



A Tradition of Stewardship
A Commitment to Service

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Clerk of the Napa Superior Court
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JOHN TUTEUR
ASSESSOR-RECORDER-COUNTY CLERK

July 24, 2013

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

VIA ELECTRONIC MAIL

Re: 2012-2013 Grand Jury Final Report: NAPA COUNTY ELECTION DIVISION

Dear Judge Price:

Pursuant to Penal Code 933 (c) " . . . every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls . . ."

I am herewith submitting my response to the Final Report "Napa County Election Division" dated June 24, 2013.

Please let me know if a hard copy of my response is required.

Sincerely,


JOHN TUTEUR
NAPA COUNTY ASSESSOR-RECORDER-COUNTY CLERK

Cc: Napa County Board of Supervisors

RESPONSE OF JOHN TUTEUR
ASSESSOR RECORDER COUNTY CLERK
TO NAPA COUNTY 2012-2013 GRAND JURY
FINAL REPORT
"NAPA COUNTY ELECTION DIVISION"

GENERAL COMMENTS

I want to express my appreciation to the Grand Jury Committee that carried out the review of our office for the cooperative way in which they performed their duties. I want to acknowledge on behalf of our staff the Grand Jury's very positive comments about their "proficiency." I want to acknowledge on behalf of our dedicated poll workers the Grand Jury's compliments on their "effective and professional manner."

Before proceeding to the required discussion of the Findings and Recommendations, there are several points in the text of the report that need clarification.

- 1) Summary Paragraph 3 line 1 and 2 – Page 5 – "The Grand Jury recommends that the Registrar of Voters (ROV) be restored to an appointed position rather than an elected official."

Clarification: The elected County Clerk has served as the ex-officio Registrar of Voters for at least 150 years. To the best of my knowledge, there has never been an appointed ROV since the founding of the county in 1850.

- 2) Background-Election Division- Paragraph 1 lines 4 and 5 Page 6– "This consolidation of offices is unusual and is found in few other California counties."

Clarification – There are 8 other Assessor-Recorder-County Clerk combined offices in California. Another 37 counties have some form of consolidated Registrar of Voters. There are only 12 out of the 58 counties which have County Clerk or other form of standalone elections office. **Attachment 1**

- 3) Discussion – I. line 3 Page 11 – "Prior to that date (Note: the date is referring to the most recent consolidation of offices which took place on January 10, 1998) the position (Note: reference to ROV) was appointive one."

Clarification - See comment under Summary No. 1 above. The elected Napa County Clerk ex officio ROV was first combined with the elected Recorder in the late 1980s when the court function of the County Clerk was shifted to an independent state judiciary.

- 4) Discussion – I. line 8 and 9 Page 11 "In very few other counties are important divisions, such as Election, consolidated with the demanding functions of the Assessor's office."

Clarification - See comment Background 2. In addition to Assessor, elections are also

combined with Auditor-Controller, Treasurer-Tax Collector and Recorder in other counties.

Attachment 1

- 5) Discussion I. B. Closure of Polling Places Paragraph 2 lines 1 and 2 Page 13 “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.”

Clarification – There was only one reason for converting voters from polling place to Vote by Mail (VBM) as pointed out in materials published at the time. Long lines formed at many polling places during the November 7, 2006 election. Many voters were not able to wait 45 to 90 minutes to cast their ballot and turned away without voting. The worst thing that can happen to a Registrar of Voters is to have motivated voters who are unable to cast their ballot. If we had lines in the lower turnout gubernatorial election in 2006, there could have been chaos in the much higher turnout Presidential election in November 2008. The conversion to VBM worked because there were no lines at any polling places during the Presidential election on November 4, 2008. **Attachment 2**

- 6) Conclusion Paragraph 2 lines 2, 3, 4 Page 16 “However, there have been issues regarding County voters’ particular preferences and needs, which have been treated as inconsequential by the ROV.”

Clarification – The ROV must weigh the benefit of the voting public in general against the preferences and needs of individual voters. Beginning in 2007 and extending to the current time, the ROV has personally responded to several hundred phone calls, letters, e-mails and personal visits from voters who were concerned about the loss of their polling place. **Attachment 3**

FINDINGS

Pursuant to California Penal Code 933.05(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

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.

RESPONSE: I disagree. It is clear that being an elected official with multiple responsibilities is the norm rather than the exception in California. 42 of California’s 58 registrars of voters are elected. Of those 42 elected registrars, 37 hold some form of consolidated position. Of those 37, nine are consolidated assessor-recorder-county clerk departments. Of the 16 appointed

registrars, only 8 are not part of other divisions. Of those 8, 6 are in counties with voter registration over approximately 500,000 voters. In Los Angeles County, the largest election jurisdiction in the United States, the appointed registrar also functions as the Recorder and County Clerk. **Attachment 1**

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.

RESPONSE: I disagree with this finding. 72.4% of California's registrars are elected. To the best of my knowledge, there has never been any allegation that an elected registrar has acted improperly during an election during which that registrar is running for re-election. As the Grand Jury notes in its report, the Napa County Election Division runs logic and accuracy processes on the vote counting equipment. The counting itself is handled by staff of the division with minimal oversight by the registrar. The registrar, elected or appointed, has no ability to manipulate the counting process. When determining the validity of signatures on a return ballot envelope, the registrar does not know how the ballot contained in that sealed envelope was cast. When reviewing provisional ballot envelopes to determine if they can be counted, the registrar decides based on the sealed provisional envelope without knowing how the provisional ballot was cast.

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

RESPONSE: I agree that the Napa County Board of Supervisors has the authority under Government Code section 26802.5 to create an appointed Registrar of Voters. I disagree in part because there is only one other California general law county with 35,132 registered voters that has a stand-alone Registrars of Voters reporting directly to the Board of Supervisors. In most other general law counties, the appointed registrar of voters reports either to the County Executive Officer or is a division of another agency.

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.

RESPONSE: I agree that under existing law an elected county official serving as registrar of voters cannot be overseen by an independently appointed Napa County Board of Elections.

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.

RESPONSE: I disagree with the implication that, under current law, an appointed Registrar of Voters could be overseen by an independently appointed Napa County Board of Elections. I do not believe that under current law the Board of Supervisors could delegate their oversight

responsibility of an appointed registrar of voters to anyone other than the County Executive Officer or another department or division head reporting to the Board of Supervisors or the County Executive Officer.

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.

RESPONSE: I disagree that there is broad public interest in reporting interim election results. I agree that candidates, their supporters and the entities to which a candidate stood for election may have interest in interim election results if the contest is close. However, everyone knows that the results are not final until certified. I agree that the ROV can release interim election results. We will be providing to the Board of Supervisors at the October 22, 2013 study session the results of a survey of the 16 other counties that use our vote tabulation system regarding their release of interim results.

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.

RESPONSE: I agree that since the November 7, 2006 election the number of polling places has been reduced from 99 to 19 and that the percentage of vote by mail voters has increased from approximately 38% to 85% as of November 6, 2012. There are two primary reasons for this change. First, since January 1, 2000 any voter has been able to request permanent vote by mail status. As of July 16, 2013 40,564 or approximately 57 per cent of Napa County's 71,012 registered voters have chosen to vote by mail. Second, on November 7, 2006 during the gubernatorial general election long lines formed at a number of polling places in Napa County. More than 100 registered voters left those polling places without casting their ballots because they could not wait the 45 minutes to 90 minutes to vote. In response to that situation and knowing that the November 4, 2008 Presidential election would have a much higher turnout, the Registrar of Voters converted a number of precincts to vote by mail. This conversion was authorized by law because many of the registered voters in these precincts had chosen to vote by mail thus leaving 250 or fewer voters who still used a polling place.

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.

RESPONSE: I agree that approximately 300 voters have contacted me directly concerned about the closure of their polling place. This represents approximately 1.5% of the approximately 21,000 voters who were converted to vote by mail. I have responded personally to each one of those voters and explained that they can still participate in the civic experience of voting by gathering their family around the kitchen table as they fill out their ballots and then take the family with them when they drop off their voted ballot in its sealed return envelope at any of our remaining polling places, our central office or one of the 5 vote by mail assistance centers that have been open since the June 3, 2008 election.

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.

RESPONSE: I disagree. I have not had a single voter complain that they have been unable to reach me regarding their concern about the closure of polling places. To the best of my knowledge I have responded to every voter who has contacted me with such a concern and explained in details my reasons. **Attachment 2**

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.

RESPONSE: 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.

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.

RESPONSE: I agree and appreciate the Grand Jury recognizing the efficiency and accuracy of our staff and our ballot tabulation system.

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.

RESPONSE: I agree and appreciate the Grand Jury recognizing the efficiency and accuracy of our poll workers, staff and our ballot tabulation system.

F13. Security measures for handling, maintaining chain of custody, storing and counting ballots appear to be adequate.

RESPONSE: I agree and appreciate the Grand Jury mentioning the measures that were instituted following an earlier Grand Jury and internal task force review of our office in 2005.

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.

RESPONSE: I agree that the current election office location and layout is not ideal. To mitigate the situation the Registrar of Voters has instituted a number of measures to increase voter access. In 2012 we reconfigured our limited office space to increase our front counter space from one workstation to five workstations and to create an accessible counter for the disabled. To reduce the need for voters to come to our office, we have opened 5 vote by mail assistance centers, one in each of the municipalities. We have also instituted drive-through voting at our central office and the Napa vote by mail assistance center. For the 2014 election cycle we are going to improve the method of dropping off ballots at every polling place. We will also be opening at least two additional vote by mail assistance centers in the City of Napa. I disagree that storage space is an issue during busy general election periods. We are able to manage the large amounts of supplies that we receive without impacting public access and without hindering the efficiency of our staff. I agree that the system looks somewhat disorganized, but it works smoothly.

F15. The Grand Jury found that the Election Division has no formal archive of complaints from the public.

RESPONSE: I disagree that the Election Division has no formal archive of complaints from the public. From 2004 to 2006 when electronic voting was still an accepted method for general voting in California, the division logged every instance of an issue with that system. Since electronic voting has been cut back to one machine at each polling place and early voting has been made too difficult to conduct because of regulations promulgated by the California Secretary of State, we continue to log any issues with our remaining electronic machines. Of course there are fewer issues with electronic voting because we went from approximately 23,500 voters using electronic voting on November 7, 2006 to 3 (three) voters using electronic voting on November 6, 2012. We also log all complaints received from the Secretary of State hotline on our shared drive. In addition, the Registrar of Voters has logged, and responded to, all messages received from voters about polling place closure, conversion to vote by mail and other issues. **Attachment 3**

RECOMMENDATIONS

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1)** The recommendation has been implemented, with a summary regarding the implemented action.
- (2)** The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3)** The recommendation requires further analysis, with an explanation and the scope and parameters

of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

R3. The Napa County Election Division publishes periodic interim election results in addition to the initial voting results on Election Day.

RESPONSE: This recommendation requires further analysis. The Registrar of Voters is conducting a survey of the 16 counties which use the same ballot tabulation and vote reporting system. The results of that survey will be reported to the Board of Supervisors at a study session on October 22, 2013. Following that session the Registrar of Voters will review the current policy on not releasing interim results between the election night result and the final certified result.

R4. The Registrar of Voters solicits voter input regarding the reduction of polling precincts in favor of vote by mail.

RESPONSE: The recommendation will not be implemented because it is not warranted or is not reasonable. The Registrar of Voters is responsible for ensuring that every voter can exercise their franchise during every election. Decisions about converting polling places to vote by mail will continue to be made in conformance with California election law based on the greatest good of the greatest number of voters. Unfortunately, California law and current regulations imposed by the Secretary of State does not permit a voter in a vote by mail precinct to have the opportunity to vote at a polling place. The only alternative available to that voter other than mailing their ballot is to deliver their voted ballot in its sealed and signed envelope to any polling place, a vote by mail assistance center or the Election Division office. Vote by mail assistance centers and the Election Division office are open the weekend before the election, the Monday before Election Day as well as from 7 a.m. to 8 p.m. on Election Day. The Registrar of Voters will continue to respond to every voter who raises a concern about the closing of polling places or conversion to 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.

RESPONSE: The recommendation has been implemented. Under our Federal and State constitutions every citizen has the right to register to vote and every registered voter has the right to cast a ballot. Under California election law, voters have the choice of becoming a permanent vote by mail voter either at the time they register to vote or on multiple other occasions once they are registered. The Registrar of Voters has conducted a series of mailings to polling place voters over the past 6 years offering them the opportunity to become permanent vote by mail voters. Such mailings will continue on a regular basis.

Voters who are not permanent vote by mail voters can choose to vote by mail for each election using their sample ballot booklet or the Election Division website. For those voters who do not choose to become permanent vote by mail voters, California law, in limited circumstances, gives the Registrar of Voters the authority to determine how each remaining registered voter receives their ballot whether by mail or at a polling place. That authority rests with the Registrar of Voters because that office is responsible for making sure the voting experience of all voters is smooth and efficient.

R6. The Registrar of Voters ensure that voter pamphlets and ballots are received at the same time.

RESPONSE: The recommendation has been implemented. From November 6, 2006 through June 5, 2012 all vote by mail voters received their voter information pamphlet with their official ballot in the same envelope. We will continue to use that system whenever the size of the voter information pamphlet allows it to be included with the official ballot in the same envelope. When the size of the voter information pamphlet does not permit it to be included, we will continue to work with the United States Postal Service to coordinate the delivery of the two pieces of mail. For the November 6, 2012 Presidential election the separate sample ballot (voter information) pamphlets arrived for the great majority of vote by mail voters within 5 days of the date they received their official ballot.

R7. The Registrar of Voters publish the voter information pamphlet on the Election Division website.

RESPONSE: The recommendation requires further analysis. The Registrar of Voters has been reviewing the publication of the voter information pamphlet on the election division website in a manner so that each voter can access the correct voter information pamphlet in the language they have requested. We will survey those counties that do publish their sample ballot pamphlets to see how many voters access the pamphlet on those websites. We will make a final decision on this recommendation prior to December 1, 2013.

R8. The Election Division create an archive of public concerns and/or complaints and its responses thereto.

RESPONSE: The recommendation has been implemented. Communications that contain a concern or complaint and the response to that communication are logged into our Election Division shared drive. With very few exceptions those communications and responses are public records. **Attachment 3**

COUNTY	REG VOTERS	CHARTER/GENL LAW	STATUS
ALAMEDA	816,942	CHARTER	APPOINTED
ALPINE	771	GENERAL LAW	ELECTED
AMADOR	21,453	GENERAL LAW	ELECTED
BUTTE	121,388	CHARTER	ELECTED
CALAVERAS	28,763	GENERAL LAW	ELECTED
COLUSA	7,663	GENERAL LAW	ELECTED
CONTRA COSTA	530,360	GENERAL LAW	ELECTED
DEL NORTE	12,239	GENERAL LAW	ELECTED
EL DORADO	110,206	CHARTER	ELECTED
FRESNO	415,276	CHARTER	ELECTED
GLENN	12,266	GENERAL LAW	ELECTED
HUMBOLDT	79,708	GENERAL LAW	ELECTED
IMPERIAL	60,690	GENERAL LAW	APPOINTED
INYO	9,922	GENERAL LAW	ELECTED
KERN	332,711	GENERAL LAW	ELECTED
KINGS	48,485	GENERAL LAW	ELECTED
LAKE	35,132	GENERAL LAW	APPOINTED
LASSEN	13,932	GENERAL LAW	ELECTED
LOS ANGELES	4,865,403	CHARTER	APPOINTED
MADERA	53,782	GENERAL LAW	ELECTED
MARIN	154,250	GENERAL LAW	APPOINTED
MARIPOSA	10,613	GENERAL LAW	ELECTED
MENDOCINO	48,993	GENERAL LAW	ELECTED
MERCED	98,874	GENERAL LAW	ELECTED
MODOC	5,273	GENERAL LAW	ELECTED
MONO	6,000	GENERAL LAW	APPOINTED
MONTEREY	168,245	GENERAL LAW	APPOINTED
NAPA	71,522	GENERAL LAW	ELECTED
NEVADA	61,557	GENERAL LAW	ELECTED
ORANGE	1,397,665	GENERAL LAW	APPOINTED
PLACER	208,025	CHARTER	ELECTED
PLUMAS	13,012	GENERAL LAW	ELECTED
RIVERSIDE	93,395	GENERAL LAW	APPOINTED
SACRAMENTO	697,505	CHARTER	APPOINTED
SAN BENITO	26,694	GENERAL LAW	ELECTED
SAN BERNARDINO	869,637	CHARTER	APPOINTED
SAN DIEGO	1,575,770	CHARTER	APPOINTED
SAN FRANCISCO	497,663	CHARTER	APPOINTED
SAN JOAQUIN	293,957	GENERAL LAW	APPOINTED
SAN LUIS OBISPO	156,516	GENERAL LAW	ELECTED
SAN MATEO	360,786	CHARTER	ELECTED
SANTA BARBARA	197,675	GENERAL LAW	ELECTED
SANTA CLARA	817,310	CHARTER	APPOINTED
SANTA CRUZ	158,244	GENERAL LAW	ELECTED
SHASTA	98,013	GENERAL LAW	ELECTED
SIERRA	2,223	GENERAL LAW	ELECTED

SISKIYOU	25,582 GENERAL LAW	ELECTED
SOLANO	210,453 GENERAL LAW	APPOINTED
SONOMA	261,706 GENERAL LAW	ELECTED
STANISLAUS	231,870 GENERAL LAW	ELECTED
SUTTER	41,760 GENERAL LAW	ELECTED
TEHAMA	30,485 CHARTER	ELECTED
TRINITY	7,846 GENERAL LAW	ELECTED
TULARE	144,863 GENERAL LAW	ELECTED
TUOLUMNE	32,101 GENERAL LAW	ELECTED
VENTURA	431,154 GENERAL LAW	ELECTED
YOLO	101,849 GENERAL LAW	ELECTED
YUBA	29,044 GENERAL LAW	ELECTED

COMBINATION
CHIEF INFORMATION OFFICER DIVISION
COUNTY CLERK-CLERK OF THE BOARD
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY CLERK
ASSESSOR-RECORDER-COUNTY CLERK-CLERK OF THE BOARD
COUNTY CLERK-RECORDER
COUNTY EXECUTIVE OFFICE DIVISION
COUNTY CLERK-RECORDER
AUDITOR CONTROLLER-COUNTY CLERK
ASSESSOR-RECORDER-COUNTY CLERK
NONE
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY EXECUTIVE OFFICE DIVISION
TREASURER-TAX COLLECTOR-COUNTY CLERK
ASSESSOR-RECORDER-COUNTY CLERK
ASSESSOR-RECORDER-COUNTY CLERK
AUDITOR CONTROLLER-COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
NONE
ASSESSOR-RECORDER-COUNTY CLERK
COUNTY CLERK-RECORDER
NONE
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY EXECUTIVE OFFICE DIVISION
NONE
AUDITOR CONTROLLER-RECORDER-COUNTY CLERK
NONE
NONE
NONE
CHIEF INFORMATION OFFICER DIVISION
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
ASSESSOR-RECORDER-COUNTY CLERK
ASSESSOR-RECORDER-COUNTY CLERK
NONE
COUNTY CLERK
COUNTY CLERK
COUNTY CLERK-RECORDER-CLERK OF THE BOARD

COUNTY CLERK-CLERK OF THE BOARD
CHIEF INFORMATION OFFICER DIVISION
ASSESSOR-RECORDER-COUNTY CLERK
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
COUNTY CLERK-RECORDER-CLERK OF THE BOARD
ASSESSOR-RECORDER-COUNTY CLERK
AUDITOR-CONTROLLER-TREASURER-TAX COLLECTOR
AUDITOR-CONTROLLER-COUNTY CLERK
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER
COUNTY CLERK-RECORDER



JOHN TUTEUR
REGISTRAR OF VOTERS

NAPA COUNTY ELECTION DIVISION
900 Coombs St Rm 256 NAPA CA 94559-2936
PHONE 707.253.4321 FAX 707.253.4390

AN EXPLANATION OF CONVERSION TO VOTE BY MAIL

You are among 14,190 voters, approximately 21% of total registered voters, who are being converted to vote by mail to meet my obligation to all Napa County voters to provide a secure and convenient means of casting their secret ballot. California law provides that the Registrar of Voters may convert a precinct to vote by mail if fewer than 250 voters would vote at that polling place. By reducing our number of polling places from 58 to 51 physical locations, we are able to reallocate our pollworkers and our voting equipment and supplies to accommodate those voters who still use our remaining polling places. Having converted myself to a vote by mail voter, I understand the concern about not having the option to vote at a polling place, but I felt I had to do what was best for all voters. We will be providing 4 Voter Assistance Centers in addition to our 51 polling places to accommodate the needs of vote by mail voters. The Voter Assistance Centers will be open from 8:30 AM to 4:30 PM both weekend days before the election, 8 AM to 5 PM on the Monday before the Election and 7 AM to 8 PM on Election Day.

I am responsible for all voters having a trouble-free voting experience at their polling place. In November 2006 we had long lines at several polling places in Napa County. I estimate that more than one hundred voters turned away without voting when they encountered waits of up to one hour to vote. I have taken a number of steps to avoid even one frustrated voter during the upcoming, high-turnout Presidential election in November 2008. Saving money was not a factor in this decision. Any savings from closing 9 polling places are offset by new costs for sending and paying the return postage on thousands of vote by mail ballots.

Several voters have expressed concern about the secrecy of a vote by mail ballot which is delivered to us in a return envelope with your name, address and signature. We need the signature to verify that the person who voted the ballot is the same person who registered to vote. We verify your signature by comparing it to the image in our database of your signature on your registration affidavit. To protect the secrecy of the ballot during processing, your folded ballot is removed from the signed envelope and placed together with other folded ballots on the table; the envelopes are put aside for eventual recycling. Only when all envelopes are off the table do poll workers unfold the ballots to make sure that the voter has followed ballot marking instructions so that our optical scanner can read it.

MORE ON REVERSE

There is a myth that vote by mail ballots do not count or are counted so late as to not influence the election. Approximately two-thirds of all registered voters in Napa County now vote by mail. At least half of those ballots are received and processed prior to Election Day. In the February 5, 2008, Presidential Primary Election, two-thirds of the Election Night count were vote by mail ballots and those results were released first at 8:05 p.m. Vote by mail ballots received shortly before or on Election Day will be processed and counted before the certified results of the election are released. Although preliminary results are typically released on Election Night, the results of any contest or measure are not final until the election results are certified. I can assure every voter that their vote will be counted as long as it is received in our office or at a Voter Assistance Center or at any of our 51 polling places before 8:00 p.m. on Election Day. Postmark does not count for vote by mail ballots.

Several voters have expressed concern about having to fill out and mail their vote by mail ballot by the Friday before Election Day to make sure it is received timely through the mail. If you like to hear all the arguments and watch all the ads right up to Election Day, you have the option of waiting until Election Day to complete and deliver your ballot to a Voter Assistance Center, one of our 51 polling places or to our office any time between 7 AM and 8 PM on Election Day. We will provide a list of the nearest Voter Assistance Center and the two nearest polling places to your home along with your vote by mail ballot. I do ask that the voter complete his or her ballot, seal it in the return envelope and sign the return envelope before entering the polling place so that dropping it off will be easy and quick.

I want to emphasize that the Election Division **does** pay the return postage for vote by mail voters who no longer have a polling place. Persons who have a concern about leaving a voted ballot for pick up in their mail box or by their carrier should drop their ballot in a postal collection box. Return ballot envelopes are marked with identifying logos to ensure special handling by post office personnel.

Voters may call our office at (707) 253-4322 or 1 (888) 494-8356 toll free from upvalley and American Canyon to confirm their ballot has been received by our office. You can also check on our Web site www.co.napa.ca.us to see if the ballot was received. Receipt of ballots should be updated by the last week in May for ballots mailed prior to that time.

Should you have any questions please contact Napa County Registrar of Voters John Tuteur at (707) 253-4459 or by e-mail jtuteur@co.napa.ca.us.



NAPA COUNTY

**ASSESSOR-RECORDER/COUNTY CLERK
ELECTIONS DIVISION**

JOHN TUTEUR
REGISTRAR OF VOTERS

900 Coombs St Rm 256 NAPA CA 94559-2936
PHONE 707.253.4321 FAX 707.253.4390

TO: NEW VOTE-BY-MAIL VOTERS
FROM: JOHN TUTEUR, REGISTRAR OF VOTERS
RE: CONVERSION TO VOTE-BY-MAIL
DATE: February 25, 2008

For the **June 3, 2008, Direct Primary Election** and the November 4, 2008 Presidential General Election, we have converted your precinct from a polling place precinct to a vote-by-mail precinct for the following reasons:

- To offer you the convenience of voting by mail without having to request a ballot for each election
- To avoid congestion and delays at polling places on Election Day by better utilizing our voting system resources

I have enclosed a more complete explanation of the reasons for this change with this letter.

You will receive your ballot for the June 3, 2008 Direct Primary Election in the mail during the first week of May and your ballot for the November 4, 2008 Presidential General Election during the first week of October. You will also receive a postage-paid return envelope in which to return your ballot. Full instructions for returning the ballot will be provided with each mailing. **PLEASE BE SURE TO SIGN THE RETURN ENVELOPE AFTER YOU VOTE YOUR BALLOT.**

Please mail your voted ballot no later than 5 days before Election Day to ensure that we receive it prior to the deadline of 8:00 PM on Election Day. You may also drop off your voted ballot at our central office 900 Coombs Street Rm 256 with 20 minute election parking on the top floor of the 2nd Street Parking Garage between Brown and Coombs Streets in the City of Napa or one of our 4 Voter Assistance Centers located near you in Calistoga, Saint Helena, Yountville and American Canyon. Hours of operation will be 8:30 AM to 4:30 PM on Saturday May 31 and Sunday June 1; 8 AM to 5 PM Monday June 2 and 7 AM and 8 PM on Election Day June 3, 2008. You will receive the address of the Voter Assistance Center nearest your home with your ballot for each election.

Please let me know if there are any comments or questions by voice at (707) 253-4459 or by electronic mail at jtuteur@co.napa.ca.us

Napa County Election Division
900 Coombs Street, Rm 256
Napa, CA 94559-2946



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PDS

28-MB-4

ELECTRONIC SERVICE REQUESTED

TO:

1) From: Tuteur, John
Sent: Friday, March 07, 2008 8:47 AM
To: AC
Subject: RE: Bad Decision

Ms. C, thank you for taking the time to let me know your thoughts. I converted myself to vote by mail so I can sympathize with your concerns about losing contact with the process. You will be able to drop your ballot off in person at our voter assistance center in Calistoga from the weekend before the election through Election Day. You will receive more information with your ballot in early May.

JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS

From: AC
Sent: Friday, March 07, 2008 8:28 AM
To: Tuteur, John
Subject: Bad Decision

Mr. Tuteur, You would have made a better decision if you had given voter a choice of voting by mail or going to a consolidated voting center elsewhere. Many of us still enjoy the privilege of voting with our friends and neighbors. Your choice is just another step toward an anonymous isolated society. C in Calistoga

2) D B xxx-xxxx wants the choice to go to her polling place.

3)

From: Tuteur, John
Sent: Friday, March 07, 2008 10:14 AM
To: 'CE User'
Subject: RE: You cannot discriminate like this.

Mr. A, thank you for your message and thank you for reading the material which accompanied the notification of conversion to vote by mail.

I would be happy to discuss your concerns at greater length especially concerning privacy of a vote by mail ballot. As you can see from the attached analysis of the February 5, 2008 election, almost 75% of all paper ballots were returned by mail. California law and our ballot handling procedures provide for complete secrecy of all vote by mail ballots at all steps of the process.

I would be happy to have you observe our ballot handling procedures during the June election cycle if you have the time to participate. We can certainly work around your schedule,
JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS

From: CE User
Sent: Thursday, March 06, 2008 10:35 PM
To: Tuteur, John
Subject: You cannot discriminate like this.

As I understand your letter. You are unwilling to work to adjust precinct numbers and took the easy way out with the rationale that it is only 4%. You cannot guarantee me to my satisfaction that my vote will be private and counted unless I have the right to vote like the other 96% of the population. This will not rest at your level for me but I thought it would be only fair to let you know at least one person was unhappy and intended not to let this rest.

This is an important election year and it is not important to me or significant that you also are voting by mail.

4) could not get name from voicemail XXXX Street xxx-xxxx works at Veterans Home – will not vote if not at polling place left message and asked for more explanation of her concerns. Explained that vets home will not have a polling place in June or November.

5) **From:** Tuteur, John

Sent: Friday, March 07, 2008 12:44 PM

To: SB

Subject: conversion to vote by mail

Ms. B, thanks for taking the time to respond to my notification of the conversion of your precinct to vote by mail. I also appreciate your having taken the time to read the accompanying explanation.

As I pointed out, I have had to convert a number of precincts to vote by mail in order to free up resources to accommodate voters who use our remaining 49 polling places. There is no polling place to which we can reassign you as precincts relate to geographic areas and the jurisdictions which cover that area.

I have suggested to a number of voters who miss the experience of voting at their polling place that they bring their voted ballot in its sealed and signed return envelope to our office to drop it off. You will have all the excitement of people exercising their franchise without having to wait in line as we have a ballot box available for you to drop off your ballot.

We will be open both weekend days before the June and November elections as well as the Monday before and Election Day itself. Our weekend hours are 8:30 to 4:30, Monday from 8 to 5 and Election Day from 7 AM to 8 PM.

I would be happy to discuss this further if you wish,

6) C B liked electronic voting and early voting. Explained about voter assistance center. Going in wrong direction but SOS fault.

7) D 707.xxx-xxxx wanted to go to polling place returned call and left message about voter assistance centers

8) D B is satisfied with voter assistance centers.

9)

From: Tuteur, John

Sent: Monday, March 10, 2008 1:43 PM

To: 'John'

Subject: RE: Conversion to vote by mail

Mr. and Mrs. L thank you for taking the time to contact me about the conversion to vote by mail. Other voters have contacted me about the issue of the security and efficiency of the mail system. If you have not received your vote by mail ballots by Tuesday May 13, please contact me and we will see that replacement ballots are sent.

If you have a concern about returning your ballots in the mail, I have suggested that they drop off their ballot at our office prior to 8 PM on Election Day. There are five 20 minute election parking spaces on the top of the 2nd Street Garage just outside of our office. We will be open from 8:30 to 4:30 on Saturday May 31 and Sunday June 1, from 8 to 5 on Monday June 2 and from 7 AM to 8 PM on Election Day June 3.

We had a 75% turnout among vote by mail voters as opposed to less than 50% among polling place voters so it does appear that the mail is working.

I share your frustration about when people show up to vote at their polling place. If a voter would come every 8 minutes, we would not have lines. However, I did have to make a decision about ensuring that a ballot was placed in the hands of those voters whose polling places were closed while reallocating resources to make sure that polling place voters were not unduly delayed. It is not a question of money as it costs as much to send out and pay for the return of a vote by mail ballot as it does to staff a polling place.

I am not sure about your concern about vote by mail ballots being prone to voter fraud because the signature on every return envelope is checked against the signature on the person's registration card in our database. Ballots in unsigned return envelopes are not counted if the voter fails to come in after we call them.

Please let me know if there is anything further you need from me. Thanks again for contacting me,

From: John
Sent: Sunday, March 09, 2008 6:16 PM
To: Tuteur, John
Subject: Conversion to vote by mail

Subject: Conversion to vote by mail

Good morning Mr. Tuteur: The wife and I have spoken with you before on the telephone and at time you said for us to feel free to contact you at anytime....well this appears to be that time. Please afford me the courtesy of reading my complete message....before hitting the delete button. We received your notice yesterday and I had to wait a day or so to cool down before commenting. We strongly protest the closing of our polling place. Just what does voting by mail have to do with "secure and convenient"? Our mail is neither secure nor convenient. The mail service leaves much to be desired as we get other peoples mail and they get ours....frequently. Some security of the mail system....NOT! We have no idea of how much mail we may have missed by someone just throwing it away. We are not the only people to whom this happened. As to some poor person having to wait a whole hour to vote... WOW...my heart bleeds. That same person will stand in line for a 8 to 10 hours for a special sale, for tickets to a concert or a sports game, but can't stand to in line to wait to perform the MOST important act a citizen can perform. I am tired of making everyone suffer for the sake of a few lazy people that can't get to the polling station during polling hours. It not as if the polls are only open for two hour....thirteen hours should be enough!! Our voting process has been bastardized for the sake of "partisanship", "political correctness", "diversity" and "multi-culturalism". Except for extreme weather conditions, I feel that no judge, or any other official, should extend the polling hours. He who snoozes...loses! If we set strict standards and stick by them good people will shape up, if not, tough stuff. This will be another opportunity for more voter fraud, and at no time did I believe "that saving money was not a factor in this decision". Find the money from somewhere else and keep the polling places open! A response would be appreciated. Sincerely, J and P

10) R B – very unhappy will check with neighbors xxx-xxxx (XXXX St.)

11) **From:** Tuteur, John
Sent: Wednesday, March 12, 2008 8:19 AM
To: LR
Subject: Conversion to vote by mail

Ms. R, thank you for contacting me.

Consolidating voters at polling places would defeat my primary objective which is to avoid delays for those voters who still need to go to a polling place.

I have suggested to others who have expressed concern about missing the experience of going to a polling place that you vote your ballot in the presence of your children at home and then bring the sealed envelope, signed by you, to our office with your children to drop it off. If you wish you can also wait and vote your ballot here before you seal and sign the envelope.

We are open weekdays from 8 to 5 and will be open Saturday May 31 and Sunday June 1 from 8:30 to 4:30 as well as from 7 AM to 8 PM on Election Day.

Please let me know if you need any further response from me,
JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS

From: L R
Sent: Tuesday, March 11, 2008 12:14 PM
To: Tuteur, John
Subject:

I am very upset about your decision to close my polling place. I vote at XXXX, which includes 3 different precincts. I can understand joining them into one but closing my place altogether is unacceptable to me. I am a voter. I believe it is my right and duty to go vote. I do not want to vote by mail. I have taken my children to vote and used it as a lesson in democracy. I planned on taking my grandchildren to vote too. I question whether you even have the right to do this. I'm sure you have your political reasons and that you will probably not change it back but I want you to know that I think it is wrong. L R

12) **From:** Tuteur, John
Sent: Wednesday, March 12, 2008 1:14 PM
To: 'J F'
Subject: RE: FORCING ME TO VOTE BY MAIL

I appreciate your taking the time, Mr. F, to acknowledge my response. I look forward to meeting you some day,
JOHN TUTEUR, NAPA COUNTY ASSESSOR-RECORDER-COUNTY CLERK

From: J F
Sent: Wednesday, March 12, 2008 9:09 AM
To: Tuteur, John
Subject: Re: FORCING ME TO VOTE BY MAIL

Thank you for your thoughtful response. You are certainly not the faceless politician (or bureaucrat) I initially thought.
----- Original Message -----

From: Tuteur, John
To: JF
Sent: Wednesday, March 12, 2008 8:45 AM
Subject: RE: FORCING ME TO VOTE BY MAIL

Mr. F, thank you for contacting me. I try to be more visible than the faceless politicians you mention so please feel free to drop in the office when you are down this way. I will be also visiting the Vote By Mail Assistance Centers in late May so perhaps we could meet there.

Your concern about missing the polling place experience has been expressed by many of the voters who contacted me. My suggestion has been to vote your ballot, seal and sign the envelope and then bring it to our Vote By Mail Assistance Center in Calistoga at the Cropp Building, Gate 2, Fairgrounds on Oak Street during the hours they are open. You may not have to stand in line but you will have the opportunity to meet our staff at the center (and maybe meet me if the timing is right). The Center will be open from 8:30 to 4:30 on Saturday May 31 and Sunday June 1; from 8 to 5 on Monday June 2 and from 7 AM to 8 PM on Election Day.

Please let me know if there is anything further you need from me at this point,
JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS

From: JF
Sent: Thursday, March 06, 2008 3:37 PM
To: Tuteur, John
Subject: FORCING ME TO VOTE BY MAIL

One of the great pleasures of Election Day has always been to arrive at my polling place and join a line of fellow citizens eager to cast their ballot in defense of our democracy. Forcing me to vote by mail - and not even offering me the choice of a more distant polling place - only adds to the growing anonymity and facelessness of our society. But then who am I, just another faceless citizen sending an electronic message to a faceless politician. My name is J F, Mr. Tuteur, and I live in Calistoga.

13) **From:** Tuteur, John
Sent: Wednesday, April 02, 2008 8:44 AM
To: M B
Subject: RE: voting by mail

Ms. B, thank you for the continuing dialogue. The conversion to vote by mail precinct will remain in place for the June and November elections. As I mentioned, you do have the option of bringing your ballot to our office in person on the dates and times I mentioned in my earlier e-mail (see below.)

JOHN TUTEUR, NAPA COUNTY ASSESSOR-RECORDER-COUNTY CLERK

From: MB
Sent: Sunday, March 30, 2008 4:14 PM
To: Tuteur, John
Subject: RE: voting by mail

I am not concerned "with making sure that (my) ballot is received and counted". What I am concerned about is that my ability to vote in person has been nullified by some arbitrary reason by a very undemocratic process. I have always voted in person, and I want to continue to do so. MB

From: Tuteur, John
Sent: Friday, March 14, 2008 8:28 AM
To: MB
Subject: RE: voting by mail

Ms. B, thank you for contacting me. I am not sure if your concern about voting by mail has to do with making sure that your ballot is received and counted. You do have the option of bringing your voted ballot in its sealed and signed return envelope to our office or to any polling place on Election Day. Our office will be open Saturday May 31 and Sunday June 1 from 8:30 to 4:30, Monday June 2 from 8 to 5 and Tuesday June 3, Election Day, from 7 AM to 8 PM.

I would be happy to discuss other concerns you might have if you will let me know what they are,
JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS

From: MB
Sent: Thursday, March 06, 2008 11:36 AM
To: Tuteur, John
Subject: voting by mail

I was disconcerted to learn from your letter that I am being assigned to vote by mail. I DO NOT want to vote by mail. I want to vote in a polling precinct, especially in this important upcoming election. I have never had to wait very long to vote, in any precinct. Please assign someone who wants to vote by mail and allow me to vote the way I choose. M B

14) Call from LR xxx-xxxx returned call left message no further contact

15) J E – xxx-xxxx will try VAC in June

16) H S – Condo complex – asked me to reopen polling place. I explained why it was closed.

17) L J xxx-xxxx expressed concern about not being able to go to a polling place with her children understood my obligations but feels deprived of basic right (5-16-2008)

(18) D G – xxx-xxxx visually impaired. Concerned about polling place closing. Will arrange for him to vote at First Baptist Church. 5/21/2008

19) K L xxx-xxxx phone conversation with e-mail

From: Tuteur, John
Sent: Tuesday, June 03, 2008 1:15 PM
To: 'kl'
Subject: conversion to vote by mail

I am glad we were able to work things out, Mr. L., for this election. You will receive your ballot in the mail in future elections beginning in November 2008.

Please let me know if you have any further questions or comments,
JOHN TUTEUR, NAPA COUNTY REGISTRAR OF VOTERS