

# 2008 General Election Report

## Summary

The November 4, 2008, General Election in Orange County was conducted in an efficient and effective manner by the Registrar of Voters and his permanent staff, temporary employees and volunteers.

While some technical problems were experienced at several polling sites, assistance was provided promptly by a combination of responders at a "Help Desk," at elections headquarters and in vans known as the "Rapid Deployment Team," (RDT)

All these efforts resulted in an election that drew 72.6% of the registered voters—a total of 1,167,657 citizens of whom 521,348 voted by mail. Proportionately, this turnout of voters was among the highest in California. One incident was reported at a polling place when a false bomb threat was received. No security incidents were reported during the ballot transit to headquarters, during the counting process of the ballots or with the handling of mail-in ballots.

## Reason for Investigation

The November 4, 2008, election was the second presidential election that Orange County voters used an electronic voting system. The 2004-2005 Grand Jury reported that the problems encountered during the June, 2004, Primary Election using this system were largely overcome by the time of the November, 2004, General Election.

The turnout for the 2008 election was forecast to reach record voting levels. The 2008-2009 Grand

Jury wished to see how the "lessons learned" during the previous elections using the electronic voting devices were applied.

## Method of Investigation

In late August the Registrar of Voters provided the Grand Jury with a briefing concerning the preparations for the November 4<sup>th</sup> General Election and gave the jurors a tour of the facilities. He also invited jurors to observe, on election day, the various facets of the election process including the Help Desk, the Mobile Technical Assistance group, security provisions provided by the Sheriff's Reserve Bureau, poll workers training sessions, local polling sites and activities at the Central Elections Center.

On election day, the Grand Jury traveled to many of these sites to observe the activities. Some Grand Jury members were stationed at various polling sites to observe the voting process.

Three months after the election, the Registrar convened a meeting of his key staff members on the election "lessons learned." The often candid discussion included what went right and what changes were needed. Several Grand Jury members attended that meeting and were invited to add their thoughts to those of his staff.

A follow-up letter was sent to the Registrar requesting additional data. Some of the material provided in his response to that request is abstracted here, along with the Grand Jury's observations.

## Background and Facts

### Results of the Election

- A total of 1,167,657 Orange County citizens voted in the November 4, 2008 election, which is 72.6% of the registered voters.
- Of 685,000 ballots issued by mail or over the counter, 521,348 persons voted via mail ballots.
- A total of 140,000 new registrants voted by mail.
- A total of 4,927 military/overseas ballots were issued. Of these, over 1,320 ballots were returned by fax and 2,308 e-ballots were sent in, for a total of 3,628 ballots returned (73.6%). This is a slightly higher percentage return than those of the general public.

### Volunteer Training

The Registrar relies heavily on volunteers and part-time staff to fulfill the demands of the election. About 12,000 paid volunteers are needed to support the Registrar's 52 full-time staff.

The training sessions start about six months before an election. Most volunteers wait until three months to one month before the election before attending a training session. These sessions train new and returning Inspectors and new and returning Clerks.

The training sessions are conducted both day and evening weekdays and on Saturdays at various venues throughout the County to accom-

modate the volunteers who will be working at the polling locations. A volunteer is paid \$20.00 for attending a training session.

### **Election Worker Staff**

Call-takers and supervisors consist of approximately 120 persons with the following duties:

- Informing and updating the news media
- Providing answers to the public on election-day questions
- Dispatching Mobile Technical Assistance squads
- Remotely diagnosing and assisting in resolving emergency field problems
- High school students, trained through the "My Ballot" program, serve at polling places and the election headquarters.
- Help Desk personnel provide guidance to poll workers experiencing malfunctions of the computerized voting machines and printers.
- The RDT provides help to poll workers on how to remedy their problems, and/or replaces the parts of a voting machine that has malfunctioned.
- Personnel staffed four print-on-demand locations to provide as-needed emergency paper ballots in any required language.

### **Grand Jury Observations**

The Registrar's staff demonstrated a common goal for getting as many Orange County citizens as possible registered and able to vote. Also, by solving technical problems promptly on election day, they made every vote count.

The Registrar's headquarters were observed to be exceptionally well organized and orderly, especially when considering the volume

of balloting material observed and the large number of documents that had to be handled within a very short period of time.

The Registrar of Voters personally ran the election operation by a technique called "managing by walking around," rather than sitting in his office. He responded to calls from polling places accompanied by a high-ranking representative of the voting machine manufacturer. He received updates throughout the day from various staff personnel at Headquarters and in the field. When last seen by the Grand Jury, the Registrar was assisting the Sheriff personnel delivering the completed ballots and tally sheets at Election Center. These Sheriff personnel were unpaid volunteers that have law enforcement training to provide security in delivering these materials.

Generally, the Grand Jury was impressed with the scope and quality of the work performed by the permanent employees, temporary personnel, poll workers and other volunteers. They all appeared to perform in an efficient, professional manner that reflected adequate training. They had at their immediate disposal an appropriate inventory of spare parts and replacement equipment needed at all polling locations or made available in an expedient manner. It was clear that a high degree of contingency planning preceded the election.

The 58 Help Desk personnel were able to provide advice by phone that solved malfunctions of the computerized voting machines and printers within a few minutes. Whenever that was not possible, one of the RDT members was dispatched to the polling place to instruct the poll workers in how to remedy the problem and/or replace the parts of the voting machine that malfunctioned.

The RDT team also carried extra voting machines, earphones, wires, and other parts to replace malfunctioning ones including generators for polling places that lost power. This situation actually occurred at one poll site in San Clemente. Because of the level of preparation, down time was minimal, and voters were able to continue voting.

A common characteristic found among the RDT personnel was a strong sense of purpose and dedication to ensure that all technical problems were fixed promptly so all voters had the opportunity to vote. This dedication was so intense that two Grand Jury members who rode along with RDT personnel had to insist that they take a meal break after working for over 10 straight hours. During the break, one of the RDT members received a call for assistance and left the restaurant instead of eating. This enthusiasm and dedication to accomplish their mission was readily observed among personnel throughout the organization.

### **Ballot Counting Process**

Most absentee ballots were mailed to the Registrar's headquarters and some were dropped at the precincts.

The first step in processing the absentee ballots that were dropped off at precincts was to pass the unopened envelopes through a scanner to verify the signatures on them. After the ballots were opened they were inspected by a member of the Registrar's staff for inaccuracies or spurious entries. Properly submitted ballots were sent to another room for counting. The Grand Jury observed the vote counting machines processing the absentee ballots.

On election night the vans arriving from precincts were backed up to a conveyer system and the boxes

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holding the electronic voting machines were off loaded. All the boxes were sniffed by a Sheriff's bomb squad dog as the boxes proceeded down the conveyer. The bar codes on the boxes were scanned and the boxes were sent to a disassembly line where they were opened. The voting machine security seals were cut and the computer discs were removed and placed into a container where they were taken to be processed.

The crew that was off loading the boxes consisted of approximately 100 unpaid high-school students. They did a tremendous job and were well coordinated at doing their respective tasks. The Registrar even provided an appropriate diversion for them —extremely loud pop music—to help make the process enjoyable as their work extended into the early morning hours.

### **Election Security**

Election night security was provided by a volunteer force of 65 OC Sheriff Department reserve officers and four professional service responders. The Orange County Sheriffs Department (OCSD) Reserve Bureau has been providing election security to the Registrar of Voters Department for at least 28 years. These personnel provided a variety of services including internal and perimeter security of the Vote Tally Center (VTC). Here 20 reserve officers were posted at key locations to limit access only to authorized personnel. Special security was provided to the computer room where only six Registrar employees were allowed access.

Another 48 reserve officers performed driver escort, thus providing a chain of custody to the integrity of the ballots and precinct equipment from the time they were delivered to the ballot collection centers until

they were deposited at the VTC. To expedite the vote counting process, some vans destined to nearby vote collection centers were required to make multiple trips.

The entire security operation was staffed by volunteer personnel. Reserve Bureau volunteer leaders planned the operation in concert with the Registrar's requirements. They recruited the needed personnel by issuing "call-out" notices and monitored the responses to assure each post was staffed. Experience has shown that a few extra reserve deputies must be recruited to cover emergencies.

On election night the Reserve Bureau volunteer personnel monitored the arrival and sign-in of their people at three separate venues: the County garage from which the vans departed to the Vote Collection Centers (VCCs), the VTC from which the trucks departed and collected the precinct equipment from the VCCs, and those deputies who provided internal and perimeter security at the VTC. Reserve personnel also provided briefings to their people specifying their duties and responsibilities.

The reserve deputies deployed in the field were in constant contact with the OCSD command center by radio. They reported their departures from the garage, their arrivals and departures from the VCCs, and their departures from the ballot collection centers as well as the numbers of ballot boxes they were transporting and their arrival at the VTC. More importantly, they immediately reported any unplanned incidents that arose while enroute to or deployed at the vote collection centers.

Deploying this all-volunteer force provided a large cost savings to the Orange County taxpayers. It is estimated that, compared to deploying regular OCSD deputies on an over-

time basis, over \$34,000 in savings was realized.

### **False Alarm Bomb Scare**

A bomb threat was called in to one of the polling sites. The facility was evacuated and Sheriff's personnel responded. The facility was quickly searched and cleared and voting at the site resumed without further incident.

### **Findings**

In accordance with California Penal Code Sections 933 and 933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2008-2009 Orange County Grand Jury has arrived at the following findings:

F.1: The 2008 General Election had a record turnout by mail and at the polling places.

F.2: The County was well prepared to handle the voter turnout and handled it well.

F.3: The County was adequately prepared to handle the contingencies which occurred on Election Day and handled it well.

F.4: Security at the Voter Tally Center and at the Vote Collection Centers was without incident.

F.5: The Registrar's lessons-learned activities following the election were appropriate to improve future election processes.

***Responses to all Findings are requested from the Registrar of Voters.***

***Responses to all Findings are required from the Board of Supervisors.***

***Responses to all Findings are requested from the County Executive Officer.***

*A Response to Finding F4 is required from the Orange County Sheriff.*

### Recommendations

In accordance with California Penal Code Sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings, the 2008-2009 Orange County Grand Jury makes the following recommendation:

R.1: The Registrar of Voters is urged to maintain the positive efforts acknowledged in the report and pursue his established strategies to continue to exact outstanding performance from his organization and deliver excellent service to the public.

*Response to Recommendation 1 is requested from the Registrar of Voters.*

### Required Responses

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in the report. The specific sections are quoted below:

§933.05 For purposes of Subdivision (b) of Section 933, 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 therefore.

For purposes of subdivision (b) of Section 933, 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 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 therefore.