

## **AND THE VOTE GOES TO...**

### **2009-2010 MENDOCINO COUNTY ELECTION REPORT**

**JUNE 21, 2010**

#### ***Summary***

On election night, November 3, 2009, the 2009-2010 Grand Jury, (GJ), observed the delivery of votes collected at the precincts and transferred to the Registrar of Voters' staff. The process was smooth, no procedural problems were observed.

Following the November election, the GJ received a complaint that a candidate statement did not appear on the official ballot as expected. The GJ learned that a candidate statement does not appear on the official ballot, only on the sample ballot pamphlet.

There was a lack of candidate statements in the pre-election sample ballot distributed by the Registrar of Voters, (Registrar). Candidate's statements are a decision of the candidate. Candidates are charged for the printing costs and not all candidates choose to make a statement. They also may choose in which languages their statement shall appear.

Problems appeared in the preliminary election sample ballots for the June 2010 primary election. Sample ballot pamphlets were mailed out by the contracted vendor with numerous errors. The Registrar took corrective actions to make certain that Mendocino County voters received proper sample ballot pamphlets.

Additional errors appeared on the official primary ballot. Some voters received ballots with incorrect party affiliation, resulting in the voters having to take their own corrective action.

#### ***Method***

On election night, November 2009, the GJ observed the process of ballot collection and transfer from the precincts to the Registrars' staff. The GJ interviewed voters concerning their opinion of the information they received prior to the election, and if the information in the official ballot was easy to understand. The GJ reviewed election records.

In response to a complaint concerning errors in the June 8, 2010 sample ballot pamphlet, the GJ interviewed the Registrar to understand how the errors in the sample ballot pamphlet mailings occurred and to understand the procedures concerning the preparation and mailing of election materials.

## ***Background***

The GJ received a candidate complaint regarding omissions in the general election candidate statements. The GJ found that there was candidate and public confusion concerning election literature.

For the 2009 general election, the number of registered voters for Mendocino County on Election Day was 49,151.

- The number of votes cast was 24,450, representing 49.7% of registered voters.
- The number of mail-in ballots was 19,994, representing 82.6% of the 24,450 ballots cast.
- A polling station requires a minimum of 250 registered voters.
- The total number of precincts in the County in 2009 was 247. There were 25 polling stations; the number is determined by changes in district lines.

## ***Findings-2009 General Election***

1. Voters stated there was a lack of candidate statements in the pre-election sample ballot pamphlet for the November 2009 election. The Registrar stated that many candidates chose not to include a statement in accordance with Election Code §13307.
2. Voters stated they had insufficient information due to the lack of candidate statements.
3. The complainant's information was incorrect. California election code states that the candidate statement appears in the sample ballot pamphlet and does not appear on the official ballot.
4. Candidates may make a statement of not more than 200 words to be placed in the pre-election sample ballot pamphlet.
5. There is a fee for a candidate to place a statement in the sample ballot pamphlet. The fee is determined by the actual cost of printing, handling, and translating the candidate's statement. Counties may not collect fees in excess of the actual cost (Election Code §10012).
6. For County Supervisor's office, a deposit of \$300 towards the fee is due at the time of filing for English and \$700 for a Spanish-translated version of the candidate's statement. For a county-wide office, the deposit for the fee is \$700 for English and \$1,500 for Spanish.
7. The actual cost may exceed the deposit. The County has not always collected the actual costs from candidates.
8. Instructional information given to volunteer election officers was delivered in a professional manner and the volunteers were cooperative in their reception of instructions.
9. The process of delivering ballots and equipment on election night was consistent and efficient. Employees of the Registrar worked into the night and returned the following morning to perform their assigned tasks.
10. All registered voters can request a mail-in ballot. All mail-in ballots may be returned to the Registrar's office at any time including Election Day, until 8 p.m.

11. Voters, who live in a precinct that has less than 250 registered voters, may vote by a mail-in ballot or hand-carry the ballot to a polling location on Election Day. The Registrar may establish a ballot drop-off location in rural areas.
12. The GJ learned that the increase in the percentage of mail-in ballots has reduced the expense of an election. The cost of establishing a polling place far exceeds the cost of mail-in ballots.
13. The Registrar can begin to send mail-in-ballots 29 days in advance of Election Day.

### ***Findings-2010 Primary Election***

14. The Registrar has contracted with the same private vendor for the past eight years. The vendor is responsible for translating, press-checking, printing, and mailing the primary election sample ballot pamphlet.
15. County staff proof read the pdf (computer) files before sending them to the vendor.
16. On the sample ballot pamphlet, numerous typographical errors, spacing anomalies, and content omissions were reported to the Registrar's office by the general public.
17. The Registrar responded immediately by radio and press releases. There was no immediate posting on the County website.
18. All 24 different sample ballot pamphlets were mailed directly by the vendor with only a cursory County press-check.
19. The delay in reprinting may result in mail-in ballots being received before accurate sample ballot pamphlets.
20. There will be no additional costs to the County or the candidates for the corrected sample ballots pamphlets.
21. Six temporary employees were observed preparing the corrected sample ballot pamphlets for re-mailing.
22. An administrative decision was made to mail only one corrected sample ballot pamphlet to each household.
23. Some voters received incorrect party affiliation on the official ballot resulting in their receiving an incorrect primary election ballot and having to take corrective action.
24. The official ballots are produced by a State certified vendor and mailed by the County.
25. Candidates' statements are not posted on the Registrar of Voters' website.

### ***Recommendations***

The Grand Jury recommends that:

1. the Registrar of Voters states on the sample ballot pamphlet that candidates' statements and arguments do not appear on the official ballot. (Findings 1-3)
2. the Registrar of Voters continue to collect unpaid candidates' fees within six months of the election and that a list of uncollected fees be published by local media in the same manner as tax-default notices. (Findings 5-7)
3. the Board of Supervisors petition the California Secretary of State to implement a

vote-by-mail ballot, formerly referred to as an absentee ballot, for all of Mendocino County. (Findings 10-12)

4. in the future, the sample ballot pamphlets and official ballots be thoroughly press checked by the Registrar of Voters' staff prior to mailing. (Finding 14-24)
5. the Registrar of Voters' web page be immediately updated to inform the voting public of any voting information or problems that affect the election process. (Findings 14-24)
6. the Registrar of Voters post all candidates' statements on the website. (Finding 25)
7. the Registrar of Voters collect a refund from the contracted vendor for misprinted sample ballot pamphlets. (Findings 5-7, 14-20)
8. the Registrar of Voters refund candidate's statement fees affected by the sample ballot pamphlet misprints. (Findings 5-7, 14-20)

### ***Discussion***

The choice of putting a candidate's statement in the sample ballot pamphlet is entirely up to the individual candidate running for office. There is no law that states a candidate must submit a candidate's statement for the sample ballot pamphlet.

Considering the high percentage of mail-in ballots being used now, it would be cost-effective to move the County to a total mail-in ballot system. While the GJ understands that many people enjoy the social aspects of the local polling stations, the harsh reality is that the County budget is in dire straits. There are currently 247 precincts, and only 25 polling stations remain in the county. A mail-in ballot system would reduce payroll cost, rent, and equipment transportation and maintenance. It would also alleviate ADA-access issues to the polling places. This is the general trend in other California Counties.

Candidates should be aware that their campaigns would be better served by understanding the change in voting patterns due to the greater number of mail-in ballots.

In this time of electronic transmission of written material, it has become essential to do a press check of all material prior to distribution.

As the County moves to a greater number of absentee/mail-in ballots, it is essential that the GJ or another watchdog network continues to monitor the counting of ballots to insure appropriate procedures are followed.

***Required Responses***

Board of Supervisors (All Findings; All Recommendations)

Assessor/County Clerk-Recorder's Office/Registrar of Voters (All Findings; All Recommendations)