



A Tradition of Stewardship  
A Commitment to Service

**Board of Supervisors**

1195 Third St.  
Suite 310  
Napa, CA 94559  
www.countyofnapa.org

Main: (707) 253-4421  
Fax: (707) 253-4176

**Brad Wagenknecht**  
Chairman

September 17, 2013

The Honorable Diane Price  
Presiding Judge  
Superior Court of California, County of Napa  
825 Brown Street  
Napa, CA 94559

**FILED**

**SEP 19 2013**

Clerk of the Napa Superior Court  
By: C. Brennan  
Deputy

Dear Judge Price:

As required by Penal Code Section 933(c), enclosed is the response by the Board of Supervisors to the 2012-2013 Final Report Napa County Election Division. Responses by the Napa County Registrar of Voters were submitted under separate cover on July 24, 2013.

As referenced in the Grand Jury report, the Election Division is one of four Napa County divisions consolidated under one manager in 1998, with the Registrar of Voters being an elected official. The four divisions include the Assessor, Recorder, Clerk, and Registrar of Voters. This particular configuration is found in a few counties throughout the State; however, it is not uncommon to consolidate the Registrar of Voters with some other department. Because of questions that have been raised by Board members and the Grand Jury, the Board of Supervisors has scheduled a study session of the Election Division at its regular meeting on October 22, 2013. We look forward to engaging in a productive discussion with the Registrar of Voters and other stakeholders at this meeting.

The Board acknowledges the members of the 2012-2013 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Brad Wagenknecht.  
Brad Wagenknecht, Chairman  
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2012-2013 Grand Jury

**Brad Wagenknecht**  
District 1

**Mark Luce**  
District 2

**Diane Dillon**  
District 3

**Bill Dodd**  
District 4

**Keith Caldwell**  
District 5

NAPA COUNTY  
RESPONSE TO THE GRAND JURY FINAL REPORT ON  
ELECTION DIVISION  
FISCAL YEAR 2012-2013

**Finding 1:** The *ex-officio* Napa County ROV also serves as the elected Assessor/Recorder/Clerk. This places unique demands upon an official managing several consolidated divisions.

**Board of Supervisors Response:** The Board of Supervisors neither agrees nor disagrees with this finding. As pointed out in the response by the Registrar of Voters, it is not uncommon in California for an elected official or appointed manager to have multiple responsibilities.

**Finding 2:** The Grand Jury finds it concerning that the elected ROV is directly involved in supervising elections and validating ballots for which he is a candidate on the ballot.

**Board of Supervisors Response:** The Board of Supervisors disagrees with this finding. There have been no allegations of acting improperly during an election in which the ROV is a candidate. The ROV has no ability to manipulate the counting process.

**Finding 3:** The ROV could be an appointed stand-alone manager separated from the elected Assessor/Recorder/Clerk position and could be appointed by the BOS, as is the case in several other California counties.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

**Finding 4:** Currently there can be no significant oversight by an independently appointed Napa County Board of elections because the ROV is an elected county official.

**Board of Supervisors Response:** The Board of Supervisors agrees with this finding.

**Finding 5:** If the ROV were appointed rather than elected, there could be an independent County Board of Elections appointed to oversee that proper procedures are being followed for every election and that voters in Napa County are receiving timely and accurate election results.

**Board of Supervisors Response:** The Board of Supervisors disagrees in part with this finding. If the ROV were appointed rather than elected, the Board of Supervisors could appoint an advisory body to oversee that proper procedures are being followed for every election and that voters in Napa County are receiving timely and accurate election results. That advisory body would not be independent of the Board of Supervisors, but could advise the Board on election matters.

**Finding 6:** There is public interest in reporting interim election results. The ROV can release interim elections results, as is done other counties, providing for a more transparent election process.

***Board of Supervisors Response:*** The Board of Supervisors agrees that there is public interest in reporting interim election results and has scheduled a workshop at its October 22, 2013 meeting to discuss this in more detail.

**Finding 7:** In the last several years, Napa County has experienced closure of the vast majority of polling places and a switch to VBM for 85 percent of county registered voters.

***Board of Supervisors Response:*** The Board of Supervisors agrees with this finding.

**Finding 8:** Some voters and some elected officials in Napa County expressed dissatisfaction with the closure of a majority of local precincts and miss the participatory civic experience offered by local polling places.

***Board of Supervisors Response:*** The Board of Supervisors agrees with this finding.

**Finding 9:** A number of voters in Napa County are disgruntled at the lack of opportunity to provide input or feedback in regard to closing the majority of polling places.

***Board of Supervisors Response:*** The Board of Supervisors agrees with this finding.

**Finding 10:** There was a delay in receiving the ballot information pamphlets which may have led to some voters to mail in their ballots without sufficient information.

***See Response of the County Registrar of Voters previously submitted to the Grand Jury and set forth herein for convenience:*** I disagree that there was sufficient delay in receiving sample ballot pamphlets to force voters to mail in their ballots without sufficient information. Beginning with the November 7, 2006 election through the June 5, 2012 all vote by mail voters received their voter information pamphlets with their official ballots in the same envelope. All vote by mail ballots were delivered prior to the deadlines set forth in California election law. For the November 6, 2012 election, the number of ballot measures and candidate statements made it impossible to include the voter information pamphlet with the vote by mail official ballot in the same envelope. The separate sample ballot pamphlet which was mailed to the vote by mail voters arrived within 5 days of the receipt of the vote by mail ballot giving those voters an additional 17 to 24 days to review the information before having to mail or return their ballot in person. In less than 20 cases out of approximately 61,500 vote by mail voters, sample ballot pamphlets were delayed more than 5 days and to the best of my knowledge a sample ballot pamphlet was delivered to every voter prior to the deadline for mailing or returning their ballot.

***Board of Supervisors Response:*** The Board of Supervisors disagrees with this finding and incorporates by reference the response from the Registrar of Voters.

**Finding 11:** Logic and Accuracy testing of polling machines was carried out by Election Staff and election partners prior to the 2012 General Election. It was observed by the Grand Jury that proper procedures were followed.

**Board of Supervisors Response:** The Board of Supervisors is unable to agree or disagree with this finding because it has no direct knowledge of the testing performed.

**Finding 12:** The Grand Jury found that the transfer of ballots from county polling places to the Election Office and the handling and counting of polling place ballots on Election Day followed proper procedures.

**Board of Supervisors Response:** The Board of Supervisors is unable to agree or disagree with this finding because it has no direct knowledge of the procedures followed on Election Day.

**Finding 13:** Security measures for handling, maintaining chain of custody, storing and counting ballots appear to be adequate.

**Board of Supervisors Response:** The Board of Supervisors is unable to agree or disagree with this finding because it has no direct knowledge of the security measures.

**Finding 14:** The Grand Jury observed inconvenient access for the public to the election office facilities during the hectic general election periods. There is a need for more office storage space during the busy general election periods.

**Board of Supervisors Response:** The Board of Supervisors agrees that the current election office facilities are not ideal; however does not agree that more office storage space is needed during general election periods. The County's facility master plan envisions a consolidation of a number of general government functions including the Election Division.

**Finding 15:** The Grand Jury found that the Election Division has no formal archive of complaints from the public.

**Board of Supervisors Response:** The Board of Supervisors is unable to agree or disagree with this finding because it has no direct knowledge of a formal archive of complaints from the public.

**Recommendation No. 1:** The Napa County Board of Supervisors change the elected status of *ex-officio* Registrar of Voters to an appointed office.

**Board of Supervisors Response:** The recommendation requires further analysis. On September 15, 2009, the Board did an extensive review of the Election Division and concluded that it was more cost effective and efficient to remain as an elected position.

**Recommendation No. 2:** Upon the establishment of an appointed Registrar of Voters, the Napa County Board of Supervisors should establish an oversight committee of Napa County voters that would be charged with monitoring the performance and procedures of the Registrar of Voters.

**Board of Supervisors Response:** The recommendation requires further analysis. At its meeting on October 22, 2013 the Board will discuss the establishment of an advisory body however it is

important to note that the body will be charged with making recommendations to the Board of Supervisors – the delegation of oversight responsibilities cannot be abdicated under current law.

**Recommendation No. 9:** Napa County Board of Supervisors establishes an election office facility with more space for storing and processing ballots and easier access for the public.

**Board of Supervisors Response:** The recommendation requires further analysis. The County's facility master plan envisions a consolidation of a number of general government functions including the Election Division. The Board of Supervisors has prioritized the various components of the master plan placing the jail and the Health & Human Services Agency campus first with other space considerations taken into account as funding and conditions become available.