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Monterey County Board of Supervisors

Response to the

**2012 Monterey County Civil Grand Jury
Interim Final Report No. 1**

January 15, 2013

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REPORT TITLE: Election Integrity upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Findings F-1, F-2, F-3, F-4, F-5 and F-7

Finding F-1: The allegation that voter fraud is “rampant” is unfounded. California already has a law in place that requires voters to produce ID when they register to vote. The present procedures of setting up multiple check points in voter registration and validation of a voter’s identity that is conducted by MCED appears more than adequate to safeguard voter fraud.

Response F-1: The Board agrees with this finding. The Monterey County Elections Department adheres to the procedures mandated by state and federal law with regards to requiring voter identification and has no legal authority to increase any requirements.

Finding F-2: MCED has made strong efforts to carry out the “one man, one vote” mandate by regularly updating its database, reaching out to every eligible voter and trying to make every vote count. But despite its effort, almost 6.6% of eligible voters failed to provide updated personal information (such as change of address, change of name) to the MCED or to the Department of Motor Vehicles and may therefore disenfranchise themselves.

Response F-2: The Board agrees with this finding. The county election official is required to send a pre-election residency confirmation card to all active voters listed on the county’s rolls, approximately 90 days before each statewide primary election. In 2012, over 11,000 voters (6.6% of the roll at that time) were placed on the inactive rolls for failure to re-register to vote or notify either the United States Postal System or any other government agency working with or sharing data with an election official that they had moved.

Finding F-3: MCED relies primarily on county health officer’s monthly report of death in the county, and on obituaries published in local newspaper to update its voter register. The Secretary of State also depends on the State Department of Health Services database to provide the counties with records of deceased voters.

Response F-3: The Board agrees with this finding. Generally, the Elections Department receives a report from the County Health Officer that reflects the records of those deceased in the County of Monterey the month prior. In 2012, the Elections Department worked with the County Clerk receiving death records to obtain an additional report immediately prior to the close of voter rolls in order to capture the most updated death records before printing the official Roster Index of Voters to be used for the election.

Finding F-4: 13.7% of the ballots cast by voters in the most recent election were damaged and unreadable by the optical vote tabulating scanner, primarily because voters failed to follow voting instructions. MCED had to duplicate over 7,000 ballots in order to capture the voter’s intent. The process is both costly and time consuming.

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Response F-4: The Board partially disagrees with this finding. To clarify, the Board agrees that the statistics above are accurate and based upon data maintained for the November 8, 2011 local City, School and Special District General Elections. The Board partially disagrees with the reasons why a ballot was duplicated. The Elections Department did not capture statistics regarding the reasons why a ballot was required to be duplicated and cannot verify that it was primarily due to the voter's failure to follow the voting instructions printed directly on the ballot, or whether it was due to the voter changing their voting option, damaging the ballot by spilling food or drink upon it, or if the ballot paper had been torn or bent by the voter or the voting equipment.

Finding F-5: In 2002, the county spent almost \$4 million of tax-payers money purchasing touch-screen voting machines, software and auxiliary equipment such as printers. The voting machines were decertified by the Secretary of State in August 2007, but can be certified if they are modified to meet specific conditions. Most of them are sitting idle in the office of MCED, only some are used by the disabled during election day.

Response F-5: The Board partially disagrees with this finding. The County received grant funding under both the Voting Modernization Bond Act of 2002 (Proposition 41) and the Help America Vote Act of 2002, both of which were used to purchase the existing voting equipment. The Board agrees that the voting machines were decertified in 2007, but clarifies that the machines were immediately recertified for use under specific limitations set under the authority of the Secretary of State. In total, the County purchased 430 touch screen voting machines and auxiliary equipment. In 2010, the County sold 30 voting machines and auxiliary equipment to the County of Santa Cruz. Presently, the County owns 400 voting machines and auxiliary equipment and is permitted to deploy two machines per precinct location, one for use and one for redundancy/back-up. For each countywide election, the Department must prepare no less than 256 voting machines to be used for early voting and on Election Day. This means that no less than 64% of the equipment currently owned by the County is in use, leaving 36% that can be considered "idle" during an election. All machines are rotated into use each year in order to maintain the hardware and moving parts. Also, voting machines not used are available during overlapping elections and/or for spare parts as necessary.

Finding F-7: The office of MCED in Salinas on Highway 68 E is inadequate for its operation. Possibly usable equipment lies idle. The department has to budget an extra \$20,600 annually for leasing three storage facilities and the expense of staff time traveling to them to retrieve materials.

Response F-7: The Board agrees with this finding. The Board does agree that the Elections Department maintains operations in a rented facility that may not be adequate, requiring the Department to pay for off-site storage. The Board has continued to include the Elections Department facility as a need in its Capital Improvement Plan, but funding is not available at this time. The Board would like to clarify that all voting equipment is stored and secured inside the warehouse at the Department's main facility.

REPORT TITLE: Election Integrity Upheld by Monterey County Elections Department
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-2, R-3, R-4, R-6, and R-7

Recommendation R-1: We recommend that all county supervisors and every elected official in the county visit MCED to become thoroughly acquainted with the complex procedures in voter registration, validation of identity and vote tabulation that assures election integrity. The MCED reports to the Monterey County Board of Supervisors and it is understood that only one of the five sitting members has officially visited the MCED office.

Response R-1: The Board agrees with this recommendation. The MCED has held tours and informal trainings in the past for City Clerks and members of the media. The Board will work with the Registrar of Voters to propose dates and times the Department can offer tours for elected officials to visit the Department.

Recommendation R-2: We recommend a robust voter education campaign that not only urges voters to register and vote, but urges voters to update their personal information with MCED if they change address or names, or if a family member has become deceased. Clearer instruction should be given on how to vote by mail or use the ballot. Lastly, voters should also be urged to read the voting materials mailed to them, so they become better informed voters on the issues.

Response R-2: The Board agrees with this recommendation. The Board has approved the permanent hire of a Program Manager for public outreach and education. That position was filled in January 2012, vacated in August, and refilled permanently in September 2012. The Elections Department has an outreach plan in place and has participated in over 70 outreach and educational opportunities since February 2012.

Recommendation R-3: We recommend that MCED and the Secretary of State utilize the Social Security Administration's master death index to regularly update the voter registration database.

Response R-3: The Board neither agrees nor disagrees with this recommendation. This recommendation, in whole and in part, would require legislative action or at minimum, administrative action initiated by the Secretary of State. Presently, there is no regulation or state law to allow local county election officials to access the Social Security Administration index; state law mandates the procedures for cancellation of voters upon notice of death from the county health officer. The Secretary of State's office works with the Social Security Administration to confirm the identity of electors who are registering to vote. The MCED will make this recommendation to the Secretary of State for administrative action.

Recommendation R-4: Because of the high rate (13.7%) of damaged ballots due to voters' failure to follow balloting instructions, we urge the consideration of a better designed and more user-friendly ballot for future elections. One alternative may be the redeployment of touch-screen voting machines once public confidence in tamperproof electronic devices is fully restored. A different

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way of tabulating votes should also be considered, because the three central optical high-speed scanners had problems “reading” a high percentage of ballots in the last election.

Response R-4: The Board partially disagrees with this recommendation. Until the County obtains newer voting technologies, the current ballot format and limitations on existing voting equipment must be adhered to. The County’s existing voting technology is certified for use under strict limitations and cannot be redeployed at higher numbers under current certification conditions. Please also see the response to Finding F-4. It is unclear whether damaged or unreadable ballots are due to voter errors or the tabulation system. The MCED agrees that more statistics can be gathered and increased voter education is important, in addition to obtaining newer and improved technologies. The County’s current system cannot be redeployed due to factors such as limited conditions for use, the sale of Sequoia Voting Systems Inc. to Dominion Voting Systems has halted development of Sequoia’s equipment for recertification and increased use. The only option for Monterey County, and other counties in California, is to seek newer voting technologies.

Recommendation R-6: We recommend that the Board of Supervisors support a proposal by the MCED for a different facility with at least 25,000 square feet space mentioned earlier in order to provide adequate space during the election period and to provide on-site storage of all MCED property and records.

Response R-6: The Board agrees with this recommendation. Please see the response to Finding F-7.

Recommendation R-7: The MCED should work with the Secretary of State to resolve the issue of the idle Sequoia Voting Machines.

Response R-7: The Board disagrees with this recommendation. This recommendation is not possible. Sequoia Voting Systems, Inc. was purchased by Dominion Voting in 2010. The current system manufactured by Sequoia in the mid-1980s is no longer manufactured and there are no plans to update the antiquated technology. However, the Board does agree that it should work with the MCED and the Secretary of State to utilize all remaining federal grant funds towards the acquisition of new and proven voting technology.