

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title : AND THE VOTE GOES TO....
2009-2010 MENDOCINO COUNTY ELECTION REPORT

Report Dated : June 21, 2010

Response Form Submitted By:

BOS
c/o Executive Office
Attn: Steve Dunncliff
501 Low Gap Road
Ukiah, CA 95482

Response MUST be submitted, per Penal Code §933.05, no later than:

September 19, 2010

I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:

- I (we) agree with the Findings numbered:
- _____
- I (we) disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
- Findings 1-25 (See Attached)**

I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:

- The following Recommendation(s) have have been implemented and **attached, as required**, is a summary describing the implemented actions:
- _____
- The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:
- _____

- The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

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- The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:

1,2,4,5,6,7,8 (See Attached)

I have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 3

I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

I understand that I must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov
- The County's Executive Office: ceo@co.mendocino.ca.us

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

ATTEST:

Carmel J. Angelo, Clerk of the Board
Mendocino County Board of Supervisors



DEPUTY

Printed Name: CARRE BROWN

Title: Chair, Mendocino County Board of Supervisors

Signed: 

Date: SEP 14 2010

ATTACHMENT:

REPORT: AND THE VOTE GOES TO.....

FINDINGS:

Findings 1-25: The Mendocino County Board of Supervisors has no specific information regarding Findings 1-25 and therefore incorporates by reference herein, the responses to findings prepared by Assessor/Clerk-Recorder.

RECOMMENDATIONS:

Recommendation Nos. 1,2,4,5,6, 7and 8: The Mendocino County Board of Supervisors has no ability to implement these recommendations.

Recommendation No. 3: The Mendocino County Board of Supervisors will direct staff to bring an agenda item forward within the next two months for Board consideration.

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)