

BUTTE COUNTY GRAND JURY REPORT 2008/2009
BUTTE COUNTY CLERK - RECORDER/REGISTRAR OF VOTERS

SUMMARY

The 2008/2009 Grand Jury visited the Clerk-Recorder's Office to observe its functions. The department is organized into two divisions, Clerk-Recorder and Elections. Each of these divisions has a distinct and unique legal mandate, yet they coordinate resources and cross-train. For example, the Clerk-Recorder's Office assists in elections by entering voter registration cards as they are received.

The County Recorder is charged with protection of public property, which includes the recording of real property transactions, financial statements, births, deaths, maps, and mortgages. Fees are collected for the County, cities, and state agencies. Records are kept on microfilm and open to the public, except for documents that are legally protected. Records and legal documents date back as far as 1850. The protection of these documents, in order to keep a history of the County, is a specific goal of the Division. The Grand Jury agrees the restoration of historical documents should continue.

The Election Division is responsible for all aspects of the election process, including the registry of all eligible Butte County voters, education of voters on the use of voting machines, and training of precinct officers and temporary election employees. The Division is also responsible for providing absentee ballots.

We commend the Department for the accuracy with which they perform numerous vital functions.

BACKGROUND

During election years, the Grand Jury serves an additional role as the Logic and Accuracy Board (Appendix A) for elections. In this capacity, panel members initiated a visit to the Clerk-Recorder's Office. The Grand Jury toured both divisions. In the Election Division, the Grand Jury became familiar with voting machines used in the election process, and was escorted on a tour of the Clerk-Recorder Division where the panel viewed the restored maps and documents, and observed the Department's every day functions.

APPROACH

There were many discussions with the Clerk-Recorder and several of her staff. Some of the panel members toured facilities which included: areas where ballots are counted, the warehouse where voting machines and historical County records are stored, and the Nelson Avenue ballot management facility. The Logic and Accuracy Board tested the different types of voting machines prior to the election. On election night that board watched and helped with vote counting and observed the official canvass of votes several weeks later.

DISCUSSION

In viewing historical records, which are part of the Clerk-Recorder Division, the Grand Jury learned that many County records have not yet been restored. Those records not restored, are housed in the same warehouse with the electronic voting machines. They are in a protected location with security cameras and double locks. As time allows, records will be de-acidified and restored.

Four members of the Grand Jury were appointed to serve as the Logic and Accuracy Board for the 2008 general election. The Board's function was to perform random testing of voting and counting equipment used during the election. The Board determined that the machines functioned accurately. In addition, the Board helped with and observed the ballot counting on election night, and during the official canvass.

Election security involved surveillance cameras, chain of custody logs and tamper proof seals to track all voting equipment and ballots. Enough touch screen voting machines for the entire County were purchased through funds from the Help America Vote Act of 2002 (HAVA). In 2008, by state mandate, only one touch screen voting machine was allowed per precinct. All other ballots were paper. This has resulted in a sharp rise in the cost of the elections (See Appendix B).

Absentee ballots were scanned and signature images were evaluated to prevent fraud. Paper ballots were hand fed, one by one, into counting machines. Touch screen ballot counts were uploaded in the same area, and included in the count. Absentee ballots had been counted the day before. At the official canvass, disputed ballots, absentee ballots turned in on Election Day, and those that had to be hand counted, were completed. The election was then certified.

FINDINGS

- F1. County records and historical document restoration is an ongoing process.
- F2. Ballot counting machines have to be individually hand fed, which is a slow and tedious process.
- F3. Two additional facilities must be leased in order to accommodate the volume of machines and paperwork, as the current main facility is not large enough to house all of the components for an election.
- F4. Returning to paper ballots costs the County approximately \$35,000 in the 2008 election (Appendix B).

RECOMMENDATIONS

- R1. Restoration of historical documents should be continued to preserve the history of Butte County.
- R2. Purchase updated counting machines for paper ballots as they become certified by the State of California.
- R3. All election materials and County records should be consolidated at a single facility to affect cost savings.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

Butte County Clerk-Recorder

Butte County Board of Supervisors

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A

Logic and Accuracy Board Description

APPENDIX B

Election Cost Comparison Chart



APPENDIX A

Election Observer Panel

I. Purpose

The Election Observer Panel and Logic & Accuracy Board are combined into a single panel serving both functions. Pursuant to Sections 4.5.3 & 4.7 of the "Procedures Required For Use Of The Premier Election Solutions, Inc. Voting Systems", the purpose of the panel is to observe all procedures of the ballot count process, verify that the program accurately tallies the logic and accuracy test ballot cards, assist in ensuring the integrity of the election process, encourage participation and build voter confidence in the election process.

II. Invitation

At roughly E-29, requests for appointment is made by phone or email to the Butte County Grand Jury. Three members of the Butte County Grand Jury are appointed by the County Clerk-Recorder/Registrar of Voters to serve on the Logic & Accuracy Board.

III. Duties, General Rules of Conduct, Ground Rules

Panelists are responsible for:

1. The duties set forth below:

- Receive from elections official all test materials.
- Take steps to ensure the security of the said materials before, during and subsequent to the election, except when said materials are properly in the possession of the elections official.
- Observes the performance of all required tests and performs a random logic and accuracy test.
- Verify that the ballot counting program accurately tallies the logic and accuracy test ballot cards.
- Note any discrepancies and problems and affirms their resolution or correction.
- Certify to the performance of each of the above prescribed duties.
- Sign the appropriate certificates.
- Wear an identification badge.
- Must be courteous and maintain a professional manner while observing the election processes.

2. Panelists may:

- Make notes and watch all procedures.
- View all activities at the central counting site.
- View the canvass of the vote activities following the election.
- View vote by mail and provisional ballot processing.
- Ask questions of supervisors at the central counting site.

3. Panelists may not:

- Interfere in any way with the conduct of the election.
- Touch any voting materials or equipment or sit at the official worktables unless directed.
- Converse with voters (within 100 feet of the entrance to a polling place or elections office or warehouse) regarding the casting of a vote, or speak to a voter regarding his or her qualifications to vote.
- Display any election material or wear campaign badges, buttons or apparel.
- Wear the uniform of a peace officer, a private guard, or security personnel.
- Use cellular phones, pagers, or two-way radios within 100 feet of the entrance to polling place or elections office or warehouse.

IV. Orientation and Pre-Election, Pre-Tabulation and Post Election Test Observation and Verification

The Logic & Accuracy Board meets in the Butte County Elections Office roughly ten - twelve days prior to the election for an orientation/overview of the ballot count process and to perform and verify the logic and accuracy tests.

On Election Night the Logic & Accuracy Board observes the ballot count process and remains throughout the evening until all ballots are counted.

During the official canvass the Board will return to observe ballot count process of updated results.

APPENDIX B

**Election Costs Comparison
Butte County Elections**

Cost Category	Nov. 04	Jun-06	Nov. 06	Feb. 08	Jun-08	Nov. 08
Ballot Types	123,318	115,855	116,659	119,131	115,144	122,842
Contests	33	14	47	7	9	31
Contests On Ballot	69	75	75	14	56	71
Contests Off Ballot	48	113	62	14	13	38
Ballot Costs	21		13	0	43	33
Vendor Name						
Martin & Chapman		Diebold	Diebold	IVS	IVS	IVS
VEM / Absentee - Unit & Cost	269,550	100,435	73,130	117,970	95,650	98,540
Poling Places - Unit & Cost	\$33,792.00	\$45,697.93	\$33,988.14	\$51,388.91	\$36,347.00	\$41,423.58
Test - Unit & Cost	359,400	0	0	88,370	56,390	56,760
Duplicate - Unit & Cost	17,400	\$7,953.30	5,871	5,432	3,641	2,053
	n/a	n/a	n/a	33,560	27,400	7,480
	\$80,903.98	\$53,551.23	\$79,007	\$14,793.32	\$10,412.00	\$3,144.39
Cost per ballot	\$0.725	\$0.465	\$0.465	\$0.127	\$0.380	\$0.420
Simple Ballot Booklets	\$76,294.00	\$102,275.17	\$103,176.43	\$78,168.83	\$78,456.66	\$88,900.55
Cost per booklet	\$0.6649	\$0.7454	\$0.8915	\$0.5047	\$0.4991	\$0.5117
Per Officer & Polling Place	\$126,966.47	\$115,431.67	\$104,176.01	\$237,058.22	\$150,165.41	\$188,658.38
Pct. Officer Labor	183	\$55,086.07	\$67,171.71	\$73,757.82	\$62,920.81	\$92,131.40
Pct. Total / Cost per pct.	\$693.81	\$595.29	\$515.59	\$1,559.59	\$1,014.63	\$1,186.96
Pct. Boards / Cost per brd.	135	\$940.49	\$801.35	\$1,865.60	\$1,014.63	\$1,450.53
Total Election Cost	\$645,804.40	\$804,366.94	\$812,106.85	\$981,362.33	\$719,138.64	\$895,379.56
Per Contract						
Premier Election Solutions	\$9,995.00	\$35,980.00				
Optical Scan Central Count Units	\$200.00	\$800.00				
Extended Warranty	\$50.00	\$200.00				
Yrly. Maint., Software Licence Fee per year		\$0.00				
Premier Election Solutions	\$3,497.12	\$48,959.63				
Accu Vote Optical Scan Units	\$220.00	\$3,090.00				
Extended Warranty	\$85.00	\$12,325.00				
Yrly. Maint., Software Licence Fee per year	\$10.00	\$140.00				
Premier Election Solutions	\$75.00	\$45,000.00				
Extended Warranty, TS Units	\$385.00	\$57,750.00				
Storage Carts, TS Units	\$135.00	\$81,000.00				
Tabulation Software (GEMS)	\$3,950.50	\$2,194,740.00				
Screening Units		\$13,500.00				
Touch Cards & Creation Devices		\$1,800.00				
Yrly. Maint., GEMS Software	\$5.00	\$900.00				
Yrly. Maint., Key Card Tool Software	\$70.00	\$11,200.00				
Yrly. Maint., Software Licence Fee per year, TS Units		\$2,886,870.00				
Yrly. Maint., VCP Programmer Software		\$0.00				
Yrly. Maint., Voter Cards & Creation Devices		\$0.00				
Total Cost						
Cost Per Unit						
Total Cost	\$9,995.00	\$35,980.00	\$0.00	\$73.33	\$293.33	\$73.33
Cost Per Unit	\$0.00	\$0.00	\$0.00	\$1.67	\$6.67	\$1.67
Total Cost	\$3,497.12	\$48,959.63	\$0.00	\$1,026.67	\$1,026.67	\$1,026.67
Cost Per Unit	\$0.00	\$0.00	\$0.00	\$3.33	\$46.67	\$3.33
Total Cost	\$75.00	\$45,000.00	\$0.00	\$15,000.00	\$15,000.00	\$15,000.00
Cost Per Unit	\$2.50	\$25.00	\$0.00	\$25.00	\$25.00	\$25.00
Total Cost	\$135.00	\$81,000.00	\$0.00	\$4,500.00	\$4,500.00	\$4,500.00
Cost Per Unit	\$1,350.00	\$81,000.00	\$0.00	\$1,000.00	\$1,000.00	\$1,000.00
Total Cost	\$3,950.50	\$2,194,740.00	\$0.00	\$3,733.33	\$3,000.00	\$3,000.00
Cost Per Unit	\$3.9505	\$3,733.33	\$0.00	\$3.7333	\$3.0000	\$3.0000
Total Cost	\$5.00	\$900.00	\$0.00	\$3,733.33	\$3,733.33	\$3,733.33
Cost Per Unit	\$70.00	\$11,200.00	\$0.00	\$25,133.33	\$25,133.33	\$25,133.33
Total Cost	\$50,500.00	\$50,500.00	\$0.00	\$25,133.33	\$25,133.33	\$25,133.33
Cost Per Unit	\$505.00	\$505.00	\$0.00	\$251.3333	\$251.3333	\$251.3333

APPENDIX B

Election Costs Comparison

Cost Category	November-04	June-06	November-06	February-08	June-08	November-08
Butte County Elections						
Labor						
Regular	\$216,608.37	\$222,285.03	\$367,084.46	\$273,757.94	\$186,445.65	\$194,207.34
Extra	\$100,908.23	\$89,700.80	\$89,886.02	\$96,211.82	\$85,606.10	\$85,396.34
Election Day Workers' Payroll	\$804.73	\$223.68	\$90.00	\$157.50	\$1,243.76	\$1,896.38
Sub Total	\$318,321.33	\$292,215.31	\$437,040.48	\$370,127.26	\$245,195.51	\$281,507.06
Absentee Expenses						
VBM Ballot	\$35,873.34	\$53,551.23	\$36,727.55	\$53,755.15	\$37,730.58	\$42,286.58
VBM Mailing	\$3,005.08	\$3,790.69	\$14,446.09	\$30,730.01	\$30,686.48	\$21,000.72
VBM Supplies	\$17,188.77	\$14,247.03	\$2,869.88	\$4,136.10	\$554.22	\$17,403.23
Other General	\$18,834.57	\$41,471.46	\$497.19	\$8,332.36	\$23,759.05	\$24,430.41
Sub Total	\$75,001.76	\$113,060.41	\$54,542.70	\$97,055.62	\$82,732.33	\$105,120.94
Precinct Officer & Polling Place Expenses						
Precinct Officers' Payroll	\$55,086.07	\$61,675.44	\$67,171.71	\$73,757.82	\$82,820.81	\$82,131.40
Prct Officers' Training & Materials	\$908.69	\$323.26	\$1,259.83	\$12,691.07	\$4,589.94	\$22,826.34
Prct Officers' Training (HAVA)		\$4,951.62	\$26,893.04	\$56,239.00		\$17,983.16
Precinct Supplies	\$10,405.02	\$36,187.81	\$26,893.04	\$44,212.78	\$48,166.12	\$27,070.59
Polling Place Ballots	\$44,930.64	\$0.00	\$0.00	\$36,494.86	\$22,184.40	\$23,860.37
Polling Place Expenses	\$15,638.05	\$12,293.54	\$9,051.43	\$11,751.69	\$11,904.04	\$4,694.52
Sub Total	\$126,965.47	\$115,431.67	\$104,175.01	\$237,059.22	\$180,165.41	\$188,568.38
Other Election Related Expenses						
Sample Ballot Booklet	\$76,294.90	\$102,275.17	\$103,176.43	\$78,158.83	\$78,456.66	\$88,900.55
Booklet mailing	\$3,962.32	\$7,791.47	\$7,884.04	\$29,770.97	\$25,487.12	\$26,120.75
Other General	\$45,256.62	\$170,263.71	\$105,286.89	\$146,910.15	\$110,634.54	\$120,168.28
Optical Scanner & Maintenance (HAVA)		\$3,331.20		\$22,281.28	\$16,567.27	\$15,000.00
Sub Total	\$125,512.84	\$283,661.55	\$216,347.36	\$277,121.24	\$231,045.59	\$250,189.58
Total Actual Costs	\$645,804.40	\$804,366.94	\$812,106.55	\$981,362.33	\$719,136.84	\$835,379.56
Costs Billied Out to Entities & State	\$443,818.37	\$47,037.70	\$570,588.66	\$954,763.95	\$652.49	\$458,933.85
Costs covered by HAVA	\$201,986.09	\$3,282.82	\$301,517.89	\$22,281.28	\$16,897.27	\$32,983.16
Bill Out Percentage	68.72%	6.88%	62.87%	99.56%	2.39%	58.89%
Costs of County	\$645,804.40	\$804,366.94	\$812,106.55	\$981,362.33	\$719,136.84	\$835,379.56

*Premier Contract for training is included in Feb. 08 Elections' bill out cost, whereas the same costs are claimed to HAVA for Nov. 04, Nov. 06 & Nov. 08 Elections.

**Maintenances are included in Feb. 08 & Nov. 08 Elections' actual costs, but will be reimbursed by HAVA.