

# **Management Audit of the Registrar of Voters of the County of Santa Clara**

**Prepared for the  
Board of  
Supervisors of  
the County of  
Santa Clara by  
the  
Management  
Audit Division**

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**March 24, 2017**



# County of Santa Clara

## Board of Supervisors

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March 24, 2017

Supervisor S. Joseph Simitian, Chair  
Supervisor Cindy Chavez, Vice Chair  
Board of Supervisors Finance and Government Operations Committee  
70 West Hedding Street  
San Jose, CA 95110

Dear Supervisors Simitian and Chavez:

We have completed a management audit of the County of Santa Clara Registrar of Voters. This audit was conducted pursuant to the authority of the Board of Supervisors in accordance with the Board's power of inquiry, as provided in Article III, Section 302(c) of the County Charter. This audit also conforms with audit standards of the United States Government Accountability Office.

The Registrar of Voters conducts all federal, State, County, municipal school district and special district elections in the County of Santa Clara, including regularly scheduled and special elections. Consequently, the scope of the audit was comprehensive and included a review of the policies, procedures and operations of all department divisions and units. During the course of the audit, numerous staff throughout the organization were interviewed and various departmental records were sampled and analyzed. Observations were conducted of a small local November 2015 election, and, on a more limited basis, of the June 2016 primary election. Records were also sampled related to the November 2014 general election. Following completion of the field work, a draft report was issued on November 10, 2016, and an exit conference was held on January 19, 2017. The long delay between the draft report and exit conference was due to the Registrar's work on the post-election canvass and election recounts related to the November 8, 2016 Presidential General Election.

The audit report contains seven findings and 24 recommendations. Most significantly, the audit recommends that the Registrar, with approval of the Board, conduct elections as vote-by-mail elections, where voters would receive ballots by mail, and either return them by mail, or vote at a number of

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**County Executive:** Jeffrey V. Smith

centralized universal polling places. This system would eliminate traditional neighborhood polling places. We make this recommendation because more than 75 percent of County voters already vote by mail, and based on San Mateo County's successful pilot of a Countywide vote-by-mail election during its November 2015 local district elections. We believe this step would make election administration in our County easier, particularly addressing continuing technical problems in neighborhood polling places described in Section 1 of the audit. This would also offer the opportunity to redirect resources from recruiting polling places and election officers to voter outreach, and eventually potentially reducing election costs. We recommend commencing this change in 2018 if possible. If not possible due to the need for a new voting system and other technology improvements first, this change should be made as soon as practicable.

Other audit sections provide alternative recommendations to address polling place problems pending a shift to vote-by-mail elections, including training improvements and increases in precinct size which would reduce the need to recruit polling places and election workers. We have also made recommendations to speed up the return of ballots, under the County's current voting technology, from polling places to the central counting location, while recognizing that the voting system itself, based on the speed with which it can count ballots, is a limiting factor in completing election results more quickly.

We also have made recommendations to increase, from every two years to every year, the frequency of a notice-by-mail system to verify certain registered voters' addresses, in order to make the voter rolls more accurate. Our review of a sample of voters who were sent a letter found three voters living at addresses different than shown on our registration. However, our review also found none of the three had voted inappropriately based on their address. A review of voters who died prior to the November 2014 election also found none had voted in that election, although some were still shown on the rolls. The Registrar's performance in this audit has improved since we looked at this issue in 1995. Finally, we made recommendations to address difficulties the Registrar is having in meeting its need for extra help, given its unique workload ramping up every two years for major primary and general elections.

We would like to thank the staff and management of the Registrar of Voters for their assistance throughout the audit process. Their cooperation is greatly appreciated.

Respectfully submitted,



Cheryl Solov

Board of Supervisors Management Audit Manager

c: Supervisor Cortese, Supervisor Wasserman, Supervisor Yeager

Project Staff: Jeff Segol, Adrian Gonzales

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## Executive Summary

This *Management Audit of the Registrar of Voters* was authorized by the Board of Supervisors of the County of Santa Clara as part of the County's Fiscal year 2015-16 Management Audit Program pursuant to the Board's power of inquiry specified in Article III, Section 302(c) of the Charter of the County of Santa Clara.

### 1. Addressing Polling Place Performance

The Registrar hired 4,265 people to work at polling places in the June 2016 election. Observations of a telephone assistance center for that election, polling place observations during a small November 2015 election, and review of complaint/problem logs and polling place materials from the November 2014 General Election, show various technical errors occurring at polling places. Of 100 November 2014 polling places for which materials were examined, only 18 correctly accounted for all ballots used and all voters accessing the polling place. There was also one report of a voter placing a provisional ballot without an envelope in the ballot box, but no other instances of individuals voting in an unauthorized manner. The Registrar should revise training methods and materials, and precinct worker recruiting, as recommended in this section, to reduce the incidence of poll worker errors.

### 2. Consolidating Election Precincts

State law permits up to 1,000 voters per precinct, although a higher number is permitted to address permanent vote-by-mail voters. Growth in voting-by-mail in the County has resulted in precincts where relatively few voters expect to use polling places. Review of 350 precincts with more than 1,000 voters in the November 2014 election found they averaged only 357 non-vote-by-mail voters each, versus an average size of 662 voters per precinct when we reviewed this issue in 1995. Creating many polling places with relatively few voters is inefficient. Each polling place requires an inspector and at least three clerk election officers, costing up to \$635 per precinct. Larger numbers of precincts also exacerbate election officer recruitment problems. The Registrar of Voters should pursue State legislation to increase legal precinct size to reflect only non-vote-by-mail voters, and to permit consolidating precincts across jurisdictional lines, when a particular boundary is not relevant to the election being held. If the 221,569 voters slated to vote at polling places during the November 2014 general election were divided into polling places of 800 voters each, only 277 polling places would have been required, versus the 833 actually used. Savings from staffing alone would have totaled \$353,060.

**3. Speeding Up Election Night Returns**

The County of Santa Clara Registrar of Voters has in recent years been one of the slower California counties in reporting semi-final official results on Election Night. This is primarily a function of the voting system, which requires paper ballots to be returned from precincts all over the County to the Registrar's office for counting. The Registrar has used teams of couriers to pick up some ballots directly from polling places to speed up return for counting. This system should be expanded if possible, to areas where easy freeway access permits several precincts to be picked up quickly. The Registrar should also provide lighting so the foyer of its building can be used to process ballots, and should replace outmoded barcode technology to track returned materials with a Radio Frequency Identification-based system. These steps would speed up return of ballots to the Registrar's office, and speed up processing once they arrive.

**4. All-Mail Statewide Primary or General Election**

Use of vote-by-mail voting has grown rapidly in the County of Santa Clara, and in the 2014 primary and general elections, more than 75 percent of voters used this method, the highest percentage among the State's large urban counties. A new State law permits the County to hold all-mail-ballot elections starting in 2018, and San Mateo County piloted an all-vote-by-mail local election, also using more centralized voting centers rather than neighborhood polling places, in November 2015. The current dual system of vote-by-mail and local polling places results in significant effort securing polling place locations and election officers, even though usage is limited. As reported in Section 1, technical errors also regularly occur at polling places. Such a dual system is inefficient, and these inefficiencies are likely to increase as more and more registered voters opt to vote by mail. Polling place voting is also inefficient because of the central-counted voting system used in the County, and because of the poor design of the Registrar's office discussed in Section 3. The Registrar of Voters should request the Board of Supervisors to conduct the 2018 regular primary and general election using vote-by-mail for all voters, and begin the processes required by State law to do so. The Registrar should also pursue legislative and operational changes to improve the vote-by-mail process, as discussed in this section. Evidence from the County of San Mateo, and the Registrar's own internal analysis, suggest significant operational savings would occur from conducting all elections by mail. San Mateo County's experience also determined that its pilot maintained or improved voter turnout relative to similar past elections, due to expanded voter outreach which could be funded from operational savings.

**5. Purging of the Voter Rolls**

A random sample of registered voters was contacted to determine if they still lived at the address shown on their voter registration. Of the 71 voters that either returned a letter to our office or provided verbal confirmation by telephone, three persons, or 4.2 percent, indicated they no longer lived at the address where they were reported registered. We also obtained a list of deceased voters from September 2014 to determine whether they had been timely removed from the rolls prior to the November 2014 general election. Of 420 deceased registrants, our review showed 32, or 7.61 percent were not cancelled prior to the election. Registrar performance on both these measures has improved since our last audit of this topic in 1995. Having people who are not legally eligible to vote on the rolls increases the risk of fraud, although none of the voters we reviewed voted inappropriately based on their registration address, or “voted” following their deaths. Second, having ineligible people on the roll unnecessarily increases County costs for printing and mailing unnecessary election materials, and for polling place planning. The Registrar should conduct a purging process, called an Alternate Residency Confirmation Purge, which is now conducted only every two years, every year instead. It should also set a specific deadline to cancel deceased voter records from the rolls prior to an election.

**6. Addressing Extra-Help Needs**

Due to the periodic nature of its work, the Registrar of Voters extensively uses extra-help staff. In FY 2014-15, the equivalent of 52 full-time or 90 extra-help positions was used, 91.7 percent of the hours being used in the first six months of the year, which included the November 2014 election. Changes in the extra-help process diminished the efficiency of hiring for the Registrar. This resulted in the Registrar losing some continuity in staffing by hiring less experienced extra-help workers nonetheless responsible for important specialized functions. Managers also spend more time identifying and recruiting staff and less time managing the department. The Registrar should work with the Employee Services Agency to develop specific election-related extra-help job classifications, as peer counties have, and offer experienced extra-help staff in these classifications the first opportunity at full-time positions. The Registrar should also pursue creation of select partial-year codes for the most important part-time functions.

**7. Failure to Monitor Local Campaign Contribution Limitations**

The County Ordinance Code imposes contribution limitations and other ethical standards for County elected offices. Although the Registrar of Voters provides

## *Executive Summary*

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information about campaign finance requirements and collects disclosure forms, it is not tasked with enforcing the requirements. That is assigned to an Ethics Commission, which is vacant, defunct and has not met in almost 20 years. There is no alternative approach in place in the County to monitor compliance with the County's ethics laws. As a result, the County and its residents do not have an enforcement mechanism to monitor compliance with these local laws. Either members should be appointed to the Ethics Commission, with appropriate operational resources, or an alternative enforcement mechanism should be implemented, at undetermined cost, to assure these laws are enforced.

## **Introduction**

This *Management audit of the Office of the Registrar of Voters* was authorized by the Board of Supervisors of the County of Santa Clara as part of the County's Fiscal Year 2014-15 Management Audit Program, pursuant to the Board's power of inquiry specified in Article III, Section 302(c) of the Charter of the County of Santa Clara.

## **Purpose and Scope**

The purpose of the management audit was to examine the operations, management practices and finances of the Office of the Registrar of Voters, and to identify opportunities to increase the Department's efficiency, effectiveness and economy.

As part of this management audit, the Management Audit staff conducted nearly 20 interviews with managers, supervisors and line staff in all units of the Registrar of Voters. These interviews in some cases included direct observation of staff as they conducted their regular duties. We also reviewed procedure manuals maintained by the department, internal reports prepared by the department, and information from databases maintained by the department. We also observed election officer training and Election Day operations during a small local election on November 3, 2015, and conducted additional, more limited observations during the June 7, 2016 State-wide primary election. We also reviewed election materials from the November 2014 general election, and reviewed various academic studies and other information on election management. We also conducted a limited benchmarking survey, with responses by 5 of the 10 largest California counties, in order to identify differences in practices in those counties compared to the County of Santa Clara.

Work on this audit began with an Entrance Conference on October 19, 2015, and a draft report was issued to the Department on November 10, 2016. The lengthy time period for this audit was the result of some staffing changes during the project, and diversion of staff to other Board priorities, including review of the FY 2016-17 County budget, completion of the audit of the Assessor, oversight of the Civic Center redevelopment project, and others.

This report identifies seven findings that encompass major operational areas of the Office of the Registrar, including improving performance by election officers at polling places, speeding up the return of ballots from polling places to the Registrar for counting after

the polls close, optimizing election precinct size, optimizing voter registration rolls, expanding use of voting-by-mail, addressing extra help issues for the Registrar, and tracking campaign finance information under County contribution limits. Recommendations associated with each finding would improve the effectiveness and efficiency of the Registrar's operations.

## **Audit Methodology**

This management audit was conducted under the requirements of Board of Supervisors Policy 3.35, adopted in 2001, and amended in both 2005 and 2010. That policy states that management audits are to be conducted under generally accepted government audited standards issued by the United States Government Accountability Office. In accordance with these requirements, we performed the following management audit procedures:

Audit Planning-This management audit was selected by the Board of Supervisors using a risk assessment tool and estimate of audit work hours developed at the Board's direction by the Management Audit Division. After audit selection by the Board, a detailed management audit work plan was developed and provided to the Department.

Entrance Conference-An entrance conference was held on October 19, 2015 with Department managers to introduce the management audit team, describe the management audit program and scope of review, and respond to questions. A letter of introduction from the Board, a management audit work plan, and a request for background information were also provided at the entrance conference.

Pre-Audit Survey-A preliminary review of documentation and interviews with managers, supervisors and key line staff from the Department were conducted to obtain an overview understanding of the Department, and to isolate areas of operations that warranted more detailed assessments. Based on the pre-audit survey, the work plan for the management audit was refined.

Field Work-Field work activities were completed after completion of the pre-audit survey, and included: (a) additional interviews with management and line staff of the department where needed to address questions raised by the pre-audit survey or other information, with interviews including observations of staff on the job; (b) a further review of documentation and other materials provided by the Department and available from other sources, including a sample of precinct-level materials from the November 2014 general election, academic information on voting-by-mail and other issues,

procedures manuals maintained by the Department; (c) analyses of data conducted manually and electronically from systems maintained by the Department or elsewhere; (d) in-person observation of training and Election Day operations for the November 3, 2015 local election, and more limited observation of the June 7, 2016 Statewide primary election, and (d) surveys of other jurisdictions on selected topics to measure performance and to determine organizational and operational alternatives that might warrant consideration by the County of Santa Clara Registrar of Voters.

Draft Report-On November 10, 2016, a draft report was prepared and provided to the Registrar of Voters, Office of the Registrar managers, and other relevant parties to provide our tentative findings, conclusions and recommendations.

Exit Conference-On January 19, 2017, an exit conference was held with Registrar managers to collect any additional information relevant to our report, to correct any errors, and to obtain their views on the report findings, conclusions and recommendations. A separate exit conference was held with the Employee Services Agency specific to Section 6, regarding extra help, for its views on the recommendations. Following the exit conferences, a revised draft with any corrections was provided to the Office of the Registrar for its use in preparing a formal written response to the draft.

Final Report-A final report was prepared following the exit conference. The Department was requested to provide a written response to the report, which is attached to the final report.

We conducted this performance audit in accordance with generally accepted government auditing standards set forth in the 2011 revision of the “Yellow Book” of the U.S. Government Accountability Office. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## **Description of the Office of the Registrar of Voters**

The Registrar of Voters is responsible for conducting all federal, State, County, municipal school district and special district elections in the County of Santa Clara, including regularly scheduled and special elections. Its primary elections are the Statewide June primary election and the November general election held in even-numbered years, with

some city, school district and special district elections held at other times. The Registrar's mission statement states as its goal: "To provide quality service with the highest level of integrity, efficiency and accuracy in voter registration and election processes."

For Fiscal Year 2016-17, the Registrar had an approved budget with expenditures of \$20.6 million, offset by revenues of \$5.5 million. The primary revenues source is charges the Registrar levies against cities, school districts and special districts for its costs in conducting elections for them.

The Registrar currently has staffing of 64.0 FTE positions, organized into the following divisions:

**Administration (7.0 FTEs)**-Administrative staff includes the Registrar of Voters, two Assistant Registrars, and two Executive Assistant positions. There is also a separate Administrative Services Division with an Administrative Support Officer II, a Senior Training and Staff Development Specialist, and an Associate Management Analyst. This unit manages the department's website, safety program, telecommunications and facility issues. It also maintains the department's personnel records. Additionally, administration is responsible for new department initiatives, such as obtaining a new voting system, electronic poll books, and reconfiguring the Registrar's space to accommodate the new system.

**Ballot Layout (6.0 FTEs)**-Responsible for creating official ballots and the Sample Ballot and Voter Information Pamphlet for all voters in all languages. This unit is headed by an Election Division Coordinator and an Election Process Supervisor II overseeing four Election Specialists.

**Candidate Services (5.0 FTEs)**-This unit provides assistance to the public at the front counter of the Registrar's office, and also answers election and voter registration questions from the public. It assists local jurisdictions to call and order governing board elections and to put local measures on the ballot. It also prepares and distributes election calendars and candidate guides. It also prepares, issues and processes nomination documents for federal, State, County, judicial, municipal, county political party central committee, school district and special district offices. It also receives, reviews, processes and tracks paper and electronic filing of financial statements submitted by candidates and committees for campaign finance information as mandated by the California Fair Political Practices Commission and the Board of Supervisors. The unit is headed by an Elections Division Coordinator overseeing four Election Specialists.

**Election Materials Processing & Voting Systems (8.0 FTEs)**-This unit orders and maintains all office and election supplies and materials, and oversees their delivery to polling places for elections. It also addresses and mails the Sample Ballot & Voter Information pamphlet to voters. It also oversees distribution and return centers where election precincts receive and return election supplies, including in some cases voted ballots. It also oversees couriers who pick up ballots from some precincts. It also tests programs and secures the touchscreen voting machines and other equipment. It also supports the ROV software database, election information management system, and vote-counting system, with assistance from staff contracted by the Registrar from the Information Services Department. This unit is headed by an Election Division Coordinator and an Elections Process Supervisor II overseeing six Election Systems Technicians.

**Fiscal (4.0 FTEs)**-This division prepares and oversees the Registrar's budget, and performs all accounting functions including payroll, accounts payable and accounts receivable, as well as providing estimates and billing of actual costs for services provided by the Registrar to candidates, jurisdictions and the public. It is overseen by a Department Fiscal Officer overseeing three accounting staff.

**Mapping (2.0 FTEs)**-This division creates election precincts as necessary by new development, and also consolidates existing precincts where permitted by law. It maintains maps of all political jurisdictions in the County for election purposes, and prepares maps for purchase by the public. It also plans routing for delivery of equipment and election materials for each election. The division is staffed by an Election Division Coordinator and a Precinct Planning Specialist.

**Public and Legislative Affairs (2.0 FTEs)**-This division serves as spokesperson for the Registrar's office, responding to all aspects of media relations concerning elections. It also oversees legislative affairs, monitoring, formulating, analyzing and recommending action on State and federal legislation relating to elections and election administration. It also oversees the Registrar's response to California Public Records Act requests. Staffing is an Election Division Coordinator and a Public Communications Specialist.

**Precinct Operations (18.0 FTEs)**-Selects and secures polling places and ensures that polling places comply with guidelines. Recruits, selects, assigns and trains Election Officers, including recruiting bilingual Election Officers in various languages as required by federal law. Conducts voter outreach and education, including staffing monthly new citizenship swearing-in ceremonies. Staffs bilingual telephone lines to serve voters and

provides oral bilingual assistance throughout the year. Provides internal training to Registrar staff and to extra-help staff as needed. Staffing is an Election Division Coordinator, an Election Services Coordinator, a Senior Training and Staff Development Specialist, 14 Election Specialists and a Senior Office Specialist.

**Vote By Mail (5.0 FTEs)**-This unit mails official ballots to permanent vote-by-mail voters, processes vote-by-mail applications and processes returned vote-by-mail voted ballots. This unit also orders the official ballots for polling place and vote-by-mail voters. It is staffed by an Election Division Coordinator overseeing an Election Process Supervisor II, one Election Specialist and two Senior Office Specialists.

**Voter Registration (5.0 FTEs)**-This unit maintains the Registrar's voter file, containing information on all registered voters, including entering new voter registration applications. It also updates, inactivates and cancels existing voter records and updates voter histories. It verifies voter signatures on vote-by-mail ballots, provisional ballots, initiatives, referenda, recall petitions and nomination papers. The unit is staffed by an Election Division Coordinator overseeing a Senior Office Specialist and three Office Specialist III's.

**Policies and Procedures (2.0)**-This unit is responsible for maintaining and updating the Registrar's policies and procedures manuals as required, and conducting other research and analysis of the Registrar's work. It is staffed by Senior Management Analyst and an Associate Management Analyst.

## **Department Accomplishments**

At our request, the Registrar of Voters provided a synopsis of recent accomplishments, as follows:

24-Hour Ballot Processing and Tallying-Starting with the June 2016 Presidential Primary Election, the ROV has successfully implemented 24-hour ballot tallying following Election Day in order to expedite counting and the reporting of election results.

Midday Ballot Pickup-In the two 2016 countywide elections, the ROV took advantage of a new State law to collect voted ballots before the polls close from over 200 polling places on Election Day, enabling the ROV to tally and release results from 15 percent of total polling place ballots by 8:45 p.m. — a time well before ballots normally return to the ROV after the polls close on Election Night.

ROV Information Technology Milestones-Since 2015, the successful integration of the ROV and the County's Information Services Department (ISD) has enabled the ROV to focus on oversight and procurement of election-specific technologies, while leveraging the expertise of ISD in managing general office and custom-developed IT products and services. With additional resources, the ROV implemented an automated call center solution for the November 2017 Presidential Election, strengthened the backup and data recovering for critical systems, and has initiated the procurement of an automated asset tracking system, electronic poll books, and a new voting system.

Postage-Paid Vote-By-Mail Voting-Making it more convenient to cast a ballot, starting with the November 2015 Consolidated Election, the ROV has mailed vote-by-mail voters postage-paid return envelopes with materials that inform voters about the Board of Supervisors-approved provision.

Expanded Voting Opportunities-Compared with the November 2014 General Election, the ROV continued to add locations for voters who wish to vote early, adding 21 percent and 28 percent more sites for the June 2016 Primary and November 2016 General elections, respectively. Additionally, the ROV has implemented new laws to allow valid vote-by-mail ballots to be counted if postmarked by Election Day, as well as allowing voters to correct ballots if they forgot to sign the return envelope.

Strengthened Oversight of Candidate Filing Requirements-Since 2015 the ROV has added resources to focus on monitoring the online filing of campaign finance statements by County elected officers, candidates, and committees; and timely reporting those who missed vital deadlines to the Office of the District Attorney and the California Fair Political Practices Commission.

Successful VoteCal Implementation-In January 2016, Santa Clara County integrated its voter registration database with the statewide voter database known as VoteCal, which performs automatic updates when a voter moves, re-registers in another county, or becomes ineligible to vote—yielding more accurate and up-to-date voter rolls countwide.

Language and Accessibility Enhancements-Since November 2014, the ROV has provided enhanced language support to voters who prefer voting information in a language other than English, leveraged the County-approved language access telephone support hotline, and increased its number of bilingual election officers at polling places by over 10 percent.

In 2016, the ROV began tagging its voter information guide books posted on its website to be readable by assistive tools used by voters with visual impairments.

Connect SharePoint Improvements-In 2015, the ROV developed its own Connect SharePoint collaboration platform for all ROV divisions, including a change action log to ensure that all ballot revisions required by court orders, candidate complaints, or local jurisdiction requests are completed promptly and accurately.

Post-Election Reports-Since the November 2015 Consolidated Election, the ROV has begun preparing Post-Election Reports with statistics comparing voter behavior and turnout in the election with previous similar elections, providing transparency regarding election processes and procedures while supporting data-driven decision-making for improved administration of elections.

Promoting Participation in Elections-For the June 2016 Presidential Primary, the ROV launched its most extensive advertising campaign, and expanded the program for the November 2016 General Election. The ROV publicized in seven languages the many voting and election officer opportunities countywide through advertisements on television, radio, mass transit, social media, online, and in local newspapers, resulting in millions of media impressions.

Historic November 2016 Presidential Election-The ROV successfully conducted the historic November 2016 Presidential Election, which produced the highest voter registration, the longest ballot, and the most ballots counted in the history of Santa Clara County elections, which a turnout rate over seven percentage points higher than Statewide and national averages.

## **Survey of Other Jurisdictions**

To gain an understanding of distinctions and similarities between the Registrar of Voters for the County of Santa Clara and parallel organizations in other counties, we developed a survey, and solicited responses from the 10 largest California counties, as well as Santa Cruz County, because of its work on vote-by-mail voting. Full or partial responses were received from five counties. Highlights of the results included the following:

- Sacramento and Contra Costa counties reported average precinct sizes of 1,260 and 1,500 voters, respectively, versus Santa Clara County's average of 944 voters

each in the November 2014 election. This issue is discussed more fully in Section 2.

- Four counties report using software to conduct automatic comparison of voter signatures on vote-by-mail voter ballot envelopes with voter registration affidavits. These counties supplement the software with human review as necessary. The County of Santa Clara conducts human review of all signatures.
- All counties use similar methods as does the County of Santa Clara to recruit election officers, including word-of-mouth among existing workers, outreach to county staff, schools and the business community, public service announcements and paid advertising.
- Orange, Riverside and Contra Costa counties have dedicated training staff, as does the County of Santa Clara. Staffing ranged from one to three training staff per county.

## **Recommendation Priorities**

The priority rankings shown for each recommendation in the audit report are consistent with the audit recommendation priority structure adopted by the Finance and Government Operations Committee of the Board of Supervisors, as follows:

**Priority 1:** Recommendations that address issues of non-compliance with federal, State and local laws, regulations, ordinances and the County Charter; would result in increases or decreases in expenditures or revenues of \$250,000 or more; or, suggest significant changes in federal, State or local policy through amendments to existing laws, regulations and policies.

**Priority 2:** Recommendations that would result in increases or decreases in expenditures or revenues of less than \$250,000; advocate changes in local policy through amendments to existing County ordinances and policies and procedures; or, would revise existing departmental or program policies and procedures for improved service delivery, increased operational efficiency, or greater program effectiveness.

**Priority 3:** Recommendations that address program-related policies and procedures that would not have a significant impact on revenues and expenditures, but would result in modest improvements in service delivery and operating efficiency.

## **Acknowledgements**

We would like to thank the Registrar of Voters and her staff for their cooperation and assistance throughout this management audit. Staff were cooperative and open to identify methods by which the Registrar's Office can improve its operations and its level of service. Managers, supervisors and line staff provided much of the data contained in the report to Management Audit staff.

## SECTION 1. ADDRESSING POLLING PLACE PERFORMANCE

### Background

Precinct workers hired by the Registrar to work at polling places on Election Day oversee the voting process, including ensuring that only registered voters are permitted to vote, that voters whose status is not clear vote provisionally, and that the use of all ballots used at the polling place is reconciled. The Registrar hired 4,265 people to work at polling places in the June 2016 election.

### Problem

Review of polling place materials from the November 2014 General Election, review of complaint/problem logs from that election, polling place observations during a small November 2015 election, and observations of a telephone assistance center for the June 2016 election show various technical errors occurring at polling places. Of 100 November 2014 precincts for which materials were examined, only 18 correctly accounted for all ballots used and all voters accessing the polling place. Direct observation of polling places and complaint logs revealed other problems, including workers incorrectly requesting voter identification, instances of improper poll worker behavior, and one instance where ballot boxes had to be retrieved by Registrar staff from a field inspector's home. Although the materials we reviewed reported one instance of a voter placing a provisional ballot without its envelope in the ballot box, we found no other instances where individuals voted in an unauthorized manner.

### Effect

Improper interactions between voters and precinct workers reduce voters' confidence in the election system, as well as reflecting poorly on the Registrar and the County government in general. Failures to properly account for all ballots used and all voters accessing the polling place could lead to votes by non-registered voters being improperly counted, or to properly voted ballots being misplaced, although polling place errors are often corrected during the post-Election Day canvass.

### Recommendations & Benefits

Polling place performance issues strengthen the case for all-mail-ballot elections proposed in Section 4. If polling places continue to be used, the Registrar should reduce their number, based on the actual incidence of in-person voting, as recommended in Section 2, to reduce the number of workers needed. The Registrar should also revise training methods and materials, and precinct worker recruiting, as recommended in this section. These steps would reduce the incidence of poll worker errors.

## **Precinct Workers' Duties**

For the minority of voters who vote at polling places on Election Day, the primary contact with the Registrar of Voters is with part-time precinct workers recruited to work at polling places on Election Day.

State law requires the Registrar to appoint the precinct workers. Each precinct is served by four or five workers, typically known as the precinct board. The lead worker of the group, typically someone who has worked elections previously, is the precinct inspector. The other workers are known as election clerks. The Registrar also tries to hire additional clerks to serve as back-ups for workers who fail to show up at their polling place, or who have to leave during the day for illness or other reasons. A precinct also can operate with as few as two clerks if necessary. For the most recent major election, in June 2016, the Registrar used 804 inspectors, one per polling place, and 3,461 clerks. In addition, the Registrar hires field inspectors, who are very experienced former precinct inspectors. A field inspector is assigned a number of precincts in the same geographic area, and visits them twice during Election Day to make sure there have been no problems. The field inspector is also the first person sent to a precinct that reports a problem, needs additional ballots or other materials, or is the subject of a voter complaint during Election Day.

The precinct inspector picks up blank ballots and other key materials from the Registrar on the weekend prior to the election, while other not-sensitive items may be delivered to the polling place beforehand. The inspector also contacts the clerks assigned to make sure they will be available on Election Day, and will assist in setting up the polling place to be open by 7 a.m. on Election Day. Precinct workers on Election Day are also responsible for setting up and turning on the one electronic voting machine provided per precinct for voters who request to use it, or need to use it because a disability makes it difficult for them to use the regular printed ballot.

Once the polls open, the precinct workers each perform a specific job explained in the training classes they attend and written materials they receive. One worker greets voters and explains how the voting process works, others verify the voter's name and address on the Roster-Index, which the voter must sign, and on a separate index used to track who in the precinct has voted during the day. The fourth or fifth worker provides the voter a ballot and assists the voter with inserting the ballot into the closed ballot box when the voter has finished voting. That worker also can provide the voting card needed for the voter to use the electronic voting machine in the precinct. When a voter is not shown on the Roster-Index, the precinct board will assist them in completing a provisional ballot,

which will be counted after Election Day once the voter's registration status is confirmed. Provisional voting also applies to voters who received a vote-by-mail ballot, want to vote at their polling place instead, but don't have the vote-by-mail ballot to surrender for a precinct ballot.

To review the performance of precinct workers, we reviewed documents generated at polling places on Election Day for a random sample of 100 of the 834 polling places used in the November 2014 election. We also reviewed a log of voter complaints and precinct problems provided by the Registrar's Office for the November 2014 election. We also observed in person a limited number of polling places used for a small November 2015 election in portions of the County. Lastly, we observed staff receiving calls from polling places during the June 2016 primary election on phone lines set up to receive questions or problems from polling places.

## **Reconciling Ballots and Signatures**

As noted above, when a voter enters the polling place, they are asked their name, and sign the Roster-Index where their name is shown. Being on the Roster-Index shows that the voter is registered to vote in that precinct. The Roster-Index also indicates voters who are registered in the precinct, but have received a vote-by-mail ballot, and therefore normally should not be voting at the polling place. Such a voter can vote in person, if they turn over their vote-by-mail ballot at the precinct.

Once voting ends at 8 p.m., the precinct workers go through a lengthy closing process. This includes powering off the electronic voting machine, printing out the voting results from the machine, and collecting the results cartridge from the machine. The results cartridge is returned to the Registrar's Office where it is used to tally the results of votes cast via the machine.

The more lengthy process, and the more critical one, since most votes are cast on paper ballots, is a process to reconcile the number of unused ballots left once the precinct is closed, with the number of ballots spoiled (that is, returned by voters who made an error, and were given another ballot to vote correctly), the number of ballots issued to provisional voters, which will be counted after voters' registration is confirmed, the number of ballots voted in the regular process, and the number of voters who signed the Roster-Index. This reconciliation makes sure that all ballots are accounted for, so that any missing ballots can be located, and that all ballots were voted by properly registered voters.

This process starts with a worksheet used to count the number of unused ballots the precinct has, and a separate worksheet to count the number of voters that signed the Roster-Index. Information from these worksheets is brought together in the Official Ballot Statement, where the number of ballots used is reconciled versus the number unused, and the number of signatures in the Roster-Index. Precinct workers fill out nine different boxes on the Official Ballot Statement during this process, which includes 33 separate steps, according to the training materials we reviewed. (See a sample Official Ballot Statement, provided as Attachment 1.1 to this section) All election officers for the precinct must initial the Official Ballot Statement. Election officers then package the voted ballots, the Roster-Index and other materials for return to the Registrar's Office for counting of the ballots.

Our review of the reconciliation materials for 100 polling places in the November 2014 general election found numerous problems with this process, as we found in our previous audits of the Registrar of Voters. Of the 100 precincts we reviewed, only 18 completed the process correctly, based on the Official Ballot Statement they submitted, and review of the Statement during the post-election canvass by Registrar staff. The problems we identified in this process included:

- Not being able to correctly report the number of unused ballots remaining in the precinct once the polls closed. This problem reflects a problem calculating the number, and unused ballots were generally accounted for during the post-Election Day canvass conducted by Registrar staff.
- Not properly reporting the number of ballots used in the precinct on Election Day. This again reflects calculation problems by precinct staff, and the number of ballots used were generally properly reconciled during the canvass, which includes Registrar staff searching precinct materials for any voted ballots that did not make it into a precinct's ballot box on Election Day.
- Not properly reporting the number of spoiled ballots. Spoiled ballots are ballots returned to the precinct board by a voter because the voter has made an error. The spoiled ballot is retained by the precinct board, and the voter is given a new ballot. Again, calculation problems account for these discrepancies, which are generally corrected in the canvass.

- Reconciling signatures to ballots. The number of signatures shown in the Roster-Index, including voters signing where their name is shown in that document, and voters not shown in the printed document, who vote provisionally and sign the Roster-Index on a blank page at the back of it, is supposed to match the number of voted ballots used in the precinct. Although the documents we reviewed did not identify specific reasons for discrepancies, our review suggested that ballot use exceeding signatures reflects provisional voters that did not sign the Roster-Index. Since their signatures on a provisional ballot envelope are used to verify their registration, this is not a major problem. Signatures that exceed ballots are believed to reflect voters that brought a vote-by-mail ballot to their polling place to be returned to the Registrar, and signed the Roster-Index, even though in that instance they did not need to do so. Again, since the voter’s signature in the vote-by-mail envelope is used to verify their registration, this is not a major problem. Both these processes are discussed in the training materials election officers receive, but should be reemphasized during the hands-on training sessions.

The frequency of these problems among the precincts reviewed is shown in the following table:

**Table 1.1**

**Official Ballot Statement Problems  
For Precincts Sampled in November 2014 General Election**

<b><u>Problem</u></b>	<b><u>Number of Precincts</u></b>	<b><u>Percent of Precincts</u></b>
Wrong Number Unused Ballots	41	41%
Wrong Number Voted Ballots	40	40%
Wrong Number Spoiled Ballots	21	21%
Signatures Exceed Ballots	22	22%
Ballots Exceed Signatures	37	37%
Precincts With No Problems	18	18%
Precincts With One Problem	28	28%
Precincts With Two Problems	33	33%
Precincts With Three Problems	17	17%
Precincts With Four Problems	<u>4</u>	<u>4%</u>
<b>Total</b>	<b>100</b>	<b>100%</b>

As the table shows, of the 100 precincts examined, about 40 percent reported the wrong number of unused ballots, and about an equal percentage reported the wrong number of ballots voted, which is supposed to be based on counting the number of ballots actually in the ballot box. Also, 37 precincts reported more voted ballots than there were signatures in the Roster-Index, while 22 precincts reported more signatures than ballots voted. Reviewed cumulatively, as noted above, only 18 precincts had none of the four problems we reviewed for, while 28 had one of the four, and 54 percent had multiple problems.

Examining the problem precincts in more detail, we found that 14 precincts either did not use the worksheet provided to count unused ballots, or used it incorrectly, despite instruction during training and detailed instructions on how to use that worksheet. That process was not helped by a clerical error from the Registrar's Office on the worksheet, in that a preprinted portion, which was supposed to show the number of blank ballots issued to each precinct, instead showed each precinct as being given 130. Although inspectors were instructed to correct this central error, it's not clear that they did in all cases, which may have contributed to the sheet not being used or used incorrectly. We also found seven precincts did not use the worksheet provided to simplify counting signatures, or made an error on it. This worksheet does not come with specific instructions on how to use it, which should be provided, rather than assuming its use is self-evident. We also recommend including instructions for filling out the unused ballot worksheet, and the Official Ballot Statement, in the Roster-Index itself, following each of those documents in the Index, rather than just including the instructions in the training manuals each election officer receives.

### **Other Precinct Problems and Voter Complaints**

In addition to reviewing a random sample of precinct materials for the November 2014 election, we also reviewed a log provided by the Registrar of precinct problems reported during that election via a hotline phone number precinct inspectors can call for assistance. We also observed polling places in operation during the November 3, 2015 election, which included elections in two small school districts and the City of Los Altos. Staff also observed Registrar staff answering phone calls on the hotline for reporting precinct problems during the June 7, 2016 primary election.

These observations and materials provided examples of additional problems at precincts, including the following:

*November 2014 General Election*

- During the November 2014 general election, a precinct board member cast a “test” vote on the precinct’s electronic voting machine, which is not necessary and not authorized. This required the machine to be shut down, a replacement machine to be brought to the precinct, and to have a field inspector present to close down both machines after the poll closed.
- During the November 2014 general election, a precinct inspector and a field inspector confronted a news media photographer, and tried to remove him from the precinct, even though training materials showed that news media members are permitted to observe the precinct and to take pictures, as long as they do not interfere with processing voters.
- One precinct in this election opened late, and performed poorly, including trying to turn away a voter attempting to drop off a vote-by-mail ballot. The field inspector spent most of the day overseeing this precinct. Another precinct did not require voters to write down their address in the Roster-Index, as required by law. Many voters in this precinct did not do so, based on our review of its Roster-Index.
- A provisional voter was allowed to drop a ballot, without an envelope, into the ballot box, while a precinct clerk incorrectly put the empty provisional ballot envelope into the bag where vote-by-mail ballots were supposed to go. While this situation may have resulted in a non-registered voter voting, such incidents are extremely rare.
- A couple at one Saratoga precinct in November 2014 was sent away from their proper precinct to the wrong precinct, where they were not able to vote for Saratoga candidates. The precinct board missed their names in the Roster-Index.
- A precinct inspector refused to allow vote-by-mail voters who did not have ballots to relinquish to vote provisionally.

*November 3, 2015 Election*

For the November 3, 2015 election, the Registrar instituted an additional assist for precincts to correctly add up unused ballots after the polls closed. This was a “remainder” number printed on each ballot, which would show the number of unused ballots left of a

particular language in an individual precinct. However, use of this number required precincts to use the ballots in order, starting with ballot 001. One precinct failed to do this, and thus miscalculated the number of unused ballots, because the worksheet provided could not be used. The training sessions and materials should specifically instruct election officers in the order in which ballots should be used for each language, starting with number 001.

*June 7, 2016 Primary Election*

- Some precincts did not have all the pages or the correct pages for the Street Index, which is used by voters to determine if they are in the proper precinct, and also to record who has voted in the precinct. This error was believed to be in separating the pages of this index, which were printed by the County print shop as a single large printing job, into the correct pages to be provided to each precinct. The print shop should be requested to print the indexes for each precinct, and to deliver them to the Registrar collated by precinct, to make it easier to include them in the materials provided to each precinct board.
- Several precincts during the June 2016 primary election were reported as asking voters for identification, which is not permitted by State law.
- A precinct inspector showed up unkempt, and appeared to be intoxicated. Ultimately a replacement inspector was sent to the precinct. At another precinct, a bilingual clerk left the precinct because of comments made by other precinct workers about immigrants.
- One field inspector, because of an unknown dispute with other Registrar staff, took ballots and other materials from two precincts home with him, and refused to deliver them. Ultimately, a supervisor on the Registrar's staff, with another staff member, had to drive to the field inspector's house and retrieve the materials from the driveway, where the field inspector left them to be picked up.

Based on these incidents, and the reconciliation problems documented earlier, polling place performance remains a significant problem for the Registrar of Voters as it did in our previous audit of the Registrar's office.

## **Solutions to Improve Performance**

These polling-place performance problems argue strongly in favor of the County moving to all vote-by-mail elections, as recommended and discussed in greater detail in Section 4 of this report. Assuming the County does not take that step, we offer additional suggestions here to try to improve performance at polling places. Correcting these problems is not easy, given that they relate to a large body of part-time workers, 4,265 in the June 2016 primary election, carrying relatively complicated tasks.

### *Adjust Training and Instructional Materials to Identified Problems*

As part of our fieldwork, Management Audit staff attended training for the Nov. 3, 2015 election, and received the training workbook and Election Officer Training Material that other participants did. We found the three-hour class to be of high quality, combining brief lecture periods with hands-on exercises, in which small groups of trainees worked with samples of the materials they would use at the polling place, in scenarios provided by trainers to mimic various situations that could occur during Election Day.

One concern we identified with the training was the large amount of time, about one-third of the three-hour session, by our estimate, spent on issues relating to the electronic voting machine provided in each polling place, primarily for use by disabled voters who cannot or prefer not to use the standard paper ballot. This time investment is significant given the relatively few votes cast on the machines, and reduces the time that could be further spent on training in how to process voters at the polls, or how to complete the closing process for paper ballots.

The Registrar's staff member in charge of training programs reported that for the June 2016 election, in-person training devoted to the voting machines, primarily on how to set them up when polls open, was reduced, in favor of directing clerks to watch an on-line video before Election Day that described this process. The time saved was devoted to processing voters, such as handling of provisional voters or voters wanting to cast cross-over votes in the primary election, and to the closing process for paper ballots.

Although this appeared to create some problems on Election Day, including some precincts that appeared not to get their voting machines turned on successfully, we support the change, because so few votes are cast on the voting machines, and because processes involving the voting machine are something that more experienced Registrar

staff can assist precinct workers with via phone, if they need assistance during Election Day.

The other change we would recommend in the training is to put more emphasis on trainees working together on the training tasks. The closing process for paper ballots, as described in training materials, is supposed to be a two-person team, with each person assisting and checking the other's work, so no mistakes are made. But the training we observed was not explicit about this, and instead tended to have individual trainees simply reacting to or working off of the trainer's instructions. Ideally, trainees would work as teams in the training, and then clerks assigned to precincts would do the same jobs on Election Day that they did in the training.

Finally, as noted earlier in this section, new problems require new instructions to be added to the training materials, such as making sure precincts issue ballots in order, starting with the lowest numbered ballot, which should be 001, for ballots in each language they are provided.

#### *Use New Opportunities for Election Officer Recruitment*

The Registrar of Voters has an eight-person staff specifically assigned to recruit election officers to work at polling places. The Registrar also hires 17 to 20 extra help employees to recruit polling places and election officers. The Registrar also has an extensive outreach program that includes media advertising, public service announcements, appearances at community events, talks to schools and civic groups, etc. However, the continuing problems with polling place performance indicate an ongoing need to recruit more and better quality staff to work at polling places. One of the recruiting staff noted that the Registrar has also provided a way for people to sign up on-line to be election officers, but that this source has not proven very reliable, noting that for the June election, recruitment included two training classes from this source, totaling 25 prospective workers, of whom only 12 showed up for the mandatory training.

Management Audit staff identified two new sources for recruitment. First, the recruiter that reported the difficulties with the on-line recruits noted that he had gotten a number of good quality new election officers via a newsletter that the County supervisor representing the South County had sent out, including a call for people to work at the polls. We verified that this request was included in the supervisor's newsletter, but noted that none of the other supervisors had made a similar request in their newsletters. All members of the Board should be requested to include this request in their newsletters,

which presumably are read by constituents with an interest in government, making them logical sources of new polling place staff.

Second, the Registrar should also expand recruitment of election officers through the high technology community, in conjunction with the recent announcement that a number of firms are giving workers the day off for the November 8, 2016 general election. Among firms with headquarters or offices that are participating in this effort are Twilio, Survey Monkey, Accend Networks, Appbackr, Issuu and Mixbook. The Registrar should approach these firms to recruit their employees to work at polling places on Election Day, since they will not be working. The Registrar should also contact the Silicon Valley Leadership Group, a public policy organization for the County's business community, to assist in this effort. Improving the pool of election officers should reduce errors and improve polling place performance.

## **CONCLUSION**

Precinct workers hired by the Registrar play a key role in elections, ensuring that only properly registered voters vote, and accounting for ballots that are used on Election Day and preparing them for tallying. However, a review of 100 precincts selected at random for the November 2014 election found only 18 precincts were reconciled correctly after the polls closed, reflecting a broad variety of technical problems occurring with precinct workers. Furthermore, complaint logs from that election, observations from a November 2015 election, and observations of complaint phone lines for the June 2016 primary election, revealed a variety of other problems occurring at precincts. The various errors could lead to non-registered voters' ballots being improperly counted, although actual instances of that occurring are rare, or to valid votes being misplaced. Errors at polling places reduce confidence in the elections process and in the County.

## **RECOMMENDATIONS**

It is recommended that the Registrar of Voters:

- 1.1 Continue to adjust its training as new problems are identified, most recently including distributing ballots to voters in order, from the lowest ballot number forward. (Priority 2)

- 1.2 Refocus training on having election officers do work in two-person teams, particularly for the poll closing process, as they would in the polling place. (Priority 2)
- 1.3 Continue to emphasize voter processing and the paper ballot closing process over issues relating to electronic voting machines, since they are used by few voters. (Priority 2)
- 1.4 Provide specific instructions, attached to the documents, for the worksheet used to count Roster-Index signatures, the unused ballot worksheet and the Official Ballot Statement, following each of these documents in the Roster-Index, rather than just including the instructions in election officer training materials. (Priority 2)
- 1.5 Confer with the Information Services Department Printing Services Division to provide Street Indexes for future elections collated by precinct number, rather than in an accumulated stack requiring Registrar staff to separate them. (Priority 1)
- 1.6 Request all members of the Board of Supervisors to include a request for election officers as part of their District newsletters to constituents, in periods prior to major elections. (Priority 2)
- 1.7 Contact high technology companies in the County that are giving workers Election Day off, and the Silicon Valley Leadership Group, to recruit election officers from among workers in those companies. (Priority 2)

## **COSTS AND BENEFITS**

Recommended changes to training and training materials can be made within the existing training framework, and would have minimal cost, since training materials are updated anyway for each election. Changing how Street Indexes are provided by the Printing Services ISF also should have minimal cost. The changes in recruitment approach would occur with existing staff, and in conjunction with the Board of Supervisors, and also should have minimal cost. These changes should reduce errors at polling places and improve confidence in the election process.

## SECTION 2. CONSOLIDATING ELECTION PRECINCTS

### Background

The basic election organizational unit is the precinct, a geographic area including voters represented by the same political jurisdictions, who vote on the same offices or issues in each election. State law permits up to 1,000 voters per precinct, although adjustment to a higher number is permitted to address permanent vote-by-mail voters. Precincts also may not cross jurisdictional lines between a city and the county in which it is located, school district boundaries, special district boundaries and legislative district boundaries. A precinct exceeding 250 voters requires a polling place.

### Problem

Despite the ability to adjust precinct size to account for vote-by-mail voters, growth in voting by mail in the County of Santa Clara has resulted in precincts where relatively few voters expect to use polling places. Review of 350 precincts with more than 1,000 voters in the November 2014 election found they averaged only 357 non-vote-by-mail voters each. Put another way, only about 30 percent of the voters in these precincts were expected to vote at the polling place. The 357-voter average compares to an average size of 662 voters per precinct when we reviewed this issue in 1995.

### Adverse Effect

Creating many polling places with relatively few voters using them is inefficient. Each polling place requires hiring an inspector and at least three clerk election officers, at a cost of up to \$635 per precinct, plus additional costs of preparing and delivering election materials to each precinct, and location rental costs for some precincts. Larger numbers of precincts also exacerbates the problems of recruiting high quality election officers.

### Recommendations, Savings and Benefits

The Registrar of Voters should pursue State legislation to increase legal precinct size to reflect only non-vote-by-mail voters, and to permit consolidation of precincts across jurisdictional lines, when a particular boundary is not relevant to the election being held. If the 221,569 voters slated to vote at polling places during the November 2014 general election were divided into polling places of 800 voters each, only 277 polling places would have been required, versus the 833 precincts actually used. Savings from staffing alone from that reduction would have totaled \$353,060.

## **Background**

The basic organizational unit for election administration is the precinct, which is defined as one of a fixed number of districts, each containing one polling place, into which a city, town, etc., is divided for voting purposes. Establishment of precincts under California law is regulated in terms of how precinct boundaries align with other jurisdictional boundaries, and in terms of size.

Jurisdictionally, Elections Code Section 12222(a) states:

“No precinct shall be established so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, Assembly district, board of equalization district, judicial district, incorporated city, ward, or city council district.”

In terms of size, Section 3005 permits the Registrar to designate precincts with 250 or fewer voters as mail ballot precincts, where no polling place is established, and voters either return their vote-by-mail ballot by mail, deliver it to the Registrar’s Office or to the nearest polling place in person.

Maximum precinct size is governed by Section 12223, which states that “the precinct boundary shall be fixed in a manner so that the number of voters in the precinct does not exceed 1,000 on the 88<sup>th</sup> day prior to day of election.” For elections other than the Statewide primary or general election held in even years, Section 12241 permits up to six precincts to be consolidated into a larger precinct for local, special or consolidated elections.

The 1,000 limit has been modified by State legislation enacted in 2011, which states that an elections official may subtract permanent vote-by-mail voters from the total voters in the precinct, as long as number of voters remaining does not exceed the percentage of non-vote-by-mail voters in the jurisdiction of which the precinct is a part. According to the legislative history of this change, the goal was to give registrars flexibility to provide more populous precincts in areas with lots of vote-by-mail voters, while requiring smaller precincts where most voters vote at polling places.

## **Santa Clara County Precincts Are Small, Given Few Polling Place Voters**

When the Management Audit Division last examined precinct size, in 1995, the County of Santa Clara averaged 662 voters in each of the 1,171 polling place precincts used in the November 1994 general election. At that time, use of absentee voting was growing, but still limited, since most voters had to request a mail ballot for each election. In November 1994, only 15.95 percent of ballots were cast by mail. We recommended, and the Registrar agreed, that the County should pursue an average precinct size of 730 to 800 voters per precinct.

For the November 2014 general election, the Registrar created 1,063 precincts, of which 833 had polling places. The 833 polling places averaged 944 voters each.

While on the surface, this appears to be a vast improvement, the vast increase in vote-by-mail voting results in only a minority of voters going to polling places. For the November 2014 election, only 221,569 of 805,502 registered voters were scheduled to vote at polling places. This amounts to a maximum of only 27.5 percent of voters voting in person, rather than by mail. Based on the 833 precincts with polling places, only a maximum of 266 voters per precinct were scheduled to vote in person, rather than by mail.

To further analyze this issue, we gathered voter information from the Registrar for the total registered voters, and the vote-by-mail voters in each precinct. We analyzed 350 precincts that had more than 1,000 voters each. While these precincts averaged 1,193 voters each, they included an average of only 357 voters each actually scheduled to vote at polling places. Put another way, in the largest precincts, only about 30 percent of the voters are actually scheduled to go in person to the polling place, assuming 100 percent of these voters actually voted.

In relation to the 2011 change in the Elections Code, we note that use of vote-by-mail voting is widespread across the County of Santa Clara. As noted above, only 27.5 percent of voters are registered to vote in person, versus 72.5 percent who registered to vote by mail. On a city-by-city basis, voting by mail varied little from the County-wide average, ranging from a low of 70.6 percent vote-by-mail voters in Mountain View, to a high of 84.1 percent in Monte Sereno.

There are also clear examples of other California counties, and other states, operating with larger average precinct sizes. In response to a survey question, Sacramento County's Registrar of Voters reported its average precinct size as 1,260 voters, of whom 504 vote at

polling places. In the City and County of San Francisco, the Elections Commission wrote to State officials, complaining that the County was required, by the 1,000-voter limit, to increase the 421 precincts normally used in municipal elections, to 560 precincts and polling places for Statewide elections, requiring about 25 percent of precincts to change, confusing voters who have to vote in a different location from year to year. Also, the California Association of Clerks and Election Officers, in 2002, recommended precincts of up to 2,000 voters each be permitted.

Furthermore, statistics gathered by the United States Election Assistance Commission, for the November 2014 election, showed precincts are larger in other states. California reported 1,458 registered voters per polling place, according to the Commission's *Election Administration and Voting Survey Comprehensive Report*. By contrast, Arizona reported 2,614 voters per polling place, Nevada reported 2,675, New York reported 2,359 and Texas reported 1,984. Average precinct size nationwide, according to the survey, was 1,665 voters per polling place.

Based on this analysis, we recommend the Registrar pursue authorization for larger numbers of voters per precinct, by seeking new State legislation amending Section 12223 if necessary. We recommend that this legislation seek larger precinct sizes for counties such as the County of Santa Clara where voting by mail predominates, or a change to this law permitting precinct sizes to only be based on non-vote-by-mail voters.

Increasing precinct size would make it easier to find qualified poll workers, because fewer would be needed. It would also provide substantial savings. If the 221,569 voters scheduled to vote at polling places during the November 2014 general election had been organized into precincts of 800 voters each, only 277 precincts would have been required, versus the 833 actually used. Based on a maximum cost of \$635 per precinct for a precinct inspector and three clerks, this reduction would have saved \$353,060, with additional savings likely based on reduced costs to rent and equip the larger number of precincts.

## **Consolidating Across Non-Relevant Jurisdictional Lines**

As noted earlier in this section, election precincts are required to follow certain jurisdictional boundaries. This prevents precincts from being consolidated, even when the boundaries being followed are not relevant to the election at issue.

We observed an example of this in the November 2015 local election observed as part of this audit. A member of our staff observed two precincts housed in the same location, Carlton Avenue School in San Jose. Both precincts were voting on the same issue, extension of a parcel tax for the Union School District, which includes Carlton Avenue School.

We thought it was unusual to have a double-boarded precinct, two precincts using the same location, in such a small location, especially after learning that one of the precincts had 1,988 registered voters, an amount allowed because of consolidation for a local election, while the other had only 311 voters. Staff responsible for establishing the precincts confirmed that two precincts were required because the boundary between them was a boundary between County-governed unincorporated areas, and areas within the City of San Jose.

It is inefficient to require precinct boundaries to follow governmental district lines which are not relevant for a particular election, such as this election where a school district's boundaries cross the city-County boundary. This is particularly true because in the County of Santa Clara, local governments do not always consolidate their elections with the major State-wide elections. Since 2011, five school districts and four cities have had elections for offices or ballot measures that were not consolidated with State-wide primary or general elections.

We recommend that the Registrar of Voters seek legislation amending Section 12222, to permit the Registrar, in any election, to consolidate election precincts across jurisdictional lines, as long as those jurisdictional lines are not relevant to the election in which the consolidation is occurring. This should include both jurisdictions that are not scheduled to participate in the election in which the consolidation is occurring, and jurisdictions that normally would participate, but are not doing so because there are not more candidates running than offices available, and therefore no election for the offices is being held.

In implementing these changes, the Registrar's first priority should be to eliminate double-boarded precincts, situations where two precincts vote at the same location. Such

precincts create confusion for voters and greater potential for errors, if voters go to the wrong precinct, put ballots in the wrong ballot box, etc. In the November 2014 election, which identified 98 locations with doubled-board precincts, and determined that if the double-precincts were combined into a single precinct at each location, based on the number of voters actually scheduled to vote in the precinct, the combined precincts would average 550 voters each, well within the 800 vote standard discussed earlier.

## **CONCLUSION**

State law permits a maximum of 1,000 voters for precinct, with additional adjustment permitted to allow for vote-by-mail voters. However, analysis of precinct size for the November 2014 general election shows that precinct size, when measured by voters per precinct actually scheduled to vote at polling places, is low, averaging 357 voters per precinct in the 350 largest precincts in that election, and averaging only 266 voters per precinct Countywide. This small size is inefficient, requiring election officers and polling places to be obtained when they are not really needed. Furthermore, State law preventing consolidation of precincts against selected jurisdictional boundaries also is inefficient, when the boundaries being preserved are not relevant to the election being held.

## **RECOMMENDATIONS**

It is recommended that the Registrar of Voters:

- 2.1 Seek larger precinct sizes, including pursuing amendments to Elections Code Section 12223, so that precinct sizes reflect the number of voters scheduled to vote at polling places. (Priority 1)
- 2.2 Pursue amendments to Elections Code Section 12222, permitting consolidation of election precincts across any jurisdictional boundary, as long as that boundary is not relevant to the election being held. (Priority 1)
- 2.3 Prioritize combination of precincts that are currently doubled-boarded into larger single precincts. (Priority 2)

## **SAVINGS AND BENEFITS**

Increasing precinct size results in fewer precincts, assisting with the difficulties in election officer recruitment and precinct performance described in Section 1. It also results in dollar savings, since a four-person precinct board costs up to \$635, plus the costs of renting polling places and supplying them. If the 221,569 registered voters who were scheduled to vote at polling places for the November 2014 general election had been consolidated into precincts of 800 voters each, 277 polling places would have been needed, rather than the 833 used, resulting in a savings for staff alone of \$353,060. Initially focusing on double-boarded precincts would result in double-boards being eliminated at 98 locations, based on the November 2014 election, with the resulting single precincts averaging about 550 voters in each actually scheduled to vote in polling places.



### SECTION 3. SPEEDING UP ELECTION NIGHT RETURNS

#### Background

The County of Santa Clara Registrar of Voters has in recent years been one of the slowest California counties in reporting semi-final official results on Election Night. This is primarily a function of the voting system, which requires paper ballots to be returned from precincts all over the County to the Registrar's office for counting.

#### Problem

The Registrar has taken some steps to speed up ballot returns, including purchasing additional counting equipment, and using teams of couriers to pick up some ballots directly from polling places. This was done for 443 of 884 precincts in the June 2016 primary election. Problems remain with not providing couriers for all polling places, or better targeting couriers for maximum effect. Also, limitations of the Registrar's office space, problems with reporting on ballot return timeliness and use of outmoded tracking technology still hamper this process.

#### Adverse Effect

As a result, the return of ballots to the Registrar's Office is still not as efficient as it could be, delaying the reporting of election results on Election Night.

#### Recommendations & Benefit

To further improve this process, despite the limitations of the current voting system, the Registrar should: 1) expand use of couriers as much as possible, focusing their use in areas where easy freeway access permits several precincts to be quickly; 2) provide additional training to couriers on the need to report what time they pick up a precinct, 3) pursue temporary additional lighting for the foyer of the Registrar's office, so that larger space can be used to process ballots, and; 4) replace outmoded barcode technology for returned materials with a Radio Frequency Identification-based system using an overhead reader and tags attached to ballot boxes. These steps would speed up return of ballots to the Registrar's office, and speed up processing once they arrive, leading to faster reporting of election results.

In recent years, the County of Santa Clara has been among the slowest counties in California in reporting the semi-final official results for election returns from votes cast at polling places on Election Day. The County ranked seventh or lower among the 12 largest California counties for reporting of these results in five of the six State-wide

primary or general elections held from June 2010 through November 2014. This information was not available for the June 2016 primary election.

The slow pace of reporting election results here is primarily the result of the County's voting system, which requires paper ballots and voting machine cartridges to be brought from polling places throughout the County to the Registrar of Voters office in San Jose to be counted by machines housed there. Los Angeles, Riverside and San Bernardino counties, which also tend to be slow in reporting results on Election Night, have similar systems requiring central tabulation.

Purchase of a new voting system is expected to alleviate this problem, because the new system will tabulate the votes as they are cast on equipment in each polling place, with the results held on a memory card that can be transported from each polling place to the Registrar's Office and quickly tabulated electronically, without having to put each paper ballot through a central tabulating device. Acquisition of a new voting system was scheduled to occur in 2017, but has now been delayed. Acquisition is dependent on the California Secretary of State certifying new voting systems for use by counties, and the Registrar reports that so far, only one system with the most current technology to meet the County's needs has been certified.

In response to concerns by the Board of Supervisors regarding the pace of reporting, particularly in November 2014 when the County was last among the 12 largest to complete Election Night reporting, the Registrar has purchased additional counting machines, only available used as the system is older technology, and made other changes to speed up ballot processing. But our review indicated additional improvements are still possible, as discussed in the remainder of this section.

### **Expand and Rationalize Use of Couriers to Bring Back Ballots**

Starting with a small election in 2011, the Registrar has typically used a dual system for returning ballots from polling places to the central counting location. Election precincts outside San Jose are served by couriers, two-person volunteer teams that go to polling places after they close, pick up the voted ballots and other key materials, and bring them directly to the Registrar's office in San Jose for processing. Each courier team visits no more than two precincts per trip, bringing the materials back to the Registrar's office.

Precincts in San Jose follow a long-time alternative system, where precincts in a particular geographic area bring ballots and other key materials to a regional return center.

Precincts delivered to the drop-off locations are then transferred to other vehicles, typically vans that can take up to a half-dozen precincts at a time back to the Registrar's Office for processing.

The advantage of the return center system is that it limits how far precinct workers have to drive to turn over their ballots. The disadvantage is that transferring the materials from precinct workers to other vehicles takes time, particularly since the return center locations may not have the space to quickly perform the transfer. By contrast, the Registrar's Election Materials and Voting System's Election Division Coordinator has developed a traffic control system to receive ballots from multiple couriers/return center vehicles in the Registrar's parking lot at the same time, moving them into the building as quickly as practicable given other limitations discussed later in this section.

Analysis of results from the June 2016 Primary Election show use of couriers is effective, as shown in the following table:

**Table 3.1**  
**Average Return Time of Courier vs. Return Center Precincts**  
**And Travel Time to Registrar of Voters Office, June 2016**

<b>Ballot Return Method</b>	<b>Average Time Returned</b>	<b>Elapsed Travel time</b>
Courier	11:03 p.m.	1:11
Return Center	11:12 p.m.	0:51
Difference	00:09	0:20

As the table shows, the average precinct returned by courier arrived at the Registrar's office at 11:03 p.m., nine minutes earlier than the average precinct that first went to a return center, then was transported from the return center to the Registrar. Courier precincts achieved this advantage even though the travel time from a return center to the Registrar's office was 20 minutes less than the travel time from the precinct by couriers directly to the Registrar, indicating that the need to switch precinct materials among vehicles at a return center creates significant delays in the return process.

We note that data collection for this process needs to be improved in future elections, in two areas. First, the Election Division Coordinator overseeing this function reports that return center staff, rather than reporting the time each precinct is received as it is received, calls in every 15 or 20 minutes with a list of the precincts they've received since the

previous call. Shuttles leave each return center for the Registrar's office as they are fully loaded. To make this data collection more accurate, the time each precinct was received should be individually reported, either by having precinct workers report the time when they drop materials off at the return center, or by having return center staff log the time materials are received, and reporting those times by precinct periodically when they call the Registrar's office. That way the Registrar would know more precisely how long it takes ballots and other key materials to get from a precinct to a return center, and how long in turn it takes those materials to get from the return center to the Registrar's office.

Second, gaps in time reporting need to be corrected, particularly among the courier teams that pick up materials from precincts. Of the 443 precincts served by a courier in the June 2016 election, for 107 precincts, 24.15 percent, couriers did not report the time materials were picked up at the precinct. These precincts consequently were not included in the travel time calculations included in Table 3.1. Courier reporting failures occurred in all areas of the County. This problem was less prevalent for precincts delivered via return centers, where only 10 out of 361 precincts, 2.77 percent, failed to report when materials were received at the return center.

Despite these data-related issues, we believe the results from June 2016, as well as prior results we reviewed for the initial test of the courier system in 2011, indicate that using couriers is effective, and should be expanded to the maximum extent feasible.

According to the Election Division Coordinator, the limiting factor is getting volunteers to work as couriers and return center personnel similar to Election Officer recruiting challenges. In June 2016, the Registrar's Office used 223 Election Night courier teams to serve the 443 precincts served by couriers. Another 101 teams were used to collect precinct ballots at midday to further speed up the Election Night count. Similar courier staffing was provided in the November 2016 general election.

To the extent all precincts can't be served by couriers, we recommend that the Registrar of Voters look for additional ways to rationalize their use, by identifying areas of precincts now taking materials to return centers, that could most efficiently be served by couriers.

We examined the potential for such a change by reviewing the 110 precincts returned to the Registrar via return centers, where the elapsed time going from the return center to the Registrar's office exceeded one hour. We used the Mapquest internet site to review

possible routes and travel times from each precinct to both its designated return center, and the Registrar's office in San Jose.

Of the 110 precincts, we identified 25 where the travel time from a polling place to the Registrar's Office, given typically light traffic conditions that would occur after polls close at 8 p.m. on a weekday, was not significantly longer than the trip from the precinct to the return center. The elapsed time difference in polling place-to-Registrar's office versus polling place-to-return center was small for two reasons: 1) the precinct was located relatively close to a major freeway, U.S 101 or Interstate 880, that would permit a relatively quick trip to the Registrar's office at 1555 Berger Drive in San Jose, off Interstate 880 at Gish Road, and 2) the trip from the precinct to a return center took materials in the opposite direction from which they would travel to get to the Registrar's office, requiring a partial two-way trip that would not be needed if the precinct were served by a courier.

Examples of precincts identified by this review follow:

Precincts 1307, 1308, 1324, 1326, 1327, 1415, 1586, 1613, 1616, 1639, 5556, 5567—These precincts are located in the Burbank and Rose Garden areas of San Jose, and in Campbell. They all are located relatively close to Interstate 880, and were returned to a return center at the County Government Center parking lot on Hedding Street. However, via Interstate 880, the Registrar's office is only two exits further down Interstate 880. Consequently, we believe these precincts, and others in the same area, could more effectively be served by couriers transporting ballots directly to the Registrar's office. Alternatively, the Registrar could also consider having these precincts bring materials directly to its offices, rather than to the Hedding Street return center.

Precincts 1419, 1510, 1513, 1517, 1518, 1528, 1533—These precincts returned materials to James Lick High School on N. White Road. Doing so required them going east or south, away from the Registrar's office, which they could have reached almost as quickly via U.S. 101 and Interstate 880. Because they are close to the freeway, these precincts also could be served by couriers. By contrast, areas farther east and south of White Road, in more hillside sections of East San Jose, would be harder to serve via couriers, because they require trips primarily along city streets into hillside areas, without easy freeway or expressway access. If resources are limited, it makes more sense to have materials from these areas brought to a more central location with better freeway access for transport to the Registrar.

Precincts 1678, 1709, 1713, 1719—Similar to the previous group, these are precincts that are close to a major freeway, Highway 87, and could be brought to the Registrar via that

route and Interstate 880. Instead, they were brought to the Curtner Light Rail Station, which was in the opposite direction from the precinct as the Registrar's office.

Precincts 1250, 1276—These two precincts brought materials to the Blossom Hill Light Rail Station at 525 Blossom Hill Road. Both precincts are close to U.S. 101, and using the return center required a trip in the opposite direction from traveling to the Registrar's office via U.S. 101 and Interstate 880.

As noted, our review only looked at courier precincts where the trip from the precinct took more than one hour, accounting for 110 of the 443 precincts served by couriers. It is likely that additional review of precincts in the same areas as the ones we have identified will provide additional opportunities to use couriers rather than return centers. We note that our review did not identify precincts in the Almaden Valley, areas near Highway 85, or the Evergreen Valley as the best candidates for expansion of courier service, because of the long distance of these areas from the Registrar's Office, and the fact that many of the precincts are located in hilly residential areas not close to major freeways. This is also why only a few precincts that used June 2016 return centers on White Road in East San Jose, and on the Blossom Hill Light Rail station, were identified in our analysis.

Based on this analysis, expanded use of couriers, to all precincts if feasible, and to selected areas of San Jose, if not, would further speed up return of precincts to the Registrar's office for processing, speeding up the counting of ballots on Election Night.

During the exit conference for this audit, the Registrar expressed agreement with the concept of better utilizing the courier program to speed up return of ballots to her office. But she emphasized that the limiting factor still remains the voting system itself. She pointed out that in the November 2016 election, every ballot completed by an individual voter included three ballots cards that had to be put through the counting machines. This was the first time a three-card ballot was required for all voters in a major election, and meant that the volume of cards to be counted was more than 2.1 million, compared with only about 1.2 million in the 2008 and 2012 presidential elections. Although the Registrar acquired additional equipment and staffing for the 2016 elections, she noted that the capacity increase was nowhere close to the increase in the volume of cards needed to be put through the counting machines.

## **Address Physical Limitations of the Registrar's Office for Ballot Return**

Delays in physically returning ballots to the Registrar's office for counting are compounded by the poor design of that location to receive ballots in this manner. The building does not have a useable loading dock and warehouse space to be used for this purpose. The warehouse also does not have a convenient path to the rooms where ballot counting machines have been placed.

In the absence of a loading dock to receive ballots, the Registrar uses the following procedures to receive them:

- Vehicles delivering ballot boxes and other key items arrive at the Berger Drive complex, and are directed down any of six parking aisles where volunteer and extra help staff unload the vehicles.
- Because the main entrance to the building has only steps, ballot boxes and other key materials are sent up two sets of conveyor belts from the parking lot to the building entrance.
- At the top of the entrance, ballot boxes are brought to a table outside the building's auditorium, which is located just inside the entrance to the building. At that table, Registrar staff use a wand to scan and account for the voting machine cartridges assigned to each precinct. The ballot boxes are then brought to a table inside the auditorium, where bar codes on the ballot boxes are scanned to show that a particular precinct has arrived. Precincts are tracked on a computer program that records the barcode information.
- Ballot boxes are then brought into the auditorium, where they are unloaded and the ballots for each precinct are turned over to a table of volunteers, who are responsible for examining/preparing the ballots so they go through the counting machines cleanly, and adding header cards that are needed for the ballots to be properly read.
- Once a precinct is processed by the volunteer table, several precincts at a time are taken by cart from the auditorium to the area at the rear of the Registrar's office where the counting machines are located. Registrar staff there feed each precinct's ballots, along with the required header card, through the counters, which count the votes on each ballot and report the results into the Registrar's vote tally

software, which accumulates the information from the various precincts. A report is then run and uploaded into another software program that reports the results of each race on the ballot.

- Vote-by-mail ballots received at polling places on Election Day, and provisional ballots received for voters where there is a question about their registration, are taken to other locations in the building, where they are processed separately, since these ballots require checking voter signatures on vote-by-mail or provisional ballot envelopes against voter registration information, and possibly conducting other research on provisional ballots to make sure they should be counted. This process, for the provisional ballots and the vote-by-mail ballots turned in by voters at polling places, typically occurs after Election Night, during the election canvass.

The problems Management Audit staff observed in this process included the following:

- During the return of ballots and other precinct materials for the June 7, 2016 primary election, one or both of the conveyor belts from the parking lot to the building entrance failed for significant periods of time. According to staff at the time, the problem was malfunctions of portable generators used to power the conveyor belts. Although warehouse staff were present to physically push the materials up the conveyor belt themselves, this process risks injury, and also resulted during some periods in vehicles being backed up in the parking lot, waiting to unload their materials.
- Using a handheld wand to check in ballot boxes when they arrived at the entrance to the building is a bottleneck, leading to ballot boxes stacking up outside the door of the building, until they can be brought inside to be checked in. At least two precincts were not wanded at the time they arrived in the building, which means they were not recognized as having arrived at the Registrar's office. This resulted in a lengthy search for those precincts, which were finally discovered having been already processed in the auditorium and sent back to the counting machines. Those precincts were formally reported as having been received after 2 a.m.
- The auditorium in the Berger Drive building is a relatively small one, and therefore limits the number of volunteers that can process ballots for counting. During the June 7, 2016 election, Management Audit staff observed ballots boxes stacking up outside the auditorium, waiting to be taken inside for processing, which also slows down the process.

- During a November 2015 election observed by Management Audit staff, provisional ballots were taken to the cafeteria in the Berger Drive building, where they were received and put on portable shelves by precinct for later processing. By June 2016, the cafeteria space was under conversion to offices, and no longer available. Provisional ballots were instead received in a very dark hallway area of the Berger Drive building atrium. While nothing is done with those ballots on Election Night, except to receive them for later processing, this is nonetheless a very poor working condition for staff assigned to that function, increasing the chance that ballots could be misplaced.
- The various bottlenecks described around the Berger Drive building entrance and auditorium result in a number of persons present in that location. The crowded conditions make it more difficult to secure the building against unauthorized personnel. Although the area where ballots are actually counted is more secure, since it is located at the back of the offices in a non-public area, a less cluttered process would make it easier to keep unauthorized persons out of the area where ballots are being received.

Were the County not pursuing a new voting system that won't require central tabulation of paper ballots on Election Night, we would be recommending pursuing a new location for the Registrar that is better configured for this process. However, the change in voting system, by reducing the volume of materials coming back to the Registrar's office, makes such a recommendation unnecessary.

Until that occurs, we recommend the following additional changes to better utilize the space for receiving ballots:

**Replace the barcoding system with RFID**—Radio-frequency identification (RFID) uses electromagnetic fields to automatically identify and track tags attached to objects. Its main advantage is that, unlike a barcode, the tag does not need to be within the line of sight of a reader. What we would envision is RFID tags attached to or placed inside ballot boxes, which would be read by a reader installed beneath the entrance to the Berger building, which would automatically read the tags of all ballot boxes passing under it, and reporting that those ballot boxes had arrived. This should be substantially quicker than the current barcode system. The Registrar has estimated that such a system, designed to work with its other election-related technology, would cost about \$100,000, and it is pursuing acquiring such a system. The Registrar should work with the

Information Services Department to acquire such a system in place of the barcoding system now used. During the exit conference, the Registrar stated that ISD staff had advised that it was better to acquire an off-the-shelf system designed for election-related use, rather than attempting to develop such a system in house.

**Use the Berger Drive atrium for ballot processing**—The Registrar is one of several County departments that use Building 2 at 1555 Berger Drive. This building has a large open central atrium surrounded by three floors of office space. The atrium is a large open area that is basically not used on Election Night, other than the small hallway area used to receive provisional ballots on June 7. Lighting of the atrium is very poor. We recommend that the Registrar pursue renting temporary lighting and use this space, in addition to the Berger Drive auditorium, to process ballots prior to their being taken back to the counting machines. This would remove a bottleneck from that process, at minimal cost. By removing the bottleneck, it would also reduce the number of people around the building’s entrance, making security easier. The additional lighting also should make it easier for staff receiving provisional ballots to do so.

**Fix the conveyor belts**—Malfunctioning of the conveyor belts that bring ballot boxes and other key materials into the building from the Berger Drive parking lot must be addressed. Since the problem was identified as malfunctioning portable generators, we recommend that the Registrar work with the Facilities Department to identify means to power the conveyor belts using electricity from within the building, rather than generators. Generators should be provided as a back-up, and more reliable ones should be acquired, so that malfunctions of this type do not recur.

The recommendations of this section together should help improve the speed at which ballots are brought back to the Registrar’s office for counting, under the current central tabulation system, until that system is replaced.

## **CONCLUSION**

The County of Santa Clara lags behind most of the State’s major counties in how quickly it reports Election Night results, primarily as a result of its central-tabulation voting system. While steps have been taken to try and speed up the pace at which ballots are returned to the Registrar’s office for counting, additional improvements are possible, by expanding the existing use of couriers to return ballots directly from polling places, and by further cleaning up bottlenecks that occur once ballots arrive at the Berger Drive offices. Substantial advances in reporting results earlier would require acquisition of a

new voting system that is precinct-counted, as opposed to the current central-counted system.

## **RECOMMENDATIONS**

It is recommended that the Registrar of Voters:

- 3.1 Expand the use of couriers bringing ballots directly from precincts, rather than shuttles to intermediate return centers, to get ballots to the Registrar's offices. To the extent couriers can't be used for all precincts, rationalize the system to expand their use where the biggest benefit would occur, as described in this section. (Priority 2)
- 3.2 Replace the current barcoding system to check ballots boxes into the Berger Drive complex with a Radio Frequency Identification (RFID) system. (Priority 2)
- 3.3 Rent temporary lighting to make use of the Berger Drive office atrium to process ballots prior to counting. (Priority 2)
- 3.4 Use internal power from the Berger Drive facility to power the street-to-building conveyor belts, rather than the unreliable generators that repeatedly failed during the June 7, 2016 election. (Priority 2)

## **COSTS AND BENEFITS**

Because couriers are primarily volunteers, adding staff to this function would not generate significant additional costs. An RFID system, based on the Registrar's estimate, probably would cost about \$100,000. Costs of temporary lighting for Election Night would be minimal. Using electricity from within the Berger Drive building to power conveyor belts also should have a minimal cost, with the Registrar working with Facilities staff to develop a way to access the building's systems. These steps would speed up the return of ballots to the Berger Drive complex, and speed up processing once they arrive, resulting in a quicker count of ballots on Election Night, and earlier reporting of results.



## Section 4. All-Mail Statewide Primary or General Election

### Background

Since 2001, California law has permitted all voters to vote by mail, rather than at polling places. Use of this method has grown rapidly in the County of Santa Clara, and in the 2014 primary and general elections, more than 75 percent of voters, about 308,089, used this method. This is the highest percentage of vote-by-mail use among the State's large urban counties. The state has authorized several pilot projects where all voters were asked to vote-by-mail, or at more centralized voting centers, rather than in neighborhood polling places. The County of San Mateo ran such a pilot in November 2015 involving all registered voters. A new State law enacted in September 2016 permitted the County to hold all-mail-ballot elections starting in 2018.

### Problem

Despite the prevalence of voting by mail in the County, the Registrar of Voters has operated a dual system of voting by mail and local polling places. As discussed in Section 1, errors occur regularly at polling places. Furthermore, the Registrar expends significant effort securing Election Day locations and election officers for polling places, even though usage by voters is limited.

### Adverse Effect

The current dual system is inefficient, requiring parallel election processes with separate staffs and procedures. These inefficiencies are likely to increase as more and more registered voters opt to vote by mail, with polling places provided for fewer and fewer voters. Polling place voting is also inefficient because of the central-counted voting system used in the County, and because the Registrar's current facility is poorly designed to receive ballots from precincts on Election Day, as discussed in Section 3.

### Recommendations, Savings and Benefits

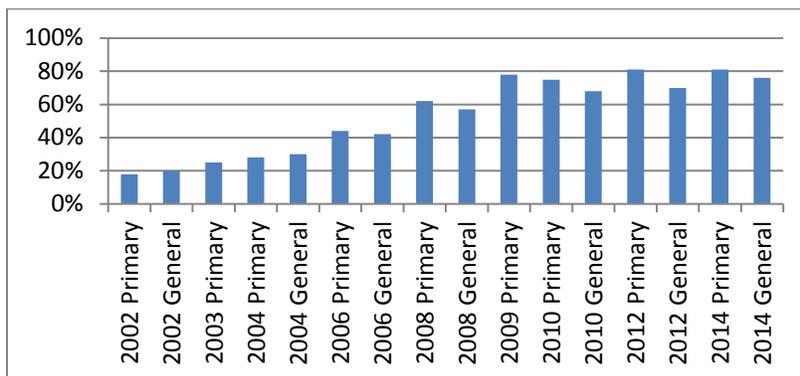
The Registrar of Voters should request the Board of Supervisors to conduct the 2018 regular primary and general election using vote-by-mail for all voters, and should begin the processes required by State law to do so. The Registrar should also pursue legislative and operational changes to improve the vote-by-mail process, as discussed in this section. Evidence from the County of San Mateo, and the Registrar's internal analysis, suggest significant operational savings would occur from conducting all elections by mail. San Mateo also determined that its pilot maintained or improved voter turnout relative to similar past elections, which officials attributed to expanded voter outreach which could be funded from operational savings.

## The Vast Majority of Santa Clara County Voters Already Vote-By-Mail

The vast majority of voters in Santa Clara County already submit a ballot through the mail as part of the vote-by-mail, permanent absentee voter program that is authorized by state law.

Since the passage of AB 1520 in 2001 which allows any voter in the State to apply for permanent absentee voter status, the percentage of voters in Santa Clara County selecting to routinely vote-by-mail has increased from approximately 20% in the 2002 primary and general elections to above 75% in the 2014 primary and general elections, as shown in Chart 1.1 below. As noted in Section 2, 72.5 percent of voters were registered to vote-by-mail in the November 2014 general election. A higher proportion of voters who actually voted in that election did so by mail, indicating that turnout for vote-by-mail voters was higher than for voters registered to vote at a polling place.

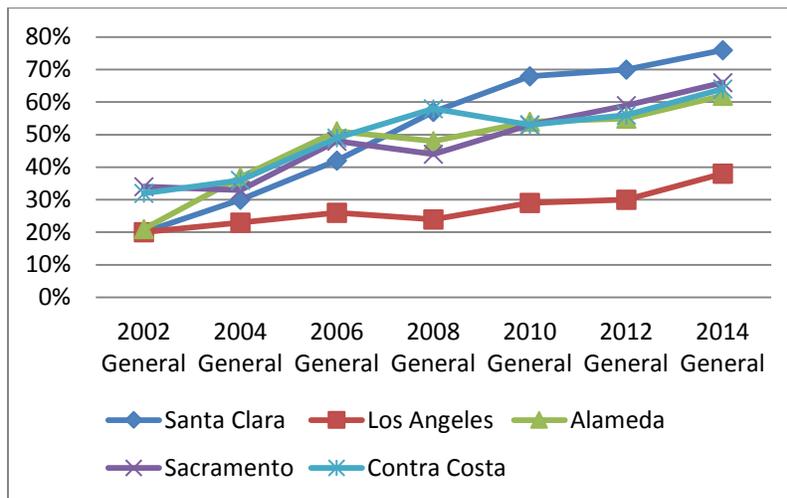
**Chart 4.1: Percentage of Santa Clara Electorate Voting-by-Mail Has Increased**



Source: California Secretary of State

When compared to four other large, urban counties in California, Alameda, Contra Costa, Los Angeles, and Sacramento, the percentage of County of Santa Clara voters participating as permanent absentee voters has also risen more quickly, as shown in the following chart.

**Chart 4.2: Vote-by-Mail Participants as a Percentage of Total Voters**



Source: California Secretary of State

While the other counties are on a similar trajectory as Santa Clara, Santa Clara’s percentage of mail voters as compared to total voters was 10-15 percent higher than for these other four counties in the 2010, 2012 and 2014 general elections.

That an overwhelming majority of voters in Santa Clara County are already electing to vote-by-mail argues for implementing all-mail-ballot elections for a statewide primary or general election.

### Other California Counties Have Implemented All-Mail Pilot Elections

A number of counties in California have experimented with all-mail elections in the past.

The counties of San Mateo and Yolo were authorized to implement all-mail ballot election pilots until 2017 through enabling state legislation (AB 413 and AB 2028, respectively). The legislation allows the two counties to hold all-mail elections for elections other than statewide primary and general elections and special elections to fill a vacancy in a state office, the Legislature or Congress. Both of these counties have implemented all-mail elections and their experiences can be instructive for Santa Clara. In separate 2015 legislation, the state authorized Monterey, Sacramento and San Diego counties, to conduct all-mail elections under various circumstances (AB 1504 and AB 547).

Upon completion of the all-mail elections, the counties are required to submit reports to the Secretary of State indicating how the election went. The reports must include

information about the success of the election; turnout rates among different segments of the population by race, gender, ethnicity, age, disability, party affiliation, and other categories; the number of uncounted ballots and the reasons they were rejected; the prevalence of voter fraud; and any other previously unknown problems raised during the election or canvass.

Yolo County released a report on March 5, 2013<sup>1</sup>; San Mateo County reported during 2016. Staff from the Santa Clara Management Audit Division spoke with the San Mateo Registrar's Office to inform this analysis, since their report was not yet available.

## **San Mateo County's All-Mail Ballot Election**

### *Municipal buy-in and voter engagement*

On November 3, 2015, San Mateo County conducted its consolidated municipal, school and special district election as an all-mail election, as authorized to do so by AB 2028 (passed in 2014). The legislation required the governing body of each participating city, county, or district to authorize by resolution the all-mailed-ballot election, or else the county would be unable to conduct it for any of the municipalities. As a result of the San Mateo Registrar's success in getting the jurisdictions to participate, the November 3, vote-by-mail election encompassed all 355,184 voters in the county.

Two agreements were made by San Mateo County to encourage the jurisdictions to participate. First, the county agreed to do a considerable amount of constituent engagement in the 29 days leading up to the election. This addressed concern by some jurisdictions that voters unused to voting by mail would be disenfranchised. The cost of this outreach will be discussed in greater detail in the analysis of costs below. After consulting with experts in the field, the County developed a Community and Voter Outreach Plan that consisted of the following components:

- Trainings for community groups in diverse parts of the county
- Presentations at fifteen local fairs, events, and other gatherings
- Updating the county website to include more detailed information in advance of the election

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<sup>1</sup> McDonald, Karin. "Study of the March 5, 2013 All Mail Elections in Yolo County." Election Administration Research Center, U.C. Berkeley.

- Ads about the all-mail election through billboards, BART trains, bus stop-shelters, newspapers, blogs, television, and radio
- Mail advertisements sent to voters in advance of the election<sup>2</sup>
  - Two mailings went to all voters, one announcing that there would be an all-mailed election, and one with the sample ballot and voter information pamphlet, and
  - One mailing only went to non-permanent absentee voters, announcing that the ballot would be in the mailbox in the next week and describing what it would look like.
- Establishing a Voting Accessibility Advisory Committee (VAAC)
  - The committee was formed in July 2015
  - It included persons with disabilities, older adults, and individuals who represent those communities
  - Committee members provided feedback on the all-mail election plans and outreach strategies

Below is an image that the county used as part of its media campaign for the all-mailed ballot election.

**Exhibit 4.3: Media Image for the All-Mailed Ballot Election in San Mateo County**



Source: San Mateo County Community and Voter Outreach Plan

Secondly, the county was required under the legislation to provide at least one ballot drop-off location per city, or to have each ballot drop-off location fixed in a manner so

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<sup>2</sup> The decision to send additional mailings to voters was informed by a study entitled, “How Does Vote by Mail Affect Voters? A Natural Experiment Examining Individual-Level Turnout,” by Bergman, Yates and Ginnold, 2009.

that the number of residents per ballot drop-off location would not exceed 100,000 on the 88<sup>th</sup> day prior to the day of the election.

The county also determined that it would need to set up 20 universal polling places (UPPs) to accommodate voters that wanted to vote in-person on Election Day. The county agreed to install 12 additional UPPs during negotiations with individual jurisdictions as a critical component to their agreeing to participate. This addressed concerns of disenfranchisement or loss of tradition surrounding Election Day for voters used to voting at a polling place. While 32 polling places was a significant reduction from the 209 polling places typically utilized, the additional 12 polling places implemented for the jurisdictions added to the county's total cost and administrative burden.

Only 2,407 votes were cast at the UPPs out of 105,341 total votes cast, or 0.67 percent of votes cast. Given this result, the San Mateo County Registrar anticipates setting up fewer universal polling places in the future if permitted by law, thus reducing the cost for staff, copying, and equipment. Registrar staff credits the extensive outreach campaign conducted in the lead up to the election with reducing the use of UPPs by voters.

#### *Cost of the all-mail election*

The Registrar's Office calculated that cost savings were seen in certain categories of expenditures but not in others. Despite the fact that there were significantly fewer polling places opened on Election Day, labor costs were estimated to be 90% of what they are in a typical, consolidated countywide election with both polling places and vote-by-mail ballots issued. There were just 32 polling places established, reduced from 209, and just 150 poll workers recruited, reduced from 1,500. Because staff at the universal polling places (UPPs) had access to the county's full database of registered voters, it was required that they undergo background checks and be paid \$18 to \$20 per hour instead of the flat stipend of \$115 to \$140 per day that elections officers normally receive.

Equipment costs were reduced significantly in the all-mail election, on the other hand. In the November 2013 election, which was similar in scope to the 2015 election, an estimated \$222,566 was spent on equipment, while just \$26,000 was spent on equipment in the 2015 all-mail election because voting equipment was placed in far fewer locations. San Mateo spent an estimated \$300,000, or approximately \$1 per registered voter, to implement the voter engagement and outreach plan described above.

In regards to the costs for cities and school districts, the county estimates that there were savings of 15% for cities, and savings of 30% for school districts. Under state Elections Code Section 3024, school districts cannot be charged for the cost of running an all-mail election. As a result, the county absorbed the cost of the school district elections, which was an estimated \$400,000.

In the 2014 general election, the County of Santa Clara Registrar of Voters billed school districts a total of \$3,003,652 for election charges and candidate statements. This total would no longer be billable if the county held an all-mail election.

The San Mateo Registrar's Office did not indicate whether there were savings to the county overall as a result of the all-mail election. Savings from reduced equipment and labor costs were funneled into voter outreach for this election, making the cost of the election higher than a subsequent election might be without spending on outreach. The Registrar's Office also emphasized that the cost of the election could be further reduced if the Registrar did not need to set up as many polling places, recruit poll workers for them, and pay them the high hourly cost.

#### *Turnout for the San Mateo all-mail election*

An analysis of the all-mail pilot election compared turnout in November, 2015 to turnout in the 2009, 2011 and 2013 consolidated elections, which were similar in scope. It examined whether there was an increase in turnout in each city within the county, and looked at the data by age group, race, and whether a voter was a traditional absentee voter or polling place voter prior to the all-mail election. The results showed:

- Increases in turnout among 18-24 year olds across all of the cities
- Increases in turnout across all age groups in Foster City, Redwood City, San Bruno, San Carlos, San Mateo and South San Francisco
- Increases in turnout among the racial groups of Asian, Latino and White, across all of the cities
- Significant increases in turnout among traditional polling place voters in Foster City, Redwood City, San Bruno, San Carlos, San Mateo and South San Francisco

The County of San Mateo Registrar's Office believes that the extensive outreach conducted prior to the election, while not required under the legislation, greatly contributed to increased voter turnout and limited use by the electorate of the universal polling places, and an overall smoothly run election.

Given San Mateo County’s largely positive experience in holding an all-mail consolidated municipal, school, and special district election, and given that other counties have been authorized to hold similar all-mail elections, the County of Santa Clara should conduct an all-mail election for a statewide primary or general election, or for a special election to fill a statewide position, as the next test case for the all-mail ballot elections. That authority now exists, as we will now explain.

### **Authority for All-Mail-Ballot Elections Under SB 450**

During the closing stages of completing this audit, Governor Brown signed into law Senate Bill 450. This law permits that as of January 1, 2018, the County of Santa Clara and 13 other counties “may conduct any election as an all mailed ballot election. . . .”

In order to do so, the new law also specifies a number of conditions the counties must meet. The most relevant of these include:

- Provide one ballot drop-off location, typically a mailbox-style container, for every 15,000 registered voters. Based on the 875,176 registered voters for the November 2016 general election, 59 locations would be required in the County.
- Provide a “vote center” similar to the Universal Polling Places provided in the County of San Mateo pilot project. One vote center would be required per 50,000 registered voters in the 10 days prior to Election Day, requiring 18 centers based on the November 2016 registration, and one center for every 10,000 voters would be required on Election Day and the preceding three days, requiring 88 such centers. This compares to the 804 polling places operated by the Registrar during the June 2016 primary. Because the requirements for the voting centers are similar to those used in the County of San Mateo pilot, including having on-line access to voter registration information, more experienced staff would probably be required in these centers, at higher cost.
- Vote centers would have to meet all foreign language access requirements the County must meet under State and federal law. The County now is required to provide all election materials and bilingual staff in Spanish, Chinese, Vietnamese and Tagalog, and provides more limited bilingual resources in Hindi, Japanese, Khmer and Korean. Vote centers would also have to meet access requirements for disabled voters.

- The County would have to develop a plan to administer all-mail-ballot elections under the new law, including establishing language and physical voting accessibility advisory committees, creating an extensive voter outreach plan, having publicly noticed meetings for development of the draft administration plan, considering a variety of factors in establishing locations for voting centers, having a minimum 14-day review period of the draft plan, issuing a revised draft plan, and again receiving comments for 14 days, before adopting a final plan and submitting it to the California Secretary of State for approval.
- The initial administration plan would have to be reviewed and revised, following a similar public process, within two years of issuing the initial plan. The plan would then be reviewed every four years thereafter.
- The County would have to provide information to the Secretary of State regarding the results of the election, including turnout, registration, ballot rejection rates and the reasons for them, use of provisional ballots, voter center use, and other information, for the Secretary to report to the Legislature within six months of each election conducted by mail under the new law.

## **Arguments Favoring the County Implementing All-Mail Elections**

### **1) A significant percentage of the electorate already votes by mail.**

As demonstrated in this section, over 75 percent of voters in Santa Clara County already actually vote-by-mail, based on 2014 results. The Santa Clara County Registrar of Voters reports having sufficient equipment capacity to process all votes by mail if such a pilot were to occur.

### **2) The County's current voting system lends itself to voting by mail.**

The County's current voting system, which requires paper ballots to be brought to a central location for tabulating, lends itself to voting by mail. By contrast, the central-counting requirement tends to slow down reporting of results on Election Day, because votes cannot be counted until they are returned from polling places to the Registrar's offices.

**3) The Registrar of Voters facility is poorly designed to receive votes from polling places on Election Day.**

The Registrar of Voters facility is poorly designed to receive votes from polling places on Election Day, although staff has made creative efforts to overcome this problem, such as using conveyor belts to transfer ballot boxes and other election materials from the street into the facility. The facility more easily accommodates voting by mail, particularly if voter outreach emphasizes having voters mail their ballots in as soon as they have voted them. This is discussed in more detail in Section 3.

**4) An all-mail election could result in significant cost savings for the county.**

An internal analysis conducted by the Registrar of Voters suggests that a vote-by-mail election could result in cost savings for the county. For example, the total estimated cost of a countywide special election with both polling places and vote-by-mail ballots is \$5,764,720, and the total cost of an all-mail special election is \$2,873,900, a 50% savings, as demonstrated in the chart below.

**Chart 4.4: Estimated Cost Savings from an All-Mail Election in Santa Clara**

Election Type	Total Cost – Polling Place and Vote-by-Mail	Total Cost – All-Mail	Estimated Savings	% Savings
Countywide Special	\$5,764,720	\$2,873,900	\$2,890,820	50%
Single Supervisorial District	\$1,152,945	\$564,780	\$588,165	51%

Source: Santa Clara County Registrar of Voters

This estimate is based on the costs recorded previously by the Registrar when conducting an all-mail special election. They do not constitute a comprehensive study of the costs that would be required when implementing Senate Bill 450. The Registrar’s Office believes that personnel costs will be similar under SB 450 as under the current election system. Fewer workers overall will be needed, since poll workers assigned to neighborhood voting precincts won’t be needed. However, the workers hired to work at voting centers will probably need to be hired as extra help instead of as poll workers, at an hourly wage rather than a per-day stipend. This estimate also does not take into account the required spending on mail advertising and other outreach methods that are required to inform voters of the changes to the elections process.

- 5) Converting to a vote-by-mail election would relieve the Registrar of recruiting election officers and polling places, which takes significant effort. Ongoing problems with errors at polling places, as detailed in Section 1, could be avoided through voting-by-mail as well.**

Data provided by the Registrar's Office demonstrates that in the past four statewide primary and general elections, more than one-quarter of election officers were 65 and over, and more than 40 percent were 55 and over. The division manager responsible for the recruitment of election officers and poll workers noted that it is becoming increasingly difficult to find these individuals prior to an election, and that the majority of the individuals that are 65 and over can be expected to "retire," from the activity in the next few years. Fewer precinct workers would have to be recruited, under a vote-by-mail system with a smaller number of universal polling places, than are now required to staff polling places on Election Day.

### **Issues To Be Addressed When Conducting An All-Mail Election**

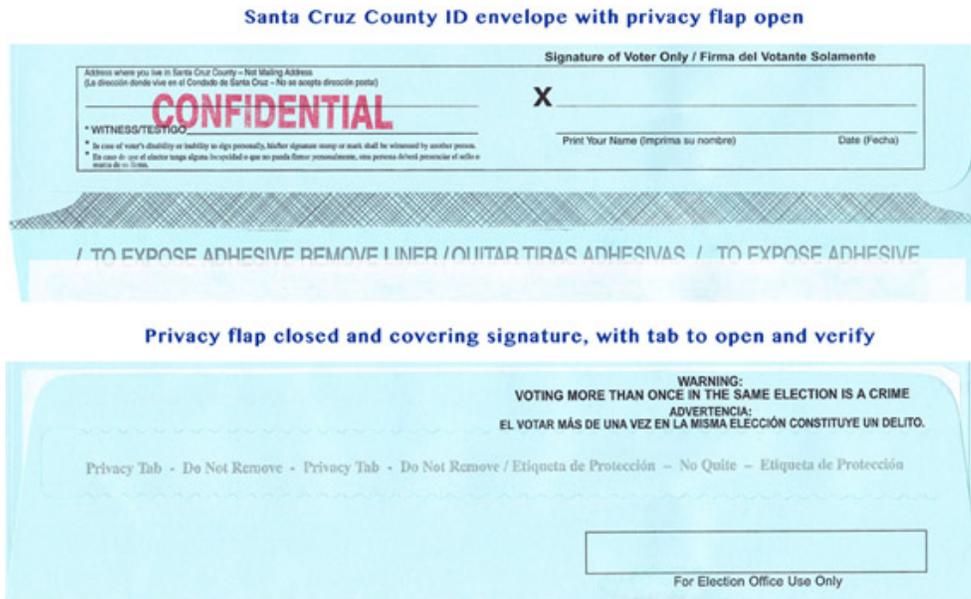
*There is an increased potential for compromising ballot secrecy in an all-mail election.*

As currently designed, a voter could sign a vote-by-mail envelope, and then give the signed envelope and the un-voted ballot to someone else to cast. There is also potential for voter influence that is not possible in a traditional polling place election, where an individual goes into a voting booth to vote and no one knows how they voted. Avoiding such improper influence on voters, and protecting ballot secrecy, explains restrictions established in State law as to who may accompany a voter into the booth or otherwise assist them in voting.

Elections officials in some California counties have redesigned the mail ballot envelope in which voters return vote-by-mail ballots, or the ballot itself. After receiving complaints about the lack of privacy for voters' signatures in Santa Cruz County, for example, the county developed envelopes with privacy flaps. The envelopes work by allowing the voter to sign the ID envelope and then fold an opaque flap over the signature, sealing it just below the signature itself; elections staff can then pull a tab to reveal and check the signature, leaving the ballot sealed in the envelope. The envelope simultaneously protects the privacy of a voter's signature and allows the signature to be checked in a timely way,

prior to the point of actually opening the envelope and removing the ballot, which cannot happen under state law until the signature is verified.

### Exhibit 4.5: Privacy Flap Used on Santa Cruz County Mail Ballot Envelope



Source: California Voter Foundation

We recommend the issue we have raised here be addressed by a new mail-ballot envelope design that maximizes the likelihood that the ballot will be voted before the envelope is signed, which none of the designs we have seen expressly addresses. For example, such a design might require the voters signature to cross the sealed flap of the envelope, so that the voter would first mark the ballot with his or her choices, place the ballot in the envelope, seal the envelope, then sign the envelope on a line that crosses where the envelope was sealed. Such a process would make it much more difficult for any voter to sign the envelope, then give the envelope and the un-voted ballot to someone else to complete. We searched for but did not find such a design being used by other voting jurisdictions, but such a design, or other method to prevent tampering with the vote-by-mail process, is the ideal.

The signature verification process is time-consuming.

A significant number of vote-by-mail ballots are dropped off at polling place precincts on Election Day, rather than being sent through the mail, which means that they cannot be prepared for counting, including the County’s practice of having human reviewers analyze the signature, until the night of the election itself. As shown in the chart below, approximately one-third of mail ballots were submitted to a polling place during the last four statewide primary and general elections, and the percentage has increased over time. Presumably, in moving to an all-mail election, there would be additional mail ballots submitted at the universal polling places on the day of the election itself, slowing down the completion of substantially final election results that show who won the various contests.

**Table 4.8: Significant Percentage of Vote-by-Mail Ballots are Returned to a Polling Place on Election Day**

	Total Returned	Polling Place Total	% Returned to Polling Place
<b>2012 Primary</b>	241,340	66,074	27%
<b>2012 General</b>	463,316	129,128	28%
<b>2014 Primary</b>	220,251	61,678	28%
<b>2014 General</b>	313,304	104,183	33%

Source: Santa Clara County Registrar of Voters

Several counties in the state, including Butte, Placer, Santa Barbara, and Santa Cruz, have purchased specialized equipment and signature verification software from a vendor that can electronically scan voter signatures and verify whether they match the signature on the voter’s affidavit. Signatures that are identified as being problematic are sorted into a separate bin to be checked again by human reviewers.

This vendor provided a quote for Signature Verification Software that would be compatible with Santa Clara County’s Pitney Bowes machine. The total first year cost, which includes the software, hardware, delivery, installation, and training, as well as an existing client discount, is \$30,500. The annual ongoing cost of licensing and software that would begin in Year 2 is \$15,000. The Registrar should purchase this software, as a means of speeding up verification of voter signatures, and therefore speeding up the processing of vote-by-mail ballots.

During the exit conference for this audit, the Registrar noted that one difference between Santa Clara County and other counties that are making extensive use of signature verification software, may be the quality of the signatures, on voter registration affidavits or from other sources that are being used to compare to signatures on vote-by-mail envelopes. The Registrar noted that the County’s voter files still contain a significant number of older voter registration affidavits that do not digitize well for use by automatic signature verification systems. She said her office may consider, as part of adopting this new technology, an outreach campaign to get voters to update their signatures, as permitted by State law, such as sending out a mailing requesting voters to provide a new signature to be included in the voter files. She said such an outreach campaign would also dovetail with current State permission for voters to register to vote at the same time they renew drivers licenses, which may result in providing a signature from the licensing process that is not optimal for voter verification purposes. Our research indicates that both Oregon, which conducts all elections by mail, and Florida, conducted similar outreach campaigns prior to the 2016 presidential election. We support this approach.

**Table 4.9: Cost of Automated Signature Verification Software**

Item	Price
Automated Signature Verification Software	\$50,000
Current Client Discount	(\$25,000)
Hardware	\$2,500
Delivery, Installation and Training	\$3,000
<i>Total Year 1</i>	\$30,500
<i>Total Year 2</i>	\$15,000

Source: Runbeck Election Services

*The Registrar should determine the scope of the outreach campaign.*

As described above, San Mateo County implemented an extensive voter outreach and awareness campaign that included trainings for community groups; presentations at local fairs; updates to the county’s elections website; ads on billboards, BART trains, bus stop shelters, in newspapers and blogs, on television and radio, and several mail advertisements sent in advance of the election. SB 450 requires the County to develop a detailed outreach plan as part of the formal administrative plan that must be prepared for all-mail-ballot elections.

The County of San Mateo Registrar of Voters reported spending approximately \$1 per registered voter on outreach activities. As there are 730,870 registered voters in Santa Clara County, it would cost approximately \$700,000 to conduct a similar level of outreach here. The Registrar should determine the appropriate level and type of voter outreach to implement. The outreach campaign should advise voters to return their mail ballots as soon as possible to potentially reduce the number of ballots that are returned on Election Day.

*The County must ensure that disabled voters can participate fully in the vote-by-mail election.*

A frequently cited concern in moving to an all-mail election is that there will not be sufficient opportunity for individuals, in particular those with disabilities, to vote in-person, to drop-off mail ballots before or on Election Day, and to receive assistance with voting if needed. SB 450 requires extensive consideration of the needs of disabled voters in developing the administrative plan for all-mail-ballot elections.

Following the most recent all-mail election in the County of San Mateo, lawyers for the California Council of the Blind and two individual plaintiffs filed a federal lawsuit in the Northern District of California against the County. The lawsuit, filed on December 17, 2015, alleges that the County failed to provide any alternative to paper ballots for absentee voting among blind registrants, and as a result, blind and visually impaired voters must rely on the assistance of others to read and mark their absentee ballots, thereby sacrificing the confidentiality of their vote, or forego their right to vote by absentee ballot altogether.

The plaintiffs argue that the technology exists to allow blind voters to vote without having to visit a polling place and without having to receive assistance in order to file a paper ballot.<sup>3</sup>

The state of Oregon allows blind and other types of disabled voters to vote from home through the MyVote system, an online voting portal. All blind and disabled voters receive a ballot package in the mail at the same time as other voters. When the ballot packages are mailed out, a link to the ballot appears in each voter's MyVote online voting profile, however, only blind voters typically access the ballot in this manner. Rather than filling out the ballot that they receive in their mailed package, blind voters can download the ballot from their MyVote profile and have it read to them using audio software installed

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<sup>3</sup> "California Council of the Blind v. County of San Mateo; Mark Church." Filed 12/17/15.

on their computers. Once they have filled in the ballot, they must then print it out, sign it and return it in the ballot envelope that they received in the mail. The County, in planning for an all-mail-ballot election, should explore using this system, or something similar, to permit blind voters to vote from home without assistance, as do Oregon voters. During the exit conference, the Registrar stated that new State law, AB 2252, requires the State to develop standards for voting systems for the blind and disabled, and that her office will monitor that process and follow whatever standards are published.

*Requirements as to who may return mail ballots on another's behalf are onerous and confusing.*

Elections Code Section 3017, as amended by SB 450, allows a vote-by-mail voter who is unable to return a ballot to a polling place on Election Day to designate any other individual to return the ballot on her behalf. The voter must include the name of the authorized person on the vote-by-mail ballot envelope. Observations from the November 2015 and June 2016 elections indicated to us that this requirement is now superfluous, as a result of a change in law where vote-by-mail ballots may not be received within three days following the election, if postmarked on Election Day, and as a result of the ballot postage now being paid by the County. As a person attempting to drop off a ballot at a polling place during the November 2015 election noted, she could have just as easily just dropped the ballot in a mailbox, rather than attempting to return it to a polling place.

Consequently, we recommend that the Registrar pursue State legislation eliminating the requirement that voters designate on the vote-by-mail ballot who will return the ballot envelope for them, in counties where postage for mail ballots is paid by the county. Requiring that a voter specifically authorize and designate someone to drop off her ballot is superfluous and potentially confusing to voters, and this change would eliminate the requirement in counties where it is superfluous.

## **CONCLUSION**

As other counties have demonstrated the potential for all-mail elections to reduce costs and increase turnout among voters in local special and consolidated elections, there is now an opportunity for Santa Clara to implement an all-mail statewide primary or general election and to determine whether there are comparable impacts seen and whether it would be prudent for the County to permanently switch to this type of election in the future.

## **RECOMMENDATIONS**

It is recommended that the Registrar of Voters:

- 4.1 Pursue an all-mail-ballot election for the June and November 2018 elections, as permitted by Senate Bill 450, and begin the extensive planning process required by that legislation. (Priority 1)
- 4.2 Improve the mail ballot envelope to make voter fraud less likely, ideally by creating an envelope that must be signed across the enclosure. (Priority 1)
- 4.3 Purchase signature verification software to speed up the verification process for vote-by-mail ballots, as well as conducting an outreach campaign to voters to update their signatures to make such equipment more effective. (Priority 2)
- 4.4 Determine the appropriate level and type of voter outreach to implement under SB 450. The outreach campaign should advise voters to return their mail ballots as soon as possible to potentially reduce the number of ballots that are returned on Election Day. (Priority 2)
- 4.5 Monitor changes to state law that would allow disabled voters to utilize online systems to make their ballot selections, print their ballots and then return them in their vote-by-mail ballot envelopes, as is provided in the State of Oregon. (Priority 2)
- 4.6 Pursue legislation to remove from Elections Code Sections 3011 and 3017 the requirement that a vote-by-mail voter must authorize and designate on the ballot envelope someone else to drop off the ballot at a polling place on Election Day, in the County of Santa Clara and other counties that pay the return mail costs for vote-by-mail ballots. (Priority 1)

## **SAVINGS, BENEFITS AND COSTS**

If the County were to implement an all-mail election, there are likely to be cost savings, although they might not be seen initially due to the administrative requirements of SB 450. The recent results from San Mateo County demonstrate that an all-mail election can reduce equipment costs and slightly reduce labor costs, although advertising and mailing costs might increase for initial elections. Other benefits of conducting an all-mail election

for a statewide primary or general race include the potential for increased turnout. The first year cost of the software verification software that is compatible with the Pitney Bowes machine is \$30,500, and the annual ongoing cost beginning in the second year is \$15,000.

## Section 5. Purging of the Voter Rolls

### Background

The Elections Code specifies when a voter's registration affidavit should be made inactive or cancelled, including when a voter has moved, has not voted over an extended period of time, or has died. The voter rolls are purged in two ways. First, the County receives ongoing updates from the National Change of Address (NCOA) service, which indicates whether a voter's address has changed. The County then verifies this information by mailing a postcard to the voter. Additionally, every two years the Registrar conducts an Alternate Residency Confirmation Purge (ARCOP), during which all voters that have not voted in the past two federal elections, a four-year period, are made inactive and are sent a notice verifying their registered address.

### Problem

For this audit, we contacted a random sample of 100 registered individuals to determine if they still reside at the registered address. Of the 71 voters that either returned a letter to our office or provided verbal confirmation via telephone, three persons, or 4.2 percent, indicated that they no longer live at the address where they were reported to be registered. We also obtained a list of deceased voters from September 2014 to determine whether the individuals had been timely removed from the rolls prior to the November 2014 general election. Of 420 deceased registrants, our review showed that 32, or 7.61 percent, were not cancelled from the rolls prior to the election Registrar performance in this area has improved since our last audit of the topic in FY 1994-95.

### Adverse Effect

There are two adverse effects. First, having people who are not legally eligible to vote on the rolls increases the risk of fraud. However, none of the voters we reviewed voted inappropriately based on their registration address, or "voted" following their deaths. Second, having ineligible people on the roll unnecessarily increases County costs for printing and mailing unnecessary election materials.

### Recommendations, Savings and Benefits

The Registrar should conduct an additional Alternate Residency Confirmation Purge (ARCOP) process in years when it is not currently conducted. The Registrar should also set a specific deadline to cancel deceased voter records from the rolls prior to an election.

## **Maintaining the Voter Rolls**

The Elections Code governs maintenance of the voter registration roll and indicates when a voter's affidavit, the document the voter completes to register to vote, should be made inactive or cancelled. The process of removing voters from the registration rolls known as purging, benefits the Registrar and the public in two key ways:

- 1) Election costs are reduced, because the Registrar is not faced with the cost of providing sample ballots, polling places and other materials for individuals who are not properly registered.
- 2) Election fraud is prevented, by limiting the possibility for someone to cast a vote in the name of a voter who has moved or died.

Under the Elections Code, voters may be purged from the rolls only under the following circumstances:

- 1) At the signed, written request of the person registered.
- 2) When the mental incompetency of the person registered is legally established as provided in Elections Code Sections 2208, 2209, 2210, and 2211.
- 3) Upon proof that the person is imprisoned or on parole for conviction of a felony.
- 4) Upon production of a certified copy of a judgment directing the cancellation be made.
- 5) Upon the registered voter's death.
- 6) Upon official notification that the voter is registered in another county or state.
- 7) Upon proof that the person is otherwise ineligible to vote.

## **The Process Followed for Purging the Voter Rolls**

The Elections Code governs how and when the Registrar of Voters determines whether an individual should still be registered at a particular location.

Voters may be placed on inactive status, or may have their affidavit cancelled, depending on the particular circumstances in question. Voters that are made inactive do not receive sample ballots, pamphlets, or other election materials, nor are they considered in determining the number of polling places or ballots needed to serve voters. However, if an inactive voter shows up at a polling place, the voter will be allowed to vote.

Voters that are cancelled from the rolls will also not receive a sample ballot or other election materials, and will not be allowed to vote on Election Day. A cancelled voter would have to re-register to be allowed to vote.

The Registrar of Voters is required to conduct a residency/confirmation voter list maintenance process, also referred to as a purge, by the 90<sup>th</sup> day immediately prior to the Statewide June primary election in even-numbered years. The Registrar in the County of Santa Clara typically conducts this process in the fall preceding the primary election.

The method used to conduct this process in Santa Clara County is known as the Alternate Residency Confirmation Purge (ARCOP) process, through which any voter that has not voted or made other changes to her voter file for the past two federal elections, or over a four-year period, receives a postcard asking the voter to confirm their address. Voters that do not reply (or if the Post Office marks the card as undeliverable) at this stage are made inactive in the registration system. If the same voters that are made inactive in a single purge do not respond in a subsequent purge, four years later, they will be cancelled from the voter rolls. In other words, a voter that fails to vote in a federal election, or take any action to update their registration, over an eight-year period, can be removed from the voter rolls.

The Registrar also conducts ongoing maintenance of the voter rolls by receiving updates from the National Change of Address (NCOA) service. The County provides a computer tape of its voter registration files to one of several private firms who have contracted with the U.S. Postal Service to receive change-of-address information.

The firm then matches the County's information against its own files, and provides the County with a list of all voters whose addresses have changed. The Registrar then sends a follow-up notice to these voters, known as a Third Party Change of Address (3PCOA) card, advising them that the County is aware of their new address, and that it will correct the voter rolls unless otherwise advised. Voters for whom this notice is returned by the Postal Service as undeliverable are placed in inactive status, as discussed previously. This process is ongoing throughout the year.

Over the course of one year, from May 2015 to May 2016, there were 82,000 change of address cards mailed to registered voters, at a total mailing cost of \$14,776.

The Registrar's Office estimates that the cost of implementing the Alternate Residency Confirmation Purge (ARCOP) process, including printing, postage, and labor costs

associated with mailing the cards and processing them upon their return, is \$107,319, using 2015 figures and detailed in the chart below.

**Table 5.1: Estimated Cost of Printing and Postage for ARCOP Mailing (80,000 cards)**

<u>Expense Items</u>	<u>Cost*</u>
Labor Costs	\$58,919
Internal Printing (PrintShop)	8,763
Internal Postage – Outgoing (PrintShop) (80,000)	22,067
Postage – Incoming 40,000 @\$0.43925 each	<u>17,570</u>
<b>Total</b>	<b>\$107,319</b>

Source: Santa Clara County Registrar of Voters

\*All costs are 2015 figures

Finally, in addition to these two processes, the Registrar routinely cancels voters from the rolls upon learning that they are deceased. According to the Registrar’s policies and procedures manual on voter file maintenance, once a month, the Department of Vital Statistics in the Public Health Department sends a list of County residents who have died to the Registrar of Voters. The Registrar of Voters then cancels the registration affidavits of these individuals.

The processes the Registrar currently follows are the practices it is required to follow under the California Elections Code to maintain the voter registration roll.

### **Testing the Accuracy of the Registrar’s Current Voter List**

#### *Random Sample of 100 Registered Voters*

For the purposes of this audit, Management Audit staff conducted two tests to verify the accuracy of the voter rolls. For the first test, a random sample of 100 registered voters was obtained from the Registrar’s Office in March of 2016, a few months after the most recent Alternate Residency Confirmation Purge (ARCOP) process was completed. The current addresses of these voters were then verified, by sending a mailing, with paid return postage, requesting that the voter return an enclosed letter and indicate whether they live at the registered address. Follow-up telephone calls were made to voters that did not return the letter.

The status of 71 of the 100 voters that were selected for the random sample was verified. In three cases, the voter sent the notice no longer resided at the address shown on the voter rolls. In one of the three cases, our inquiry was returned by the Postal Service as undeliverable, while in the other two cases, residents at the addresses shown returned the card indicating that the voter had moved. There was no evidence that these three voters had voted inappropriately based on their no-longer-valid registration address. These voters should have been put on inactive voter status, which would reduce election costs by not providing sample ballots to these voters, or including them in planning for polling places.

*Review of deceased voters*

The timely removal of deceased voters from the rolls prevents voter fraud, by eliminating the possibility that someone may appear at a polling place and vote in the name of a voter who has died. It also results in reduced election costs. Upon receiving from the Department of Vital Statistics a list of all of the Santa Clara County residents that have died in a particular month, the Registrar instructs staff to cancel the registrations of these voters.

To test the Registrar's effectiveness, we obtained from the Office of Vital Statistics a list of all Santa Clara County residents that died during the month of September 2014. This is the last month for which deaths would have been reported to the Registrar in time to be canceled prior to the November 2014 general election.

We then verified the status of all voters on this list of deaths through the Registrar's computerized registration database. The list contained 762 deceased persons for that month, of which 420 had been registered at one time. Of these 420, our review showed that 32, or 7.61%, had not been cancelled from the registration rolls prior to the November 4, 2014, general election. We note that this is a better performance by the Registrar's Office than when we last looked at this issue in 1995, when 12 percent of deceased voters in September 1994 were not cancelled prior to the November 8, 1994 general election.

Of the 32 voters not cancelled prior to the November 2014 election, one was made inactive and never cancelled, 21 were cancelled after the November 4 election but within six months of their deaths, seven were cancelled more than six months after death, and three are still listed as active, as demonstrated in the chart below. Of the seven that were cancelled more than six months after death, six were cancelled at some point in 2015, and one was cancelled in 2016. The 10 voters not cancelled within six months after their deaths

represents 2.4 percent of the sample, and again represents an improvement over the previous audit, where 4 percent of voters were not cancelled within six months after their deaths.

**Table 5.2: Status of Problematic Records for Deceased Voters**

<u>Reason for Problem</u>	<u>Made Inactive, Not Cancelled</u>	<u>Cancelled After the November Election but Before Six Months After Death</u>	<u>Cancelled More than Six Months After Death</u>	<u>Still Active</u>	<u>Total</u>
<b>Number of Records</b>	1	21	7	3	32
<b>Percentage of Problematic Records</b>	3%	66%	22%	9%	100%

Source: Comparison of Registration Rolls to Deceased Voter List, Registrar of Voters

An additional 31 of the deceased voters were cancelled for a reason other than death, primarily because they had moved out of the County prior to their deaths. Of these 31 voters, two were cancelled after the date of death, while the rest were cancelled before. The two cancelled after their death, but for reasons other than death, are included in the totals shown in Chart 5.2 above.

Among all of the problematic deceased voter records, there was no indication that a vote had been cast in their name after the date of death.

The Office of Vital Statistics indicated that a total of 8,967 deceased voter records were sent to the Registrar over the course of 2014, and 10,009 were sent to the Registrar over the course of 2015. If one assumes that 7.61% of these total records had problems similar to those seen in the sample of deceased voters from September 2014, such as being left as active in the rolls, being made inactive rather than cancelled, or being cancelled six months after the month of death, then there were an estimated 682 problematic deceased voter records in 2014 and an estimated 762 problematic deceased voter records in 2015, as shown in the chart below.

**Table 5.3: Problematic Deceased Voter Records in 2014 and 2015**

<u>Year</u>	<u>Total Deceased Voter Records</u>	<u>Estimated Problematic Records</u>	<u>Percentage of Total</u>
2014	8,967	682.4	7.61%
2015	10,009	761.7	7.61%

Source: Department of Public Health, Office of Vital Statistics

The Registrar's Office estimates that the cost of implementing the Alternate Residency Confirmation Purge (ARCOP) process, including printing, postage, and labor costs associated with mailing the cards and processing them upon their return, is \$107,319. We recommend that the Registrar's Office conduct the ARCOP process annually, rather than every other year as is currently done. Costs of doing this process annually may be offset by savings achieved by not printing and mailing sample ballots to additional voters made inactive as a result, and by not including these additional inactive voters in planning for polling places. The exact amount of savings could not be determined, because the sample sized we used was insufficient to permit the results to be generalized to all registered voters in the County of Santa Clara.

Further, the Registrar's Office states that it processes names from the deceased voters list as they are received from the Office of Vital Statistics. Office workers process the names as part of their responsibilities and when they have a respite from other work. We recommend that the Registrar's Office develop a policy of speeding removal of deceased voters in the two months prior to an election, to ensure that deceased individuals do not remain active on the list for months after their deaths. The Registrar should set a deadline by which deceased voters from the previous six month period should be cancelled from the rolls prior to an election. We also recommend that the Registrar conduct periodic sampling of deceased voters to determine if they have been removed from the list in a timely manner and to address any issues that may be preventing their removal.

These recommendations would improve the accuracy of the voter rolls. While this review found no instances of individuals voting inappropriately based on their registration address, these recommendations would provide further protections against that happening.

## **CONCLUSION**

Our tests of the voter registration database revealed that of 71 voters, out of sample of 100, whose voter registration status was assessed through a mailed survey, three voters were not living at the address shown on their registration record. A separate analysis showed that 7.61% of voters that died in September 2014 were not removed from the rolls prior to the November 2014 election. The review found no instances of individuals voting inappropriately based on their registration addresses. No votes

were found to have been cast in the names of deceased voters included in our analysis.

## **RECOMMENDATIONS**

- 5.1 Conduct an Alternate Residency Confirmation Purge (ARCOP) process annually, rather than every other year, to reduce the likelihood that voters are erroneously registered. (Priority 2)
- 5.2 Set a firm deadline by which the names of deceased voters received between two and six months prior to an election will be cancelled from the voter rolls. Direct staff to meet this deadline accordingly. (Priority 2)
- 5.3 Periodically sample names from a list of deceased voters received in the past year and determine whether they were cancelled from the list in accordance with established procedures and deadlines. (Priority 2)

## **SAVINGS, BENEFITS AND COSTS**

The Alternate Residency Confirmation Purge (ARCOP) costs \$107,319 to administer, according to the Registrar. This cost could potentially be offset by reduced costs for printing and mailing sample ballots, and for planning polling places, for additional voters who might be made inactive as a result of the additional process. However, the exact savings cannot be quantified, because of the small sample size used in our analysis. The more frequent ARCOP process would also result in more accurate voter rolls.

## SECTION 6. ADDRESSING EXTRA-HELP NEEDS

### Background

The Registrar of Voters, due to the periodic nature of its work, makes extensive use of extra-help staff, for duties such as processing voter registration affidavits, proofreading election materials, preparing returned vote-by-mail ballots for counting, and delivering materials to polling places prior to Election Day. In Fiscal Year 2014-15, the Registrar used 93,892.3 hours of extra help, the equivalent of about 52 full-time positions, and the equivalent of 90 extra-help staff, based on the 1,040-hour limit for an extra help worker. The Registrar used 91.7 percent of these hours in the first six months of the year, which included the November 2014 election.

### Problem

Centralizing and standardizing the extra-help job classification most common used by the Registrar into the Countywide Office Specialist series diminished the efficiency of hiring for the Registrar, by imposing policies applicable to most job classifications on the unique requirements for extra-help election staff. This centralized process introduced candidates who would have been screened out of a department-managed list designed to meet the duties and work schedules needed by the Registrar.

### Effect

As a result, the Registrar has lost some continuity in staffing by hiring less experienced extra-help workers who are nonetheless responsible for important, somewhat specialized functions. Consequently, managers are spending more time identifying and recruiting staff and less time managing the Department. One manager reported starting in November 2015 the recruiting process for extra-help workers for the June 2016 election, conducting interviews in January and February to make offers in March.

### Recommendations and Benefits

The Registrar of Voters should work with the Employee Services Agency (ESA) to develop specific election-related job classifications, as peer counties have, creating hiring lists specific to these classifications, and offering experienced extra-help staff in these classifications the first opportunity at full-time positions with the Registrar. The Registrar should also pursue creation of select partial-year codes for the most important part-time functions, as has already been provided for selected positions in the Department of Parks and Recreation. These steps would provide greater flexibility for the Registrar to meeting its need for staffing on an intermittent basis.

## **Background**

The Registrar of Voters, due to the periodic nature of its work, makes extensive use of extra-help staff. According to the County-wide Fiscal Year 2014-15 Extra Help Usage Report, prepared by the Employee Services Agency for the period from July 1, 2014, through June 30, 2015, the Registrar used 93,892.3 hours of extra help from Services Employees International Union represented job classifications during that year. Its use, which ranked second among County departments to Valley Medical Center, equaled about 52 full-time equivalent positions, based on 1,650 hours of productive time (excluding vacation, sick leave, etc.) that is typical for a County full-time position. Based on the limit in County policy of 1,040 hours per extra help worker, the equivalent of about 90 extra help staff was used.

However, reflecting the periodicity of the Registrar's work, 91.7 percent of the extra-help hours used occurred in the first six months of the fiscal year, which included the November 2014 general election.

Registrar managers report using extra-help staff for many different functions, including processing voter registration affidavits, proofreading election materials, printing on-demand vote-by-mail ballots for voters who have newly requested them, removing vote-by-mail ballots returned to the Registrar's office from envelopes and flattening them in preparation for counting, and preparing and delivering materials from the Registrar's office to polling places prior to Election Day.

## **Changes to Extra Help Policies Have Created Difficulties**

Several different managers in the Registrar's office reported in interviews that changes to County extra-help policies and procedures have made it more difficult to recruit and retain extra-help staff, even when staff members are willing to work for the Registrar on an intermittent basis.

As explained by one manager, the changes grew from a concern that extra-help staff in various departments were not being hired on a competitive basis, but resulted from contacts among prospective workers and friends and family who were current County employees. There was also a concern about the level of effort being put into encouraging and assisting extra-help staff to pursue full-time County jobs.

This resulted in a project from the Center for Leadership and Transformation program revising extra-help practices for certain key job classifications. One of these job classifications is the Office Specialist I, II, III series, which starts with very basic clerical work (answering phones, photocopying, filing, distributing mail) and progresses to more responsible duties (answering or routing questions from the public, setting up filing systems, preparing correspondence and other documents, basic research), ultimately including more involved research of technical data, laws, regulations, keeping payroll records, maintaining case tracking databases, scheduling meetings, etc.

Although not solely an election-related classification, this series is the one used in hiring most of the Registrar's extra-help staff. The effect of the CLT project, which is now included as Appendix L of the current labor agreement with Services Employees International Union Local 521, was to centralize extra-help hiring for this classification within the Employee Services Agency rather than permitting departments to seek out extra-help staff on their own. This practice is not required for all extra-help staff, but only for extra-help staff in those classifications specified in the union contract.

According to Registrar managers, this change has created the following problems:

- The Registrar can continue to use extra-help staff it has used within the previous two years. Once that time has elapsed, prospective workers must reapply, be tested and go on to a list. To hire from that list, the Registrar must submit a formal requisition to ESA, and receives the current list of applicants for the Office Specialist series. This list does not indicate whether applicants are willing to work extra-help, what times they might be available (some Registrar work occurs at night and on weekends, including overtime, in the period just before and after the election). The result is that managers spend a lot of time contacting people on the list who cannot meet the Registrar's needs, slowing down the hiring process.
- Bilingual workers are normally self-identified, rather than being tested for language fluency. Some are listed under multiple languages, resulting, in some cases, of staff being referred to the Registrar for one language, whom they had already hired, or expected to hire, to work in another language. When prospective workers have been tested, some who have worked previously for the Registrar have failed, and were unable to be hired, even though the Registrar's knows they have the language skills, which primarily emphasize proofreading translated materials, to fulfill the election-related functions.

- ESA, rather than adding new names to existing lists for classifications that had continuous recruitment, is now terminating the existing list, and creating a new one when new recruitments occur. While this makes sense for most departments, who don't want to spend time contacting applicants who have already found other jobs, the Registrar has in some cases been unable to hire extra-help staff it had used previously, because they were on lists that were terminated, and did not reapply.
- ESA may determine that staff the Registrar has used in the past still do not qualify for the Office Specialist classifications, even when the Registrar is satisfied with their past work.
- Although probably the closest current classification, the Office Specialist series doesn't perfectly match the duties needed by the Registrar, particularly in the separation of functions for the OS II and OS III classifications, creating concerns about conflicts when extra-help staff in those classifications are assigned the same work.

The result of these difficulties is that Registrar managers are spending increasing amounts of time recruiting and hiring extra help staff. One manager reported that to hire staff for the June 2016 election, the hiring process had to begin in November 2015, with interviews occurring in January and offers of extra-help employment made in early March.

### **Election Specific Classifications And Partial-Year Codes Are Needed**

Based on the concerns Registrar managers expressed, and the problems identified, use of a non-election-related job classification for extra-help staff that is performing solely election-related work is the primary cause of the problems.

Accordingly, we reviewed how other counties address this problem, by looking to see what job classifications they used. Our review looked at job classification information available from the websites of Alameda, Los Angeles, Orange, San Diego and San Mateo counties. We reviewed these counties either because they are urban areas adjacent to the County of Santa Clara, or because they are among the largest counties in the State. We found that each county has election-specific job classifications for extra-help staff in the Registrar of Voters, or at least a recruitment program specific to Registrar extra-help. For example:

*Alameda County* hires temporary Clerical Assistant staff through its Temporary Assignment Pool program to use as extra-help. However, the Human Resources Services Department issued a recruitment bulletin specific to Registrar positions, listing 13 different job areas to which applicants may be assigned. It also developed a supplemental questionnaire to the standard application, asking about applicants' schedule flexibility, vehicle availability, fluency in eight different languages and experience conducting training programs.

*Orange County* has developed two election extra-help classifications. One is an Election Aide classification to perform various manual and clerical tasks, including answering phones and providing information to the public, filling envelopes with voting materials and other election preparation activities, reviewing returned vote-by-mail ballots for damage, reconciling the number of signatures from polling places to other information, and other duties. The other classification is Election Worker, assigned to deliver materials to polling places, assisting in mailing materials to voters, unloading ballots boxes from vehicles, and carrying out various functions in the Registrar's warehouse. Applications for these classifications include a supplemental questionnaire regarding schedule flexibility, previous experience working in elections, and skills related to the proposed functions.

*Los Angeles County* has a basic Election Assistant classification, with three levels of increasing responsibility. However, within that classification, there are subclassification specialties for clerical duties, training duties, warehouse duties, truck driving and even an information technology technical support function. All have positions that are temporary, and require shift flexibility.

*San Diego County* has a three-level Temporary Election Worker classification, in which applicants fill out an employment application questionnaire that includes indicating in which of five different work types and 17 different functional divisions they are interested. The application also requires indicating whether the applicant is willing to work overtime. The Registrar also developed specific bulletins for election workers with bilingual skills, specifying that they will do proofreading and assist with translation of materials, as well as doing outreach with voters in those languages, and must be able to work nights and weekends. There is also a sub-classification for training staff, with a questionnaire asking specifically about the applicant's experience in customer service and training duties. Unique to San Diego County, the County charter states that the Election Worker classification is established specifically for temporary appointments.

Based on this analysis, and the availability of election specific extra-help job classifications in peer counties we recommend the Registrar of Voters work with the Employee Services Agency to develop election-specific job classifications for use during the election process. These classifications should explicitly be for extra-help staff, and should include testing and qualifications requirements established by the Registrar, including those for bilingual staff, so the Registrar gets the skills it needs for election-related workers. The hiring lists for these classifications should also be set up so that applicants added to them remain on them unless they ask to be removed, so that workers who are willing to work intermittently for the Registrar are able to do so without impediment. These classifications would also be developed with the idea that staff in them would have first chance at permanent positions that become available at the Registrar. The creation of these classifications would not preclude applicants from applying for other County extra-help or permanent positions.

In addition, we also recommend that the Registrar of Voters pursue with ESA, creation of a limited number of permanent part-year codes for the Registrar, explicitly reflecting the periodic nature of its work. There is precedent for the creation of such positions in the County, as the current SEIU 521 contract includes, as part of Appendix L, provision to create half-year (13 pay periods) and three-quarter-year (19 pay periods) positions in the Department of Parks and Recreation. Staff in such positions work full-time during the assigned number of pay periods during the year, and are eligible for the same benefits as full-time employees during the effective time period. They are then released from the positions at the end of the designated time period, and are permitted but not guaranteed, subject to seniority, to be recalled to the same position in subsequent years. The Registrar's use of such positions parallels Parks approach, in that the use is during predictable periods (surrounding June and November elections in even years), by staff who are carrying out somewhat specialized work. We note that the Local 521 contract allows for this program to be extended beyond Parks to other areas as appropriate by agreement of the County and the union.

These steps should make it easier for the Registrar to recruit and retain extra-help or intermittent staff that are a mainstay of its work.

During the exit conference for this audit, the Registrar reported that her staff had already begun working with the Employee Services Agency to address this problem. Job specifications for an election-related extra-help classification have been posted to the Services Employees International Union (SEIU), and ESA and the Registrar's Office are currently engaged with the union in the meet-and-confer process. Once the meet and

confer process has concluded, ESA intends to bring approval of the new job classifications forward to the Board of Supervisors for approval.

## **CONCLUSION**

The Registrar of Voters makes extensive use of extra-help staff, using the equivalent of 52 full-time employees, or 90 extra-help individuals, for work during major elections. Extra-help staff perform duties such as processing voter registration affidavits, proofreading election materials, printing on-demand vote-by-mail ballots for voters who have newly requested them, removing vote-by-mail ballots returned to the Registrar's office from envelopes and flattening them in preparation for counting, and preparing and delivering materials from the Registrar's office to polling places prior to Election Day. Changes in the County's extra-help policies have made it more difficult for the Registrar to recruit and retain extra-help staff, requiring more time to be spent on the hiring function.

## **RECOMMENDATIONS**

It is recommended that the Registrar of Voters:

- 6.1 Work with the Employee Services Agency to develop an election-specific extra-help job classifications for use by the Registrar, with qualification and testing requirements developed by the Registrar. This work has already begun, and is in the meet-and-confer process to obtain union concurrence on the new job classifications, so they can be brought forward to the Board for approval. (Priority 1)
- 6.2 Work with the Employee Services Agency to develop a limited number of partial-year positions in the Registrar's budget, similar to what has been created in the Department of Parks and Recreation, reflecting the predictable periodic nature of the Registrar's work. (Priority 1)

## **SAVINGS AND BENEFITS**

Creating election specific extra-help job classifications, as other counties have done, along with a limited number of partial-year positions, would allow the Registrar to hire intermittent staff with the skills it needs, and to retain such staff that is willing to work on an intermittent basis, therefore spending less time on staff recruitment and hiring than are now being spent under current County extra-help policies and procedures.



## Section 7. Failure to Monitor Local Campaign Contribution Limitations

### Background

The County Ordinance Code imposes contribution limitations, and other ethical standards, for County elected offices. Although the Registrar of Voters is charged with educating candidates about the County's local campaign finance requirements and collecting campaign finance disclosure forms, the Registrar of Voters is not tasked with enforcing the contribution limitations. According to the Ordinance Code, the County's ethics and campaign finance ordinances are supposed to be monitored and enforced by an Ethics Commission.

### Problem

The Ethics Commission is vacant, defunct, and has not met in almost 20 years. In lieu of an Ethics Commission, there are no alternative business practices in place at the Registrar of Voters or elsewhere to monitor compliance with the County's ethics laws.

### Adverse Effect

As demonstrated by one incumbent who initially accepted 11 contributions exceeding the County's limitation during the last election cycle, there are opportunities for donors to contribute, and candidates to accept, campaign contributions above the County's threshold, whether by error or intent. Without a functioning Ethics Commission, or alternative enforcement body, the County and the people of the County of Santa Clara do not have an enforcement mechanism for monitoring compliance with local campaign finance and ethics laws.

### Recommendations, Savings and Benefits

By appointing members to the vacant Ethics Commission and assigning appropriate operational resources, the County will become compliant with the Ordinance Code and reestablish a venue for the public to hold public officials accountable in accordance with the County's ethics and campaign finance laws. Alternatively, the County may consider other ways to monitor compliance through the Registrar of Voters or other departments. Whether the Ethics Commission is reestablished or an alternative enforcement mechanism is implemented, the County may incur undetermined costs for assigning staff support or creating new positions.

## **Campaign Finance Regulations**

The people of the State of California passed Proposition 9 in 1974, enacting the Political Reform Act, statutes imbedded in the California Government Code regulating political activity such as campaign finance, lobbying, and conflicts of interest. The Political Reform Act has since been amended several times through the Legislature and additional ballot measures to address court decisions, incidents of impropriety in public office, and the evolving complexity of monitoring campaign finance activity.

As dictated by the same statutes, the Fair Political Practices Commission (FPPC) is responsible for the enforcement of the Political Reform Act, and the FPPC promulgates regulations to effectively administer its oversight and jurisdiction. All state and local government offices within California are subject to FPPC oversight; however, local legislative bodies of counties, cities, and special districts may adopt their own ordinances regulating political activity under the purview of the FPPC, so long as these policies are more stringent than State law. Depending on the laws and policies, local jurisdictions must also file their related ordinances first with the FPPC. For example, Government Code Section 81009.5 requires any local government regulating campaign contributions and expenditures to file a copy of the action with the FPPC.

### *Filing of Campaign Statements*

In accordance with Government Code Section 84215, the County of Santa Clara's Registrar of Voters acts as the county elections official responsible for the collection of campaign statements, as dictated in County Ordinance Code Sections A11-4 through A11-12. The Registrar of Voters collects campaign statements defined in Government Code Section 82006 through forms prescribed in Government Code Sections 84100 through 84511.

The Candidate Services Division of the Registrar of Voters is responsible for ensuring that candidates and campaign committees are completing and submitting these campaign statements in a form and manner consistent with State and local law. Candidate Services provides candidates running for office a variety of materials and resources to inform and educate them about their responsibility for complying with all applicable federal, state, and local election laws, including filing deadlines for campaign disclosure forms.

*Campaign Contributions*

Government Code Sections 85100 through 85802 outline various regulations for accepting and expending campaign contributions. As permitted by Government Code Section 85703, the County of Santa Clara adopted its own campaign contribution limitations for County offices, including the Board of Supervisors, District Attorney, County Assessor, and County Sheriff. Section A35 of the County Ordinance Code limits individuals to giving no more than \$500 to a single candidate in an election cycle, unless that candidate has accepted a voluntary expenditure limit, which then permits individual donors are to contribute no more than \$1,000 to a candidate in an election cycle.

**County Lacks Oversight for Local Campaign Contribution Limitations**

Section A3 of the County Ordinance Code addresses Ethical Standards for the Board of Supervisors. Section A3-1(b) describes the purpose of this code to provide for more stringent limits on campaign contributions, in addition to other ethical standards; however, campaign contribution limitations are addressed separately in Section A35, as described above. Section A3-70 establishes an Ethics Commission to serve as the enforcement body for the County's local campaign contribution limitation and other ethical standards.

Although the Ordinance Code established an Ethics Commission, Management Audit staff found that the Commission has been defunct for nearly 20 years. County Clerk of the Board staff verified that the Ethics Commission remains on its roster of county commissions, although all seats are vacant. Management Audit staff found the most recently available Commission agenda in archive was dated March 5, 1997, and the agenda included no discussion of disbanding the Commission. A roster of Commission meeting dates from 1996 through 1998 also indicates that the Commission's last meeting took place in March 1997. No documentation from these final dates indicated how or why the Commission became defunct.

In lieu of an active Ethics Commission, audit staff asked Candidate Services staff about alternative business practices to investigate relevant complaints, but staff affirmed that no such process exists. Indeed, the Ordinance Code does not require the Registrar of Voters to enforce the County's campaign contribution limitations. Consequently, when Candidate Services receives public inquiries regarding a candidate's compliance with

local campaign contribution limitations, staff members may provide general explanations, but these inquiries are not logged, tracked, or investigated.

*Inadequate Internal Controls Lead to Risk of Error or Fraud*

The audit team conducted a *prima facie* review of every candidate's campaign finance disclosure forms for the last complete election cycle of each of the eight county elected offices. This includes candidates from the June 7, 2016 primary election for Board Districts 1, 3, and 5, and candidates from the June 3, 2014 primary election for Assessor, Board Districts 2 and 4, District Attorney, and Sheriff.

In summary, there were 10 candidates, comprised of eight incumbents running for reelection, and two challengers. Every candidate accepted the County's voluntary expenditure limit. On face value, the audit team found no trends that candidates were accepting campaign contributions exceeding the County's limitations. However, one candidate, an incumbent, recorded 11 instances in which individual donors had exceeded the maximum contribution amount of \$1,000 per election cycle; however, the candidate subsequently refunded portions exceeding the limit.

Although the incumbent had refunded contributions in excess of the limitation, identifying this initial acceptance in an officeholder's campaign demonstrates the possibility of donors contributing more than the County limitation and violates the Ordinance Code's prohibition that "no person shall make" a contribution in excess of the limit. A review of this particular incumbent's campaign expenditures also indicates that the campaign had retained an accounting firm specializing in campaign finance reporting that may have assisted in monitoring their contribution compliance. Challengers and first time candidates may not have the access or funding for similar professional services or staff expertise, consequently increasing the risk of noncompliance with the County's contribution limitations. The Board of Supervisors should comply with Ordinance Code Section A3-70 and A3-71 by appointing members to the vacant Ethics Commission and providing required reasonable resources to operate, or repeal these sections of the Ordinance Code after working with the County administration to determine if compliance could be monitored alternatively through the District Attorney, Clerk of the Board, Registrar of Voters, or other department.

It is important to note that our sampling of campaign finance disclosures is not representative of more active election cycles due to the fact that 75 percent of County

office elections were uncontested incumbents, and of the two challengers, one candidate did not raise any funds. In addition, audit staff accepted that all candidates' disclosure forms were accurate and did not interview candidates, reconcile bank statements with campaign financial disclosure forms, or investigate instances where individuals may have exceeded the County's contribution limitations if they owned majority equity in an entity also donating to the same campaign.

## **CONCLUSION**

The County Ordinance Code imposes contribution limitations, and other ethical standards, for County elected offices, which are supposed to be enforced by an Ethics Commission; however, the Ethics Commission is vacant, defunct, and has not met in almost 20 years. Although the Registrar of Voters is charged with educating candidates of the County's local campaign requirements and collecting campaign finance disclosure forms, the Ordinance Code does not charge the Registrar of Voters with monitoring or enforcing compliance with the County's contribution limitations. As demonstrated by one incumbent who initially accepted 11 contributions exceeding the County's limitation, there are opportunities for donors to contribute, and candidates to accept, campaign contributions above the County's threshold. Without a functioning Ethics Commission, or alternative enforcement body, the County and the people of County of Santa Clara do not have an enforcement mechanism for monitoring compliance with local campaign finance and ethics laws.

## **RECOMMENDATIONS**

It is recommended that the Board of Supervisors:

- 7.1 Comply with the Ordinance Code Section A3-70 and A3-71 by appointing members to the vacant Ethics Commission and provide reasonable staff support or operational resources as required. (Priority 2)

OR

- 7.2 Amend or repeal Ordinance Code Section A3-70 and A3-71 to remove the Ethics Commission as the oversight body of the County's campaign finance and ethics laws; and,
- 7.3 Direct the County Executive to evaluate more efficient ways to enforce the County's campaign finance and ethics laws through the Registrar of Voters or other departments with overlapping responsibility, such as the Clerk of the Board or District Attorney. (Priority 2)

### **SAVINGS, BENEFITS AND COSTS**

Implementation of Recommendation 7.1 will bring the County into compliance with the Ordinance Code requiring the operation of an Ethics Commission, and ensure that the public has an enforcement mechanism for monitoring compliance with the County's ethics and contribution limitation ordinances. Contingent on the Board of Supervisors' interpretation of reasonable requests for resources, there may be expenses for assigning staff support or hiring new personnel as deemed necessary.

Implementation of Recommendations 7.2 and 7.3 will remove the County's requirement of maintaining an Ethics Commission, consequently relieving the County of its current noncompliance with the Ordinance Code. Contingent on how the Board of Supervisors and County Executive determine an alternative enforcement mechanism for the County's ethics and campaign finance laws, they may be expenses for assigning staff support or hiring new personnel as deemed necessary.

# County of Santa Clara

## Registrar of Voters

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DATE: February 24, 2017

TO: Board of Supervisors' Management Audit Division

FROM: Shannon Bushey, Registrar of Voters

**SUBJECT: Management Audit of the Registrar of Voters**

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The Registrar of Voters' Office appreciates the opportunity to provide response on the management audit report. We commend the thorough and thoughtful manner in which the Board of Supervisors' Management Audit Division has performed their work and the care taken to understand our various systems and processes. We look forward to implementing the many meaningful improvements contained within these recommendations.

### **SECTION 1. ADDRESSING POLLING PLACE PERFORMANCE**

**1.1 Continue to adjust its training as new problems are identified, most recently including distributing ballots to voters in order, from the lowest ballot number forward.**

#### ROV Response

The department agrees with the recommendation. Training thousands of volunteers to perform a task as complex as running a polling place is a considerable undertaking, particularly when many are volunteering for the first time, and even the most experienced only serve in this capacity twice a year every two years. We appreciate the audit's comment that the three-hour class was found to be of high quality, as it is a constant challenge to balance the need for providing a thorough and comprehensive training within the very real limitations of how much information the average person can absorb and how long they can sustain focus for an intensive training course. One of the ways we have sought to achieve this balance has been through continuous assessment and revision of the training program, as this recommendation contemplates. Every election we gather training class evaluations from the volunteers, survey them after

Election Day about their experiences, capture data about issues and questions that arose on Election Day, and review the paperwork completed at each polling place. Through gathering this feedback, we are able to identify the most pressing concerns and challenges confronting our volunteers and adjust our training content for the next election accordingly. The specific issue cited, namely the instructions regarding issuing ballots in serial number order, is one good example of a change that we've already implemented using this process. As this continuous improvement of training content has long been an established practice by our office, we strongly support the recommendation to continue.

**1.2 Refocus training on having election officers do work in two-person teams, particularly for the poll closing process, as they would in the polling place.**

ROV Response

The department agrees with the recommendation. Hands-on training has long been an important component of our training classes, both as a way to give volunteers first-hand experience with some of the tasks they will need to perform on Election Day as well as a means for our trainers to better assess whether students are actively engaged and comprehending the course material. As our training has evolved through the years, the amount of time dedicated to hands-on instruction has steadily increased. The responsibility of closing the polls is one of the most complex processes and historically has been an area where volunteers struggle. As such, the training class now spends more time on this process than ever before. The department is interested in trying the recommended two-person approach for the hands-on training on this subject and will assess its effectiveness based on volunteer and trainee feedback.

**1.3 Continue to emphasize voter processing and the paper ballot closing process over issues relating to electronic voting machines, since they are used by few voters.**

ROV Response

The department agrees with the recommendation and has already implemented it for the 2016 elections. Based on the experience in those elections as well as feedback from the volunteers, the department believes it to be a valuable change and will continue to keep the amount of time dedicated to electronic voting machines consistent in future elections, at least until a new voting system is implemented. We would likely not further reduce the amount of time spent on the machines, however, as they are legally required to be set

up and operational in every polling place, and the failure to do so has been the subject of legal action in other jurisdictions.

- 1.4 Provide specific instructions, attached to the documents, for the worksheet used to count Roster-Index signatures, the unused ballot worksheet and the Official Ballot Statement, following each of these documents in the Roster-Index, rather than just including the instructions in election officer training materials.**

ROV Response

The department agrees with the recommendation. While the department strives to maintain the Election Officer Manual as a comprehensive reference source for volunteers, we have also increasingly been duplicating instructions and attaching them directly to the materials to which they apply. For example, containers intended for use in delivering materials back to the ROV office on Election Night have labels affixed to their exterior that list the specific materials that should be included inside them. The recommendation to attach document-specific instructions directly to forms and other paperwork required to be completed by the volunteers is a logical next step in this progression.

- 1.5 Confer with the Information Services Department Printing Services Division to provide Street Indexes for future elections collated by precinct number, rather than in an accumulated stack requiring Registrar staff to separate them.**

ROV Response

The department agrees with the recommendation and has already implemented it for the 2016 elections. We would like to recognize the Printing Services Division for their cooperation in implementing this request, which does save ROV staff time as well as reduce the opportunity for manual errors.

- 1.6 Request all members of the Board of Supervisors to include a request for election officers as part of their District newsletters to constituents, in periods prior to major elections.**

ROV Response

The department agrees with the recommendation. Board offices have consistently been a valued partner for the ROV to publicize important election information to constituents, and the newsletters specifically are a great outreach tool from which we have benefitted.

The ROV looks forward to implementing this recommendation by establishing a scheduled solicitation that will be sent to each district prior to every countywide election with information about volunteering to serve at the polls, including instructions for signing up, a description of duties, stipend amounts, and an explanation of the value of the public service provided by election officers.

**1.7 Contact high technology companies in the County that are giving workers Election Day off, and the Silicon Valley Leadership Group, to recruit election officers from among workers in those companies.**

ROV Response

The department agrees with the recommendation. Building stronger partnerships with local technology companies has long been a goal of the department, and the ROV looks forward to implementing this recommendation and renewing efforts to reach out to companies. We agree that these companies are a potential source for the ideal type of candidates we would like to recruit to serve at the polls, insofar as their employees are likely to be quick learners, able to grasp the complexities of election laws and procedures, and comfortable with new technologies of the type that the ROV plans to implement in coming years. Partnering with an organization such as the Silicon Valley Leadership Group seems like a promising way to establish contacts and further this goal. The ROV has been recently exploring other methods for building relationships as well, including offering services such as ballot drop boxes at work sites.

**SECTION 2. CONSOLIDATING ELECTION PRECINCTS**

**2.1 Seek larger precinct sizes, including pursuing amendments to Elections Code Section 12223, so that precinct sizes reflect the number of voters scheduled to vote at polling places.**

ROV Response

The department agrees to bring this recommendation to the Board of Supervisors as a potential legislative proposal. Because this would require a change to state law and has policy considerations beyond the efficacy of election administration, the ROV believes it is best left to the Board's purview to decide whether the County pursues this recommendation. The department does agree that the change in voter behavior to shift to majority vote by mail has in some cases created polling places that, while legally required, are underutilized. We also agree that increasing the amount of voters who can

be consolidated into precincts, and thus reducing the number of polling places available on Election Day, would undoubtedly reduce costs. However, there may be policy concerns to such a proposal stemming from the potential for longer lines as well as increasing travel distance for voters, particularly for those who are elderly, have disabilities, and are dependent on public transit. There would be ways to mitigate any potential negative impact on voters, such as expanding early voting opportunities or implementing an online accessible vote by mail ballot delivery system, but the costs of these mitigation efforts may offset or even eliminate the potential cost savings. Additionally, the question of precinct consolidations would become moot if the County were to implement the vote center election model authorized under Senate Bill 450.

**2.2 Pursue amendments to Election Code Section 12222, permitting consolidation of election precincts across any jurisdictional boundary, as long as that boundary is not relevant to the election being held.**

ROV Response

The department agrees to bring this recommendation to the Board of Supervisors as a potential legislative proposal. Because this would require a change to state law and has policy considerations beyond the efficacy of election administration, the ROV believes it is best left to the Board's purview to decide whether the County pursues this recommendation. The department does agree that increasing the size of precincts, and thus reducing the number of polling places available on Election Day, would undoubtedly reduce costs. However, as noted above, there may be policy concerns to such a proposal stemming from the potential for longer lines as well as increasing travel distance for voters, particularly for those who are elderly, have disabilities, and are dependent on public transit. At the same time, there are other requirements in state law that appear to conflict with this recommendation, specifically Elections Code Section 15374, which requires that the statement of vote include a breakdown by city, congressional district, senatorial district, assembly district, State Board of Equalization district, and county supervisorial district. Compliance with this law requires precinct consolidations along these boundary lines regardless of whether a particular jurisdiction has a contest in a given election or not. Any potential legislative proposal would additionally need to amend this code section, which may potentially face political opposition from individuals and groups who utilize results data reported by these political subdivisions. Additionally, the question of precinct consolidations would become moot if the County were to implement the vote center election model authorized under Senate Bill 450.

**2.3 Prioritize combination of precincts that are currently doubled-boarded into larger single precincts.**

ROV Response

The department agrees to bring this recommendation to the Board of Supervisors as a potential legislative proposal. Because this would require a change to state law and has policy considerations beyond the efficacy of election administration, the ROV believes it is best left to the Board's purview to decide whether the County pursues this recommendation. The department does agree that increasing the size of precincts, and thus reducing the number of polling places available on Election Day, would undoubtedly reduce costs. Some of the policy concerns noted above stemming from the potential for longer lines as well as increasing travel distance for voters may be less impactful for this recommendation than for the previous two since it suggests taking action on precincts that are already double-boarded, *i.e.*, where the limited availability of suitable polling places necessitates that two adjacent precincts be set up at the same location or facility. In these cases, consolidating the two precincts could reduce costs by eliminating some duplicative materials and extraneous personnel. However, some excess personnel and materials (*e.g.*, ballots, voting booths) would need to be retained to accommodate the increased volume of voters compared to other precincts. Were the law amended to allow this, the department could implement for certain polling places that are always or frequently used as double boards but could not guarantee 100% elimination of double boards. Because state law requires that all precinct consolidations be completed by 88 days prior to the election but the final determinations of polling place locations are not completed until after that deadline, there will likely be cases where unforeseen double boards would need to be established after the consolidations are done.

**SECTION 3. SPEEDING UP ELECTION NIGHT RETURNS**

**3.1 Expand the use of couriers bringing ballots directly from precincts, rather than shuttles to intermediate return centers, to get ballots to the Registrar's offices. To the extent couriers can't be used for all precincts, rationalize the system to expand their use where the biggest benefit would occur, as described in this section.**

ROV Response

The department agrees with the recommendation. The courier program has been a long-term project for the ROV that has been continually expanded and refined every election

cycle. While couriers do appear effective in delivering ballots and materials to the ROV office faster based on data gathered in past elections, there are a number of logistical challenges that do make it prudent to limit the rate of expansion, not least of which is the sub-optimal layout of the Berger Drive campus and parking lot, which is not conducive to processing heavy volumes of vehicle traffic for unloading. That said, the ROV does plan to continue to increase the use of couriers, including mid-day couriers, and will explore the recommended methodology of taking proximity to the ROV office and connected freeways into consideration when designating areas for courier service. We would like to reiterate, however, as stated in the audit report, that any gains in faster election results reporting time that would be realized through expanding the courier programs would be dependent on the implementation of a precinct-count voting system. Under the current central-count voting system, an increase in couriers would enable voted ballots to arrive at the ROV office earlier, but once the ballots are here they will just sit in queue as the bottleneck of centrally scanning and tabulating hundreds of thousands of ballot cards would still exist, meaning little to no noticeable impact to results reporting speed would be achieved. Also, the 45-to-60-minute intervals between results updates is a result of the technical limitations of the outdated tabulation system and thus could not be improved without replacement of the system.

### **3.2 Replace the current barcoding system to check ballot boxes into the Berger Drive complex with a Radio Frequency Identification (RFID) system.**

#### ROV Response

The department agrees with the recommendation. The department was granted funding by the Board for an RFID-based asset tracking system in the FY 2015-16 budget and has been working since then with the Procurement Department to develop a Request for Proposals, which is expected to be released this year. However, while this system is expected to make election materials processing on Election Night more efficient and would reduce opportunities for materials to be diverted or misrouted, it is unlikely to increase the speed of results reporting unless implemented in conjunction with a new voting system.

### **3.3 Rent temporary lighting to make use of the Berger Drive office atrium to process ballots prior to counting.**

#### ROV Response

The department agrees with the recommendation and has already implemented it for the November 2016 election. This allowed more space to be utilized for Election Night

operations, reduced opportunities for error, and created safer working conditions for ROV staff. Based on the experience of this election, the department plans to continue utilizing temporary light in the atrium and will explore other lighting solutions for further improvement.

**3.4 Use internal power from the Berger Drive facility to power the street-to-building conveyor belts, rather than the unreliable generators that repeatedly failed during the June 7, 2016 election.**

ROV Response

The department agrees with the recommendation and has already implemented it for the November 2016 election. We would like to acknowledge the assistance of the Facilities and Fleet Department for installing new electrical outlets to facilitate this. Based on the experience of this election, the department plans to continue utilizing interior power instead of mobile generators for this purpose.

**SECTION 4. ALL-MAIL STATEWIDE PRIMARY OR GENERAL ELECTION**

**4.1 Pursue an all-mail-ballot election for the June and November 2018 elections, as permitted by Senate Bill 450, and begin the extensive planning process required by that legislation.**

ROV Response

The department partially agrees with the recommendation. We agree that the vote center model authorized by SB 450 provides many benefits and, if implemented correctly, should be the model utilized by the County for future elections. However, the ROV has concerns that the timeframe of implementation in 2018 may not provide enough time to make the necessary preparations, including drafting a plan for submittal to the state, convening advisory committees for voting accessibility and language access, and implementing a number of complex new technologies, many of which have yet to undergo a legally mandated state certification process. Planning and beginning the preparatory work now for SB 450 implementation in 2020 would allow more time to gather public input, make sure critical technical systems are in place, and ensure that the County has properly mitigated against potential negative impacts to voters such as long lines, increased travel times and distances, and loss of polling place accessibility for individuals with disabilities and other specific needs. New technologies that must be procured and implemented by the County include electronic poll books and online accessible vote by mail ballot delivery systems. These technologies by law require state

certification, yet the state has not yet finalized regulations and a certification process, and thus no systems are currently certified for sale and use in California. While the state is confident that systems will be certified in time for SB 450 implementation in 2018, such an approach requires counties to potentially make purchasing decisions before knowing all the systems that will be available on the market. Additionally, other current systems in place at the County, such as the voting system and ballot on demand system, are not well suited to SB 450 voting centers, and thus would need to be replaced before implementation. Both of these systems are also subject to state certification under law and therefore present similar difficulties, since, as of the writing of this response, only one voting system and no ballot on demand systems are certified that would meet the ROV's requirements, and very few additional options are currently in the certification pipeline. With limited options and an unclear regulatory landscape, accelerating SB 450 implementation without assurance of a viable and competitive market for these technologies entails a high degree of risk. ROV staff have been participating in statewide discussions with other counties and the Secretary of State around SB 450 implementation, and while a limited number of counties will move forward in 2018, a far greater number appear more likely to wait until 2020. Waiting until 2020 would allow the County to observe 2018 implementations in other counties that are better positioned to be early test cases, and then utilize those lessons learned in preparing for our own implementation. If the County does decide to move forward with SB 450 in 2018, the timelines would need to be accelerated and the implementation would take on greater inherent risk factors, but it might be achievable. In that case, the ROV would recommend to begin preparing as if implementation would occur in 2018, and then check in as to the progress of the various prerequisites around the end of calendar year 2017 to make a final assessment as to whether to proceed.

#### **4.2 Improve the mail ballot envelope to make voter fraud less likely, ideally by creating an envelope that must be signed across the enclosure.**

##### ROV Response

The department agrees with the recommendation. The proposed change to the ballot return envelope would help prevent or detect a certain kind of fraud. While the ROV currently does not have data to suggest that the kind of fraud contemplated is widespread or even extant in our county, the recommendation is a relatively simple way to close even a hypothetical vulnerability to the process. The department will explore various designs utilizing this concept and seek public feedback to ensure that voters will be able to understand the design and correctly complete the envelope. This is important because confusing or ambiguous form design can increase rates of incomplete or unsigned envelopes, which could in turn inadvertently result in higher rejection rates. If

a design is found that receives positive feedback from users, it will be tested in a future live election.

- 4.3 Purchase signature verification software to speed up the verification process for vote-by-mail ballots, as well as conducting an outreach campaign to voters to update their signatures to make such equipment more effective.**

ROV Response

The department agrees with the recommendation. The ROV has previously explored utilizing automatic signature verification software but, as noted in the audit report, this software was limited in its effectiveness by the quality of the reference signatures in the ROV's database, many of which are nearly 20 years old at this point. The department plans to submit a budget request for FY 2017-18 for the signature update outreach campaign necessary to ensure that automatic signature verification would be viable. Even with such software, however, the department's procedure will still be to require second and third level human operator reviews of any signatures challenged by the software.

- 4.4 Determine the appropriate level and type of voter outreach to implement under SB 450. The outreach campaign should advise voters to return their mail ballots as soon as possible to potentially reduce the number of ballots that are returned on Election Day.**

ROV Response

The department agrees with the recommendation. SB 450 will be a major change to the way voters cast their ballots and will require an extensive outreach campaign, including paid advertising, live equipment demonstrations, face-to-face outreach events and presentations, print mailers, online content, partnerships with community based organizations, and multilingual content. Over the course of the next year, as the ROV begins the planning and preparatory work for SB 450, we will develop an outreach plan that will likely result in a budgetary funding request in a future year.

- 4.5 Monitor changes to state law that would allow disabled voters to utilize online systems to make their ballot selections, print their ballots and then return them in their vote-by-mail ballot envelopes, as is provided in the State of Oregon.**

## ROV Response

The department agrees with the recommendation. Legislation was passed last year, AB 2252, which authorizes the use of such systems subject to certification by the Secretary of State. The state has yet to finalize regulations for these systems. Therefore, there are currently no systems certified for use in California, although many systems have submitted applications and may be certified within the next year. As such, the ROV plans to submit a budget request for funding for FY 2017-18.

- 4.6 Pursue legislation to remove from Elections Code Sections 3011 and 3017 the requirement that a vote-by-mail voter must authorize and designate on the ballot envelope someone else to drop off the ballot at a polling place on Election Day, in the County of Santa Clara and other counties that pay the return mail costs for vote-by-mail ballots.**

## ROV Response

The department agrees to bring this recommendation to the Board of Supervisors as a potential legislative proposal. Because this would require a change to state law and has policy considerations beyond the efficacy of election administration, the ROV believes it is best left to the Board's purview to decide whether the County pursues this recommendation. The department does agree that removing this requirement from law would make the process of returning ballots easier and less confusing for voters, and therefore might result in slightly higher participation rates. There may be some political opposition to this proposal from those who see the authorization requirement as a fraud prevention safeguard. However, there is no data to suggest that such fraud is extant in the county, and the requirement imposes an uneven standard that is easily subverted by other means of returning ballots, such as by mail or at a drop box.

## SECTION 5. PURGING OF THE VOTER ROLLS

- 5.1 Conduct an Alternate Residency Confirmation Purge (ARCOP) process annually, rather than every other year, to reduce the likelihood that voters are erroneously registered.**

## ROV Response

The department agrees with the recommendation but believes it requires additional research before being implemented. Elections Code Section 2220 sets the timing of the ARCOP as being completed by the 90<sup>th</sup> day immediately prior to the primary election. It

is not immediately apparent whether this section as written allows or prohibits an ARCOP from being conducted more regularly. Therefore, the ROV would need to research further whether this is allowable by law or would require legislation to authorize an annual ARCOP. Additionally, the ROV would need to enter into a discussion with the Secretary of State to determine if the new VoteCal voter registration database has any impact on this recommendation, as much more of the voter data maintenance is subject to the state's control now. We would also need to research further on a year-by-year basis whether sufficient printing and mailing costs will be incurred to yield enough potential cost savings to justify the additional ARCOP. This is because a regular ARCOP that is completed per the current timeframe of 90 days prior to a primary should realize its potential cost savings immediately in that election, since mailing lists for voter information guides and vote by mail ballots are not generated until after 60 days prior to the election. Because the current practice has an ARCOP occurring each even-numbered year, moving to an annual ARCOP will result in a net creation of one additional ARCOP every odd-numbered year. Because odd-numbered years do not usually contain a scheduled countywide election, the cost savings from the additional ARCOP would be realized during the November local consolidated election as well as any special elections called prior to the next even-numbered year's statewide primary election. While in some years these local and special elections would be of a number and size to potentially generate significant cost savings by cleaning up the voter database, in other years they may be small enough that the cost savings would be less than the cost of the ARCOP. If the regularly scheduled even-year ARCOP is not cleaning the voter data enough to realize sufficient cost savings in the primary and general elections, there may be other ways of improving the ARCOP process or finding alternate means of conducting voter file maintenance that may yield results similar to those intended by this recommendation. The department will further research these issues concerning this recommendation and determine the most effective way to implement it.

**5.2 Set a firm deadline by which the names of deceased voters received between two and six months prior to an election will be cancelled from the voter rolls. Direct staff to meet this deadline accordingly.**

#### ROV Response

The department agrees with the recommendation. The current practice of the ROV is to receive a list from the Office of Vital Statistics (OVS) every month. Usually, the report will include the list of individuals who passed away during the previous month; for example, the list received in October will include deaths that occurred as of the end of September. The lists are then processed typically within one to two weeks of receipt, although this timeframe sometimes slips during peak workload times. The department will review its

own internal timeframes for processing these lists and closely monitor to ensure that the targets are consistently met by staff. The ROV will also work with the OVS to review the schedule of these lists to determine if they can and should be provided more frequently or if there should be an adjustment to the schedule to ensure an updated list arrives by a set number of days before each election to capture any recent changes that were not included in the last scheduled update. The timing will need to be planned to reflect that the voter data extract for printing the precinct roster indexes is usually created between 14 and 12 days before the election, so all changes would need to be processed before this occurs to be effective for the current election.

**5.3 Periodically sample names from a list of deceased voters received in the past year and determine whether they were cancelled from the list in accordance with established procedures and deadlines.**

ROV Response

The department agrees with the recommendation. This analysis will be valuable because the ROV believes that there are likely voters who are currently included in the OVS list but who cannot be canceled because the OVS data does not sufficiently match the voter registration data to provide a high-confidence match per the ROV's standards. Some of these mis-matches may be the result of missing or incorrect data in either of the sources, such as name (people who are known by multiple names or variations on names), address (people who move without updating their information), and particularly date of birth, which was not always a required piece of information collected on voter registration cards and therefore is missing for many voters who registered a long time ago and have not needed to re-register since, such as people who have lived in the same home for decades. Performing this recommended sampling may help identify what factors if any are leading to mis-matches between the voter registration records and OVS data. The ROV's current standards for establishing a high-confidence match are in place to prevent a living voter from falsely being identified as a deceased voter and erroneously canceled. Such an instance is a real concern for voters who have similar names, especially those who live or have lived at the same address, such as parents and children who are seniors and juniors. Based on the proposed review, however, the ROV could assess whether its matching criteria is too stringent and can safely be revised to allow more valid cancellations without unduly creating opportunities for falsely canceling living voters.

## **SECTION 6. ADDRESSING EXTRA-HELP NEEDS**

- 6.1 Work with the Employee Services Agency to develop an election-specific extra-help job classifications for use by the Registrar, with qualification and testing requirements developed by the Registrar.**

### **ROV Response**

The department agrees with the recommendation. The ROV has been working with ESA on a classification study to develop a specific classification for ROV extra help and has developed draft job specifications for the Election Worker series. The ROV and ESA are currently engaged in the meet and confer process with SEIU Local 521 to obtain the union's concurrence on the classifications so they can be brought to the Board for approval.

- 6.2 Work with the Employee Services Agency to develop a limited number of partial-year positions in the Registrar's budget, similar to what has been created in the Department of Parks and Recreation, reflecting the predictable periodic nature of the Registrar's work.**

### **ROV Response**

The department agrees with the recommendation. The ROV had previously met with ESA to study this issue and had submitted a budget funding request to the County Executive in FY 2015-16. The ROV plans to submit a revised request for funding for the FY 2017-18 budget.

## **SECTION 7. PURGING OF THE VOTER ROLLS**

**It is recommended that the Board of Supervisors:**

- 7.1 Comply with the Ordinance Code Section A3-70 and A3-71 by appointing members to the vacant Ethics Commission and provide reasonable staff support or operational resources as required.**

**OR**

- 7.2 Amend or repeal Ordinance Code Section A3-70 and A3-71 to remove the Ethics Commission as the oversight body of the County's campaign finance and ethics laws; and,**

**7.3 Direct the County Executive to evaluate more efficient ways to enforce the County's campaign finance and ethics laws through the Registrar of Voters or other departments with overlapping responsibility, such as the Clerk of the Board or District Attorney.**

ROV Response

The department understands that this recommendation is being referred to County Administration for response.



# County of Santa Clara

Office of the County Executive

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Date: March 5, 2017

To: Board of Supervisors' Management Audit Division

From: Miguel Márquez, Chief Operating Officer *M.M.*

Subject: County Executive's Response to Section 7—Failure to Monitor Local Campaign Contribution Limitations

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The Office of the County Executive has reviewed Section 7 of the Management Audit of the Registrar of Voters prepared by the Board of Supervisors' Management Audit Division's contract auditor, the Harvey M. Rose Accountancy Corporation. Section 7 is entitled "Failure to Monitor Local Campaign Contribution Limitations." The County Executive's response is set forth below.

***Recommendation 7.1:** Comply with the Ordinance Code Section A3-70 and A3-71 by appointing members to the vacant Ethics Commission and provide reasonable staff support or operational resources as required.*

OR

***Recommendation 7.2:** Amend or repeal Ordinance Code Section A3-70 and A3-71 to remove the Ethics Commission as the oversight body of the County's campaign finance and ethics laws; and,*

***Recommendation 7.3:** Direct the County Executive to evaluate more efficient ways to enforce the County's campaign finance and ethics laws through the Registrar of Voters or other departments with overlapping responsibility, such as the Clerk of the Board or District Attorney.*

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

**County Executive's Response:**

**Disagree with Recommendation 7.1**—The County Executive does not agree that members should be appointed to the vacant Ethics Commission. As noted by the Management Audit Division, the Ethics Commission has been defunct for nearly 20 years. Although documentation could not be found to describe how or why the Commission became defunct, the Commission's campaign-related enforcement duties arise only once every two years, and only for a handful of candidates at each election. The Commission's workload therefore does not justify revival of the Commission with ongoing staff support and operational resources.

**Agree with Recommendation 7.2**—For the reasons set forth above, the County Executive agrees that Ordinance Code Sections A3-70 and A3-71 should be amended or repealed to remove the Ethics Commission as the oversight body of the County's campaign finance and ethics laws.

**Partially Agree with Recommendation 7.3**—The County Executive agrees there should be an evaluation of more efficient ways to enforce the County's campaign finance and ethics laws. But the County Executive does not agree that the District Attorney should have a role in civil enforcement proceedings. Instead, the District Attorney's role should be limited to receiving referrals for possible willful violations of the code that could be prosecuted as misdemeanors under Section A3-73. The County Executive otherwise agrees that it should evaluate more efficient ways to enforce the County's campaign finance and ethics laws through the Registrar of Voters, the Clerk of the Board, the County Counsel, and/or other appropriate agencies, departments, or offices.