regarding an array of various issues. Initially, my campaign sent the same request to every county in SD 16 regarding the request for a recount. Every county in SD16 understood our campaigns request for a manual review of ballots in specific precincts, damaged ballots, discarded ballots, and a machine recount for the rest of remaining ballots in the county. (See Exhibit C for Official Request for Recount) Every county understood this request except for Kings County ROV and county counsel. On December 28<sup>th</sup>, my campaign was informed that Kings County would be increasing the daily rates following their misunderstanding of our request of a machine recount. (Exhibit D email from Lupe Villa)

*“Additionally, the change in mode of recount has had a significant impact on the daily and overall cost of the recount for SD 16. Attached is a revised ESTIMATED RECOUNT COST, that includes the expected payment of \$7451.41, to be paid with **CASHIER’S CHECK ONLY** by **9:00 a.m. on Thursday, December 29, 2022**, no exception 9:00 a.m. means 9:00 a.m.*

Because of the ROV's misunderstanding of my original request for recount of both manual tally and machine recount and the short notice of payment change from the ROV; this resulted in my personal outreach to Mr. Villa in which I tried explaining to him the basic tenants of the misunderstanding. Although my campaign felt the payment increase was meritless and the timeline of providing such a large increase demanded by the ROV the next business day was untenable, I decided against addressing the payment increase and decided to simply address the misunderstanding his office had regarding our request for a machine recount. It was my hope that by showing Mr. Villa that it was in fact his offices' misunderstanding of our campaigns request that he would be flexible with allowing our payment to come after the banks open the next business day. Mr. Villa was in fact open to the idea of extended the payment deadline due to his misunderstanding of our request from 9am to 9:30am but informed me that he would need to consult with consul and speak with me later regarding the issue. Mr. Villa then gave me a return phone call some hours later with a much more aggressive and demanding demeanor. He threatened to end the recount if payment was one minute later then 9:30am and said the blame of the late payment was my campaign's. He told me he would require a representative to sign a form accepting a payment schedule and he would tell the press or inquiring party the payment issues were the responsibility of my campaign and that if I did not agree the recount would be considered abandoned. (See Exhibit E for full email from Lupe Villa)

“Future discussions regarding the extension of payment from 9:00 a.m. to 9:30 a.m. will be based on the lack of action, after ample notification was provided to the requestor (Brian H.), and the Shepard Campaign.”

And

“If the above agreement is not met, the recount will be considered abandoned and recount operations will cease.”

The following day my campaign manager Austin Gilbert was forced to sign a payment schedule that we had not been given time to review. In wanting no further issues with Mr. Villa



and under fear of his imminent halting of the recount, my campaign paid for the remainder of the recount a week in advance so that no more issues regardless of party responsibility would occur.

Furthermore, I requested to Mr. Villa a fair review of the 150 ballots with signature mismatches in which he declined to accept. Also, upon signing Mr. Villa's payment demands, my campaign manager expressed our campaigns desire to further review the 150 signature mismatched ballots in which county counsel Susan Fisher very combatively and aggressively told Mr. Villa that the county would not do so.

I believe from the press release on December 9<sup>th</sup> until now, the Registrar of Voters has carried a personal offense against my campaign which has resulted in a prejudice to my campaign instead of acting as an independent arbiter of Kings County. As stated earlier, in regards to reviewing the signature mismatch ballots our campaign has not been disregarded in this capacity in any of the other four counties in Senate District 16. Nor has there been such misunderstanding of basic requests met with such combativeness.

My campaign has asked the Kings ROV to review the names of these individuals in an equitable manner, and has been repeatedly declined the opportunity. It appears there is more of an emphasis to finish the recount quickly, then to conduct the recount in greater detail. Greater detail, is in fact the purpose of a recount and what my campaign has expected to be delivered upon with the fees we are paying the county.

Mr. Villa's aggressive and often coercive methods have almost ended this recount. I do not know how he could perform his duties moving forward without partiality, especially when he has verbally expressed to me his desire to be finished with this process as soon as possible. Mr. Villa personal affront from the very beginning has led my campaign to believe that his actions come from a disdain of the very idea of a recount.

I look to the judgement of the Board of Supervisors regarding this formal complaint. The separation of powers delineated in state law gives the Registrar of Voters considerable discretionary authority during elections. I would hope that my grievances are heard by this board and that the county will act with equity and justice in regards to asking for a sufficient review of these signature mismatch ballots and give the constituents of Kings County an opportunity to have their voices heard before this election is finished. It is these 150 or so voters of Kings County that have not had a sufficient review equitable to what the constituents of Fresno, Tulare, and Kern county received in the Senate District 16 recount. I am not asking for any favors, special treatment, special request, or anything illegal. In fact, I am calling for the most basic right of any American to be exercised, that those that wish to participate in elections should be given the opportunity to do so.

**Exhibit A**  
**Nina Krishel's Statement**

My name is Nina Krishel and I am the Communications Director for Senator Brian Jones. On December 9, 2022, Senators Jones and Wilk issued a [press release](#)<sup>1</sup> with a joint statement about the Senate District 16 race. I was listed as one of the press contacts on the press release.

Around 1:45 pm on December 9, 2022, I received a call from Lupe Villa with the Kings County Registrar of Voters. He was aggressive on the phone and asked how we got the information in the press release. He specifically asked about how we got information that there were still ballots left to count in Kings County. He repeatedly said that releasing inaccurate statements won't help the situation. He was very defensive about the Elections Office. Mr. Villa explained that a reporter contacted him, and that is what spurred him to contact me. In a manner that sounded almost threatening, Mr. Villa said he is ready to go to the press and say Senator Jones is not telling the truth. Although he did not specifically say it, I felt that he was threatening to hurt Senator Jones's reputation in the press. I explained to him several times that I was simply the press contact and did not have the information he was seeking, but I would try to get back to him ASAP. He was not satisfied with that answer and again sounded threatening about going to the press immediately once we got off the phone. He left his call back number (559) 852-2433.

He did speak with the press and is quoted in [this article](#)<sup>2</sup>.

Best,  
Nina

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<sup>1</sup> <https://cssrc.us/content/wilk-and-jones-call-senate-hold-swearing-senate-district-16-race>

<sup>2</sup> <https://gvwire.com/2022/12/09/gop-state-senate-leaders-want-to-block-hurtado-victory/>

**Exhibit C  
Official Recount Request**

December 13, 2022

VIA ELECTRONIC MAIL

Michelle Baldwin  
Registrar of Voters  
Tulare County  
5951 S. Mooney Blvd.  
Visalia, CA 93277  
[MBALDWIN@TULARECOUNTY.CA.GOV](mailto:MBALDWIN@TULARECOUNTY.CA.GOV)

Lupe Villa  
Registrar of Voters  
Kings County  
1400 West Lavey Blvd., Bldg. #7  
Hanford, CA 93230  
[LUPE.VILLA@CO.KINGS.CA.US](mailto:LUPE.VILLA@CO.KINGS.CA.US)

Mary Bedard  
Registrar of Voters  
Kern County  
1115 Truxtun Ave., 1<sup>st</sup> Fl.  
Bakersfield, CA 93301  
[BEDARDM@KERNCOUNTY.COM](mailto:BEDARDM@KERNCOUNTY.COM)

James Kus  
Registrar of Voters  
Fresno County  
2220 Tulare St., 1<sup>st</sup> Fl.  
Fresno, CA 93721  
[JKUS@FRESNOCOUNTYCA.GOV](mailto:JKUS@FRESNOCOUNTYCA.GOV)

**RE: Senate District 16 – Recount Request**

Dear Registrars of Voters:

This letter is submitted on behalf of David Shepard, candidate for Senate District 16. In accordance with California Elections Code section 15620 and the Secretary of State's Recount Regulations, 2 CCR § 20810 *et seq.*, the undersigned, a voter, requests a recount of certain ballots and precincts contained in Senate District 16 as specified herein.

I request the inspection and recount proceed in the order identified below (Elec. Code § 15622):

- 1 TULARE COUNTY
- 2 KINGS COUNTY
- 3 KERN COUNTY
- 4 FRESNO COUNTY

A list is attached of the order of precincts within each county.

For each such county in the order specified, the following relevant materials:

- a. Uncounted (challenged or uncured) vote-by-mail ballots and ballot envelopes for the specified contest;
- b. Uncounted (challenged or uncured) provisional ballots and ballot envelopes for the specified contest;
- c. Uncounted (rejected) conditional ballots and ballot envelopes for the specified contest;
- d. Signature verification statements and unsigned ballot statements for uncounted (challenged or uncured) vote-by-mail, provisional, and conditional ballot envelopes;
- e. Over-voted ballots for the specified contest;
- f. Under-voted ballots for the specified contest;
- g. Rejected ballots that were received and voted at the precincts/vote centers within the jurisdiction;
- h. Counted (accepted) vote-by-mail ballots and ballot envelopes for the specified contest;
- i. Counted (accepted) provisional ballots and ballot envelopes for the specified contest; and
- j. Ballots received and voted (accepted) at the precincts/vote centers within the jurisdiction.

I further request the following method of recount (Elec. Code § 15627):

**Manual inspection and counting of the following:**

- a. Over-voted ballots for the specified contest;
- b. Under-voted ballots for the specified contest;
- c. Uncounted (challenged or uncured) vote-by-mail envelopes/ballots for the specified contest;
- d. Uncounted (challenged or uncured) provisional envelopes/ballots for the specified contest;
- e. Signature verification statements and unsigned ballot statements for uncounted (challenged or uncured) vote-by-mail, provisional, and conditional ballot envelopes; and
- f. Rejected ballots that were received and voted at the precincts/vote centers within the jurisdiction;

and

**Machine inspection and counting of the following:**

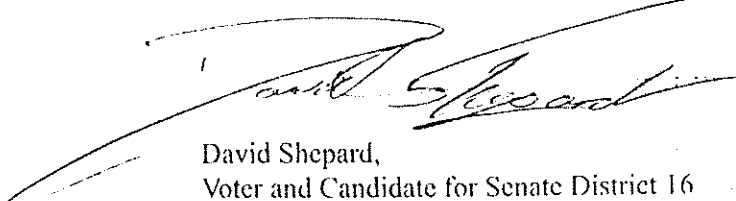
- a. Ballots received and voted (accepted) at the precincts/vote centers within the jurisdiction;
- b. Counted (accepted) vote-by-mail ballots for the specified contest;
- c. Counted (accepted) provisional ballots for the specified contest; and
- d. Counted (accepted) conditional ballots for the specified contest.

To the extent that the following material is not reviewed in the above request, I also request to review and inspect "relevant material," 2 CCR 20813, as follows:

- a. Under-voted ballots and over-voted ballots;
- b. Vote by mail, provisional, and conditional ballot envelopes;
- c. Voter registration files of vote-by-mail voters and provisional voters for voter authentication purposes (including registration card signatures);
- d. Rejected ballots that were received and voted at the precincts/vote centers within the jurisdiction;
- e. Audit logs;
- f. Polling place event logs;
- g. Precinct tally results;
- h. 1% manual tally results; and
- i. Central count tally results and consolidated results in a structured, non-proprietary format.

To discuss any issues related to this recount request, please contact my attorney, Brian Hildreth at (916) 442-7757 or [bhildreth@bmhlaw.com](mailto:bhildreth@bmhlaw.com). In particular, I request that you please notify Mr. Hildreth as soon as possible of the date and place for the recount. (Elec. Code § 15628.) And also that you please notify Mr. Hildreth as soon as possible of the daily cost of conducting the recount, and the manner of transmitting the deposit. (Elec. Code § 15624; 2 CCR §20815.) Thank you.

Respectfully submitted,



David Shepard,  
Voter and Candidate for Senate District 16

ORDER OF PRECINCTS

1. TULARE		2. KINGS		3. KERN		4. FRESNO	
VotingPrecinct	Rank	VotingPrecinct	Rank	VotingPrecinct	Rank	VotingPrecinct	Rank
2990237	1	1202	1	7011938	1	0000059	1
4990023	2	1303	2	7012723	2	0000061	2
5990091	3	1506	3	7011703	3	0000057	3
4998006	4	1305	4	7012277	4	0000058	4
2990121	5	1309	5	7051732	5	0000093	5
4998001	6	1307	6	7010090	6	0000062	6
1990435	7	1501	7	7042389	7	0000091	7
2998004	8	1404	8	7032236	8	0000056	8
5990197	9	1105	9	7022013	9	0000092	9
5990012	10	1306	10	7021634	10	0000055	10
4990203	11	1102	11	7052633	11	0000090	11
1998017	12	1507	12	7032172	12	0000086	12
1990413	13	1405	13	7050551	13	0000054	13
1990172	14	1302	14	7021235	14	0000137	14
1990280	15	1502	15	7022792	15	0000111	15
1998012	16	1508	16	7011984	16		
4998012	17	1511	17	7021717	17		
1998021	18	1304	18	7041242	18		
1998013	19	1207	19	7022803	19		
1998004	20	1301	20	7052143	20		
1998014	21	1503	21	7052500	21		
1998005	22	1310	22	7022600	22		
1998016	23	1308	23	7030303	23		
1998020	24	1103	24	7011200	24		
2998001	25	1101	25	7012167	25		
1998002	26	1206	26	7032386	26		
5998001	27	1401	27	7011153	27		
1998015	28	1402	28	7022282	28		
1998003	29	1504	29	0013121	29		
5043009	30	1106	30	7043561	30		
5045001	31	1104	31	0030338	31		
5043001	32	1513	32	7040140	32		
5044001	33	1509	33	0043540	33		
5044008	34	1203	34	0020250	34		
5041024	35	1403	35	7051715	35		
5041006	36	1204	36	7011170	36		
5048003	37	1205	37	7013106	37		

1. TULARE		2. KINGS		3. KERN		4. FRESNO	
5048002	38	1201	38	0051227	38		
5048001	39			7051739	39		
2055001	40			0030322	40		
2052001	41			7051704	41		
2051005	42			0020243	42		
2053002	43			7051233	43		
2053008	44			7033226	44		
2058001	45			7013095	45		
2058003	46			7033232	46		
4014001	47			0051727	47		
4011001	48			7012414	48		
4012001	49			0030317	49		
4070001	50			7011171	50		
1065001	51			0030367	51		
1064001	52			0032170	52		
1065011	53			7051298	53		
4068001	54			0050751	54		
1080001	55			0030312	55		
1030001	56			0032380	56		
				0040448	57		
				0020249	58		
				0013110	59		
				7020285	60		
				0025299	61		
				0033150	62		
				0022035	63		
				0040411	64		
				7031211	65		
				0030339	66		
				0033161	67		
				0020265	68		
				0023239	69		
				0013100	70		

**Exhibit D**  
**Email from Mr. Villa 1**

From: Villa, Lupe  
Sent: Wednesday, December 28, 2022 1:51 PM  
To: Brian T. Hildreth <brian.hildreth@kings.ca.us>; Lupe Villa <lvilla@kings.ca.us>  
Cc: Fisher, Susan <susan.fisher@kings.ca.us>; Freeman, Diane <Diane.Freeman@kings.ca.us>  
Subject: CA SD 16 Recount ACTION REQUIRED

Good afternoon Mr. Gilbert and Mr. Hildreth,

The recount for the California Senate District 16 commenced in Kings County on Tuesday, December 27, 2022. After review of the initial request and with further consultation with Counsel, the decision to complete the recount of the actual ballots via "machine" count has been made. Kings County has begun the planning, and preparation process to move forward with a "Machine" recount of California Senate District 16 as casted during the November 8, 2022, General Election held in Kings County.

I ask for your expeditious confirmation of the following:

**Machine count** recount of all casted ballots for California Senate District 16

The recount is to be performed by the capture bath and **NOT** by Vote-By-Mail ballots or Vote in Person votes. (All votes regardless of how they were casted are part of the batch)

Kings County had two card ballots with SD 16 being in card "A", the request is to **ONLY include card "A"** in the machine recount

Machine recount to be conducted in the order of precinct provide in the initial request, however **ALL precincts will be part of the recount process**. The precinct order has been selected by the ROV after the last precinct selected by the requestor, which is precinct 1201

I ask that you please respond and CONFIRM the four points above as soon as possible to allow me to move forward with the machine recount for SD16.

Additionally, the change in mode of recount has had a significant impact on the daily and overall cost of the recount for SD 16. Attached is a revised ESTIMATED RECOUNT COST, that includes the expected payment of \$7451.41, to be paid with **CASHER'S CHECK ONLY** by 9:00 a.m. on **Thursday, December 29, 2022**, no exception 9:00 a.m. means 9:00 a.m.

Payment for Friday, December 30, 2022 (\$6056.30), can be included in the payment for Thursday, December 29, 2022 (\$7451.41), for a total of \$13507.71.

Lastly, the location of the recount will change due to the implementation of a "machine" count. We will continue to conduct the recount at our current location (Multi-Purpose Room) until sorting of the precincts is completed. Once the sorting is completed the recount operations will move to the Elections Department located at 1400 West Lacey Blvd Building #7 Hanford, CA 93230.

Sincerely,

Lupe Villa  
Registrar of Voters  
County of Kings  
Elections Department  
559-652-2433  
lvilla@kings.ca.us

Lupe Villa

Recount -  
Action Cost.pdf



**Exhibit E**  
**Email from Mr. Villa 2**

Villa, Lupe  
SD 16 Recount  
13

Good evening Mr. Shepard,

I would like to provide a recap of our earlier conversation regarding the recount for California Senate District 16 as casted in Kings County, and the expectations regarding payment and meeting the specified deadlines that have been afforded to you and your campaign, to include your Attorney and Campaign Manager. The following is the verbal agreement that we discussed:

- 1 Payment is due by 9:30 a.m., no exceptions, doors will be locked at 9:30 a.m.
- 2 Payment must be in the amount of \$13,507.71, that will cover the cost of the recount for Thursday, December 29, 2022, and Friday, December 30, 2022
- 3 Payment for Tuesday, January 3, 2023, is due by 9:00 a.m. on Tuesday, January 3, 2023
- 4 Agreement that reflects the future payment deadlines must be signed tomorrow, Thursday, December 29, 2022, by your representative/s
- 5 Future discussions regarding the extension of payment from 9:00 a.m. to 9:30 a.m. will be based on the lack of action, after ample notification was provided to the requestor (Brian H.), and the Shepard Campaign

If the above agreement is not met, the recount will be considered abandoned and recount operations will cease.

Sincerely,

Lupe Villa  
Registrar of Voters  
County of Kings  
Elections Department  
559-852-2433  
lupe.villa@co.kings.ca.us

