



KERN COUNTY DISTRICT ATTORNEY
O F F I C E M E M O R A N D U M

To: District Attorney – All Staff

From: Lisa S. Green
District Attorney

Date: September 4, 2012

Subject: Voter/Elections Fraud

The following protocol is adopted:

1. All Elections cases are to be referred first to the District Attorney for evaluation;
2. The Supervising Deputy District Attorney of the White Collar Crimes Unit, or designee, will review the case and determine the appropriateness of this Department's acceptance of the case for investigation and/or prosecution;
3. If deemed appropriate, the District Attorney will accept the case and commence investigation;
4. Cases not deemed appropriate would be referred to the Secretary of State by the District Attorney for their consideration;
5. The District Attorney will provide to the Auditor a quarterly status report of cases referred to the District Attorney.

The "appropriateness" of accepting a case for investigation by our Office would be based upon an analysis of the known evidence in relation to an evaluation of the following four factors:

1. **Magnitude of Public Interest.** Local elections involving important issues and/or candidates demand local intervention. Thus, candidates for federal or state office take precedence over more obscure issues or candidates for cemetery districts, water boards, etc.
2. **Dedication of Resources.** Some cases will demand an inordinate amount of resources that cannot be justified. Likewise, more minor infractions should be "calibrated" by referral to the Secretary of State to coincide with statewide practice.

3. **Essence of Time.** Some cases will demand quick resolution to avoid an injustice. The Secretary of State cannot be expected to act quickly even in the most compelling of situations. On the other hand, some cases, while constituting violations of the law, will not impact the election itself. Thus, voter fraud discovered after the election or candidate fraud by the person who lost an election does not require swift action.
4. **Expected Result.** Some cases upon investigation will negate a candidacy. Others will merely end with summary probation. Thus, an evaluation of the expected result should be included in determining whether resources should be allocated by the Secretary of State or the District Attorney's Office.