Citizens' Oversight Projects (COPs)

CitizensOversight.org

PO Box 252
El Cajon, CA 92022
619-820-5321

CITIZENS' OVERSIGHT PROJECTS
CitizensOversight.org

January 08, 2009

Deborah Seiler
San Diego County Registrar of Voters
P.O. Box 85656
San Diego, CA. 92186-5656
(858) 565-5800   REF: C00019

CC: CAO Walter Ekard, Sup. Dianne Jacob, Secretary of State Debra Bowen, and Miguel Castillo, Legal unit, California Secretary of State.

Dear Ms. Seiler:

This is a follow-up communication responding to your response to C00017.   Thank you for taking your time to answer questions regarding election processing procedures.

We will explicitly close any of the questions that you have answered, and will continue to use the same numbering system for any new questions either to clarify any confusion in our earlier written questions or to get more thorough understanding of what you are doing. If we close the item here, please note any comments we may make as we close the item. Please feel free to actively expound on questions if we have a completely incorrect notion as to what is being done, and suggest documentation that we may not be aware of.

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 Nov. 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.
  1.1 Q: Is there a final version of the document that is not a "DRAFT" and not "INTRA-DEPARTMENT"?
    1.1.1 ROV (C00017) `The document contained the word "draft" in the title; however it is a complete document and will not be updated.`
    1.1.2 STATUS: CLOSED.
  1.2 Our conversation with the Secretary of State confirmed that their web site may not be updated with all the reports from the counties, even though they may have received them.
    Q: Was this report transmitted to the Secretary of State? (If not, perhaps it should be!)
    1.2.1 ROV (C00017) `It will be submitted to the Secretary of State's office for display on its website along with our report on the November election.`
    1.2.2 FOLLOW-UP - Your answer was not explicit, but implied that the report was not submitted to the Secretary of State. Please answer the question: Was this report transmitted to the Secretary of State in a timely manner? (OPEN)

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:

2.1 What is the policy for the count of blank ballots distributed to each polling place?
    2.1.1 ROV: `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 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.`
    2.1.2 CLOSED.
2.2 Is there a set policy (i.e. mathematical expression) or is this done on an ad-hoc basis?
    2.2.1 ROV: `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.`
    2.2.2 CLOSED.

3 At the precinct, when a provisional ballot is supplied to a voter,
  3.1 Q: Is this noted on the Voter Roster, or is there a separate provisional roster maintained?
    3.1.1 ROV: `The provisional voter signs a separate provisional page which is inserted into the roster.`
    3.1.2 CLOSED.

4 At the precinct, you have earlier confirmed that a running count of 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.
  4.1 In how many precincts was the roster in disagreement with the number of ballots found in the box?
    4.1.1 ROV: `1,058 precincts.`
    4.1.2 Since there are 1634 precincts, this is about a 65% error rate.
    REFERRED TO See 4.3.2 (CLOSED)
  4.2 Do poll workers make any notes if they notice that a voter leaves the voting area with the ballot?
    4.2.1 ROV: `Sometimes they make notes in the rosters.`
    4.2.2 FOLLOWUP: I am sorry that we drafted a poor question. Please answer this one: Are poll workers instructed to make notes if they notice that a voter leaves the voting area with the ballot (and does not deposit it in the ballot box)? (OPEN)
  4.3 Do you make a report of discrepancies of this kind?
    4.3.1 ROV: `No. Poll worker notes are maintained in the roster.`
    4.3.2 FOLLOWUP: We find it remarkable that your office is willing to ignore this 65% error rate in reporting from the precincts, as it could represent lost, stolen or unscanned ballots. If indeed there is some sort of report or attempt to reconcile the discrepancies represented by this error rate, we hereby request this report (other than the poll worker notes, which we will review). Otherwise, we will want to investigate exactly why the reports from the polling places are so unreliable. To do so, we will need to make a list of the totals reported by poll workers and compare with the number of ballots scanned. If you have such a compilation, it will save us time and effort to recreate it.
    (REFERRED: This item referred to 20.5, CLOSED.)

5 At the collection point,
  5.1 Are the condition of the seals on the batch boxes noted?
    5.1.1 ROV: `We are unsure of the terminology "batch boxes." If  are referring to the white cartons containing voted ballots, the answer is "Yes."`
    5.1.2 FOLLOWUP: Yes, we defined the term "batch boxes" which means "the white cartons containing voted ballots" to be a bit more concise. We would be willing to adopt your preferred nomenclature. (CLOSED).

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.

   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.
   6.1 Are there any records kept as envelopes are received and placed into the Envelope Processing Queue (such as a tally count)?
       6.1.1 ROV: `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.`
       6.1.2 CLOSED.

7 Spoiled return. If the voter checks the "Spoiled" box, a new ballot is issued by RoV staff.
   7.1 What records are kept?
       7.1.1 ROV: `Answer: We do not have a box on mail ballot envelopes to indicate "Soiled"`
       7.1.2 FOLLOWUP: According to California Election Code, section 2300:

       ```
       2300.   ...There shall be a Voter Bill of Rights for voters, available to the
       public, which shall read:
         (1) (A) You have the right to cast a ballot if you are a valid registered
       voter.
         (B) A valid registered voter means a United States citizen who is a
       resident in this state, who is at least 18 years of age and not in prison or
       on parole for conviction of a felony, and who is registered to vote at his
       or her current residence address.
         (2) You have the right to cast a provisional ballot if your name is not
       listed on the voting rolls.
         (3) You have the right to cast a ballot if you are present and in line at
       the polling place prior to the close of the polls.
         (4) You have the right to cast a secret ballot free from intimidation.
         (5) (A) You have the right to receive a new ballot if, prior to casting
       your ballot, you believe you made a mistake.
         (B) If at any time before you finally cast your ballot, you feel you have
       made a mistake, you have the right to exchange the spoiled ballot for a new
       ballot. Vote by mail voters may also request and receive a new ballot if
       they return their spoiled ballot to an elections official prior to the
       closing of the polls on election day.
       ```

       I have submitted such a ballot envelope with a checkmark in a small box in the upper righthand corner, I believe in the 2006 election, so perhaps your procedures and forms have changed. You may have some other means for the voter to indicate that it is spoiled. (Sorry, I see that I wrote "Soiled" and not "Spoiled" in my earlier question, so I have changed the wording to avoid further confusion.)

       Q: Exactly what is the procedure for a voter to indicate that his ballot is spoiled and therefore to submit it to your office and get a replacement, including the records kept? (Please also answer the following questions which were skipped in your previous response. These could have been answered even if there was no "Spoiled" checkbox on the form, and I have revised these questions to use the proper terminology of "Spoiled" instead of "soiled.") (OPEN)

   7.2 Are spoiled envelopes just disposed of, or are they kept?

7.3 If a voter submits a "spoiled" ballot, but does not return an unspoiled ballot, are they contacted to see if their ballot was lost or stolen, or perhaps the prior envelope is fraudulently spoiled?

7.4 Is it possible for compromised RoV staff to fraudulently spoil ballots to affect an election?

7.5 Is a signature required (and compared) to authenticate the act of spoiling a ballot?

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

8.1 What records are updated?

8.1.1 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.`

8.1.2 FOLLOWUP: Your answer implies that no records are updated until after the election, but in the following question, you imply that the forwarding address would be honored. Can you please clarify: is it possible that the voter's record is updated prior to the end of the election or are all such records not updated until after the election. Please feel free to describe this process in detail.

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

8.2.1 ANSWER: `The ROV would resend the ballot if the voter's new address is within the same home precinct.`

8.2.2 CLOSED.

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

9.1 What records are updated?

9.1.1 ANSWER: `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.`

9.1.2 CLOSED.

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.)`

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?

10.1.1 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.`

10.1.2 CLOSED. `(Our model for your process was incorrect. We assumed that the marking on the voter file would only occur if the voter actually votes by mail, but apparently, it occurs when the voter simply applies for vote-by-mail.`

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

10.2.1 `Answer: Only if there is a challenge.`

10.2.2 CLOSED.

10.3 What records are updated?

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

10.3.2 CLOSED.

10.4 What is the criteria for a signature match or failure?
    10.4.1 ANSWER: `There is a three-level review for non-matching signatures: the operator, a four person board, and a division manager.`
    10.4.2 CLOSED.
10.5 If the voter has submitted a ballot at the precinct, what is done with the envelope?
    10.5.1 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.`
    10.5.2 CLOSED.
10.6 We stated that "envelopes are removed from the envelope processing queue in the order they were received and inspected" and you responded that "`this is not necessarily the case.`" Please explain what is the case. Is it that the envelopes are removed in batches and one may slightly be processed in advance of another, making it not absolutely (but nearly) a First-in-First-Out queue, or is there some other explanation? (OPEN)

11 Signature Verification Success. Ballot is removed from the envelope and placed in a ballot "batch box."
    11.1 Is the count of ballots updated as the ballots are placed in the batch box?
        11.1.1 Answer: `No.`
        11.1.2 CLOSED.
    11.2 Are ballots presorted by precinct as they are added to batch boxes?
        11.2.1 Answer. `No. The envelopes are sorted by precinct prior to the removal of the ballot.`
        11.2.2 FOLLOWUP: To be clear, is the following description accurate?
            a. envelope is received and placed into a reception bin of some kind.
            b. envelopes are scanned into the election management system and placed into a processing bin.
            c. envelopes are then inspected and signature verified.
            d. envelopes are sorted into precincts.
            e. ballots are removed and placed into batch boxes, groups roughly by precinct.
        (OPEN)
    11.3 What other records are updated?
        11.3.1 Answer: `None. The record has already been updated.`
        11.3.2 CLOSED.

12 Signature Verification Failure – If the signature is deemed not to match the signature on file,
    12.1 Is the Voter Data record updated to note that the signature fails?
        12.1.1 Answer: `Yes.`
        12.1.2 FOLLOWUP: Is the fact that the signature failed available to the voter on the web site mentioned in answer 9.1.1? (OPEN)
    12.2 Is the voter contacted to submit another ballot or validate current ballot?
        12.2.1 `Answer: No.`
        12.2.2 FOLLOWUP: Is it possible for the voter to discover that their signature did not pass your comparison test? (OPEN)
    12.3 Is voter contacted to submit a new signature?
        12.3.1 Answer: `Yes. The voter receives a letter and a new voter registration card.`
        12.3.2 FOLLOWUP: Please provide a copy of the letter sent to the voter. (OPEN)
    12.4 How many signatures comparisons failed in the Nov. 4, June 3, and Feb 8, 2008 Elections?
        12.4.1 ANSWER: `November 08: 1,639; June 08: 309; February 08: 688.`
        12.4.2 FOLLOWUP: Total ballots in Nov. 2008 was 1,245,947 and 1,639 invalidated signatures was a 0.1315% reject rate.
        Total ballots in June 2008 was 465,489 and 309 invalidated signatures was a 0.0663% reject rate.

Total ballots in Feb 2008 was 797,043 and 688 invalidated signatures was a 0.0863% reject rate.
Therefore, the rejection rate in November was approximately double the rate in the June election and 50% higher than the February election. Did the review process change to tighten the criteria for a match in the November election? (OPEN)

12.5 Are they the same people?
    12.5.1 Answer: This information is not available.
    12.5.2 CLOSED.

12.6 (New) The Franken vs. Coleman recount proceedings discovered some 1,600 vote-by-mail ballots that were incorrectly rejected due to "missing date." However, the ruling in that case was that no ballot can be rejected solely because the date was not included.
---> How many Vote-by-mail ballots were rejected because no date was included? (OPEN)

13 Batch Box Processing. After sufficient VBM ballots are processed, the filled batch box (about 750 ballots) is transported to scanner station for processing.
    13.1 Are batches of vote-by-mail ballots are scanned by a single scanner?
        13.1.1 Answer: No. Ballots are scanned on any one of 15 scanners.
        13.1.2 FOLLOWUP: Sorry for our poor question. Please answer this one: Given a single batch box of voted ballots, are they processed on a single scanner device? (OPEN)
    13.2 or are they separated by precinct first?
        13.2.1 Answer: Ballots are sorted to precinct within small batches. When ballots are scanned they may be or may not be in precinct order.
        13.2.2 CLOSED.
    13.3 Is there a traveler that accompanies the batch box?
        13.3.1 Answer: We are unclear what is meant by traveler.
        13.3.2 FOLLOWUP: A "Traveler" is "A term for a list and record of instructions that follows a part in a manufacturing process." See http://en.wiktionary.org/wiki/traveler. In this context, we mean a document that follows the batch box to allow operators to initial the completion of the box, timestamp, etc. and can be used to enact a rigorous custody regime. With that said, is there any such document that accompanies the batch box? (OPEN).
    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 by using a counting scale)?
        13.4.1 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.
        13.4.2 FOLLOWUP: Please provide the make and model of the scale(s) utilized for this measurement. (OPEN)

14 Scanning Process of Batch boxes.
    14.1 Is a memory card used for Vote-by-Mail scanning?
        14.1.1 Answer: No. GEMS Central Count option is used.
        14.1.2 CLOSED.
    14.2 Is a zero-tape created?
        14.2.1 Answer: No. GEMS Central Count does not produce a Zero tape.
        14.2.2 CLOSED.
    14.3 Does a single worker scan all the ballots from a single batch box?
        14.3.1 Answer: Yes
        14.3.2 CLOSED. (See also 13.1.2)
    14.4 Is a results tape created?
        14.4.1 Answer: No
        14.4.2 CLOSED.

14.5 Does anyone read the tape?
      `14.5.1 Answer: No tape is created.`
    14.5.2 CLOSED.
14.6 Is the ballot count provided by the a-priori tally compared with the count of ballots as scanned by the scanner?
      `14.6.1 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 z1 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.`
    14.6.2 FOLLOWUP: What happens if the operator notices that the scanner shows a different count from what they fed through the scanner? Is there any log showing examples of misfeeds or double-feeds? (OPEN)

15 Memory card
15.1 Is a memory card transported to the central tabulator?
      `15.1.1 Answer: Memory cards are not used in the Mail Ballot processing so`
      `these questions are not relevant.`
    15.1.2 CLOSED (as well as the other questions in this group.)

16 Rebox/Archive ballots.
16.1 Are the ballots reboxed into the mixed batch, or are they reunited with the proper precinct?
      `16.1.1 Answer: Ballots are archived in their original boxes, mixed precincts.`
    16.1.2 CLOSED.
16.2 Is the scanner tape placed into those boxes as it is with election night ballots?
      `16.2.1 Answer: No. There are no scanner tapes produced by the central count`
      `system.`
    16.2.2 CLOSED.

17 <u>The following questions relate to the 1% Manual Tally Procedure.</u>
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.

17.1 Q: Do you intend to produce a report that includes this level of detail?
      `17.1.1 Answer: Our December 2, 2008 report does include this level of detail.`
    17.1.2 FOLLOWUP: This does not appear to be the case. According to the Secretary of State, in this document: http://www.sos.ca.gov/elections/voting_systems/ttbr/pemt_instructions.pdf, they suggest a form on page three for use in your 1% manual Tally report. It includes the following columns:
        Candidate names – Measure Yes/No
        Machine Tally
        Manual Tally
        Variance
        Reason for Variance
        How was variance resolved?
    Such a report would be produced for EACH race in EACH precinct. Therefore, considering the initial sample of 17 precincts where there are about 20 races on each ballot (an estimate) then we would expect 17x20=340 such reports. Instead, we have a single report for all precincts.

    You do not provide those columns in your report, as you include only a single line for each precinct, with the following columns:

Original Draw(17)
Seq# & Prec# (these redundantly identify the precinct)
BT# (Not sure what this is)
Contestants Tallied (ALL or which races)
System Count of Ballots Total
Manual Ballot Total
Difference in Ballot Count
Systems Count of Votes Total
Manual Vote Total
Difference In Vote Count
Variances

Unfortunately, the columns you have elected to use will not expose vote-swapping errors, such as if a YES were changed to a NO. The total number of votes would still be the same but the totals for any single race would be different.

---> REQUEST: Please supply a report in the format as specified by the Secretary of State in the document http://www.sos.ca.gov/elections/voting_systems/ttbr/pemt_instructions.pdf on page 3. This will result in approximately 20 pages for each precinct sampled (less if all races are not tallied in the manual tally) and so for the first 17 precincts, we would expect about 340 pages in the report. (OPEN)

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

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

17.2.2 CLOSED.

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.

```
17.3.1 Answer: The report was posted to our website on December 3. The
procedure is Attachment 3.
17.3.2 CLOSED.
```

17.4 Do you compare the memory cards with the result?

```
17.4.1 Answer: No. We use the scanner tape.
```

17.4.2 CLOSED.

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 allows 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.

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

```
18.1.1 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.
```

18.1.2 CLOSED.

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.

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

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

19.1.2 FOLLOWUP: This answer did not address the question we were attempted to ask, but it is understandable that you may not understand our intent, so please answer the following question. In our recent discussions (and implied by your answer 19.2.1, below) there is a reconciliation procedure of some kind that is different from the 1% manual tally procedure, and is applied to all precincts, even if they were not selected for the 1% manual tally. Included in this reconciliation process is likely the rescanning of selected precincts to check the count of ballots scanned, for example.

---> Please provide the document that defines the reconciliation process, and if such a document does not exist, please explain the process. (OPEN)

19.2 Why is it necessary to rely on a final procedure instead of multiple (smaller) reconciliation along the way?

```
19.2.1 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.
```

19.2.2 FOLLOWUP COMMENT: It has been shown in other manufacturing processes that testing earlier and finding errors is always superior and more cost effective to allowing defects to exist in the product to be found at the end. It is likely that more careful checking of the process in use in your department will actually allow you to complete your canvass with fewer delays and less vulnerability to fraudulent manipulation. (CLOSED)

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

20.1 Logic Testing Procedure

```
20.1.1 CD to follow by mail.
```
20.1.2 RECEIVED (CLOSED)

20.2 Manual Tally Procedure

```
20.2.1 Attachment 3
```
20.2.2 RECEIVED

20.2.3 Review: Based on our initial review of the Manual Tally log sheets for the Nov. 2008 election, the following are initial comments and suggestions for improvements to the 1% manual tally procedure for future elections.

20.2.3.1 Tally teams currently include one caller and two talliers. Would suggest two independent teams of one caller and one tallier each (or two talliers each as it is today, but two teams) who can then compare their results. The act of interpreting the marks on the ballots is something that may be interpreted differently by differing teams. The independent tally teams would tally the precinct until they agree on the actual tally.

20.2.3.2 Do not compare the results of the tally with the computer printouts until after the tally procedure is complete and tally teams agree on the result. Currently, it seems that tally teams are hunting for the correct answer to match the computer result instead of generating an independent count. Using the computer print-outs as a check for the vote can encourage "cheating" where the final correct answer is relayed to the tally teams who then find a way to get to that answer instead of the painful act of retallying. By changing the procedure we can eliminate this possibility and reduce reliance on the honesty of RoV personnel.

20.2.3.3 Tally procedure itself should have a tracking sheet that is different from the computer print outs. Rule should be that if you are writing in the margins and using specialized notations that require internal lore to interpret, then it is the wrong form. Suggest using a form similar to that suggested by the Secretary of State and filling in the tally counts for each precinct race as it is done. (See also 17.1). The form used for this should include a place to note how many times a precinct is tallied until a stable result is determined (i.e.

when two or more independent tally teams agree on the same result). Again, determination of the "correct" tallied result should NOT rely on the computer reports.

20.2.3.4 If the ballots are rescanned to resolve the problem, this is only proof that a failure in the scanning process exists, not that the error is eliminated. In such a case, the 1% manual tally procedure should indicate what steps should be taken to resolve the issue, including determining the cause of the failure. Such a failure must be reported and not dismissed as a no-error case.

20.2.3.5 We would like to review the proposed revised procedure before it is approved for subsequent elections.

20.2.3.6 (CLOSED.)

20.3 Ballot Order Spreadsheet and Ballot Allocation Policy

20.3.1 Attachment 2

20.3.2 Review: The method for ordering and the specific details of the November 4, 2008 election. This document was not a policy statement nor an exhaustive document of the number of ballots allocated to each precinct, but a summary document. No precincts ran short of ballots according to a statement on this document.

The primary details of counts were as follows:

Description	Order 0	Order 1	Order 2
Registered Voters	1,351,664	1,446,067	1,471,059
English Ballots	1,044,300	9,225	16,425
Spanish Ballots	179,085	0	0
Filipino Ballots	18,815	0	0
Vietnamese Ballots	14,460	0	0
TOTAL ORDER	1,256,660	1,265,885	1,282,310

20.3.3 FOLLOWUP: Please provide a complete spreadsheet that details the number of ballots allocated to each precinct.

20.4 Chain-of-Custody document

20.4.1 Attachment 1

20.4.2 Review: The document received is entitled "Ballot Inventory" and is apparently completed by each precinct inspector to document the number of blank ballots received. The precinct inspector is requested to remove the seal on the package of blank ballots, count all the ballots, compare with the numbers on the statement, and then mail the statement back to the RoV office. The number of ballots would also be entered on the "Ballot Statement" which is included with the sign-in roster. The ballot packaging would be resealed by the precinct inspector. If a discrepancy is detected by the precinct inspector then they are instructed to call a hotline. Only one such statement was provided as a sample. It is signed by one person, the inspector.

20.4.3 FOLLOWUP: Were there any discrepancies detected by this process? How many? What was the reason for each one?

20.5 Sign-in Roster

20.5.1 Rosters are available for Review at the Registrar of Voters Office.
20.5.2 (OPEN)

20.6 Poll Worker Statement (AKA Ballot Statement)

20.6.1 These are on the back of the rosters and available for review.

20.6.2 (OPEN)

20.7 Collection Center Logs

20.7.1 Attachment 4

20.7.2 RECEIVED

20.7.3 Review: A single page report was received. It documented 6 cases of seals missing from the ballot cartons, as follows:

```
Seq. Num   Precinct   Comment
--------   --------   --------------------------------
  693      372800     No seal on ballot box
 1020      425420     Seal not placed on ballot box
 1091      436200     Ballot carton (voted) not sealed
 1334      479110     Ballot cartons not sealed
 1352      483120     Red bag & White ballot carton not sealed
 1564      533080     Ballot Carton is unsealed; received.
```

20.7.4 Followup: This is not actually a "log" but is a summary report.
---> Do Collection Centers maintain original logs? (A "log" is customarily an exhaustive list of events, even those that are not discrepancies.) The request is for the full set of logs. (Will attempt to view these at our appointment.

20.8 Tally Center Log

20.8.1 CD to follow by mail.

20.8.2 RECEIVED.

20.8.3 Review: 147 pages of reports in PDF format. Totals of each category were written on the top of the first page, as follows:
 Wrong Seal – 28
 Not Sealed – 52
 Write-Ins Removed – 1316 (desired action)
 Write-Ins Not Banded – 785
 Damaged Removed – 146
 Spoiled Removed – 76
We can note that the number of boxes unsealed or wrong seal (80) is far different from the seals detected at the collection center log (at least the one provided.)

20.8.4 Summary of Seal Problems:

Wrong Seal	Not Sealed	
0082		
0487		
	0656	
	1363	
	1155	
	0553	supplements
1151		blue seal broken, sealed with white seal
	0328	
	0615	
	0686	Brown Box
	0749	
	1322	No Seal
0560		
	1511	Seal on - Broken
	0809	Broken

	0488	Broken
	1176	Broken Seal
	0740	Ripped
	0134	Broken
	1468	Broken Seal
	1394	
	1146	No Seal
	0844	Seal Broken ("No Seal" not checked)
	0693	Seal Broken ("No Seal" not checked)
	0190	Broken Seal ("No Seal" not checked)
	1059	Broken – Seal already broken
	0848	Seal on, but not affixed very well
	0899	Seal Broken
0352		Standard seal on side of box.
0229		
	0637	
	0525	
0660		
0445		
1061		
0470		
1011		
0493		
1533		
0602		
0104		
0980		
1204		
1525		
1632		
	1634	
0722		
0017		
1445		
0793		
0026		
	0249	
	0129	
	0815	
	0639	Seals Broken
	1605	Seal Broken
0162		
0919		
	1503	
	1570	
	1660	Two seals, one broken, one not.
	0123	Two seals, one broken, one not.
	1628	Two seals, one broken, one not.
	0806	
	1052	Two seals, one broken, one not.

	1283	
	0811	
	0177	
	0438	
	0827	
	0544	"There was a seal but it was broken"
	0748	
	1212	
1020		
	0544	There was a seal but it was broken
0677		
0313		
	0055	
	0534	
	1039	
	0133	"Seal Broken"
	1108	
	0721	
	0652	
0679		
	0318	
	1189	
	0706	
	0125	
	1414	"Seal Split open"
	1530	
	0729	
	1259	
	1352	
	1564	
	0374	"Box 2082 not sealed"
	0788	
1428	1428	"Brown Box"
1334		"In Supply Box"

In many cases, a seal was applied to a box that did not contain voted ballots and the seal was broken, and no new seal applied.

20.8.5 What is the policy for the allocation of box seals?

20.8.6 Is there a report on the inventory of seals, those used and any returned unused?

20.9 Batch box label (Used as tracking device when in facility).

    20.9.1 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.
20.9.2 (OPEN) Will need to inspect the label.

20.10 Secure Storage Log (does this exist?)

    20.10.1 CD to follow by mail.
20.10.2 RECEIVED.

20.10.3 Review. The document provided is not a log, but an inventory document useful for locating material within secure storage. It does not document specific accesses of the secured material.

20.10.4 FOLLOWUP: Does the Secure Storage activity track access of secured material, in terms of who, when, why of each access?

20.11 Audit Log (of central tabulator)

```
20.11.1 CD to follow by mail.
```
20.11.2 RECEIVED. See other questions below under item #21.

20.12 For Feb 5 and June 3 Elections (given that you have declined to the request to enhance the 1% manual reports,) the following information is requested for the precincts included in the Manual Tally for each of those elections. This information was requested in the Nov. 20 letter but is repeated here for clarity.

20.12.1 Hand tally sheets
```
    20.12.1.1 These are available for review by appointment.
    20.12.1.2 (CLOSED for Nov 08)
```
20.12.2 Computer reports
```
    20.12.2.1 These are available for review by appointment.
    20.12.2.2 (CLOSED for Nov 08)
```
20.12.3 Scanner Printout Reports
```
    20.12.3.1 These are in storage and will have to be retrieved for
      inspection. They can be made available by appointment.
    20.12.3.2 (OPEN)
```
20.12.4 Central Tabulator Audit Log
```
    20.12.4.1 CD to follow by mail.
```
20.12.4.2 RECEIVED: See other questions below under item #21.

20.12.5 Scanner memory cards
```
    20.12.5.1 These do not exist, OS memory cards are reused Memory cards
      currently hold November precinct data.
    20.12.5.2 CLOSED.
```

21 <u>The following questions are new to C00019</u>. This first set of questions relate to the Central Tabulator Audit Log files provided per 20.11 and 20.12.4. The detailed examples below are from the Nov. 8 Audit Log.

21.1 Do you have full documentation for the audit log, such as what all entries mean and any options or configuration settings in terms of what is provided in the audit log?

21.2 Are there any procedures for review of the log? (i.e. does anyone review the audit log? Who?)

21.3 In the first portion of the Audit Log, there are transactions of this format apparently taking about 3.8 minutes for each download. Please explain in detail what is occurring in this process (note: log entries were edited for readability without deleting anything.)

```
1223283955 Connection Opened                                  on 172.16.1.34 (Port:1025)
1223283958 Downloading   VCenter 10 Machine 0 DLVersion 1 Copy 0   on 172.16.1.34 (Port:1025)
1223284187 Downloaded    VCenter 10 Machine 0 DLVersion 1 Copy 0   on 172.16.1.34 (Port:1025)
1223284187 Connection Closed                                  on 172.16.1.34 (Port:1025)
```

21.4 In the second portion of the log, there are transactions of this format apparently taking about 14 seconds for each download. Please explain what is occurring in this process.

```
1224490723 Connection Opened                                  on COM5
1224490723 Downloading        VCenter 10 Machine 0 DLVersion 1 Copy 0   on COM5
1224490737 Downloaded         VCenter 10 Machine 0 DLVersion 1 Copy 0   on COM5
1224490739 Connection Closed                                  on COM5
```

21.5 In the third portion of the log, there are transactions of this format apparently taking only several seconds to upload. Please explain what is occurring in this process.

```
1225834962 Connection Opened on COM3
1225834962 Uploading         VCenter 2550 Machine 0 DLVersion 1 Copy 1   on COM3
1225834965 Uploaded          VCenter 2550 Machine 0 DLVersion 1 Copy 1   on COM3 #Cards 113
Precinct  [2550]152410-CLAIREMONT N
1225834968 Connection Closed                                  on COM3
```

```
1225834971 Waiting                                                on COM3
```

21.6 There are also a few (two) cases of transactions of the following form. Please explain what is occurring in this process.

```
1225838065 Connection Opened                        on 172.16.1.20 (Port:1027)
1225838074 Uploaded VCenter 17000 Machine 1 DLVersion 1 Copy 0  on 172.16.1.20 (Port:1027) SN
223582 #Ballots 12 12 Precincts
1225838074 Connection Closed                        on 172.16.1.20 (Port:1027)

1225838148 Connection Opened                        on 172.16.1.20 (Port:1029)
1225838160 Uploaded VCenter 17000 Machine 0 DLVersion 1 Copy 0 on 172.16.1.20 (Port:1029) SN 208790
#Ballots 20 18 Precincts
1225838160 Connection Closed                        on 172.16.1.20 (Port:1029)
```

21.7 In numerous places throughout the log, we see the transactions for starting and stopping the server. For example, at the start of the log, we see:

```
1223283632  Starting AV Server
```

However, in numerous places (ten), there is no notation that the server was stopped and it is started, or it is started and there is no "Stopping" entry. In addition, during those intervals, there is significant time elapsed in the unaccounted time period. For example,

```
1224517959  Connection Closed on COM3
1224517962  Waiting on COM3
1224518202  Starting AV Server  (NOTE NO "STOPPING SERVER")

1224519519  Stopping AV Server
1224571786  Waiting on COM3      (NOTE NO "STARTING SERVER")
1224571786  Waiting on COM2

1224586245  Waiting on COM8
1224587341  Starting AV Server  (NOTE NO "STOPPING SERVER")

1225728881  Waiting on COM1
1225729028  Waiting on COM1
1225817009  Starting AV Server  (NOTE NO "STOPPING SERVER")

1225837932  Waiting on COM2
1225838035  Starting AV Server  (NOTE NO "STOPPING SERVER")

1223564989  Stopping AV Server
1224490449  Waiting on COM5      (NOTE NO "STARTING SERVER")
1224490449  Waiting on COM3

1224519519  Stopping AV Server
1224571786  Waiting on COM3      (NOTE NO "STARTING SERVER")
1224571786  Waiting on COM2

1225708019  Stopping AV Server
1225712288  Waiting on COM1      (NOTE NO "STARTING SERVER")
1225712411  Connection Opened on COM1

1225817574  Waiting on COM1
1225817579  Stopping AV Server
1225819478  Waiting on COM1      (NOTE NO "STARTING SERVER")
1225819489  Waiting on COM2

1228227206  Connection Closed on COM8
1228227210  Waiting on COM8
(END OF THE LOG)                (NOTE NO "STOPPING SERVER")
```

21.7.1 Why does the log have this inconsistency?

21.7.2 It is possible that some transactions have been deleted from the log, when the central tabulator was still running, and then shut down later, with the "Stopping AV Server" also deleted?

21.7.3 Are there other missing log entries? It would be helpful if each log entry were numbered consecutively so we could tell if any entries were deleted. Without such numbering, how do we know if the log was simply edited by any unscrupulous worker with access to the log?

21.7.4 In general, how is this log immune to modification by a worker?

21.8 There is an internal error noted in the log:

```
1225838402   Error Internal Error

File: DownloadAVSPort.cpp, Line 665, Date: May 13 2005 on COM8
```

21.8.1 What was the nature of this error?

21.8.2 Was this error noted in any operator notes?

21.8.3 Why is the date "May 13, 2005" noted when the timestamp (`1225838402`) resolves to 2008-11-04:14:40:02 (2:40pm on Nov. 4)?

21.8.4 Please provide the source to the file `DownloadAVSPort.cpp` So that we may conduct an independent analysis of this error.

21.9 There is an error noted several times in the log:

```
1225840804   Error "   WRONG MODE" on COM2
```

21.9.1 What does this mean?

21.9.2 Was this error noted in any operator notes?

21.10 There is an internal error noted in the log:

```
1225840829   Error Internal Error
```

21.10.1 What was the nature of this error?

21.10.2 Was this error noted in any operator notes?

21.11 There is an unusual situation noted by these entries:

```
1225842274   Connection Opened on COM2
1225842274   Uploading VCenter 0 Machine -65 DLVersion 1 Copy 0 on COM2
1225842274   Error Unknown Memory Card on COM2
```

21.11.1 What was the nature of this error?

21.11.2 Was this error noted in any operator notes?

21.12 There is an invalid password noted as well:

```
1225850242   Connection Opened on COM2
1225850242   Error "INVALID PASSWORD" on COM2
1225850244   Connection Closed on COM2
```

21.12.1 Please explain what probably happened here.

21.12.2 Was this error noted in any operator notes?

21.13 There are a number of times (133 total) where the totals were cleared and the precinct re-run, starting Nov. 20 and occurring through Dec. 2, 2008, as listed below.

```
1227198273   Clearing VCenter 5890:0
1227198287   Clearing VCenter 14660:0
1227198295   Clearing VCenter 14810:0
1227198304   Clearing VCenter 14840:0
1227198313   Clearing VCenter 14860:0
1227198320   Clearing VCenter 14870:0
1227198331   Clearing VCenter 14940:0
1227198351   Clearing VCenter 14970:0
1227198361   Clearing VCenter 15040:0
1227198367   Clearing VCenter 15100:0
1227198377   Clearing VCenter 15120:0
1227198386   Clearing VCenter 15130:0
1227198394   Clearing VCenter 15240:0
1227198407   Clearing VCenter 15530:0
1227198417   Clearing VCenter 15590:0
1227198431   Clearing VCenter 14670:0
1227198444   Clearing VCenter 14930:0
1227198462   Clearing VCenter 15620:0
1227198475   Clearing VCenter 15670:0
1227198495   Clearing VCenter 15080:0
1227198514   Clearing VCenter 15500:0
1227254559   Clearing VCenter 14660:0
1227254630   Clearing VCenter 140:0
1227254644   Clearing VCenter 1020:0
1227254668   Clearing VCenter 15120:0
1227254757   Clearing VCenter 1410:0
1227254791   Clearing VCenter 15100:0
1227256231   Clearing VCenter 600:0
1227279566   Clearing VCenter 2160:0
1227279577   Clearing VCenter 2620:0
1227279593   Clearing VCenter 3280:0
1227279601   Clearing VCenter 3320:0
1227279618   Clearing VCenter 2170:0
1227279632   Clearing VCenter 14250:0
1227279644   Clearing VCenter 15070:0
1227279667   Clearing VCenter 9740:0
1227280626   Clearing VCenter 3160:0
1227369994   Clearing VCenter 1150:0
1227370008   Clearing VCenter 3750:0
1227370019   Clearing VCenter 3800:0
1227370025   Clearing VCenter 3880:0
1227370036   Clearing VCenter 4170:0
1227370049   Clearing VCenter 5600:0
1227631418   Clearing VCenter 11500:0
1227631433   Clearing VCenter 10840:0
1227631449   Clearing VCenter 7590:0
1227631463   Clearing VCenter 820:0
1227631477   Clearing VCenter 7300:0
1227631489   Clearing VCenter 10610:0
1227631504   Clearing VCenter 600:0
1227631517   Clearing VCenter 9470:0
1227631531   Clearing VCenter 9990:0
1227631542   Clearing VCenter 9310:0
1227631556   Clearing VCenter 9950:0
1227631585   Clearing VCenter 8120:0
1227631603   Clearing VCenter 9870:0
1227631619   Clearing VCenter 3280:0
1227631631   Clearing VCenter 9270:0
1227631644   Clearing VCenter 6550:0
1227631655   Clearing VCenter 7010:0
1227707441   Clearing VCenter 13080:0
1227707452   Clearing VCenter 13430:0
1227707467   Clearing VCenter 11810:0
1227707483   Clearing VCenter 12910:0
```

```
1227707499   Clearing VCenter 13720:0
1227707513   Clearing VCenter 12050:0
1227707544   Clearing VCenter 12670:0
1227707576   Clearing VCenter 12590:0
1227707594   Clearing VCenter 12730:0
1227707615   Clearing VCenter 12520:0
1227707657   Clearing VCenter 9270:0
1227707676   Clearing VCenter 800:0
1227707946   Clearing VCenter 12260:0
1227707958   Clearing VCenter 10430:0
1227707965   Clearing VCenter 10470:0
1227711151   Clearing VCenter 14920:0
1227711219   Clearing VCenter 11160:0
1227711245   Clearing VCenter 13590:0
1227711271   Clearing VCenter 15320:0
1227882056   Clearing VCenter 4040:0
1227882076   Clearing VCenter 2650:0
1227882092   Clearing VCenter 1310:0
1227882113   Clearing VCenter 14590:0
1227882125   Clearing VCenter 14540:0
1227882141   Clearing VCenter 660:0
1227882154   Clearing VCenter 370:0
1227882171   Clearing VCenter 16150:0
1227882195   Clearing VCenter 15880:0
1227882231   Clearing VCenter 16620:0
1227882245   Clearing VCenter 16670:0
1227882258   Clearing VCenter 16570:0
1227882271   Clearing VCenter 16430:0
1227882304   Clearing VCenter 13390:0
1227882326   Clearing VCenter 16720:0
1227883980   Clearing VCenter 2900:0
1227883995   Clearing VCenter 2690:0
1227884821   Clearing VCenter 1730:0
1227972685   Clearing VCenter 8340:0
1227972700   Clearing VCenter 7110:0
1227972776   Clearing VCenter 5530:0
1227972789   Clearing VCenter 8520:0
1227972798   Clearing VCenter 8510:0
1227972811   Clearing VCenter 8060:0
1227972830   Clearing VCenter 8040:0
1227972862   Clearing VCenter 11340:0
1227972936   Clearing VCenter 7250:0
1227972985   Clearing VCenter 3090:0
1227973010   Clearing VCenter 4130:0
1227973139   Clearing VCenter 16470:0
1227973181   Clearing VCenter 4980:0
1228148770   Clearing VCenter 16230:0
1228148788   Clearing VCenter 12150:0
1228148805   Clearing VCenter 10390:0
1228148851   Clearing VCenter 8180:0
1228148879   Clearing VCenter 15910:0
1228148902   Clearing VCenter 10880:0
1228148916   Clearing VCenter 1110:0
1228148937   Clearing VCenter 16100:0
1228148951   Clearing VCenter 15710:0
1228148970   Clearing VCenter 13960:0
1228148986   Clearing VCenter 9130:0
1228149011   Clearing VCenter 6990:0
1228149023   Clearing VCenter 6980:0
1228149099   Clearing VCenter 3210:0
1228220582   Clearing VCenter 4960:0
1228220601   Clearing VCenter 1870:0
1228220618   Clearing VCenter 3700:0
1228220643   Clearing VCenter 4620:0
1228220657   Clearing VCenter 10880:0
```

```
1228220671  Clearing VCenter 11660:0
1228220684  Clearing VCenter 350:0
1228227151  Clearing VCenter 7770:0
1228227169  Clearing VCenter 8230:0
```

21.13.1 It is our hope that you have documented the reason for each time these were re-run, so it will be a simple matter for us to obtain the rationale for re-running each one of these precincts without incurring a great deal of work on your part. What prompted the re-running of the precincts (please specify for each re-run occurrence) ?

21.13.2 Was there any differences in the totals between the earlier run and the final run?

21.13.3 We did not notice any "Clearing Vcenter" entries prior to the initial accumulation of votes. How do we know that the accumulators were zeroed? If the log includes such an entry at an earlier date, please forward the complete log, including the clearing entry(ies).

22 Ballot Information Files – To allow a scanner to extract the vote from a paper ballot, we understand that it is standard practice to generate files that describe the location and meaning of each bubble on the ballot, (and for sake of definition, we are referring to these files as "Ballot Information Files.")

22.1 Please confirm that you use such files to allow the scanners to extract the vote from the ballots. If not, please describe the method you use.

22.2 Please describe how these files are generated and validated (tested) to insure that they accurately describe the (many) ballots in use.

22.3 Please provide the ballot information files for our analysis in electronic form.

23 Operator Notes and other reports – We have noted the need to check log inconsistencies, re-runs, and the like with operator notes.

23.1 What sort of operator notes are maintained during any and all processes?

23.2 Are there any other notes and reports we can refer to in an effort to review your procedures?

To reduce the use of paper products, we would be happy to accept the information as scanned documents in PDF, JPG or a similar format. Since there is no cost in the form of paper and toner to create these files, we anticipate that the cost will therefore be minimal. If you need any help in creating such scanned files, we would be happy to assist your staff so that the cost for compliance can be minimized, as we are well aware of the tight budget situation. (We would be happy to set up scanners in your secure facility so we these documents can be scanned and made available to the public.)

Please consider the above request for reports to be covered under the California Public Records Act, and comply within ten days.

We would appreciate a prompt reply to this request to confirm your cooperation. The best way to respond is by email. We do not require any follow-up by conventional mail for our records as we will actively confirm your communication.

We trust that you will receive these requests with the community spirit that they are intended.

Sincerely,

Raymond Lutz
Coordinator, Citizens' Oversight Projects (COPs)