

EL DORADO COUNTY GRAND JURY 2018-2019



ELECTION OBSERVATIONS

CASE 18-04 • MAY 10, 2019

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SPECIAL NOTICE

This is not a traditional grand jury report based upon an investigation. It is an informative report based on observations made by the Grand Jury during the Gubernatorial election on November 6, 2018. It does not conform to the traditional investigative report paradigm; it does not have findings or recommendations. However, it does present conclusions reached by the Grand Jury.

The California Elections Code provides that the public, candidates, committees and political parties may observe Elections Department activities including ballot counting, vote by mail and provisional ballot verification. Pursuant to that provision, the El Dorado County Elections Department invited the Grand Jury to observe the November 2018 Consolidated Gubernatorial General Election. The Grand Jury conducted site visits, interviews of participating County employees and volunteers, and observation of the various stages of conducting an election.

The Grand Jury concluded that the mandatory purchase of a new Elections Management System and the voluntary implementation of election reforms, both prior to the 2020 election, will impose a challenge for the County.

BACKGROUND

There are 121,192 registered voters in El Dorado County. Over 80 percent participate using Vote by Mail. Currently, there are numerous voting precincts in the County. They range from urban, high density areas to farm and agricultural land to mountains and foothill communities. Those diverse demographics and topographies are some of the reasons people relocate to El Dorado County, but they also present many challenges. This certainly is true when engaging in outreach to residents and encouraging people to participate in county governance by voting on issues unique to their communities.

METHODOLOGY

- Reviewed "*2017 El Dorado County Economic and Demographic Profile*", Center for Economic Development at Chico State University
- Reviewed California Senate Bill 450, 8/23/16, "*Elections: vote by mail voting and mail ballot elections*" (California Voters Choice Act)¹
- Interviewed elected and appointed El Dorado County officials, including those in the County Elections Department
- Interviewed El Dorado County staff
- Observed various polling sites, the Elections Department, and talked with poll workers

¹ https://legalinfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160sb450

VOTE BY MAIL BALLOT PROCESSING

Grand Jury members were given an illuminating and informative tour of the Elections Department by staff members on October 31, 2018. We observed the entire election process, from receipt of Vote by Mail ballots, to electronic ballot counting and preparing counted ballots for storage for the required retention period. Despite a labor-intensive process, the elections staff switched tasks seamlessly with no interruption in the workflow. The staff always worked in pairs to ensure process validity. We observed:

- Vote by Mail ballots received at the Elections Department are logged-in as they are received, batched into groups of one hundred, and assigned unique batch numbers that remain with the ballot group throughout processing.
- The group of unopened ballots undergoes signature verification by visually comparing the ballot signature with either the voter registration database or the California Department of Motor Vehicles database. When a signature cannot be verified, the unopened ballot, remaining in its sealed envelope, is removed from the batch for follow-up processing by staff.
- California Elections Code §15101 allows election officials to begin processing Vote by Mail ballots 10 business days prior to the election. Starting that day, the ballots in each batch are opened and separated from the signed envelopes. The batch is recounted, and batch routing slips are marked with the final number of ballots.
- While the Elections Department tabulates votes from Vote by Mail ballots as they are processed, no vote totals are accessed or released to anyone, including election officials, until after the polls close at 8 p.m. on election night.
- Each ballot is manually reviewed, checked for duplicate markings and, when possible, obliterating mistakes using White-Out to avoid miscounting. When necessary, the marks from a damaged ballot are transferred to a new ballot. Every change made to a ballot is initialed by both reviewers.
- The reviewed ballots in each batch are ready to be fed into the counting machine. This is done as time permits and when there are enough verified batches and staff available. The unique batch number is entered before counting the ballots in each batch. Afterwards, ballots are re-batched and retained on site if needed for an official canvass of the vote after the election.

Almost 80 percent of registered voters in the County opted to use Vote by Mail during the 2018 election. The County of El Dorado Official Final Report submitted to the California Secretary of State on December 4, 2018, stated that 90,730 ballots total were cast, representing a participation rate of 74.86 percent. Extrapolating from that vote total, the estimated number of Vote by Mail ballots was about 72,500. Adding to the complexity of the 2018 election, the Elections Department generated 170 different ballots throughout the County, due to the large number of local elections such as school district boards, fire district boards and various elections for city initiatives and measures.

The Elections Department delivers Vote by Mail ballots to post offices 30 days before the election. Infrequently, the volume of envelopes causes a temporary delay while they are held by post office workers. Post office delays are not common and are monitored by Elections staff. The Elections Department has a permanent staff of 7.5. Starting 45 days before the election, extra hires are brought in to assist with Vote by Mail ballot processing. Many extra help workers have worked during previous elections, making their training minimal and mostly done on-site. Another advantage is their familiarity with the Election Management System. We noted that the staff, including the extra help, were cross-trained for most tasks and moved to different stations with ease and little interruption in the process. Training for poll workers was conducted in various places throughout the County, generally lasting about three hours. Supervisors usually train for 25 to 30 hours. The Grand Jury was surprised to learn that trainees receive no pay during their mandatory training.

ELECTION DAY OBSERVATIONS

On November 6, 2018, the Grand Jury observed activities at the Elections Department and 14 different polling sites located throughout the County. The Grand Jury was at polling places various times from poll opening to poll closing.

- In most cases there was little wait time for voters between arrival and signing in, and receipt of ballots.
- A recurring problem encountered at many polling sites was that the precinct roster had numerous voters as Vote by Mail when the voters stated they had not requested to vote by mail. They did not bring their ballots, as voters who are registered as Vote by Mail are supposed to do. Those voters were given provisional ballots. The problem could have been caused by the California Department of Motor Vehicles voter registration process or could have been caused by voter error, but it was not investigated by the Grand Jury.
- Activity at the Elections Department central counting site was very steady. There were long lines of people wanting to vote. Traffic was backed up most of the day at the ballot drop off box in the parking lot.
- After the polls closed, results of the Vote by Mail ballots that been previously counted were released by the office. Not all Vote by Mail results were disclosed. Many Vote by Mail ballots came in on election day or after. Election officials working at the polls brought ballots to the counting site. Updated counts were released throughout the night and semi-official results were made available on line.
- As the ballots arrived at the Elections Department, three separate groups of people verified the number and precinct of each bag of ballots. Vote by Mail ballot envelopes and provisional ballots from the poll sites were separated and verified using the same process used for Vote by Mail ballots.
- On Thursday November 8th, the Elections Department began their official canvass of the vote, which included processing all remaining ballots, researching provisional ballots, auditing the polls and conducting a manual tally of all paper ballots. This was a time and labor-intensive process intended to make certain every vote cast was counted.

- Pursuant to Elections Code §15372, the elections official prepared a certified statement of the results of the election and submitted it to the California Secretary of State on December 4, 2018, meeting the guidelines of submission within 30 days of the election.
- The entire process started again to prepare for the March 26, 2019, Primary Election less than 5 months away.

THE ELECTION MANAGEMENT SYSTEM

The existing County Election Management System was installed in 2005. It uses Windows 2000 which is no longer supported by Microsoft. In addition, the age of the system hardware sometimes necessitated the purchase of needed replacement parts from Ebay. The Secretary of State has issued a directive that voting systems made before 2014 be upgraded for certification by August 2019 in preparation for the 2020 election. The need for an upgraded, certifiable Election Management System equipment is time critical for the presidential primary in March 2020. The current system must be replaced; however, the time frame is short for bid release, review, vendor selection and purchasing. Once a new system is received, the Elections Department has a concern about the length of time to transfer systems and adequately train staff to operate it. At the time of this writing, the county is preparing a Request for Proposals to purchase a new Election Management System.

SB 450 - CALIFORNIA VOTERS CHOICE ACT

California Senate Bill 450 (2016) provides voters more options for where, when, and how they can cast a ballot. All registered voters would automatically be sent a ballot 28 days before the election that they could return by mail, deposit at a drop-off location, or cast it in person at any vote center in their county of residence. Vote Centers would be open 10 days before election day and would also serve as problem resolution hubs for voters. At Vote Centers, a voter may:

- Cast a ballot in-person
- Drop off their completed ballot
- Access same-day voter registration
- Receive a replacement ballot
- Access accessible voting machines
- Access language assistance and translated materials

Voters may use any County Vote Center. A South Lake Tahoe voter may be served by a Vote Center in Placerville. There will be one Vote Center for every 10,000 registered voters available on election day and the Saturday, Sunday and Monday leading up to it. Starting 10 days before the election and through the Friday before election day, there would be one Vote Center for every 50,000 registered voters. El Dorado County currently is investigating how to make this happen, looking for possible locations throughout the county for Vote Centers and Drop-Off Ballot Boxes. It will be a major change in how elections are conducted in El Dorado County and will necessitate an extensive public outreach education effort.

SB 450 mandates that counties draft and adopt a detailed plan of execution through an open, public process. It also mandates education workshops with community groups, including organizations that assist voters with disabilities and minority language communities. El Dorado County would be allowed, but not required, to adopt SB 450 reforms for the 2020 election. In April 2019, the El Dorado County Board of Supervisors approved implementation of SB 450 reforms for the 2020 elections.

CONCLUSIONS

The Grand Jury developed a much greater appreciation for the staff and processes that make our election process function under challenging circumstances.

The acquisition of a new Elections Management System and necessary training prior to the 2020 Presidential election will pose a challenge for the County.

Implementing Vote Centers prescribed by SB 450 for the 2020 elections will require a strong community outreach program to educate voters prior to the election.

The Grand Jury believes poll or Vote Center workers should be compensated for their time attending required training.

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Responses to this report are invited but not required.