



SOLANO COUNTY GRAND JURY
2011-12

REGISTRAR OF VOTERS

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2011-12 Solano County Grand Jury

I. SUMMARY

The Grand Jury's review of the Solano County Registrar of Voters found that improvements could be performed in several areas. For example, the Grand Jury noted that Registrar of Voters' office space was not large enough to accomplish all required functions, nor were sensitive areas adequately controlled and monitored. Additionally, the organization had more supervisors (seven) than technicians (three), and staff was not provided annual performance evaluations. Also, some Registrar of Voters' policies and procedures needed to be written, some needed to be updated, and all needed to be better organized. The Grand Jury also determined that the County did not have a Voting Accessibility Advisory Committee as recommended by the Secretary of State, and that a verbal reciprocal agreement with Contra Costa County for emergency vote-counting services was not documented and formalized.

II. INTRODUCTION

The Registrar of Voters (ROV) is responsible for conducting fair and impartial Federal, State, local, and school elections. Other ROV functions include voter registration, election administration, redistricting coordination, candidate information, and campaign disclosures.¹ The local Board of Supervisors determines if the position is elected or appointed. In California, 16 of 58 counties have an appointed Registrar of Voters.²

In Solano County, the Chief Information Officer is the appointed ROV. Day-to-day ROV duties are performed by an Assistant ROV and a full-time staff of eight. When preparing for an election (there are a minimum of two elections per year), the ROV staff may increase by up to 20 temporary employees. The ROV maintains two facilities: An office within the County Administration Center, and a warehouse approximately three miles away.

Solano County has approximately 200,000 registered voters of which nearly half (97,000) are permanent Vote by Mail (VBM). In the most recent election (November 2011), ROV records indicate that voter turnout was 26 percent (51,278 voters), of which more than 75 percent (38,732 voters) were VBM. In the last Presidential election (2008), voter turnout was 85 percent (50,469 in-precinct voters and 71,477 VBM voters).

Costs for Federal, State, and County elections are normally absorbed by the County. For other types of elections (cities and schools, for example) the County is reimbursed by the entity requiring the election. The County spends between \$720,000 and \$1.4 million to administer an election.

¹ Registrar of Voters section of the County of Solano 2011-12 Adopted Budget.

² Election Administration Research Center.

Depending on the type of election there are 105 to 130 polling precincts in Solano County. On Election Day, each polling place (which may include two or more precincts) is staffed by four poll workers. There are roving inspectors to resolve polling-place problems. The ROV is responsible for hiring, training, and supervising the election-day staff.

As part of the election process, the Grand Jury participates in Logic and Accuracy testing³ for the Registrar of Voters. However, the Solano County Grand Jury has not performed an in-depth review of the ROV for at least 10 years. As a result, the 2011-12 Grand Jury elected to investigate the procedures and operations of the ROV.

III. METHODOLOGY

The Grand Jury performed the following:

- Interviewed the Registrar of Voters and permanent staff
- Observed election processes for the November 8, 2011 election
- Reviewed Registrar of Voters processes and procedures related to:
 - Complaints
 - Security
 - Voter registration
 - Tabulation and certification of election results
 - Vote by Mail ballots and envelopes
 - Election administration
 - Training
 - Receiving and verifying nominations and petitions
 - Equipment operation
 - Polling place accessibility
- Toured Registrar of Voters' facilities
- Reviewed the County-commissioned March 31, 2008 report *Review of Registrar of Voters Ballot Handling Procedures* and the Registrar of Voters' response to the report
- Examined the 2011-12 Solano County Adopted Budget for the Registrar of Voters' Office

³ Logic and Accuracy testing is the process by which voting equipment is configured, tested, and certified for accuracy prior to an election.

- Reviewed and analyzed various Solano County Human Resources Department documents
- Reviewed the formal Reciprocal Agreement between Solano County and Sacramento County for back-up emergency vote counting service
- Examined various sections of California Elections Code
- Reviewed and evaluated information contained in State and Solano County web sites
- Surveyed all City Clerks in Solano County

IV. STATEMENT OF FACTS

The Chief Information Officer is the appointed Registrar of Voters (ROV) for Solano County. There is no job description for the ROV, nor are the ROV duties, functions, and/or responsibilities identified in the position description for the Chief Information Officer.

Between July 1 2010 and July 1, 2011 ROV staff size was reduced from 12 to 10. Staff reductions were accomplished at the lowest end of the organization (Election Technicians). As a result, at the time of review ROV staff consisted of seven supervisors (ROV, Assistant ROV, Deputy ROV, and four Election Coordinators) and three Election Technicians. The three Election Technicians are shared by the four Election Coordinators.

Solano County requires that employees receive performance evaluations at least annually. At the time of investigation, records maintained by the Human Resources Department showed that none of the Election Coordinators or Election Technicians had received an evaluation within the last 12-month period. The most recent appraisal for one Election Coordinator was performed in February 2005. In another case, an Election Technician was last evaluated in June 2006. Performance evaluations are not tracked or monitored by the County's Human Resources staff.

There is no formal training plan or program designed to develop or improve ROV staff's technical abilities. Also, each Election Coordinator is an expert in a specific area of responsibility; however, ROV staff stated the coordinators are not cross-trained. In lieu of training, both new and experienced coordinators and technicians rely on written processes and procedures to accomplish assigned tasks. Although most ROV processes and procedures are written and stored on the ROV's shared computer drive, some do not exist or are out of date. In addition, processes and procedures are not well-organized.

The ROV's office is located in the County Administration Center (CAC). Cubicles in the office are arranged to provide maximum privacy for staff. However, ROV staff stated that the configuration is not conducive to open communication and idea sharing. Also, only one cubicle faces the customer service area. Staff also stated that the customer service area is inadequate during periods of high activity. Additionally, the Grand Jury observed that ROV office space is insufficient to accomplish some Vote by Mail (VBM) election processes. During the November

2011 election, the sorting of VBM envelopes was performed at a County-owned building located several blocks away from the CAC. During the course of this investigation, the Board of Supervisors approved additional space within the CAC for the ROV; however, the added space is on a different floor than the ROV Office, and will require the transport of voted ballots.

There are numerous, and sometimes conflicting laws, regulations, and rules that govern the election process that can lead to misinterpretation and errors. For example, during the November 2011 election, some candidates running unopposed for local positions were erroneously left off VBM ballots because ROV staff misinterpreted election code. Supplemental VBM ballots and voting materials required to remedy this error were created at a cost to the County of approximately \$30,000. In addition, at least some of the supplemental ballots included voting bubbles⁴ that were too faint to be seen.

Administering elections includes ensuring that all qualified voters are provided a reasonable opportunity to vote. To make sure all polling places are accessible and meet the requirements of the Americans with Disabilities Act (ADA), the California Secretary of State mandates that counties perform an Accessibility Survey and certify ADA compliance for every actual and potential polling place. The survey is complex, requires specialized training to complete, and is labor intensive. Although much of the survey could be automated (software is available but is cost prohibitive), completion of Accessibility Surveys is currently a manual process. The Grand Jury learned that all current polling places need to be surveyed and recertified. In addition, the ROV would like to survey 60 additional sites as potential polling places. The California Secretary of State recommends that “each county elections official appoint and maintain a Voting Accessibility Advisory Committee (VAAC) to advise and assist the elections official”⁵ with the review, survey, and certification of polling places. Solano County does not have a Voting Accessibility Advisory Committee.

Vote by Mail represents approximately 75 percent of all County ballots cast. Processing VBM ballots involves several steps and begins about two weeks before the actual election. VBM envelopes are received, sorted multiple times to get the envelopes in precinct order, partially opened to reveal the voter’s signature, processed to verify signatures, and eventually opened. VBM ballots must be unfolded and individually inspected to ensure there are no tears or marks (coffee stains for example) that could cause the ballot to be rejected or miscounted. Because VBM ballots were previously folded, they are more difficult to run through the count machine than normal ballots. Although VBM voters are encouraged to submit their ballots early, approximately half of all VBM ballots are turned in at polling places on Election Day. Since VBM processing is time consuming, VBM ballots received on Election Day delay final election results.

⁴ As used in this report, a voting bubble is the oval next to a candidate or issue that is filled in to indicate the voter’s preference.

⁵ California Secretary of State’s *Polling Place Accessibility Guidelines – March 2010*

The Grand Jury's review and observation of VBM processing revealed the following:

- The signature privacy tab on VBM envelopes was not perforated correctly. As a result, removal of the privacy tab could tear the envelope and reveal the voted ballot.
- The signature window on VBM ballots was not large enough to reveal the entire signature, thereby creating problems and delays during the signature verification process.
- VBM envelopes had to be closely monitored when run through the sorting machine to ensure they processed properly.
- VBM envelopes used by the County cost \$0.11 each; however, for an additional \$0.04, self-adhesive return envelope was available that would correct the problems identified during the November 2011 election. If the more expensive envelope were used, the additional expense would be approximately \$4,000 (\$0.04 X 100,000 VBM voters) per election.
- The letter-opening machine used by the ROV is noisy. Staff reported the machine emits particulates from processing the envelopes. The Grand Jury observed that the machine operator had neither noise nor respiration protection.
- Each VBM ballot is visually inspected to ensure there are no tears, marks, or stains that would prevent the ballot from being counted. According to ROV policy, two staff members must agree before a ballot can be repaired (for example, tears taped and marks removed). The Grand Jury observed a temporary employee using white tape to repair a ballot without obtaining the required second opinion.
- To prevent ballot contamination, ROV policy prohibits food and drink on or near the count machines; however, the policy was not posted, and Grand Jurors observed a bottle of water on a count machine while ballots were being counted.
- To expedite the VBM process, ROV staff brought unsorted mail from the County mail center to the ROV Office. After VBM envelopes were removed, the remaining mail was left unattended. Included in the unattended mail were several pieces of correspondence addressed to the County Treasurer.

Counted and uncounted ballots are stored in a room referred to as "the vault." Although the vault has a uniquely-keyed lock with a tightly controlled key, during site visits the Grand Jury noted the door was left open to allow easy access for ROV staff. Inadequate vault security was addressed by the 2008 report *Review of Registrar of Voters Ballot Handling Procedures* commissioned by the County. The report recommended a controlled-access system and video surveillance of the area. The vault did not have video surveillance at the time of the Grand Jury's visit.

Following certification of election results, ballots are archived in a leased warehouse maintained by Solano County General Services, approximately three miles from the CAC. The ROV also

maintains a leased warehouse adjacent to the General Services warehouse. The ROV warehouse is used to store and test election material, such as voting machines. The ROV warehouse is alarmed and has video surveillance. The General Services warehouse is also alarmed, but lacks video surveillance. Although access keys and alarm codes are controlled, neither warehouse has a card-reader access system or other means to restrict and record entry and egress.

The ROV utilizes a call log to record complaints and problems from voters and polling staff. Review of the call log and discussion with ROV staff revealed that some voter complaints were submitted during the November 2011 election but not recorded on the call log. In addition, the ROV's website did not contain a specific telephone number or form for voters to submit problems, concerns, or complaints.

The ROV meets annually with the seven City Clerks within the County. The purpose of this meeting is for the ROV to coordinate, communicate, and educate City Clerks regarding election matters. A survey of the City Clerks revealed that the meetings were beneficial; however, most City Clerks believed that meetings with the ROV should be held more frequently (the majority favored meeting at least twice per year).

In case of emergency, the ROV has reciprocal agreements with Sacramento and Contra Costa Counties to provide back-up emergency vote counting service. The formal agreement with Sacramento County was approved and signed by the respective Board of Supervisors in 2008. The verbal agreement with Contra Costa County has not been documented or formalized.

V. FINDINGS AND RECOMMENDATIONS

Finding 1 – The job description for the Chief Information Officer did not include any Registrar of Voters' duties, functions or responsibilities.

Recommendation 1 – Director, Human Resources Department, ensure that the job description for the Chief Information Officer adequately addresses the duties, functions, and responsibilities of the 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.

Recommendation 2 – Registrar of Voters ensure that all staff receive performance evaluations as required by County policy.

Finding 3 – Solano County Human Resources Department did not have a process to track, and record performance evaluations as they became due.

Recommendation 3 – Director, Human Resources Department, coordinate with the Chief Information Officer to develop and implement a system to identify, track, and record performance evaluations of all County employees.

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).

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

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.

Recommendation 5 – Registrar of Voters prepare and utilize individual training plans for new employees.

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.

Recommendation 6 – Registrar of Voters design and implement a program to cross train Election Coordinators.

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.

Recommendation 7 – Registrar of Voters ensure that policies and procedures are complete, accurate, and adequately organized.

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).

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.

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.

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

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.

Recommendation 10 – Registrar of Voters develop and implement a process sufficient to ensure that ballots and voting material are accurate.

Finding 11 – Voting bubbles on some supplemental ballots were too faint to be seen.

Recommendation 11 – Registrar of Voters develop and implement a process sufficient to ensure that ballots and voting material meet quality standards.

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.

Recommendation 12 – Registrar of Voters develop or procure software to make the process of conducting Accessibility Surveys more efficient.

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.

Recommendation 13 – Registrar of Voters establish and utilize a Voting Accessibility Advisory Committee as recommended by the Secretary of State.

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

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.

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.

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.

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.

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.

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.

Recommendation 17 – Registrar of Voters clearly post, and enforce a policy prohibiting food and drink within the count room.

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.

Recommendation 18 – Director, General Services Department, establish and enforce a policy that prohibits unsorted mail from leaving the mail center.

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.

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

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.

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.

Finding 21 – The warehouse used by General Services to archive voting materials, including voted ballots, was not adequately protected. Specifically, the warehouse contained neither a system to restrict, track, and record access, nor a video-surveillance system.

Recommendation 21 – Director, General Services Department, improve security of the warehouse used to archive voting materials. Specifically, obtain and install systems to:

- restrict, track, and record access
- monitor activity

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.

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.

Finding 23 – The Registrar of Voters' website did not identify a way for voters to communicate problems or complaints to the Registrar's office.

Recommendation 23 – Registrar of Voters revise the website to identify how voters can submit problems, concerns, and complaints.

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.

Recommendation 24 – Registrar of Voters meet with City Clerks prior to all elections to address processes and concerns.

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.

Recommendation 25 – Registrar of Voters document and formalize the reciprocal agreement with Contra Costa County to provide back-up emergency vote counting service.

COMMENTS

The Grand Jury thanks the Registrar of Voters and staff for their patience, cooperation, and candor during this investigation.

REQUIRED RESPONSES

Registrar of Voters (Findings 2, 4-17, 19, 20, and 22-25)
Director, Human Resources (Findings 1 and 3)
Director, General Services (Findings 18 and 21)

COURTESY COPIES

Solano County Board of Supervisors
Contra Costa County Board of Supervisors
Sacramento County Board of Supervisors
City Clerk, City of Benicia
City Clerk, City of Dixon
City Clerk, City of Fairfield
City Clerk, City of Rio Vista
City Clerk, City of Suisun City
City Clerk, City of Vacaville
City Clerk, City of Vallejo