



**SOLANO COUNTY
CIVIL GRAND JURY**

2020-2021

**REGISTRAR OF VOTERS
Voting in Solano County**

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Solano County Civil Grand Jury 2020-2021

I. SUMMARY

The Solano County Registrar of Voters (ROV) is a division of the Department of Information Technology charged with conducting fair and impartial federal, state, local, and school elections.

The 2020 General Election was unique because restrictions on group gathering prompted by the Coronavirus (COVID-19) pandemic led to the State of California mandating that every registered voter receive a vote-by-mail ballot. This contributed to a political climate which caused some citizens to question the integrity of the voting system.

The Solano County Civil Grand Jury found the voting process to be a complex and formidable procedure. The ROV is to be commended for ensuring the balloting integrity of each contest and the accurate count of every registered citizen's vote.

II. INTRODUCTION

The mission of the ROV is to ensure elections are conducted timely, responsibly and with the highest level of professional election standards, accountability, and security. A goal of the ROV is to ensure that all eligible citizens residing in Solano County have the opportunity to vote, while incorporating checks and balances that reduce the potential for voter fraud.

The ROV invited members of the Solano County Civil Grand Jury to join the Election Observer Panel which convened on October 8, 2020 to conduct Logic and Accuracy Testing and review the process of vote-by-mail ballot counting. On Election Day, Civil Grand Jury members visited six polling stations and then returned to the ROV facilities to observe and evaluate election activities. After Election Day, they returned to the ROV to observe the official canvass process.

III. METHODOLOGY

Interviewed representatives from:

- The Solano County Registrar of Voters
- The Election Integrity Project® California

Visited and observed the following:

- Registrar of Voters' offices and work rooms

- Logic and Accuracy testing at the ROV facility, October 8, 2020
- Six official polling places on November 3, 2020
- Ballot processing at the ROV facility on November 3, 2020
- Canvass process at the ROV facility on November 16, 2020

Reviewed the following data, articles, documents, and websites:

- Registrar of Voters website: <https://www.solanocounty.com/depts/rov/>
- Solano County Board of Supervisors Agendas and Minutes and Presentations (Jan 28, 2020; May 12, 2020)
- The Election Registration Information Center (ERIC) website: <https://ericstates.org/>
- Correspondence with a representative from The Election Integrity Project
- Solano County Civil Grand Jury ROV reports for 2011-2012, 2013-2014 and 2015-2016
- *Candidate tells supervisors election not as clean as it should have been*, Daily Republic, December 9, 2020
- County of Solano, Fiscal Year (FY) 2020/21 Preliminary Recommended Budget
- Solano County Candidate Guide Presidential General Election November 3, 2020
- *Solano County Board of Education TA 2 Recount from November 2020 General Election Vote by Mail Hand-Recount Detail by Batch*, Official ROV Recount Summary Log
- *Recount Procedures*, December 3, 2020, Solano County ROV document
- *General Election Observation Rights and Responsibilities – September 2020*, California Secretary of State County Clerk / Registrar of Voters Memorandum 20224
- *Uniform Vote Counting Standards, Version IV*, Effective: October 24, 2016 California Secretary of State
- Voter Participation Statistics by County, California Secretary of State
- California Senate Bill 423
- California Secretary of State website: <https://www.sos.ca.gov/elections>
- The Election Integrity Project® California website: <https://www.eip-ca.com>.
- Database to verify voters: <https://www.sos.ca.gov/elections/voter-registration/votecal-project>
- BallotTrax, ballot tracking and alert website: <https://ballottrax.com>

IV. STATEMENT OF FACTS

The California Secretary of State Election Division oversees all federal and state elections within California. As the chief elections officer, the California Secretary of State tests and certifies all voting equipment for security, accuracy, reliability and accessibility in order to ensure that every vote is counted as it was cast. Among many responsibilities, the Secretary of State ensures election laws are enforced, prepares voter information pamphlets, and maintains a statewide database of all registered voters. Written guidance and information are periodically provided to the counties to ensure a smooth electoral process.

The function of the Election Division is mandated by the Constitutions of the United States and the State of California, the State of California Elections Code, Government Code, Education Code, Health & Safety Code, and the Water Code.

At a county level, the Registrar of Voters (ROV) conducts elections. The ROV also maintains the voter registration file, conflict of interest and campaign statement filings. It files and verifies petitions, maintains precinct maps, issues certificates of registration and provides information on election related matters.

In previous years, voters were required to request an “absentee” ballot if they wanted to vote by mail. On August 8, 2020 California legislators passed Senate Bill 423 which made the following change to the election process:

“To preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians will be empowered to vote by mail, from the safety of their own homes, pursuant to Governor Newsom’s Executive Order N-64-20, issued on May 8, 2020, and as proposed by Assembly Bill 860 of the 2019–20 Regular Session.”

On October 8, 2020, Civil Grand Jury members participated in the Logic and Accuracy testing which included:

- Marking test ballots utilizing various instruments and methods to determine accuracy of ballot scanning
- Observing whether the scanners recorded the votes accurately
 - After a batch of ballots is scanned, the software alerts the machine operator of any ballots that require a visual check. Two staff members must examine the ballot to determine voter intent when the scanner sees a ballot that falls outside of normal parameters. (This additional step is not needed when a voter casts his/her vote in person, as the scanner used at the polling station alerts the voter of the confusion and two poll workers give him/her the opportunity to clarify intention.)
- Transferring scanned test voting data to a tabulating computer via a password-protected flash drive called a V-Drive, which is a non-standard version of the USB hardware interface.

The ROV uses a Bell & Howell Elevate Sorter for processing mail-in and drop-off ballots which does the following:

- reads barcodes
- automatically removes the secrecy flap protecting the voter signature
- slices the vote-by-mail envelopes for ease of opening
- measures ballot envelope thickness to identify multiple ballots or empty envelopes
- sorts the envelopes into collection bins representing voting districts
- identifies and automatically out-sorts double feeds and slightly damaged envelopes
- provides envelope count by precinct

- reads and digitally records voter signatures
- performs signature verification
- verifies voter's right to vote based on existing Data Information Management System information which includes voter status updates from:
 - Death Record Vital Statistics
 - California Department of Corrections and Rehabilitation
 - Department of Motor Vehicles (DMV)
 - National Change of Address database (product of the U.S. Postal Service)
 - Social Security Administration Change of Address
 - Secretary of State Voter Registration Online System

If the envelope is rejected, it is scanned again. Often a rescan corrects the issue. If the Elevate Sorter is not capable of making a clear determination, the envelope is placed in a red tray for a staff member to review; envelopes with no issues are placed in green trays by district.

All trays are moved to the next room where envelopes with unverified signatures are investigated and the envelopes in green trays are opened. Only authorized employees are allowed entry into this processing room. Envelopes are opened at several tables with safety partitions in place to mitigate the spread of disease among workers. The ballots are separated from the envelopes and placed in trays by district for scanning. The envelopes are stored by district and retained should future verification be required.

For envelopes where signatures could not be matched by the Elevate Sorter, individuals at a maximum of 12 stations work to verify signatures. These reviewers have the ability to access up to four sample signatures from various sources including voter registration cards, DMV licenses, the voter's previous vote-by-mail signature and any petitions that may have been signed by the voter. Should a review of these signatures show them to be unverifiable, the voter is contacted to resolve the issue.

The trays of ballots are then moved to a third room, the key to which is held by only three members of the ROV. There are six scanning stations and two tabulation stations in this room.

A. Election Day

In the 2020 election, there were a total of 258,850 ballots issued in Solano County. There was an 80.7% voter turnout resulting in a total of 209,002 ballots received. Of these, 178,512 were vote-by-mail (85%) and 30,490 were cast in person. The previous highest year was 2016 when 170,628 ballots were received, of which 80% were vote-by-mail.

For the 2020 election, there were 81 contests and 100 polling places. The ROV contracted for 52 trucks with 104 workers to transport ballots from polling stations and drop box locations to the ROV facility.

There were two instances of work interruptions with the Elevate Sorter this year on election night. The first was caused by a paper jam and the second was caused by dust accumulating on

the lens. These interruptions resulted in the machine being inoperable for approximately 45 minutes.

The computing equipment used by the ROV is from Hart InterCivic, including the scanners at the polling places. Solano County purchased the system in 2019. The 2020 election was the second time it was used.

Although vote-by-mail ballots are scanned when received, voting results are not tabulated prior to the official close of polls. The password-protected V-Drives from each scanned batch are downloaded into a single tabulation computer. Only three staff members have password codes for this computer. After 8:00 p.m. on Election Day, the first election results are printed and downloaded to the ROV website for public view. At the close of polls, polling materials are loaded into vehicles and taken to the ROV facility. ROV staff continues working until all 100 V-drives from polling scanners are accounted for and tabulated.

In addition to members of the Civil Grand Jury who served as Official Election Observers, representatives from The Election Integrity Project® California, a non-partisan group of volunteers seeking to defend the integrity of the voting process were present.

B. Post-Election

The 30 days following the election includes a process called “canvass”. The activities include:

- processing and counting any valid vote-by-mail and provisional ballots¹
- an inspection of all materials and supplies returned by poll workers
- a reconciliation of the number of signatures with the number of ballots recorded on the ballot statement from each polling station
- a reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to unidentifiable marks or overvotes with the number of votes counted
- counting of any valid write-in votes
- conducting a random hand count, representing a minimum of 1% of the ballots cast
- reporting final results to the California Secretary of State

The ROV chose to hand count 5% of the ballots cast, and members of the Solano County Civil Grand Jury witnessed the process. This hand count of ballots chosen at random confirmed that the votes cast in each contest were tabulated correctly.

Once the canvass is complete and the results are certified, there is a 30-day waiting period during which ballots are held in the event that a recount is required in any of the contests. The ballots and all voting equipment are then moved to a secure storage warehouse.

After the 2020 Election had been certified by the ROV, a candidate for an office of Solano County Board of Education requested a manual recount of ballots. The manual recount showed

¹ A provisional ballot is used to record a vote when there are questions about a given voter’s eligibility that must be resolved before the vote can count.

that the machine count had overcounted one vote for a candidate that was crossed out by the voter and this vote was not included in the hand count.

Of the approximately 6,000 provisional ballots cast, 600-700 were disqualified and not counted because they failed the verification process. Voter Notification cards to certify a voter's address for provisional ballots cast on election day are mailed after the election.

C. Voter Verification

In 2002, Congress passed the Help America Vote Act which required each state to create a statewide voter registration system. The State of California Business Process Committee is involved in the voter registration process. Through their efforts, 100,000 potential duplicate voters have been identified. Approximately 4,000 of those were in Solano County. The state has so far avoided sending 30,000 to 40,000 duplicate ballots. System and process controls are already in place in Solano County to prevent duplicate ballots from being cast. In the rare case of a voter receiving two valid ballots, only the first one received by the ROV would be processed.

A public database from the California Secretary of State is used to verify voters. If a voter notice gets returned undeliverable, an inactive registered voter notification letter is sent outlining the process to be reinstated. If a ballot is undeliverable due to a forwarding address provided by the USPS the ROV will send a second ballot to the updated address before inactivating a voter. This is part of the "residency confirmation process." This year there were approximately 10,000 undeliverable ballots in Solano County which resulted in the registrant being placed on inactive status. Throughout the year, the ROV mails 3,000 to 4,000 Voter Notification cards per week to verify addresses of voters.

At a national level, The Electronic Registration Information Center (ERIC) is a non-profit organization with the sole mission of helping states improve the accuracy of voter rolls and avoid interstate duplicate voter registrations. ERIC is governed and managed by states that choose to join. As of December 31, 2020, there are 30 states participating in this interstate program. California has yet to join.

D. Staffing

Although the 2021 ROV proposed budget includes an allotment for nine full-time employees, there are currently eight. During the Solano County Civil Grand Jury's investigation, the ROV full-time employee count remained under the allotment.

Eighty temporary staff employees were hired this year to assist in the voting process. Management reported that hiring is a challenge as it requires compliance with the complete county hiring process which can be time consuming. As a result, ROV management was reluctant to let under-performing temporary workers go for fear of not having sufficient staff to handle the workload, especially given the COVID-19 environment.

For this election, ROV utilized 1,500 poll workers who received a stipend between \$100 and \$150 depending on their assignment. Additional volunteers were on-call in the event that polling places became compromised. The threat of electrical power outages and COVID-19 potential lock downs complicated the planning for poll worker staffing. Part of the poll worker training this year included COVID-19 protocols.

E. Ballot Issues

In October 2020, the ROV identified 40 voters who had received ballots that were assigned to an incorrect district. Finding that none had voted, replacement ballots were mailed to these voters. The ROV also corrected this issue on the roster file to ensure voters would get the correct ballot if they voted in person at the polls.

Less than 1% of ballots were uncounted for various reasons. A small number of voters did not sign their ballots, or their signature did not match. Five individuals attempted to vote twice resulting in the ROV contacting the District Attorney to investigate these voters.

F. Grants

The ROV reported that two grants were received. One was from the California Secretary of State for \$870,000 to cover costs of voter outreach and the increased costs of vote-by-mail. It also covered expenses for personal protective equipment (PPE), safety training and emergency equipment. The second grant was from the Center for Technology for Civic Life for \$370,000 for PPE supplies and the increased expenses for processing vote-by-mail ballots. The ROV also received a generous donation of 10,000 cloth masks from Levi Strauss & Co.

G. State Coordination

Two voter information pamphlets are sent for state or national elections. The state Official Voter Information Guide contains information on state offices and issues, while the county pamphlet contains information specific to the county contests. This year, the State of California was late sending booklets to Solano County which resulted in some citizens voting before receiving the state printed information. The county has no control over the mailing of state booklets.

The 2020 U.S. Census results will require re-districting and new district maps. Currently, only one employee has mapping experience. The ROV anticipates hiring a staff member with technical mapping knowledge.

This election afforded the opportunity for voters to track their ballots. The California Secretary of State contracted with BallotTrax to provide notification to voters when their vote-by-mail ballots were processed through the United States Postal Service and at the County Registrar of Voters office. This tracking was provided only if the voter signed up for the service. Solano County ROV offered a similar tracking service for registered voters. Both tracking services were free of charge and provided transparency.

V. FINDINGS AND RECOMMENDATIONS

FINDING 1 – The 2020 U.S. Census data will result in redistricting, which will require remapping. Currently only one ROV staff member has mapping experience.

RECOMMENDATION 1 – The ROV hire a staff member with mapping experience.

FINDING 2 – The State of California was late sending the Voter Information Guide to Solano County voters which resulted in some citizens of Solano County voting before having access to the Guide.

RECOMMENDATION 2 – The ROV coordinate with the California Secretary of State to ensure state Voter Information Guides are delivered before the county mails ballots to voters.

FINDING 3 – ROV management was reluctant to terminate the employment of under-performing temporary workers with concerns that the time-consuming hiring process might result in not having sufficient staff to handle the workload.

RECOMMENDATION 3 – ROV coordinate with the Department of Human Resources to streamline the process of hiring temporary ROV workers.

FINDING 4 – The Electronic Registration Information Center (ERIC) is a non-profit organization with the sole mission of assisting states in improving the accuracy of voter rolls. California has not joined ERIC.

RECOMMENDATION 4 – The Solano County ROV coordinate with other county ROV's to encourage the State of California to become a member of ERIC.

COMMENTS

This year's requirement that ballots be mailed to all voters did not present a challenge for the ROV. The Civil Grand Jury members were impressed with the integrity and attention to detail that the ROV personnel displayed. The ROV staff demonstrated high regard for transparency, the individual's right to vote, and the accuracy of the process.

REQUIRED RESPONSES

The Solano County Registrar of Voters

COURTESY COPIES

The Clerk of the Solano County Board of Supervisors
Solano County Administrator
Solano County Human Resources Department
The California Secretary of State
The Election Integrity Project® California