

Review of the November 2, 2010 General Election Process



SUMMARY

As part of its public oversight responsibility, the 2010-2011 Orange County Grand Jury observed the November 2, 2010 General Election.

Areas the Grand Jury focused on for this election included:

- Online poll worker training
- Vote-by-Mail ballot processing
- Packing and delivery of poll site materials
- Poll site operation on Election Day
- Testing of new Electronic Voter Rosters
- Rapid Deployment Teams for election troubleshooting
- Processing of votes at the Registrar of Voters facility
- Recount observation
- Attended post-election debriefing meeting

The election was well planned, operated smoothly and accurate results were posted very quickly.

REASON FOR STUDY

One of the civil roles of the Grand Jury is provision of “watchdog” oversight of all aspects of county government operations. Another responsibility is to serve as the representative of the public interest in certain functions of government. Traditionally, these two duties combine during General Elections when the Grand Jury observes and reports to the public on the election process in Orange County.

The election included the testing of a new, technical innovation known as an Electronic Voter Roster. This held interest as it was being introduced into the election process in Orange County for the first time.

A General Election is one of the most critical aspects of representative government. The Grand Jury determined it was in the public’s interest to observe and report upon the November 2, 2010 General Election.

METHODOLOGY

Based on the general description of the processes and procedures the Grand Jury received during an orientation meeting with the Registrar of Voters (Registrar) it was determined the election process would be best reviewed and reported on in three stages:

- Pre-Election
- Election Day
- Post-Election

Prior to beginning the evaluation process, panel members interviewed the Registrar on multiple occasions to gain a better understanding of the overall process and to better determine which areas to focus on within each of the three phases.

This report will look at a number of individual aspects of the General Election, each of which were observed by one or more members of the Grand Jury. After a discussion of the observations, an assessment will be presented for each specific aspect.

FACTS

Fact: For the November 2, 2010, General Election, Orange County had 1,621,934 registered voters, the fifth largest voting jurisdiction in the United States and the second largest in California.

Fact: For the election, there were 1,210 polling sites in 1,747 precincts, and 6,330 volunteer poll workers.

Fact: The Registrar of Voters office (ROV) has 49 full-time staff members, and temporarily increases to several hundred during a General Election, through the use of extra help and limited term workers.

ANALYSIS

Pre-Election participation and observation:

Online poll worker training:

An online poll worker training program was first implemented in May, 2009. It was upgraded for the primary election in June, 2010 and again for the General Election in November, 2010. This training prepares volunteers to staff and operate polling sites throughout the County.

Grand Jury members participated in the online training program and found it to be comprehensive, clear and concise, providing feedback through tests within the program to gauge understanding of the information.

Panel members also found the accompanying training manual to be well written and provided graphics and exhibits highlighting important details

of the poll worker responsibilities and duties. An accompanying training DVD is also provided, supporting the entire training process. The manual serves as a useful tool for poll workers to have as a resource guide on Election Day at polling sites to be able to answer questions from voters.

Vote-by-Mail ballot processing:

Vote-by-Mail (VBM) ballots were formerly referred to as “absentee ballots.” As part of the outgoing mailing process of ballots, the sorting of VBM ballots into precinct groups for delivery to the Post Office was observed. Upon the return of completed VBM ballots by voters, the same machines then sorted the returned ballots by precinct while at the same time digitally capturing the signature on each returned ballot for verification. The ROV’s equipment and staff has the capacity to process and verify up to 10,000 signatures per hour, and every signature is verified.

Signature verification can occur as soon as the ballot is received. The tallying of VBM ballots cannot begin until 10 days prior to Election Day. Beginning midnight of the first day counting is permitted, the VBM ballots are electronically scanned and tallied, a process the Grand Jury watched. Current capacity of the ROV’s VBM tallying equipment is approximately 35,000 to 40,000 ballots per day. Once counted, the results are held until Election Day, and released shortly after the polls close at 8:00 PM. For the November 2 election, the ROV was able to release the first VBM vote count at 8:05 PM on election evening, a total vote count in excess of 400,000 votes.

Packing and delivery process of precinct supplies and materials:

Supply boxes, containing multiple items for each of the 1,210 poll sites, were packed in advance for election inspectors to pick up. None of the materials in these boxes were precinct specific. They contained general supplies to set up and operate a polling site (signs, papers, writing implements, staplers, forms, etc). The boxes were picked up by appointment on Wednesday through Friday prior to the Tuesday election, from a rented facility near the ROV office. The members who observed this process report that packing was accomplished in an expeditious manner, with the staff members inspecting the boxing using unique marks to indicate who inspected the box should questions arise later. This inspection was performed three times to ensure all boxes contained the material they were supposed to. While it would be desirable to package and pickup the materials directly from the ROV facility, current space limitations preclude that.

Election Day

Poll Site Visitation:

On the morning of Election Day, members of the Grand Jury began visiting multiple poll sites to observe the entire process, from set-up prior to the polls opening to the closing of the polls at the end of the day.

Overall, the volunteer poll workers were well trained and able to handle issues that arose or questions from the voters. At one poll site visited, it was noted that there were issues related to parking and access.

At some poll sites it was observed that some of the electronic voting devices were not operating, necessitating the use of printed ballots as lines began to form. The main issue for the devices was a connecting cable with multiple pins; one or more may get bent in the set up process. Until fixed, the device was rendered inoperable. The Registrar acknowledged this has been a minor but ongoing problem and has replacements on standby during elections. The voting equipment currently in use is rated as having a “useful” life until 2012, which could be problematic for elections beyond that General Election.

Electronic Voter Roster:

For the first time the ROV tested a new Electronic Voter Roster (EVR) to assess usefulness and efficiency. The EVR consisted of a laptop computer pre-loaded with the registered voter data base, provided to five selected poll sites. This is the same data base that is on the bulky computer printed paper register used at all other polling sites.

At the sites visited, the poll workers using the new process strongly endorsed the use of the EVR and spoke favorably about the innovation. Use of the EVR sped up the procedure to determine voter eligibility and being in the correct precinct to receive a ballot. Adoption of the use of the EVR could reduce the staff required for the process by at least one person per precinct. However there is a substantial cost outlay for such a program, as at least one laptop for use as an EVR would have to be provided for each precinct, of which there are 1,210.

Rapid Deployment Team:

Rapid Deployment Teams (RDT), first implemented in 2005, are groups of specialized staff with a higher level of experience to solve technical issues as they occur at precincts on Election Day. They are assigned to pre-determined areas of the County in large vans containing replacement equipment and supplies.

One Grand Jury member rode with an RDT. Most calls from polling sites related to inoperable electronic voting devices that would not “power up.” These issues all involved bent pins on the connecting cable, which the RDT was able to quickly correct.

The support teams provided a vital function in assuring that the voter at a polling site can cast their ballot, either electronically or using a paper ballot.

Closing of Poll Sites:

When the polls close at the end of the day, there is a very specific procedure the poll workers must follow to properly close out polling sites. The two most important elements are the handling of the electronic voting device and the printed vote record associated with it. Both items have a record of the votes cast: This provides a dual check on the vote count if questions arise.

These items, as well as the other precinct materials, are taken to collection centers typically at local police stations. Orange County Sheriff personnel oversee and protect the delivery process, both by their presence, and also keeping track via radio of each van's location.

During the Grand Jury's observation of the process, at one collection site an electronic voting device was found to be missing. Eventually, after some searching, it was located without further incident. While not a common occurrence, this does occasionally happen. However, auditing and tracking measures are in place to identify problems early. The check-in process, while not perfect, appears to the Grand Jury to be designed well enough to forestall serious problems.

Processing at the ROV:

When the vans from various collection sites arrive at the ROV, they are immediately unpacked and materials quickly and efficiently routed to the appropriate location within the ROV facility. The electronic voting devices are routed to an enclosed, secure area where the data card containing all of the voting is removed and safely handed over to staff for data transfer. The vote tally is accomplished in a glass walled, secure room, accessible by a very limited number of staff. Entry is controlled through a fingerprint scan, eliminating any unauthorized access. The tally room may be observed by the public outside through the glass, as well as via live streaming video online.

As the data cards are read, the voting tally is continuously updated and displayed on monitors outside of the room. A unique feature of the Orange County ROV is the 30-minute online update of results throughout the election night, until all polling sites have been counted. Each day following election night, the ROV reports updates daily at 5pm, until all votes are tallied, the only county in California to provide such a daily report.

Post-Election Day

Recount:

For the November 2, 2010 election, two races were very close, resulting in recount requests. A recount request is usually made by a candidate who has lost by a slim margin. Recounts take place at the ROV headquarters and the cost of the re-count is the responsibility of the requesting candidate.

A recount board consists of four people at a large table. The recount process is viewed by not only the parties requesting the recount, but any

interested members of the public. Observing Grand Jury members found that the recount was performed in an effective manner and appeared structured to ensure accuracy.

During the recount, ballots that cannot be easily resolved (such as due to additional marks or indications) are held until the end of the day. The challenged ballots are then reviewed by the Registrar along with one representative for each candidate. The Registrar then makes a determination for each challenged ballot. The judgment of the Registrar is final, and cannot be challenged further.

Post-Election Debriefing:

Following every election, the Registrar conducts a debriefing with key staff members. The goal of this debriefing is to look at “lessons learned” from the election and examine ways to further improve the next election process.

After the June 2010 Primary Election the debriefing resulted in 90 action items to enhance election operations, 89 of which were addressed prior to the November 2 General Election. The debriefing of the November 2, 2010 General Election lasted four days, resulting in 138 potential items for improvement, which the Registrar is currently addressing. It should be emphasized that these items are not necessarily problems, but are often suggestions from staff to make things run more smoothly or economically in future elections.

Jurors attending the debriefing were impressed with the openness of the staff, as well as their strong interest in making improvements.

Selected November 2, 2010 General Election Statistics

- 898,205 total ballots were cast in the election, comprising 55.4% of registered voters.
- VBM ballots totaled 466,157, 51.9% of the total vote cast.
- For the first time in Orange County history, the VBM total was greater than votes cast at polling sites.
- Included in the VBM tally were 3,759 military ballots cast and 2,370 Orange County citizens overseas.
- Orange County was the first large county (defined as a population greater than 1,000,000) in California to post all precinct results on election night.
- Orange County was the first large county in California to certify the election results.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of the election process in Orange County, the 2010-2011 Grand Jury has seven findings, as follows:

- F.1:** The enhanced online training for poll workers is effective and complete.
- F.2:** The ROV was well prepared for the voter turnout at the 1,210 precincts and the VBM volume.
- F.3:** The support staff - Coordinators and RDT - were well trained and handled problem areas in a timely manner.
- F.4:** Security at both the collection centers and at the ROV was effective and no significant incidents occurred.
- F.5:** The VBM process was secure and no incidents or allegations of impropriety occurred to the Grand Jury's knowledge.
- F.6:** Increased automation and storage requirements have created a need for additional floor space at the Registrar of Voters headquarters.
- F.7:** The Electronic Voter Rosters being tested appear to offer increased efficiency and reduction in errors.

RECOMMENDATIONS:

The 2010/2011 Orange County Grand Jury makes the following recommendations:

In accordance with *California Penal Code* Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its review of the election process in Orange County, the 2010-2011 Grand Jury makes the following three recommendations:

- R.1: The Registrar and his office are urged to maintain the excellent work acknowledged in this report and to continue delivering outstanding service to the public.**

- R.2: Study consolidation of more operations at ROV headquarters and possibilities of increasing available space.**

- R.3: As budget constraints allow, explore implementation of Electronic Voter Rosters for all polling sites.**

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding

- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Registrar of Voters	F.1, F.2, F.3, F.4, F.5, F.6, F.7	R.1, R.2, R.3

COMMENDATION

The Grand Jury would like to commend the staff of the Registrar of Voters office. The level of dedication displayed by all personnel was extremely impressive. Under the guidance of the Registrar, the office leads the State in accuracy, efficiency and cost saving measures. The citizens of Orange County are fortunate to be served by an organization as professional and competent as the Registrar of Voters.