

Nevada County Presidential Election – November 2008

Summary

Many Grand Jury reports are complaint driven and often after the fact. The Nevada County Grand Jury (Jury) decided in August of 2008 to conduct an investigation prior to and during the 2008 November General Election. Conducting an election with almost 300 volunteers located in over 50 polling places utilizing over 20 separate ballots is a monumental organizational task. Additionally, the task must be completed in one day.

Realizing the incredible organizational requirements of any election, and especially one of this magnitude, the Jury was concerned that the recent staff changes within the Elections Department and Clerk Recorders Office increased the risk of a poor elections performance.

The Jury looked at the pre-elections training, conducted interviews prior to the election, attended many of the training sessions, observed polling places during the election and debriefed both county staff and volunteers.

The Jury is pleased to report to the citizens of Nevada County that the election ran smoothly, the problems were minor, and that generally the conduct of the election went very well.

The Jury did recommend that the Nevada County Board of Supervisors authorize additional funds for poll worker training.

Reason for Investigation

The Jury decided to conduct an inquiry into the conduct of the November 2008 Presidential Election. The Jury was aware of the nationwide public concern about the integrity of local elections generally, as well as the public perception of security issues surrounding the use of electronic voting machines, and of the anticipated high voter participation in this election. The Jury was also aware of the turnover in the elected Clerk Recorder position, as well as key staff changes within the Elections Office. Pursuant to California Penal Code Section 925, the Jury undertook an investigation of the Nevada County Elections Office's management of the November election.

Approach

The Jury interviewed staff of the Nevada County Elections Office prior to and after the election, attended both machine and procedures training for poll workers, observed the validation and counting of vote-by-mail ballots, observed the conduct of the elections, and had personal

conversations with some Inspectors and Judges at each of the 53 polling places in Nevada County on November 4, 2008. The Jury also reviewed the summaries, prepared by the Elections Office after the election, of comments from the poll workers and the Field Election Deputies (FEDs). Members of the Jury also observed operations at the Elections Office as the polls were closing. For purposes of clarity, this report is divided into the following sections:

- Preparations for the election
- The conduct and effectiveness of training sessions
- Polling places
- “Hands-on” support provided by the FED Assistance System
- Conduct of the election itself

Preparations for the Election

Background

The Elections Office, prior to the election, reviewed operating procedures, established contingency measures, updated training manuals and procedures, recruited and trained poll workers, temporary Elections Office staff and FEDs, and cleared and tested all of the electronic voting machines. They also determined the number of different ballots required; 21 physically different ballots were printed for the November 2008 election. There were 99 consolidated precincts; 53 precincts had polling places and 46 were vote-by-mail.

The Elections Office has the responsibility, under the State of California Election Code (State Code), to select polling places in accordance with State guidelines. Each polling place contains one or more precincts. Each precinct is staffed by a Precinct Board, consisting of an Inspector and two or more Judges. State Code requires a minimum of three workers to staff a polling place (one Inspector and two Judges). Nevada County tries to maintain a minimum of four workers at each polling place due to voter load, but most polling places require five to six workers to handle the load.

Just as locating optimum polling places is a delicate balance between a variety of considerations, so is the recruitment and retention of volunteers to staff the polling places. Among the volunteers’ duties are knowing and enforcing State Code and regulations, the individual voting process, ballot security procedures, instructing voters in the proper operation of the Hart electronic voting equipment, as well as troubleshooting same, answering voter’s questions and resolving problems wherever possible. The Inspector has overall responsibility for the election activities for that precinct. Inspectors are responsible for setting up, supervising and closing the electronic voting machines, and transporting the ballots to the appropriate collection center. All poll workers are volunteers, although they are nominally compensated for their time on Election Day. Judges receive \$80 and Inspectors receive \$100 for their services on Election Day.

Although the Elections Office made efforts to recruit new poll workers, the recruitment effort

concentrated on returning poll workers and canvassing the local high schools. The hours required of poll workers are long; workers are required to attend uncompensated training and to be at the polling places an hour before the polls open to set up, and cannot leave until the closing procedures have been completed. A typical day consists of at least 16 hours.

The Elections Office had a pool of approximately 284 volunteer workers to staff polling places. Because of high last minute worker dropout problems this year, that pool was completely exhausted. The Elections Office also attempted to recruit and train back up workers to replace workers absent on the day of the election.

Findings

1. Voting machines were delivered to the 53 precincts with security seals intact.
2. Inspectors are responsible for picking up all election day material for their precincts, except for the machines, from the Elections Office prior to election day,
3. Due to accidents and illness, several poll workers had to be replaced on or shortly before the day of the election. In spite of this, the Elections Office was able to find enough replacement poll workers to fully staff each precinct.
4. Last minute replacements resulted in some poll workers having minimal or no training.
5. Several polling places had students as poll workers; they performed well and were particularly effective with the voting machines.
6. Two polling places were staffed with community organizations: The Grey Goose was staffed by the National Association of Retired Federal Employees (NARFE) serving in their second election, and the American Legion Women's Auxiliary staffed the Rough & Ready Firehouse for their first election.

Conclusions

1. With few exceptions, all equipment and supplies were delivered to the appropriate polling places in a timely manner.
2. The pool of trained back up Inspectors and Judges was not sufficient to staff all polling places with properly trained substitutes.
3. Untrained substitutes performed adequately because they were paired with trained, experienced poll workers.
4. The use of student poll workers was effective.

5. Organized community groups staffing a polling place is easier on the Elections Office as the group oversees their own staffing, schedules, last minute worker problems, assures attendance at training, etc. Because of their self-oversight, they enjoy some privileges regular volunteers don't get, such as split shifts.

Recommendations

1. The Nevada County Clerk Recorder should work to increase the pool of back up Inspectors and Judges to provide adequate, trained poll workers in case of cancellations.
2. The Nevada County Clerk Recorder should work to increase the recruitment efforts in high schools and Sierra College to interest more students in participating in the election as poll workers.
3. The Nevada County Clerk Recorder should look into expanding the use of organized community groups for the purpose of staffing a precinct with qualified poll workers.

Training

Background

The Help America Vote Act (HAVA), enacted by Congress in 2002, required all states to provide voters having disabilities with a means of voting independently, and provided Federal funding which the states could use to purchase electronic voting machines to provide these means. Nevada County used these funds to purchase electronic voting machines manufactured by Hart InterCivic. The Hart machines included two components, an electronic voting machine (ESLATE) to record the voters' choices electronically, and an electronic scanning machine (ESCAN) to scan and record paper ballots. California Secretary of State Debra Bowen certified the Hart machines as meeting the HAVA requirements in 2008.

The Elections Office developed training, with the assistance of Hart InterCivic, on the use of the Hart machines as a separate curriculum from training on the procedures to use on the day of the election. This training was first used for the Presidential Primary election in February 2008, modified for the California Primary election in June, and modified again for the November election. Training on procedures was also modified after each 2008 primary.

The Elections Office conducted six sessions of the procedures training and thirteen sessions of the machine training in Nevada City and in Truckee. Inspectors and Judges received the same training. Training is mandatory for all Inspectors and all first time poll workers. This year the Elections Office made several exceptions to that policy because of last minute staffing problems.

The Elections Office developed an optional on-line training for returning poll workers. Field

Election Deputies (FEDs) received special training over and above what the poll workers received.

Each poll worker was provided with a detailed election manual. In addition, all precincts were provided with a flip chart booklet, with illustrated instructions detailing the proper procedure for setting up and closing the electronic voting equipment.

Findings

1. The Elections Office provides a variety of training and tools for workers:
 - a. Machine operations
 - b. Procedures
 - c. On-line training
 - d. Official Precinct Board Manual
 - e. Opening/Closing Procedures Flip Chart
2. A very high percentage of poll workers interviewed had positive comments about the quality and effectiveness of the training for this election.
3. Some poll workers did not attend any training for this election.
4. The Board of Supervisors (BOS) did not allow compensation for training.
5. Some volunteers reported that insufficient time was allocated in the equipment sessions to allow enough “hands-on” practice with the machines.
6. Inspectors have numerous duties and responsibilities beyond those of Judges, both prior to and on election day.
7. Despite additional duties and responsibilities, Inspectors receive no specialized training to cover these.

Conclusions

1. Providing quality training and instruction for poll workers is vital for a secure and problem-free election.
2. Compensation for mandatory training would be an incentive for greater training participation as well as attracting more volunteers.
3. More “hands-on” time in equipment training would be beneficial.
4. Specialized training to cover Inspector’s duties would be beneficial.

5. Most poll workers were satisfied with the training provided by the Elections Office.

Recommendations

1. The Nevada County Board of Supervisors should support additional compensation for mandatory training.
2. The Nevada County Clerk Recorder should direct staff to arrange training to allow more time for “hands-on” machine experience for the poll workers.
3. The Nevada County Clerk Recorder should direct staff to provide separate training for Inspectors to include their additional responsibilities.

Polling Places

Background

Polling places in Nevada County come in a variety of forms: firehouses, bar/restaurants, government buildings, citizen-owned garages, and much in between. Some are warm, comfortable, and inviting, others are unheated and cluttered.

Although the State Code specifies certain requirements for a polling place, it is often difficult to meet these requirements as the Elections Office also must balance the rental cost and quality of a facility, whether it is centrally located for its intended voters, if it's easy or difficult to find, physical factors such as road surface, and available parking, and weather factors such as being located in a heavy snow zone.

There are Home Precincts and Consolidated Precincts. Home Precincts are arranged into Consolidated Precincts, attempting to keep the number of voters to less than 1000. Special Districts (e.g., School Districts, Fire Districts, etc.) are an important consideration in the formation of a Consolidated Precinct, so that only one ballot type is used at each precinct. The Elections Office arranges these Consolidated Precincts, and they can be different for each election cycle, depending on the ballot contests.

When a Home Precinct has fewer than 250 registered voters, the Clerk/Recorder may choose to establish it as a Mail Ballot Precinct. Each voter in a Mail Ballot Precinct receives their ballot in the mail and is instructed to return it by mail, bring it to any polling place on Election Day, or bring it to the Elections Office.

Casting a ballot at a neighborhood polling place is a long and valued tradition for Nevada County voters. However, in the absence of adequate numbers of volunteer poll workers, the Elections Office would not be able to operate local polling places. The current system is entirely dependent on volunteers. The alternative is vote-by-mail or driving to fewer more centrally located voting

sites.

California Elections Code Sections 12280-12288 describe the responsibilities of the Elections Official, in this case, the Nevada County Clerk Recorder, in establishing polling places.

California Election Code Section 12280 states the following: “When designating polling places, the elections official shall undertake necessary measures in the locating of polling places to ensure that polling places meet the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped.”

California Election Code Section 12288 states the following: “A place where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages may not be used as a polling place. A polling place may not be connected by a door, window, or other opening with any place where any alcoholic beverage is sold or dispensed while the polls are open.”

Findings

1. At least three polling places were not in compliance with the guidelines for accessibility established by the Secretary of State under the Americans With Disabilities Act (ADA), for example, thresholds exceeded ½” in height, making wheel chair access difficult.
2. Poll workers were instructed to provide “curbside” service for voters with disabilities who were unable to enter the polling place.
3. Some polling places have convenience limitations, e.g., lack of heat, equipment in the way, muddy parking lots, lack of snow removal equipment, etc.
4. Two polling places, serving four precincts, were located in establishments which were selling alcoholic beverages during part of the election period. There was not the required separation described in State Code Section 12288.
5. Personnel in the Elections Office were aware that they were not in compliance with the State Code, and were actively seeking replacement polling places for those polling places located in bars.
6. As of the date of this report, one of these polling places has been replaced and another has been reconfigured to meet State Code requirements. A third, although it did not serve alcohol during election hours, has been replaced to avoid the perception of impropriety.
7. The Nevada County Clerk Recorder estimates the cost of processing a ballot cast at a polling place to be \$14.00 vs. \$7.25 for a vote-by-mail ballot.
8. The Elections Office is aware of the problem of accessibility in some of the polling places, and is pursuing the possibility of providing portable wheelchair ramps and other ADA mitigation supplies.

Conclusions

1. It is not easy in a rural environment to find polling facilities that meet all State and Federal requirements, as well as comfort and convenience for all poll workers and voters.
2. Some of the polling places are in violation of the State Code governing accessibility for persons with disabilities.
3. Some of the polling places were in violation of the State Code prohibiting connection of a polling place with any place where any alcoholic beverage is sold or dispensed while the polls are open.

Recommendations

1. The Nevada County Clerk Recorder should direct staff to continue to seek to remedy accessibility issues where they exist.
2. The Nevada County Clerk Recorder should continue to make every reasonable effort to secure polling places which are in compliance with State Code Section 12288 regarding polls located in bars.

Field Election Deputy System (FED)

Background

The current Nevada County Clerk Recorder established a network of FEDs. The FEDs were responsible for providing assistance to polling places, and received extensive training on procedures and equipment. The FEDs consisted of Nevada County department heads, elected officials, and others. Each FED had between two and seven precincts for which he/she was responsible, and was to be accessible to the precincts by telephone and in person. Typically each FED spent the entire day driving on a route basis to their assigned polling places and/or responding to phone calls, troubleshooting or delivering supplies while maintaining phone contact to the Elections Office and Polling Places.

Findings

1. In most cases, the FED responded within 30 minutes of being contacted.
2. There were eleven FEDS in the November election.
3. In a number of areas, there was either no cell service/land line at the poll location, or the

FED was in a location where he/she had no cell service.

4. The Elections Office was aware of the potential cell phone problem prior to the election, and had established procedures to deal with this issue.

Conclusions

1. The provision of on-site assistance through the FED system was very successful, and the Jury commends the Nevada County Clerk Recorder for its implementation.
2. Lack of cell phone reception will continue to be a problem.

Recommendations

1. The Nevada County Clerk Recorder should continue the FED system.
2. The Nevada County Clerk Recorder should consider reducing the number of polling places assigned to each FED where telephone coverage is spotty or not available.
3. The Nevada County Clerk Recorder should investigate the use of supplemental communication methods.

Election Day

Background

At the invitation of the Clerk Recorder, a member of the Jury was present as an observer at each of the 53 polling locations in the county on the day of the election. Each juror had a questionnaire to be completed either through personal observation, or talking with the Inspector.

Jurors looked at opening procedures, ease of operation of the Hart machines, accuracy of the rosters provided by the Elections Office, physical location, etc. Jurors also looked at the handling of provisional ballots, which are used when there is a discrepancy on the official roster. These provisional ballots require special handling and must be verified at the Elections Office.

Findings

1. In the majority of precincts, poll workers experienced no difficulty with overall operations.

2. Minor equipment problems were experienced in approximately one third of the precincts during set up or closing. Most problems were resolved by rebooting the equipment or jiggling the electrical connections.
3. The majority of polling places completed the closing procedures without calls to the Elections Office for assistance.
4. A few poll workers did call for assistance and had their questions resolved.
5. Security procedures are in place for both opening and closing of each polling place.
6. Written procedures exist, and are followed, to assure security of electronic and written ballots.
7. Some poll workers experienced confusion when voters from a nearby vote-by-mail precinct, whose name was not on that precinct's roster, wanted to cast a ballot in person and did not have their vote-by-mail ballot.
8. In the November 2008 election, 56,177 votes were cast, representing approximately 88% of Nevada County's registered voters. Approximately 70% (39,454) of the votes cast were vote-by mail.

Conclusions

1. The Elections Office is to be commended on the overall conduct of this election, which recorded the largest voter participation in Nevada County history.
2. The Elections Office has developed adequate procedures to smoothly open, operate and close the Hart equipment.
3. For the most part, the Hart equipment functioned properly. Most problems were due to operator error.
4. More "hands-on" experience in the equipment training should clear up any confusion in opening and closing procedures.
5. Dealing with voters not on the precinct roster is not sufficiently addressed in the procedures training.

Recommendation

1. The Nevada County Clerk Recorder should direct staff to include additional time in the training for dealing with all types of voters not listed on the precinct roster.

Required Responses

Nevada County Clerk Recorder August 18, 2009

Nevada County Board of Supervisors (Response only for Training, Recommendation 1) August 18, 2009

**NEVADA COUNTY BOARD OF SUPERVISORS RESPONSES TO
2008-2009 CIVIL GRAND JURY REPORT
DATED APRIL 15, 2009**

Nevada County Presidential Election – November 2008

Responses to findings and recommendations are based on either personal knowledge, examination of official county records, review of the responses by the County Clerk-Recorder and the County Executive Officer, or testimony from the Board of Supervisors and county staff members.

Training: RESPONSE TO RECOMMENDATION #1

- 1. The Nevada County Board of Supervisors should support additional compensation for mandatory training.**

The recommendation will not be implemented at this time.

The Board does not have sufficient information in which to make a decision to support additional compensation for mandatory training. The Board will consider this issue as a regular business matter after the Clerk-Recorder has had the opportunity to fully analyze the issue and prepare a recommendation for the Board's consideration.

Integrity & Trust

Is widely trusted; is seen as a direct, truthful individual; can present the unvarnished truth in an appropriate and helpful manner; keeps confidences; admits mistakes; doesn't misrepresent him/herself for personal gain.

Listening

Practices attentive and active listening; has the patience to hear people out; can accurately restate the opinions of others even when he/she disagrees.

Interpersonal Savvy

Relates well to all kinds of people, up, down and sideways, inside and outside the organization; builds appropriate rapport; builds constructive and effective relationships; uses diplomacy and tact; can diffuse even high-tension situations comfortably.

Compassion

Genuinely cares about people; is concerned about their work and non-work problems; is available and ready to help; is sympathetic to the plight of others not as fortunate; demonstrates real empathy with the joys and pains of others.

Priority Setting

Spends his/her time and the time of others on what's important; quickly zeros in on the critical few and puts the trivial many aside; can quickly sense what will help or hinder accomplishing a goal; eliminates roadblocks; creates focus.

I ask that all staff be cognizant of the organizational core competencies outlined above. They reflect the professional values I demand and Clerk-Recorder staff must embody these principles in their behavior at the workplace. Excellence in government is grounded in action; what you actually do and how you do it, rather than what you say you believe. By understanding and adhering to these values, our department will continuously improve the experience each one of our customers will have when we provide services to them. "

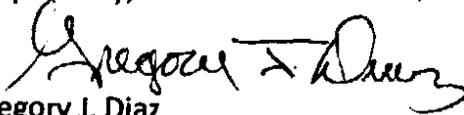
Many personnel and process changes were made as we made a commitment to strive for excellence in our elections. No wonder the Grand Jury was concerned that those types of changes within the Elections Department and Clerk Recorders Office would increase the risk of a poor elections performance. I am pleased to report that our changes coupled with our commitment to excellence has been greatly beneficial for us and for our valued constituents.

For purposes of clarity, my responses are divided into the following sections: Preparations for the election; The conduct and effectiveness of training sessions; Polling places; "Hands-on" support provided by the FED Assistance System and Conduct of the election itself.

To finish, I would like to attach a letter I received from one of our inspectors. I have redacted the name and address. I would like to thank the Grand Jury for their work in conducting an

inquiry into the conduct of the November 2008 Presidential Election.

Respectfully,


Gregory J. Diaz
Nevada County Clerk-Recorder

May 26, 2009

Gregory Diaz
Registrar of Voters
Nevada County
950 Maidu Avenue
Nevada City, CA 95959-9910

Dear Mr. Diaz,

I have worked every election since 2000 except for the Presidential Primary in 2008 when I was injured. Since you have taken over as Registrar of Voters each successive election has been better organized and more efficient than the preceding one. The team you have put together has really streamlined the procedure greatly improving a long and sometimes tedious day. I would like to commend Beth for her continuously updating the instruction material and creating easy references for the poll workers, as well as her patience and good nature toward us at all times. I have noticed more people voting electronically each election, and Sandy did an outstanding job of training us on the equipment so we were eager to explain how simple it is to use to the voters.

Although we were all very tired at the close of the polls on May 19th, we were not frustrated or frazzled in the closing procedures because of our FED Rob had the foresight to review the procedure for the electronic closing with the three inspectors located in the Alta Sierra Country Club in the late afternoon. When 8:00 p.m. arrived the review had the correct procedures fresh in our minds and we were able to proceed quickly and correctly.

I view working the Polls as a civic duty, but past experiences had made me less than eager to continue. You have changed my attitude one hundred percent. Thanks to you and your wonderful staff for all the improvements.

Elections Grand Jury Response

Preparations for the Election: Findings

1. Voting machines were delivered to the 53 precincts with security seals intact.
Agree.
2. Inspectors are responsible for picking up all Election Day material for their precincts, except for the machines, from the Elections Office prior to Election Day.
Agree.
3. Due to accidents and illness, several poll workers had to be replaced on or shortly before the day of the election. In spite of this, the Elections Office was able to find enough replacement poll workers to fully staff each precinct.
Agree.
4. Last minute replacements resulted in some poll workers having minimal or no training.
Agree.
5. Several polling places had students as poll workers; they performed well and were particularly effective with the voting machines.
Agree.
6. Two polling places were staffed with community organizations: The Grey Goose was staffed by the National Association of Retired Federal Employees (NARFE) serving in their second election, and the American Legion Women's Auxiliary staffed the Rough & Ready Firehouse for their first election.
Agree.

Preparations for Elections: Recommendations

1. The Nevada County Clerk Recorder should work to increase the pool of back up Inspectors and Judges to provide adequate, trained poll workers in case of cancellations.
The recommendation has been implemented.
Nevada County Elections had a much larger list of back up Poll Workers for the May Statewide Special Election, and required these workers to attend the training sessions. However, due to dropouts, many of these back up workers were called to serve in precincts prior to Election Day, once again leaving few trained workers available for Election Day vacancies. Even after implementing the Grand Jury's recommendation, the Elections Office still had difficulty finding qualified replacements for Poll Workers who dropped out on Election Day. This issue has less to do with the size of the back up worker pool than the fact that after making a commitment to serve as a Poll Worker, people quit, not understanding the effect that their decision has on the Elections Office, their fellow workers, and the conduct of elections in Nevada County. Finding

qualified and dedicated poll workers is a statewide and national issue. We are very concerned about this as the average age of our 300 poll workers is 72 years. Every county in the state is constantly looking for ways to increase their poll worker pool, including Nevada County.

2. The Nevada County Clerk Recorder should work to increase the recruitment efforts in high schools and Sierra College to interest more students in participating in the election as poll workers.

The recommendation has been implemented.

Nevada County Elections continues to improve its high school student recruitment program, and is currently working to partner with Sierra Community College on recruiting and training Student Poll Workers.

3. The Nevada County Clerk Recorder should look into expanding the use of organized community groups for the purpose of staffing a precinct with qualified poll workers.

The recommendation has been implemented.

Nevada County Elections has already begun to create and implement an extensive outreach program to local groups who may be interested in staffing polling places.

Training: Findings

1. The Elections Office provides a variety of training and tools for workers:

Machine operations

Procedures

On-line training

Official Precinct Board Manual

Opening/Closing Procedures Flip Chart

Agree.

2. A very high percentage of poll workers interviewed had positive comments about the quality and effectiveness of the training for this election.

Agree.

3. Some poll workers did not attend any training for this election.

Agree.

4. The Board of Supervisors (BOS) did not allow compensation for training.

Partially disagree.

The current Board of Supervisor's resolution authorizing poll worker pay does not address compensation for training.

4. Some volunteers reported that insufficient time was allocated in the equipment sessions to allow enough "hands-on" practice with the machines.

Agree.

5. Inspectors have numerous duties and responsibilities beyond those of Judges, both prior to and on Election Day.

Agree.

6. Despite additional duties and responsibilities, Inspectors receive no specialized training to cover these.

Partially disagree.

While Judges and Inspectors receive the same training, the training is geared more toward Inspectors and covers all their job duties. Instead, the Judges are receiving specialized training beyond what their job actually requires.

Training: Recommendations

1. The Nevada County Board of Supervisors should support additional compensation for mandatory training.

The recommendation requires additional analysis.

As Clerk-Recorder I have always maintained that Poll Workers in Nevada County and across the state deserve far more compensation than they are currently getting. Their job is complex, and requires dedication, knowledge of voting laws and they are required to attend several training sessions prior to each Election Day. However, given current budget constraints the Elections Office must balance the desire to increase Poll Worker compensation with our commitment to fiscal responsibility. A preliminary survey shows that many surrounding counties pay Poll Workers for attending training classes (up to \$40 for a class), and if Nevada County were to pay \$10 for each training session a Poll Worker attends, this would bring us more in line with Poll Worker compensation in surrounding counties. Our office will conduct an in-depth study of Poll Worker compensation in surrounding counties and make a recommendation to the board on this matter prior to December 31, 2009.

2. The Nevada County Clerk Recorder should direct staff to arrange training to allow more time for "hands-on" machine experience for the poll workers.

The recommendation has already been implemented.

In the May Statewide Special Election, Poll Workers were given the option of attending an additional equipment lab session that allowed students who needed or wanted additional hands-on time with the Hart Voting Machines the chance to further familiarize themselves with and practice procedures on the equipment. No Poll Workers attended.

3. The Nevada County Clerk Recorder should direct staff to provide separate training for Inspectors to include their additional responsibilities.

The recommendation will not be implemented at the present time.

The Poll Worker curriculum in Nevada County is primarily targeted toward Inspectors. At this time, all the information an Inspector needs to perform his or her job duties are covered in the class; a Judge taking the same class is receiving training beyond his or her job duties. In past elections, the office attempted to offer separate trainings for new Poll Workers and experienced

Poll Workers, but found that Poll Workers attended the class that fit their schedule and not their experience level.

Polling Places: Findings

1. At least three polling places were not in compliance with the guidelines for accessibility established by the Secretary of State under the Americans With Disabilities Act (ADA), for example, thresholds exceeded ½" in height, making wheel chair access difficult.

Agree.

My office has been working in partnership with FREED ever since I took office to resolve any ADA issues at polling locations. In conjunction with FREED, an accessibility study has begun, outlining the ADA needs, if any, for each of the polling places in Nevada County. We are now looking for funding to make each of our sites ADA compliant. This year, we received a \$145,200 HAVA VOTE grant to complete our surveys and resolve any ADA issues.

2. Poll workers were instructed to provide "curbside" service for voters with disabilities who were unable to enter the polling place.

Agree.

3. Some polling places have convenience limitations, e.g., lack of heat, equipment in the way, muddy parking lots, lack of snow removal equipment, etc.

Agree.

4. Two polling places, serving four precincts, were located in establishments which were selling alcoholic beverages during part of the election period. There was not the required separation described in State Code Section 12288.

Agree.

This issue has been solved. See recommendation #2.

5. Personnel in the Elections Office were aware that they were not in compliance with the State Code, and were actively seeking replacement polling places for those polling places located in bars.

Agree.

6. As of the date of this report, one of these polling places has been replaced and another has been reconfigured to meet State Code requirements. A third, although it did not serve alcohol during election hours, has been replaced to avoid the perception of impropriety.

Agree.

7. The Nevada County Clerk Recorder estimates the cost of processing a ballot cast at a polling place to be \$14.00 vs. \$7.25 for a vote-by-mail ballot.

Agree.

8. The Elections Office is aware of the problem of accessibility in some of the polling places, and is pursuing the possibility of providing portable wheelchair ramps and other ADA mitigation supplies.

Agree.

Polling Places: Recommendations

1. The Nevada County Clerk Recorder should direct staff to continue to seek to remedy accessibility issues where they exist.

The recommendation has been implemented..

The Nevada County Elections Office has received a HAVA VOTE Grant in the amount of \$145,200 to survey polling places for accessibility, purchase mitigation supplies, and upgrade training materials. The Elections Office will continue conducting surveys of the remaining polling places throughout the summer and fall and hopes to have all polling place accessibility issues solved in time for the June 8, 2010 Primary Election.

2. The Nevada County Clerk Recorder should continue to make every reasonable effort to secure polling places which are in compliant with State Code Section 12288 regarding polls located in bars.

The recommendation has been implemented.

In the May Statewide Special Election, no bar or location where there was dispensation of alcohol was used as a Polling Place.

Field Election Deputy System (FED): Findings

1. In most cases, the FED responded within 30 minutes of being contacted.
Agree.
2. There were eleven FEDS in the November election.
Agree.
3. In a number of areas, there was either no cell service/land line at the poll location, or the FED was in a location where he/she had no cell service.
Agree.
4. The Elections Office was aware of the potential cell phone problem prior to the election, and had established procedures to deal with this issue.
Agree.

Field Election Deputy System (FED): Recommendations

1. The Nevada County Clerk Recorder should continue the FED system.

The recommendation has been implemented.

The Elections Office has no plans to discontinue use of the FED Program.

2. The Nevada County Clerk Recorder should consider reducing the number of polling places assigned to each FED where telephone coverage is spotty or not available.

This recommendation will not be implemented because reducing polling places in areas without coverage would eliminate service to some areas.

Unfortunately due to the rural nature of the county, most territories have several areas where there is no cell phone reception. Before each election, FED territories are redrawn, and this recommendation will be taken into consideration, however, once again given the rural nature of the county, the Nevada County Elections Office would be unable to implement this recommendation to everyone's satisfaction.

3. The Nevada County Clerk Recorder should investigate the use of supplemental communication methods.

This recommendation will not be implemented because the reasonable solution is what we already have in place.

Switching to another cell phone service provider would create blind spots in other areas. Whenever possible, the Elections Office attempts to find multiple ways to contact a polling place, including board member cell phones, land lines at the facility, etc. Supplemental communication methods likely would result in the same communication issues that the office currently encounters on Election Day.

Findings: Election Day

1. In the majority of precincts, poll workers experienced no difficulty with overall operations.
Agree.
2. Minor equipment problems were experienced in approximately one third of the precincts during set up or closing. Most problems were resolved by rebooting the equipment or jiggling the electrical connections.
Agree.
3. The majority of polling places completed the closing procedures without calls to the Elections Office for assistance.
Agree.
4. A few poll workers did call for assistance and had their questions resolved.
Agree.
5. Security procedures are in place for both opening and closing of each polling place.
Agree.
6. Written procedures exist, and are followed, to assure security of electronic and written ballots.
Agree.
7. Some poll workers experienced confusion when voters from a nearby vote-by-mail precinct, whose name was not on that precinct's roster, wanted to cast a ballot in person and did not have their vote-by-mail ballot.
Agree.

8. In the November 2008 election, 56,177 votes were cast, representing approximately 88% of Nevada County's registered voters. Approximately 70% (39,454) of the votes cast were vote-by mail.
Agree.

Election Pay: Recommendation

1. The Nevada County Clerk Recorder should direct staff to include additional time in the training for dealing with all types of voters not listed on the precinct roster.

The recommendation has been implemented.

The Elections Office continues to cover how to handle all types of voters in Poll Worker training. Although Poll Workers have always had the tools in their training manual and have received this information in training, the Elections Office made this information more explicit and added additional tools to the Poll Worker supplies to eliminate confusion about how to process voters not on the roster.