

REGISTRAR OF VOTERS

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August 14, 2012

The Honorable Paul Beeman
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA 94533

RE: Response to the FY2011/2012 Grand Jury Report – Registrar of Voters

Dear Honorable Presiding Judge Beeman:

Pursuant to Penal Code sections 933(c) and 933.05, I am responding to the findings and recommendations in the FY2011/12 Grand Jury Report received on June 20, 2012 on the Registrar of Voters that pertain to matters under my control as the Chief Information Officer and Registrar of Voters.

Finding 2

The frequency of performance evaluations within the Registrar of Voters' Office did not comply with County policy that requires annual evaluations of employees. Specifically, no Election Coordinator or Election Technician had received a performance evaluation within the twelve-month period ending March 1, 2012. In one case, the last appraisal was February 2005.

Response to Finding 2

The Registrar of Voters agrees with the finding.

Recommendation 2

Registrar of Voters ensure that all staff receive performance evaluations as required by County policy.

Response to Recommendation 2

This recommendation has been implemented. The Registrar of Voters understands the value of employees receiving feedback on job performance and all ROV employees will receive performance evaluations at the time of their employment anniversary.

Finding 4

Registrar of Voters' staffing and organization concerns were noted. Specifically, budget constraints resulted in the elimination of two election technician positions. The elimination not only impacted staff workload, but it also left the organization with seven supervisors for three technicians. The three technicians were shared by four supervisors (election coordinators).

Response to Finding 4

The Registrar of Voters agrees with the finding.

Recommendation 4

Registrar of Voters coordinate with the Director, Human Resources Department, to:

- determine the feasibility of utilizing volunteers to supplement the current staff
- adjust the staff-to-supervisor ratio
- correct organizational deficiencies that allow staff to be managed by multiple supervisors

Response to Recommendation 4

This recommendation will be partially implemented.

- *Use of Volunteers:* The ROV office will be working toward creating a volunteer program within County Human Resources' standards with the goal of implementing such a program in September 2012, in time for the November General Election.
- *Adjust Staff-to-Supervisor Ratio:* The recommendation to adjust the staff-to-supervisor ratio will not be implemented because it is not warranted. This recommendation appears to not factor in the cyclical staffing history of the office and the need to shift workers to different functions throughout the election process. While it is true that there are three full-time regular Election Technicians, this number swells to thirty (30) or more line staff when extra help staff are included. These 30-plus line staff work on numerous processes and functions throughout the election cycle and require adequate supervision to ensure timely and high-quality work performance. There currently are no plans to increase the number of full-time regular line-level staff. The Registrar of Voters will monitor the distribution of election technicians and extra-help election clerks to each of the coordinators to achieve the goals of the office and request additional staff if deemed necessary.
- *Correct Organizational Deficiencies:* The recommendation to eliminate the supervision of staff by multiple supervisors will not be implemented because it is not warranted. The Registrar of Voters disagrees with the assertion that an organizational deficiency exists. The nature of the work in ROV office makes the traditional hierarchical organization structure unsuitable. ROV office requires a matrix approach to its organizational structure, which means that staff assignments and reporting relationships will change throughout the election cycle

as necessitated by the workflow. ROV office has developed a new organizational chart to clarify this matrix reporting relationship that staff have to different supervisors/coordinators throughout the work cycle.

Finding 5

Registrar of Voters had no formal training plan or program designed to develop or improve ROV staff's technical abilities. Both new and experienced employees relied on written processes and procedures to accomplish assigned tasks.

Response to Finding 5

The Registrar of Voters agrees with this finding. ROV staff do not have individualized training plans; however, staff attends California Association of Clerks and Elections Officials (CACEO) conferences, CACEO training and election certification courses, and vendor conferences and training on election processes and procedures statewide.

Recommendation 5

Registrar of Voters prepare and utilize individual training plans for new employees.

Response to Recommendation 5

This recommendation has been partially implemented. The ROV office began developing training plans for all new employees in July 2012. In addition, training plans will be reviewed for all existing employees to be sure they are formally trained on all procedures and processes for existing operations.

Finding 6

Election Coordinators were not cross-trained. Therefore, the Registrar of Voters' Office was not prepared for unplanned periods of extended absence, or to shift resources when a coordinator needed assistance.

Response to Finding 6

The Registrar of Voters partially agrees with this finding in that there was no formal cross-training program in place.

Recommendation 6

Registrar of Voters design and implement a program to cross-train Election Coordinators.

Response to Recommendation 6

This recommendation has been partially implemented. Beginning in April 2012, the ROV office began to work with Election Coordinators on the formal cross-training of duties. Previously, Election Coordinators were informally cross-trained on various election tasks throughout the Primary Election. These areas include provisional ballot processing, assigning vote credit, logic and accuracy testing, operating vote counting equipment, and the canvass of returns. The ROV office is creating a cross-training matrix to better understand gaps in the cross-training of Election Coordinators, with the goal of having all Election Coordinators cross-trained for complete coverage by December 2012. The ROV

office will create documentation identifying the goals and tracking of progress of all cross-training activities.

Finding 7

Although most ROV processes and procedures were written and stored on the Registrar of Voters' shared computer drive, some processes were not written or were out of date. In addition, the processes and procedures were haphazardly organized.

Response to Finding 7

The Registrar of Voters agrees with this finding.

Recommendation 7

Registrar of Voters ensure that policies and procedures are complete, accurate, and adequately organized.

Response to Recommendation 7

This recommendation has not yet been implemented, but will be implemented over the next year. The ROV office will create and maintain a detailed work plan for all operations and procedures for the ROV office and will be maintained and updated as necessary.

Finding 8

The arrangement of cubicles within the Registrar of Voters' Office was not conducive to either staff communication or customer service (only one cubicle faced the customer-service counter).

Response to Finding 8

The Registrar of Voters disagrees wholly with this finding. In addition to the reception desk, three cubicles have windows in their partitions to allow staff to see the front counter and customers in the waiting area. The cubicle arrangement strikes a balance between providing staff an effective personal work area that provides privacy and controls noise and maintaining an open and flexible office environment.

Recommendation 8

Registrar of Voters coordinate with the Director, General Services Department, to rearrange or remove the cubicle configuration within the Registrar of Voters' office to enhance communication between staff and improve customer service.

Response to Recommendation 8

This recommendation will not be implemented because it is not warranted as set forth in the Registrar of Voters' response to Finding 8.

Finding 9

Registrar of Voters' office space was inadequate for efficient operation. Specifically, the customer service area was not large enough during times of high activity, the work area was too small to process vote by mail ballots, and the warehouse was three miles from the office.

Response to Finding 9

The Registrar of Voters disagrees wholly with this finding. Having a customer service area separated from a warehouse/storage environment is not counterproductive to the overall goals of the County in centralizing customer service offices. By having the ROV office collocated with other County support services, including the Information Technology department, County Administrator's Office, Human Resources, Auditor-Controller and Assessor-Recorder the ROV office has more resources readily available to help with our customer service needs.

Recommendation 9

Registrar of Voters coordinate with the Director, General Services Department, to identify and obtain a single facility sufficient to:

- house all staff
- provide an adequate customer service area (including parking)
- allow all ballot processing functions within a single facility
- store all election equipment and material

Response to Recommendation 9

This recommendation will not be implemented because it is not warranted and recently studied. The Division of Architectural Services studied the space needs of the ROV office as part of a broader master planning effort in 2007. It was determined at that time that the consolidation of all ROV functions into a single facility would be cost prohibitive. Architectural Services again studied ROV processes and space needs in 2011, which led to the design and construction of ballot-processing facilities on the sixth floor of the County Administration Center. As previously stated, there are benefits gained by collocating the ROV office with other County services. Parking is sufficient for all of the operations conducted by ROV, and measures are being implemented to deal with larger volume of ballot drop off during higher turnout elections and to help with utilization of customer service areas. All ballot-processing functions are currently contained within a single facility and additional security measures are being implemented for ballot security. Additionally, all election material is stored securely within the ROV office at 675 Texas Street. Only voting machines and long-term storage are maintained at the ROV warehouse facility. This facility does not require customer access and remains more secure because of the remote location.

Finding 10

A processing error resulted in candidates being left off the November 2011 ballot. Because of this error, the County incurred approximately \$30,000 in costs for supplemental ballots and voting materials.

Response to Finding 10

The Registrar of Voters agrees with this finding.

Recommendation 10

Registrar of Voters develop and implement a process sufficient to ensure that ballots and voting material are accurate.

Response to Recommendation 10

This recommendation has been implemented. On July 1, 2012, the Registrar of Voters developed and implemented a policy where all materials, forms, and documents are reviewed by no less than two coordinators plus the Deputy Registrar of Voters before distribution. The procedure serves the purpose of ensuring accuracy, as well as providing a dialog for making improvements to materials, ballots and communications from the ROV office.

Finding 11

Voting bubbles on some supplemental ballots were too faint to be seen.

Response to Finding 11

The Registrar of Voters agrees with this finding.

Recommendation 11

Registrar of Voters develop and implement a process sufficient to ensure that ballots and voting material meet quality standards.

Response to Recommendation 11

This recommendation was implemented prior to receiving the Grand Jury report. The ROV office discussed this issue with its ballot printing vendor. The vendor has committed to utilizing a higher contrast ballot stock (i.e., white paper with black ovals) and maximizing the use of standard ballots from ballot counting software. Both the ROV office and the vendor have enhanced the review process of all ballot components prior to approval to print ballots.

Finding 12

Accessibility Surveys are performed manually. The mandated surveys are complex, require specialized training to complete, and are labor intensive. Commercial software is available to aid in the completion of the survey forms; however, the software is cost-prohibitive.

Response to Finding 12

The Registrar of Voters disagrees partially with this finding. While the accessibility surveys are manually processed, software for processing is not readily available and must be developed.

Recommendation 12

Registrar of Voters develop or procure software to make the process of conducting Accessibility Surveys more efficient.

Response to Recommendation 12

This recommendation requires further analysis. The ROV office will work with information technology application developers to evaluate the scope, cost and resources needed to conduct surveys. This evaluation will be completed by December 2012.

Finding 13

The Secretary of State recommended that counties establish and utilize Voting Accessibility Advisory Committees to assist with the review, survey, and certification of polling places. Solano County did not have a Voting Accessibility Advisory Committee.

Response to Finding 13

The Registrar of Voters agrees with this finding.

Recommendation 13

Registrar of Voters establish and utilize a Voting Accessibility Advisory Committee as recommended by the Secretary of State.

Response to Recommendation 13

This recommendation will not be implemented as it is not warranted. While an Advisory Committee is recommended by the Secretary of State, the method to evaluate polling place accessibility is prescribed by law. Registrar of Voters does not feel that the inclusion of an Advisory Committee in this process will be helpful to, or improve the quality of, outcomes.

Finding 14

Envelopes used during the November 2011 election were flawed. For example,

- The signature tab was improperly perforated
- The signature block was not large enough to reveal the entire signature
- The envelopes were prone to jam when run through the sorting machine

Response to Finding 14

The Registrar of Voters disagrees partially with this finding. Issues were experienced with the signature tab and block, but the envelopes only occasionally jammed into each other on the left side of the sorter. Envelopes were not prevented from being sorted, nor did these issues slow down the processing of vote-by-mail ballots in 2011.

Recommendation 14

Registrar of Voters utilize self-adhesive Vote by Mail envelopes (identified to the Grand Jury as costing \$0.15 each) in lieu of using time and resources to correct problems identified with the envelopes used in the November 2011 election.

Response to Recommendation 14

This recommendation will not be implemented because it is not warranted. The issues have been corrected with envelopes purchased in February 2012. The

perforated tab has been improved from 7 contact points to 1 single point, allowing easier removal without exposing the ballot. The signature block was shifted and expanded to capture the entire signature without issue. The ROV office experienced no additional cost for these modifications.

Finding 15

Letter-opening machine operators did not wear personal safety protection (ear plugs and respiration mask). As a result, the health and safety of staff may be at risk.

Response to Finding 15

The Registrar of Voters disagrees wholly with this finding. The air and sound quality for operators working on all equipment within the ROV office operations is within normal acceptable values as established by California Occupational Safety and Health Administration for office type work.

Recommendation 15

Registrar of Voters coordinate with the Director, Human Resources Department, to identify and correct possible health and safety concerns associated with the operation of the mail-opening machine.

Response to Recommendation 15

This recommendation will not be implemented because it is not warranted. The ROV office worked with the Human Resources to contract with California Industrial Hygiene Services to evaluate the worksite. The independent, certified civil engineer and American Industrial Hygiene board-certified contractor determined that the air and noise were within normal operating levels. The engineer did recommend modifying a table that supports jogging equipment to help reduce the sound of vibration, which has occurred.

Finding 16

Registrar of Voters' policy requires that two people review and agree when ballots must be taped or enhanced (for example, remove stains and marks that might result in the ballot being rejected or miscounted). The Grand Jury observed individual staff reviewing and repairing Vote by Mail ballots without the required second opinion/approval.

Response to Finding 16

The Registrar of Voters agrees with this finding.

Recommendation 16

Registrar of Voters communicate and enforce the policy that Vote by Mail ballots be reviewed and repaired (as needed) by two-person teams.

Response to Recommendation 16

This recommendation has been implemented. Prior to and throughout the processing of vote-by-mail ballots in the June 2012 Primary election, the ROV office reviewed and enforced the policy on the use of a two-person team for all ballot handling.

Finding 17

Registrar of Voters' policy prohibits food and drink at or near the count machines. The Grand Jury observed a beverage on a count machine while the machine was in use.

Response to Finding 17

The Registrar of Voters agrees with this finding.

Recommendation 17

Registrar of Voters clearly post, and enforce a policy prohibiting food and drink within the count room.

Response to Recommendation 17

This recommendation has been implemented. Prior to ballot handling for the June 2012 Primary election, the ROV office posted signs prohibiting food and drink in the count room, at each station where the policy is to be enforced. Additionally, signs were posted at all vote counting devices.

Finding 18

Unsorted mail was brought by Registrar of Voters' staff from the mail center and left unattended thereby increasing the possibility of lost, misplaced, or stolen mail addressed to other County departments and agencies.

Response to Finding 18

The Registrar of Voters disagrees wholly with this finding. Mail for other departments was placed in the County's mail system for pickup by General Services' staff.

Recommendation 18

Director, General Services Department, establish and enforce a policy that prohibits unsorted mail from leaving the mail center.

Response to Recommendation 18

This matter is not under the control of the Registrar of Voters.

Finding 19

The "vault room" used by the Registrar of Voters to store counted and uncounted ballots was not adequately protected. Although the vault had a uniquely-keyed lock with a tightly controlled key, during site visits the Grand Jury noted the door was left open. In addition the room did not have video surveillance. A concern regarding vault security was expressed in the 2008 report on ballot handling commissioned by the County.

Response to Finding 19

The Registrar of Voters agrees with this finding. As a point of clarification, ROV office addressed the vault security concern in the referenced 2008 report on ballot handling by securing the room with a uniquely keyed lock that is not part of the building master-key system. The room is used for the storage of counted ballots only.

Recommendation 19

Registrar of Voters coordinate with the Director, General Services Department to enhance security of the vault room. Specifically, obtain and install systems to:

- automatically close and lock door
- restrict, track, and record access
- monitor activity

Response to Recommendation 19

This recommendation will be implemented in two phases. In July 2012, the ROV further restricted access to this room used to store counted ballots per the referenced 2008 report by ensuring a log is maintained to record access days/times and persons entering and exiting the room. The door will remain locked at all times. In January 2013, the ROV office will implement security cameras in rooms containing ballots for additional monitoring of security.

Finding 20

The warehouse used by the Registrar of Voters to store election material and equipment was not adequately protected. Specifically, the warehouse did not have a system to restrict, track, and record access.

Response to Finding 20

The Registrar of Voters disagrees wholly with this finding. Video surveillance is used for the security of election materials and equipment stored at the warehouse facility. The facility is also protected by a monitored alarm system. Access to keys and alarms codes for the warehouse are tightly controlled. Additionally, as a point of clarification, no ballots are stored at this warehouse.

Recommendation 20

Registrar of Voters coordinate with the Director, General Services Department, to obtain and install a system to restrict, track, and record access to the warehouse used to store voting material and equipment.

Response to Recommendation 20

This recommendation will not be implemented because it is not warranted. Registrar of Voters feels that access to the warehouse is adequately controlled.

Finding 22

The voter complaint process did not record all voter issues, concerns, or complaints submitted during the November 2011 election as required by Registrar of Voters' policy.

Response to Finding 22

The Registrar of Voters agrees with this finding.

Recommendation 22

Registrar of Voters develop and implement a policy and/or procedure sufficient to ensure that all voter problems, concerns, and complaints are recorded in the call log.

Response to Recommendation 22

This recommendation will be implemented in September 2012. The ROV office will modify the software currently used to track calls from poll workers to also allow tracking issues from citizens related to the election. The ROV office will review, train and implement procedures to ensure staff document and record all calls from citizens within this database.

Finding 23

The Registrar of Voters' website did not identify a way for voters to communicate problems or complaints to the Registrar's office.

Response to Finding 23

The Registrar of Voters disagrees wholly with this finding. There is information on how to contact the ROV office by phone, letter, or e-mail on the County's website. This contact information is placed on the website in a place that is consistent across all pages on the website to make it easy for the public to find.

Recommendation 23

Registrar of Voters revise the website to identify how voters can submit problems, concerns, and complaints.

Response to Recommendation 23

Although Registrar of Voters disagrees with Finding 23, the recommendation will be implemented in September 2012. This enhancement of the existing communication options will serve as a way to improve the ROV's recordkeeping of complaints and responses, particularly for complaints about voter registration.

Finding 24

Timely communication between the Registrar of Voters and City Clerks was inadequate. Specifically, Registrar of Voters' staff met with City Clerks once per year; however, most City Clerks suggested that the Registrar of Voters increase the meeting frequency.

Response to Finding 24

The Registrar of Voters agrees with this finding.

Recommendation 24

Registrar of Voters meet with City Clerks prior to all elections to address processes and concerns.

Response to Recommendation 24

This recommendation will be implemented. The ROV staff will meet with the city clerks in preparation for the 2012 General Election. Beginning in 2013, the ROV office will implement quarterly meetings with the city clerks as well as one conference call prior to each election.

Finding 25

The verbal reciprocal agreement between Solano County and Contra Costa County to provide back-up emergency vote counting service was neither documented nor formalized.

Response to Finding 25

The Registrar of Voters partially disagrees with this finding. The ROV office needs to formalize the agreement. As a point of clarification, the ROV office does have a formal reciprocal agreement with the County of Sacramento that has been in effect since 2008.

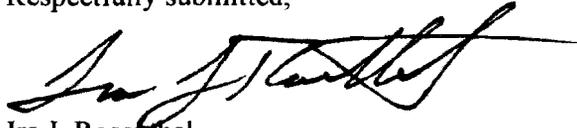
Recommendation 25

Registrar of Voters document and formalize the reciprocal agreement with Contra Costa County to provide back-up emergency vote counting service.

Response to Recommendation 25

This recommendation will be implemented. The ROV office will work with Contra Costa County and the Board of Supervisors to adopt a memorandum of understanding for emergency vote counting services in time for the 2012 General Election.

Respectfully submitted,



Ira J. Rosenthal
Chief Information Officer / Registrar of Voters

cc: Grand Jury
Board of Supervisors
Birgitta Corsello, County Administrator
Dennis Bunting, County Counsel
Marc Fox, Director of Human Resources
Mike Lango, Director of General Services