



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY 2012-2013

JUNE 24, 2013

FINAL REPORT

**NAPA COUNTY
ELECTION DIVISION**

TABLE OF CONTENTS

Letter to Supervising Judge	3
Letter to the Citizens of Napa County	4
Napa County Election Division	5
Summary	5
Background	6
Methodology	10
Discussion	11
Conclusion	16
Findings	16
Recommendation	18
Request for Responses	18



NAPA COUNTY GRAND JURY

P.O. BOX 5397
NAPA, CALIFORNIA 94581

June 24, 2013

The Honorable Mark S. Boessenecker
Supervising Judge
Superior Court of the State of California
County of Napa
825 Brown Street
Napa, California 94559

Re: 2012-2013 Grand Jury Final Report: Napa County Sheriff/Coroner

Dear Judge Boessenecker,

Pursuant of Section 933 (a) of the California Penal Code, the 2012-2013 Napa County Grand Jury submits its report on the Napa County Election Division.

Our investigation of this subject was conducted in a manner consistent with the California Penal Code, this Court's Charge, and the historic role of the Grand Jury, to pursue the interests of the residents of Napa County.

This is a sixth in a series of final reports we will be issuing during our term. I would like to acknowledge the good work and dedication of the Napa County Grand Jurors as demonstrated in this report.

Respectfully submitted,

Victor J. Connell
Foreperson
2012-2013 Napa County Grand Jury



NAPA COUNTY GRAND JURY

P.O. BOX 5397

NAPA, CALIFORNIA 94581

June 24, 2013

To the Residents of Napa County:

Our sixth 2012-2013 Grand Jury Final Report is on the Napa County Election Division.

The Napa County Office of County Counsel has reviewed this final report. The Napa County Superior Court Presiding Judge, pursuant to California Penal Code Section 933(a), has found that this report complies with California Penal code Part 2 Title 4.

Copies of this report are available for review in the Napa City-County Library and online at www.napa.courts.ca.gov (follow the link to the Grand Jury).

We hope you find this report informative. It is an honor and privilege to serve you during our 2012-2013 Grand Jury term.

Respectfully submitted,

The 2012-2013 Napa County Grand Jury

NAPA COUNTY ELECTION DIVISION

SUMMARY

Given the importance of the National Election of 2012 and an interest in following up the results of a previous grand jury report, the 2012-2013 Napa Grand Jury investigated the Napa County Election Division. During the course of its study, citizens' complaints were brought to the Grand Jury's attention regarding events before and during the November 2012 Election. These were included in the investigation.

Overall, the Grand Jury found that preparation and voting procedures for the November 2012 County General Election were proficiently carried out by Election Division staff. Election Division staff and polling place volunteers were observed by the Grand Jury to perform their duties in an effective and professional manner.

The Grand Jury recommends that the Registrar of Voters (ROV) be restored to an appointed position rather than an elected official. The office of the ROV should be made an independent department at a new location with more storage space, easier accessibility, with its own appointed manager and should be separated from the elected Assessor/Recorder/Clerk. This would permit the creation of a Napa County Election Board independent from the ROV to oversee county elections.

The Grand Jury notes that Napa County voters have expressed concerns regarding several election related issues, especially the ROV's decision to close the majority of Napa County polling places, the delay in prompt reporting of interim election results during the last election and the Vote-by-Mail system (VBM) in Napa County.

The Grand Jury recommends that the ROV publish periodic interim election results prior to the final certification that occurs 28 days after the election. Some observers of the county election process point out that it would be preferable to publish interim results regularly as the votes are counted so that citizens are fully aware of the tallying process, even though they are aware that final election results can change from the previous preliminary counts. This would enhance the transparency of the election process.

The Grand Jury has observed that the closing of the majority of polling places and the switch to VBM for the majority of county voters has resulted in a considerably reduced opportunity for citizens to interact with each other during election cycles. VBM relies heavily on the United States Postal Service (USPS) for the delivery of ballots and election materials, which are date sensitive.

Both supporters and critics of VBM share a common concern, namely, whether the ease and cost savings that VBM offers outweigh the benefits of greater civic participation in our electoral system and ballot security offered by voting at neighborhood polling places.

BACKGROUND

Election Division

Napa County Election Division is one of four Napa County divisions (Registrar of Voters, Assessor, Recorder, and Clerk) consolidated under one manager since 1998. In Napa County, John Tuteur serves this function as the elected Assessor-Recorder-County Clerk and the *ex-officio* Registrar of Voters. This consolidation of offices is unusual and is found in few other California counties. The duties of these four divisions are as follows:

Recorder

- Maintains official records to provide a public record and to give constructive notice of transactions relating to real property in Napa County
- Serves as the local registrar of marriages and keeps the birth and death records for the County
- Films and indexes all documents in order that copies may be prepared upon request
- Makes available to the public the records for property searches and for genealogical research

County Clerk

- Files and maintains indexes of non-court related documents, bonds, fictitious business name statements (FBN's)
- Issues marriage licenses

Assessor

- Locates and identifies the ownership of all taxable property in the county
- Determines the taxability of all property
- Determines the reappraisability of property when it changes ownership
- Determines the reappraisability of property that undergoes new construction
- Annually assesses all real estate in accordance with the California Constitution (Proposition 13)
- Annually assesses all taxable personal property at its fair market value
- Determines and applies all legal exemptions
- Surrenders an accurate assessment roll to the Auditor's Office prior to July 1 annually

Registrar of Voters

- Prepares and distributes election materials including sample ballot pamphlets and ballots
- Maintains voter registration rolls and election jurisdiction boundaries by supervisorial district, trustee area, agency boundary and precincts

- Conducts elections for County and other agencies (with full reimbursement of costs)
- Tallies and certifies results of elections
- Receives and maintains campaign reporting and conflict of interest filings
- Processes candidate nominations, statements and reporting

Napa County Election Division

- Provides voter registration materials to eligible residents of Napa County
- Distributes election-related deadlines and information to candidates, agencies and measure proponents
- Distributes absentee and polling place voting opportunities to registered voters
- Provides election and related statistics to the California Secretary of State
- Provides community education to increase voter registration and turnout.
- Trains poll workers to staff voting precincts
- Verifies and processes nominations and both local and statewide petitions
- Prepares, distributes and processes VBM ballots
- Equips voting precincts
- Tabulates election results

Since Napa County’s ROV is an elected official, this precludes the appointment of an independent Napa County Election Board that would be empowered to provide oversight as to the operations of the Election Division concerning procedures followed during elections. This essentially means that aside from an occasional and optional review by the sitting Napa County Grand Jury, the ROV is the only official with direct oversight of elections. The Grand Jury is concerned that the ROV is the sole and final arbiter of ballot inspection and verification for his own election.

Election Preparation and Procedures

In addition to interviewing Election Division staff, the Grand Jury observed its advance preparations and procedures for the November 2012 General Election. These included the distribution and handling of ballots, the testing and monitoring of elections equipment, the procedures for chain of custody during ballot transport from polling place to Election Office, the storage and safety of ballots, the counting of ballots and the visiting of several precinct polling places.

Testing

Preparations for county elections start many months in advance of Election Day. Materials are ordered and electronic voting machines and ballot counters are tested. This “Logic and Accuracy” testing (L&A) is the process by which voting equipment is

configured, tested, and certified for accuracy prior to an election through specific procedures defined by the California Secretary of State.

In Napa County, the participants in the L&A testing consist of Election Division staff, the ROV, Information Technology (IT) staff responsible for submitting election results to the Elections website, a hardware and software vendor for polling machines, and a voting equipment instructor for precinct workers.

The Grand Jury observed the testing of a random polling machine, its software and its security measures, all of which appeared to perform properly. The Grand Jury observed a demonstration of the automatic ballot counting machine, which separates valid ballots from those that need to be inspected manually before they are counted. The ballot counting machine performed properly during the observation.

Accuracy and Validation

Many of the boxes containing mail ballots are securely stored in the Election Office and counted automatically by the ballot counting machine. Incorrectly marked ballots and those in which the machine detects an error are removed for inspection. The remaining non-mailed ballots are either dropped off at polling stations or the Election Office. The Grand Jury observed that the Election Office storage area is limited, and boxes are stored against the walls in open areas throughout the office space.

Each ballot must have its signature on the envelope verified, then opened and reviewed by election personnel to make sure of its validity. The ROV personally inspects any return envelopes on which a signature has been challenged as not matching the signature on file from the original registration affidavit. The ROV is the sole and final arbiter of the validity of all ballots.

Volunteers

Volunteer poll workers assist the ROV and the Election Staff in conducting Napa County elections. The election process depends upon the professionalism of these citizen volunteers who are trained to manage the county polling places. The duties of volunteer poll workers include: picking up the blank ballots and voting equipment, setting up the equipment at the polling place, assisting voters and managing the voting process on Election Day, and returning the ballots to the central counting place after the polls close.

Responsibilities

In order to provide for the security of the ballots and voting equipment, the ROV oversees the following:

- Storing all voting equipment, memory cards, numbered seals and ballots in locked keypad rooms, accessible only to designated Election Division employees.
- Assigns poll workers to act as agents of the ROV. Poll workers are given an oath of office and swear to uphold the laws of the United States and the State of California.
- Establishes a documented chain of custody for the ballots and equipment. The ROV verifies that the chain of custody has not been broken. If there is a break in the chain of custody, the ROV takes steps to assure the integrity of the ballots and equipment.
- Secures the ballot containers with tamper-evident tape and then further seals the equipment with numbered, tamper-resistant seals before deployment to the poll workers. Election Division maintains a log of the seal numbers.
- Instructing poll workers to check that the seals on the equipment are not broken.
- The Election Division verifies that the number on the seal when the equipment is returned matches the number on the log for each machine.
- When the machine is returned to the election office on election night, should the seal be broken or if the number on the seal is different from the number on the Election Division log, the ballots are rescanned using a new memory card.

Complaints

Public complaints delivered verbally by office visit or phone calls, emailed, or posted by mail to the Election Division are handled either by Election Division personnel at the front desk or by the ROV personally. Although there is no formal record of complaints from the public, the Grand Jury was told by Election Division Staff that most of the complaints received related to voters unhappy with VBM, which occurred after the ROV closed most of Napa County polling places and implemented VBM for the vast majority of county voters. This has decreased the number of polling places in Napa County from 99 to 19. The decision was made unilaterally by the ROV without public hearings or opportunity for community input.

Facilities

The Election Division Office is located in downtown Napa at 900 Coombs. The office of the Election Division is on the third floor of the building by which street access is primarily via the alleyway of the Second Street Garage. An alternative of outside access for visitors is using a walkway from the third floor of the parking garage across to the third floor of the building. The Grand Jury thinks the location of the office and its lack of space hampers its accessibility to the public and is detrimental to the efficiency of operations, particularly during an election day. The Grand Jury observed numerous cars lining the alleyway to drop off ballots on the election night of November 2012. The Election Division staff performed commendably in keeping the process as efficient as possible and the inconvenience to the public at a minimum, but the office location creates a logistical problem for both the public and the staff.

In addition to access, the Grand Jury considers the offices interior space as problematic. Simply put, it is too small. The ROV is to be acknowledged for producing as many improvements as possible to assure the security of ballots and to establish comfort and privacy for the voters. However, given the limited amount of existing office space to carry out all the necessary and lawful responsibilities, it would be difficult to implement further improvements.

In spite of the new counter space for visitors and the reinforced partitions for storage, on election night voters were still lined up in the hallway as on previous voting days. Moreover, in an effort to facilitate ballot processing, and due to lack of Election Office space, an initial staging area was established by borrowing space from another department's office. In the Election Office, boxes of election materials were placed against the walls, narrowing the walking space between rooms.

The Grand Jury concludes the Election Division is in need of a better location and facility to properly serve Napa County citizens in the process of voting.

METHODOLOGY

The Grand Jury performed the following:

- Examined the Napa County Adopted Budget for the Registrar of Voters' Office for the last three years
- Reviewed and evaluated information contained in State and Napa County elections websites
- Reviewed Election Office procedures related to:
 1. Complaints
 2. Security
 3. Voter registration
 4. Tabulation and certification of election results
 5. Vote by Mail ballots and envelopes
 6. Election administration
 7. Training
 8. Receiving and verifying nominations and petitions
 9. Equipment operation
 10. Polling place accessibility

Interviews Conducted:

- Napa County Registrar of Voters
- Napa County Assistant Registrar of Voters
- Election Division permanent staff members
- Election Division volunteers
- Members of the Napa County Board of Supervisors and senior County staff

Observations:

- Logic & Accuracy testing procedures for November 2012 Election, including a demonstration of the accuracy of Napa County's touch-screen voting machines and the Election Division ballot counting machine
- Precinct worker training tools and orientation materials
- Procedures at select precinct polling places
- Tour of Election Division Office space, with attention to security measures and voting equipment
- Procedures at Election Division Office on Election Day

DISCUSSION

I. Elected vs. Appointed ROV

In examining the office of Registrar of Voters, the Grand Jury has taken note that the office has, since 1998, been made part of a combined elective office, that of Assessor, County Clerk and Recorder. Prior to that date the position was an appointive one. In 1997 the Board of Supervisors (BOS) passed legislation combining the four departments. It was believed there could be certain savings effected by the combination of the offices under one elected official. This office has been held by only one person since consolidation. The Grand Jury believes the 1997 decision of the Board of Supervisors should be re-evaluated. In very few other counties are important divisions, such as Election, consolidated with the demanding functions of the Assessor's office.

Reasons for Re-evaluation

After careful examination the Grand Jury questions the ability of a single Napa County manager to oversee the operations of all four consolidated divisions (ROV, Assessor, Recorder, Clerk). The responsibilities of the office are enormous and vital to the County. As manager of these consolidated offices, Mr. Tuteur has many demanding duties, as specifically detailed in the Background section of this report. He has been faced with the extraordinary County-wide changes affecting the division, such as declining property values with the necessity of tax reappraisals, increased State-mandated election changes, special elections and the elimination of most polling places. The Grand Jury notes that the problems with this organizational arrangement can be greatly exacerbated, especially during the hectic several months before general elections when the full and undivided attention of the ROV is absolutely required. During election cycles, the ROV is understandably focused on the Election Division for several months and thus is less available to supervise the other divisions. The Grand Jury notes that some counties have chosen to have election staff working under a separate elected or appointed ROV who is able to concentrate energies solely to election issues, without distraction from the demands of other divisions, even if there should be an increased cost attendant to that structure.

The Grand Jury's investigation found that periodically since 2006, the Napa County BOS and County staff have researched alternatives to the current situation of an elected official with so many other important division responsibilities serving as ROV. In 2009, County staff presented to the BOS a detailed evaluation of the office in which the County Executive's staff, after laying out the pros and cons of an elective vs. appointed ROV, concluded with the recommendation that the status quo be retained. At that time, the BOS followed that recommendation and took no action to change the office of ROV. The Grand Jury has learned, and it has also recently been reported in the local press, that County staff, at the behest of a member or members of the BOS, have once again prepared a detailed analysis of the office. In this most recent analysis the staff offers no recommendation whether the office should be retained as presently constituted or be changed to an appointed one. At the time of this writing, the Napa County BOS has discussed the matter and has tabled the issue until Fall 2013.

Advantages of an Appointed ROV

The Grand Jury finds there are several compelling advantages to changing the current elected position to an appointive one. First, the position is one which requires not only managerial competence but also, and as importantly, technical proficiency. Elections in California are in the process of change (witness the dramatic change of Napa County from a machine-based polling place electorate to one that is predominately VBM). Furthermore, California's recent decision to include electronic voter registration strongly suggests that another challenge to bring voting into the 21st Century will most certainly involve the greater use of Internet voting options. As a practical matter, it is far easier for an appointee for the position of ROV to be accurately screened and evaluated by the appointing body for those crucial technical and managerial proficiencies than by the electorate as a whole.

Second, we must consider the issue of the appearance of conflict of interest when the position is elective. In its interviews, the Grand Jury determined that the ROV is the final authority for determining the validity of improperly executed ballots, questioned signatures and other matters such as which polling places are to be closed and which are to remain open. This is the case whether or not the position of ROV itself is on the ballot. Changing the office to an appointive one would clearly obviate this appearance of conflict of interest.

Third, the appointive ROV's performance while holding the office would be appropriately scrutinized by the appointing body to ensure high-quality conformance with good practices and the will of the voters of the County. If the appointee's performance falls below legitimate expectations and problems or issues arise, an appointed position will allow appropriate and timely intervention by the appointive board. This rapid intervention is not possible when the position is held by an elected official and voters must await the next election cycle. Thus, accountability for ultimate performance would be shifted from one elected official to a more representative number. The Grand Jury believes greater and more timely scrutiny is necessary. Two recent developments which

occurred during the election of November 2012 are illustrative of this point as outlined below.

The Election of November 2012

During the course of its inquiry, the Grand Jury investigated the Election Division's procedures in collecting and recording each vote during the November 2012 election. Napa County registered voters had the option to cast their ballots, VBM, drop off at the precinct polls or deliver their ballots to the Election Division by 8:00 p.m. election night.

During the official canvass of the November 2012 election, the Grand Jury received complaints from citizens and elected officials regarding two points:

- A. The closure of precinct polling locations and,
- B. The delay in providing timely interim election results.

As part of its investigation, the Grand Jury followed up on these issues.

A. Closure of Polling Places

There have been citizen complaints regarding the closure of the majority of Napa County polling places. The Grand Jury determined that there was little, if any, public input or discussion sought by the Election Division in reaching its decision to eliminate 80 of the previous 99 polling precincts during the November 2012 election. Some voters express concern that they were unable to find their polling place, that the distance to the polling place was too great for some voters while others missed the assistance offered at their former polling places. The Grand Jury makes no judgment on whether the benefits of closing the polling precincts outweigh the disadvantages. Nonetheless, the Grand Jury notes the voices of voters were not given opportunity for proper input on this decision and this is a concern in our local government that is intended to be of, by, and for the people.

The Election Division's stated purpose in reducing polling places and replacing them with VBM was twofold: (1) increase voter turnout and (2) reduce the costs of elections. In regards to the first point, voter turnout and registration increased though it cannot be determined with certainty whether this was due to VBM or the generally increased interest among voters in a national election. The reduction of polling precincts from 99 to 19 resulted in a significant increase in VBM ballots. In the November 2012 election, 85 percent of the registered voters in Napa County utilized VBM.

The percentage of both registered voters and VBM voters has increased steadily in the past few years. In the May 2009 Napa County Election, 68 percent of county registered voters were VBM voters. Subsequent elections showed that VBM increased to 73 percent in the June 2010, 78 percent in the November 2010, and 74 percent in the June 2012. In the most recent November 2012 election, 85 percent of registered voters were

VBM. This represents a 2.7 percent increase in countywide registration and a jump of 28 percent of VBM voters from May 2009.

The VBM process of 2012 was not totally trouble-free. The largest single concern voiced was the voter information pamphlet being delivered up to one week later than the ballots. The Election Division acknowledged the issue and will attempt to make changes in order to prevent the situation from recurring. The Election Division is in discussion with postal officials regarding coordinating delivery dates, and getting ballots/pamphlets to voters and then back to the Election Division within the time frame required by the California Elections Code.

B. Interim Election Results

As part of the investigation regarding complaints of limited release of interim election results, the Grand Jury interviewed members of the Election Division staff. The staff identified several issues they encountered when processing the 57,672 ballots of the November 2012 election. Signature comparisons of the voter registration form had to be matched to each of the mailed ballots in order to comply with the California Election Code. Ballots then had to be examined for errors committed by voters. Such errors included erasures, crossing out ballot marks for candidates and propositions, applying a whiteout-type product on the ballot and using a pencil or pen not dark enough for the vote counting machine to recognize. The aggregate of these ballot errors can slow down the vote count.

As ballots were processed through the ballot counting machine, the Election Division staff selected a random number of processed ballots and recounted them by hand, as mandated by California Elections Code. The hand-counted ballots were then compared to the count registered by the ballot counting machine in order to confirm the vote counting accuracy. Ballots received by the USPS offices within Napa County were held for the Election Division officials up to and until the eight p.m. deadline on election night, and the same procedure was applied to the ballots from the California Veterans Home and Napa State Hospital.

Of the hundreds of ballots the Election Division staff carefully examined, any questionable ballots were forwarded to the ROV himself for inspection and final acceptance or rejection. The Election Division Staff acknowledges that delays are an intrinsic part of the election process, but their primary commitment is to insure that each vote is counted accurately. They insist that the pursuit of timely election reporting should never be compromised by an inadequate or incomplete count.

The Grand Jury completely agrees with the Election Division's goal that election voting results accuracy is the highest priority. However, the Grand Jury found that the Napa County Election Division intentionally did not update interim election results between the unofficial preliminary election results released on Election Day, and the publishing of the final certified results several weeks later. During this period, many citizens and

candidates running for election in close races found the lack of interim reporting to be frustrating. The Grand Jury found that it is entirely feasible to release interim vote tabulations (as is done routinely in many other counties) without compromising accuracy and at the minimal cost of hiring several temporary personnel for a few days.

The Grand Jury found that in Napa County it is solely up to one individual, the ROV, as an elected official to decide whether or not the Election Division releases voting results on an interim basis prior to final tally certification. The Napa County ROV stated he decided not to release interim results because interim results are unofficial, and thus have no predictive bearing on the final outcome of races, despite the wishes of many County voters to see interim results.

The Grand Jury observed that other counties choose to release interim election results, especially in cases when the preliminary results foreshadow a close election due to public interest in the election results and to facilitating those likely to be elected to plan a start on their duties. Many outside election observers point out that it is generally preferable to publish interim election results so that citizens can monitor the tallying process. This enhances and facilitates the transparency of the election process.

The ROV may be concerned that interim ballot results might wrongly be construed prior to final election results. However, the Grand Jury believes such concerns can be addressed by the inclusion of cautionary language as the interim results are published. The ROV can explain to the public the results are not yet official and changes or corrections might occur during the process of determining the official final count. Several Napa County officials and candidates for elected office stated they supported the release of interim election results prior to the final ballot certification, which occurred 28 days after the election as mandated by the State.

II. County Elections Board

This brings into consideration yet another significant advantage to returning the position to an appointive one. Concern has been raised with some frequency regarding the insensitivity of the office in responding to voters' complaints, such as the summary closing of polling places without proper public input and the adamant position taken against release of interim voting results, information to which the voter and candidates are entitled. A significant advantage of the change to appointive from elective would be the ability of the BOS to create a County Elections Board that could address such issues.

Such a board would be designed to oversee the Election Division to insure that the county election process is conducted transparently and that public concerns are heard and appropriately acted upon. As it currently stands, with an elected county ROV, the only independent oversight of county elections is the sitting Grand Jury. With its many other county "watchdog" duties, it is impossible for the sitting Grand Jury to review every county election cycle in detail. The operation of a smooth, responsive election process is essential to a well-functioning democracy. It is almost inconceivable that an office with these most important and challenging responsibilities is not subject to periodic audit and

oversight by independent citizens board charged with that particular responsibility. An ROV, whether elected or appointive, should welcome this validation. The Grand Jury recommends the transition of the Registrar of Voters for the County of Napa to an appointive position and further, the appointment of an independent oversight Elections Board as described above. A board that is representative of the whole county would enhance voter confidence in the entire election process.

Conclusion

The Napa County Grand Jury considers voting germane to the concept of American citizenship, and sees an opportunity to improve the voting experience of its fellow citizens in Napa County. The issue of having an appointed ROV rather than an elected ROV is too important to ignore. Moreover, this change needs to be considered in conjunction with its crucial corollary, namely the establishment of a County Election Board charged with the responsibility of overseeing County elections.

If the Grand Jury were merely concerned whether the ROV followed the official legal requirements of the office, perhaps an elected ROV would suffice. However, there have been issues regarding County voters' particular preferences and needs, which have been treated as inconsequential by the ROV. This failure to respond to citizens' voting concerns could be prevented by having a ROV who (1) is not responsible for managing other County Divisions, (2) is appointed, (3) is informed by an independent Elections Board and, (4) maintains an accountable complaint system.

The Grand Jury acknowledges the County staff report that stated the proposed change of an appointed ROV versus an elected position might contribute to additional Election Division costs. However, those costs are offset by greater transparency and accountability in the election process.

FINDINGS

- F1.** 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.
- F2.** 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.
- F3.** 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.
- F4.** Currently there can be no significant oversight by an independently appointed Napa County Board of Elections because the ROV is an elected county official.

- F5.** 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.
- F6.** There is public interest in reporting interim election results. The ROV can release interim elections results, as is done in other counties, providing for a more transparent election process.
- F7.** 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.
- F8.** 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.
- F9.** 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.
- F10.** 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.
- F11.** 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.
- F12.** 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.
- F13.** Security measures for handling, maintaining chain of custody, storing and counting ballots appear to be adequate.
- F14.** 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.
- F15.** The Grand Jury found that the Election Division has no formal archive of complaints from the public.

RECOMMENDATIONS

- R1.** The Napa County Board of Supervisors change the elected status of *ex-officio* Registrar of Voters to an appointed office.
- R2.** 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.
- R3.** The Napa County Election Division publishes periodic interim election results in addition to the initial voting results on Election Day.
- R4.** The Registrar of Voters solicits voter input regarding the reduction of polling precincts in favor of vote by mail.
- R5.** The Registrar of Voters solicit input from voters through a vigorous media campaign, flyers to registered voters, as well as an online survey to determine how and where Napa citizens choose to vote.
- R6.** The Registrar of Voters ensure that voter pamphlets and ballots are received at the same time.
- R7.** The Registrar of Voters publish the voter information pamphlet on the Election Division website.
- R8.** The Election Division create an archive of public concerns and/or complaints and its responses thereto.
- R9.** Napa County Board of Supervisors establishes an election office facility with more space for storing and processing ballots and easier access for the public.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from as follows:

From the following individuals:

- Napa County Registrar of Voters: **R3, R4, R5, R6, R7, R8.**

From the following governing bodies:

- Napa County Board of Supervisors: **R1, R2, R9.**