

HOW WE CAST OUR VOTE

In the 2000 presidential election, very close voter counts and recounts in several states and public pressure on Congress for more accurate and efficient methods of voting resulted in the passage of the Help America Vote Act (HAVA) in 2002. The Federal Government made available \$3.8 billion to the states for purchase of voting equipment in order to comply with the mandates of the act.

The Grand Jury (Jury) was investigating the implementation of this act in Nevada County; but, while putting the final touches on a report to be titled “How We Cast Our Vote”, we received new information causing us to rethink how it might best be structured. The Jury decided the public interest would best be served by writing a less formal, short summary of the issues pertaining to voting.

First, the proposal from the Registrar of Voter’s Office to the Board of Supervisors that the County purchase the Hart Intercivic Voting System, was delayed until June 12 - too late to be included in our report.

Second, on May 9, 2007, the new California Secretary of State, Debra Bowen, announced that her office would immediately conduct a “Top-to-Bottom” review of California’s voting systems. The State has contracted with the University of California to conduct the review at a cost of \$1.8 million. The announced purpose is to determine whether additional safeguards are required to make certain voting systems are secure and accurate. The implications are large – costly, newly acquired systems could be de-certified in this process. For example, Secretary Bowen has already decertified San Francisco’s voting machines prompting the city’s Chief of Elections to state that ballots cast in the next election may have to be counted by hand. The review will not conclude until late July.

Third, the deadline for spending of HAVA and California Proposition 41, “Voting Modernization Bond Act” providing equal funds, was delayed again by one year to June 30, 2008.

These are but the latest changes in a controversial and ever changing environment. For example:

- Since the passage of HAVA in 2002, there has been a constant stream of charges and counter charges regarding theories of conspiracy and/or faulty equipment.
- There have been disputes about the accuracy of touch screens.
- There are on-going efforts by various interest groups to affect how HAVA is implemented.

- Federal and State legislation is pending, such as the bill in Congress to require paper trails.
- The newly elected Secretary of State has different viewpoints, which may change voting policies.
- The California legislature has moved the date of the presidential primary to February beginning in 2008.
- In Nevada County, to meet the ever-changing deadlines for spending HAVA funds, the November 2006 election was conducted using a rented voting system, paid for with a portion of the County's allotted HAVA funds. And, if the current recommendation is approved, the County will use a different, purchased system for future elections.
- Through it all, our Registrar of Voter's office has been understaffed, and during the course of the Jury's investigation, the Nevada County Clerk Recorder/Registrar of Voters abandoned the elective office after a controversial tenure.

The above only a partial list.

The Jury has been diligent in trying to sort this out. We interviewed past and present elected officials and professional consultants. We interviewed a member of the County Voting System Selection Committee, as well as representatives of voting equipment manufacturers. We contacted the Secretary of State's office, and the California Association of Election Officials. The Jury attended voting equipment demonstrations and training sessions, and jurors observed voting at more than half of our polls during the November 2006 election.

We researched information about voting trends and patterns in Nevada County and found that in the November 2006 Election, 55.2% of the votes cast were by absentee ballot. We investigated innovative and cost effective voting changes that other states are testing or have implemented, such as a combination of all-mail voting and mega-voting-centers, which are promoted to serve the physically challenged voter.

The voting process is a fluid situation with many unknowns and the pace of change in how we vote will not diminish in the foreseeable future. The Jury regrettably concluded it could not submit a formal report. It would be out of date and inaccurate before the ink dried.

The Jury looks forward to the resolution of a number of these unknowns in the upcoming year.

RESPONSES REQUIRED

None