

## 2001-2002 SANTA CLARA COUNTY CIVIL GRAND JURY

### REVIEW OF THE REGISTRAR OF VOTERS OFFICE

#### ABSTRACT

Voter confidence in the election process came under attack during the 2000 presidential election. The citizens of Santa Clara County should know if the Registrar of Voters Office has addressed the problems that surfaced in Florida and other parts of the country. To answer these concerns, the 2001-2002 Santa Clara County Civil Grand Jury reviewed the operations of the registrar's office as authorized under Section 925 of the California Penal Code.

The Grand Jury did extensive preparation prior to observing the Special Election held on November 6, 2001, then monitored polling places, Return Centers and the counting of the ballots. After the election the Grand Jury observed the Official Canvass and conducted additional interviews, thus coming to the following conclusions:

1. There is an extensive process the registrar's office must go through to conduct an election, most of which the general public does not see. It begins with creating the sample ballot, developing and printing ballots and other election materials, securing polling locations and workers, and coordinating the entire process. This is followed by counting and verifying the votes before reporting the results to the county supervisors and the public.
2. The sustained effort of the permanent staff, experienced extra-help workers and dedicated poll

workers should continue to give the citizens of Santa Clara County confidence that this county's elections will be fair and impartial.

3. Given the Grand Jury's experience during this review, it has determined that it is unlikely that the nationally reported problems will occur here.

#### INTRODUCTION

In August 2001, the 2001-2002 Santa Clara County Civil Grand Jury initiated a review of the processes employed by the Registrar of Voters Office during an election. The purpose of the review was to see if any of the problems reported across the country during the 2000 presidential election could occur during elections in Santa Clara County. The importance of having voters confident that the elections are conducted in a fair and impartial manner cannot be over emphasized.

The Grand Jury conducted the review as authorized by Section 925 of the Penal Code, allowing it to investigate and report on the operations of County departments.

#### BACKGROUND

In order to fulfill its mission, "To provide quality service with the highest level of integrity, efficiency and accuracy in voter registration and election processes," the Registrar of Voters Office:

1. Registers voters and maintains voter registration records

2. Conducts federal, state, school, and local elections
3. Administers the candidate nomination procedures and the provisions of the campaign reporting laws

The registrar's office must comply with the California Election Code in developing and executing its procedures for conducting an election.

The Registrar of Voters Office is headed by a registrar (acting) until the county can fill the position permanently. There is a permanent staff of approximately 32 that is supplemented by extra-help workers during elections. This does not include the four or more Election Officers (poll workers) staffing each of the polling places during an election.

To conduct its review, the Grand Jury decided to observe the activities of the registrar's office during the Special Election of November 6, 2001. The Grand Jury read pertinent sections of the registrar's procedures manual, interviewed staff and attended election officer training sessions to understand the election day processes. The Grand Jury then developed a checklist of items to standardize the monitoring of precincts, observed the voting process at 44 precincts on November 6, and followed the voted ballots through Return Centers (drop-off locations) to the registrar's office, where they were sorted, counted and reported. The processing and counting of absentee and

provisional ballots was also observed by the Grand Jury.

The process for the registrar's office to conduct an election begins with the preparation of sample ballots in both English and bilingual versions. Voter rosters, precinct street indexes, ballots and the many forms used at the polling locations are printed and assembled for distribution. Absentee ballots are printed and mailed to those requesting them. Polling locations are identified and selected. Poll workers are secured. Training courses are developed and scheduled for the poll workers who will serve on election day. Procedures for processing and counting the ballots are reviewed, revised and published. Ballot counting equipment (card readers) at the registrar's office and the Poll Star voting devices used by the voter are checked to ensure they are in good working order. The election concludes with the official canvass, which is a process to compare the vote totals reported by the precincts with the total number of ballots used and the number of voters who signed the Roster Index.

## **FACTS**

### **Official Voter Registration Roll**

Any U.S. citizen may register to vote in California if he or she is at least 18 years old by election day and a resident of California, as long as he or she has not been legally judged mentally incompetent to do so and is not imprisoned or on parole for the conviction of a felony.

The names of U.S. citizens residing in Santa Clara County who have registered to vote are maintained on the Official Voter Registration Roll by the registrar's office. Voters have a variety of options for registering to vote:

### Motor Voter

The National Voter Registration Act, also known as “Motor Voter” allows individuals to register at Department of Motor Vehicles (DMV) offices while applying for or renewing their driver’s license. The California DMV uses a two-step process. First, the applicants check a yes or no box on the license application, indicating a desire to register or not. If “yes” the applicant is directed to another window for additional information. If individuals are relocating from another county or state, they are sent a new registration application to be completed at home and sent to their county registrar’s office.

### Internet, On-line Registration

Individuals can register on-line by logging onto the Secretary of State Website and giving the pertinent information. An application form is then mailed to the applicant for signature. After signature, the application is returned to the appropriate county for processing.

### Voter Drives

Individuals can register during a voter registration drive, most frequently conducted by a political party or candidate. The political parties or individuals paid to register voters must use application forms provided by the state or registrar’s office.

### Local Registration

The best and surest way to register is to complete a Voter Registration Application form

and submit it to the registrar’s office (in person or by mail). Applications may be picked up at U.S. Post Offices, the registrar’s office, local libraries, and city and county offices and firehouses.

In conformance with the California Election Code, Section 2112, the voter’s qualifications are validated by signing a statement on the form, under penalty of perjury, that he or she is a U.S. citizen and currently living at the designated address. Cases of questionable registration are turned over to the district attorney’s office for investigation.

### **Maintenance of Voter Roll**

The Voter Registration Roll is periodically screened to remove individual names of those who have died, moved out of the county or been convicted of a felony. Other reasons names are purged from the active voter roll are: at the citizen’s request, a voter not having voted for four consecutive years, or the appearance of an individual’s name on the National Change of Address listing sponsored by the U.S. Post Office.

The registrar’s office has a three-page procedure that is used when entering a new voter registration onto the roll. The computer system is programmed to detect and cancel duplicate registrations that are 100 percent matches. If registrations do not match 100 percent, they may become possible duplicates and are entered into the possible duplicate check program. In some cases the duplicate registration is not detected by the computer system and is identified while researching a voter. These duplicates are canceled manually.

The registrar uses the CalVoter system to check other counties for duplicate registrations. The CalVoter system provides a statewide database to cross check voter registrations in multiple counties and against death notices.

The county clerk is required to provide a list of convictions. However, the registrar works directly with the Santa Clara County Superior Court because of the low priority the county clerk's office gives to updating the list. After completing both their sentence and parole, individuals can re-register to vote.

### **Election Officer Training**

According to the Election Officer Handbook, "Santa Clara County Board of Supervisors requires all inspectors and clerks to attend a training class before serving in each election." Trainers in the registrar's office review changes in polling place procedures and the law to develop courses for the poll workers. They also receive feedback from poll workers and field inspectors' reports to identify potential problems that may be addressed in the classes. Observations made by the trainers at polling places and during ballot processing at the time of the elections, as well as participant comments during the training presentations, add real-life examples to these classes.

These 1 1/2 to 2-hour classes address the paperwork that must be completed, forms the clerks will use at the polling place, the procedure to move voters from sign-in to placing the voted ballot in the box, procedures for handling absentee and provisional ballots, and set-up and closing of the polling place.

The Election Officer Handbook, which covers the procedures, is provided for

everyone attending a training session. Election officers are encouraged to keep this handbook with them at the polling place as a reference.

In support of the November 6 Special Election, the training staff conducted classes in Gilroy, Palo Alto, San Jose and Sunnyvale. The schedule included:

1. Seventeen classes for experienced inspectors
2. Nineteen classes for experienced clerks
3. Five classes for new bilingual inspectors and clerks and
4. Seven classes for new clerks

### **Precinct Polling**

There were 187 precincts used for the November 6 Special Election. At each of these polling places an inspector and three clerks set up the equipment and materials, opened the polls at 7 A.M., processed the voters, and closed the polls at 8 P.M. Field inspectors periodically checked in at the precincts throughout the day to see how things were going, answer questions and deliver needed supplies.

After the polls closed, the voted ballots, unused ballots and voter signatures were counted by two-clerk teams and recorded on the Official Ballot Statement form. Provisional ballots and spoiled/canceled ballots were counted and that number was also recorded. The ballots were then placed in containers or envelopes and sealed for transport to the registrar.

After the closing procedures were completed, the sealed containers,

supplies and equipment were loaded into the inspector's vehicle and returned to the registrar. The registrar's procedures require this process to be performed by at least two election officers. A Grand Jury observation at one Return Center revealed that some precinct inspectors did not have the second person accompany them when the sealed ballots were returned.

To speed up the reporting process, precincts delivered the election materials to designated Return Centers. To get the vote counting underway, the Return Centers dispatched their first trucks to the registrar's office as soon as the ballot containers from six to eight precincts were dropped off. Other trucks continued to deliver sealed ballot containers to the registrar until all the precincts had delivered their ballots.

### **Ballot Processing**

As the ballots were delivered to the registrar's office they were sorted by category: regularly voted, provisional and absentee ballots. The sorted ballots were then sent to designated positions within the building for processing. The regular ballots were processed by precinct. First they were checked to remove damaged and write-in ballots and then checked for loose chads that could cause an error when run through the card readers. The registrar maintains a written standard of "three sides detached" for determining a valid vote. Write-in ballots were checked to guard against overvotes. Damaged ballots were duplicated, marked, and saved. The duplicate ballot was used for the vote count to avoid the possibility of a machine counting error.

Ballots were then counted, packaged and sealed by precinct. The boxes were

numbered and a cross-reference log created to locate the ballots if necessary. They were then placed in a secure storage room.

The card readers were checked and certified prior to election day to assure proper operation. As the ballots were counted, the data was sent from the counting machines to a computer system, allowing the vote data to be tabulated. The vote count was then made available for viewing on the Internet.

### **Absentee and Provisional Ballots**

Registered voters may request an absentee ballot in writing if they expect to be out of their voting precincts on election day. Other reasons for absentee voting include physical or medical conditions and living abroad. Most requests are made by filling out the pre-printed form on the back of the sample ballot and mailing it to the registrar.

For the November 6 election, 16,000 absentee ballots were mailed out and 10,000 were returned (62.5 percent). For the 2000 presidential election, 85.7 percent of the absentee voters returned their ballot.

Absentee ballot envelopes returned by mail to the registrar are checked to verify that signatures on the envelopes and registration forms match. They are sorted by precinct and grouped in quantities of 25. Although the envelopes can be opened seven days before the election, they are not counted until election day.

Military absentee ballots are mailed out 60 days prior to an election to allow time for their return by election day. All absentee ballots, including military,

must be received by the registrar by 8 P.M. election day. However, a registrar's truck makes a special trip to the local mail distribution center to collect any available mailed ballots after 8 P.M. on election day and the next morning. According to the registrar, these mailed ballots are time stamped by the Post Office as they arrive to satisfy the cut-off criteria.

When they are received at the registrar's office, absentee ballots surrendered at the precincts are sent through the same process as absentee ballots returned by mail.

Provisional ballots can be cast by an individual at the polling precinct when his or her name cannot be found on the voter lists. Provisional ballots are only counted after the voter's eligibility is verified by the registrar. There were 194 provisional ballots returned by the polling places during the November 6 election. Of those 194, a total of 161 were verified and counted.

### **Official Canvass and Reporting of Results**

The official canvass is a four-step process that reconciles the vote totals reported by the precincts with data from the precincts on the number of ballots used and the number of voters who signed the Roster Index. These steps are as follows:

Step 1. Accounts for all the ballots issued to the precincts. The number of ballots issued by the registrar is compared to the reported number of regular ballots and provisional ballots cast, plus the number of spoiled or canceled ballots used by the precinct.

Step 2. Compares the total number of ballots counted by the registrar to the numbers reported voted and to the number of voter signatures on the Roster Index. If they match, no further action is required.

Step 3. Requires the team to perform some research to correct any discrepancy if the totals in step two did not match. The team accounts for spoiled ballots and unused ballots and searches ballot boxes for "live" ballots that may have been left out of the sealed containers by the poll workers.

Step 4. Updates precinct totals with counted duplicated ballots, write-in votes and provisional votes. These totals are reported as the official election results submitted by the registrar to the board of supervisors.

The Official Canvass Report from the registrar is provided as Attachment A to this report.

The state requires a post-canvass process by the registrar, to conduct a manual recount of one percent of all precincts in the election. The manual recount of the Special Election was completed on November 9, 2001.

## **FINDINGS**

### **1. Voter Registration**

There is no cross checking to verify if individuals who register are in fact U.S. citizens. The entire process is based on the honor system. The system relies on the presumption that an individual will not commit perjury when registering and that the person signing the Roster Index is in fact that individual.

### **2. Election Officer Training**

Although the training classes were announced and listed as for “experienced” or “new” inspectors or clerks, there were both types at sessions attended by the Grand Jury. The classes consisted mostly of lecture and question-and-answer presentations of the materials. There were no simulation or hands-on exercises that could benefit new clerks. The training classes addressed a great deal of information for the first-time clerk. Experienced inspectors and other clerks at the polling places provided a great deal of support to re-enforce the training offered new clerks.

### **3. Precinct Polling Locations**

The Grand Jury visited 44 of the 187 (23.5 percent) polling locations on November 6 to observe how the voters and poll workers interacted. A checklist was used for standardizing items to validate that procedures discussed during training were being carried out. None of the minor discrepancies in following procedures noted by the Grand Jury, such as asking if the voter wanted a demonstration of the Poll Star device, appeared to compromise the votes being cast.

In several precincts, clerks were serving in their first election. In a few isolated cases new clerks had not attended a training session prior to serving. The experienced workers were very helpful in assisting the new clerks in performing their assigned duties. One precinct had a high school student working as a clerk alongside one of her parents.

A high percentage of the poll workers are older or retired citizens who can devote the time to this task. The current use of part-day, high school and college students to work the polls is one method

of encouraging younger individuals to participate.

Because this was a special election, often two or more general election precincts were combined for efficiency of numbers. Still some locations had few voters turn out. Complaints were received that combining precincts caused transportation problems for some voters.

The voters were provided satisfactory assistance while casting their votes and the poll workers were conscientious while handling and securing the ballots. There were some facility-oriented problems noted, such as poor outside lighting after dark and limited parking in residential areas.

### **4. Ballot Processing**

The ballot processing and counting observed by the Grand Jury appeared to be well supervised. Permanent and extra-help staff went about their duties in a coordinated and professional manner.

### **5. Registrar’s Extra Effort**

The registrar’s staff exceeds the state law’s minimum requirements. The Santa Clara County Registrar of Voters Office:

- Provides bilingual voter materials in English, Spanish, Chinese and Vietnamese. The state only requires English and Spanish bilingual ballots. English, Spanish, Chinese, Korean, Japanese, Vietnamese and Tagalog bilingual registration materials are also available from the registrar.

- Provides voter registration information and materials, which are given out at the swearing-in ceremonies conducted for new citizens.
- Establishes Return Centers or intermediate drop sites for collecting precinct ballots. This reduces the travel time and distance for precincts to return the voted ballots and materials. It also reduces the congestion at the registrar's office, speeding up the counting process.
- Issues cellular phones to most precinct inspectors to improve communications between precincts and the registrar's office.
- Assigns at least four poll workers to each precinct. The state only requires three poll workers, one inspector and two clerks.
- Enlists high school and college students in poll workers programs to encourage civic responsibility.
- Operates early voting stations for voter convenience.
- Performs enhanced maintenance of the registration rolls to keep them current.
- Provides special equipment, such as ramps, to precincts for handicap voters.

workers, lack of provisional ballots and questionable counting of military and absentee ballots. The Grand Jury reviewed these items with the registrar to determine if they have been addressed locally. The registrar's responses to those issues or concerns are listed below.

## CONCLUSIONS

Some of the nationally reported problems encountered during the 2000 presidential election included: voting machine problems, poorly trained poll

<b>Issue or Concern</b>	<b>Registrar's Response</b>
Punch card voting machines were poorly maintained and not cleared of chads before use.	Santa Clara County's Poll Star devices are subject to mandatory maintenance checks and are required to be cleaned after every election.
Poll workers were poorly trained to perform their duties.	Santa Clara County has a 1 1/2 to 2 hour training session that is scheduled at several times and places prior to each election. Inspectors are required to attend a training session and clerks are encouraged to attend.
Some states did not provide voters the opportunity for provisional voting .	Santa Clara County uses a provisional ballot process. Any voter can vote provisionally if there are questions about eligibility to vote at a particular precinct.
Different standards for counting civil and military absentee ballots.	Santa Clara County uses the same standards for counting all absentee ballots.
Need for an accurate state registration data base.	Santa Clara County is using the CalVoter system to cross-check voter registrations statewide.
Education of voters	Santa Clara County is providing voter education through school programs, community outreach speakers, and Kids Vote at the polls.

Overall, the Grand Jury was satisfied that the public is being well served by the acting registrar and her staff. There is little likelihood that the nationally reported problems will occur here. The registrar and staff appear to be conscientiously performing their duties, providing voter services with the highest integrity, efficiency and accuracy.

**RECOMMENDATIONS**

The Santa Clara County Civil Grand Jury recommends that the Santa Clara County Board of Supervisors:

1. Request that California State Legislative and U.S. Congressional members develop legislation that will require new voter applicants to provide proof

of U.S. citizenship when registering to vote. (Refer to Finding 1)

The Santa Clara County Civil Grand Jury recommends that the Registrar of Voters:

2. Develop and implement a plan to increase the number of high school student poll workers. (Refer to Finding 3)
3. Include evening visits to check lighting at polling locations. (Refer to Finding 3)
4. Encourage companies to provide community-service programs so employees can serve at the polls and be paid for time away from work. (Refer to Finding 3)

## BIBLIOGRAPHY

Bipartisan Election Reform Taking Shape with \$2.6 Billion for State, Local Changes, San Jose Mercury News, 11/9/01.

California Elections Code, Chapter 2, Voters Registration, current edition.

Election Officer Handbook, by Registrar of Voters Office for November 6, 2001 Consolidated Elections.

Elections Chief: 9 Counties Must Phase Out Punch Cards, San Jose Mercury News, 9/18/01.

Legislature Weighs Plans to Modernize Ballot Box, San Jose Mercury News, 9/11/01.

Management Audit of the General Services Agency, Registrar of Voters, August 1999, Harvey M Rose Accountancy Corp. for the Santa Clara County Board of Supervisors.

Registrar of Voters Procedures Manual, current revisions.

Santa Clara County Registrar of Voters Website, <http://www.sccvote.org/>

Study of Florida 2000 Election, San Jose Mercury News, 11/10/01.

**PASSED** and **ADOPTED** by the Santa

Clara County Civil Grand Jury this 24<sup>th</sup>  
day of January, 2002.

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Bruce E. Capron  
Foreperson

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Norman N. Abrahams, DDS  
Foreperson Pro Tem

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Joyce S. Byrne  
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