

# NEVADA COUNTY ELECTIONS OFFICE

## Summary

The Nevada County Grand Jury has monitored Nevada County General Elections in 2008, 2010 and 2012, and subsequently issued reports on the conduct of those elections. Most of the recommendations made by the Grand Jury were implemented by the Nevada County Clerk Recorder/Registrar of Voters.

A citizen complaint was received after the Nevada County Grand Jury 2012 Election Report was issued. As a result, the 2013-2014 Nevada County Grand Jury opened an investigation into the 2012 General Presidential Election.

The 2013-2014 Nevada County Grand Jury found concerns in the conduct of the 2012 General Presidential Election. The 2013-2014 Nevada County Grand Jury has recommended modifications to the poll worker training that may result in a more positive voter experience on Election Day. The recommendations may also help to reduce costs associated with processing provisional ballots.

The most egregious problem found in this review is that, for the past four years, the Nevada County Superior Court has failed to provide a list of convicted felons to the Nevada County Clerk Recorder/Registrar of Voters with information required by Elections Code. This information is necessary to properly ensure the integrity of the voter rolls. Further, the Nevada County Clerk Recorder/Registrar of Voters did not open a dialog during the same period with the Superior Court to ensure the provision of the required information.

The Nevada County Grand Jury recommends that the Nevada County Clerk Recorder/Registrar of Voters and the Nevada County Superior Court develop and adopt a formal agreement, which establishes an effective communication process between the two offices, and defines their respective roles and responsibilities to ensure compliance with the Elections Code.

It is further recommended that the Nevada County Clerk Recorder/Registrar of Voters should continue to use reports from the Election Integrity Project as an investigative tool to ensure the accuracy of the voter rolls.

## Reasons for Investigation

The Nevada County Grand Jury (Jury) received a citizen's complaint that some sections of the California Elections Codes (Elections Code) may not have been followed during the course of the 2012 General Presidential Election in Nevada County.

## Background

The Nevada County Clerk-Recorder/Registrar of Voters (Registrar of Voters) has the responsibility to select polling places in accordance with the Elections Code. Each polling place contains one or more precincts. Each precinct is staffed by a precinct board (poll workers), consisting of an inspector and two or more judges. The inspector has overall responsibility for the election activities of that precinct. All poll workers are volunteers and are required to attend poll worker training.

Poll workers' duties include:

- knowing and enforcing Elections Code and regulations,
- knowing the voting process,
- ensuring ballot security,
- instructing voters in proper operation of electronic voting equipment,
- answering voter's questions,
- trouble-shooting problems.

The Elections Code provides various methods of voting, which includes both Vote-by-Mail (VBM) and use of a provisional ballot.

VBM ballots must be deposited in an envelope that bears the signature of the voter on the inside flap of the envelope. VBM ballots can be sent by mail to, or dropped off at, the Nevada County Elections Office (Elections Office) prior to Election Day. VBM ballots can also be dropped off at any precinct or the Elections Office on Election Day.

Provisional ballots issued on Election Day, pursuant to Elections Code §14310, are verified at the Elections Office after all regular and VBM ballots have been processed.

The Elections Office is required to purge names from the voter rolls in a timely manner pursuant to Elections Code §2211 and §2212.

## Procedures Followed

The Jury interviewed:

- staff members of the Elections Office,
- polling place observers,
- a precinct officer,
- staff members of the Superior Court.

The Jury also visited the Elections Office to observe procedures and evaluate equipment operation. In addition the Jury reviewed a document entitled *Voting and Registering to Vote, The 2013 Report of the Nevada County Elections Office*, sent to the Nevada County Board of Supervisors on March 18, 2013.

## Facts

**Fa. 1** Elections Code §14216 states, in part, *“Any person desiring to vote shall announce his or her name and address in an audible tone of voice, and when one of the precinct officers finds the name in the index, the officer shall in a like manner repeat the name and address.”*

**Fa. 2** The *County of Nevada Poll Worker Training Manual* (Training Manual) provides under Module 3, Page 5, in part, the following:

- “1. The Roster Judge asks the voter to state his/her name and residence address.*
- 2. Then finds the voter in the Master Roster, while the Tally Judge finds the voter in the Tally Index.*
- 3. The Roster Judge then repeats the voter’s name and address.”*

**Fa. 3** Poll workers did not consistently repeat the voter’s name and/or address in all precincts.

**Fa. 4** Elections Code §14310 provides, among other things, *“(a) At all elections, a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows: (1) An elections official shall advise the voter of the voter’s right to cast a provisional ballot. (2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter’s registration and eligibility to vote. The written instructions shall include the information set in subdivisions (c) and (d). (3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.”*

**Fa. 5** The number of provisional ballots cast in previous general elections as reported in the *Voting and Registering to Vote, The 2013 Report of the Nevada County Elections Office* are as follows:

- 2004 –998
- 2006 –155
- 2008 –1,270
- 2010 –1,302
- 2012 –1,955

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**Fa. 6** Elections Office staff stated the approximate cost to process various ballots is:

- \$4.00 per VBM ballot,
- \$17.00 per Polling Place ballot,
- \$5.00 to \$20.00 additional per provisional ballot.

**Fa. 7** Prior to each election, sample ballots are mailed to the address of registered voters and include the location of the voter's assigned polling place.

**Fa. 8** Voters who arrive to vote at an incorrect polling place are given the option to go to their assigned polling place or to vote using a provisional ballot at the incorrect location.

**Fa. 9** The provisional ballot provided may differ from the ballot issued for the voter's assigned polling place.

**Fa. 10** The Training Manual does not provide an instruction for poll workers to advise voters that a provisional ballot may differ from the ballot issued for their assigned polling place.

**Fa. 11** Module 3, Page 7 of the Training Manual includes the following:

*“Vote-By- Voters Dropping Mail Off Ballot (sic)*

*Most Vote-by-Mail voters will simply want to drop their ballot off at the polling place.*

*Instruct voters delivering their Vote-by-Mail ballot to the poll location to make sure their envelope is signed and sealed, and then have the voter deposit his or her ballot into the blue VBM Ballot Box. Remember if the voter does not sign his or her ballot envelope, the enclosed ballot cannot be counted.”*

**Fa. 12** The blue VBM ballot boxes are placed in polling places for the deposit of VBM ballots.

**Fa. 13** The blue VBM ballot boxes are often placed too far from polling place workers for them to ask voters if the VBM envelope is signed.

**Fa. 14** When the VBM envelope is missing the signature of the registered voter, the ballot requires special handling which increases costs.

**Fa. 15** Pursuant to *California Secretary of State Memorandum #12143* to all County Clerk/Registrar of Voters dated May 7, 2012, the Elections Code allows polling place observers to be present before, during and after an election.

**Fa. 16** Each observer at the Elections Office is instructed to stand only in designated areas approximately 18 inches square to:

- preserve privacy of the votes cast,
- not interfere with staff and,
- not touch any of the ballots or machinery.

**Fa. 17** Some observers felt unwelcome and unable to effectively observe during the time they were at the Elections Office.

**Fa. 18** California state law prohibits persons imprisoned or on parole for the conviction of a felony from voting.

**Fa. 19** Elections Code §2212 states, *“The clerk of the superior court of each county, on the basis of the records of the court, shall furnish to the chief elections official of the county, not less frequently than the first day of April and the first day of September of each year, a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the clerk’s last report. The elections official shall, during the first week of April and the first week of September in each year, cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony. The clerk shall certify the statement under the seal of the court.”*

**Fa. 20** California Secretary of State Memorandum #11134, dated December 5, 2011 (Memorandum #11134) states, in part,

*“Jail commitment as a condition of probation in lieu of felony sentencing: No change. The person has been convicted of a felony, but the judge has suspended imposition or execution of a felony sentence, instead placing the person on probation with the condition that the person serve one year or less in county jail. While in jail as a condition of this form of probation, the person retains the right to vote because the imposition or execution of the felony sentence was suspended.”*

**Fa. 21** The Nevada County Superior Court (Court) did not submit felony statements covering the period between 2009 and September, 2013 required by Elections Code §2212 to the Registrar of Voters.

**Fa. 22** The Elections Office did not notify the Court or inquire of the Court regarding the missing felony statements pursuant to Elections Code §2212.

**Fa. 23** The Court provided the Registrar of Voters with a document entitled *Felony Conviction Report* dated October 4, 2013 identifying 109 convicted felons covering a period from April 1, 2013 to August 31, 2013.

**Fa. 24** The *Felony Conviction Report* dated October 4, 2013 was missing many required dates of birth and/or addresses.

**Fa. 25** Elections Code §2212 has no requirement for the Court to submit to the Elections Office the names of convicted felons who retained their right to vote.

- Fa. 26** The *Felony Conviction Report*, dated October 4, 2013, did not specify convicted felons who retained their right to vote pursuant to Memorandum #11134.
- Fa. 27** The Elections Office took no action to determine the voter eligibility of convicted felons listed on the report dated October 4, 2013.
- Fa. 28** The Elections Office did not cancel the affidavits of voter registration of any of the convicted felons listed on the October 4, 2013 report.
- Fa. 29** The Elections Office has not obtained the missing felony statements from the Court for the period between 2009 and April of 2013.
- Fa. 30** The Court has no plans to provide the missing felony statements to the Elections Office for the period between 2009 and April of 2013, due to the Court's stated lack of financial resources and other priorities in the daily operations of the Courts.
- Fa. 31** Elections Code §2211 states, "*(a) Any person who (1) has plead not guilty by reason of insanity and who has been found to be not guilty pursuant to Section 1026 of the Penal Code, (2) has been found incompetent to stand trial and whose trial or judgment has been suspended pursuant to Section 1370 of the Penal Code, (3) has been convicted of a felony and who was judicially determined to be a mentally disordered sex offender pursuant to former Section 6300 of the Welfare and Institutions Code, as repealed by Chapter 728 of the Statutes of 1981, or (4) has been convicted of a felony and is being treated at a state hospital pursuant to Section 2684 of the Penal Code shall be disqualified from voting or registering to vote during that time that the person is involuntarily confined, pursuant to a court order, in a public or private facility. (b) Upon the order of commitment to a treatment facility referred to in subdivision (a), the court shall notify the elections official of the county of residence of the person and order the person to be disqualified of the county of residence of the person to be disqualified from voting or registering to vote. (c) If the person is later released from the public or private treatment facility, the court shall notify the county election official of the county of residence of the person that the right to register to vote is restored.*"
- Fa. 32** The Court was unable to provide documentation that the notification(s) required by Elections Code §2211 had been sent to the Registrar of Voters.
- Fa. 33** The Elections Office was unable to provide evidence of receipt of notification, from the Court, per Elections Code §2211.
- Fa. 34** There is no agreement, policy or procedure describing the roles and responsibilities of the Court and the Elections Office in complying with Elections Codes §2211-2212 and Memorandum #11134.

**Fa. 35** The Election Integrity Project, a California corporation (EIP), is a non-partisan volunteer based organization on file with the Secretary of State and is active and in good standing.

**Fa. 36** EIP issued a document, entitled *County Voter Roll Findings Summary Report* dated November 24, 2013, for Nevada County, which reported the following suspected voter registration abnormalities:

- 34 pairs of duplicate registrations with the same address,
- 4 pairs of duplicate registration with different addresses,
- 2 pairs double voting,
- 35 deceased registrants,
- one voting after date of death.

**Fa. 37** The complete report entitled *County Voter Roll Finding* issued by EIP was provided to the Registrar of Voters without cost.

**Fa. 38** The Elections Office acknowledged receipt of the *County Voter Roll Finding* report issued by the EIP.

**Fa. 39** The Elections Office is currently in the process of merging duplicate voters and cancelling deceased voters from the voter rolls using the “*County Voter Roll Finding*” report issued by the EIP as a tool.

**Fa. 40** The Elections Office review, as of April 2, 2014 has thus far merged 38 duplicate voters and has cancelled 12 deceased voters from the voter registration rolls.

## **Findings**

**Fi. 1** Election policies, procedures, rules and/or instructions are not applied in a consistent manner at polling places (Fa.1, Fa.2, Fa.3).

**Fi. 2** Poll workers are not instructed:

- to advise voters that provisional ballots may differ from the voters’ ballots provided at the correct polling place and,
- to advise that voters they may be unable to vote on candidates and ballot measures specific to their residence if they vote provisionally. (Fa.7-Fa.10).

**Fi. 3** There is no consistent verification by poll workers that VBM envelopes bear the signature of the registered voter (Fa.11-Fa.14).

**Fi. 4** The number of voters using provisional ballots has increased approximately 96% between 2004 and 2012. (Fa. 5)



- Fi. 5** The increase in voter use of provisional ballots has increased the overall costs to Nevada County to conduct elections. (Fa.5, Fa.6)
- Fi. 6** The increased expense of processing provisional ballots may be reduced if poll workers encourage voters to go to their correct polling place (Fa.7-Fa.10).
- Fi. 7** The rules regarding observers allowed before, during and after elections have been followed by the Elections Office (Fa.15, Fa.16).
- Fi. 8** The Elections Office and the Court have no formal agreement regarding their roles and responsibilities to comply with Elections Code §2211 and §2212 (Fa.34).
- Fi. 9** There is a lack of effective communication between the Elections Office and the Court regarding compliance with Elections Code §2211 and §2212 (Fa.19 thru Fa.34).
- Fi. 10** Since 2009, the lack of communication between the Elections Office and the Court had led to a failure to comply with the requirements of Elections Code §2211 and §2212, which affects the integrity of the voter rolls (Fa.19 thru Fa.34).
- Fi. 11** The *Election Integrity Project* report dated November 24, 2013 received by the Elections Office is a useful tool in assisting the Registrar of Voters to investigate duplications or other errors in the voter rolls (Fa.36).

## **Recommendations**

- R. 1** The Nevada County-Clerk/Registrar of Voters should direct the Elections Office to develop and implement policies and procedures to ensure consistent application of existing policy and procedures, specifically:
- to ensure all poll workers repeat the name and address of each voter as they check in to vote (Fi.1),
  - to ensure poll workers advise voters that a provisional ballot, if chosen, could be different than the ballot from the voter's assigned polling place (Fi.2),
  - to ensure poll workers suggest to voters they go to their assigned polling place (Fi.2),
  - to place the blue VBM ballot boxes so poll workers may verbally ensure that the VBM envelope is signed by the registered voter (Fi.3).
- R. 2** The Nevada County Clerk-Recorder/Registrar of Voters and the Nevada County Superior Court should develop and adopt a formal agreement which:
- establishes an effective communication process between the Nevada County Elections Office and the Nevada County Superior Court with respect to ongoing compliance with Elections Code §2211 and §2212 (Fi.9, Fi.10),



- defines the respective roles and responsibilities of the Nevada County Elections Office and the Nevada County Superior Court with respect to compliance with Elections Code §2211 and §2212 (Fi.8),
- ensures the information received by the Elections Office is in a useable format,
- provides retroactive reporting for the period of 2009 through 2014 with respect to compliance with Elections Code §2211 and §2212 (Fi.10).

**R. 3** The Nevada County Clerk-Recorder/Registrar of Voters should direct the Elections Office to immediately review and update the voter registration rolls to ensure that Nevada County is in compliance with Elections Code §2211 and §2212 (Fi.10).

**R. 4** The Nevada County Elections Office should continue using information provided by the EIP as a tool to ensure the accuracy of voter registration rolls (Fi.11).

## **Responses**

The Nevada County Clerk-Recorder/Registrar of Voters: Findings 1 through 10;  
Recommendations 1 through 4  
Due Date: August 11, 2014.

The Nevada County Superior Court: Findings 8 through 10; Recommendation 2  
Due Date: August 11, 2014.



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mynevadacounty.com/nc/recorder

• Recorder (530) 265-1221 • Fax (530) 265-9842  
• Elections (530) 265-1298 • Fax (530) 265-9829  
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August 11, 2014

Hand-delivered to Nevada County Superior Court 8/11/14  
Emailed on 8/11/14

Honorable Thomas Anderson  
Presiding Judge of the Grand Jury  
Nevada County Superior Court  
201 Church Street  
Nevada City, California 95959

## Response to the Grand Jury Report Dated June 11, 2014 Nevada County Elections Office

Dear Judge Anderson,

As required by California Penal Code §933, the Clerk-Recorder/Registrar of Voters hereby submits his response to the 2013-2014 Nevada County Elections Grand Jury report, as requested by members of the Grand Jury.

### FINDINGS:

1. Election policies, procedures, rules and/or instructions are not applied in a consistent manner at polling places.

### Partially Agree:

While it is true that we cannot be certain that all 300 poll workers accurately follow election policy at all times, from observation, poll workers are adhering to procedure. The Elections Office thoroughly trains poll workers during a four hour pre-election training class, after which, poll workers are sent home with all necessary materials and information (which is also posted on our website). During training it is emphasized that poll workers must repeat the name and address back to the voter upon check-in, which is a procedure we will continue to stress during training. Furthermore, Field Elections Deputies visit polling places during the entirety of Election Day to provide support and to ensure that correct procedures are being implemented. The Clerk-Recorder/Registrar of Voters, himself, as well as Elections Office staff visit polling locations across the county every election and have physically observed poll workers consistently following policy and procedure. For the most part, Nevada County poll workers are honest, hardworking individuals who do a great job, and we are grateful for their dedicated efforts.

2. Poll workers are not instructed:
  - To advise voters that provisional ballots may differ from the voters' ballots provided at the correct polling place and,
  - To advise the voters they may be unable to vote on candidates and ballot measures specific to their residence if they vote provisionally.

**Partially Agree:**

**Poll workers do not have the ability to determine the correct ballot style for an individual voter. That is why this policy is not included in poll worker training or California Elections Code. That being said, we will not be advising poll workers to inform voters that they may not be able to vote on candidates and ballot measures specific to their residence. In addition, the Elections Office is actively taking measures to reduce the number of provisional ballots issued. One of these steps includes the implementation of e-poll books, which are electronic rosters. During the June 2014 Primary Election, the number of provisional ballots issued decreased significantly. The implementation of these devices county-wide will allow poll workers to easily redirect voters to their correct polling location, subsequently reducing the number of provisional ballots issued.**

3. There is no consistent verification by poll workers that VBM (Vote-by-Mail) envelopes bear the signature of the registered voter.

**Agree**

4. The number of voters using provisional ballots has increased approximately 96% between 2004 and 2012.

**Agree**

5. The increase in voter use of provisional ballots has increased the overall costs to Nevada County to conduct elections.

**Agree**

6. The increased expense of processing provisional ballots may be reduced if poll workers encourage voters to go to their correct polling location.

**Agree**



7. The rules regarding observers allowed before, during, and after elections have been followed by the Elections Office.

**Agree**

8. The Elections Office and Court have no formal agreement regarding their roles and responsibilities to comply with Election Code §2211 and §2212.

**Agree**

9. There is a lack of effective communication between the Elections Office and the Court regarding compliance with Elections Code §2211 and §2212.

**Disagree:**

**The Elections Office and the Superior Court of Nevada County through G. Sean Metroka, the Court Executive Officer, have engaged in effective communication regarding compliance with California Elections Code §2211 and §2212. Correspondence, beginning September 2009 through 2010, documents the latest email thread between then Assistant Clerk-Recorder, Gail Smith, and G. Sean Metroka, engaging in dialogue regarding Elections Codes §2211 and §2212.**

10. Since 2009, the lack of communication between the Elections Office and the Court has led to a failure to comply with the requirements of Elections Code §2211 and §2212, which affects the integrity of the voter rolls.

**Disagree:**

**The report required by EC §2212 compels the Clerk of the Superior Court, based upon the records of the court, to produce and furnish the Registrar of Voters with a statement showing the names, addresses, and dates of birth of all persons who have been convicted of a felony since the clerk's last report. The court has consistently complied with this code section. Pursuant to EC §2212, the Registrar of Voters shall cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony. The Elections Office has consistently complied with this code section. As per the dialogue with G. Sean Metroka, the Court Executive Officer, the information necessary for the Elections Office to comply with EC §2212 is not ascertainable on the basis of the courts records.**

**Moreover, further clarification of Elections Code §2212 comes in the form of 2002 Law Revision Commission Comments regarding the county clerk's alleviation of those powers, duties, and responsibilities:**

**Law Revision Commission Comments  
2002 Amendment**

*“Section 2212 is amended to reflect elimination of the county clerk’s role as ex officio clerk of the superior court. See former Gov’t Code § 26800 (county clerk acting as clerk of superior court). The powers, duties, and responsibilities formerly exercised by the county clerk as ex officio clerk of the court are delegated to the court administrative or executive officer, and the county clerk is relieved of those powers, duties, and responsibilities. See Gov’t Code §§ 69840 (powers, duties, and responsibilities of clerk of the court and deputy clerk of the court), 71620 (trial court personnel).*

*The section is also amended to eliminate certification of which felons remain imprisoned; that determination may not be ascertainable on the basis of court records. [32 Cal.L.Rev.Comm. Reports148 (2002)].”*

**The report furnished to the Elections Official, pursuant to EC §2212, will not have sufficient information for the Elections Official to cancel affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.**

**RECOMMENDATIONS:**

1. The Nevada County-Clerk/Registrar of Voters should direct the Elections Office to develop and implement policies and procedures to ensure consistent application of existing policy and procedures, specifically:
  - To ensure all poll workers repeat the name and address of each voter as they check in to vote,
  - To ensure that poll workers advise voters that a provisional ballot, if chosen, could be different than the ballot from the voter’s assigned polling place,
  - To ensure poll workers suggest to voters they go to their assigned polling place,
  - To place the blue VBM ballot boxes so poll workers may verbally ensure that the VBM envelope is signed by the registered voter.

**The recommendation will not be implemented because it is not warranted or is not reasonable.**

**Elections staff have been working to ensure that poll workers are repeating back the voters’ name and address, as discussed in Finding 1, and we will continue to emphasize this point in the future.**

**As explained in Finding 2, we do not instruct poll workers to inform voters that a provisional ballot might not be their assigned ballot because this is not required by California Elections Code, and because there is no way for a poll worker to determine this information. Poll workers are instructed and encouraged to redirect voters to their correct**



**polling location when possible. The implementation of e-poll books will provide the correct polling location of individual voters, allowing poll workers to redirect the voter to the assigned polling location, consequently, reducing the number of provisionals.**

**Finally, signing of the Vote-by-Mail envelope is the responsibility of the voter and is clearly instructed on the envelope. It is not the responsibility of the poll workers to check that a Vote-by-Mail ballot being dropped off has been signed. Checking for a signature would require the poll worker to remove the protective privacy strip on the outside of the envelope, a task which is typically done in the security of the Elections Office.**

2. The Nevada County-Clerk/Registrar of Voters and the Nevada County Superior Court should develop and adopt a formal agreement which:
  - Establishes an effective communication process between the Nevada County Elections Office and Nevada County Superior Court with respect to ongoing compliance with Elections Code §2211 and §2212,
  - Defines the respective roles and responsibilities of the Nevada County Elections Office and the Nevada County Superior Court with respect to compliance with Elections Code §2211 and §2212,
  - Ensures the information received by the Elections Office is in a useable format,
  - Provides retroactive reporting for the period of 2009 through 2014 with respect to compliance with Elections Code §2211 and §2212.

**The recommendation will not be implemented because it is not warranted or is not reasonable.**

**This recommendation will set up a procedure which is outside the parameters of both the California Elections Code and the California Rules of Court. The Elections Office will continue to comply with the provisions of the Elections Code. If and when the legislative body of the State of California exacts new statutes or amends existing statutes, the Elections Office will comply with the legislative mandates. When the Elections Office receives the information necessary to cancel the affidavits of registration for those currently imprisoned or on parole for the conviction of a felony, we immediately cancel the affidavits of registration for those persons.**

3. The Nevada County Clerk-Recorder/Registrar of Voters should direct the Elections Office to immediately review and update the voter registration rolls to ensure that Nevada County is in compliance with Elections Code §2211 and §2212.

**This recommendation has been implemented.**

**Since June 26, 2007, the Registrar of Voters has continually reviewed and updated the voter registration rolls to ensure Nevada County is in compliance with Election Code**

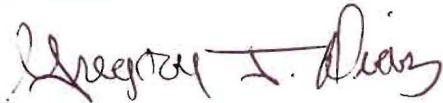
**§2211 and §2212. Once again, when the Elections Office receives the information necessary to cancel the affidavits of registration for those imprisoned or on parole, we do so.**

4. The Nevada County Elections Office should continue using information provided by the EIP as a tool to ensure the accuracy of the voter registration rolls.

**The recommendation will not be implemented because it is not warranted or is not reasonable.**

**The Election Integrity Project is one of several groups, clubs, resources, organizations, and individuals that we receive information from on a daily basis. We certainly consider all of the information given to us and when we are compelled to act, we act accordingly to uphold California Elections Code.**

Sincerely,



Gregory J. Diaz  
County Clerk-Recorder  
Registrar of Voter  
950 Maidu Ave, Ste 250  
Nevada City, CA 95959  
[www.mynevadacounty.com](http://www.mynevadacounty.com)





**NEVADA COUNTY SUPERIOR COURT  
OFFICE OF THE JURY COMMISSIONER  
201 CHURCH STREET, SUITE 6  
NEVADA CITY, CA 95959**

Thomas M. Anderson  
*Presiding Judge of the  
Grand Jury*

Audrey M. Golden  
*Deputy Jury Commissioner*

**(530) 265-1475**

**August 12, 2014**

Keith Overbey Foreman  
Nevada County Civil Grand Jury  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Keith:

Enclosed is the response from Nevada County Superior Court of California, on the subject of the Nevada County Elections Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey M. Golden", written over a horizontal line.

Audrey M. Golden

14  
of 14  
2014

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**County of Nevada**

CANDACE S. HEIDELBERGER,  
*Presiding Judge*



G. SEAN METROKA,  
*Court Executive Officer*

**201 Church Street**  
**Nevada City, CA 95959**  
**(530) 265-1311**

August 11, 2014

The Honorable Thomas M. Anderson  
Presiding Judge of the Grand Jury  
Superior Court of Nevada County  
201 Church Street  
Nevada City, CA 95959

Dear Judge Anderson:

As requested in the 2013-2014 Nevada County Grand Jury Report on the subject of the Nevada County Elections Office, the following response is submitted.

**Findings**

**Fi.8** The Elections Office and the Court have no formal agreement regarding their roles and responsibilities to comply with Elections Code §§ 2211 and 2212.

Agree.

The Elections Code does not require a formal agreement between the Elections Office and the Court regarding compliance with Elections Code §§ 2211 and 2212.

**Fi.9** There is a lack of effective communication between the Elections Office and the Court regarding compliance with Elections Code §§ 2211 and 2212.

Partially agree.

While there was a break in communication between the Elections Office and the Court, the issues have been addressed and we have been communicating effectively again since August 2013.

**Fi.10** Since 2009, the lack of communication between the Elections Office and the Court had led to a failure to comply with the requirements of §§ 2211 and 2212, which affects the integrity of the voter rolls.

Partially agree.

Improved communications between the Elections Office and Court would certainly have helped to limit the impact of the breakdown in this process. The Court cannot address the affect this has had on the integrity of the voter rolls.

**Recommendations**

- R.2** The Nevada County Clerk-Recorder/Registrar of Voters and the Nevada County Superior Court should develop and adopt a formal agreement which:
- establishes an effective communication process between the Nevada County Elections Office and the Nevada County Superior Court with respect to ongoing compliance with Elections Code §§ 2211 and 2212,
  - defines the respective roles and responsibilities of the Nevada County Elections Office and the Nevada County Superior Court with respect to compliance with Elections Code §§ 2211 and 2212,
  - ensures the information received by the Elections Office is in a useable format,
  - provides retroactive reporting for the period of 2009 through 2014 with respect to compliance with Elections Code §§ 2211 and 2212.

The recommendation will not be implemented at the present time.


The Nevada County Clerk-Recorder/Registrar of Voters and the Superior Court of Nevada County are not required by California Law or Rules of Court to adopt a formal agreement in order to comply with Elections Code §§ 2211 and 2212. Nevertheless, we have established effective communications, we each understand our respective roles and responsibilities and the Court does provide the report required by Elections Code §§ 2211 and 2212 in the format specified in the law.

The Court does not have any economically feasible way to provide retroactive reporting for the period of 2009 through March 2013 to the Elections Office. Moreover, that information would be of little value to the Elections Office in the performance of its duties as the information would not be currently applicable to the tasks required by the Elections Code. The required reporting for the period beginning April 2013 to present has been accomplished.

Respectfully submitted,



Candace S. Heidelberger  
Presiding Judge



G. Sean Metroka  
Court Executive Officer