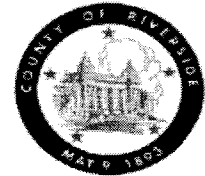


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

503



**SUBMITTAL DATE:**  
July 8, 2010

**FROM:** Executive Office

**SUBJECT:** June 8, 2010 Election Report

**RECOMMENDED MOTION:** That the Board of Supervisors receive and file the attached report from the Executive Office and direct the Executive Office and the Registrar of Voters to proceed with proposed operational changes and equipment purchases described therein.

**BACKGROUND:** During the June 15, 2010 Board of Supervisors meeting, the Executive Office was directed to review procedures the Registrar of Voters used to conduct the June 8, 2010 primary election and report back within 30 days. The attached Executive Office report is based on information gathered from the Registrar of Voters, the Secretary of State, neighboring counties and other sources.

Departmental Concurrence

The report identifies and addresses issues and concerns about election operations, including an increasing number of vote-by-mail ballots returned on or just before Election Day; the late arrival of approximately 12,500 ballots after the polls closed; misunderstandings about the Registrar's report of a 100 percent precinct count; and staffing levels for counting vote-by-mail ballots before, during and after Election Day. Also attached is a report from the Registrar of Voters.

Recommendations at the end of the report include plans to continue working with the U.S. Postal Service to avoid future ballot delivery problems; equipment purchases to speed ballot counts; and improved communication and outreach programs to better inform the community about the elections process. The Executive Office will return to the Board for authorization once the county is prepared to proceed with equipment purchases.

*Raymond Smith*  
Raymond Smith, Public Information Officer

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010-2011

<b>SOURCE OF FUNDS:</b> N/A	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** Approve

**County Executive Office Signature** Bill Luna

*Bill Luna*

Department Recommendation:  Consent  Policy  
Per Executive Office:  Consent  Policy

**16.2**

**Riverside County Executive Office**

**Review of June 8, 2010**

**Consolidated Primary Election**

**July 7, 2010**

## **Introduction:**

During the June 15, 2010 Board of Supervisors meeting, the Executive Office was directed to review procedures the Registrar of Voters used to conduct the June 8, 2010 primary election in Riverside County and report back within 30 days.

In response, this report was prepared based on information gathered from the Registrar of Voters, the Secretary of State, other counties, news media and other sources. It identifies and addresses issues and concerns about the election, including:

- The increasing number of vote-by-mail ballots in Riverside County and the number of voters who return ballots to the Registrar of Voters just before or on Election Day.
- The late arrival of approximately 12,500 ballots that postal officials turned over to the Registrar of Voters after the polls closed.
- A misunderstanding the day after the election regarding the 100 percent precinct count.
- Reports that Riverside County was last in the state in completing precinct vote tallies.
- Staffing levels for counting vote-by-mail ballots before, during and after Election Day.
- An inadvertent and premature tally of write-in candidates during early ballot counting.
- The number of vote-by-mail ballots and counting procedures in other counties.
- A spending approach driven by budget reductions that affected the use of staff, relay transport teams and overtime during the ballot count.
- Limited access to equipment and space consistent with volume of ballots cast.
- Delays created by the state in providing vote-by-mail ballots to voters.
- The complexity of the June 2010 election ballot.
- Delays involving data importation during tabulation updates.

Board members also asked the Executive Office to recommend changes to the county's voting system, including methods for counting ballots faster without compromising accuracy; the potential for remote ballot tabulation rather than a centralized count in the existing location; capital outlays to ensure proper resources are available; and staffing levels the leading to, the day of, and after Election Day. Those recommendations and others are included at the end of this report.

## **Executive Summary**

The aftermath of the June primary election in Riverside County includes questions, criticism and a lawsuit filed over thousands of ballots that arrived late and, by law, could not be counted. Numerous factors contributed to the concerns. Some were within the Registrar of Voters' control and some were not but each compounded the next and created, cumulatively, greater controversy.

Above all, elections must be conducted in a manner that affirms the electorate's faith in the system. Poor communication on the part of the Registrar's office and others, and optimistic expectations about election results, unquestionably created the vast majority of issues.

Poor communication caused or exacerbated misunderstandings about the number of ballots that remained to be counted the day after the election. With better communication, approximately 12,500 ballots the U.S. Postal Service provided to the Registrar's office too late to be counted could have been delivered on time and tallied. Greater attention on those two points would have eliminated a vast majority of the issues addressed in this report.

Fortunately, many or most of the communication issues can be solved easily and at a relatively low cost. But impressions from the aftereffects may linger. Long before Election Day, clear information describing how elections are conducted – and results disseminated – must be broadly available.

The Registrar of Voters must improve outreach programs and communication with the media and better educate the entire community. Those efforts will improve understanding of the elections process and help establish clear, realistic expectations about the pace at which election results will be available on Election Night and the days that follow. As voters statewide increase their use of vote-by-mail ballots, they must better understand the time-consuming, manual processing work required before ballots can be counted. The issue is especially acute regarding vote-by-mail ballots returned by mail on Election Day or dropped off at the polls.

Fiscal decisions also played role in the time needed to process results in the June election. Riverside County had endured a third consecutive year of budget cuts and faced a \$130 million deficit as budget planning began for the fiscal year that started July 1. In FY 09/10, the Registrar's operational budget was \$3.8 million less than in the previous fiscal year. In order to reduce costs and remain within budget, the Registrar kept overtime at a minimum and staffing levels were reduced, compared to some previous elections.

The resources initially employed on and before Election Day provided sufficient time to meet the law's requirements for counting ballots and certifying the election. But those decisions, combined with communication issues, created confusion about how many ballots had been counted overnight after the election. They also led to criticism from some people that the Registrar was not prepared for the crush of late vote-by-mail (VBM) ballots and had faltered in the ballot count.

Recommendations at the end of this report address improved ballot counting and other aspects of the voting system to ensure everyone understands the process and has reasonable expectations about election results. Recommendations also address capital needs. Some purchases already are in progress and others should be implemented as the county prepares for future elections.

Improving the system requires that the Registrar has sufficient staffing and other resources on and before Election Day to handle anticipated events and the ability to react quickly and effectively to unforeseeable problems.

## **Ballots Delivered After the Election Day Deadline**

Under state law, no ballot may be counted if it has not been received by the Registrar of Voters by 8 p.m. on Election Day. Though not required by law, the Registrar's office for years has made a special trip each Election Night to the main postal distribution center on Redlands Boulevard in San Bernardino to gather ballots before the receipt deadline. That trip allows the Registrar to count as many valid ballots as possible.

Following established practice, a member of the Registrar's staff telephoned a Postal Service contact at the Redlands Boulevard facility to arrange the Election Night pickup. The Registrar's employee did not reach the contact directly and left a voicemail message saying he would arrive at the facility before 8 p.m. to collect last-minute ballots. There was no follow-up to ensure the message had been received. The night of the election, the Registrar's employee collected approximately 1,000 ballots in time to comply with state law.

The day after the election, 12,563 ballots were presented to members of the Registrar's staff who arrived about 9:30 a.m. to pick up the day's mail at the Chicago Avenue post office. At a meeting on June 24 at the U.S. Postal Service mail distribution center in Moreno Valley, postal officials told the Registrar and representatives of the Executive Office that the ballots had been sorted by precinct by about 8:30 a.m. on Election Day at the Moreno Valley center.

It is important to note that the Registrar of Voters has never picked up mail from the Moreno Valley center, neither on Election Day nor at any other time. A story in a local newspaper soon after the election quoted a spokesperson for the Postal Service saying that Registrar employees had picked up mail on the day of an election about a year ago. At the June 24 meeting, postal representatives said they could not establish the source of the information the spokesperson had cited.

Postal officials said the late-arriving ballots sorted on Election Day in Moreno Valley remained at the sorting location and were not transported that day with other daily mail to the Chicago Avenue post office in Riverside. The Registrar's staff makes daily pickups, including on Election Day, at the Chicago Avenue location.

Dallas Keck, the Postal Service district manager for the area that covers Riverside and Moreno Valley, said during the meeting it appeared that an unidentified "change of process" by the Postal Service had delayed transport of those ballots until the next day.

The Registrar's office did not vary from procedures used in previous elections to collect last-minute ballots before the 8 p.m. deadline on Election Day and there has never been an incident like the one that occurred June 8.

Still, formal procedures for handling mail on Election Day are needed to prevent the problem from recurring. Neighboring counties responding to a survey report that they, too, collect ballots from the Postal Service on Election Day. Some pickups are part of the daily mail retrieval process and each county, like Riverside County, conducts pickups soon before the legal deadline for receiving ballots.

Practices vary from county to county but typically, procedures are not codified in written agreements with the Postal Service. For example, Orange County officials have a longstanding verbal agreement in place and meet with postal officials before every election. Timelines for postal-related activity are included in departmental procedures and the office and a postal liaison communicate daily in the 10 days leading to any election. The registrars' staffs in San Bernardino and Los Angeles counties also meet with Postal Service representatives before each election to ensure everyone understands steps that will be taken leading to, and on, Election Day.

At the June 24 meeting, Dallas Keck and Registrar of Voters Barbara Dunmore committed to quickly developing written procedures and protocols that prevent problems with ballot delivery in the future. A framework for that plan already has been drafted.

As mentioned previously, the Registrar goes beyond the law's requirements by collecting last-minute ballots that are mailed too late and otherwise would go uncounted. That extra effort is commendable and should continue, using clear procedures for a single postal-service location where ballots will be collected on Election Night.

The Registrar also should urge voters not to return ballots via the mail any later than the Friday before an election. Further information on this point is included among recommendations at the conclusion of this report.

On June 25, the local Democratic Central Committee and several voters filed a lawsuit seeking a court order to count the 12,500 late-arriving ballots. A hearing in that lawsuit is scheduled to occur before the Board of Supervisors considers this report at its July 13 meeting. Staff will update the Board on the status of the lawsuit during that meeting.

A week before the lawsuit was filed the county Executive Officer sent a letter to Secretary of State Debra Bowen, whose office already had said the ballots could not be counted. The letter asked the secretary to review the situation once more to determine if there was any way to count the ballots. At the time this report was written there had been no formal response to the letter.

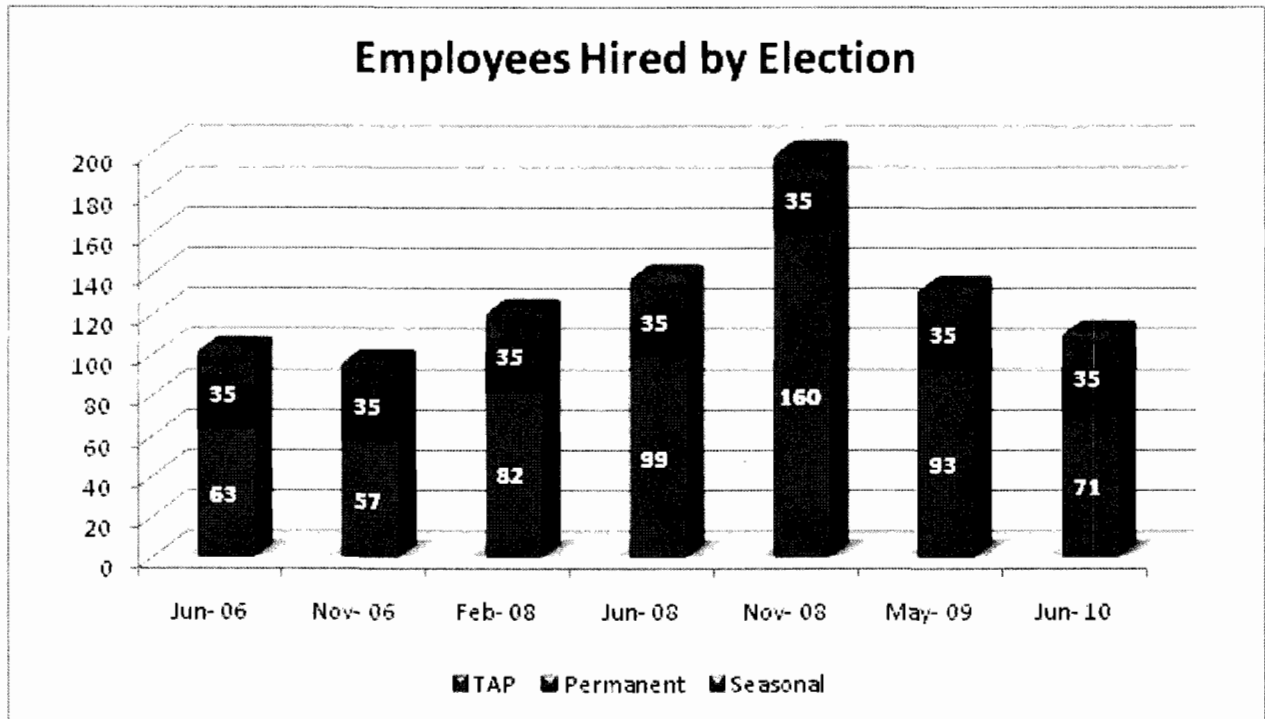
Additionally, Assemblyman Brian Nestande of Palm Desert has introduced legislation allowing ballots to be counted if they are postmarked on or before Election Day. The Board will be updated on that legislation as information becomes available.

### **Elections Spending Driven by Budget Directives**

For FY 09/10, the Registrar of Voters' operating budget was reduced to approximately \$9.7 million, about \$3.8 million less than the previous fiscal year. This reduction included cuts to travel, training, equipment upgrades, offsite storage and staff. During the third quarter in FY 09/10, the Registrar reprogrammed savings from reduced personnel costs to replace three affidavit scanners and purchase two VBM envelope scanners. The goal was to use the short-term savings to acquire automation that has a long-term effect on ballot counting. Decisions on staffing, overtime use and

relay transport teams had a significant role in the June 2010 election ballot count.

The Registrar of Voters projects the number of temporary employees needed during each fiscal year. The projection is based on the types of elections, the number of polling places, anticipated turnout, the number of ballot cards per ballot, state/federal election regulations and county budgetary constraints. The following chart depicts staffing in place to perform election duties:



The number of staff assembled for the June 2010 election was significantly less than in previous elections. In addition to not hiring additional staff, the Registrar delayed the use of temporary help until the workload was sufficient to minimize idle time. Again, this was a step focused on the most efficient use of resources. Like other department heads, the Registrar has been under strict orders for several years to cut costs. That directive, imposed with few exceptions by the county Executive Officer, has fostered an environment that creates tension as expectations about reductions expand year after year.

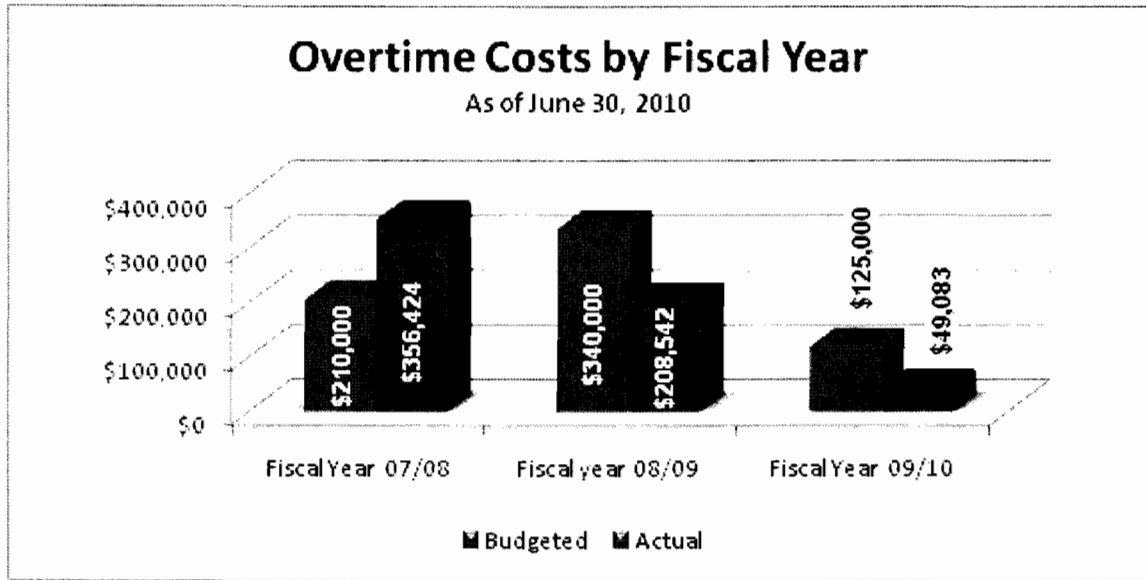
Absent budget constraints, the Registrar of Voters would have hired 30 additional temporary staff prior to Election Day at an additional cost of about \$200,000. It should be noted that during the elections in 2006, the county was using electronic voting machines and a remote count center in the desert. This significantly reduced the number of staff needed to process paper ballots.

During budget impact reports in March 2010, the Registrar reported that proposed budget cuts for FY 10/11 would slow ballot counts during elections. While those proposals in no way affected the count in the June 2010 election, the discussion illustrates clearly that cost-cutting affects ballot processing.

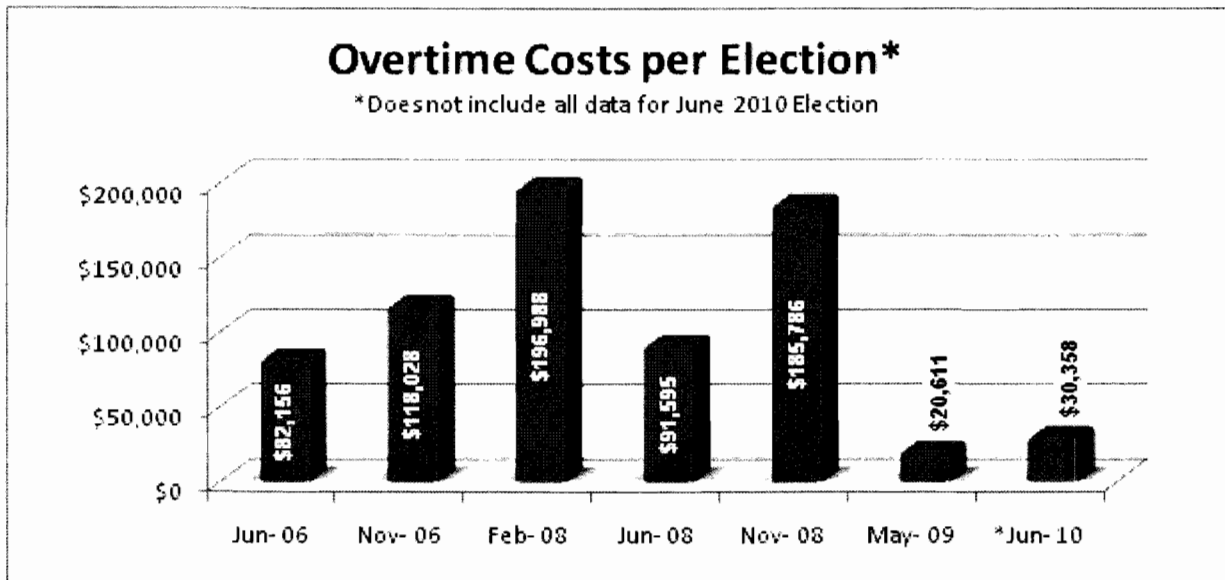
### Overtime

The Registrar of Voters kept overtime as low as possible in the June election. Work schedules were

adjusted to maintain a 40-hour work week and overtime was reduced by more than 75 percent from FY 08/09. The following chart illustrates overtime reductions this year:



When reviewing overtime costs by election, it is clear that overtime use for seasonal and permanent staff was significantly less than in past elections.



The Registrar had sufficient staff to complete election operations in compliance with state law but ballots counts could have been conducted and reported faster if overtime cuts had not been as extensive. During the June election, ballots were tallied faster and final election results were reported

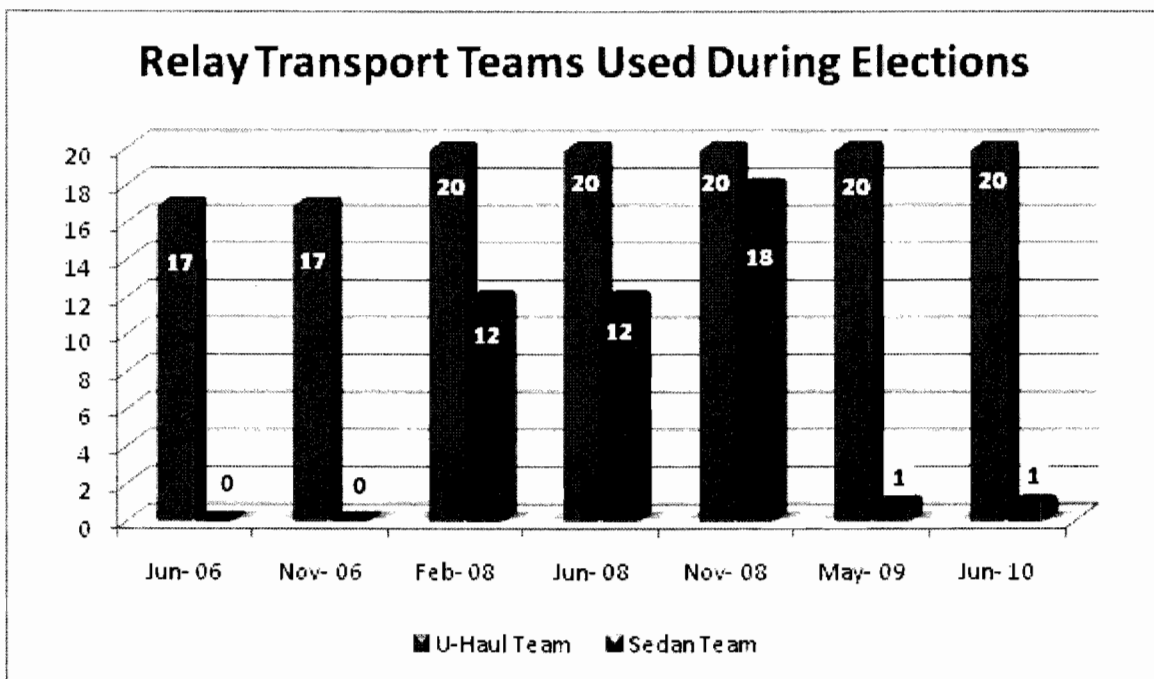


earlier than projected once the Registrar shifted to a 24/7 operation. This shift, not unexpectedly, significantly increased overtime costs.

### Relay Transport Teams

The Registrar uses automobiles among its relay transport teams to ferry ballots from distant areas to the central counting site in Moreno Valley. In previous primaries and larger elections, the Registrar’s office stationed relay teams at up to 22 collection centers. Teams would transport ballots after a predetermined number of precincts had been collected. Later, teams using U-Haul trucks transported the remaining ballots after all precincts had reported to the collection center. Teams using automobiles were not necessary during elections in 2006 because electronic voting and a remote counting center were used. Relay teams were not used during the May 2009 special election because it included relatively few contests.

During the June 2010 election, automobiles were not used at collection centers, except in Indio. The Registrar estimates the election night count would have been completed two hours sooner had more automobile teams been used. The Registrar saved an estimated \$15,000 by not using the teams.



### Equipment and Space Availability

The Registrar of Voters uses six Sequoia Voting System Optech 400C central count scanners to tally all paper ballots. Data is imported into the WinEDS tally system to generate reports and provide election updates. The total cost of these machines was more than \$560,000, including taxes, transportation, setup and training.

The following table compares the type of election equipment used in Riverside County with equipment used in other counties:

### Equipment Comparison by County

	Ballots Cast	Personnel	# of Optech Scanners
Riverside	241,219	111	6
Alameda	266,073	<i>Information Not Available</i>	
San Bernardino	217,967	<i>Not Available</i>	12
Santa Clara	329,596	114	14
Ventura	149,572	47	4
<i>Information Not Available</i>			
Los Angeles	1,021,445	200	40*
Orange	482,708	155	6*
San Diego	538,491	<i>Information Not Available</i>	

\* L.A. uses the LRC 1000 CPM Card Reader/ O.C. uses electronic voting.

When compared with other counties using Optech ballot scanning equipment, Riverside County does not appear to have sufficient equipment to ensure timely ballot processing of ballots.

The Registrar indicates automation would benefit two in-house processes currently done manually: ballot sorting and signature verification. In May 2010, the Board of Supervisors approved the purchase of three VBM envelope scanners at an estimated cost of \$50,000. The purchase of these machines will allow VBM ballots to be tallied one to two days sooner.

Purchasing a sorting machine also would reduce the time needed to process ballots by one to three days, depending on the size of the election. The U.S. Postal Service now sorts ballots for a fee. However, the Registrar of Voters reports that 30 percent of the mail arrives unsorted during an election.

A sorting machine would allow the Registrar to complete all sorting in-house. As a result, ballots would be delivered to the Registrar at least a day earlier before Election Day.

An in-house sorting machine would allow VBM ballots that arrive on Election Day to be sorted faster than having the Registrar staff conduct a manual sort. It also would be faster than waiting for sorted ballots to arrive from the U.S. Postal Service, especially during a large election. When partnered with the signature verification equipment, the number of ballots that can be counted prior to Election Day would increase. The Registrar estimates a sorting machine would cost \$200,000 to \$400,000. The Registrar also indicated the following purchases would improve ballot processing times:

- Two to six additional Sequoia Voting System 400C Optech central count ballot scanners. The estimated cost is \$110,000 per machine plus the cost to modify Registrar facilities to accommodate the machines. The scanners would shorten the Election Night scanning time

and increase the number of ballots cards that be scanned per hour by at least 30 percent.

- This translates into about 8,000 to 10,000 more ballots scanned per hour.
- One OPEX Model 51 rapid extraction desk. This equipment performs semi-automatic mail extraction and would cost approximately \$30,000. Adding this equipment would increase the number of ballots extracted per hour by up to 50 percent, depending on the skill of the operator.

While purchasing this equipment would accelerate the ballot counting process, the Registrar's office is limited by space constraints. Election equipment is large and the Registrar's facility is close to capacity now. Until more space is available the number of manual processes that can be automated will be limited.

### **Delay in Mailing of VBM Ballots to Voters**

VBM ballots may be mailed to a registered voter as early as 29 days before an election (60 days for those in the military and overseas). Generally, the sooner voters receive ballots the sooner they can be returned. When unusually large numbers of ballots return to the Registrar's office on Election Day or soon before, it complicates the ballot count.

Approximately 60 days prior to an election, the Registrar submits ballot templates to its printing vendor, K&H Integrated Print Solutions (K&H), for printing and mailing. K&H prints and begins mailing ballots 29 days before an election. Both tasks continue as applications for VBM ballots are approved and submitted to K&H. Registered voters' applications for a VBM ballot must be received no later than seven days before an election. After that cutoff, voters must apply in person. Problems at the state level delayed VBM printing and mailing for the June election.

The Secretary of State provides the Spanish translation for state candidate ballot designations. Because of problems with the state's translation vendor, an error free translation was not provided until April 13. Additionally, results for the special primary election for the District 37 Senate seat were not certified by the Secretary of State until April 22. As a result, the first VBM ballots did not go out to registered voters until between May 13 and May 17 instead of May 10, the earliest date allowed.

This delay left less time for voters to return ballots and may have resulted in more ballots arriving closer to Election Day than if the ballots had been mailed out earlier.

### **Complexity of June 2010 Primary Election Ballot**

The complexity of election ballots may have directly contributed to late reports of election results. Individual ballots that include numerous contests may require more than one ballot card per ballot. The table below shows the characteristics of the ballots during countywide elections:

## Ballot Comparison by Election

Ballot Character	Primarily Electronic Voting		February 2008	June 2008	November 2008	May 2009	June 2010
	June 2006*	November 2006*					
Contests	167	133	19	47	115	7	152
Candidates	151	342	62	105	353	0	220
Parties	11	0	9	7	0	0	9
Ballot Styles	836	318	162	490	313	2	504
Ballot Cards	6	4	1	1	2	1	2
<b>Total Ballot Variables</b>	<b>1,171</b>	<b>797</b>	<b>253</b>	<b>650</b>	<b>783</b>	<b>10</b>	<b>887</b>

The June 2010 election had the most complex ballot since electronic ballot machines were decertified in 2007. Although the ballots in the 2006 were complex, the data that had to be imported from paper ballots was reduced because voting was primarily electronic.

Comparing the complexity of ballots among counties that were able to provide information, some counties had more complex ballots than Riverside County:

## Ballot Comparison by County

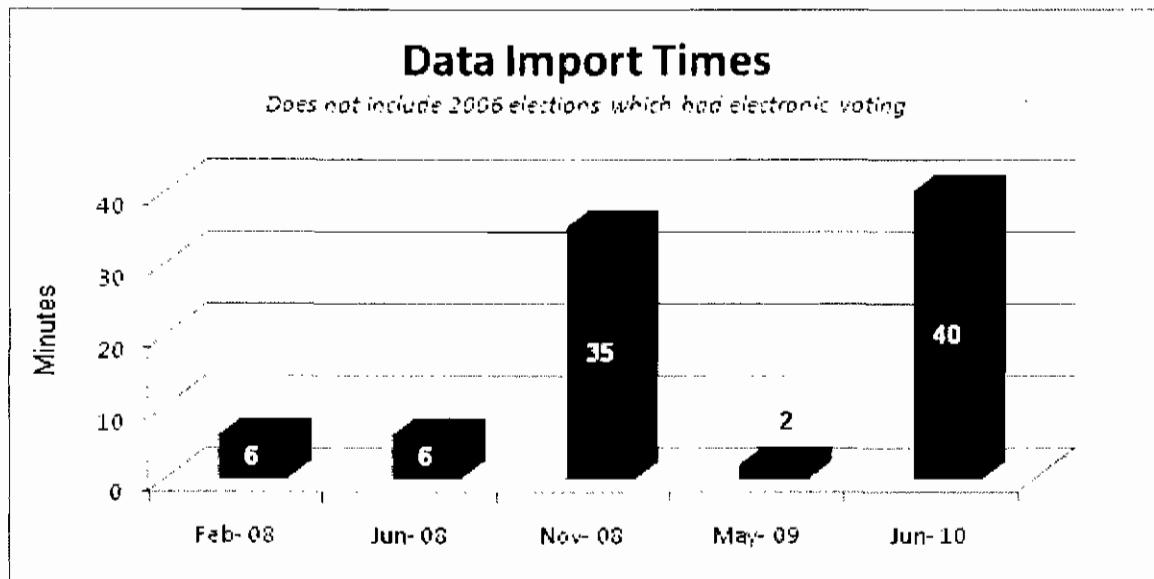
	Contest	Candidates	Parties	Ballot Styles	Ballot Cards	Total Variables
Riverside	152	220	9	504	2	887
Alameda	<i>Information Not Available</i>					
San Bernardino	<i>Information Not Available</i>					
Santa Clara	161	235	9	1,124	2	1,531
Ventura	109	206	9	162	1	487
<b>Use a Ballot Scanner different than Riverside County for Tallying Ballots</b>						
Los Angeles	967	675	9	2,997	N/A	4,648
Orange	193	305	9	810	N/A	1317
San Diego	<i>Information Not Available</i>					

The number of machines available for processing and tallying ballots may have resulted in more efficient counting and faster reporting of results for these counties.

### Delays in Importing Ballot Data

As part of the counting process, data is imported from ballot scanners and used to update the ballot count. The time required to import ballot data from the ballot scanners was longer than usual in the

June election. The Registrar reports the increased processing time was partially due to a more complex ballot. Some of the delay was anticipated based on previous elections and as a result, the Registrar notified Board members that results would be updated every two hours because ballots were complex. Compared to other countywide elections in which the same system was used, the June election had the longest anticipated data download time:



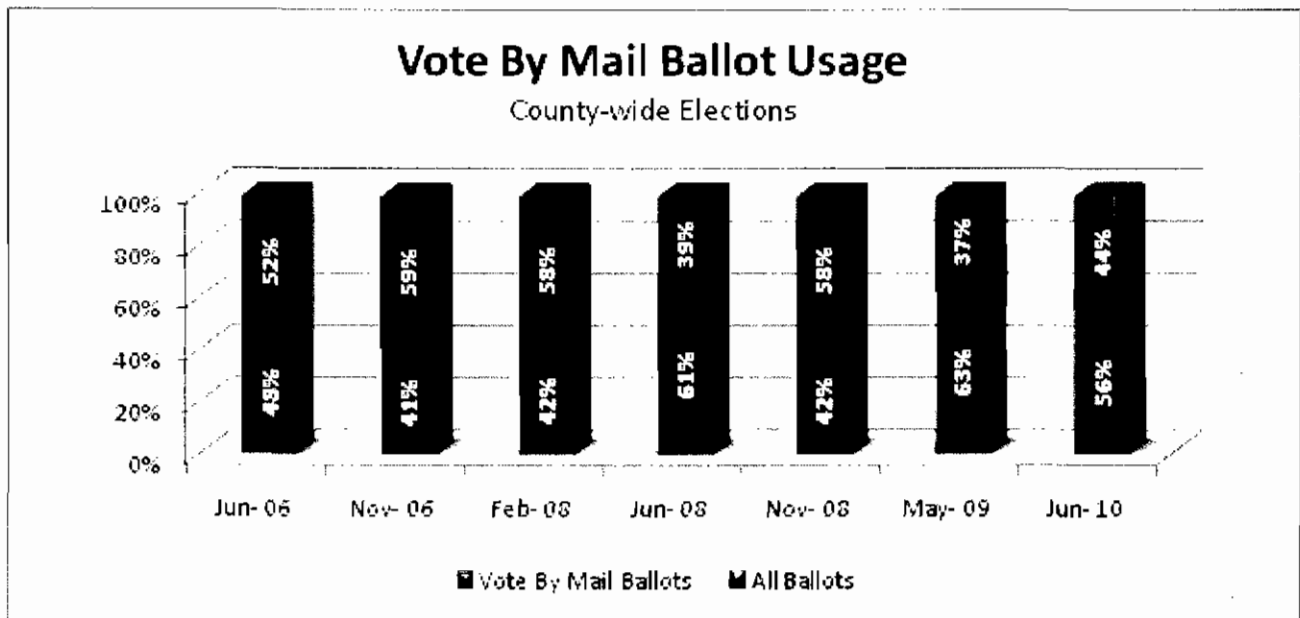
Delays occurred during data imports in the first three election-result updates. Because of the complex ballot, data for each update took up more and more space in the tally program's random access memory. As available memory fills, the process slows. While import times were lengthy in pre-election testing it was less acute than on Election Night, likely because tests were conducted on successive days and the system was shut down between tests. The shutdowns cleared the tally program memory, which has no effect on subsequent data imports.

By the third update on Election Night, the data import took more than two hours. The Registrar resolved the issue by restarting the tally program after each update. Import times subsequently dropped to about 44 minutes on average but the problem delayed reports of election results.

The Registrar reports that data for actual import times from other elections is unavailable. Consequently, the problem may have occurred in past elections but not to a degree that it significantly influenced reports of election results.

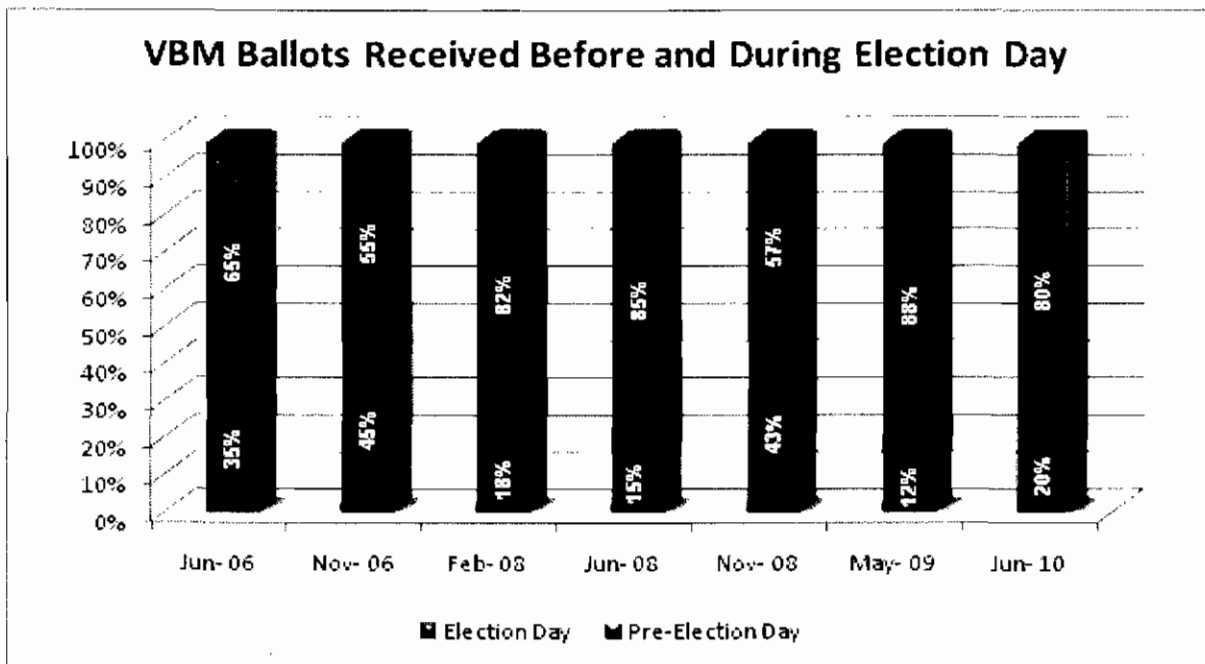
### **Increase in Voter Use of VBM Ballots**

Since the Secretary of State decertified touch-screen voting in August 2007, the Registrar has increased promotion of VBM ballots. Since then, voting by VBM ballots has increased overall. In three of the last four countywide elections, VBM ballot use exceeded precinct voting:

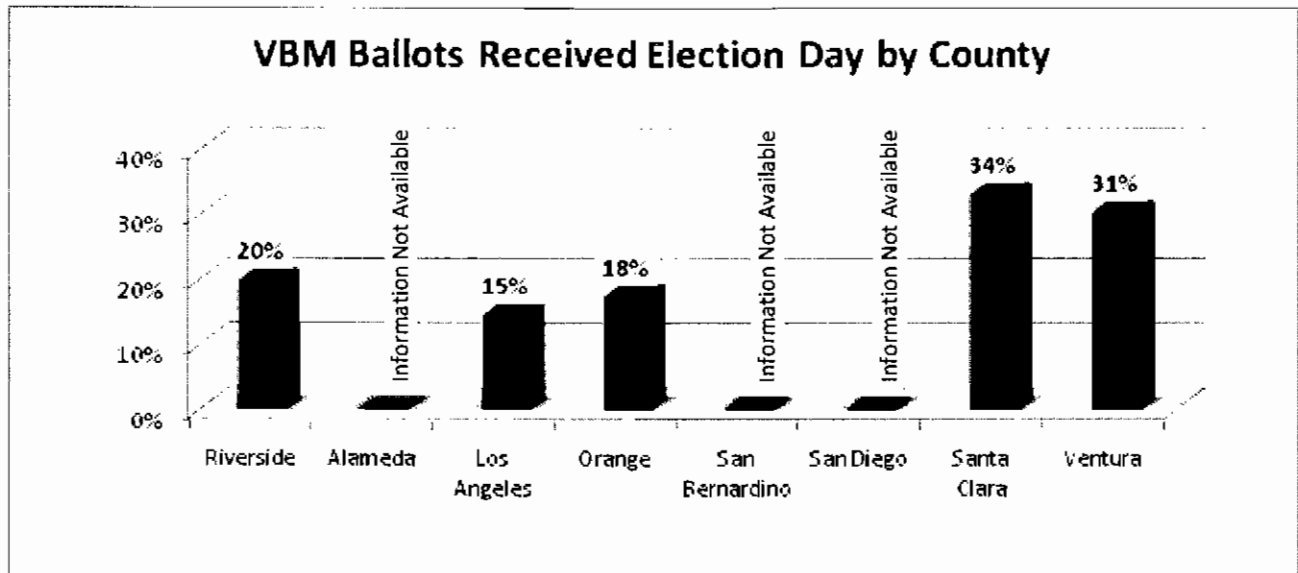


This trend mirrors the change statewide and is expected to continue.

During the June election, 27,495 VBM ballots were received on Election Day. With the exception of the November 2008 election, the percentage of ballots that arrived on Election Day was generally consistent with most of the previous elections.



Given the number of ballots received prior to Election Day and during previous elections, the Registrar of Voters should have been able to reasonably anticipate the number of ballots arriving on Election Day.



The percentage of VBM ballots Riverside County received on Election Day was between the highest and lowest percentages received by other counties that provided information.

### Resources Determined Tally of VBM Ballots

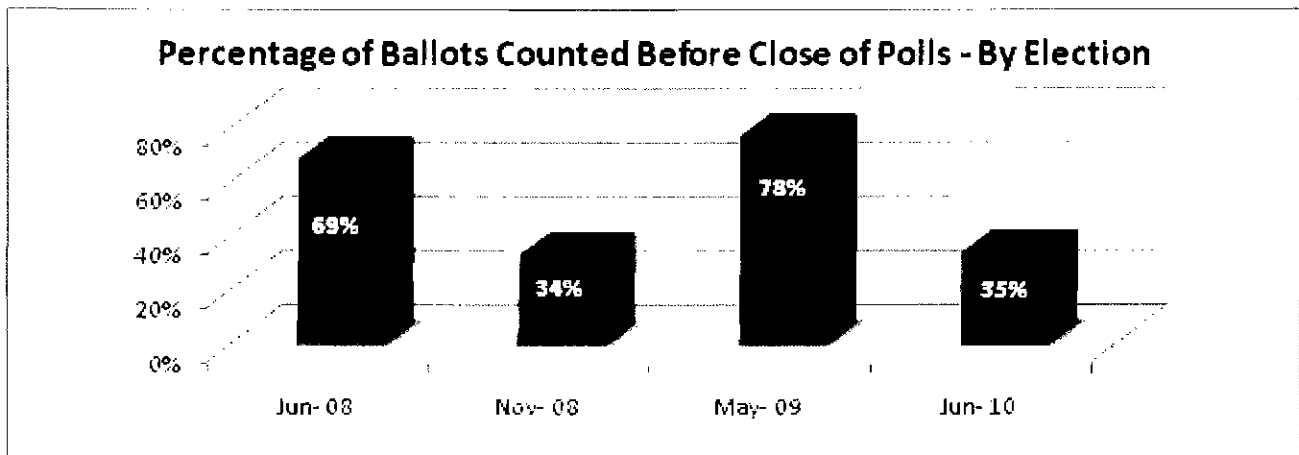
VBM ballots may be sorted and voter signatures verified up to 29 days before an election. Seven business days before Election Day, ballots may be extracted from ballot envelopes, inspected and counted. During the June election, the Registrar began extracting ballots on May 27.

Ballot inspection began June 1 and a ballot count using scanners began June 3. Of the 148,327 VBM ballots received, 51,707 (35 percent) had been counted before polls closed on Election Day.

To use resources efficiently, the Registrar initially added enough temporary employees to extract ballots from the envelopes and verify each envelope contained the appropriate ballot cards. Additional temporary employees were hired once enough ballots had been processed to ensure employees would be able to work continuously, inspecting ballots for damage or mismarking.

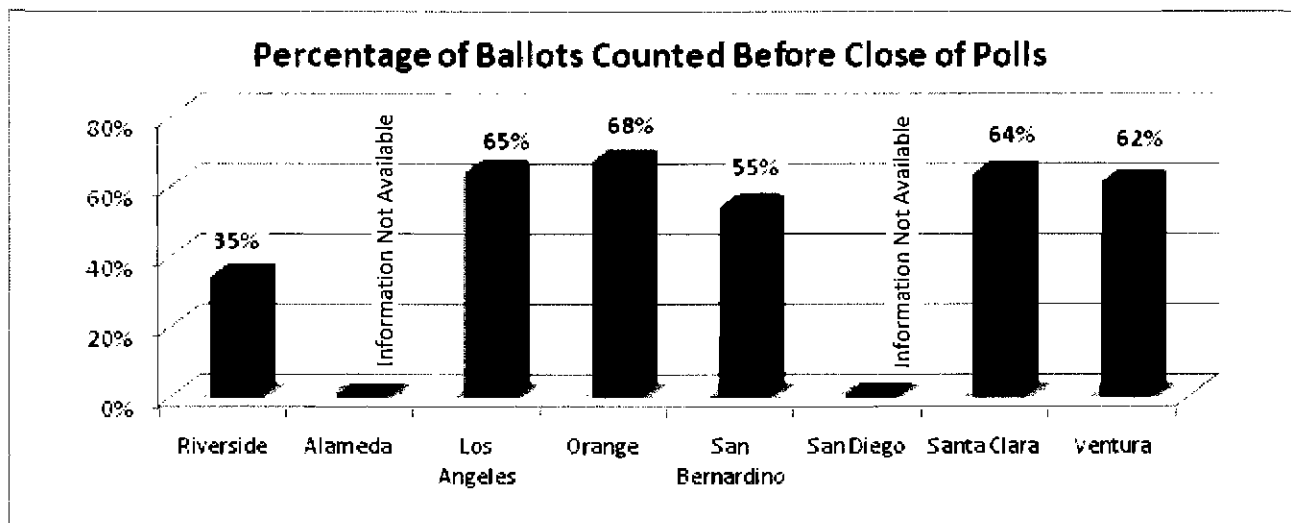
The Registrar reports that extraction and verification of ballots took longer than anticipated because employees needed additional time to verify the appropriate ballot cards were in the ballot envelopes. Electric envelope slicers were used to accelerate the process.

Once enough ballots had been processed to ensure the six ballot scanners could be continuously operated, additional temporary employees were hired to help run the machines. The following chart shows the percentage of ballots counted before the polls closed in the last four countywide elections:



The percentage of ballots counted prior to the close of polls is consistent with prior elections considering the number of ballot cards in use for each election (June 2008 and May 2009 had one ballot card; November 2008 and June 2010 had two ballot cards).

When comparing the percentage of ballots counted to other counties, Riverside County had the lowest percentage of ballots counted before the polls closed:



In the chart above, it should be noted that of all the counties, Santa Clara was the only county that reported having a two ballot cards like Riverside. While Santa Clara had two ballots cards and a ballot that was more complex, it also had 14 Optech ballot scanners available. Riverside County had six.

In a letter dated June 11 to the Desert Sun newspaper, Secretary of State Debra Bowen noted that as of that day, more than 50 of the state's 58 counties had over one million ballots combined to verify before they could be counted.

"I certainly understand the desire of the public and the candidates to have the final results of every election as soon as possible. However, more and more voters are casting vote-by-mail ballots and the county's need to verify the signature on each vote-by-mail ballot envelope against the voter's voter



registration card is a time consuming process.”

The Secretary of State’s office reports that workload increases as the number of VBM ballots rises. In order to keep pace in processing ballots, registrars’ staffs either need more time, more staff or improved automation.

### **Remote Counting Centers Not Available**

Prior to the February 2008 election, the Registrar operated a remote counting center in the county’s desert. Due to more stringent election regulations, a remote counting center was not used after the 2006 elections. The challenges that must be overcome to restore a remote counting center include establishing a secure transfer of data between centers and configuring the system to allow data from both locations to be combined and reported in a timely manner. That process would be difficult technically and carries a cost that presents a large concern.

A less time-consuming and less costly alternative would be for the Registrar to reinstitute greater use of relay transport teams. Expanded use of the teams would cost up to \$15,000 per election.

### **Public Outreach and Timely Communication**

Communication issues created many questions that arose about counting ballots in the June election. Perhaps the largest involved an impression that 100 percent of all ballots had been counted by the day after the election. A report on the Registrar’s website on June 9 announced that 100 percent of precinct ballots – the votes cast at polling places – had been counted. That number did not include more than 100,000 VBM, provisional and damaged ballots still remained to be counted. The distinction is clear to those most familiar with the Registrar’s operations but was lost on many others.

The way the Registrar’s Office reported results was similar to previous elections. It is not clear why the distinction between precinct ballots and others created such confusion in June but not previously.

Unquestionably, several key contests in the recent election generated keen interest in election results. Media reports that “called” the winners in some contests before all ballots were counted might have had some effect.

Intense interest in several races generated a desire for quick news about outcomes but did not take into account many of the issues already discussed in this report. A focus on conducting a thorough, accurate tabulation cannot always satisfy the demand for fast answers. That is especially true following the widespread loss of a tool such as electronic voting, which dramatically reduced the manual processing that VBM ballots require. Systems can be improved. Staffing can be increased. But it should come as no surprise that reverting to an inherently more time-consuming system will lengthen the ballot-counting process.

Improved communication would have eliminated many if not most of the concerns. Among its outreach efforts, the Registrar’s Office makes presentations to groups based on group requests and

staff availability. Presentations are infrequent, in part because of staffing levels. Previously the office took its votemobile – ROVER – out to community events to register voters, recruit poll workers and answer questions about the elections process. ROVER has been parked for the past year because changes in state law severely restrict early electronic voting. The Registrar’s website provides extensive information about procedures, individual elections and other election related issues.

A coordinated communication campaign would provide valuable information to the community about the election system. It also would help residents understand the system’s complexity and establish expectations about election results that are based on facts rather than assumptions or recollections.

In the future, the county’s public information officer will work closely with the Registrar’s office on Election Day and in the preceding weeks. That effort will ensure that material reaches Riverside County voters before the election and that as much information as possible is available from the time the polls open until after the ballot count has been completed.

### **Letter from California Legislators**

At the June 15 Board of Supervisors meeting, Chairman Marion Ashley read into the record a letter dated June 14 and later signed by nine California legislators. The letter included the statements in quotation marks below. Some are accurate, some are not, and some require context to be best understood. A brief analysis follows each statement.

- “On election night, Tuesday, June 8, only the absentee ballots were reported for results (a second report at 11:30 contained only a few precincts).”

The first count of ballots, at 8:20 p.m., included 51,707 mailed and 6,981 poll ballots. A second report, at 11:16 p.m., added three precincts (412 more ballots). Of the 58 counties, Riverside was the 46th to report initial precinct results to the Secretary of State, at 9:52 p.m. Alameda County, with almost as many precincts, reported 36 minutes later; Santa Clara County reported an hour later.

The lengthy counting process is attributed primarily to the complexity of the ballot and the issue involving the tally-program memory discussed earlier in this report. In addition, delivery from 19 of the 20 collection centers was seven to 130 minutes later than anticipated (one delivery was 38 minutes faster than projected). Fourteen of the 20 deliveries occurred between midnight and 1 a.m. The last poll ballots were relayed shortly before 1 a.m. on June 9.

- “Tens of thousands of the approximately 106,000 ballots that were not counted and included in the report filed with the Secretary of State on June 9 were not tabulated for five (5) days.”

Generally, this statement is correct, though it may be more correct to say tabulation of these ballots was not completed for five days. About 7,000 were provisional ballots requiring the extra step of signature verification.

As of Monday, June 14, the date of the legislators' letter, 90,801 mail ballots plus 90,413 poll ballots had been counted. This represents 75 percent of the total cast.

- "In addition, approximately 20,000 ballots may not be counted at all due to confusion surrounding the delivery and processing of those ballots."

An early estimate of the ballots delivered to the Registrar from the Moreno Valley postal distribution center on June 9 was 20,000 (two postal cages x 40 trays each x 250 ballots per cage). Later, the Postal Service gave a precise count of 12,563. (The causes of the delay were discussed earlier in this report.)

Another 2,518 ballots were received late from other post office locations, for a total of 15,081 ballots that arrived too late to be counted. In each election, ballots arrive from the postal service after the 8 p.m. Election Day deadline and cannot be counted. In May 2009 there were 1,224; in November 2008, 1,207; and in June 2008, 8,682.

- "...the County of Riverside has been plagued by similar problems with delayed reporting of returns by the Registrar's office during several recent election cycles."

Of the past six elections having a turnout of 25,000 voters or more, in the past two years, certification took between two and 28 calendar days, with an average of 13 (see chart). Typically, the more ballots cast, the longer it takes to count them.

<b>Election Date</b>	<b>Final update</b>	<b>Days</b>	<b>Type</b>	<b>Turnout</b>
4/13/2010	4/15/2010	2	Consolidated Special	98,018
12/15/2009	12/17/2009	2	Special	27,368
11/3/2009	11/10/2009	7	UDEL	65,297
5/19/2009	6/9/2009	21	Special	227,443
11/4/2008	12/2/2008	28	Consolidated General	657,005
6/3/2008	6/20/2008	17	Consolidated Primary	179,887
		Avg	13	

- "...the percentage of uncounted ballots in Riverside County far exceeds the percentages in other counties, including counties with significantly larger voting populations."

Secretary of State data indicate that as of 11:30 a.m. on June 16, only 10 counties had completed ballot processing. Each had between five and 64 total precincts to count (compared to 1,091 in

Riverside). At that time, Riverside had an estimated 14,976 ballots to count, which was 6.2 percent of the total cast. Orange reported 143,744 (29.8 percent) left to count; Marin reported 32.8 percent; and Sonoma reported 29.2 percent uncounted, to name a few.

- “Riverside County was the last county in California to file its final election night report with the Secretary of State’s office.”

San Diego and Riverside were the last two counties to report, with San Diego reporting a few minutes before Riverside did at 6:41 a.m. June 9.

### **Write-in votes inadvertently, temporarily posted on Registrar’s website**

The Registrar’s office reported soon after the election that write-in votes cast in some contests on Election Day were inadvertently and temporarily included with results posted on the Registrar’s website on June 10–11. The inadvertent postings were mistakenly included in posts during tabulation updates. They were automatically deleted because subsequent website updates, correctly, did not include the write-in numbers.

State law permits the tally of write-in votes for qualified write-in candidates certified by the Secretary of State. Riverside County’s election system can report that a voter has chosen to write in a name for a particular contest but cannot “read” the voter’s handwriting to record the vote for a particular write-in candidate.

All write-in votes are reviewed by the Registrar’s staff during the 28-day canvass period that follows every election. If the name written in matches a qualified write-in candidate, the vote is manually tallied and recorded. If the name is not for a qualified write-in candidate, it will not be included in the final vote count.

The inadvertent postings had no effect on election results.

### **Recommendations:**

#### **Communication and cooperation with the U.S. Postal Service**

To improve communication and ensure vote-by-mail ballots are received on time in the future, the Registrar of Voters and the Postal Service must formalize a method for handling ballots on Election Day. Postal and county officials committed immediately to reaching a formal agreement at a meeting on June 24. A memorandum of understanding or similar agreement will be implemented in time for future elections defining each agency’s roles, responsibilities and procedures. Communication should begin at a specific interval sufficiently preceding each election to ensure coordination of, and full confidence in, operations on and before Election Day. Procedures should include policies for picking up VBM ballots just before the 8 p.m. Election Day cutoff at a single postal location agreed upon by the Registrar and the Postal Service. The Registrar is encouraged to conduct pre-election meetings with the Postal Service and provide written follow-up to ensure smooth ballot collection on Election Night and before.

## **Fiscal and Operational Issues**

It is understandable, even laudable, that a department head would strive to reduce costs in the midst of the county's continuing budget crisis. It also is understandable that the entire community expects election results as quickly as possible after the polls close, without sacrificing an accurate vote count. The following recommendations address fiscal and operational topics:

### **Take a Less Fiscally Conservative Approach During Ballot Counts**

The Registrar should use all available resources to ensure an accurate, timely ballot count. In future elections, the Registrar should ramp-up processing and counting operations as soon as possible for VBM ballots that arrive before Election Day. If that ramp-up requires a 24/7 operation, the Registrar should advise the Executive Office about the need and seek appropriate authorization. If accelerated operations outstrip the number of ballots waiting to be counted before Election Day, operations should be scaled back to match the need and then increased again as circumstances demand, on or before Election Day. Total estimated cost: \$200,000 in the June election. Costs will vary depending on the size of each election.

### **Purchase of Additional Election Equipment**

The estimated cost to purchase two Optech ballot scanners, one rapid extraction desk and one sorting machine is up to \$650,000, plus the cost of modifying or adding to Registrar facilities to accommodate the machines.

The county should acquire: at least two additional Optech scanners to increase the speed of ballot counting (the Registrar reports that this item is the highest priority among the equipment recommendations); an additional extraction desk allowing greater speed in opening VBM ballots before and after elections; a mail sorting unit, which would allow the Registrar to sort incoming mail ballots and more efficiently sort ballots dropped off at polls.

The Registrar also should arrange a demonstration trial using automatic signature-recognition software for vote by mail envelope signature verification during the upcoming special election in August.

While equipment and configuration questions are being answered, the Registrar should increase operational capacity for the November general election by supplementing staff as described in a previous recommendation. The Registrar will work with the Executive Office, and the Department of Facilities Management as needed, to address issues about configuration and continue to define the full benefits of all new equipment. The Executive Office will return with a report to the Board regarding recommendations for any equipment purchases.

The Registrar also reports that secure VBM drop-off sites can be located throughout the county at libraries and city halls for up to 29 days before Election Day. Those sites should be implemented to make it easier for voters to cast their ballots and to speed ballot collection and processing before Election Day.

## Public outreach and information

- Postal Service officials report that, because of bar-coded ballot envelopes and automated mail processes, VBM ballots mailed two days before an election have about a 99 percent likelihood of reaching the Registrar of Voters office in time to be counted. With Sunday being the second day before Election Day, and taking into consideration that other factors can delay mail delivery, the Registrar's office should suggest that voters return VBM ballots no later than Friday before an election. Beyond that cutoff, voters should be urged to drop off ballots at a polling place on Election Day or at an elections office. These recommendations should be included with information sent with VBM ballots and in other public education material the Registrar develops.
- An Election Night blog or other similar feature using simple text entries should be implemented to help keep the community up to date on the ballot count. This feature should be updated as often as possible and include messages urging people to vote while the polls are still open and offering information about ballots arriving from outlying areas, vote count updates, etc.
- A clear explanation describing the various types of ballots, the steps required to count them, and the order in which various ballots are counted would be valuable information for voters. As mentioned earlier, the count for VBM ballots that arrive early can begin before Election Day. But provisional and damaged ballots require special handling that postpones their tabulation until after most other ballots are tallied. Several California counties have web pages about the vote-counting process that could be adapted to meet Riverside County's needs.
- The Registrar also should consider adding detailed web page information regarding the number of various ballot types left to be counted. The registrar added an overall number of ballots left to be counted the day after the June 8 election and updated that number routinely. Information can be broken down by ballot category, with the number in each category still to be counted. This information would eliminate confusion about the number of remaining ballots.
- The Registrar's office should work to provide information directly to community groups on a regular basis.
- Though production sometimes can be expensive, videos have become a growing method for reaching residents and other constituents. The Registrar should consider developing videos that explain the elections process and illustrate the activities involved in an election.

## EXECUTIVE SUMMARY

### *Overview*

The Consolidated Primary Election was conducted on June 8, 2010. In Riverside County, the election consisted of:

612 polling places	56 ballot types	5 state propositions
478 mail ballot precincts	504 ballot styles	5 local measures
2,448 poll workers	152 contests	220 candidates

A total of 241,219 voters or 29.48% of registered voters in the County cast a valid ballot in the election. Of those voters, 92,364 cast a ballot at the polls and 148,855 mailed in a ballot.

The counting of 92,364 two-card ballots cast on Election Day concluded 10.5 hours after polls closed. An estimated 98,000 vote by mail ballots would be counted and added to the totals in the days after the election. The Registrar highlights resources, equipment, and space as areas that impact the speed of ballot counting. Additionally, the June Primary was impacted by budget reductions and vote by mail ballots. The cause of the initial delay of reporting Election Night results updates is attributed to the complexity of the primary ballot and the tally program's use of memory.

### *Budgetary Effects*

The Registrar of Voters reduced expenditures for the June 8<sup>th</sup> election by nearly \$250,000. Less temporary help was hired; overtime was minimized, and additional vehicles were not assigned to collection centers. The reductions impacted the pre- and post-election counting of vote by mail ballots and slowed down the arrival of ballots from polling places to the central counting site on Election Night.

### *Vote by Mail*

Consistent with the statewide trend, voting by mail has increased in the county from 26% in 2000 to over 60% in 2009.

For this election, ballots began arriving in voters' mailboxes a week later than scheduled due to a Secretary of State Spanish translation issue and receipt of the Senate District 37 certified candidate list. This resulted in voters having their ballots less time before Election Day which may have contributed to the surge of ballots returned right before the deadline.

The reduction of temporary help and overtime for the election, coupled by the added time to process a 2-card ballot, results in 51,707 ballots counted by 8 p.m. on Election Day. Approximately 68,000 remained to be counted and an

additional 30,000 ballots were dropped off at polls for an approximate total of 98,000 ballots that would be counted after Election Day. The number of ballots that remained to be counted during the canvass was available around 3 p.m. on June 9<sup>th</sup> after an Election Night data entry error was resolved.

A 24 hour operation was implemented with approved overtime and all vote by mail ballots were counted within 72 hours. With provisional ballots counted, the Registrar was poised to be the second largest county to certify the election on June 23<sup>rd</sup>. Only Orange County, an all electronic voting county, was certified at the time.

#### *Election Night Results*

The Registrar of Voters reduced results update intervals from the initial 2 hours on Election Night to 45 minutes by restarting the tally program effectively releasing memory held by the program from prior reports. The complexity of the primary ballot contributed to the voluminous memory used and held by the program. Based on the June 2008 primary and the outcome of pre-election tests, the Registrar expected lengthy intervals between updates, but not the magnitude initially experienced on Election Night.

Based on continuous counting of 2-card ballots by 6 optical scanners, the Registrar projected all polling place ballots would be counted by 7a.m. on June 9<sup>th</sup>. The final semi-official update was produced at 6:41 a.m. Riverside was the last county in the state to finish counting shortly behind San Diego. Increased speed can be achieved with additional scanners.

#### *Public Information and Outreach*

Since 2000, the results on the Registrar's webpage has incremented the number of precincts counted on Election Night with each update. The final semi-official count of the night displays 100% of precincts counted referring to 100% of polling place (precinct) ballots counted. Some voters expressed confusion upon seeing the 100% display when 98,000 vote by mail ballots remained to be counted. Future postings will clearly explain the 100% reflects only polling place precincts. The Registrar will also strengthen outreach to educate voters on the many aspects of the election process.

The following report provides greater detail on each of the above areas.

The Registrar of Voters' recommendations for increasing the speed of ballot counting and enhancing operational efficiencies are presented on pages 3–4 of this report.



## **Proposals**

The Registrar of Voters respectfully submits the below proposals to the County Executive Officer as means to increase the speed of ballot counting and enhance operational efficiencies.

### Equipment

- 1) Acquire 2 – 6 additional *Optech* scanners to increase the speed of ballot counting on Election Night;
- 2) Acquire an additional extraction desk to increase the rate of vote by mail ballot openings pre- and post-election;
- 3) Authorize a demonstration of Automatic Signature Recognition (ASR) software for vote by mail envelope signature verification;
- 4) Acquire a mail sorting unit to allow the ROV to assume sorting of incoming vote by mail ballots and more efficiently sort ballots dropped off at polls;

### Operational

- 1) Provide for the utilization of relay transport teams on Election Night to facilitate a faster delivery and steadier flow of voted ballots to the central counting site;
- 2) Implement vote by mail drop-off sites throughout the county at libraries and city halls for up to 29 days before Election Day;
- 3) Extension of the County employee poll worker program to activities Election Day and pre- and post-election to facilitate up to 24 hour operations;
- 4) Provide for public information and outreach activities by the ROV to apprise and educate the public on election processes;

### Facility

- 1) Reconfigure and expand the ballot counting room to accommodate additional *Optech* scanners;
- 2) Acquire additional warehouse space to accommodate storage requirements and better utilization of existing warehouse space for election activities; and
- 3) Reconfigure office space to conduct election activities with increased transparency.

Table 1 displays the ROV's proposals and the timeframe/processes enhanced by each by proposal.

Table 1: Processes Enhanced by ROV Proposals

#	Proposals	Pre-Election	Election Night	Post-Election	Desert Area
<b>Equipment Acquisition(s)</b>					
1	2-6 additional <i>Optech</i> scanners	X	X	X	X
2	Additional extraction desk	X		X	
3	Mail Sorting Unit	X		X	
4	Auto. Signature Recognition (demo)	X		X	
<b>Operational Enhancement(s)</b>					
1	Utilize relay transport teams		X		X
2	Vote by mail drop-off sites	X		X	X
3	County employee volunteer program	X	X	X	
4	Public Information and Outreach	X	X	X	X
<b>Facility</b>					
1	Reconfigure ballot counting room	X	X	X	X
2	Acquire additional warehouse space	X	X	X	
3	Reconfigure office for transparency	X	X	X	

## **Improving Ballot Counting Speed**

The Registrar of Voters counts ballots prior to and after Election Day. There are 3 areas that impact the speed of which the ballots can be counted – resources, equipment, and space.

### Resources

Paper ballots are extremely labor intensive to process and count. The intensity is increased when handling multiple card ballots. The Registrar typically hires around 100 temporary employees to assist with a primary election (71 were hired for June 2010). Temporary employees are assigned to sort returned vote by mail ballots; verify signatures, open, inspect, and stage ballots to be counted; and assist in the ballot counting room and inventory/store counted ballots. More temporaries permit election tasks to be performed concurrently; fewer temps result in a linear operation.

The Registrar of Voters permits only individuals that have passed a county background check to handle ballots. All temporary employees must receive training and require supervision.

Volunteers can help with some tasks such as opening and inspecting vote by mail ballots (volunteers from the County Executive Office, Public Defender, and Assessor-Clerk/Recorder assisted with these tasks in June 2010). Other tasks require in-depth training, as well as an understanding of the electoral process and applicable election laws, particularly before accessing the county's automated election management system. Investing in in-depth training makes sense when volunteers are going to donate a significant and ongoing amount of time during the election cycle. It is possible that a cadre of stand-by county employee volunteers could receive training in advance of an election and be called into service.

In November 2008, the Board of Supervisors extended the County's employee poll worker program to cover the 36 hours of Election Day ballot counting. Volunteers received training in advance of their assigned shifts.

With sufficient resources, either temporaries or volunteers, the Registrar can staff up to 24 hour shifts before the election to process and count all vote by mail ballots in-house as of Election Day.

### Equipment

#### *Optech Scanners*

Additional Optech scanners are required to increase the speed of Election Night counting. The current 6 scanners are not sufficient to keep pace with returned ballots—especially multiple card ballots. Voter registration has increased and

multiple card ballots are more common since the county purchased the scanners in 2007. Comparatively, San Bernardino County owns 12 scanners to count ballots.

Currently, on Election Night ballots build up because the scanners cannot keep pace with the incoming ballots. On June 8<sup>th</sup>, all collection center U-hauls arrived at the central counting site during a 2-hour window between 11 p.m. to 1 a.m. Ballot counting concluded at 6:00 a.m. Additional scanners will allow more ballots to be counted at the same time and the use of relay transport teams will facilitate a flow of ballots to start counting before the U-haul arrives.

#### *Vote by Mail Envelope Scanners*

The vote by mail envelope scanners approved by the Board of Supervisors will be used for the November 2010 General Election. The scanners will increase the efficiency and speed of signature verification. This signature verification process can be further automated with automatic signature recognition software (ASR). ASR compares the envelope signature with the voter's original affidavit signature based on a user defined confidence level. Signature comparisons below the confidence level are set aside for manual review.

The Registrar recommends demonstration of the technology prior to deployment in a countywide election.

#### *Mail Sorter*

A mail sorter would afford the Registrar greater control over incoming mail. In June 2010, approximately one-third of the mail received from the post office was not sorted to the precinct level requiring manual sorting by temporary employees. Additionally, vote by mail ballots dropped off at polls could be sorted and counted quicker. Issues such as the 12,563 late ballots that missed a 6 a.m. transfer to Riverside due to a sorting delay may be avoided.

#### Space

##### *Warehouse*

The Registrar of Voters has outgrown its existing space. The current location was not designed for paper ballots. Election law requires all election materials to be stored for 22 months for elections with federal contests and 6 months for all others. The Registrar's warehouse is at maximum capacity. Five containers are leased for extra onsite storage and additional offsite storage acquired in 2008 is full.

##### *Office*

Tasks must be completed concurrently to meet deadlines and must also be observable by the public. Pre- and post-election tasks are crowded into every available space including conference rooms, media rooms, and office areas that

are out of sight of the public and require an escort. When a sorting operation was set up in the ROV's print shop in February 2008, Save R Vote alleged that ballot marking/duplication was being performed out of public view. In November 2008, ROV conditions were so cramped that tables were set up in the department's lobby and utilized for several weeks for routine election tasks.

#### *Ballot Counting Room*

The ballot counting room cannot accommodate additional Optech scanners, if purchased. In November 2008, the Registrar borrowed 2 scanners and set them up in the Community Room for Election Night counting. The temporary set up required connections isolated to the ballot counting room to be extended to the Community Room to serve the scanners—a divergence from recommended security protocols. In the absence of duplicate monitors that allow the public to see what operators were viewing on the scanner monitors, the public was afforded sufficiently close access to the scanners limiting operational space. Additionally, the operation intruded on the minimal space remaining for the public to gather and view results. Two-thirds of the Community Room is utilized on Election Night for receiving and logging ballot cartons followed by inspection and staging of ballots before they go into the ballot counting room.

Reconfiguration of interior space would be required for permanent set up of additional Optech scanners.

#### *Additional Space*

Ideally, a warehouse adjacent to the Registrar's office would allow storage to be consolidated and free up the existing warehouse space for election activities.

## Reduced Expenditures

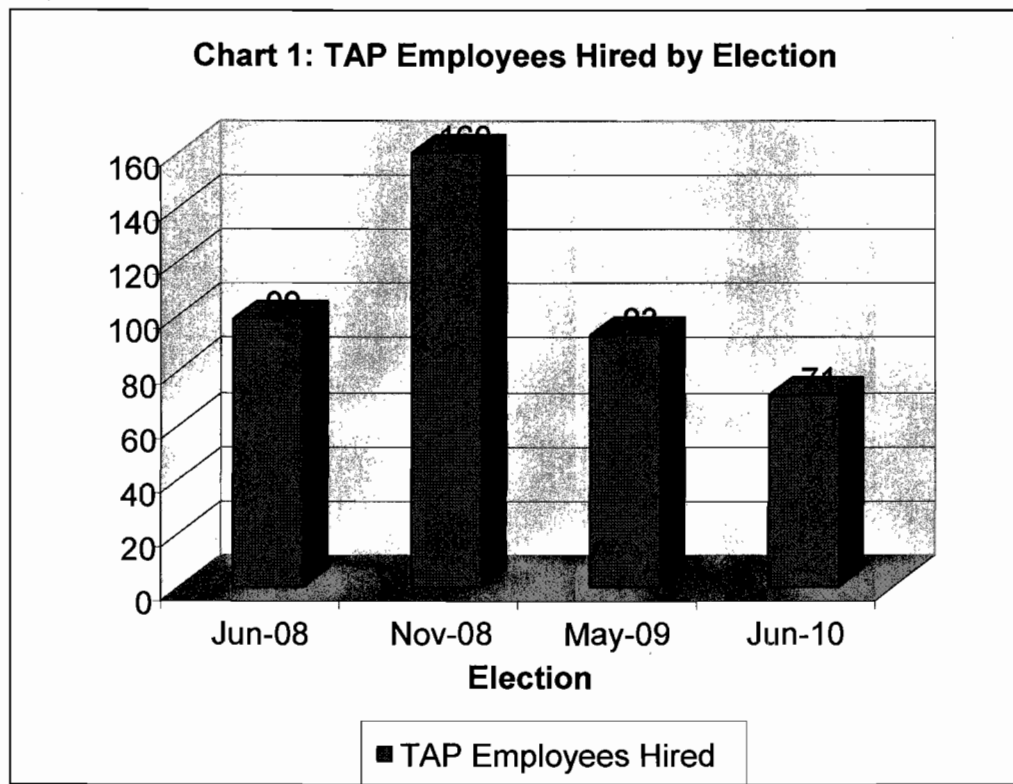
The Registrar of Voters (ROV) reduced expenditures for the June 8, 2010 Consolidated Primary Election to stay within the department's allocated budget. Fewer temporary employees were hired, overtime was kept to a minimum, and relay transport teams were eliminated. The reductions affected vote by mail ballot processing and extended the arrival time of ballots to the central counting site on Election Night.

### Temporary Employees

The ROV hired 71 employees through the County's temporary assistance program (TAP) to assist with the election at an estimated cost of \$450,000. Without budget reductions, 25 to 30 additional TAP employees would have been hired at an estimated cost of \$160,000 to \$175,000.

The 71 TAP employees were comprised of sorters, ballot openers, data entry operators, ballot runners, trainers, stock clerks, and office assistants. More TAP assistance in previous elections allowed election tasks to be performed concurrently; fewer TAP result in a more linear operation.

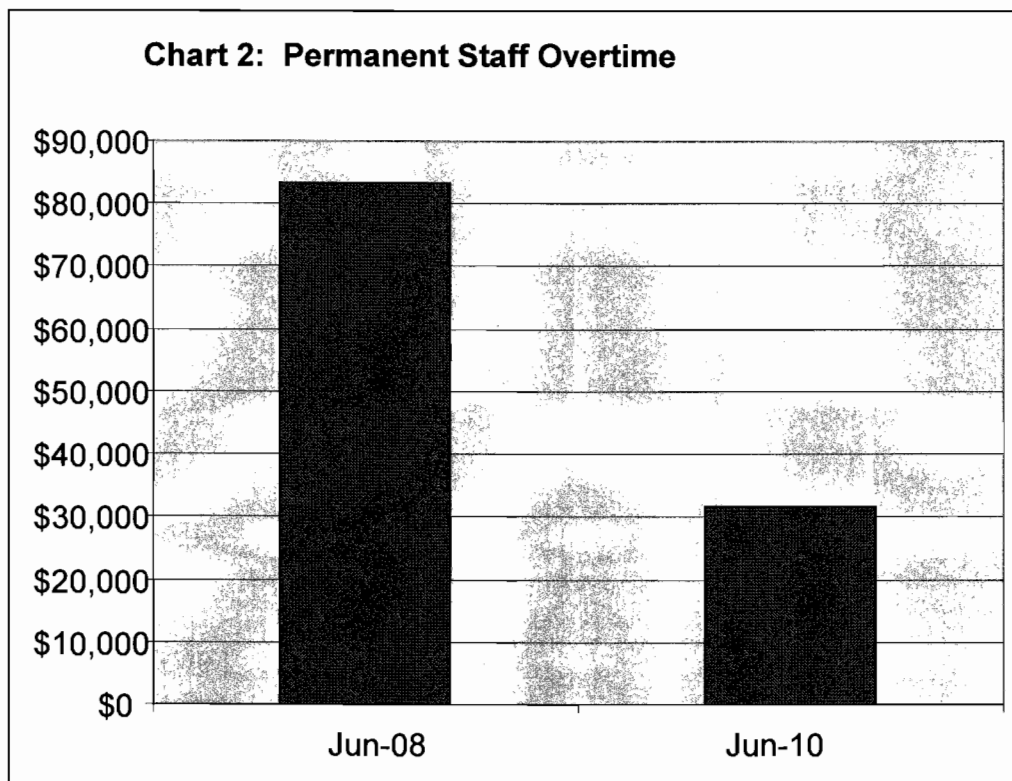
Compared to other recent countywide elections, up to 44% fewer TAP employees were hired for June 2010.



Overtime

Overtime for permanent ROV staff was kept to a minimum. Schedules were adjusted to maintain the 40 hour work week. This included adjusting start and end times and time off while ensuring staff subject to SEIU furlough hours were honored and adhered to for countywide budget savings.

Permanent staff overtime for June 2008 was \$91,595 compared to \$30,358 spend for June 2010.



Relay Transport Teams

The ROV did not position sedans with relay transport teams at collection centers for the Primary Election, with the exception of a transport team in Indio specifically for Blythe precincts, resulting in an estimated savings of \$15,000.

A 2-person relay transport team staffs a sedan at a collection center and drives ballots to the central counting site after a predetermined number of precincts are collected. A staffed U-haul truck transports the remainder of the ballots once all

precincts have reported to the collection center. Benefits of transport teams include steadier and earlier arrival of ballots at the central counting site. Depending on the type of election and anticipated voter turnout, 1 or 2 relay transport teams are typically assigned to collection sites. In November 2008, 2 transport teams were assigned to 8 collection centers (see Attachment A). The first team was instructed to depart upon receipt of 5 precincts, the second team would depart after receiving 10 additional precincts, and the U-haul followed with the remainder of precincts.

In prior elections, the Indio collection center has been delayed from transporting ballots awaiting the arrival of ballots from Blythe. A Sheriff's Deputy drives the ballots from Blythe to the Indio Collection Center. For the June Primary, a sedan was positioned in Indio to await Blythe ballots which would allow the U-haul to proceed to Riverside. The Blythe sedan arrived at the central counting site 45 minutes before the U-haul. In this situation, the sedan was instructed to transport as many of the ballots at Indio as possible.

Table 2: June 8, 2010 Collection Centers

<b>Collection Center</b>	<b>Area</b>	<b>Precincts</b>	<b>Est. Arrival</b>	<b>Arrival</b>
Glen Avon Library	Riverside	16	10:30pm	10:50pm
Riverside County Admin. Center - Riverside	Riverside	22	10:45pm	11:04pm
Riverside County DPSS - Rubidoux	Riverside	14	10:30pm	11:18pm
Registrar of Voters Office (starting @ 8:50pm)	Riverside	58	10:30pm	11:44pm
Board of Supervisors District 3	Sun City	26	10:15pm	11:45pm
Riverside County Waste Management	Mo. Valley	40	10:30pm	11:58pm
Mission Trail Library	Wildomar	28	11:00pm	12:00am
Desert Hot Springs Senior Center	DHS	9	10:45pm	12:06am
Riverside County Admin. Center - Blythe	Blythe	4	12:45am	12:07am
Grace Mellman Library	Temecula	47	11:30pm	12:07pm
Murrieta Public Library	Murrieta	34	11:15pm	12:13am
Riverside County DPSS - La Sierra	Riverside	39	10:30pm	12:22am
Riverside County DPSS - Banning	Banning	23	10:45pm	12:30am
Riverside County Admin. Center - Corona	Corona	45	11:30pm	12:33am
Riverside County DPSS - Norco	Norco	31	11:00pm	12:34am
Perris City Hall	Perris	26	10:30pm	12:40am
Palm Springs Family Care Center	Palm Spgs	27	11:15pm	12:51am
Riverside County Admin. Center - Indio	Indio	38	12:45am	12:52am
Riverside County DPSS - Hemet	Hemet	51	11:45pm	12:55am
Palm Desert Library	Palm Dst	34	11:30pm	12:56pm



## Election Night Results

### Delay in Reporting

The Registrar of Voters anticipated a delay in producing results updates on Election Night based on previous experience in primary elections and pre-Election Day tests wherein the tally server required nearly an hour to import the vote data from the Optech scanners. It was posted on the ROV's website, and the Board of Supervisors was apprized prior to Election Day, that Election Night results would be updated every 2 hours due to the complexity of the Primary Election data.

On Election Night, the import duration increased to over 2 hours by the third update. Prior to the fourth update, a restart of the tally program released memory held from prior imports resulting in reduced import time. This restart process was replicated on successive imports reducing the import time to an average of 44 minutes. See Table 3. While import times were lengthy during testing, the magnitude of the Election Night import duration was not observed likely because tests were conducted on consecutive days and the program was shut down after each test session.

Table 3: Vote Data Import Times for June 8, 2010 Election

Summary Report #	Start of Import	End of Import	Import Duration	Results Summary Produced	# of Precincts Reporting	# of Precincts Added	Total Polling Place Ballots Reported
1	7:06 PM	8:15 PM	69 Mins	8:20 PM	479		6,981
2	9:25 PM	11:07 PM	102 Mins	11:16 PM	482	3	7,393
3	11:45 PM	1:52 AM	127 Mins	1:58 AM	584	102	21,405
4	2:42 AM	3:26 AM	48 Mins	3:33 AM	886	302	61,031
5	4:06 AM	4:47 AM	41 Mins	4:54 AM	986	100	77,439
6	5:53 AM	6:35 AM	42 Mins	6:41 AM	1091	105	90,413

Upon completion of importing and tallying vote data, a notification box appears on the computer screen requiring a response from the user to proceed with other functions such as generating reports. A delayed response appears to inhibit additional functions unless the program is restarted. Such a delay occurred after the third import on Election Night and the program was restarted. Subsequently, the duration of time to complete the import and tally of the fourth import was reduced by 60%. The *restart* was performed prior to subsequent imports resulting in average an import duration time of 44 minutes.

The working theory behind the restart process is that when the tally program is launched, like any other program it resides in the working system memory.

When the program performs a function, it utilizes memory to complete the function. Once the function is complete, most programs release the memory and await further commands. The tally program does not release memory upon completion of functions; instead it continues to draw on available memory for additional functions consuming large amounts of memory and slowing the import process.

Primary Election Complexity

The complexity of a primary election contributed to the massive memory used by the tally program. In the June 8<sup>th</sup> Primary, there were a total of 152 contests, 220 candidates, 5 state propositions, 5 local measures and 9 parties. This resulted in 56 ballot types and 504 ballot styles as candidate ballot positions are rotated to prevent any one candidate from having the advantage of being listed first on all ballot types. The tally program must organize vote data into over 3 million fields for precinct and summary tables. In comparison, the November 2008 General Election required organization into less than 1 million fields and imports were accomplished in about 15 minutes.

The two Primary elections of 2008 had fewer contests and candidates, yet import duration times were lengthy based on the intervals of the results updates.

Table 4: Ballot Characteristics by Primary Election

Ballot Character	February 2008	June 2008	June 2010
Contests	19	47	152
Candidates	62	105	220
Parties	9	7	9
Ballot Types	18	70	56
Ballot Styles	162	490	504
Ballot Cards	1	1	2

Table 5: Election Night Results Updates for 2008 Primary Elections

February 2008 Presidential Primary				June 2008 Statewide Direct Primary			
Results Updated	Time Lapse	Added		Results Updated	Time Lapse	Added	
		Ballots	Precincts			Ballots	Precincts
8:08 p.m.		109,724	474*	8:01 p.m.		84,642	478*
11:18 p.m.	3 hr. 10 min.	9,617	40	9:16 p.m.	1 hr. 15 min.	696	18
12:17 a.m.	59 min.	20,194	92	10:08 p.m.	52 min.	2,817	37
1:58 a.m.	1 hr. 41 min.	26,823	118	11:00 p.m.	52 min.	8,651	137
4:13 a.m.	2 hr. 15 min.	23,737	81	12:38 p.m.	1 hr. 38 min.	17,684	229
6:44 a.m.	2 hr. 31 min.	31,518	118	1:09 a.m.	30 min.	16,450	201
8:59 a.m.	2 hr. 15 min.	38,106	135	1:55 a.m.	46 min.	23,200	97
10:34 a.m.	1 hr. 35 min.	32,330	136				
TOTAL		182,325	720	TOTAL		69,498	719

\*Mail ballot precincts/no polling place

## **Vote by Mail (VBM)**

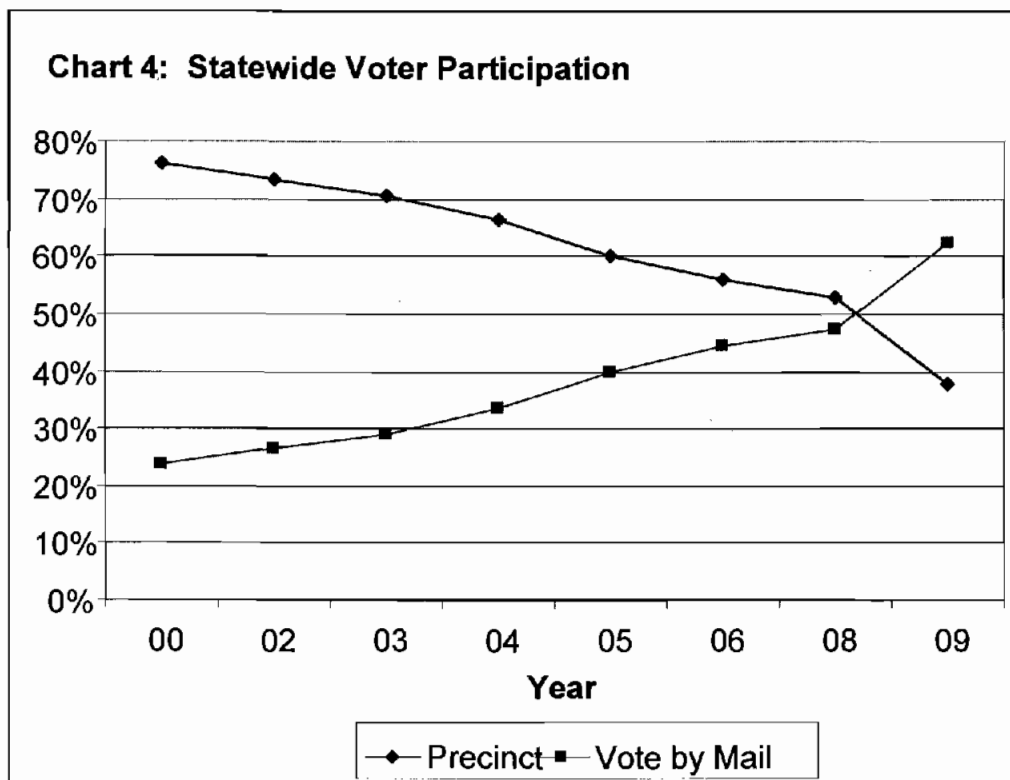
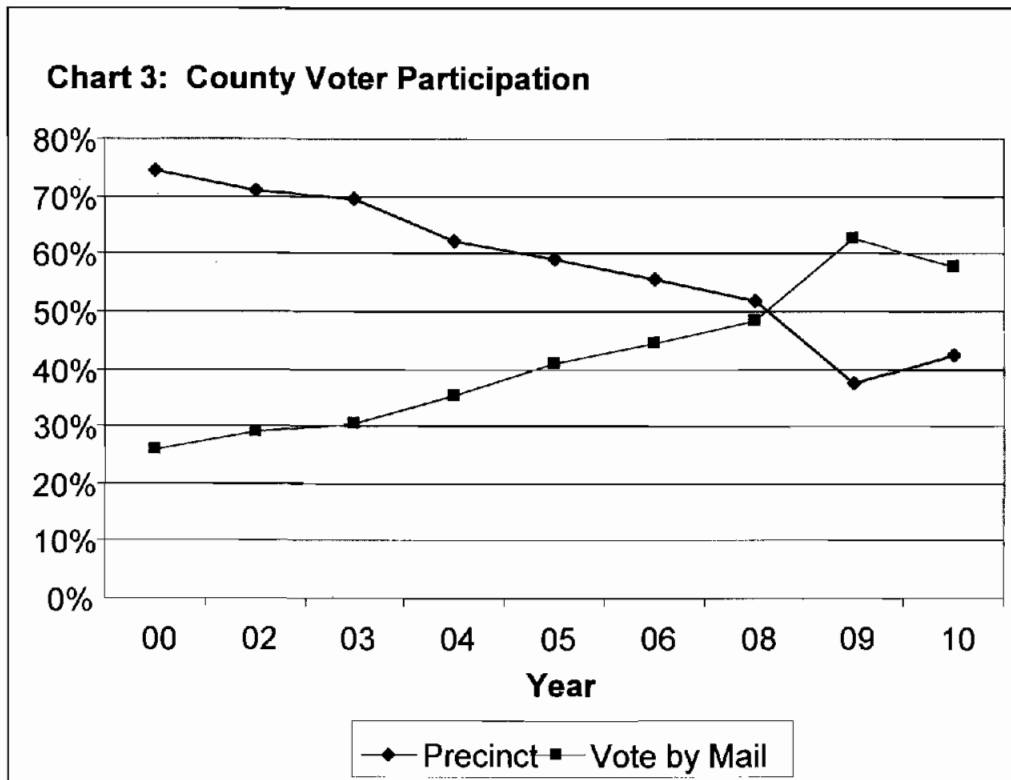
### Background

Up until the late 1970's, casting a ballot by mail was limited to voters with physical disabilities or those who could show they would be out of state on Election Day. The law changed in 1978 permitting any voter to cast a ballot by mail. Another change was made in 2002 providing voters the option to be permanently listed on the voter rolls to receive and vote a ballot by mail every election. These voters are known as "permanent vote by mail" voters. According to a 2005 *Field Poll*, voting by mail has become more appealing to state voters for a variety of reasons, including:

- California ballots growing length and complexity. Voting by mail allows voters more time to make decisions on often contentious ballot propositions.
- Voters avoid precinct-related inconveniences such as bad weather, long lines, and going to unfamiliar precinct locations.
- The "voting window" is extended from 13 hours on Election Day to up to 29 days.
- Political parties encourage voting by mail as a way for the voter to get their vote "in the bank" prior to Election Day.

Since the 2008 decertification of touch screen voting by the Secretary of State, the Registrar of Voters has highlighted the option of voting by mail for voters; especially for voters who had been used to casting ballots early at regional malls.

Over the last two years, voter participation by mail has exceeded that of voters going to the polls on Election Day (see Chart 1). County voter participation mirrors the increasing statewide trend of voting by mail (see Chart 2). VBM ballots can be counted up to 7 business days prior to Election Day reducing the number of ballots to be counted Election Night.



### Printing and Mailing Ballots

The County's ballot printer is K&H Integrated Print Solutions in Everett, Washington. In accordance with State law, VBMs can be mailed 29 days before Election Day. The ballot production schedule is built around the earliest possible date ballots can be mailed (i.e., May 10<sup>th</sup>, 2010). In order to meet that date, K&H required all ballot faces and plates be submitted to them by April 9<sup>th</sup>. VBMs are mailed from Everett and begin arriving in voters' mailboxes within 3 to 4 days of mailing.

The VBMs for the June 8<sup>th</sup> Primary were mailed May 13<sup>th</sup> - 17<sup>th</sup>, between 26 to 22 days before Election Day. This resulted in voters having their ballots in hand for a shorter time period before the submission deadline and may have contributed to the increased number of ballots returned immediately prior to Election Day.

Two factors contributed to the delay in mailing of VBM ballots: 1) the Secretary of State's Spanish translations of ballot designations; and 2) the Secretary of State's certified list of candidates for Senate District 37 Special General Election.

### *Spanish Translations*

Spanish translation of State candidate ballot designations is provided by the Secretary of State. The Secretary emailed election officials the Spanish translations of ballot designations on April 6, 2010 4:45 p.m., only to rescind the translations on April 7, 2010 at 10:09 a.m. On Friday, April 9, 2010 5:01 p.m., a new set of translations was emailed and again subsequently rescinded. On Tuesday, April 13, 2010 at 4:12 p.m. an accurate, error-free translation of ballot designations was received by the Registrar of Voters – four days after the printer's required deadline. The Secretary called it the "translations nightmare" and explained that the General Services Agency had required her office use an unknown low-bid contractor for the translations. Ultimately, she was able to issue an emergency contract and have the translation performed by their prior *proven* vendor.

### *Senate District 37 Certified Candidate's List*

The Special Primary Election to fill the vacant Senate District 37 seat was held in Riverside County on April 13, 2010. The Registrar of Voters certified the election on April 15<sup>th</sup>. The Secretary of State issued the Senate District 37 Certified Candidate's List on April 22. All ballot faces were submitted to the printer by April 23<sup>rd</sup>. Revisions resulted in final approved plates on April 29<sup>th</sup>.

### **Post-Election Unprocessed Ballots**

Poll workers are required to fill out a Ballot Statement at the close of polls and include a copy in the voted ballot carton. The Ballot Statement includes separate entries for "The number of Voted Provisional Ballots" and "The number of Dropped Off Vote-by-Mail Ballots," among other required entries (See

Attachment B.) On Election Night, data entry operators enter the data from the Ballot Statement into a database. Summary information from the database is used to estimate the number of uncounted ballots returned from the polls so those numbers can be provided to the public as early as possible.

Initially on June 9, 2010, the summary information from the database overstated vote by mail ballots dropped off at the polls by over 38,000. A data entry operator had inadvertently entered the precinct number (i.e., 38011) instead of the number of VBMs dropped off. The precinct was pulled and researched and the correct number entered. It was determined a full review of the Ballot Statement data should be undertaken before releasing unprocessed ballot numbers. The estimate of unprocessed ballots was released around 3:00 p.m. on June 9, 2010.

The estimate of unprocessed ballots is a very sensitive number. The release of grossly overstated or understated unprocessed ballot numbers can affect voter confidence. If estimates are subsequently revised, suspicions arise that ballots are being added or valid voted ballots are being discarded to affect the outcome of the election.

### **Late Vote by Mail Ballots**

#### Postal Sorting of Returned Ballots by Precinct

The ROV has a long standing arrangement with the U.S.P.S. regional distribution facility on Redlands Avenue in Redlands to sort the County's returned vote by mail ballots into precinct order. The post office charges the ROV 10 cents to sort each piece of mail. Sorting of ballots by the post office facilitates compliance with State law (EC 15321) that requires vote by mail ballots to be counted in precinct order. However, leading up to June 8<sup>th</sup>, approximately one-third of ballots from the post office were not in precinct order and required manual sorting by ROV staff.

#### 12,563 Late Ballots

The ROV uses the postal service's "caller service pickup." Pursuant to this arrangement, the ROV picks up its daily mail from the post office on Chicago Avenue. Thirty days prior to an election, the mail is picked up twice a day (9:30 a.m. and 1:30 p.m.) On Election Day, the latter trip is delayed until around 3:30 p.m. to allow adequate time for all mail to be sorted for pick up. The only other postal facility the ROV picks up mail from is the Redlands facility on Election Night.

State law (EC 3020) requires VBMs to be in the custody of the elections official no later than the close of polls on Election Day. Each and every election, ROV staff makes arrangement with, and travels to, the Redlands facility immediately

prior to 8 p.m. to pick up VBMs that are in the mail stream. This effort is not required by law, but is practiced by most county election officials.

Upon arrival of ROV staff at the Redlands facility on June 8, 2010 at approximately 7:55 p.m., five mail trays containing an estimated 1,000 ballots were given to staff. San Bernardino County Registrar's staff was also present at the postal facility and picked up a like number of ballots.

On June 9<sup>th</sup>, ROV staff made a routine mail run at 9:30 a.m. to Chicago Avenue to pick up mail. Two full postal cages (6' x 3' x 3') of mail were presented to staff. Postal workers informed staff that the cages had arrived around 3 a.m. that morning. The original estimate of ballots was 10,000 per cage (40 mail trays per cage x 250 ballots per tray). A piece count report by the Regional District Manager shows 12,563 ballots, collectively, in both cages.

A meeting with postal officials revealed the ballots had been sorted by around 8:30 a.m. on June 8<sup>th</sup> at the Moreno Valley postal facility on Cactus Avenue too late for the daily 6 a.m. transport to Chicago Avenue. The postal service district manager stated during a post-election meeting that an unidentified change of process by the postal service had delayed the transport of the ballots to Chicago Avenue until June 9, 2010.

During the meeting with postal officials, it was explained that the Redlands facility processes and postmarks all outgoing mail with zip codes beginning with 922 through 925 (the ROV zip code is 92507). Mail is forwarded to the Moreno Valley facility for sorting before it is transported to (Chicago Avenue) Riverside for pick up.

The Moreno Valley postal facility opened in October 2008. In a meeting prior to the opening, the ROV was told election mail would not be sorted at the facility. Postal officials have recently clarified that the facility was phased-in and November 2008 election mail was not sorted at the facility. Full operation of the Moreno Valley facility and sorting of election mail occurred around January 2009. According to postal officials, Moreno Valley operations are conducted almost exclusively between 8 p.m. and 8 a.m. Accordingly, trucks begin arriving around 10 p.m. each night and employees work through the night to get the mail ready to leave the facility by 6 a.m. the next morning.

Since January 2009, the ROV has conducted 8 elections and on no account have ballots (or any other type of mail) been picked up at the Moreno Valley facility.

An in-house mail sorting machine would provide the ROV more control over sorting ballots and increase efficiencies.

Table 6: Late Ballots by Election since January 2009

Date	Election Type	Late Ballots
June 8, 2010	Consolidated Statewide Primary	15,094
April 13, 2010	Consolidated Senate District 37 Special	3,753
Feb. 23, 2010	Lake Elsinore Recall	27
Dec. 15, 2009	Valley Health System	2,887
Nov. 3, 2009	Consolidated UDEL	539
Aug. 25, 2009	UDEL Mail Ballot	461
June 2, 2009	Riverside Wards 2, 4, and 6	97
May 19, 2009	Statewide Special	1,224

### **Vote by Mail Ballot Processing**

#### Sorting

VBM ballots that arrive unsorted must be manually sorted into precincts. This includes the approximately one-third of ballots that arrived from the post office unsorted, ballots voted early at the Registrar of Voters office, and the nearly 30,000 VBM ballots dropped off at polls on Election Day.

#### Signature Verification

State law (EC 3019) requires the signature on every vote by mail ballot to be compared with the voter's signature on their original affidavit of registration. Signature comparison may begin up to 29 days prior to Election Day. A barcode printed on each VBM envelope is scanned by a data entry operator (DEO) to present the voter's affidavit signature. The DEO then visually compares the signature on the envelope with the affidavit signature appearing on a computer screen.

The Board of Supervisors approved the purchase of VBM envelope scanners that will partially automate the VBM signature comparison process. The scanners will capture the signature on the envelope and present it to the DEO on a computer screen next to the voter's affidavit signature. The DEO will continue to visually compare the signatures, but will no longer handle the ballot envelopes increasing efficiency.

#### Opening, Extracting, and Inspecting Ballots

Opening the VBM ballot envelope, extracting, and inspecting the ballot must occur before the ballot can be counted. These processes can begin 7 business days prior to Election Day (usually equating to 11 calendar days). The efficiency of these processes was affected by the presence of a 2 card ballot comprised of an "A" and "B" card.



Opening and extracting the ballot from its envelope began on Thursday, May 27<sup>th</sup>. Two semi-automated extraction desks are utilized. Operators were required to perform the time-consuming task of verifying that each envelope contained only one "A" and/or "B" card.

Inspection of the ballots began Tuesday, June 1<sup>st</sup>, and outpaced the opening and extraction process. Electric envelope slicers were retrieved from storage and put into service requiring about half of the ballots to be extracted by the inspectors before they reviewed the front and back of both ballot cards for damage or mismarking.

An additional extraction desk would improve efficiencies related to ballot opening.

#### Counting VBM Ballots

Scanning (and counting) of VBM ballots began on Thursday, June 3<sup>rd</sup>. The Optech ballot scanners can scan up to 400 ballots a minute. However, the operator must stop and program the precinct number of each batch before proceeding; and, fill out a ballot processing log upon completion of the precinct. The more ballots scanned in a precinct batch at one time, the greater the efficiency. Processing was slowed as operators manually reviewed write-in selections to tally votes cast for any qualified write-in candidate. While the scanner can report that a voter has chosen to write in a name for a particular contest, it cannot "read" the voter's handwriting to record the vote for the write-in candidate.

VBM ballot scanning continued until 7 p.m. on Election Night. A total of 103,414 ballot cards or 51,707 mailed in ballots were counted prior to the close of polls. An estimated 68,000 VBM ballots arrived in the mail in the days immediately preceding and on Election Day and were not counted prior to the close of polls. The uncounted ballots required signature verification and/or opening and inspection. An additional 27,495 VBM ballots were dropped off at the polls.

Table 7 presents the number of ballots counted before polls closed and the number of ballots counted after Election Day in the most recent countywide elections. The number of ballot cards counted before Election Day for June 2010 (103,414) is 22% more than the ballot cards counted before Election Day in June 2008 (84,642).

Table 7: Ballots Counted Prior to Election Day in Countywide Elections

Countywide Election Date	Total VBMs Returned	Post Election Update	Ballots Added	Cumulative Ballots Counted
<b>June 8, 2010</b> (51,707 counted before polls closed)				
2-card ballot	148,327*	06/10/10 5:02 p.m.	18,284	18,284
		06/11/10 4:58 a.m.	15,989	34,273
		11:55 a.m.	6,956	41,229
		5:31 p.m.	5,809	47,038
		06/12/10 5:57 a.m.	11,925	58,963
		11:30 a.m.	5,307	64,270
		5:35 p.m.	9,326	73,596
		11:56 p.m.	11,543	85,139
		06/13/10 2:44 a.m.	5,662	90,801
		06/15/10 8:28 p.m.	4,859	95,660
		6/23/10 5:50 p.m.	6,071	101,731
	<i>Final Update</i>	07/02/10 1:25 p.m.	11	101,742
<b>May 19, 2009</b> (122,791 counted before polls closed)				
1-card ballot	157,264			
<i>Single Update/Certification</i>		06/09/09	39,089	39,089
<b>November 4, 2008</b> (104,309 VBM & 24,872 electronic ballots counted before polls closed)				
2-card ballot	307,015	11/07/08	23,224	23,224
		11/10/08	53,939	77,163
		11/12/08	21,685	98,848
		11/14/08	41,196	140,044
		11/21/08	7,953	147,997
		11/26/08	1,178	149,175
	<i>Final Update/Certification</i>	12/02/08	32	149,207
<b>June 3, 2008</b> (84,642 counted before polls closed)				
1-card ballot	122,019	06/07/08	23,520	23,520
		06/09/08	6,652	30,172
		06/10/08	2,031	32,203
		06/13/08	6,991	39,194
	<i>Final Update/Certification</i>	06/20/08	2,823	42,017

\*Includes ballots from mail only precincts

## **Desert Communities' Results**

### Election Night

Desert communities located in the eastern portion of the County are the furthest distance from the central counting site in Riverside. In prior elections, two approaches have affected a more timely count of ballots from the desert on Election Night. Budget constraints and state laws impacted the application of the approaches in June 2010. The approaches are remote counting of ballots in the desert and the use of relay transport teams.

### *Remote Counting of Electronic Ballots*

Until 2005, the County used 8 remote transmission sites in countywide elections to count ballots and transmit vote data to the central counting site in Riverside. In 2005, the tally server was isolated after a security review eliminating all connections to receive transmission from remote sites. In 2006, vote data was encrypted and transmitted over CORNET from the desert to the central counting site. This required disconnection of the County's intranet from the internet, with the exception of emergency services, during the transmission period.

### *Remote Counting of Paper Ballots*

State law was also changed in 2008 prohibiting transmission of election data through an exterior communication network, including the public telephone system, from a counting center. The prohibition followed the Secretary of State's decertification and limited use of electronic voting units in August 2007. Paper ballots have become the primary mode of voting in the county.

A current remote counting site would require at least two 400C Optech ballot scanners to count paper ballots. The Optech scanners are not portable; therefore, a permanent location would be required. A suitable facility would have to meet security, storage, and transparency requirements that mirror the central counting site. It is estimated that all 100 plus desert precincts could be counted by 1 a.m. in a countywide election.

A major challenge with more than one counting site is combining the results from the sites. The Secretary of State Voting Systems Technology and Policy (VSTP) division has suggested the results be backed up onto disks and driven to Riverside at specified intervals and merged with the central count results. This approach would have minimal effect on posting results for desert communities faster. Similar efficiencies could be gained using relay transport teams (see below) and/or two additional 400C Optech scanners at the central counting site.

The VSTP division cautioned about the potential for human error if results are faxed or phoned in for manual data entry. Additionally, because the remote site tallies would not be uploaded electronically, the "Precincts Counted" would not

increment the number of precincts manually added leading to voter, observer, and media confusion.

ROV staff has proposed and discussed a solution with the VSTP division that would merge results from two counting sites, but not the vote data. The data from the remote site would be added later. This solution has not been used elsewhere before and due to its complexities will require extensive testing. The VSTP has indicated an interest in participating and overseeing such a process.

The estimated cost for equipment only is \$275,000 for new equipment and \$170,000 for refurbished equipment. Staffing is estimated at \$15,000 per election. The cost of a facility is not included in the above estimates.

#### *Relay Transport Teams*

A relay transport team is a sedan staffed by two employees at a collection center. Upon receipt of a predetermined number of voted ballot cartons turned in from precincts, the sedan will transport the ballots to the central counting site. Collection centers in the desert are usually assigned one or two transport teams. Typically the first sedan leaves after 5 precincts turn in ballots and the second leaves after an additional 10 precincts are collected. A staffed U-haul truck transports the remainder of the ballots after all precincts have reported to the collection center. Budgetary constraints eliminated transport teams for the June 8<sup>th</sup> election.

The only relay transport team assigned for June 8<sup>th</sup> was in Indio to wait for Blythe ballots. In prior elections, the Indio collection center has been delayed while awaiting the arrival of ballots from Blythe. A Sheriff's Deputy drives the ballots from Blythe to the Indio Collection Center. For the June 8<sup>th</sup>, a sedan was positioned in Indio to await Blythe ballots which would allow the U-haul to proceed to Riverside. The Blythe sedan arrived at the central counting site 45 minutes before the U-haul. In this situation, the sedan was instructed to transport as many of the ballots at Indio as possible.

Table 2 (page 10) lists the 19 collection sites for the Primary Election and the estimated and actual arrival time of each U-haul at the central counting site. It is estimated that the election night count may have been completed 2 hours earlier if relay transport teams were utilized for the desert collection centers.

### Voting Early

Early voting and vote by mail drop off sites have led to a greater number of ballots counted before Election Day from desert communities

#### *Early Voting Sites.*

Ballots cast at early voting sites are counted prior to Election Day.

#### *Westfield Palm Desert Mall*

Early voting was offered for 10 days prior to each election at Westfield Palm Desert Mall until 2008 when the Secretary of State decertified and limited the use of electronic voting units. The ROV offered early voting at malls again prior to the November 2008 Presidential Election. While tremendously successful, 4,220 ballots cast at Westfield, the Secretary's conditions to manually verify every electronic ballot cast proved too onerous. The verification extended 60 days past the certification of the election.

#### *Palm Desert Visitors Center*

In an effort to provide desert voters convenient access to early voting during the June 3<sup>rd</sup> 2008 Direct Statewide Primary, an early voting site was established for 4 days (May 28 - 31) at the Palm Desert Visitors Center on Highway 111. The only other early voting site for the election was the ROV's office in Riverside. Seventy four (74) voters cast a ballot early at the Center.

### Vote by Mail Drop Off Sites

The ROV offered convenient vote by mail drop off sites throughout the county at libraries and city halls from October 6 – 31 for the November 2008 Presidential Election. Vote by mail ballots collected from drop off sites in the desert accounted for 40% (2,655 out of 6,596) of all vote by mail ballots returned through the drop off sites (see Attachment C). Drop off sites require a team of two employees to travel to each site on a regular basis to collect ballots. The ballots are processed and counted prior to Election Day.

Relay transport teams and vote by mail drop off sites have previously proven effective in providing progressive Election Night updates for desert communities.

## **Precinct Posting of Electronic Ballot Results**

This issue is covered in response to public comments presented to the Board of Supervisors on June 15, 2010.

### Conditions for Voting System Use

On December 31, 2009, the Secretary of State revised Conditions 1 and 23 for Sequoia Voting System Use with respect to voter privacy and a voter's right to cast a secret ballot when using an electronic voting unit. The revisions are presented below.

#### *Condition 1 – Revised*

In order to provide accessible balloting to voters with disabilities in compliance with the Help America Vote Act of 2002 (HAVA), jurisdictions may use no more than one Edge Model I or II per precinct on Election Day. Jurisdictions may have one unit available at each precinct for fail-over redundancy purposes and/or one unit for the purpose of creating voter access cards. Elections officials shall ensure that each voter's right to cast a secret ballot, as provided by Article II, Section 7 of the California Constitution, is protected. ~~To protect voter privacy, in instances in which at least one voter has cast their ballot on the device, jurisdictions are required to ensure that at least five persons voluntarily cast their ballot on the device over the course of Election Day. This requirement can be satisfied by offering the option of using the Edge unit to each voter following the first voter who casts a ballot on the device until at least five persons have cast their ballots on the device. After at least five persons have cast their ballots on the device, jurisdictions are not required to offer all subsequent voters the option to vote on the Edge unit.~~

#### *Condition 23 – Revised*

Condition 23 struck the following from a list of training requirements.

Training of poll workers must include the following:

- ~~How to ensure, when required, that a minimum of five voters vote on each DRE in a polling place.~~

The revisions vest the responsibility of ensuring *Voting shall be secret* (Article II, Section 7 of the California Constitution) with the elections official.

### Precinct Posting

Elections Code 19384 requires the results of votes tallied at a precinct to be posted outside the polling place before the precinct board adjourns (Chap. 920, Statutes of 1994). Votes cast on an electronic voting unit are tallied by the unit during the shut down process; and, therefore are required to be posted.

Due to the number of partisan ballots available in a primary election, extra measures must be taken to ensure the secrecy of votes cast. The more qualified ballots cast on a voting unit, the more likely the ballot will remain secret after posting at the precinct. The following ballots were available to qualified voters for the June 8<sup>th</sup> Primary:

Republican	Republican – Non Partisan
Democrat	Democrat – Non Partisan
Green	Non-Partisan
Libertarian	
American Independent	
Peace and Freedom	

The Sequoia touch screen voting unit (i.e., Edge II) tallies and displays *Qualified* votes for each contest (votes from provisional ballots are not included) by party. A team of poll workers copy the votes displayed on the screen to a precinct posting form (see Attachment D) and post it outside the polling place. The more votes cast, the greater the likelihood that a voter's selections will remain secret.

While five ballots may have been considered sufficient to ensure a secret ballot during a general election, the same is not sufficient for a primary election. Therefore, the ROV multiplied the number of available political party ballots (N=6) by the Secretary of State's pre-revision *secrecy* standard of 5 and directed poll workers to post vote results only if 30 or more *Qualified* voters cast a ballot on the touch screen; if fewer than 30 *Qualified* voters used the touch screen the poll worker was to indicate such on the precinct posting without copying down the vote results and post the form outside the polling place.

The precinct posting requirement is outdated and left over from the days of lever voting machines. Electronic and paper ballot election results are not reported separately rendering the precinct posting requirement of negligible value to the public and election observers.