

November 2010 General Election in Nevada County

Summary

The Nevada County Grand Jury is pleased to report to the citizens of Nevada County that the November 2, 2010 Nevada County General Election ran smoothly, problems were minor, and the election was conducted effectively.

Members of the Grand Jury visited all 57 precincts in Nevada County on Election Day. During interviews conducted with poll workers it was determined that some voters found the instructions for Vote-by-Mail ballots confusing. Some voters wishing to vote in person after having received their Vote-by-Mail ballots were confused as to the location of their precinct.

The Grand Jury also followed up on recommendations from the 2008-2009 Grand Jury Report and found that all had been implemented.

The Grand Jury wishes to commend the Nevada County Elections Office on a job well done.

Reasons for Investigation

The Nevada County Grand Jury (Jury), exercising its oversight responsibilities pursuant to California Penal Code Section 925, conducted an investigation of the November 2, 2010 General Election.

Background

The Nevada County Elections Office has the responsibility to select polling places in accordance with the State of California Election Code (State 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. They are compensated for their time on Election Day and for training sessions.

Poll workers' duties include:

- Knowing and enforcing State Code and regulations.
- Knowing the voting process.
- Insuring ballot security.
- Instructing voters in the proper operation of electronic voting equipment.
- Answering voter's questions.
- Troubleshooting equipment problems.

The 2008-2009 Jury Report “Nevada County Presidential Election – November 2008” recommended that the Nevada County Board of Supervisors and/or Nevada County Clerk Recorder:

- Expand the use of organized community groups for the purposes of staffing a precinct with poll workers.
- Compensate poll workers for training.
- Insure that all polling places are compliant with State Code Section 12288 regarding polls located in bars.

The California Elections Code describes various types of voters. For the purpose of this report the Jury focused on two types of voters, those registered in Permanent Vote-by-Mail Precincts and voters who choose to vote by mail.

In both cases:

- The ballot must be mailed in time to reach the Elections Office on or prior to Election Day.
- The voter may go to the Elections Office or a designated location in Truckee on or before Election Day, surrender their Vote-by-Mail ballot and vote either on paper or on an electronic voting machine with the ballot for their particular precinct.
- Voters may go to any precinct and vote on a provisional ballot, which may not be the same as the ballot they received in the mail.
- The provisional ballots require special handling, both in the precinct and in the tally of votes.
- Voters may also drop off their completed Vote-by-Mail ballots at any polling place on Election Day.

Procedures Followed

The Jury:

- Interviewed staff of the Nevada County Elections Office prior to and after the election.
- Attended training for poll workers.
- Interviewed Inspectors and Judges.
- Had observers at all 57 of the precincts on Election Day.
- Observed operations at the Elections Office after the polls closed.
- Reviewed the Nevada County Grand Jury report “Nevada County Presidential Election – November 2008.”

Facts

1. Some poll workers did not attend training, but had recent election experience.
2. Approximately 70% of Nevada County voters vote by mail.

3. Processing a Vote-by-Mail ballot is more cost effective than voting in person.
4. Vote-by-Mail signatures are verified by computer.
5. Instructions for Vote-by-Mail voters:
 - Do not address all circumstances for return of spoiled or lost ballots.
 - Lack instructions for replacement of spoiled Vote-by-Mail or lost ballots when it is too late to use the U.S. Postal Service.
 - Are not clear if the Vote-by-Mail voter chooses to vote in person.
 - Do not identify the address of the polling place, if applicable.
 - Do not include the phone number for the Elections Office on the Vote-by-Mail envelope.
6. In following up on the 2008-2009 Nevada County Grand Jury Report the current Jury found the following:
 - Compensation is provided for all poll workers attending training.
 - There were no polling places in locations serving alcohol.
 - Eight precincts were staffed by organized community groups.

Findings

1. Instructions accompanying Vote-by-Mail ballots created confusion for some voters.
2. Absence of the phone number of the Elections Office on the Vote-by-Mail envelope inhibits voters from resolving last minute questions concerning spoiled or lost ballots.

Recommendations

1. The Nevada County Clerk Recorder should direct staff to include the following with the Vote-by-Mail ballots:
 - Instructions for replacement of spoiled or lost Vote-by-Mail ballots for those instances when it is too late to use the U.S. Postal Service.
 - Instructions for Vote-by-Mail voters on how and where to vote in person.
 - The phone number of the Elections Office on the Vote-by-Mail envelope.

Responses

Nevada County Clerk Recorder, July 13, 2011



Nevada County Clerk Recorder/ Registrar of Voters

County Clerk - Recorder
950 Maidu Avenue, Suite 210
Nevada City, CA 95959
Phone: (530) 265-1221
Fax: (530) 265-9842
mynevadacounty.com/recorder

Gregory J. Diaz
County Clerk – Recorder

Gail Smith
Asst. County Clerk – Recorder

County Elections
950 Maidu Avenue, Suite 250
Nevada City, CA 95959
Phone: (530) 265-1298
Fax: (530) 265-9829
mynevadacounty.com/elections

June 2, 2011

The Honorable Tom Anderson
Presiding Judge of the Grand Jury
201 Church Street
Nevada City, California 95959

RE: Clerk-Recorder's Response to Nevada County Grand Jury Report Regarding the November 2010 General Election in Nevada County

Dear Judge Anderson,

As required by California Penal Code Section 933, the Clerk-Recorder hereby submits its response to the 2010-2011 Nevada County Civil Grand Jury report on the November 2010 General Election in Nevada County.

FINDINGS

1. Instructions accompanying Vote-by-Mail ballots created confusion for some voters.
Agree.
2. Absence of the phone number of the Elections Office on the Vote-by-Mail envelope inhibits voters from resolving last minute questions concerning spoiled or lost ballots.
Agree.

RECOMMENDATIONS

1. The Nevada County Clerk Recorder should direct staff to include the following with the Vote-by-Mail Ballots:
 - Instructions for replacement of spoiled or lost Vote-by-Mail ballots for those instances when it is too late to use the U.S. Postal Service.
 - Instructions for Vote-by-Mail voters on how and where to vote in person.
 - The phone number of the elections Office on the Vote-by-Mail Envelope.

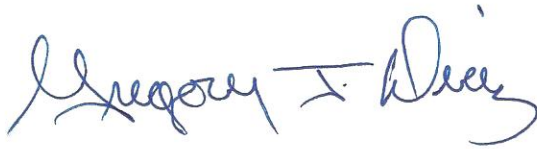
This recommendation will be implemented during the next election cycle.

Nevada County Elections will create a leaflet containing a list of Nevada County polling places, information on resources a voter may use to locate his or her

polling place, and a list of Frequently Asked Questions addressing replacement of spoiled or lost Vote-by-Mail ballots and other topics of interest to Vote-by-Mail voters. This information pamphlet will be mailed to every Vote-by-Mail voter, along with their Vote-by-Mail ballot; this information will also be available on the Elections Website. In addition, at the next printing run of Vote-by-Mail envelopes, the Elections Office phone number will be added to the envelope, located underneath the return address.

On behalf of the Nevada County Elections Office, I would like to thank the Civil Grand Jury for their efforts in conducting this investigation.

Sincerely,

A handwritten signature in blue ink that reads "Gregory J. Diaz". The signature is written in a cursive style with a large, stylized initial 'G'.

Gregory J. Diaz
Nevada County Clerk-Recorder/
Registrar of Voters