



December 02, 2008

Deborah Seiler
San Diego County Registrar of Voters
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(858) 565-5800

REF: C00017

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 after our meeting on November 25, 2008 and letter of Nov. 20. Thank you for taking your time to meet with us and answer many questions we have about the process you are using to process the current election. As mentioned in the meeting, we are submitting additional questions in written form so we may continue to generate an analysis of your process and suggestions for improvements. We would appreciate your prompt reply as there are many deadlines approaching for the public to respond to your certified canvass.

- 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"?
 - 1.2 Our conversation with the Secretary of State confirmed that their web site may not be up dated with all the reports from the counties, even though they may have received them.
Q: Was this report transmitted to the Secretary of State? (If not, perhaps it should be!)
- 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?
 - 2.2 Is there a set policy (i.e. mathematical expression) or is this done on an ad-hoc basis?
- 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?
- 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?
- 4.2 Do poll workers make any notes if they notice that a voter leaves the voting area with the ballot?
- 4.3 Do you make a report of discrepancies of this kind?

- 5 At the collection point,
 - 5.1 Are the condition of the seals on the batch boxes noted?

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)?

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

- 7.1 What records are kept?
- 7.2 Are soiled envelopes just disposed of, or are they kept?
- 7.3 If a voter submits a "soiled" ballot, but does not return an unsoiled ballot, are they contacted to see if their ballot was lost or stolen, or perhaps the prior envelope is fraudulently soiled?
- 7.4 Is it possible for compromised RoV staff to soil ballots to affect an election?
- 7.5 Has the idea of a signature requirement come up in discussions about making the act of soiling something that only the voter could accomplish?

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

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?

10 Envelope Processing Queue – Signature Verification. Envelopes are removed from the envelope processing queue in the order they were received and inspected. 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.

- 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?
- 10.2 Is the voter record updated with the results of the comparison?
- 10.3 What records are updated?
- 10.4 What is the criteria for a signature match or failure?
- 10.5 If the voter has submitted a ballot at the precinct, what is done with the envelope?

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

11.3 What other records are updated?

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?

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

12.3 Is voter contacted to submit a new signature?

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

12.5 Are they the same people?

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?

13.2 or are they separated by precinct first?

13.3 Is there a traveler that accompanies the batch box?

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)?

14 Scanning Process of Batch boxes.

14.1 Is a memory card used for Vote-by-Mail scanning?

14.2 Is a zero-tape created?

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

14.4 Is a results tape created?

14.5 Does anyone read the tape?

14.6 Is the ballot count provided by the a-priori tally compared with the count of ballots as scanned by the scanner?

15 Memory card

15.1 Is a memory card transported to the central tabulator?

15.2 Is this a single worker?

15.3 As it is read into the central tabulator, does the Audit Log provide details of exactly the vote extracted from the card?

15.4 Is the memory card then saved for audit inspection?

15.5 Is the scanner tape compared with the data imported to confirm accuracy?

16 Rebox/Archive ballots.

16.1 Are the ballots reboxed into the mixed batch, or are they reunited with the proper precinct?

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

17 The following questions relate to the 1% Manual Tally Procedure.

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

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

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

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.

17.4 Do you compare the memory cards with the result?

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?

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).

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

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

20.1 Logic Testing Procedure

20.2 Manual Tally Procedure

20.3 Ballot Order Spreadsheet and Ballot Allocation Policy

20.4 Chain-of-Custody document

20.5 Sign-in Roster

20.6 Poll Worker Statement (AKA Ballot Statement)

20.7 Collection Center Logs

20.8 Tally Center Log

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

20.10 Secure Storage Log (does this exist?)

20.11 Audit Log (of central tabulator)

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

20.12.2 Computer reports

20.12.3 Scanner Printout Reports

20.12.4 Central Tabulator Audit Log

20.12.5 Scanner memory cards

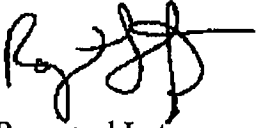
To reduce the use of paper products, we would be happy to accept the information as scanned documents in PDF, JPG or a similar format. Since there is no cost in the form of paper and toner to create these files, we anticipate that the cost will therefore be minimal. If you need any help in creating such 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, perhaps with follow up by letter and conventional mail.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a long horizontal line extending to the right.

Raymond Lutz
Coordinator, Citizens' Oversight Projects (COPs)