

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 8/8/02  
**Department Name:** County Administrator  
**Department No.:** 012  
**Agenda Date:** 8/20/02  
**Placement:** Departmental  
**Estimate Time:** 30 Minutes  
**Continued Item:** No  
**If Yes, date from:**

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**TO:** Board of Supervisors  
**FROM:** Michael F. Brown, County Administrator  
**STAFF CONTACT:** Jim Laponis, Deputy County Administrator (805) 568-3400  
Stacey Matson, Administrative Analyst  
**SUBJECT:** **Response to 2001-02 Grand Jury Response on: "Voter Registration"**

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**Recommendation:**

That the Board of Supervisors:

Adopt the Responses in Attachment B as the Board of Supervisors' response to the 2001-02 Grand Jury Report on "Voter Registration".

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 1. An efficient government able to anticipate and respond effectively to the needs of the community and Goal No. 6: A county government that is accessible, open, and citizen friendly.

**Executive Summary and Discussion:**

The Grand Jury Report contains four findings and three recommendations and was released on June 11, 2002. In accordance with Section 933(b), the governing body of the agency (Board of Supervisors) must respond within 90 days after issuance of the Grand Jury Report. Consequently, the Board of Supervisors' response must be finalized and transmitted to the Presiding Judge of the Superior Court no later than Monday, September 9, 2002.

The Report requires responses from the County Board of Supervisors and the Department of the Clerk-Recorder-Assessor.

The Attachments include:

- A) Grand Jury Report on "Voter Registration", B) Proposed Board of Supervisors Response, and
- C) Response of the County Clerk-Recorder-Assessor Department.

**Mandates and Service Levels:**

California Penal Code Section 933(c) requires that comments to Grand Jury Findings and Recommendations be made in writing. These comments, in themselves, do not change existing programs or service levels.

**Fiscal and Facilities Impacts:**

There are no fiscal or facility impacts associated with the recommendation.

**Special Instructions:**

The response of the Board of Supervisors must be transmitted to the Presiding Judge of the Superior Court no later than September 9, 2002. Please return the signed letter to Jennie Esquer, County Administrator's Office, for distribution to the Superior Court. The signed letter, written responses, and a 3.5" computer disc with the response in a Microsoft Word file must be forwarded to the Grand Jury.

**Attachment:**

- A) Grand Jury Report on "Voter Registration"
- B) Proposed Board of Supervisors Response
- C) Response of the County Clerk-Recorder-Assessor Department

cc: Kenneth A. Pettit, Clerk-Recorder-Assessor

August 5, 2002

Honorable Rodney S. Melville, Presiding Judge  
Santa Barbara County Superior Court  
312-C East Cook Street  
PO Box 21107  
Santa Maria, California 93456-5369

Mary Anne Harrison, Foreperson  
2001-02 Grand Jury  
1100 Anacapa Street-  
Santa Barbara, CA 93101

**Board of Supervisor's Response to the 2001-2002 Grand Jury Report on:  
*"Voter Registration"***

Dear Judge Melville and Ms. Harrison:

During its regular meeting of August 20, 2002, the Board of Supervisors adopted the following responses as its responses to the findings and recommendations in the 2001-02 Grand Jury's report on "Voter Registration". These responses are aligned with those provided by the County Clerk-Recorder-Assessor.

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**FINDING 1:** Sample ballots not delivered are discarded by the U.S. Post Office.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Finding 1:** Agree.

The U.S. Post Office does not forward our sample ballots, because we mail them by non-profit instead of first class mail. Non-profit mailing is used because first class mail costs about \$.23 more per ballot. We mailed more than 208,000 Sample Ballots during the March 5, 2002 Primary Election.

**RECOMMENDATION 1:** The Elections Division should, at periodic intervals, mail a group of sample ballots First Class mail to selected precincts. Undeliverable ballots would then be returned to the Elections Division, enabling records to be investigated and adjusted as appropriate.

**RESPONSE:** The Board's adopted County Clerk-Recorder-Assessor's response as its response.

**Response to Recommendation 1:** The recommendation will not be implemented because it is not reasonable.

This recommendation would be a way to identify voters that may no longer reside at their registration address. Unfortunately, if we were to mail to selected precincts and not the entire county, we could be accused of targeting certain geographic areas or population groups. The courts have ruled this technique to be inappropriate in the past. Additionally, this approach to identifying the undelivered ballots may not be the most economical. To have the sample ballot returned to us by U.S. Post Office requires first class postage on the outgoing mailing and an additional charge of \$.37 for every piece of mail that they return.

**FINDING 2:** Signatures on file with SIRS are recorded only at the time of registration or re-registration.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Finding 2:** Agree.

The signature that is on file in the Election Information Management System for each voter is scanned into the system from the voter registration card. The signature that is on file is updated each time the voter re-registers.

**RECOMMENDATION 2:** Established residents who request an absentee ballot, should be advised in the absentee ballot mailing to re-register every five or six years, in order to record an updated signature.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Recommendation 2:** The recommendation has been implemented.

Re-registering periodically would ensure that we have the most current signature on file for each voter. We did not send a separate mail to inform the voters of this recommendation, because of the cost (a post card cost \$.23 x approximately 208,000 voters = \$47,840). We have added a statement on the Absentee Voter Application in the Sample Ballot advising the voters to re-register to ensure that their current signatures are on file.

**FINDING 3:** Inability to verify an individual's signature will invalidate the ballot.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Finding 3:** The County Clerk-Recorder-Assessor agrees in part with this finding. It is agreed that if a signature on an absentee ballot is not verifiable the ballot will be invalidated. However, the Clerk-Recorder-Assessor respectfully disagreed with any inference that the Elections Division staff were "unable" to compare signatures, which in fact they do regularly.

One of the steps in determining whether an absentee ballot is valid is to verify that the signature on the absentee ballot envelope compares with the current signature we have on file for the voter. If the signature does not match, the ballot will not count.

**FINDING 4:** The Elections Division Annual Report was discontinued in 2001.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Finding 4:** Agree.

The Elections Division did create an annual Report for Fiscal Years 98-99 and 99-00. These reports were requested by the Department Head for internal use, and were not required after that time. Much of the statistical information in that report is in the Workload Section of the Department's Annual Budget.

**RECOMMENDATION 3:** The 2001-2002 Grand Jury recommends that the Annual Report be reinstated.

**RESPONSE:** The Board adopted the County Clerk-Recorder-Assessor's response as its response.

**Response to Recommendation 3:** The recommendation has been implemented.

The Elections Division has reinstated the Annual Report. Although much of the statistical information is found in the Budget, this report can be a useful historical reference.

The Board of Supervisors thanks the Grand Jury for its report on this important matter.

Sincerely,

Gail Marshall  
Chair, Board of Supervisors

Attachments

cc: Ken Pettit, County Clerk-Recorder-Assessor

July 25, 2002

Honorable Judge Rodney S. Melville  
Presiding Judge of the Superior Court  
Santa Barbara, Ca. 93102

Dear Judge Melville,

Attached is our response to the 2001-2002 Grand Jury's Final Report on Voter Registration.

We appreciate the opportunity to respond to the Grand Jury's findings on Voter Registration and other associated programs in the Elections Division. We wish to thank those members of the Grand Jury who worked on this review for their professionalism, dedication and interest in the elections process. They were thorough, knowledgeable, and respectful; and made a credible assessment of the voter registration process in Santa Barbara County.

Please express our appreciation for the time and effort this Grand Jury put into conducting this observation. If you or your Grand Jury members have any questions, please contact me or Bob Smith, the Elections Division Manager at 568-2204.

Respectfully submitted,

Kenneth A. Pettit  
Clerk-Recorder-Assessor &  
Registrar of Voters

Attachment

Cc: Chairperson, 2001-2002 Grand Jury  
Honorable Board of Supervisors (5)  
Clerk of the Superior Court  
County Administrator's Office  
Clerk of The Board of Supervisors  
Elections Division Manager

# DEPARTMENT RESPONSE TO FINDINGS AND RECOMMENDATIONS

## PREFACE

The County Registrar of Voters welcomes the opportunity to respond to the Santa Barbara County 2001-2002 Grand Jury Final Report entitled “Voter Registration”.

Additionally, the Registrar wishes to acknowledge the importance of the Grand Jury’s role in investigating public agency operations in order to improve internal processes and provide the best possible service to the public. Members of the Elections Division appreciate the way the Grand Jury members approached their task. They were cooperative, thorough, approachable, and consulted members of the Elections Division with dialogue, questions, and discussions to clarify issues.

The Registrar’s position with respect to Grand Jury operations has not changed since the last review of County Elections operations. We believe that the democratic elections are the fiber that binds our society, and are far too important to ignore. The process must be free of fraud, corruption, and partiality in order to maintain public confidence. It must be available to all citizens and registered voters in order for government to be of, by, and for the people. The Grand Jury plays a significant role in protecting that public trust. We in elections recognize their efforts and pledge ongoing cooperation to this end.

## DEPARTMENT RESPONSE TO THE OBSERVATIONS AND CONCLUSIONS:

We have reviewed the observations and the conclusions of this report. In our opinion, the observations and conclusions reflect a fair assessment of Voter Registration rules and the processes that govern it.

The narrative that follows addresses our response to each of the Grand Jury’s Findings and Recommendations. Their findings are accurate and their recommendations are thought provoking. We appreciate their insight and interest in making the voter registration as effective and efficient as possible.

<p><u>Finding 1:</u> Sample ballots not delivered are discarded by the U.S. Post Office.</p>
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**DEPARTMENT RESPONSE TO FINDING 1: The respondent agrees with the finding.** The U.S. Post Office does not

forward our sample ballots, because we mail them by non-profit instead of first class mail. Non-profit mailing is used because first class mail cost about \$.23 more per ballot. We mailed more than 208,000 Sample Ballots during the March 5, 2002 Primary Election.



Recommendation 1: The Elections Division should, at periodic intervals, mail a group of sample ballots First Class mail to selected precincts. Undeliverable ballots would then be returned to the Elections Division, enabling records to be investigated and adjusted as appropriate.

**DEPARTMENT RESPONSE TO RECOMMENDATION 1:** The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

This recommendation would be a way to identify voters that may no longer reside at their registration address. Unfortunately, if

we were to mail to selected precincts and not the entire county, we could be accused of targeting certain geographic areas or population groups. The courts have ruled this technique to be inappropriate in the past. Additionally, this approach to identifying the “deadwood” may not be the most economical. To have the sample ballot returned to us by to U.S. Post Office requires first class postage on the outgoing mailing and a charge of \$.37 for every piece of mail that they return.

Finding 2: Signatures on file with SIRS are recorded only at the time of registration or re-registration.

**DEPARTMENT RESPONSE TO FINDING 2:** The respondent agrees with the finding. The signature that is on file in the Election Information Management

System for each voter is scanned into the system from the voter registration card. The signature that is on file is updated each time the voter re-registers.

Recommendation 2: Established residents who request an absentee ballot, should be advised in the absentee ballot mailing to re-register every five or six years, in order to record an updated signature.

**DEPARTMENT RESPONSE TO RECOMMENDATION 2:** The recommendation has been implemented, with summary regarding implementation action. Re-registering periodically would ensure that we have the most current

signature on file for each voter. We did not send a separate mail to inform the voters of this recommendation, because of the cost (a post card cost \$.23 x approximately 208,000 voters = \$47,840). We have added a statement on the Absentee Voter Application in the Sample Ballot advising the voters to re-register to ensure that their current signatures are on file.

Finding 3: Inability to verify an individual's signature will invalidate the ballot.

**DEPARTMENT RESPONSE TO FINDING 3:** I respectfully disagree with the phrase, "Inability to verify an individual signature..." Inability infers a quality or

state of being unable. Elections staff are, in fact, able to compare signatures. Otherwise, the respondent agrees with the finding. One of the steps in determining whether an absentee ballot is valid is to verify that the signature on the absentee ballot envelope compares with the current signature we have on file for the voter. If the signature does not match, the ballot will not count.

Finding 4: The Elections Division Annual Report was discontinued in 2001.

**DEPARTMENT RESPONSE TO FINDING 4:** The respondent agrees with the finding. The Elections Division did

create an annual Report for Fiscal Years 98-99 and 99-00. These reports were requested by the Department Head for internal use, and were not required after that time. Also, much of the statistical information in that report is in the Workload Section of the Department's Annual Budget.

Recommendation 3: The 2001-2002 Grand Jury recommends that the Annual Report be reinstated.

**DEPARTMENT RESPONSE TO RECOMMENDATION 3:** The recommendation has been implemented, with summary regarding implementation

action. The Elections Division will reinstate the Annual Report. Although much of the statistical information is found in the Budget, this report can be a useful historical reference.

We appreciate the sincere interest the Grand Jury displayed in reviewing the registration and absentee voter elements of election operations. They conducted the interviews in a professional manner, treated Elections Staff with respect, and reported their findings in a fair and impartial manner. I believe their effort focused due attention on this critical portion of the elections process and will enhance our efforts to ensure that all eligible citizens properly register to vote, and, then, exercise their right to vote in every election for which they are eligible to vote.