



PLACER COUNTY GRAND JURY

County Election Process

Voting and Vote Tabulation

County Elections Process

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Summary

The Grand Jury reviewed County election operations and observed the November 2016 General Election process and procedures. The review included observation of vote counting and validation, security and transporting of ballots, and polling place operations.

The Grand Jury determined that the election process complied with the security procedures required by the State in the use of voting equipment, handling, processing, transporting, validating and counting of ballots.

Elections staff and volunteers made significant efforts to assist voters in resolving issues related to voting. Examples included incorrectly completed or damaged ballots, polling place and registration information, and United States Postal Service (USPS) delivery delays of Vote-by-Mail (VBM) ballots and voter materials.

Elections staff should continue to work with the USPS to improve the timely delivery of official election related mail to voters as well as the more rapid delivery and return of completed VBM ballots to the Elections Office.

The Grand Jury has found that the Placer County Registrar of Voters and the employees in the Elections Office are doing a good job and commends their efforts. Throughout the year, the Elections Office seeks ways to continue to assist voters, increase voter registration and provide voter and candidate education.

Background

The Grand Jury investigated the County Elections Office and its collection and tabulation of mail-in and Election Day ballots. It is standard procedure for the County's Clerk-Recorder-Registrar of Voters to invite the public to observe all elections.

The County Clerk-Recorder/Elections Office has multiple responsibilities in addition to the elections function. Their direct services to the public facilitate business and personal transactions. They include

- recording of property transactions;
- issuing birth and death certificates;
- issuing marriage licenses;

- performing civil weddings;
- issuing passport applications;
- filing Fictitious Business Name Statements.
- maintaining permanent records and providing copies as necessary and appropriate

Election related services include

- registering voters;
- providing information to encourage voter and candidate participation;
- conducting timely, legally compliant, and accurate elections for national, state, county, city, schools, and Special Districts in Placer County.

The total population of Placer County is estimated at approximately 370,000. In February 2015 the California Secretary of State estimated that there were 260,737 citizens eligible to vote in Placer County.

In the June 2016 Primary Election, Placer County had 210,913 registered voters. By the final registration date, this number had grown to 226,454 citizens registered to vote in the November General Election. Political party registrants included

- Republican Party, 100,970;
- Democrat Party, 64,810;
- No Party Preference, 49,817;
- American Independent Party, 6,130;
- Libertarian Party, 3,322;
- Green and Peace and Freedom Parties (combined), 1,385.

Final official vote counts indicated that 190,550 ballots were cast in the 2016 General Election. Included in this total were 132,165 VBM ballots. Ultimately Placer County had an 84.15% turnout throughout its 232 poll precincts and 131 VBM only precincts.

Total costs for the 2016 election cycle, including the Primary and General Elections, were

- election Budgeted Costs, \$1,650,530;
- election Budgeted Revenue, \$676,000;
- actual Election Costs, \$1,572,712.

As of 2002 all California voters have the option to become permanent VBM voters. Everyone signing up as a permanent VBM voter will thereafter automatically receive their official ballot in the mail for every future election in which they are eligible to vote. Failure to vote in four consecutive statewide general elections will cancel the permanent VBM status. Voters removed from the program may reapply (E.C. Sec. 3201 and 3206).

The Presidential General Election of November 8, 2016 included a wide range of decisions for Placer County voters on offices, propositions, and measures. In addition to national offices, including President, Vice President, Senate and House of Representatives, choices included State Legislature members, as well as State and local candidates, and Initiatives and Bond Measures.

While all voters in the County are eligible to vote on some issues and offices, many voters have local offices and ballot issues unique to their place of residence. Individual federal, county, city, school, and special district elections create a need for multiple versions of ballots to ensure that only those eligible to vote based on their location of residence are allowed to do so. As a result, a total of 103 different ballots were prepared for Placer County. The process of developing the correct ballots and providing them to individual voters based on their place of residence is extremely complex.

Methodology

The Grand Jury pre-election, Election Day and post-election investigation methods included

- observation of Elections Office and polling operations on October 26 and November 8, 2016;
- interview of Elections Department managers, staff and volunteers;
- review of written Elections Department Policy and Procedures ;
- review of State laws relating to elections;
- observation of the depositing, security and machine counting of ballots at polling stations;
- observation of the transporting, handling, opening, and counting of mail-in ballots;
- observation of the voting process at a total of four randomly selected polls:
 - Roseville
 - Meadow Vista
 - Granite Bay
 - Loomis
- observation of the security and movement of ballots from local polling stations to three receiving centers and from the receiving centers to the elections office;

- observation of the mail-in ballot signature verification process;
- observation of the retrieval and counting of mail-in ballots;
- review of the Placer County Election Report dated December 6, 2016¹.

Three members of the Grand Jury were recused from this investigation in order to avoid the appearance of any possible conflict of interest.

Facts

- Maintaining voter rolls is a year-round activity. The Elections Office routinely works with state and local agencies to purge names no longer eligible. Eligibility is routinely and continuously checked against death certificates, Department of Motor Vehicles (DMV), and other databases.

Elections Staffing

- The Elections Unit has a full-time staff of 14 personnel. During this election cycle, an additional 20 temporary staff were added through the County Temporary Help Contract. In addition, some staff regularly assigned to non-election functions of the department (such as vital records, etc.) assisted with election-related tasks.
- Prior to the election, the department added 5 additional paid personnel to respond to the increased volume of citizen questions and requests related to voter registration and voting.
- Temporary staff began working as early as April 13, 2016, and a minimum number were retained beyond the election through January 13, 2017 to complete the processes.
- There were 1,265 citizens who participated as volunteers within the County.
- Mail-in ballots began arriving at the Elections Office as early as October 3, 2016.
- Staff began verifying signatures and processing mail-in ballots 10 days prior to the election, although the votes themselves by law cannot be totaled and reported prior to 8:00 pm on Election Day.
- As of 8:00 pm on Election Day, there were a large number of VBM ballots in the Elections Office yet to be processed.

¹ Placer County Election Report, November 8, 2016 Presidential General, published December 6, 2016.
(http://www.placerelections.com/uploads/documents/11082016/11082016_Certificate_of_Canvas_of_Vote.pdf)

- VBM ballots postmarked on Election Day, but not yet delivered to the Elections Office, and the mail-in ballots hand-delivered by voters to polling places were counted after 8:00 pm on Election Day.
- All persons serving as Inspectors, Judges, Roving Inspectors, and Supervising Roving Inspectors received mandatory pre-election training.
- Voluntary training is available to all polling station clerks, about half of whom attended. Approximately half of the volunteers participated in prior elections.
- A comprehensive procedural manual was available at all polling places, and the Grand Jurors observed workers referring to it as needed.
- Supervisory staff was present and active at polling stations and roving inspectors moved between the various polling places to provide guidance.
- Election supervisory staff prepared performance evaluations of volunteers and polling station workers.

USPS Mail Issues

- The USPS transports mail from local post offices in Placer County to distribution centers in Sacramento or Reno for distribution to local post offices and delivery to voters.
- County Elections staff is working with the USPS to find ways to resolve delays in delivery of election mail to voters.
- To avoid delays at the Reno USPS processing center in the final days before the General Election, Elections Office staff hand-delivered outgoing ballots directly to the Truckee and Tahoe post offices for delivery to voters.
- Following the June Primary Election, the department changed procedures to eliminate an unacceptable delay in delivery of completed VBM ballots by physically retrieving them from the post office.

Drop-off Locations

- Placer County offered VBM voters the option to drop off their ballots at eight community locations beginning October 31, 2016.
- Placer County has only been able to certify eight drop-off locations due to the Americans with Disability Act (ADA) compliance and security reasons.
- Approximately 3,319 VBM ballots were received at the eight drop-off locations.

Ballot Processing

- Ballot processing and security verification of mail-in ballots include both automated and visual verification of voter signatures prior to opening and counting votes. Verification includes matching signatures on ballots against reference signatures of voters on other documents available to the County, such as ballots from prior elections, voter registration documents, and DMV records.
- Ballot signatures which do not match other signature documents are individually reviewed by multiple levels of staff. If warranted, staff contacts individual voters directly to determine why signatures do not match other signature documents and to determine the validity of signatures. Examples of circumstances which could eventually allow the ballot to be counted include signature changes due to injuries, husband and wives inadvertently signing each other's ballot, etc.
- If the VBM ballot envelope is not signed, the ballot cannot be counted. Elections staff contacts the voter and offers several opportunities for the voter to complete the signature requirement, thus allowing their ballot to be counted.
- If it is determined that the ballot is not valid due to false signature, non-residence in the County, death of the voter, or other invalidating factors, it is not counted. A copy is retained with an explanation of why it is an invalid ballot.
- Multiple staff process and count ballots in a secure room. All stages of the process are under the direct supervision of management staff.
- Ballots damaged in mailing are handled individually. If the damage to the ballot prevents it from being counted in the automated system, but the voter's choices are clear, the ballot is duplicated and counted. This process is conducted and monitored by supervisory staff.
- If damage to the ballot is too extensive to determine voter intent, staff contacts the voter and provides a new ballot.
- If the voter has not completed the ballot correctly (e.g., voted for 4 candidates when instructed to select no more than 3 or marked both yes and no), staff will make a duplicate ballot as long as there is clear voter intent (i.e., a note written as to voter intent). If intent cannot be reliably determined, the questionable item will not be counted; however, items that are properly marked will.
- Write-in candidate votes are processed by hand and checked to determine that they are certified by the State as a legitimate write-in candidate before being counted.
- All ballots, those counted and those disqualified, and all supporting documentation are archived so that recounts, challenges and verifications may be conducted.

Provisional Ballots

- A provisional ballot is used to record a vote when there are questions about a given voter's eligibility.

- A total of 8,338 provisional ballots were cast.
- In the majority of cases, provisional ballots were used because voters had lost or misplaced their VBM ballots.
- A total of 6,948 provisional ballots were determined to be valid and included in the final vote counts.
- The reasons for determining that 1,390 provisional ballots were not valid and therefore not included in the final vote count were
 - voter not registered, 1,113;
 - not a County resident, 165;
 - no signature, 38;
 - not matching signature, 28;
 - already voted by mail, 19;
 - empty or blank envelope, 5;
 - incorrect or no address, 3;
 - voted at polls, 2;
 - other, 17.

Process Issues

- There were significant delays in USPS mail delivery to voters, including voter guides and Vote-by-Mail ballots. These delays also occurred in other counties in the region.
- Placer County voter mail was sent on time; however, in some cases voters complained the mail was delivered as long as 10 days after it was mailed.

Findings:

The Grand Jury found:

- F1. Elections staff is committed to both maintaining valid voter rolls and ensuring that registered voters have the opportunity to vote.
- F2. Elections staff is committed to ensuring that all ballots are properly collected, counted and secured.
- F3. Elections staff complied with the security procedures required by the State in the use of voting equipment, handling, processing, transporting, determining validity, and counting of ballots.
- F4. The processes and procedures of the Elections Office provided Placer County voters with a fair, valid, and accurate voting experience in the 2016 General Election.
- F5. Drop-off locations make it easier for the public to return their VBM ballots.
- F6. VBM ballots postmarked on Election Day or hand-delivered to polling places do not arrive at Election Headquarters in time to be processed by 8:00 pm on Election Day.
- F7. Although there was a delay in processing some of the VBM ballots, ultimately they all were counted within legal timeframes.
- F8. Elections staff was diligent in their efforts to overcome the USPS delivery delays of election materials and receipt of ballots.

Conclusion:

The Grand Jury concludes that the 190,550 ballots cast in Placer County in the 2016 General Election were processed and tabulated in a professional manner.

Placer County's Clerk-Recorder-Registrar of Voters and his staff are to be commended for their hard work and diligence in conducting the 2016 General Election.

Elections staff is also to be commended for their diligent efforts to reduce USPS delivery delays of election materials and receipt of ballots.

All VBM ballots cannot be processed for release at 8:00 pm on Election Day. However, the number of unprocessed VBM ballots could be reduced, thereby providing the public with more complete election results when the polls close.

Recommendations:

The Grand Jury makes the following recommendations:

- R1.** Placer County Elections staff continue to work with the USPS to develop alternatives to improve the timely delivery of election mail to all Placer County voters.
- R2.** Placer County Elections staff continue to work with the USPS to develop alternatives to improve the timely receipt of VBM ballots in Placer County.
- R3.** Elections management review and revise processes, equipment needs, and staffing patterns to improve the percentage of VBM ballots processed prior to poll closure on Election Day.
- R4.** Placer County Elections expand the number of VBM drop-off locations.

Request for Responses:

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
Mr. Ryan Ronco County Clerk-Recorder-Registrar of Voters 2956 Richardson Drive Auburn, CA 95603	R1, R2, R3, R4	August 31, 2017

Copies Sent to:

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