



County of Sacramento

September 12, 2017

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

RE: Sacramento County Grand Jury 2016-17 Final Report

Dear Judge Culhane:

Enclosed is a copy of the Sacramento County response to the 2017 recommendations contained in the 2016-17, Grand Jury Final Report. The Board of Supervisors, at their meeting on September 12, 2017, approved this report.

If you have any questions, please contact my office at 874-8150.

Respectfully,


Florence Evans, Clerk
Board of Supervisors

FE:js

Cc: Becky Castaneda, Grand Jury Coordinator

Enclosures: Board Letter

SEP 12 2017
BY *Athence Evans*
Clerk of the Board

**COUNTY OF SACRAMENTO
CALIFORNIA**

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For the Agenda of:
September 12, 2017

To: Board of Supervisors

From: County Executive

Subject: Response To The 2016-17 Grand Jury Final Report

Supervisory
Districts: All

Contact: Justin Honea, CEO Management Analyst, 874-5579

Overview

This is the response to the investigation findings and recommendations contained in the 2016-17 Grand Jury Final Report issued June 20, 2017. County responses were requested from one investigative report (The Election Process: In Good Hands). Staff from the Sacramento County Registrar, and the County Executive Office contributed to this report.

Recommendations

1. Adopt this report as Sacramento County's response (to the findings and recommendations) contained in the 2016-17 Grand Jury Final Report.
2. Direct the Clerk of the Board to forward a copy of the Board Letter to the Presiding Judge of the Superior Court no later than September 30, 2017.

Measures/Evaluation

Not applicable.

Fiscal Impact

Departments contributing to this report absorbed incurred costs within their respective budgets.

BACKGROUND

Each year the Sacramento County Grand Jury concludes its work and releases its Final Report, typically the last week in June. The report, which can address a variety of activities, functions, and responsibilities of government, typically contains findings and recommendations with a response specifically directed to the Presiding Judge of the Superior Court.

The form of the County's responses as required by Penal Code section 933.05 is as follows:

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.*

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 timeframe for implementation.*
3. *The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 timeframe shall not exceed six months from the date of the 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.*

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.

DISCUSSION

The 2016-17 Grand Jury Final Report contained one report on issues pertaining directly to the County that requires a response. The report, *The Election Process: In Good Hands* required county responses from the Sacramento County Registrar and the County Executive Office. The County has 90 days to respond to the findings and recommendations to the presiding judge. The web link to the report is <http://www.sacgrandjury.org/reports/reports.asp>.

Below are the responses to the Grand Jury Report 2016-17:

Finding 1: The registrar did a commendable job running the November 2016 election.

Sacramento County CEO Response:

Sacramento County CEO agrees with the finding.

Recommendation 1: The Sacramento County Board of Supervisors should officially recognize the outstanding job done by the registrar's office.

Sacramento County CEO Response:

This recommendation will not be implemented. Sacramento County has 30 departments, and each department does an outstanding job providing exceptional public services to the residents of Sacramento County.

The CEO and Registrar have acknowledged the election staff for the excellent work they did for the November 2016 Election. On February 22, 2017 a recognition luncheon was held to demonstrate all the staff's valuable contributions to making the election successful. More than 100 people attended the gathering, including temporary workers.

The Registrar conducted a complex November 2016 Presidential General Election, preparing and distributing 173 variations of accurate and error-free ballots and information booklets for the County's three quarters of a million registered voters. Over half a million ballots were cast in the election.

The Grand Jury reviewed the November 2016 election, and made the following observations:

- Overall, the election process in Sacramento County was well run with only minor problems.
- Polling place county machines and computers/machines at election headquarters were 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.
 - Poll watchers are encouraged to monitor the process.
 - Voter rolls are updated to remove those who are deceased, have moved and are ineligible to vote.
 - Voter signatures are verified.
 - Last-minute registrations are reviewed.
 - Provisional ballots are verified.

In addition, the Registrar conducted a voter survey after the November election. Below are the results:

- Wait Time – 88% waited less than 5 minutes to vote, even with a 3-card ballot that on average took 10 minutes to complete.
- Polling Place Location – 92% were satisfied or very satisfied with the location of their poll place, up from 89% in June.
- Overall Voting Experience – 86% were satisfied or very satisfied with their voting experience, up from 83% in June.

Finding 2: The layout of the election office is awkward and inefficient.

Sacramento County Registrar Response:

The Sacramento County Registrar agrees with the finding. The Registrar's Office moved into their current location in 2003 and the layout of the office had been designed for an electronic voting system. Secretary of State, Kevin Shelly, decertified all electronic voting system in April of 2004, requiring voting systems to have a VVPAT (Voter Verified Paper Audit Trail). At that time, Sacramento County issued a Request for Proposal (RFP) but had to revoke the RFP due to the VVPAT requirement. The County had to reissue another RFP for a paper based system, knowing that the layout of the office had been designed for an electronic voting system.

Since the layout is designed for an electronic voting system and not a paper based system, there are physical limitations that impede efficiency in the Registrar's Office. County staff is required to keep ballot boxes (by precinct) in a secure storage room. As ballots come in, staff places the ballot boxes from a secure room to a counting table for ballot counting. Once the ballots have been counted, the ballot boxes are put back into the secure storage room. However, as more ballots arrive, the boxes are taken out of the secure storage room again and placed on a counting table for additional ballot counting.

This process happens on multiple occasions a night, creating awkwardness in the Registrar's Office.

Sacramento County CEO Response:

The County Executive Office agrees with the Sacramento County Registrar's Response.

Recommendation 2: A study on how to improve flow patterns of the election office should be conducted, including site visits to other headquarter locations.

Sacramento County Registrar Response:

This recommendation has been implemented. A study was done of the workflow by County's Architect in 2014 to design a better layout for the office. However, while that design was not implemented, the Registrar anticipates significant process changes in the next 12 months.

On July 14, 2017, the County issued an RFP to acquire a new voting system. Under the new Voters Choice Act, approved by the Board of Supervisors on June 6, 2017, the Registrar is moving to all mail ballot elections with Vote Centers. All of these changes will affect the workflow. While the new system will still be paper based as required by law, new technology will change the way ballots are processed taking several inefficient steps out of current procedures. As the Registrar reviews the RFP responses beginning August 28, 2017, ballot-processing procedures will be re-evaluated. It is anticipated that the Vote Center model will be implemented for the June 2018 election, at which the Registrar will re-examine the flow patterns of the office.

The Registrar visited the Butte and Solano County Election Office this past year, and studied their ballot workflow processes. The Registrar will continue to reach out to other election offices.

Sacramento County CEO Response:

The County Executive Office agrees with the Sacramento County Registrar's Response.

Finding 3: The current manual method for verifying voter signatures is outdated.

Sacramento County Registrar Response:

The Sacramento County Registrar agrees with the finding. The California Election Code requires all counties to verify the signatures manually or using signature verification technology. The current manual method for verifying voter signatures is a manual *multi*-step review process established by the Sacramento County Registrar. If a ballot signature is not matching the signature in the voter's registration affidavit, the signature is further researched by an experienced supervising manager. If the manager has any doubt about the signature, it is taken directly to the County Registrar for a final decision. Although this manual method is outdated and may be slow, it provides a successful rate of accuracy.

Recommendation 3: The process for voter signature verification should be automated.

Sacramento County Registrar Response:

This recommendation has not yet been implemented, but will be implemented for the June 2018 election. While the current process for signature verification is done manually, the necessary procedures are in place to ensure accuracy. On July 14, 2017, an RFP was issued for a new voting system to implement the *California Voters Choice Act*, and an automated signature verification component was included.

Finding 4: The overall election process would be improved if Sacramento County opts into the new election process established by the California Voters Choice Act.

Sacramento County Registrar Response:

The Sacramento County Registrar agrees with the finding.

Sacramento County CEO Response:

The County Executive Office agrees with the Sacramento County Registrar's Response.

Recommendation 4: 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.

Sacramento County Registrar Response:

This recommendation has not been implemented, but will be implemented by June 2018. On June 6, 2017, the Board of Supervisors adopted Resolution 2017-0409, authorizing Vote Center Model elections in Sacramento County to begin in 2018. The Voter's Choice Act allows counties to conduct elections by vote-by-mail (VBM) ballot while also providing regional Vote Centers to be open 10 days prior to Election Day.

The timeframe of implementation into the new election process is listed below:

TENTATIVE DATES	EVENT
August 16	RFP Vendor Demonstrations
Late August - Early September	RFP team makes recommendation
September 26	Board agenda item for award of voting system contract.
September 2017 - May 2018	On-going activities: <ul style="list-style-type: none"> • Outreach to public; • Survey locations for use as Vote Center and Drop Box sites; • Create Language and Voter Accessibility Advisory Committees (LAAC and VAAC); • Staff training on systems, update procedures; • Develop Election Administration Plan (EAP) including outreach plan, provide to SOS for approval
October 2	Deadline to establish county LAAC and VAAC
October 10	Deadline for county proposed EAP Plan to be published
Mid October	Begin delivery of voting system equipment and acceptance testing
December 4	Last day for Registrar of Voters (ROV) to submit EAP outreach plan to Secretary of State (SOS) for approval
March 9, 2018	Deadline to determine number of Vote Centers and Drop Box Sites for June election
May 7, 2018	VBM drop-off boxes (54 sites) open 29 days prior to Election Day
May 26, 2018	Vote Centers (16 sites) open beginning 10 days prior to Election Day
June 2, 2018	Vote Centers increase (77 sites) beginning 3 days prior to Election Day
June 5, 2018	Election Day

Sacramento County CEO Response:

The County Executive Office agrees with the Sacramento County Registrar’s Response.

FINANCIAL ANALYSIS

Staff from the Sacramento County Registrar, and the County Executive Office contributed to this report. Departments contributing to this report absorbed incurred costs within their respective budgets.

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Respectfully submitted,

NAVDEEP S. GILL
County Executive