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# County of San Diego

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December 16, 2008

Raymond Lutz, Coordinator  
Citizens' Oversight Projects  
P.O. Box 252  
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Dear Mr. Lutz:

Your Ref. No. C00017

This is in response to your request for information filed December 2, 2008.

Question 1: We have received during our meeting the document entitled "Results of the 1% Manual Tally for the 6/3/2008 Direct Primary Election" in response to our request of November 20. However, the heading on the letter states "REGISTRAR OF VOTERS ELECTION SERVICES DIVISION INTRA-DEPARTMENTAL MEMO DRAFT." The document appears to be a draft, and only for Intra (within) department circulation.

Question 1.1: Is there a final version of the document that is not a "DRAFT" and not "INTRA-DEPARTMENT?"

*Answer: The document contained the word "draft" in the title; however it is a complete document and will not be updated.*

Question 1.2: Our conversation with the Secretary of State confirmed that their web site may not be up dated with all the reports from the counties, even though they may have received them. Was this report transmitted to the Secretary of State? (If not, perhaps it should be!)

*Answer: It will be submitted to the Secretary of State's office for display on its website along with our report on the November election.*

Question 2: The following questions relate to procedures in the precincts (polling places) and collection centers. In terms of blank ballot allocation to the various precincts:

Question 2.1: What is the policy for the count of blank ballots distributed to each polling place?

*Answer: Ballots are distributed to Precinct Inspectors with a two-part "Ballot Inventory" sheet which indicates the precinct number, the sequence number for that precinct, and the quantity of ballots sent to that precinct, by language version. The Precinct Inspector is instructed to count*

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*the ballots, verify the quantities listed, sign and date the document, send the white copy to the Registrar of Voters office, and retain the yellow copy. A sample of a Ballot Inventory sheet is Attachment 1.*

Question 2.2: Is there a set policy (i.e., mathematical expression) or is this done on an ad-hoc basis?

*Answer: Ballots are distributed to precincts based on the number of all registered voters in that precinct, including permanent vote-by-mail voters. No precincts ran out of ballots on Election Day. A copy of the procedure used in the November 4, 2008 election is Attachment 2.*

Question 3: At the precinct, when a provisional ballot is supplied to the voter:

Question 3.1: Is this noted on the Voter Roster, or is there a separate provisional roster maintained?

*Answer: The provisional voter signs a separate provisional page which is inserted into the roster.*

Question 4: At the precinct, you have earlier confirmed that a running count of the ballots is not maintained as they are inserted into the ballot box. If the voter leaves the polling place with a ballot, the count of returned ballots will not match the roster, and yet the voter record will later be updated as if he/she has voted.

Question 4.1: In how many precincts was the roster in disagreement with the number of ballots found in the box?

*Answer: 1,058 precincts.*

Question 4.2: Do poll workers make any notes if they notice that a voter leaves the voting area with the ballot?

*Answer: Sometimes they make notes in the rosters.*

Question 4.3: Do you make a report of discrepancies of this kind.

*Answer: No. Poll worker notes are maintained in the roster.*

Question 5: At the collection point:

Question 5.1: Are the condition of the seals on the batch boxes noted?

*Answer: We are unsure of the terminology "batch boxes." If you are referring to the white cartons containing voted ballots, the answer is "Yes."*

Question 6: The next questions relate to the Vote-by-Mail processing procedures. Since we have not had a chance to discuss this with your staff and there does not seem to be any written procedures, please make corrections to any assumptions made in the questions, such as by describing the procedure when we have it incorrect.

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Normal return. When a ballot is normally returned (mailed in or hand delivered) by a voter, it is placed unopened into an envelope processing queue.

Question 6.1: Are there any records kept as envelopes are received and placed into the Envelope Processing Queue (such as a tally count)?

*Answer: Yes. Envelopes are scanned into our election management system, the receipt of the mail ballot is recorded, and a daily report is issued. This creates an opportunity for voters to validate the receipt of their ballot, via our website or by telephone.*

Question 7: Soiled return. If the voter checks the "Soiled" box, a new ballot is issued by ROV staff.

*Answer: We do not have a box on mail ballot envelopes to indicate "Soiled."*

Question 8: Bad address return. If the ballot was mailed to the voter and it was returned by USPS as unable to deliver:

Question 8.1: What records are updated?

*Answer: After the election, these "undeliverables" are processed by sending another mailing to the voter. The creation of this mailer results in a notation to the voter's record on our election management system.*

Question 8.2: If a forwarding address is supplied, will the ROV resend the ballot (if sufficient time exists prior to the deadline)?

*Answer: The ROV would resend the ballot if the voter's new address is within the same home precinct.*

Question 9: Personal Delivery Return. If the ballot is returned by personal delivery, it is placed in the envelope processing queue.

Question 9.1: What records are updated?

*Answer: Envelopes are scanned into our election management system, the receipt of the mail ballot is recorded, and a daily report is issued. This creates an opportunity for voters to validate the receipt of their ballot, via our website or by telephone.*

Question 10: Envelope Processing Queue – Signature Verification. Envelopes are removed from the envelope processing queue in the order they were received and inspected (*Responder's note: this is not necessarily the case.*). The signature on the envelope is compared with the signature from the Registration Form. The Voter Database is also checked to see that voter has not already voted at the precinct (*Responder's note: this is impossible for mail ballots processed prior to Election Day.*).

Question 10.1: It seems that inspections must stop as soon as the voter rosters are printed and until the precinct data is entered into the Voter database to avoid duplicate votes. Is this the way this is handled?

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*Answer: No. Voter rosters are marked with an "M" to indicate the voter has applied for a mail ballot. Any mail ballot voter who appears at a precinct to vote and does not have the ballot to surrender votes a provisional ballot.*

Question 10.2: Is the voter record updated with the results of the comparison?

*Answer: Only if there is a challenge.*

Question 10.3: What records are updated?

*Answer: The record was updated when the ballot envelope was scanned.*

Question 10.4: What is the criteria for a signature match or failure?

*Answer: There is a three-level review for non-matching signatures: the operator, a four person board, and a division manager.*

Question 10.5: If the voter has submitted a ballot at the precinct, what is done with the envelope?

*Answer: If the voter drops off their voted mail ballot at the polls, the ballot is delivered to the ROV office and processed in the same fashion as mail ballots received prior to the election.*

Question 11: Signature Verification Success. Ballot is removed from the envelope and placed in a ballot "batch box."

Question 11.1: Is the count of ballots updated as the ballots are placed in the batch box?

*Answer: No.*

Question 11.2: Are ballots presorted by precinct as they are added to batch boxes?

*Answer: No. The envelopes are sorted by precinct prior to the removal of the ballot.*

Question 11.3: What other records are updated?

*Answer: None. The record has already been updated.*

Question 12: Signature Verification Failure – If the signature is deemed not to match the signature on file:

Question 12.1: Is the Voter Data record updated to note that the signature fails?

*Answer: Yes.*

Question 12.2: Is the voter contacted to submit another ballot or validate current ballot?

*Answer: No.*

Question 12.3: Is voter contacted to submit a new signature?

*Answer: Yes. The voter receives a letter and a new voter registration card.*

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Question 12.4: How many signatures comparisons (sic) failed in the Nov. 4, June 3, and Feb 8, 2008 Elections?

*Answer: November 08: 1,639; June 08: 309; February 08: 688.*

Question 12.5: Are they the same people?

*Answer: This information is not available.*

Question 13: Batch Box Processing: After sufficient VBM ballots are processed, the filled batch box (about 750 ballots) is transported to scanner station for processing.

Question 13.1: Are the batches of vote-by-mail ballots scanned by a single scanner?

*Answer: No. Ballots are scanned on any one of 15 scanners.*

Question 13.2: or are they separated by precinct first?

*Answer: Ballots are sorted to precinct within small batches. When ballots are scanned they may be or may not be in precinct order.*

Question 13.3: Is there a traveler that accompanies the batch box?

*Answer: We are unclear what is meant by traveler.*

Question 13.4: Is the number of ballots known either through counting as they are added to the box or through counting before scanning (such as using a counting scale?)

*Answer: The ballots are weighed to get an estimate as to the number of ballots in the box; this is accurate within 2 to 4 ballots.*

Question 14. Scanning Process for Batch Boxes.

Question 14.1: Is a memory card used for Vote-by-Mail Scanning?

*Answer: No. GEMS Central Count option is used.*

Question 14.2: Is a zero-tape created?

*Answer: No. GEMS Central Count does not produce a Zero tape.*

Question 14.3: Does a single worker scan all the ballots from a single batch box?

*Answer: Yes*

Question 14.4: Is a results tape created.

*Answer: No*

Question 14.5: Does anyone read the tape?

*Answer: No tape is created.*

Question 14.6: Is the ballot count provided by the a-priori tally compared with the count of ballots scanned by the scanner.

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*Answer: There is no comparison; however the scanner operator pre-counts the ballots as they run them. During counting they post the count as they go through the scanner. Example: Count 10 ballots, run these through the scanner and at the end 10 ballots will display on the scanner display, count another 10 and scan these and the display will indicated 20 ballot scanned, etc.*

Question 15: Memory card:

*Answer: Memory cards are not used in the Mail Ballot processing so these questions are not relevant.*

Question 16: Re-box /Archive Ballots

Question 16.1: Are the ballots re-boxed into the mixed batch, or are they reunited with the proper precinct?

*Answer: Ballots are archived in their original boxes, mixed precincts.*

Question 16.2: Is the scanner tape placed into those boxes as is it with election night ballots?

*Answer: No. There are no scanner tapes produced by the central count system.*

Question 17: The following questions relate to the 1% Manual Tally Procedure. After our meeting, there was some confusion about your intentions in the format of the "1% Manual Tally" report for the current (Nov. 4, 2008) election. We would prefer that you include all discrepancies (and even reports of no discrepancies) for all precincts and all ballot measures, as is done by many other counties in the state.

Question 17.1: Do you intend to produce a report that includes this level of detail?

*Answer: Our December 2, 2008 report does include this level of detail.*

Question 17.2: Do you review the Scanner Tapes in the process?

*Answer: Yes. We review the scanner tapes produced in the process of counting precinct ballots.*

Question 17.3: We attempted to get a copy of the 1% tally procedure but apparently did not get the copy you were preparing at our meeting. Therefore, this request is still outstanding.

*Answer: The report was posted to our website on December 3. The procedure is Attachment 3.*

Question 17.4: Do you compare the memory cards with the result?

*Answer: No. We use the scanner tape.*

Question 18: We note that other counties separate vote-by-mail ballots counted prior to election night and ballots counted on election night in their processing of the 1% Manual Tally. This approach seems superior to a single count as it allow comparison with the results from the scanner devices by referring to the scanner tape. In addition, we noted the comment from your office that the Manual Tally is primarily intended to test the reliability of the scanner systems.

Question 18.1: Is it possible to separate the tallies of the ballot scanned during election night and those scanned prior to that night, so that we can compare the scanner tapes directly with the result?

*Answer: We tally the precinct ballots separately from the mail ballots for each precinct. Scanner tapes are available for precinct ballots; however scanner tapes are not created in the central count process. The results are produced from the system by precinct, separated by mail and precinct, and are available for comparison.*

Question 19: The following Questions relate to the Reconciliation Procedure. We have been told that errors detected by the 1% Manual Tally Procedure would be caught by the reconciliation procedure.

Question 19.1/Comment: This procedure is one that we would like to review and is part of our document request (below).

*Answer: During the 1% manual tally, staff sometimes encounter more ballots or less ballots reported because of an operator error while scanning ballots.*

Question 19.2/Comment: Why is it necessary to rely on a final procedure, instead of multiple (smaller) reconciliation procedures along the way?

*Answer: Introducing small balancing steps during the canvass process introduces unnecessary complexities that would result in delays in certifying the results within the required 28 days.*

Question 20: Document Request. The following documents are requested for review.

- 20.1 Logic Testing Procedures: *CD to follow by mail.*
- 20.2 Manual Tally Procedures: *Attachment 3*
- 20.3 Ballot Order Spreadsheet and Ballot Allocation Policy: *Attachment 2*
- 20.4 Chain-of-Custody document: *Attachment 1*
- 20.5 Sign-in Roster: *Rosters are available for Review at the Registrar of Voters Office.*
- 20.6 Poll Worker Statement (AKA Ballot Statement): *These are on the back of the rosters and available for review.*
- 20.7 Collection Center Logs: *Attachment 4*
- 20.8 Tally Center Logs. *CD to follow by mail.*
- 20.9 Batch box label (Used as a tracking device when in facility.): *This is a simple label containing the deck number and the type of ballots in the box. e.g., MAIL, POLLS, PROVISIONAL BALLOTS. No document exists.*
- 20.10 Secure Storage Log (does this exist?): *CD to follow by mail.*
- 20.11 Audit Log (Central Tabulator): *CD to follow by mail.*
- 20.12 For the Feb 5 and June 3 elections (given that you have declined to enhance the 1% manual reports.) the following information is requested for the precincts included in the manual tally for those elections. This information was requested in the Nov. 20 letter but is repeated here for clarity.

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- 20.12.1 Hand tally sheets. *These are available for review by appointment.*
- 20.12.2 Computer Reports. *These are available for review by appointment.*
- 20.12.3 Scanner Printout Reports. *These are in storage and will have to be retrieved for inspection. They can be made available by appointment.*
- 20.12.4 Central Tabulator Audit Log. *CD to follow by mail.*
- 20.12.5 Scanner memory cards. *These do not exist, OS memory cards are reused. Memory cards currently hold November precinct data.*

Please note that the Registrar of Voters office devoted approximately 25 staff hours to respond to this letter. This does not include the time and expense of producing documents not already provided.

Sincerely,



DEBORAH SEILER  
Registrar of Voters

Attachments (4) and (1) CD

c: Timothy Barry, Senior Deputy County Counsel  
Dennis Floyd, Senior Deputy County Counsel