

Mariposa County

2021/2022

Interim Report

Pursuant California Penal Code §925 and §933(a), “each Grand Jury shall submit to the Presiding Judge of the Superior Court, a final report of its findings and recommendations that pertain to county government matters during the fiscal, or calendar year.”

**Mariosa County Civil Grand Jury 2021/2022
Observation of Mariposa County 2021 Election Process**

Summary:

On September 14, 2021, the State of California held a Governor Recall Election. Prior to this event, County Clerk/Registrar of Voters Keith Williams invited the Grand Jury to observe staff at the Department of Elections process absentee ballots and also to observe one or more voting places on election day. Over the course of three days, Grand Jury members observed staff at the Elections Office performing tasks related to the Election Management System and the Election Tally System, and visited a few polling places to observe processes at each. Mr. Williams and Department of Elections staff were very knowledgeable, worked efficiently with systems and with each other, and answered many Grand Jury member questions. The Grand Jury was surprised by how time intensive processing ballots is, impressed with all operations related to elections, and satisfied with the security of the election system.

Overview:

The California Voters Choice Act passed in 2016. It allows counties in California to institute election systems that are almost completely mail-in ballot driven. Vote by mail was already popular in Mariposa County with about 70 percent of voters casting ballots this way; ballots were mailed to voters who requested them. In March 2020, based on Department of Elections recommendations, Mariposa County chose to switch to the voting by mail system. Now, ballots are mailed to every registered voter in the county.

Residents are registered to vote in a variety of ways. Many register electronically at the DMV at the time of getting or renewing their driver's license. Paper applications are available at the county elections office, library, Department of Motor Vehicles office, or U.S. post office. Paper applications must be turned in at least 15 days before an election for processing. People can also register at the California Secretary of State voter registration webpage. In this scenario, the registrant's signature is retrieved from the DMV. If a registrant does not have a driver's license, additional steps are outlined. Same Day Voter Registration, known as Conditional Voter Registration in state law, is also available. Eligible citizens who need to register or re-register to vote within 14 days of an election can complete this process to register and vote at their county elections office, polling place, or vote center. Their ballots will be processed and counted once the county elections office has completed the voter registration verification process.

Mariposa County Election Staff stated that registered voter numbers decreased to about 10,000 some number of years ago. In 2020, registration increased by about 2,000 and Mariposa County currently has 12,105 voters. Since the County has moved to the vote by mail system,

INTERIM REPORT September 16, 2021

participation has increased. For instance, voter turnout was 85% for the Trump - Biden presidential election.

The Mariposa County Elections Office receives lists from the State at least once a month regarding who is deceased and who has moved. Staff also checks obituaries in the local paper and gets lists from the recorder's office on who has moved. All of this is to make sure voting lists are up to date. The Elections Office sends out ballots about 20 days prior to an election.

The ballot is always the same size. Contests must always remain on the same page; they cannot be split between the front and back of the ballot. For instance, if there had been more candidates for Governor in this election to the extent that they would not all fit on the front page, all candidate names would have instead been printed on the back. Likewise, contests cannot be split between columns.

If a voter has misplaced their ballot or needs a replacement for any reason, they can get a replacement at the Elections Office or at designated places throughout the county. The designated places were chosen because they have sufficient wifi and are covered by the county's Global Protect secure internet system. These places have specific computers and printers for election personnel to use to print on demand ballots. These places are:

- Mariposa County Elections Office, 4982 10th Street, Mariposa;
- Bootjack Fire Department, 3883 Bootjack Lane, Mariposa;
- Greeley Hill Public Library, 10332 Fiske Road, Coulterville; and
- El Portal Public Library, 9670 Rancheria Flat Road, El Portal.

After the initial mailing of ballots, all additional ballots are now printed on demand rather than the County buying extra ballots, saving waste and cost.

When it comes to returning ballots, voters can put their ballots in the mail. Postage is prepaid. The Elections Office will accept ballots postmarked by the election date for up to seven days after the election. In addition to the US Postal Service option, for every election, there are many ballot drop box locations throughout Mariposa County. These include the Elections Department parking lot, Lake Don Pedro Community Services District Office, Yosemite Public Library, Bassett Memorial Library in Wawona, Triangle Market, The Oaks Deli & Gas, and Coulter Cafe and General Store. Days and times of operation for both the voting locations and the drop boxes are always listed on the Mariposa County Current Election web page and publicized via mailers and newspaper advertisements.

Before sending out drop boxes, Elections Office staff secure a numbered seal to each box. The numbers and seals are checked by election staff before the boxes go out, by the members of Public Works delivering the boxes to their various locations on drop off, by the person in charge

INTERIM REPORT September 16, 2021

at the various locations also at drop off, and again by election staff once the boxes are picked up and returned to the Elections Office by Public Works personnel. (The State requirement is for two people to check the seals. Mariposa County added the numbering system and the additional personnel checking the seals for extra security.) Drop boxes at various locations are placed where they can be seen by the person in charge and are chained so that they cannot be moved. They are moved inside at the end of business hours.

The locked ballot boxes are picked up and delivered to the Elections Office by Public Works personnel every three days. Ballots are collected from the locked, permanent ballot drop box outside the Elections Office three times per day. Processing of ballots can begin seven days prior to the election date. When it is time for processing, ballots go through an Election Management System and an Election Tally System as described in the later sections.

The elections staff team is made up of personnel within the County Treasurer-Tax Collector and County Clerk office. They have a variety of jobs and job titles within this office. Therefore, except on election day, most election work happens after regular business hours and on weekends. The County typically pays the cost of overtime and weekend work during election times. For the 2021 California Governor Recall Election, the State of California paid for all costs related to the election, including overtime and weekend hours.

Everything in the Elections Office is done per California Election Code. All employees who open and count ballots are trained through the State of California. Mariposa election officials have a weekly conference call that includes election officials of all counties and representatives in the Secretary of State's office. These calls involve an open forum at the end to share insights into what is being done even going beyond State law that is working well that other counties might want to implement. Mariposa County is also in constant contact with other similar sized counties to share insights and best practices.

Mariposa County elections staff states that security is its top priority. They are confident the mail-in voting system is extremely secure, more so than the in-person voting system used to be. For instance, now, with mail-in voting, each ballot signature is checked as the ballots are checked in, before they are opened and processed. With the previous in-person system, signatures were not checked until the very end of the process (at the point called canvassing, where staff manually tallies 1% of the ballots).

The Grand Jury believes that Mariposa County has an exemplary, experienced Elections Staff team and concurs that the election system is secure.

Mariposa County Elections Office
4982 10th Street, Mariposa, CA

INTERIM REPORT September 16, 2021

County Clerk/Registrar of Voters: Keith Williams
Chief Deputy County Clerk: Courtney Progner
Election staff
Grand Jury observers: Grand Jury members

Election Management System *observation date: Saturday, September 11, 2021*

Grand Jury members watched an election staff member unlock, collect ballots, and relock the permanent ballot box outside the Elections Office. This was the second of the three times per day collections.

Inside the Elections Office, Grand Jury members observed one staff member check each envelope, including name, address, and signature against electronic data on their computer screen. Years ago, the State purchased the hardware and the software involved with this Election Management System (EMS); the County pays for maintenance costs. Grand Jury members agreed it is an impressive system. Each ballot envelope includes a barcode that election staff scans. This pulls up the registered voter's name, address, and signature. Signatures are based on the voter's registration with the DMV or on a voter registration card. Voters can always re-register their signature. Since a voter might have registered in different ways and at different times throughout the years, the system shows up to six past signatures for the staff member to check against. Signature training is provided to staff members through the State of California and is taught by retired FBI officers.

For any signature problems, the envelope is flagged and set aside. Voters are contacted by Election staff by all means that they have provided to the county. This can include by phone, email, and mail. If there is a mismatch in the signature, a letter is sent with instructions on how the voter can verify their signature, including a signature verification statement that needs to be signed. Likewise, if a ballot is not signed, a letter is sent with instructions to the voter on how to rectify this situation, including an unsigned ballot envelope statement that needs to be signed. Voters can cure both of these situations up to a few days prior to the County's certification of its election results which happens 28 days after an election.

If someone has mailed their ballot from another county, their information is checked to make sure they are not registered to vote in another county.

Staff explained the line on the envelope asking for the name of the person who dropped off a ballot for someone else is there in case someone calls and asks about their ballot. Sometimes, people with a cognitive difficulty might forget that someone dropped off their ballot for them and

INTERIM REPORT September 16, 2021

this reminds them. Or, this can alert both the voter and election staff of a problem that needs to be rectified.

The staff member assigned to checking envelopes against the Election Management System also separates them into stacks by district and by precinct. There are five districts and twenty-five precincts. Precincts used to mostly signify a voter's polling place but now precincts are used as a valuable tool in the ballot "balancing" process. Balancing is the method elections staff use to check that the number of ballots received stays constant throughout the counting process. Since each precinct represents a smaller number of the much larger entire district number, it is easier for Elections Staff to isolate, find, and rectify any mistakes when ballots are batched by precincts.

Once checked and sorted by district and precinct, the ballots go to one or two staff member stations where the envelope is opened, the ballot is pulled out and straightened, the top tab is pulled off if the voter has not pulled off the tab prior to mailing (most do not), the envelope is set to one side, and the ballots are stacked. Once a ballot is checked in and out of its envelope, voters have no way of saying they changed their mind, made a mistake, and cannot request their ballot back or a new ballot. There's no way to tell which ballot is theirs; their ballot is checked in and the voting process is over for them.

Each precinct stack of ballots is secured by rubberband and put into a district bin.

The process of opening ballots, pulling the tab, pulling straight, putting into stacks, etc, is very time consuming.

Per election code, envelopes are kept in storage for 22 months. They are then recycled by Public Works. (Same for ballots.)

When staff is not present, active ballots are stored inside a vault within the Elections Office.

Election Tally System *observation date: Sunday, September 12, 2021*

A week or more before ballots are ready to go through the electronic Election Tally System made by Dominion and consisting of a special counting/scanning machine and multiple servers and screens, the Chief Deputy County Clerk (CDCC) runs a pre-marked test deck through the system to make sure it reports the numbers as it should. This is a logic and accuracy test. (Mariposa County's CDCC has been working on elections for 18 years. Likewise, all current Elections staff have worked on previous elections.)

INTERIM REPORT September 16, 2021

The CDCC noted that the prior system completely crashed in 2016. She stated the current system is much better. The County leases it using County funds and some State funding.

On Sunday, elections staff had all the ballots that were opened the day before ready to go through the Election Tally System. One person prepared the ballots, making sure they were straight and even (much like loading paper in a copy machine) and inserted them in batches in the counting/scanning machine. If two pages went in at once or it jammed or stopped for any reason, the screen on the machine reported exactly what the employee needed to do next; ie, re-run the entire batch, re-run the last two sheets, and so on. As each batch went through the machine, the staff member wrote down the number per batch. This was balanced (checked) against the number that appeared on the screen and saved in the database. The machine was cleaned and wiped down between batches to cut down on jams. The Grand Jury members observed that there were very few jams and they were not a problem.

If a ballot had any issue at all, ie, the system can't detect a box as marked, there are two boxes marked, or someone has written in the name of a candidate not on the State's official write-in candidate list, then that ballot was electronically flagged by the system. A list of these ballots showed on the linked computer screen. The assigned staff member clicked on each link in turn. This opened the ballot on the screen, allowing the staff person to see and resolve the problem. If two boxes were marked, the ballot was not counted. If there was a mark but it was faint, the staff member counted it. If someone had written in a candidate name not on the official list (including Gavin Newsom - he is not a candidate; he is the current office holder), then the staff person would void the write-in candidate but the top vote of whether to recall or not recall was still counted. Staff is trained on voter intent. The State has very specific boundaries. If there are questions, multiple trained staff confer to resolve the issue.

As of the Grand Jury's observation day the Sunday before election day, election staff reported about 60% of registered voter ballots received.

After processing, ballots were kept in their precinct bundles and put back into stacks in their appropriate district boxes. Ballots are kept in storage for twenty-two months.

The Grand Jury was told that on election day, given current Covid guidelines, a staff member with a walkie talkie will stay outside the Election Office to lead in anyone who needs a new or replacement ballot. If there is a line, they will ensure there is appropriate distance between voters and that the line moves through the process in one direction and out a separate door.

On election day, ballots continue to be checked in, opened, and processed in batches. Staff stops checking in and opening by 2 PM so that ballots to that point can be processed for preliminary election results to be released to the public at 8 PM via the Election Office website. Remaining

INTERIM REPORT September 16, 2021

ballots go through the process as they are received. Staff expects to stay in the office until about 10 or 10:30 PM on election night at which point the second preliminary results are finalized and released to the public.

Confirmation of results are faxed to the Secretary of State. Once the Secretary of State confirms receipt and reads back numbers for verification, elections staff is finished for election day.

Further numbers are released on Wednesday as additional ballots are checked in and processed.

Ballots that are postmarked by the election date are accepted up to seven days after the election and added to the count.

As a double-check on the Election Tally System, a canvas is done. This means staff performs a manual count of a random selection of districts equalling 1% of the vote. These numbers are checked against the numbers in the Election Tally System database.

Final certification of election results are delivered to the Secretary of State 28 days after the election.

Vote Centers observation dates: Monday, September 13 and Tuesday, September 14, 2021

The day before and on election day, Grand Jury members observed a few of Mariposa County's designated vote centers.

The purpose of a vote center during an election is to be an extension of the elections office for persons wishing or needing in-person services in areas of the County where it is difficult to get to the elections office.

Greeley Hill Public Library Vote Center, Monday, September 13

One grand jury member observed operations at the Greeley Hill Public Library Vote Center. Five volunteers were working there on Monday and would be again on Tuesday during the designated hours of operations. Prior, they had been trained by Elections Office staff.

Volunteers observed Covid protocols when engaging with voters and during ballot drop off. Ballots were examined for proper signature. If multiple ballots were dropped off, the ballots were checked for the accompanying signature of the trusted agent or designee.

If a voter needed a replacement ballot due to a mistake, exchange, or because they did not receive a ballot in the mail, a volunteer would verify registration, check the voter's address, and make corrections as necessary. Once verified, one volunteer generated a tag and passed it to the

INTERIM REPORT September 16, 2021

volunteer tasked with printing the provisional or replacement ballot. Information was checked again and the ballot was printed on the computer and printer system designated for this purpose. The ballot was also logged on a data sheet and then given to the individual. The voter was then directed to a voting area to complete their ballot and to a drop box to insert the completed ballot.

The volunteers at the Vote Center had direct contact with the Elections Office for any inquiries or problems that required election staff assistance.

The Grand Jury noted there was not a lot of turnout as most voters were taking advantage of the ability to mail-in ballots or use the designated drop box locations. The volunteers were very accommodating and friendly and were confident in their required tasks.

Bootjack Fire Department Vote Center, Monday, September 13

There were four volunteers at the Bootjack vote center. They had been trained in every aspect of vote center duties. They each had many years experience volunteering in Mariposa County elections.

Their jobs included a greeter who was the person assigned to the entrance of the center to determine the needs of the voter. With Covid-19 precautions in place, this person first determined if the voter needed assistance at the center or was simply dropping off a ballot. If the voter needed to go into the center, the voter was offered hand sanitizer and given a mask if they did not have one. In either case, dropping off or voting there, the greeter made sure the voter had sealed and signed their envelope, gave them an "I Voted" sticker, and showed them the drop box in which to insert their ballot.

Another staff member was at a second station that included computerized voter information. When voters were directed to this station, the staff person determined the need(s) of the voter. Most commonly, the voter needed a ballot issued as they had either not received one, refused to use the mailed ballot, or had misplaced their ballot. Sometimes, the voter wanted to see what the signature they have on file looks like so they could sign their envelope the same way as they did when they registered. Some voters had a ballot but needed a new envelope and label.

At this second station, the voter provided his or her name, and the staff member looked up their voting record on the electronic system. The computerized information made it possible for the staff member to determine if a ballot was sent and if so, whether that ballot had already been cast (in which case the voter could not vote again; the elections office would be contacted to rectify any discrepancies - the grand jury did not witness this and none had been reported) or if the ballot was returned as undeliverable. The computer system was also able to provide information on whether or not the voter was registered to vote in the current election. The voter was directed

INTERIM REPORT September 16, 2021

to either register if new, or re-register if inactive. These voters were given provisional ballots, meaning their information and signatures would be checked before their ballots were counted. In certain circumstances, the main election office was contacted to clarify a confusing situation and determine whether a voter could simply be "activated," or if more information was needed to verify the voter.

Once voter information was verified, the staff member at the third station would either print a replacement ballot for the voter onsite, record this to keep track of the number of ballots issued, and direct the voter to a private voting station. Or, if the voter preferred, the voter was directed to a voting station that contained an ICX tablet that they could vote on electronically.

The volunteer at the fourth station directed people with paper ballots to voting booths or enabled the ICX tablets so that people could then vote electronically in private. Some voters wanted to vote in a booth, using their issued ballot, simulating "election day voting." Other voters wanted to cast a "live" ballot electronically. Information from "live" ballots was transmitted to the elections office as the vote was cast, meaning the ballot was immediately counted.

All the volunteers throughout the day answered questions regarding the election process. Once the election was over, the Grand Jury member was told the vote center staff seals and secures all of the ballots and election equipment. Two of the staff return the sealed voting materials to the election's office.

Mariposa County Elections Office Vote Center, Tuesday, September 14

A Grand Jury member was able to observe a number of voters dropping ballots into the permanent ballot drop box outside the Elections Office.

The Elections Office staff had someone in the front lobby, able to see outside all day. This person had a walkie talkie and, in constant contact with office staff, allowed two people into the office at a time to take care of any election-related (or other) business. There were chairs for waiting, and markers on the ground, all following Covid protocols, spaced six feet apart. Traffic flow was through the front door, into the office, and then out the side door. There were writing tables with privacy shields set up outside, under shade awnings. There were two tables set up similarly inside, but these held a screen and printer for those who wished to vote on screen and print their vote. The Grand Jury did not see anyone choose to vote this way.

The Grand Jury did witness a number of voters requesting and receiving help:

- There were a few people who did not feel it was secure to drop their ballots into the box outside. They were directed to use the box inside the Elections Office instead.

INTERIM REPORT September 16, 2021

- A few voters did not want to use the mail-in ballots; they wanted to vote in person on a ballot, not on the electronic Dominion system. Staff directed the voters to write Void on both the ballots and the envelopes they had received in the mail and dispose of them. Staff voided the voters' initial ballots in the system, printed new ballots for them, logged this, and directed them to the voting tables to complete their ballots and to the ballot box to deposit their completed ballots.
- One voter was not registered to vote. Staff directed this person to fill out the voter registration form. Once this was completed and returned, staff printed a provisional ballot and gave the voter instructions. Information on the registration form will be checked before their ballot is counted.
- A few voters never received ballots. Staff had these voters fill out forms, checked their information in the system, corrected mailing addresses if this was the issue, voided original ballots, and printed new ballots for them.
- A husband and wife had signed each other's envelopes by mistake. One had sealed their envelope, the other had not. Staff directed them to sign their names on their appropriate envelopes.

In all cases, Elections Staff was polite, helpful, and resolved each voter's situation.

Findings

F1. Mariposa County Elections Staff are dedicated to following California Election Code and, at times, go beyond State code. Staff shares best practices with State personnel and similarly-sized counties for considered implementation.

F2. Election security is a top priority for all Elections staff and volunteers; Mariposa County elections are secure.

F3. Elections staff and volunteers are dedicated and well-trained.

F4. Elections staff and volunteers are responsive to the needs of all voters. Staff and volunteers are respectful, polite, and helpful.

F5. There are adequate means of voting provided throughout the county, including mailing in ballots via US Postal Service postage-paid envelopes, placing ballots in secure ballot boxes, or voting at designated Vote Centers.

F6. Mariposa County Elections run smoothly and efficiently.

Recommendations

This was not an investigation but rather an observation. The Grand Jury's observations and findings are all positive. We commend the Elections Office staff for their knowledge, efficient and secure processes, and courtesy to voters.

INTERIM REPORT September 16, 2021

Erin 9/23/21
Erin Davenport, Foreperson

Karen Simonson Smith
Karen Simonson Smith, Pro Tem

Lorraine Freeman
Lorraine Freeman

P. Gilger
Patricia Gilger

Michael Guenther 9/29/21
Michael Guenther

Jill Harry FOR JILL HARRY
Jill Harry

M. Henderson 9-24-21
Michael Henderson

Diane Pfitzner 9/23/21
Diane Pfitzner

Sarah Spaulding
Sarah Spaulding

Daniel Wasil FOR DAN WASIL
Daniel Wasil

REVIEWED:

Michael A. Fagalde
Hon. Michael A. Fagalde
Per PC 933