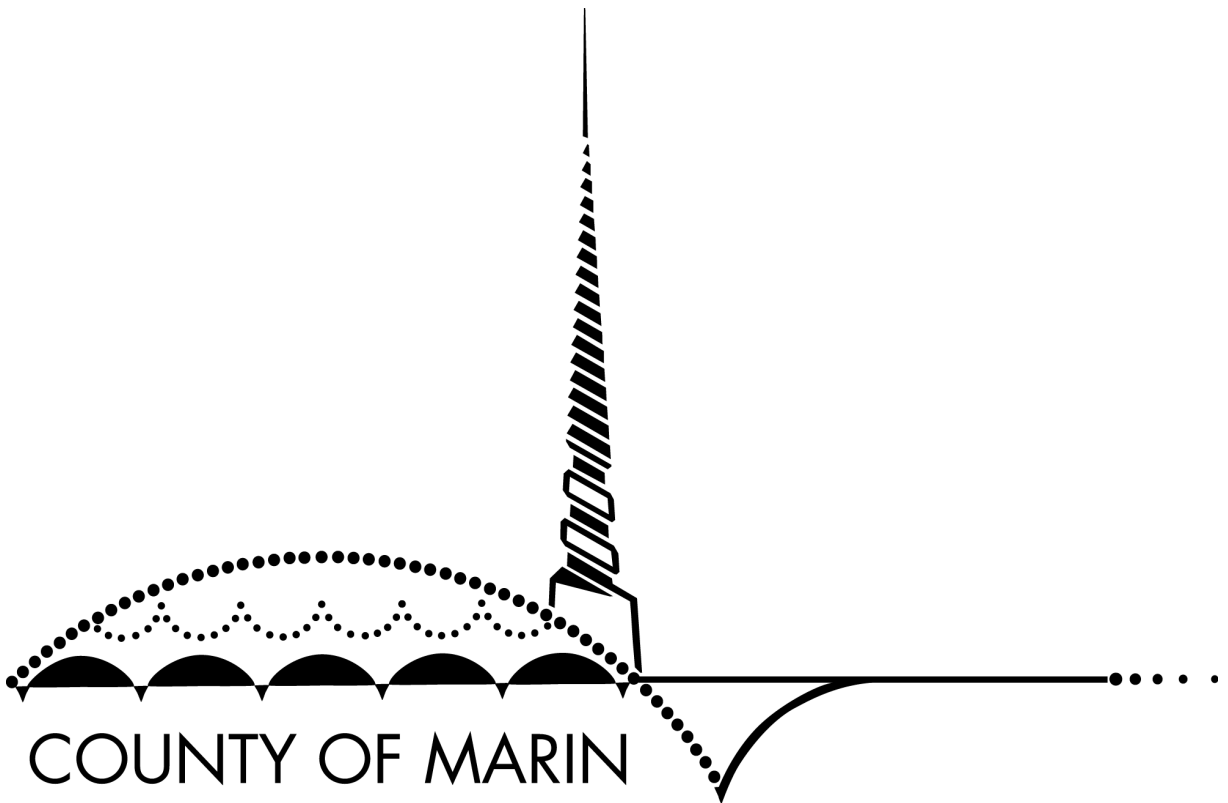
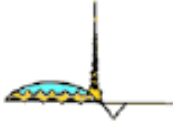

2012/2013 MARIN COUNTY CIVIL GRAND JURY

Elections in Marin: Cheaper by Mail?

Report Date – June 11, 2013
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COUNTY OF MARIN



Elections in Marin: Cheaper by Mail?



SUMMARY

This is a report on the Marin County Elections Department and the current status of Vote-By-Mail (VBM) in our County and in the State. The report is in response to a citizen proposition that the County could save money by moving to 100% VBM ballots.

California elections are governed by the California Elections Code and the Secretary of State's regulations. The Grand Jury found that although 100% VBM would save money, the California Elections Code precludes 100% vote-by-mail balloting except in precincts with fewer than 250 ballots or in special elections. Accommodations must still be made to allow all voters, including those with disabilities or non-English speakers, to vote in our elections.

Statewide, VBM accounted for over 51% of ballots cast in the November 2012 Presidential election. By contrast, the State of Oregon passed 100% VBM in 1998 with over 69% voter approval. Election experts believe that VBM in California will have to reach this level before 100% VBM can be adopted statewide. The State of Washington, on the other hand, allows each county to decide whether or not to use 100% VBM.

The Grand Jury observed several steps in the elections process. We were very impressed by the diligence and professionalism of the Elections Department staff and the dedication of the many volunteers that support our elections in Marin.

The Grand Jury recommends that the Board of Supervisors take steps to encourage the adoption of 100% VBM for all elections.

APPROACH

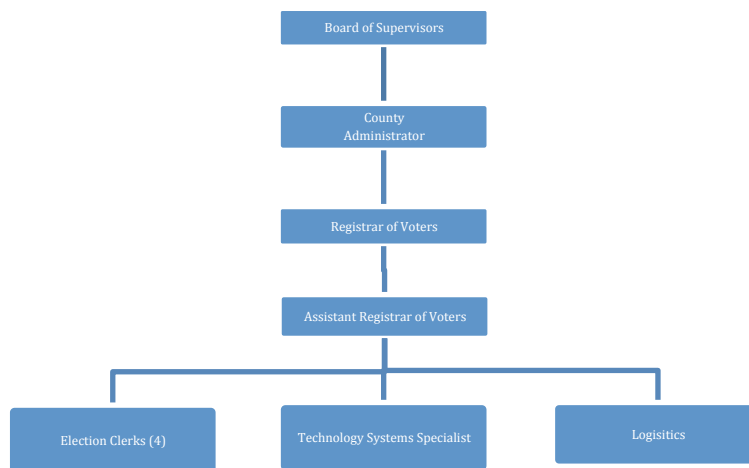
Members of the Grand Jury served on the Logic and Accuracy Board for the November 2012 general election. A public Logic and Accuracy Test of the vote-counting program and ballots is conducted 12 days before the election. The Logic and Accuracy test is designed to provide an overview of the election night vote counting process and to verify that the ballot counting program prepared for the election is reading and tabulating votes correctly.¹

For the November 2012 Presidential General Election, members of the Grand Jury:

- Attended training sessions for poll workers
- Served as observers during the November 2012 election, including observation of ballots received and counted at the Registrar of Voters Office in the Civic Center on election night
- Attended the Election Advisory Committee meeting at which the results of the November 2012 election were reviewed
- Interviewed representatives of the Marin County Elections Department and the League of Women Voters

DISCUSSION

The Marin County Administrator appoints the Registrar of Voters. The Registrar manages the Marin County Elections Department, which has nine full time employees. It provides election services year-round to the County. See the following organization chart.



¹ <http://www.co.marin.ca.us/depts/RV/Main/Elections/PolicyProcedures/LogicAndAccuracy.pdf>

Elections follow this cycle:

- Local elections: November, odd years
- Primary elections: June, even years
- General elections: November, even years
- Special elections: Up to four different elections each year including three 100% VBM only

For the November 6, 2012 Presidential General Election, the Department augmented its permanent staff with 17 temporary employees, and 756 poll workers. The temporary workers were paid \$19 per hour and performed such duties as answering phones and opening ballots. Poll workers were paid a stipend ranging from \$100 to \$150 per Election Day based on the level of supervision. Poll workers include 10 troubleshooters or rovers, who have worked as chief inspectors or deputy inspectors in past elections.

Marin County had the highest voter turnout in the State, with 87.4% of registered voters participating in the 2012 Presidential General Election.

In addition to managing elections, the Elections Department must continually update over 155,000 registered voters' files,² check signatures on petitions, and keep track of candidates, campaign finance reports, and conflict-of-interest statements for over 800 elected officials and designated employees in Marin County and in school and special districts.

One of the Department's main goals is to remove barriers to registration and voting. During the past year, the Department implemented the Secretary of State's online voter registration system whereby Marin County voters can register to vote and update their registration online.

If a voter decides to register online, the system will search the Department of Motor Vehicles (DMV) database for the voter's California driver's license and can add an electronic image of the voter's license signature to the voter registration application. If the voter's signature is not available in this way, the voter must print and mail the signed form to the Marin County Elections Department.

In the 2012-2013 fiscal year, the Elections Department has a budget of \$3.2 million. About \$680,000 of this budget is funded by payments from local jurisdictions (Marin County's cities, towns, special districts, and school districts) for elections services.

Additionally, a total of \$1.2 million of funds are now available from the Help America Vote Act (HAVA), which is described in more detail on page 8 below. Some funds have been used to purchase new accessible voting equipment for each polling station and to warehouse new voting equipment, but the remaining funds are being reserved for a new

² The voter's file includes name, address, party affiliation if desired, and a signature that can be used to verify a VBM ballot. Voters can also include optional information regarding their ethnicity and language preference, and indicate if they would like to be a poll worker.

voting system. An additional \$658,000 in Proposition 41 funds³ is also available to purchase a new voting system when one becomes available and is certified by the Secretary of State.

November 6, 2012 Presidential General Election

For the 2012 Presidential General Election, the County had 155,025 registered voters (87.8% of all residents) who were eligible to vote. Of these registered voters, 135,438 (87.4%) cast ballots. The voter turnout increased 17% from the November 2010 election but declined 4% from the November 2008 election.

Table 1 below shows comparable statistics from the previous five November elections. Since November 2004, %VBM has increased from 48.7% of voters to 65.1%.

Table 1

Election	Registered Voters	Number who turned out to vote	% Turnout	Number of VBM	% VBM	Number of Poll Voters	% Voted at Polls
6-Nov-12	155,025	135,438	87.4%	88,109	65.1%	47,329	34.9%
2-Nov-10	151,876	115,685	76.2%	69,832	60.4%	45,853	39.6%
4-Nov-08	155,640	141,321	90.8%	84,390	59.7%	56,931	40.3%
7-Nov-06	147,311	108,450	73.6%	62,735	57.8%	45,908	42.3%
2-Nov-04	152,657	136,625	89.5%	66,538	48.7%	70,087	51.3%

Number of Precincts and Polling Stations

The Elections Department's legal responsibilities are based on the requirements of the California Elections Code and the Secretary of State's regulations and directives.

A precinct is a combination of districts that vote during the same elections and for the same issues. In other words, each precinct has a similar ballot style. The number of ballot styles varies from year-to-year depending on the number of contested local elections. See Table 2.

The California Elections Code limits the number of voters that can be assigned to precincts. Under the Code, each precinct is limited to 1,000 voters on the 88th day before the election. (As shown in Table 2, the County had 194 precincts in the November 2012 election.) In determining the number of registered voters in a precinct, the Elections Department can deduct the number of permanent VBM voters based on a formula to arrive at the 1,000 voter limit.

³ Proposition 41 is the Voting Modernization Bond Act of 2002. Bond funding is available to assist in the acquisition of a new voting system.

There can be from one to four precincts assigned to each polling station, depending on the size of each polling station and the number of precinct tables it can accommodate. In the November 2012 election, Marin used 98 polling stations, down from 104 in the 2010 elections.

If a precinct in any election has fewer than 250 voters, it becomes a 100% VBM precinct whereby all voters in the precinct will receive a ballot in the mail. By California law, 100% VBM may also be used for special elections on three specified dates. The recent May 7, 2013 election (the first Tuesday after the first Monday in May) for the San Rafael Schools' parcel tax and consolidation of four Southern Marin sewer districts was the largest all VBM election that Marin has ever conducted, with 48,000 ballots distributed. The other two special elections at which 100% VBM may be used are those that occur on the first Tuesday after the first Monday in March and on the last Tuesday in August.

The special elections that occur in June must use polling stations in addition to VBM. On June 4, there was one ballot measure - Measure A: Bolinas-Stinson Union School District Special Tax Assessment.

The decision whether or not to have an election on one of the three special election days eligible for 100% VBM is up to the jurisdiction that calls the election. In this case, the Bolinas-Stinson Union School District decided to have an election using polling stations as required by State Law for the June election.

Table 2 below shows the number of polling places, precincts and ballot styles that Marin has used in countywide elections from 2006 to 2012.

Table 2

Election	Polling Places	Voting Precincts	Mail Precincts	Total Precincts	Number of Ballot Styles
Nov, 2012	98	178	16	194	11
Nov, 2011	104	140	20	160	33
Nov, 2010	104	171	29	200	52
Nov, 2009	105	130	31	161	39
Nov, 2008	108	175	14	189	9
Nov, 2007	109	166	33	199	35
Nov, 2006	109	192	18	210	27

State law requires that if 3% or more of a precinct is a "single language minority," the election information on ballots must be available in that language. In Marin County, although every precinct does not meet this language standard, the Elections Department has decided that Spanish translations will be available at every polling station. In addition,

Vietnamese language ballot information is available at the Pickleweed Polling Station in San Rafael.

Excerpts from a slide show prepared by the League of Women Voters of Marin County that illustrate some of the many steps the Elections Department must perform are shown in Appendix A.

Relevant History of Vote by Mail

For the 1962 California statewide election, only 2.63% of ballots statewide were voted by mail. This has now grown to 51.63% statewide for the 2012 Presidential general election.

In 1979, California ceased asking voters to give a reason to receive an absentee ballot unless they were requesting permanent VBM status. Before then, voters requested an absentee ballot to vote by mail. Consequently, VBM went from 4.41% in the 1978 statewide election to 6.26% in the 1980 election.

In 2004, the law changed to allow any California voter to file as a permanent VBM voter. Since then, the percentage of VBM voters in California has grown from 27.09% in the 2002 election to 51.63% in last year's Presidential election. The statewide VBM trend over the years is shown in Appendix B.

For the 2012 election, Marin County had 65.1% VBM or 88,109 VBM ballots returned for counting. About 14% of these VBM ballots were turned in at polling stations on Election Day.

Cost of Elections

The Elections Department estimates that an election in Marin County costs about \$1 million. If Marin County were to go to 100% VBM, the Elections Department estimates that the County would save between \$100,000 and \$200,000 per election. The out-of-pocket cost of each precinct is \$550 plus an additional \$50,000 to print ballots.

Local jurisdictions reimburse the County for the cost of their elections. The Elections Department charges local jurisdictions on a pro rata basis \$1.75 - \$3.00 per registered voter when the elections are combined with a statewide election. This charge increases to \$8 - \$10 per registered voter for a stand-alone polling place election.

Recently, the Marin Healthcare District decided not to have a June election regarding a new lease for Marin General Hospital because of the \$1 million cost.

As described earlier, California elections law has established three elections each year when jurisdictions may call an all mail election. For 100% VBM elections, the cost is \$6 - \$8 per registered voter. Elections on other established election dates must be held with polling places.

Vote-By-Mail Video

The Registrar's Office has prepared an informative video illustrating VBM which can be found at http://www.youtube.com/watch?v=oEDK_NM1wKc



Help America Vote Act (HAVA)

President Bush signed HAVA into law in 2002. HAVA requires county election officials to buy and deploy voting systems that are designed to improve the voting process and enable all voters to vote independently and privately. Voters with disabilities must be provided with voting equipment that lets them vote independently and privately in most circumstances. HAVA also requires that voters who are visually impaired may have their ballots read to them.

In Marin County, HAVA also ensures that elderly voters and voters with disabilities can vote by mail, request an alternative accessible voting place no later than two weeks before the election, or have a paper ballot delivered to them outside the polling place by a poll worker.

Oregon's and Washington's Experience with Vote by Mail

Oregon started testing VBM in 1981. In 1996, Oregon held a senatorial election entirely by mail in which 66% of the electorate turned out. In 1998, Oregon adopted 100% VBM via Ballot Measure 60. The Measure passed with 69.4% of the slightly over 1 million votes cast. As a result, Oregon reduced election costs from \$3.4 million in 1998 to \$2.8 million in 2000.

In its first all VBM Presidential election in 2000, 79% of Oregon's registered voters cast ballots.

To ensure full accessibility for voters with disabilities as required by HAVA, Oregon provides drop-box locations, options for voting in person at an elections office, and on-line voting including voice-over-internet protocol capabilities. Because Oregon has a more

homogenous voting population than does California, it does not have the same challenges in providing instructions and assistance for non-English-speaking voters.

The State of Washington began to allow all voters to vote by mail on a permanent basis starting in 1993. In 2005, Washington enacted a law that allowed Washington counties to choose 100% VBM or offer both VBM and polling places. By 2006, over 88% of Washington voters used VBM in 38 of the State of Washington's 39 counties. In 2011, Washington moved to 100% VBM.

California and Vote by Mail Legislation

The first 100% VBM election was held in California in 1977, but efforts to expand VBM in California have generally been unsuccessful. Although VBM is less costly than voting at polling places, some opponents cite the possibility of voter fraud. However, there is very little evidence of voter fraud in Oregon and in Washington where 100% VBM is prevalent. As the video on VBM by the Marin County Elections Department (previously referenced) demonstrates, signatures on VBM ballots are checked against those signatures on file.

Another factor against all VBM is that several studies indicate that voter turnout may be lower in all VBM elections.⁴

In 2009, Governor Schwarzenegger vetoed AB 1228 that would have provided for pilot VBM studies in Yolo and Santa Clara counties. The Governor wrote the following in his October 12, 2009 veto:

Many Californians choose to vote-by-mail (VBM) and have the option of becoming permanent VBM voters if that is their preference. On the other hand, many prefer voting in person at their local polling place. Under the provisions of this bill, one polling place would be open per city. This limit would significantly increase the distance needed to travel to vote in-person. This burden would fall disproportionately on those who are less mobile, frequently the poor, disabled and elderly. I cannot support a measure that would make it more difficult for these individuals to exercise their right to vote.

In 2010, the Governor vetoed a similar bill, AB 1681, for similar reasons, even though the sponsor, Assembly Member Mariko Yamada, had limited this bill to just Yolo County and had expanded the number of polling places.

Yolo County Experience

Finally, on the third attempt, AB 413 was put into effect in January 2012 after being passed by both legislatures and signed by Governor Brown. AB 413 allows Yolo County to implement an all-mail voting project for up to three local elections. The data collected on

⁴ A study by Kousser and Mullin indicated that voter turnout was 2.6 % to 2.9% lower in mail ballot precincts. Bergman, Yates and Ginnold modeled a 13.2% decrease if a mandatory VBM system were implemented in several Bay Area counties.

the impact of all VBM will be available to consider future expansion to the rest of California.

The County must have at least one voting place open in each city on Election Day to accommodate those who are unable or would prefer not to vote using a mail ballot. The County must also make secure ballot drop-off locations available. Since, by State law, Marin County can already use 100% VBM for up to three special/local elections every year, and since Yolo County will need to establish more ballot pickup locations, it appears that this legislation would glean only marginal cost savings, at best, if applied to Marin County.

Charter Law Cities Can Use 100% VBM

In a charter law city,⁵ the conduct of a city election and election procedures are municipal affairs. The decision whether or not to implement 100% VBM for city elections is decided by the city. Alternatively, the city may conduct its elections according to the State's general election laws.

At least four charter cities – Burbank, Modesto, Santa Barbara and Seal Beach – are now conducting elections using 100% VBM ballots.

Burbank implemented its system for its 2005 city election. The City had tried it earlier in a 2001 special election that resulted in one of the highest turnouts ever.

Santa Barbara held its first 100% VBM election in 2009, and was able to reduce the cost of the election by almost 50%. Santa Barbara offered seven drop-off locations for voters as a hybrid system for this stand-alone city election.

San Rafael is Marin's only Charter Law City and Has Used 100% VBM

For statewide elections, the City of San Rafael has used the services of the Marin County Elections Department. In 2011, however, San Rafael and unincorporated Marin County residents living in some 2,500 homes near Point San Pedro Road had a 100% VBM ballot to decide whether to form a special assessment district for median beautification.

The City determined it was more cost effective to use 100% VBM.

Election Advisory Committee

The Marin County Registrar of Voters established the Election Advisory Committee (EAC) in 2006. The EAC provides a link between the voting public and the Registrar's Office and also advises the Registrar on ways to ensure that every voter has the opportunity to vote "knowledgeably, safely and effectively."⁶

⁵ A charter law city is one in which the governance is defined by the city's own charter document rather than by state laws. As of June 2008, 112 of California's 478 cities are charter cities, including San Rafael.

⁶ Marin County Registrar of Voters Election Advisory Committee, Annual Report, 2010.

The EAC also advises the Registrar on new voting technology and its integrity.

The 20 members of the EAC must be registered voters in Marin County who are from various geographic areas and have different points of view and interests in the election process. The Registrar of Voters appoints the members.

The public is invited to attend all EAC meetings. More details about the EAC and its meetings can be found at:

http://www.co.marin.ca.us/depts/RV/Main/Advisory_Committee/Advisory.html.

FINDINGS

- F1. The Marin County Elections Department is well managed with a small staff and encourages public input through the Election Advisory Committee.
- F2. Although 100% VBM in Marin County for general elections would save the County money, California's current election laws prohibit 100% VBM for general elections.
- F3. Statewide 100% VBM elections, such as those in Oregon and Washington, are unlikely in the near to intermediate future in California because VBM usage in California is substantially lower than in Oregon and Washington.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The Board of Supervisors encourage our elected representatives in the State Legislature to allow individual counties to adopt 100% VBM for all elections.
- R2. If the State adopts 100% VBM provisions at the discretion of each county, then the Board of Supervisors seek recommendations from the Registrar of Voters and the Election Advisory Committee whether or not to pursue 100% VBM.
- R3. The Board of Supervisors acknowledge the significant contribution of election volunteers at Agenda Meetings subsequent to each general election.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- County of Marin Board of Supervisors to all Findings and all Recommendations

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.

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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.

APPENDIX A: THE ELECTIONS PROCESS (1 of 3)



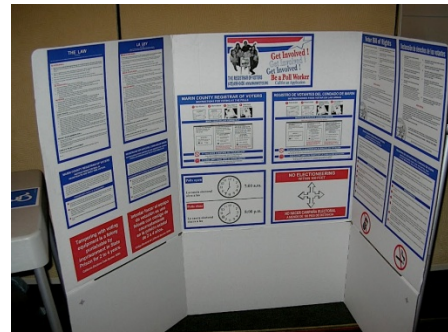
Members of the Grand Jury are assigned to the Logic & Accuracy Board (L&A) that will test the main tabulator before the election.



Staff from the Registrar's office give instructions to a member of the L&A Board who is a representative of the League of Women Voters



Training classes for poll workers are provided.



A voter information board is located in each polling place. All election material is reviewed by the Election Advisory Committee



Federal law gives all voters the right to vote "unencumbered".



At 8:00 pm on election day, staff members in the Registrar's office print out preliminary election results. VBM ballots are tabulated starting two weeks before election day but results cannot be counted before election night.

APPENDIX A: THE ELECTIONS PROCESS (continued - 2 of 3)



Sheriff's deputies deliver red bags containing the voted ballots and the roster that voters sign before voting.



Scanners in black bags are returned to the Registrar's office. Each scanner has rechargeable batteries in case of power failures at the polling place.



Unpacking a scanner on election night.



If election results are close, hand counting ballots will be necessary.



Ballots and other sensitive material are stored in a vault equipped with an alarm.



Safety features include motion-sensitive cameras.

APPENDIX A: THE ELECTIONS PROCESS (continued - 3 of 3)



There is a mandatory hand count of 1% of ballots about one week after the election.



These dice are used to select the precincts that will be part of the hand count.



The Election Advisory Committee meets monthly to review election materials and consider new election methods.



Voters can begin voting 29 days before the election at the Marin County Elections Department in the Civic Center.

Source: Excerpts from slide show provided by the League of Women Voters of Marin County

APPENDIX B: California Vote by Mail Statistics

Vote by Mail (Absentee) Ballot Use 1962 - 2012						
<i>Year</i>	Primary			General		
	<i>Mail Ballots</i>	<i>Ballots Cast</i>	<i>%</i>	<i>Mail Ballots</i>	<i>Ballots Cast</i>	<i>%</i>
1962	Not Available			156,167	5,929,602	2.63%
1964	Not Available			304,858	7,233,067	4.21%
1966	95,993	5,079,911	1.89%	218,242	6,505,067	3.35%
1968	Not Available			334,365	7,363,711	4.54%
1970	100,455	5,011,908	2.00%	204,143	6,633,400	3.08%
1972	204,216	6,460,220	3.16%	405,688	8,595,950	4.72%
1974	159,831	5,128,375	3.12%	Not Available		
1976	Not Available			366,535	8,137,202	4.50%
1978	325,518	6,843,001	4.76%	314,258	7,132,210	4.41%
1980	343,875	6,774,184	5.08%	549,007	8,775,459	6.26%
1982	326,213	5,856,026	5.57%	525,186	8,064,314	6.51%
1984	418,109	5,609,063	7.45%	913,574	9,796,375	9.33%
1986	426,133	4,937,936	8.63%	685,574	7,617,142	9.00%
1988	572,057	6,037,463	9.48%	1,434,853	10,194,539	14.07%
1990	808,838	5,386,537	15.02%	1,452,139	7,899,131	18.38%
1992	1,073,071	6,440,287	16.66%	1,950,179	11,374,184	17.15%
1993	Statewide Special Election			1,156,214	5,282,443	21.89%
1994	1,011,563	4,966,827	20.37%	2,009,643	8,900,636	22.58%
1996	1,415,176	6,081,777	23.27%	2,078,065	10,263,490	20.25%
1998	1,566,882	6,202,618	25.26%	2,131,484	8,621,121	24.72%
2000	1,842,891	7,883,385	23.38%	2,732,947	11,142,843	24.53%
2002	1,378,413	5,286,204	26.08%	2,096,094	7,738,821	27.09%
2003	Statewide Special Election			2,775,785	9,413,377	29.49%
2004	2,293,321	6,684,421	34.31%	4,105,179	12,589,638	32.61%
2005	Statewide Special Election			3,183,614	7,968,757	39.95%
2006	2,471,358	5,269,142	46.90%	3,696,940	8,899,059	41.54%
2008	3,777,094	9,068,415	41.65%	Early Presidential Primary		
2008	2,671,230	4,550,227	58.71%	5,722,465	13,743,177	41.64%
2009	3,029,736	4,871,948	62.19%	Statewide Special Election		
2010	3,278,224	5,654,993	57.97%	4,989,852	10,300,392	48.44%
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%

Source: http://www.sos.ca.gov/elections/hist_absentee.htm