

**The 2020 Nevada County Presidential
General Election:
Observations in a Time of Challenges**

2020-21 Nevada County Grand Jury
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Summary

California voters passed the Voter's Choice Act (VCA) in 2016, and Nevada County adopted it by the 2018 elections. The VCA allows voters to choose how, when, and where to cast their ballots. Each registered voter is mailed a ballot and a postage paid return envelope, making it easy for them to vote before election day using the United States Postal Service or by depositing the ballot in a secure drop box. Of course, voters may also vote in person if they prefer.

Prior to the 2020 Presidential General Election, Nevada County conducted nine VCA elections without any major issues. Election officials report after three years of VCA, voters have become experienced and confident with the choice to use an official drop box, to vote by mail, or to vote in person. They estimated over 90% of voters return their ballots by mail or drop them in one of the secure drop boxes.

Presidential General Elections usually require more planning by officials because the turnouts are higher than in other elections. The November 2020 election presented additional challenges because of Covid-19 virus, possible Public Safety Power Shutoffs, concerns about timely mail delivery and threats of voter intimidation.

Detailed planning was critical. New vote centers had to be secured to meet physical distancing requirements and policies updated to allow for new challenges. Over 120 people were hired and trained, and a variety of additional resources were added to ensure a smooth election.

The Nevada County Grand Jury observed this election cycle by interviewing election officials, taking virtual and in-person tours of the elections office and visiting multiple vote centers over several days. We observed that contingencies were in place for most possible scenarios: generators and emergency lighting in place for the loss of power, back up ballots were available for all precincts if printers were inoperative, easy access to the Elections Office and election officials to assist as needed.

Vote center workers provided a step-by-step explanation of the voting process. One vote center worker was assigned to disinfect surfaces after every use. Pens were provided for ballot marking and they were not reused, and were instead kept by each individual voter.

Jurors observed that poll workers were knowledgeable, helpful, and well-trained when interacting with voters. Voters who came in with predetermined voting choices took about ten minutes to complete their ballots.

Nevada County certified its results on November 25 confirming that 65,800 voters cast a ballot. Voter turnout was 87.6% of the registered 75,123 voters.

Based on the 2020 Presidential General Election, Nevada County voters should have confidence in their election officials. They are competent, knowledgeable, and concerned about ensuring a smooth election.

Glossary

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| CARES Act | Coronavirus Aid, Relief, and Economic Security Act of 2020 |
| CCROVs | County Clerks & Registrars of Voters |
| Election | November 2020 Presidential General Election |
| EMS | Election Management System |
| Jury | 2020-2021 Nevada County Grand Jury |
| PPE | Personal Protective Equipment |
| USPS | United States Postal Service |
| VCA | California Voter's Choice Act of 2016 |
| VoteCal | State of California centralized voter registration database |
| VPN | Virtual Private Network |

Background

In California, elections may be observed by members of the public. Historically, members of the Nevada County Grand Jury (Jury) have participated as official election observers and given the heightened interest in the 2020 General Presidential Election (Election), the Jury decided to observe this election cycle. One member of the Jury recused themselves due to conflict of interest.

Approach

The Jury observed the Election process in Nevada County. As part of that process, we:

- reviewed information disseminated to the public, both from written communication and presentations given in public settings,
- interviewed elections officials,
- took virtual and in-person tours of the elections office,
- visited multiple vote centers over several days,
- researched the state and county elections procedures, and
- reviewed local, state, and national election coverage from a variety of media sources.

Discussion

California passed the Voter's Choice Act (VCA) in 2016, and Nevada County adopted it by the 2018 elections. The VCA allows voters to choose how, when, and where to cast their ballot.

Prior to the Election, Nevada County conducted nine VCA elections without any major issues. Election officials report that, after three years of VCA, voters have become experienced and confident with the choice to use an official drop box, vote by mail, or in person.

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Planning

Nevada County elections officials had weekly meetings with the California Secretary of State beginning in March 2020. Local officials report good communication with the Secretary of State's office and with other election officials around the State.

There are written advisories from the County Clerks & Registrars of Voters (CCROVs) posted on their website to the public shortly after they are provided to county election officials. They cover a range of election-related issues and are used to ensure consistency from one county to another in California.

Elections require the county to add additional workers, both to staff vote centers and to process ballots. This year, fifteen "permanent temporary" workers and one warehouse manager were hired along with 108 stipend workers. In addition, there were ten to twelve county employees rotating through the Vote Centers.

Citing Covid-19 concerns some workers from previous years declined to return this year, resulting in more new vote center workers than in past elections. Election workers were trained and were able to articulate to the Jury what procedures would be used in a variety of scenarios.

Challenges

The Covid-19 virus was one of the challenges identified early in the year, but it also generated additional funding to help pay for the election through the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act). Nevada County received a total of \$700,000 from the CARES Act to prepare for this election. The CARES Act helped pay for personal protective equipment (PPE) utilized in the vote centers.

This election included more than Covid-19 issues. Public Safety Power Shutoffs, concern about timely mail delivery, extreme partisanship, possible voter intimidation and issues with voter access presented their own challenges.

The Process

To register to vote in California for the 2020 General Election, you must have been a US Citizen and a resident of California, 18 years of age or older on election day, not currently in state or federal prison or on parole for a felony conviction, and not found mentally incompetent to vote by a court. Once registration is completed, all official voter registration records for California go through State of California centralized voter registration database (VoteCal), a state computer system. Changes made by individual counties are confirmed by the state, and then the state confirms the changes back to the affected counties. For example, a voter changes their address with the Nevada County registrar's office to an address in Marin County. Nevada County sends the address change to the state system and then the state system sends updated registration

information to Marin County and Nevada County to confirm. This occurs in near real-time (about 2 seconds) through VoteCal.

Ballots were mailed October 5, 2020 to all registered voters in Nevada County and reports indicate that most voters received their ballot within a few days. If the address on the ballot was undeliverable, the ballot was returned to the elections office because ballots may not be forwarded by the United States Postal Service (USPS). Voters who did not receive their ballot were encouraged to contact the local elections office. After completing their ballot, voters had several options for returning their ballots:

- via the postal service,
- via official drop box, and
- in-person to the elections office.

All vote centers were able to print a ballot for each individual voter determined by the voter's precinct. Nevada County had 31 precincts this election. Voters who cast their ballots at a vote center had the option of completing a paper ballot or using a touch screen. If the voter selected a touch screen, they were required to print their completed ballot when done voting. Paper ballots were scanned by an optical scanner at the vote center before ultimately being transferred to storage.

Nevada County election officials assigned at least two designated ballot retrievers to collect vote-by-mail ballots from each official drop box on a regular basis and a strict "chain of custody" was followed to ensure that all ballots were monitored at every step of the tabulation process. Ballots were transported to the Eric Rood Administration building in Nevada City for processing following extensive written policies and procedures. Dual custody of the ballots was maintained at all times during the process.

Election officials estimated that over 90% of voters would return their ballots by mail or deposit them in one of the official drop boxes. Starting October 5, 2020 there were 14 official drop boxes located throughout the county and an official drop box was located in each vote center as well.

Voters could also cast a ballot in person at a vote center. There were eight vote centers this year. Five of the eight locations used in previous elections were changed to larger venues to assist in physical distancing protocols. Starting Saturday, October 31, seven 4-day vote centers allowed in person or ballot drop box voting and an eighth vote center opened in North San Juan for one day only on election day.

Electioneering is not allowed within 100 feet from polling center or inside. California's Secretary of State determined early in the year that campaign slogans were not the same as official electioneering, which created some angst for local election officials. Essentially that meant that campaign slogans were allowed inside a vote center, but not a candidate's name. Election officials reported few isolated incidents of uncooperative voters in Nevada County; none rose to a level of violence.

Although mail-in ballots can be opened and processed before the election ends, California state law requires that tallying not start until after the polls close, which was 8:00 pm, Tuesday, November 3, 2020. By state law, Nevada County may not certify counts before November 20, 2020, and must certify by December 1, 2020. The State also mandates a 1% manual audit prior to certification.

Potential problems caused by duplicate voting or potential fraud are addressed by signature verification. The state maintains a centralized database of voter registrations, VoteCal. A voter registration record includes a digital image of the voter's signature. Each county in the state has an encrypted connection to VoteCal, providing near real-time access to voter registration records.

Nevada County uses software called Election Management System (EMS) to communicate with VoteCal and to keep track of a voter's ballot. Ballot envelopes received by the Nevada County Elections Office, either by mail or deposited in a drop box are scanned and the signature is compared to the digital signature in the voter registration record. On a match, the EMS records that the voter has returned their ballot. Some number of signatures cannot be compared by the signature verification machine and there are manual procedures in place for comparing these signatures, including directly contacting the voter.

For in-person voting, signature verification is performed by a vote center worker. The voter self-identifies to the vote center worker by name and birth date. The vote center worker has a laptop computer connected to the Nevada County EMS via an encrypted Virtual Private Network (VPN) on a cellular telephone data link from the vote center to the elections office. This eliminates the use of the internet and provides a secure network connection. The vote center worker compares the digital voter registration digital signature with the signature provided by the in-person voter. Vote center workers are trained in signature verification and make a manual determination if the signatures match. If they do, the vote center worker notes the voter has received a ballot with the EMS (which in turn notifies the VoteCal system).

Ballots cast at vote centers are scanned on site; those delivered to drop boxes or via USPS are delivered to the Rood Center for tabulation. As stated above, there is a paper ballot associated with every vote. All ballots, regardless of how they are cast, are stored for 22 months after the election.

A provisional ballot is used to record a vote when there are questions about a given voter's eligibility or other discrepancies. The issue must be resolved before the vote can count. In Nevada County, approximately 600 provisional ballots were used in this election.

If discrepancies are unresolved, fraud may be involved. Election officials report that fraud is rare in Nevada County and that suspected cases are turned over to the District Attorney. According to The Union of Grass Valley newspaper, in 2016 there were two cases of election fraud in Nevada County that resulted in prosecution. The Jury was unable to identify any cases in the six elections occurring since that date.

Ballots returned as undeliverable cause the elections office to send a notification card to the registered voter's last known address after the election is completed, with the expectation the notification card will be forwarded by the USPS, providing the voter with an opportunity to update their registration.

Nevada County must comply with federal election law before a voter may be removed from the voter registration database. In Nevada County that would be when the county receives reliable information, such as a death notice from the California Department of Public Health. In the absence of official notification, and if attempts to locate a voter fail, and that voter does not vote in two consecutive presidential elections, that voter may be removed from the list of registered voters.

Observations from the Vote Centers

Contingencies were in place for most possible scenarios: generators and emergency lighting were in place for the loss of power, back up ballots were available for all precincts if printers were inoperative, easy access to the Elections Office and election officials to assist as needed. Printed literature was sent to voters by mail and was available at vote centers.

Vote center workers had a variety of resources at their disposal, including a language line available for non-English speakers, special assistance for vision-impaired voters, and some had a Spanish interpreter present. All vote centers were compliant with the Americans with Disabilities Act (ADA).

One vote center worker was assigned to disinfect surfaces after every use. Pens were provided for ballot marking and they were not reused, instead they were kept by each individual voter.

Cardboard dividers separated voters at long voting tables providing privacy as well as ample physical distancing.

Vote center workers provided a step by step explanation of the voting process. Jurors observed that poll workers were knowledgeable, helpful, and well-trained when interacting with voters. Voters who came in with predetermined voting choices took about ten minutes to complete their ballots.

Voters not wearing face coverings were offered masks; if they declined, they were escorted outside by two vote center workers to allow them to vote.

There were cheers for first time voters at some centers as they scanned their ballot. Jurors observed that all voters were treated with respect and professionalism.

Voters wearing clothing or badges supporting a particular candidate were asked to remove the election message from public view. In some cases, they may have been asked to turn a t-shirt inside out, wear a sweater over the message or remove a cap.

In some of the vote centers, the designated observation area was so far removed from the check-in counter that observers had a difficult time seeing the interaction between vote center workers and the voter.

Unlike other areas in California, no unofficial ballot boxes were reported in Nevada County.

Election Certification

After the Election was completed, officials had until December 1, 2020 to tabulate final results and certify their totals to the Secretary of State. Nevada County certified its results on November 25 confirming that 65,800 voters cast a ballot. Voter turnout was 87.6% of the registered 75,123 voters.

Findings

- F1. Contingency planning started early for both Covid-19 protocols and the possibility of multiple types of disruptions.
- F2. Nevada County voters and elections officials were comfortable with VCA voting.
- F3. There were multiple points in the process to ensure security and to virtually eliminate fraud.
- F4. Vote center workers were well trained, displaying professionalism and voter respect.
- F5. While the Jury recognizes the importance of following Covid-19 protocols, observers were sometimes placed too far away to observe the interaction between vote center workers and the voters.
- F6. Based on the 2020 Nevada County Presidential General Election, local voters should have confidence in their election officials. They are competent, knowledgeable, and dedicated to ensuring a smooth election.

Responses

None required or requested