

November 2012 Presidential General Election in Nevada County

Summary

The Nevada County Grand Jury is pleased to report to the citizens of Nevada County that the November 6, 2012 Presidential General Election in Nevada County ran smoothly, problems were minor, and the election was conducted effectively.

Members of the Nevada County Grand Jury visited most of the 56 precincts in Nevada County on Election Day. During interviews conducted with poll workers it was determined that some precincts had difficulty in setting up the voting equipment, some precincts had voting equipment failures and some precincts were crowded. In most cases poll workers who had difficulty with setting up their voting equipment were able to shut them down and re-start the set-up process with assistance from the Field Elections Deputy or the Elections Office. In cases of voting equipment failures the Field Elections Deputy was able to replace the equipment which failed.

Several members of the Nevada County Grand Jury and poll workers commented that the class room at the Rood Center is too crowded. The Grand Jury recommends the training sessions be conducted in a larger venue.

The Grand Jury also followed up on the recommendations of the 2010-11 Grand Jury Report and found all had been implemented.

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 6, 2012 Presidential General Election (Election).

Background

The Nevada County Elections Office has the responsibility to select polling places in accordance with the California Election Codes. 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 voters' questions,
- troubleshooting equipment problems.

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 most of the 56 precincts on Election Day,
- reviewed the 2010-11 Nevada County Grand Jury report "November 2010 General Election in Nevada County".

Facts

- F.A.1.** Training is required for all poll workers.
- F.A.2.** Some poll workers did not attend the required training, but had recent election experience.
- F.A.3.** Jury members attended poll worker training classes.
- F.A.4.** The poll worker training at the Rood Government Center was conducted in the Providence Mine Room, a long narrow room.
- F.A.5.** Some training sessions were overcrowded as observed by Jury members.

- F.A.6.** The County Elections Office has updated existing training modules and developed a comprehensive hands-on training program to simulate the operations of a precinct on Election Day.
- F.A.7.** Several of the training modules included an opportunity to practice on the actual equipment.
- F.A.8.** Check lists to set up each precinct were provided, including an *Opening Flip Book* guide with detailed instructions on operations and equipment set-up.
- F.A.9.** Jury members observed that some poll workers did not practice equipment set-up during the training classes.
- F.A.10.** Jury members observed that the instructors did not ensure that all trainees participated in the equipment practice.
- F.A.11.** Voting equipment could not be set up at several precincts without a call to the Field Elections Deputy (FED) or to the Elections Office.
- F.A.12.** There were several voting equipment failures.
- F.A.13.** Jury members visited some precinct locations and observed them to be inadequate in terms of efficient space allocation.
- F.A.14.** New polling place locations are surveyed in advance for compliance with the Americans with Disabilities Act (ADA) by County Elections employees to ensure that the polling places meet ADA requirements.
- F.A.15.** Once a precinct has been established as compliant there is no further ADA survey made.
- F.A.16.** Poll worker evaluation surveys are mailed by the Elections Office to all poll workers six to eight weeks after the elections.
- F.A.17.** Jury members reviewed a sampling of the poll worker evaluation surveys and determined the interviews with the same poll workers differed from their written surveys.
- F.A.18.** The 2010-11 Nevada County Grand Jury recommended the following:
- “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.”

Findings

- F.I.1.** The Jury found the crowded conditions of the room used for training resulted in ineffective training outcomes.
- F.I.2.** The Jury found not all instructors ensured that every attendee received hands-on equipment training.
- F.I.3.** After initial set-up, some equipment did not function properly.
- F.I.4.** The Jury found that failure on the part of some poll workers to refer to check lists and the *Opening Flip Books* resulted in some equipment apparently not functioning properly.
- F.I.5.** The Jury found when these same poll workers called for assistance and were told to follow instructions, the equipment functioned normally.
- F.I.6.** Voting equipment that had actual technical malfunctions was replaced by the FED or the Elections Office as necessary.
- F.I.7.** Jury members found that inadequate space hampered efficient operations in several polling places.
- F.I.8.** The Jury found the lengthy interval between Election Day and the actual mailing date of the poll workers evaluation surveys sent out by the Elections Office was too long to ensure accurate results.
- F.I.9.** The Jury believes that including the poll workers evaluation surveys in the set-up packages and requiring prompt completion and return would result in more useful data.
- F.I.10.** In following up on the 2010-11 Nevada County Grand Jury Final Report the current Jury found
- instructions have been included in the Sample Ballot 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 have been included for Vote-by-Mail voters on how and where to vote in person,

- the phone number of the Elections Office has been included on the Vote-by-Mail envelope.

Recommendations

R.1. The Nevada County Clerk Recorder should direct staff to

- identify a larger venue to more efficiently accommodate the number of trainees per training session,
- increase the number of training classes given to the poll workers with fewer numbers of trainees in each class,
- require the instructors to verify with each precinct team that they can demonstrate their competence in setting up the equipment before leaving the training class,
- make every effort to relocate those precincts with crowded conditions to a location with more floor space before the next election,
- include poll worker evaluation surveys with the precinct kits and require completion by the end of their shifts.

Responses

Nevada County Clerk-Recorder: Date: July 30, 2013