

Ventura County Grand Jury 2008 - 2009



Final Report

Did Your Vote Count?

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Did Your Vote Count?

Summary

The 2008-2009 Ventura County Grand Jury (Grand Jury) reviewed the election policies and procedures of the County Elections Division (CED) and made personal observations of the voting process during the General Election held on November 4, 2008.

For the most part, the election was well run and in compliance with the California Elections Code. The Grand Jury found numerous minor issues and inconsistencies in the administration of different polling places. The Grand Jury also witnessed a more serious occurrence early in the day in at least one polling place for the Santa Paula School District election. The wrong ballots (e.g., City vs. unincorporated County) were given out to some voters in a multi-ballot polling place. This election for a seat on the Santa Paula School Board was ultimately decided by one vote. The Grand Jury found that wrong ballots handed out to one or more voters may have had a material effect on the outcome of this election.

The Grand Jury recommends that the CED ensure each polling place having more than one precinct or ballot be staffed with an experienced poll worker assigned to direct voters to the correct table to receive the proper ballot for their precinct. The Grand Jury also recommends that the CED minimize polling places in a given location that uses multiple ballots (e.g., City or unincorporated County) by adding appropriate polling places whenever needed.

The Grand Jury also recommends that the CED increase efforts to ensure that all poll workers are qualified to properly solve problems at polling places, that polling stations are properly arranged and adequate to the needs of the voting public, and that inspectors receive the necessary training to ensure the consistent interpretation of voting procedures at each polling place.

The Grand Jury further recommends that the CED reduce costs by increasing the use of remote balloting, such as Voting by Mail (absentee ballot), and improve voter convenience by arranging for more opportunities for early voting at sites located throughout the County.

Background

On November 4, 2008, a General Election was held within the County of Ventura. The election included balloting for United States Presidency, Federal and State Legislative positions, 12 State Propositions, many County and local elected positions and referendums.

To this end, the County Clerk Recorder, through the CED, a division within his office, purchased and maintained voting equipment, arranged for and staffed polling places, and developed policies, training and procedures to ensure that all valid votes were received and counted.

The Grand Jury opened an investigation into the Ventura County elections process in anticipation of the 2008 General Election. This report examines the

process from setting up the election, to observing the voting process at multiple polling places, through counting of the ballots, to certification of the election. We sought the answer to a simple question: “Did Your Vote Count”?

Methodology

The Grand Jury interviewed the County Clerk Recorder and many of the CED staff on several occasions prior to the election. Several Grand Jury members made announced and unannounced visits to the CED beginning eight weeks prior to the election. During these visits additional interviews were held and various election procedures were observed. Voting machine storage and preparation was observed and the security of blank ballots and absentee ballots was verified.

On Election Day, the Grand Jury deployed nine teams of two members each to 72 different polling places throughout Ventura County to sample the General Election process. Some Grand Jury members were experienced election workers.

The teams went out during various times of the day, including the opening and closing of the polls. Four of the members were at the elections office the night of the election to observe the return of ballots and the vote counting process.

Findings

Election Planning

- F-01.** The CED is responsible for voter registration and administration of all Federal, State, County and Local elections in compliance with the California Elections Code. [Ref-02, Ref-06, Ref-08]
- F-02.** In January 2006, the most recent census information available, the County population was stated to be 817,346 with 377,651 registered voters.
- F-03.** On October 20, 2008, the CED stated that there were 425,968 registered voters, a 12.5% increase from January 2008 (378,501). [Ref-08]
- F-04.** In August 2008, the CED predicted over a 70% voter turnout with 50% of the vote by absentee ballot. [Ref-05, Ref-08]
- F-05.** A total of 178,210 absentee ballots were sent to registered voters representing 41.84% of all County voters. [Ref-03, Ref-08]
- F-06.** By October 20, 2008, the CED received and processed a record 78,262 absentee ballots.
- F-07.** As of September 15, 2008, there were 365 precincts assigned to 284 polling places. [Ref-03, Ref-04]
- F-08.** Seventeen polling places had more than one ballot type (e.g., City or unincorporated County ballots) issued to voters at a single polling place.
- F-09.** The CED provided on-line and hands-on training for poll workers. Inspectors are required to attend; other poll workers are encouraged to attend training sessions. [Ref-01, Ref-02, Ref-08,]

- F-10.** To prepare for the election, the CED hired 50 to 60 temporary workers for two to three months.
- F-11.** The CED used approximately 1,500 workers at the polling places during the election.
- F-12.** Prior to the election, the CED established eleven absentee ballot drop-off locations, one in the Government Center and one in each of the ten cities.
- F-13.** The CED permitted early voting only at the CED office in the Government Center.

Election Day

- F-14.** Total voter turnout was 343,690 (80.69%) of the County's 425,968 registered voters; 194,104 persons (45.57%) voted at the polls and 149,586 (35.12%) voted by mail. [Ref-9]
- F-15.** There were 15,237 provisional ballots (late registered or someone voting in a site other than their precinct of record) cast during the election. [Ref-9]
- F-16.** There were a total of 37,263 absentee ballots delivered to the CED by other than regular mail; 26,615 ballots were hand delivered to polling places, 2,900 were issued and returned to the Government Center and a total of 7,748 were hand delivered to the Government Center. [Ref-10]
- F-17.** Each polling place housed an average of twelve polling booths and was staffed by four to five poll workers, one of which was an Inspector (supervisor).
- F-18.** There was insufficient parking at many polling places, mostly at schools.
- F-19.** There were insufficient supplies, such as pens and stationery, at some polling places.
- F-20.** Some polling places did not have enough absentee or provisional ballot storage bags.
- F-21.** At least two sites were missing a ballot box from 7:00 a.m. to at least 10:00 a.m. Ballots were stored in a secured bag until they were later processed when the ballot box was delivered.
- F-22.** At the time of the Grand Jury inspection, voting equipment was not set up correctly or powered on at some polling places.
- F-23.** Some polling places were not large enough to comfortably accommodate voters, voting equipment, and booths.
- F-24.** Waiting lines exceeding 50 or more people were noted at several polling places in the morning and evening.
- F-25.** Street indexes were not updated on a regular basis.

- F-26.** Incorrect ballot types (e.g., City or unincorporated County ballots) were handed out at some dual ballot/precinct polling places. This was observed by Grand Jury members in one polling place for the Santa Paula School Board Election and reported by the CED in one other location not observed by the Grand Jury.
- F-27.** There was confusion among some voters as to which table to register and receive their ballot at some multi-precinct polling sites.
- F-28.** The voting procedure required dual cross checking of voter's name and address on data sheets prior to a voter being given a ballot.
- F-29.** Grand Jurors observed that identification was inappropriately asked of voters at some of the polling places.
- F-30.** In at least one polling place, provisional voters were inappropriately told by poll workers/inspectors that their vote would most likely not count.
- F-31.** There were 26,615 absentee ballots delivered by hand to polling places. At times, voters handed in two or three ballots and signatures were not checked.
- F-32.** Some poll workers appeared to have difficulty in lifting voting equipment.
- F-33.** Grand jurors observed campaigning taking place within 100 feet of a polling place.

Post Election

- F-34.** According to the CED, the cost of the election was \$2,218,075. The projected cost by CED if an all-absentee ballot election (currently not allowed by election code) were held is \$2,027,000, a savings of about \$200,000.
- F-35.** Absentee ballots reduce the cost by over \$2.00 per vote in another county. [Ref-13]
- F-36.** There were 15,237 provisional ballots received during the election, 12,414 were validated and counted.
- F-37.** CED officials state that verification of deceased registered voters relies on voluntary notification by families and by occasional cross checking of death certifications within the Public Health Department and the CED.
- F-38.** Absentee ballots delivered by hand at polling places or received by the CED office in the final days before the election are not counted until signatures are verified during the weeks after the election.
- F-39.** Validation of provisional ballots was completed during the days after the election.
- F-40.** Determination of the outcome of at least four close races was not known until several days after the election.

Conclusions

- C-01.** The physical layout and setup of several polling places inconvenienced voters. (F-18 through F-24, F-27)
- C-02.** The Grand Jury concluded that some inspectors made procedural errors in running their polling places. As a result, the voting process was inconsistent from one polling place to another. (F-22, F-25 through F-27, F-29 through F-31, F-33)
- C-03.** An election in Santa Paula for a position on the school board may have been adversely affected by errors in the distribution of ballots. (F-26, F-27)
- C-04.** There were deficiencies in necessary equipment and personnel at some polling places that caused avoidable difficulties. (F-19 through F-22, F-32)
- C-05.** The key causes of delays during the voting process were manually verifying a voter's name and address, processing dropped off absentee ballots, and assisting persons using the provisional voting procedure. (F-14 through F-16, F-20, F-23, F-24, F-27, F-28, F-36,)
- C-06.** Election results were delayed because of the volume of absentee ballots received by the CED office in the final days before the election, absentee ballots turned in manually at the polls, and provisional ballots cast by voters on election day. (F-05, F-12 through F-16, F-31, F-36, F-38 through F-40)
- C-07.** The CED relies on the public, the Clerk Recorder, and the Public Health Department for information on deceased voters which may not always be current. (F-37)

Recommendations

- R-01.** The Grand Jury recommends that the CED should minimize polling places with more than one ballot (e.g., City vs. unincorporated County) by adding polling places. (C-01 through C-05)
- R-02.** The CED should improve procedures to ensure that at multi-precinct polling places, voters are given the correct ballot (e.g., City vs. unincorporated County). (C-01 through C-05)
- R-03.** The CED should develop procedures that ensure an experienced poll worker is assigned to direct voters to the correct table to receive their ballot and to oversee the overall location at polling places with more than one precinct. (C-01 through C-05)
- R-04.** The CED should ensure that at least one worker at each site is able to lift and handle heavy equipment. (C-04)
- R-05.** The CED should require that all poll workers, especially inspectors, get the proper training so that they understand what needs to be done before, during, and after the election. (C-01 through C-06)

- R-06.** The CED should explore ways, including State legislation, to streamline the voting process, such as: (C-01 through C-07)
- enabling registered voters to swipe their driver's license or ID card through an automated system to process them to vote
 - 100% voting by mail
 - 100% voting by mail with prepaid return postage
- R-07.** The CED should educate the public on how to delete deceased voters from the voter rolls by putting information in the pre-election voter pamphlet and in the sample ballot. (C-07)
- R-08.** The CED should ensure that policies and procedures, such as verification of Federal, State, and County data bases, are in place to purge all deceased voters from the ballot process before each election. (C-05 through C-07)

Responses

Responses Required From:

Clerk Recorder, County of Ventura (R-01 through R-08)

Responses Accepted From:

Ventura County Board of Supervisors (R-01 through R-08)

References

- Ref-01.** City of Ventura Press Release dated October 7, 2008
<http://www2.cityofventura.net/newsmanager/templates/?a=575&z=12>
- Ref-02.** Election Officer Handbook for the November 4, 2008 election
- Ref-03.** Ventura County Star, September 23, 2008, "Polling Places and Election Officers Publication"
- Ref-04.** Ventura County Elections Division list of polling sites with voting precincts, September 9, 2008
- Ref-05.** Ventura County Star, October 31, 2008, "Record 425,968 registered local voters"
<http://www.venturacountystar.com/news/2008/oct/31/record-425968-eligible-to-vote-in-v>
- Ref-06.** Easy Voter Guide
http://lwvc.convio.net/site/PageServer?pagename=easyvoter_home
- Ref-07.** Ventura County Star, October 21, 2008, "Hundreds swamp Elections Division"
<http://venturacountystar.com/news/2008/oct/21/hunderds-swamo-elections-division/>
- Ref-08.** Article from Ventura County Clerk Recorder website "About Elections"
<http://recorder.countyofventura.org/aboutelections.htm>
- Ref-09.** Ventura County Elections Division Semiofficial Reports
http://recorder.countyofventura.org/Election5Result_hdr.htm

- Ref-10.** Ventura County Star, November 11, 2008, "Provisional ballots may decide outcome for some elections"
<http://www.venturacountystar.com/news/2008/nov/11/provisional-ballots-may-decide-outcome-for-some/>
- Ref-11.** Ventura County Star, November 13, 2008, "41,000 ballots are left to count; supervisor contest still uncertain"
<http://www.venturacountystar.com/news/2008/nov/13/races-still-in-limbo-as-more-votes-tallied/>
- Ref-12.** Ventura County Star, December 10, 2008, "School trustee ousted by one vote questions results"
- Ref-13.** 2005-2006, Santa Clara County Civil Grand Jury Report "Absentee Ballot and Mail-In Voting Processes"

Commendations

The Grand Jury commends the CED for its integrity and non-partisan actions in counting the ballots in the November 4, 2008 General Election. The Grand Jury would also like to commend the CED staff for its quick response to information requested for the writing of this report.

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