

## **The Election Process: In Good Hands**

### **Summary**

The ability to participate in open, free elections is one of America's most cherished rights. In Sacramento County, the job of overseeing elections rests with the County Registrar's Office. The purpose of this grand jury report is to review the election process for the Nov. 8, 2016 general election. We conclude that the registrar's office did an excellent job conducting the election and processing the results. That being said, we offer some suggestions for improved efficiency. We also discuss new legislation that could greatly improve the election process in Sacramento County.

### **Background**

Key facts on the Sacramento County election process include:

- The registrar's office has 34 full-time employees with approximately 200 temporary employees added during election time.
- There are almost 750,000 registered voters in Sacramento County of whom, over 450,000 vote by mail.
- Sacramento County has 548 polling places with five or six staff per polling place. Each polling place has a precinct-based, voter-activated paper ballot counter and vote tabulator (voting machine).
- Bilingual poll workers are required at all polling locations. In November, bilingual workers were placed in all known areas of past need and polling captains could contact interpreters in any language by calling an 800 number to assist voters in need.
- There are four service centers throughout the county where vote-by-mail ballots may be picked up or dropped off and where ballots may be cast.
- There are 17 mail ballot drop-off sites.
- Several roving support staff are available to assist with polling place problems such as machine malfunctions.

### **Methodology**

The grand jury conducted a comprehensive review of the November 2016 general election, including:

- Interviews with the county registrar, assistant registrar and key staff before, during and after the election;
- Site visits to election headquarters before, during and after the election;
- Election Day visits to scores of individual polling places at various times of the day including opening and closing, voter service centers and mail ballot drop-off sites.

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The grand jury also reviewed a new law, known as the California Voter's Choice Act, which could greatly change the election process and discussed this new law with the registrar's staff.

### **Discussion**

The November 2016 election was uniquely complex. There was a presidential election along with elections for federal, state and local representatives plus an unprecedented number of state and local ballot measures. And there were over 150 unique ballots. Added to this complexity were allegations and fears of voter fraud and hacking of election equipment. Based on our review, we have made the following observations:

- Overall, the election process in Sacramento County was well run with only minor problems. The largest problem appeared to be breakdowns of polling place voting machines.
- Roving technical support staff responded to 261 calls from polling places on election night. Twenty-six voting machines could not be operated, resulting in manual ballot counting at polling places.
- The voting machines are 13 years old, but only have a 10-year life expectancy. Replacement parts are hard to obtain and elections staff has resorted to scavenging parts from extra voting machines that were intended to serve as backups.
- Polling place counting machines and computers/machines at election headquarters are not connected to the Internet, thus hacking does not appear to be likely.
- Security is ample.
- Several measures are in place to minimize chances of voter fraud:
  - o Voter identification is checked at the polls.
  - o Poll watchers are encouraged to monitor the process.
  - o Voter rolls are updated to remove those who are deceased, have moved and are ineligible to vote.
  - o Voter signatures are verified.
  - o Last-minute registrations are reviewed.
  - o Provisional ballots are verified.

While the county does electronically submit result updates to the California Secretary of State's Office, it follows up such communications with phone calls to verify that those results were received.

The registrar, in essence, must conduct two election processes: the vote-by-mail system and the polling place system. This situation presented logistical problems that were dealt with, but the overall system could be more efficient.

- At present, the registrar's main ballot-counting focus in the days preceding election day is on mail-in ballots. Such ballots may be counted starting ten days prior to Election Day. However, staff must suspend this process one or two days before Election Day to gear up for the polling place process. Then, on and after Election Day, the counting of all ballots including polling place and mail-in ballots occurs.

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- While the bulk of the vote count is completed on Election Night, a significant number of votes is counted later. Some of the late counting is of ballots received after Election Day but which are postmarked in time. Provisional ballots and damaged ballots are also counted after Election Day. Provisional ballots include ballots cast at a polling place other than where the voter is registered and ballots cast by persons who have lost their mail-in ballots and instead vote in person. Those ballots are counted during the canvas (the official verification of the count) and before election results are certified 30 days after the election.
- The Sacramento County Elections Office is where the official count takes place. While it is generally well run, a couple of issues were observed. First, operations within the election office could be more efficient. Because of the facility's layout, batches of ballots being processed are moved from one portion of the office to another in a somewhat inefficient manner. For example, when ballots arrive at the headquarters, they are sorted by polling place location and then hand-carried to the opposite side of the facility for signature verification. Then they are carried back to the opposite side of the building for further processing.
- Another issue observed was the process of verifying the signatures on the ballots. This is an important function to ensure the overall integrity of the election process. In Sacramento County, as in most other counties, all signature verification is done manually. A group of 40 to 50 staff visually compares the ballot signatures to signatures on file. The grand jury feels this process should be changed. Software is available to perform this tedious task faster and more accurately. The registrar's office is working on this.

### **California Voters Choice Act**

In 2015, legislation was passed to provide for major changes in the election process. Certain counties, including Sacramento County, can apply to convert to an almost total vote-by-mail system. All registered voters would be sent mail-in ballots and be encouraged to vote by mail. The current system's 548 polling places would be replaced by a significantly smaller number of vote centers where voters may register, drop off ballots or vote in person on Election Day or as early as 10 days before.

The intent of this legislation is to increase voter participation. There are advantages to this new process, including improved counting efficiencies and cost savings. For example, the ballot-counting machines for the 548 polling places are 13 years old and are in need of replacement before the next general election. The estimated replacement cost is \$8 million. Under the new system, fewer voting machines would be needed and replacement costs would drop to \$4 million. Other cost savings would result from replacing 548 polling places with a smaller number of vote centers. Fewer paid workers would be needed. Salary savings alone in every general election are estimated to exceed \$250,000.

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The grand jury recognizes that the registrar's office did a stellar job in administering the November election. Staff members were very gracious in explaining their processes to us and allowing us total access to all facets of the election. During our review, we did note a few issues where changes may be advantageous.

### **Findings**

- F1. The registrar did a commendable job running the November 2016 general election.
- F2. The layout of the election office is awkward and inefficient.
- F3. The current manual method for verifying voter signatures is outdated.
- F4. The overall election process would be improved if Sacramento County opts into the new election process established by the California Voters Choice Act.

### **Recommendations**

- R1. The Sacramento County Board of Supervisors should officially recognize the outstanding job done by the registrar's office.
- R2. A study on how to improve flow patterns of the election office should be conducted, including site visits to other headquarters locations.
- R3. The process for voter signature verification should be automated.
- R4. Sacramento County should opt into the new election process. Registrar's staff should visit other states that administer similar programs, such as Colorado and Oregon.

### **Request for Responses**

Penal Code Sections 933 and 933.05 require that the following officials submit specific responses to the findings and recommendations in this report to the Presiding Judge of the Sacramento Superior Court by Sept. 30, 2017.

- Sacramento County Registrar – Findings and Recommendations 2, 3 and 4
- Sacramento County CEO – Findings 1, 2 and 4 and Recommendations 1, 2 and 4

#### **Mail or hand-deliver a hard copy response to:**

Presiding Judge Kevin R. Culhane  
Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814

#### **In addition, email response to:**

Becky Castaneda, Grand Jury Coordinator at [castanb@saccourt.com](mailto:castanb@saccourt.com).