



Santa Clara County Registrar of Voters

Insufficient Policies and Procedures Have
Led to Errors That May Have Reduced Voters'
Confidence in the Registrar's Office

Report 2017-107

COMMITMENT
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October 24, 2017

2017-107

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit of the Santa Clara County Registrar of Voters' (Santa Clara) policies, procedures, and practices for the creation, review, and distribution of election-related materials. Santa Clara administers multiple elections annually and, in doing so, conducts many tasks including the creation and distribution of official ballots and voter information guides. This report concludes that Santa Clara's insufficient policies and procedures led to errors in election-related materials, and it responded inconsistently and sometimes inadequately when notifying the public of the errors.

Santa Clara reported to us that from 2010 through 2016, it administered nearly 30 elections and had 26 errors in its development and distribution of election-related materials. These errors largely originated from incorrect mapping of voting districts, vendor mistakes, and inadequate proofreading and publication processes. Santa Clara's errors ranged in significance from minor typographical errors to sending voters the wrong ballots. Because some of the more significant errors Santa Clara experienced were related to mapping and to inaccuracies in ballots and voter information guides, we expected to find that it had developed comprehensive policies and procedures to prevent these types of errors from recurring; however, it has not done so.

Further, rather than using a formalized contingency plan to inform its decision making when responding to errors, it has chosen to rely on staff judgment. Although Santa Clara typically notified voters of errors through press releases and errata letters, it generally did not inform voters of the causes of the errors or its actions to prevent the errors from recurring. We believe that by disclosing this information in its postelection reports, which are available to the public, Santa Clara will better demonstrate its commitment to providing voters with accurate information and maintaining voter confidence.

In addition, this report concludes that to help prevent errors in election-related materials and processes, the California Secretary of State's Office (Secretary of State) should enhance its oversight of county election officials. Although the Secretary of State is responsible for administering and enforcing state election laws and seeing that election officials conduct elections efficiently, it does not monitor or oversee county election-related materials to verify that the counties comply with laws and regulations. If it were to do so, the Secretary of State could help identify and mitigate the causes of those errors, such as by increasing the guidance it provides to county election officials.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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SUMMARY

The Santa Clara County Registrar of Voters (Santa Clara) is responsible for administering federal, state, and local elections within the county. Santa Clara administers multiple elections annually. As part of administering these elections, Santa Clara conducts many tasks, including the creation of official ballots and the development and mailing of lengthy voter information guides. For this audit, we reviewed Santa Clara's policies, procedures, and practices regarding its review and distribution of election-related materials, oversight of its vendors, and actions associated with errors in election-related materials that occurred from 2010 through 2016. In addition, we interviewed election officials from five other California counties regarding similar types of processes and errors related to producing and distributing election-related materials. This report concludes the following:

Inadequate and Often Unwritten Policies, Procedures, and Practices Have Led to Errors in Election-Related Materials

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For eight of 26 errors that Santa Clara reported it experienced over the seven-year period that we audited, it incorrectly mapped voting district boundaries, causing the distribution of the wrong voter information guides and ballots to some voters. These errors resulted from the inadequate approach by Santa Clara's Mapping Division (Mapping) to obtaining maps and boundary information from voting districts, Santa Clara's failure to use the full capabilities of its mapping and election management software, and its minimal efforts to identify the causes of the errors and to implement subsequent solutions. The remaining 18 errors resulted predominantly from staff mistakes within various divisions and from vendor errors. Santa Clara lacks detailed written procedures for the development of election-related materials, and for those procedures that do exist, Santa Clara has not established effective controls to ensure that staff adequately verify the accurate production of these materials. In interviews with election officials at five other counties, we found that four counties have also experienced some errors in information they have distributed to voters.

Santa Clara Has Not Ensured That It Notifies Voters Consistently and Effectively About Errors in Election-Related Materials

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We found that Santa Clara used various means, including letters and press releases, to notify voters about most of its errors before the respective elections. However, because Santa Clara has not formalized a contingency plan or process to inform its decision making on how best to address election-related errors, it has

responded inconsistently and sometimes inadequately when notifying the public of errors. Specifically, we found that Santa Clara did not consistently explain the causes of errors or, when necessary, explain the steps necessary to ensure that such errors did not recur. By not disclosing this information, Santa Clara missed the opportunity to demonstrate to voters its commitment to ensuring the information they receive is accurate.

To Help Prevent Errors in Election-Related Materials and Processes, the Secretary of State Should Enhance Its Oversight of County Election Officials

State law provides the California Secretary of State's Office (Secretary of State) with oversight responsibility for county election activities; however, the Secretary of State does not actively monitor or review counties' election-related materials, and it provides limited guidance to election officials about what constitutes an error or how to address errors in election-related materials. In fact, the Secretary of State does not define the criteria for determining the types of mistakes in election-related materials that constitute reportable errors. This omission may contribute to inconsistencies in counties' interpretations of election laws and regulations and to disparities in counties' efforts to disclose errors to the public. In addition to interviewing staff at Santa Clara, we interviewed election officials at five other counties and found that they believe they can ask the Secretary of State for guidance if necessary. However, we are concerned that election officials are unlikely to seek guidance if they believe they are already interpreting or implementing requirements correctly, and this situation could lead to inconsistencies. By increasing its monitoring efforts, the Secretary of State could more readily identify statewide issues to better focus the direction it provides to counties, including guidance that helps ensure that counties are providing accurate information to voters and are addressing errors consistently.

Summary of Recommendations

Santa Clara

Santa Clara should document its policies and procedures for the creation, review, and distribution of election-related materials, prioritizing its documentation for the divisions that are responsible for the most frequent and egregious errors. To reduce mapping errors, Santa Clara should send voting districts the boundary maps it has on file and require the districts to verify the boundaries or updated boundary maps before each election. It should also coordinate with other county departments to maximize its available mapping resources. Further, Santa Clara should research its opportunities to integrate its mapping technology with its election management software to reduce the risk of staff errors.

Santa Clara should implement a contingency plan to ensure that it consistently and effectively addresses errors in the election-related materials it provides to voters. In addition, Santa Clara should explain in its postelection reports why errors occurred and how it plans to ensure that similar errors will not recur in the future. Further, to ensure the accuracy of election-related materials, Santa Clara should require candidates, voting districts, or others who submit documents for inclusion in voter information guides and ballots to verify the accuracy of the electronic documents after they are formatted for publication.

Secretary of State

The Secretary of State should adopt regulations defining the criteria for mistakes in election-related materials that constitute reportable errors. The Secretary of State should also require counties to report errors to its staff and should use this information to enhance the guidance it provides to county election officials. The Secretary of State should also conduct annual reviews of a selection of county election officials' offices to ensure that these offices are complying with state election laws and regulations.

Agency Comments

The County of Santa Clara agreed with our recommendations and indicated that it plans to take various actions to implement them. The Secretary of State explained that it is committed to exploring how it might address the recommendations we directed to it. We look forward to the Secretary of State's 60-day response to our recommendations to learn more about its progress in implementing them.

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INTRODUCTION

The Santa Clara County Registrar of Voters (Santa Clara) is responsible for administering elections within the county. These include federal, state, judicial, county, municipal, school district, and special elections. Santa Clara County is the sixth largest county in California, with a population of approximately 1.9 million residents. Santa Clara's mission is to protect and ensure the community's right to participate in fair, inclusive, accurate, and transparent elections. Its vision is to be the model of integrity, innovation, and community empowerment in elections. In addition to election planning and administration, Santa Clara is responsible for verification of initiatives, certification of referenda and recall petitions, examination and acceptance of campaign reports, and maintenance of voter registration.

Requirements in both state and federal law determine the characteristics of the election-related materials that California voters receive. State law requires California to provide voter information guides to registered voters before each election to inform their voting decisions. The California Secretary of State's Office (Secretary of State) is responsible for preparing the state voter information guides before statewide elections. However, each county is responsible for providing the official ballots to voters for statewide elections. As part of administering three to five elections each year, Santa Clara also creates and distributes county voter information guides—which include sample ballots—and official ballots.¹ For each countywide election, Santa Clara distributes these materials to more than 850,000 registered voters within the county. In contrast, Santa Clara may distribute materials to only a few thousand registered voters when a special election pertains to a limited population. Voter information guides provide voters with impartial analysis; arguments in favor and against ballot measures; candidate statements for various federal, state, and local offices; descriptions of voter rights; full information on measures; and other important information. State and federal laws also require specific formatting for voter information guides and ballots. For example, arguments are not to exceed 300 words for county measures. Other specifications include required wording, margins, font sizes, word and content restrictions, and language translations.

According to state law, as California's chief elections authority, the Secretary of State administers and enforces state election laws and sees that election officials conduct elections efficiently.

¹ Throughout our audit period, the terminology used in state law for *voter information guides* and *sample ballots* changed. Effective January 1, 2017, amended state law refers to these materials as *county voter information guides*, and the law generally requires that sample ballots be included in the guides. Therefore, for purposes of this report, we refer to *sample ballots* and *county voter information guides* collectively as *voter information guides*.

The Secretary of State also adopted regulations specific to the election process that outline requirements that all California counties must follow for certain program implementation, reporting, and elections management. State law requires county election officials to meet specific deadlines for each general district election, such as ensuring candidates submit their statements 88 days before the election and mailing voter information guides 21 to 40 days before the election.

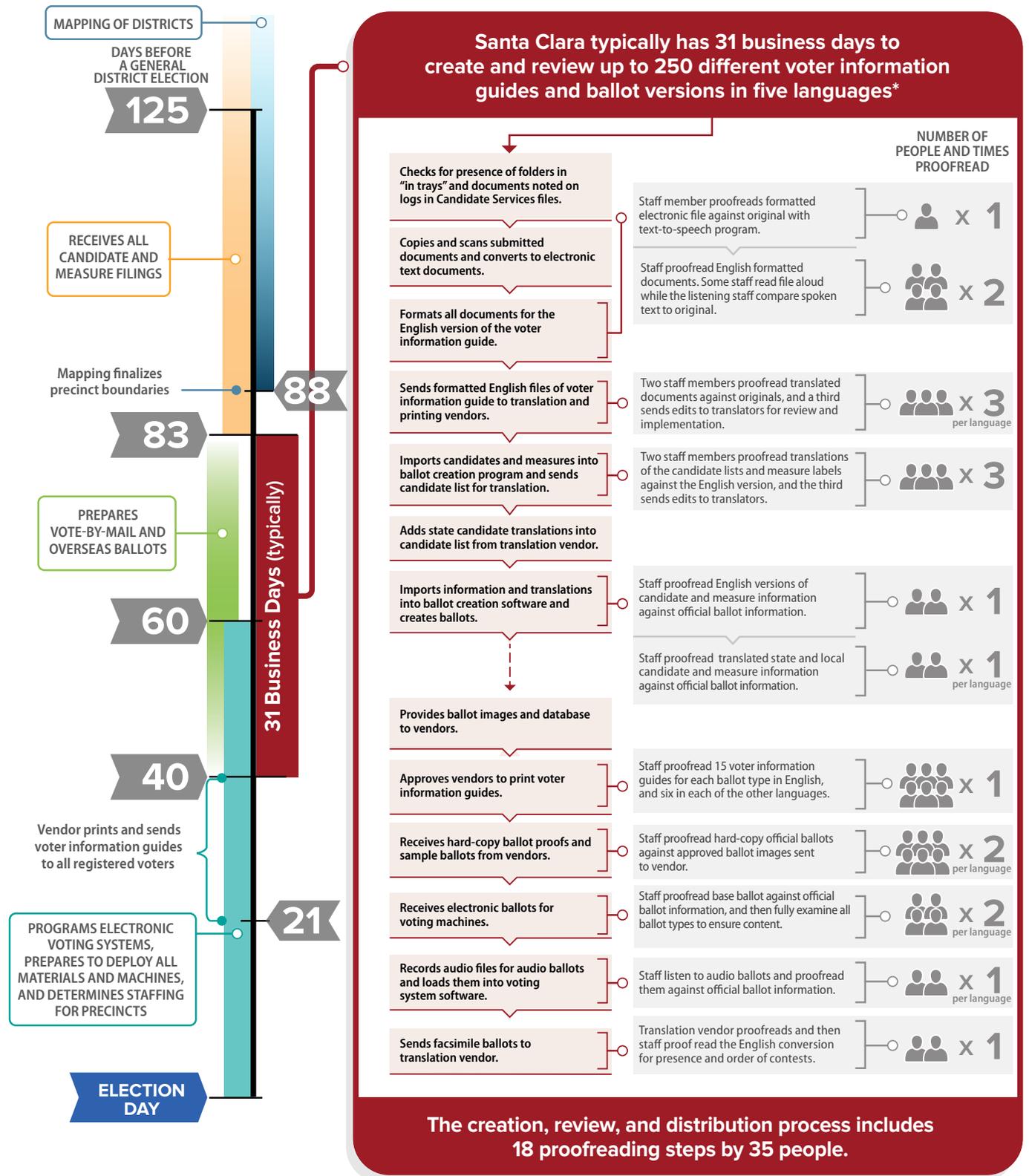
For each election, Santa Clara creates and distributes up to 250 different versions of voter information guides and ballot types, including for each political party affiliation when required, which it customizes to include contests specific to each registered voter. According to state and federal laws, Santa Clara must translate certain election-related materials into eight languages, in addition to English. Santa Clara's informal creation and distribution process, as described to us by its staff, is detailed and complex. Figure 1 summarizes certain key aspects of this informal process.

At least 125 days before each general district election, state law requires voting districts to deliver maps of their boundaries to Santa Clara. Then, at least 88 days before an election, Santa Clara must divide the county into voting precincts. A voting precinct is generally a geographic voting area of 1,000 voters or fewer, as defined by state law, which typically has a designated polling place where voters can go to vote. The voters within each precinct receive the same ballot type, based on applicable voting districts, such as congressional districts, school districts, cities, and special districts. For example, registered voters who reside within the boundaries of one school district receive a different ballot type than those who reside within another school district's boundaries. Further, registered voters who reside in the same school district may receive different ballot types based on other voting district boundaries. For example, two voters who reside in the same school district but different assembly districts would receive different ballot types that would allow these individuals to vote on contests specific to their residential addresses.

Santa Clara's Mapping Division (Mapping) uses boundary maps of voting districts to create complex integrations of the multiple voting districts, including congressional districts, state assembly districts, county supervisor districts, board of education districts, cities, school districts, and special districts, as the top of Figure 2 on page 8 indicates. Once Santa Clara superimposes the layers of boundary maps onto each other, it can then determine the ballot types for each area. Santa Clara further segments each ballot-type area into precincts.

Figure 1

Santa Clara's Description of Its Process for Publishing and Proofreading Election-Related Materials

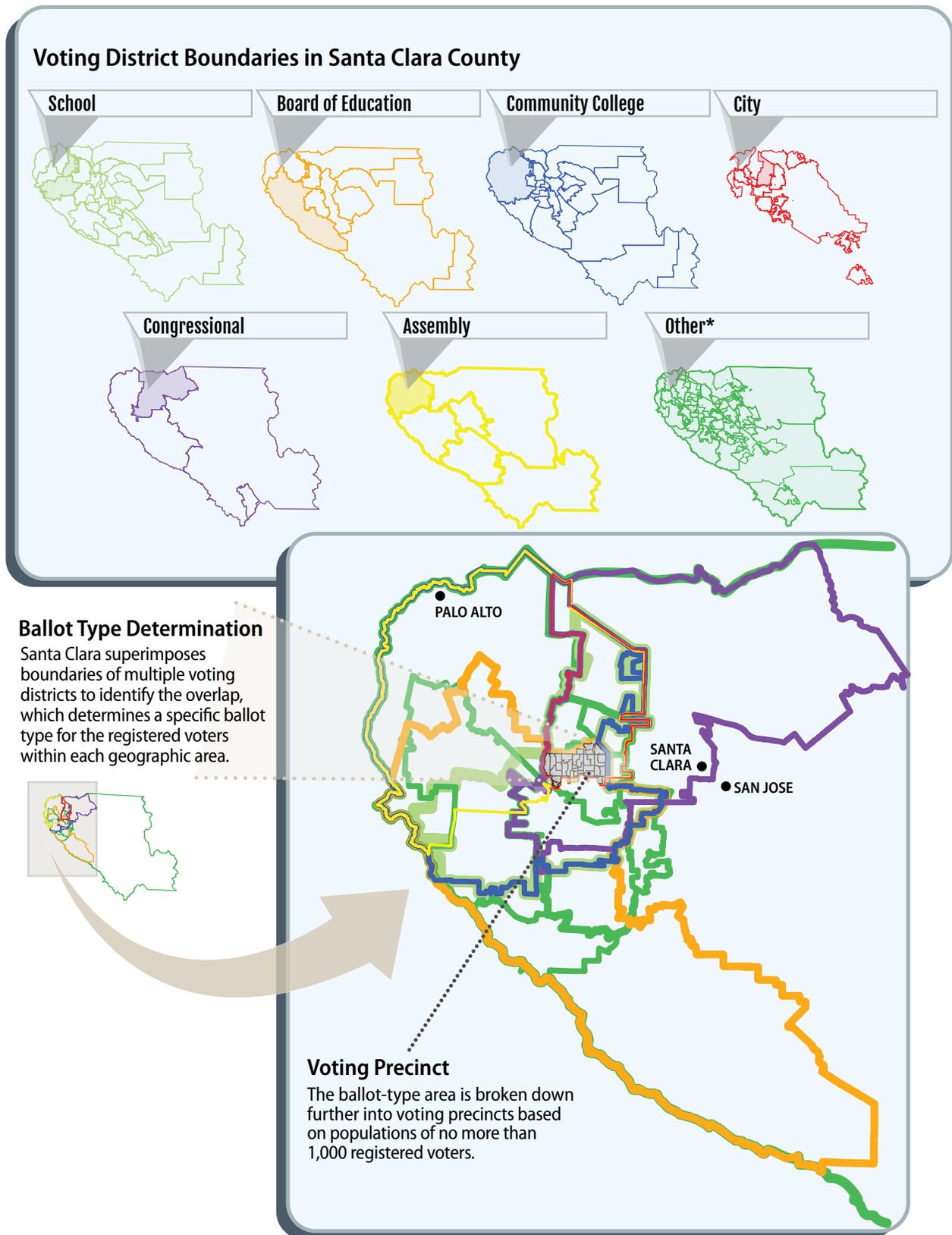


Sources: Interviews with Santa Clara officials and available documentation.

* Federal law requires Santa Clara to provide all election-related materials in four languages, as well as English. In addition, California law requires Santa Clara to post facsimile ballots and related instructions in four additional languages at the polling places.

Figure 2

Illustration Demonstrating How Santa Clara Superimposes Maps of Voting Districts to Determine Ballot Types and Precincts



Sources: California State Auditor generated from unaudited map data and other information provided by Santa Clara.

* Voting districts titled *Other* include various districts, such as water and supervisor districts.

As previously shown in Figure 1, candidates and voting districts, such as cities, begin filing statements and measures at least 125 days before each general district election. Santa Clara's Candidate Services Division (Candidate Services) receives all candidate statements, text for proposed measures, arguments for and against measures, and rebuttals and enters this information into the election management software. Once Candidate Services receives all filed documents, it transfers them to Santa Clara's Ballot Layout Division (Ballot Layout) to begin formatting the information for publication. According to state law, the final filing deadline for these documents is 83 days before the election. In addition, Santa Clara must send voter information guides to all registered voters 21 to 40 days before the election. In order to send this information by the 40-day mark, Ballot Layout has 43 calendar days—typically the equivalent of 31 business days—to create, translate, and publish all voter information guides and official ballots.

Further, Santa Clara produces official ballots in both electronic text and audio formats. It also produces voter information guides in electronic format, but only produces these materials in audio format upon request. Santa Clara's process for creating printed, electronic, and audio election-related materials—which it has not documented comprehensively in the form of written step-by-step procedures—includes 18 proofreading steps conducted by 35 people to reduce the risk of errors. Ballot Layout prepares, proofreads, and translates these materials. Subsequently, the Vote by Mail Division (Vote by Mail) mails the vote-by-mail and overseas ballots to members of the military and others who are living out of the country temporarily to ensure that they receive ballots in time to vote. Beginning 60 days before the election, Santa Clara prepares logistics for election-day polling locations; these preparations include programming its electronic voting systems and deploying materials, machines, and staffing for precincts.

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Inadequate and Often Unwritten Policies, Procedures, and Practices Have Led to Errors in Election-Related Materials

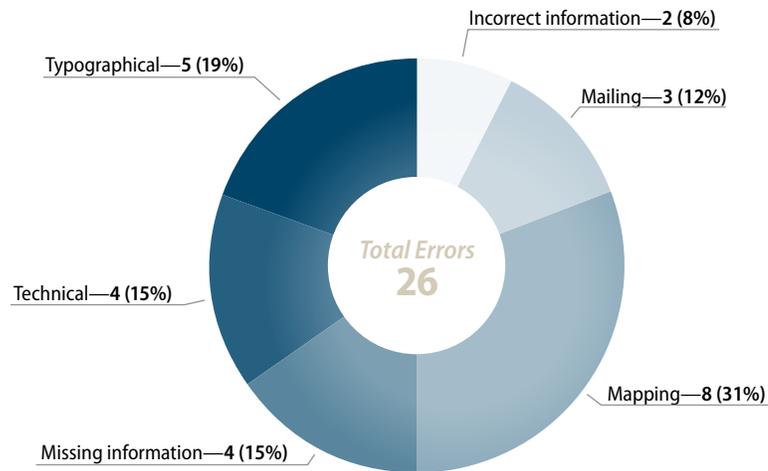
Key Points

- From 2010 through 2016, Santa Clara reported that it identified 26 errors in election-related materials or information it provided to some voters.
- Santa Clara lacks documented policies and procedures, as well as formal staff training, for the development and distribution of election-related materials, a situation that contributed to the identified errors.

Santa Clara Published and Distributed Some Election-Related Materials That Contained Errors

Santa Clara reported to us that it administered nearly 30 elections and had 26 errors in its development and distribution of election-related materials from 2010 through 2016. However, in most cases, it identified and took action to notify voters of the errors before the relevant elections. Santa Clara explained that because it does not track the numbers and types of errors in its election-related materials, it compiled the list of 26 errors using staff members' collective memory and information it found in documents, emails, and press releases. Figure 3 on the following page summarizes these errors by type. It shows that they consisted of mapping errors, typographical errors, missing or incorrect information, mailing errors, or technical errors. According to interviews with Santa Clara's staff and available documentation, these errors were generally attributable to mistakes made by Santa Clara's staff or vendors as well as staff members' failures to ensure that voting districts provided Santa Clara with correct information. Santa Clara reported that these errors affected a cumulative 10 percent of Santa Clara's total registered voter population for all elections over the seven-year audit period. Each election had a unique set of registered voters; therefore, it is possible that some voters experienced multiple errors in their election-related materials.

Figure 3
Types of Errors Involving Santa Clara's Election-Related Materials
From 2010 Though 2016



Source: California State Auditor's analysis of information provided by Santa Clara; however, because Santa Clara does not keep detailed records of its election-related errors, we cannot ensure that this figure includes all errors that may have occurred.

Santa Clara's Mapping Errors Caused Some Voters to Receive Ballots or Information for the Wrong Voting Districts

Some of Santa Clara's more significant errors resulted from inadequacies in its mapping process. As we discussed previously, state law requires voting districts to provide Santa Clara with their current district boundary maps at least 125 days before a general district election; however, we believe Santa Clara also has a responsibility to ensure that it provides voters with accurate information by obtaining or verifying correct and updated voting district boundaries. Mapping errors can have significant effects, including causing Santa Clara to place voters in the wrong voting districts. Our review revealed that Santa Clara provided some voters with voter information guides and ballots designated for other voting districts, and it failed to provide some voters with the appropriate election-related materials within the time frame required by state law.

The majority of the mapping errors that Santa Clara experienced in elections from 2010 through 2016 occurred because it did not confirm that it had voting districts' most accurate and up-to-date boundary maps, as Table 1 on page 14 indicates. For example, for an election in May 2011, Santa Clara sent some voters the wrong voter information guides and ballots because it did not verify that the boundary information it had was accurate. Santa Clara made similar errors for elections in November 2012, August 2013, and November 2014, when it failed to ensure that voting districts provided it with accurate boundary information. In one instance, Santa Clara did not ensure that the boundaries it had for two community college districts were accurate or that the districts had provided it with updated boundary maps. One of Santa Clara's assistant registrars stated that Santa Clara recognized the discrepancy in 2012; however, after researching the cause of this error, she stated that it dated back to 2000,

when a representative of one of the community college districts provided Santa Clara with incorrect maps. Therefore, according to the assistant registrar, Santa Clara may have sent as many as 850 voters—the number of voters it estimates were affected each year—voter information guides and ballots that did not include contests or measures that pertained to their respective community college district for elections occurring over at least 12 years, thus depriving these voters of opportunities to vote on the district’s measures or candidates. Because the error was discovered early enough for Santa Clara to correct the maps before any materials were mailed to the voters who would have been affected, no action was required for the November 2012 election. The errors listed on Table 1 did not affect significant portions of the county’s voter population; however, if Santa Clara does not take steps to ensure that these types of errors do not occur in the future, the potential exists that similar mapping errors could occur and affect a large number of voters.

Santa Clara did not adequately review the causes of its mapping errors or act to ensure that such errors do not recur. Santa Clara’s last mapping errors occurred in November 2014, when the current registrar oversaw her first major general election in that capacity. The current registrar told us

Santa Clara may have sent as many as 850 voters each year, for at least 12 years, voter information guides and ballots that did not include contests or measures that pertained to their respective community college district.

that she was uncertain why prior registrars had not sought solutions to repeated mapping errors, but she has made efforts to keep errors from recurring. Specifically, the election division coordinator for Mapping (Mapping coordinator) explained that Santa Clara recently began sending letters to all cities, school districts, and special districts before each election asking the voting districts if they have had any changes to their boundaries. However, he indicated that Santa Clara does not confirm with voting districts whether the maps it has on record reflect accurate boundaries for those districts. The registrar stated that the office has already begun internal discussions about sending boundary maps to districts so that they can verify their boundaries or report any changes to Santa Clara. She also said that Santa Clara would include these boundary maps in future letters sent to districts. We believe if Santa Clara required districts to certify the accuracy of their boundaries, the responsibility for any errors in district boundaries would reside with those districts. Further, such certification could provide Santa Clara with grounds to seek reimbursements for any costs it incurs—such as the costs associated with sending errata letters, reprinting ballots, and mailing corrected ballots—when having to rectify errors attributed to voting districts. Depending upon the number of voters affected, based on Santa Clara’s experience with one error, the cost to rectify errors can exceed \$250,000.

Table 1
Summary of Santa Clara's Mapping Errors From 2010 Through 2016

ELECTION DATE	ERROR DESCRIPTION	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER AND PERCENTAGE OF AFFECTED VOTERS	CORRECTIVE ACTION TAKEN
May 3, 2011	Santa Clara did not ensure the accuracy of a voting district's boundaries or that the voting district provided it with an updated boundary map. As a result, Santa Clara mailed some voters the wrong official ballots and voter information guides.	147,036	133 .09%	<ul style="list-style-type: none"> • Sent errata letters* • Mailed correct ballot • Issued press release
November 6, 2012	Santa Clara consolidated smaller precincts into larger precinct boundaries and failed to update its precinct maps accordingly. As a result, Santa Clara sent voters notifications of the wrong polling locations.	817,837	1,197 .15%	<ul style="list-style-type: none"> • Sent errata letters
November 6, 2012	Santa Clara did not ensure the accuracy of a voting district's boundaries or that the voting district provided it with an updated boundary map. As a result, Santa Clara sent voters from a new residential development the wrong official ballots and voter information guides.	817,837	14 <.01%	<ul style="list-style-type: none"> • Sent errata letters • Mailed correct ballot
November 6, 2012	Santa Clara did not ensure the accuracy of two community college districts' boundaries or that the districts provided it with updated boundary maps. Santa Clara discovered the maps contained errors before the November 2012 election; however, the maps had been inaccurate since 2000. As a result, before 2012 Santa Clara sent some voters the wrong official ballots and voter information guides for each election over at least a 12-year period.	817,837	Up to 850 [†] .10%	None: Santa Clara indicated it did not send the affected voters notification of the error in 2012 because it corrected the maps before any materials were mailed to voters. However, Santa Clara also indicated it did not send the affected voters notification that there had been an error since 2000.
August 27, 2013	Santa Clara overlooked the notification of a voting district's annexation, and as a result, it delivered some voter information guides less than 21 days before the election, which was not compliant with state law.	202,505	169 .08%	Sent errata letters
August 27, 2013	Santa Clara did not ensure the accuracy of a voting district's boundaries or that the voting district provided it with an updated boundary map. Thus, Santa Clara had to hand-deliver official ballots and voter information guides to voters less than 21 days before the election, which did not comply with state law. Additionally, although Santa Clara discovered the error before the August 2013 election, the maps had been incorrect for at least two years.	202,505	2 <.01%	<ul style="list-style-type: none"> • Sent errata letters • Hand-delivered ballot
November 4, 2014	Santa Clara did not ensure the accuracy of a voting district's boundaries or that the voting district provided it with an updated boundary map. Santa Clara had one parcel in the wrong precinct. As a result, it sent that voter the wrong official ballot, voter information guide, and electronic voter information guide.	805,502	1 <.01%	None: The registrar explained that Santa Clara did not take any corrective action because it discovered the error after the election took place.
November 4, 2014	Santa Clara did not ensure the accuracy of a voting district's boundaries or that the voting district provided it with an updated boundary map. As a result, it sent some voters the wrong official ballots, voter information guides, and electronic voter information guides.	805,502	38 <.01%	<ul style="list-style-type: none"> • Sent errata letters • Mailed correct ballot and voter information guide.

Source: California State Auditor's analysis of information provided by Santa Clara; however, because Santa Clara does not keep detailed records of its election-related errors, we cannot ensure that this information is complete.

* An *errata letter* is a letter Santa Clara sends to voters to notify them of an error in election-related materials and provide them with corrected information before the election.

† Because Santa Clara did not take corrective action to address the error, it could only provide us with an estimate of the number of voters it believes could have been affected each year.

Additionally, Santa Clara is not fully using the capabilities of its mapping software, and it could more effectively collaborate with other county departments. To assist in the creation of the precinct maps, the Santa Clara County Assessor's Office (Santa Clara Assessor) maintains tax rate assessment maps of many pertinent boundaries, such as school districts and special districts, including such details as parcel numbers. Although this information exists, Santa Clara indicated that it has not used these data to verify the accuracy of voting district boundaries for every election. We asked Santa Clara County's Information Services Department (Information Services)—a separate county technology department that electronically stores such data as county maps—about Santa Clara's ability to use tax rate assessment maps maintained by the Santa Clara Assessor. The business relationship division manager at Information Services acknowledged that election staff are able to access other departments' map data through the county's central intranet website for its geographic information system and this website includes the tax rate assessment maps from the county assessor.

Further, the Information Services' business relationship division manager later clarified with the Santa Clara Assessor that election staff could access unofficial data for mapping updates more often, such as quarterly rather than annually, as it has generally done in the past. Given that Santa Clara received updated maps from the Santa Clara Assessor annually, we asked the Mapping coordinator why Santa Clara had mapping errors that had existed for more than one year. He stated that the Santa Clara Assessor's data do not have all the required information needed to update Santa Clara's voting precinct boundaries, and that the communication between the County Board of Education, the Santa Clara Assessor, and the State Board of Equalization is not strong enough to ensure the accuracy of certain data. He could not further explain why Santa Clara did not identify the errors. Previously, the Mapping coordinator indicated the voting districts were responsible for the errors, stating that most of the time they provide Santa Clara with outdated or incomplete maps.

When we conducted interviews at five other counties, election officials at four—Alameda, Orange, Sacramento, and San Bernardino—indicated that they work with their voting districts to confirm the accuracy of the boundary maps. In fact, election officials at San Bernardino stated that it previously had trouble obtaining sufficient boundary maps from voting districts until it placed the responsibility on the districts themselves. Specifically, according to election officials at San Bernardino, it sends each voting district the respective boundary map it has on record and requests the district to confirm the boundaries—if the district does not confirm the map, it will not run the election. In contrast, election officials at San Francisco—the fifth county we talked to—explained

that because it is a consolidated city-county, voting districts and boundary lines change infrequently. Thus, it is not challenging for San Francisco to obtain precise boundary maps. To reduce errors, election officials at Alameda stated that it has customized software that integrates its mapping software with its election management software, eliminating the need to modify electronic maps manually so that the data match in both systems. Unlike Santa Clara, election officials we interviewed at four out of five counties indicated that for mapping projects, they generally use staff from their counties' technology departments in addition to their staff. The officials explained that this coordination allows them greater accessibility to maps maintained by other county departments, such as assessors' offices, public safety offices, and hospitals.

If Santa Clara were to collaborate more effectively with Information Services, the collaboration would enable Santa Clara to better coordinate with other county departments and maximize its resources to verify that the boundaries provided by the voting districts are accurate. The registrar explained that Santa Clara had its own Information Technology (IT) division and staff before November 2014; however, the general IT functions of this division were subsequently removed from Santa Clara and added to Information Services. The registrar explained that Santa Clara has coordinated with Information Services in the past and would be open to working with it on additional projects. Furthermore, we believe that if Santa Clara implemented customized technologies like Alameda's integration software, it could decrease the chance of mapping errors. Santa Clara's registrar stated that her staff would need to research whether it is possible to create and implement integration technology with the specific mapping and elections management software Santa Clara uses; nevertheless, she is open to the idea of expanding the use of technology to reduce errors.

Santa Clara's Vendors Caused Seven Errors Involving Election-Related Materials During the Seven-Year Period We Reviewed

Seven of Santa Clara's 26 election-related errors were attributable to vendors, as Table 2 shows, and Santa Clara did not always seek reimbursements for costs associated with remedying those errors, nor did it always take preventive steps to make certain that these errors did not recur. From 2010 through 2016, Santa Clara had contracts with five vendors to assist in the creation and distribution of election-related materials, including voter information guides and official ballots. These contracts included services for printing, translating, and mailing election-related materials. The seven errors primarily related to software programming, material assembly, or

mailing, which caused the vendors to omit certain information from ballots when printing them, send voters the wrong ballots, or send voters' ballots to the wrong addresses.

Table 2
Summary of Santa Clara's Vendor Errors From 2010 Through 2016

ELECTION DATE	ERROR DESCRIPTION	ERROR TYPE	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER AND PERCENTAGE OF AFFECTED VOTERS	CORRECTIVE ACTION TAKEN
June 8, 2010	In violation of state law, a vendor's subcontractor forwarded ballots to voters who had changed their mailing addresses with the postal service, but not their voter registration addresses with Santa Clara. Therefore, Santa Clara sent some voters ballots that contained contests for which they were no longer eligible to vote.	Mailing	765,680	7,668 1.00%	<ul style="list-style-type: none"> • 2,514 voters received the correct ballots—no notification necessary. • 3,124 voters received the wrong ballots—Santa Clara mailed the correct ballots, but failed to send errata letters. • 2,030 ineligible voters received ballots—no notification provided.
November 6, 2012	Santa Clara uses the county's Information Services Department's (Information Services) printing services for mail merges. Information Services used an outdated voter database file and sent some voters incorrect polling place notification letters.	Mailing	817,837	14,548 1.78%	Sent errata letters*
November 4, 2014	Santa Clara made a correction prior to printing; however, a vendor overlooked the correction notice and mailed some voters official ballots with a missing contest.	Missing information	805,502	1,007 .13%	<ul style="list-style-type: none"> • Sent errata letters • Vendor mailed correct ballot
November 4, 2014	Vendor's software issue caused pages to be dropped from the official ballots translated in Chinese. Therefore, Santa Clara sent some voters incorrect official ballots.	Missing information	805,502	697 .09%	<ul style="list-style-type: none"> • Sent errata letters • Mailed correct ballot
November 4, 2014	Vendor that Santa Clara uses to host election night results experienced a server issue that caused election results webpage outages.	Technical	805,502	28,302 [†] 3.51%	<ul style="list-style-type: none"> • Provided regular PDF updates to website
June 7, 2016	Vendor did not assemble electronic voter information guides correctly and included the wrong sample ballots in the voter information guides.	Technical	788,063	2,080 [‡] .26%	<ul style="list-style-type: none"> • Posted corrected electronic voter information guide to website
November 8, 2016	Software vendor's programming error assigned voters to incorrect precincts, causing Santa Clara to send some of these voters the wrong official ballots, voter information guides, polling place information, and electronic voter information guides.	Technical	875,176	83 .01%	<ul style="list-style-type: none"> • Sent errata letters • Mailed correct ballot

Source: California State Auditor's analysis of information provided by Santa Clara; however, because Santa Clara does not keep detailed records of its election-related errors, we cannot ensure that this information is complete.

* An *errata letter* is a letter Santa Clara sends to voters to notify them of an error in election-related materials and provide them with corrected information before the election.

[†] This number reflects the total number of website views during the outage; because the identity of each unique visitor is unknown, we cannot accurately determine the number of voters affected.

[‡] This number reflects the number of ballot types posted to Santa Clara's website; because the number of website visits and identity of any such visitors is unknown, we cannot accurately determine the number of voters affected.

Our review of Santa Clara's vendor contracts found that, when applicable, they generally contain provisions that allow Santa Clara to hold vendors liable for certain costs incurred from delays or failure to deliver products or services on time. Santa Clara's contracts with its vendors that perform printing services also provide a broad liability for consequential damages. The contract with its election information management software vendor contains the least liability for consequential damages, although the contract with its ballot creation software vendor has broader liability terms for direct damages caused by defects.

Nonetheless, Santa Clara did not seek reimbursement for its costs related to six of the seven vendor errors from 2010 through 2016. On one occasion, Santa Clara sought compensation from a vendor for costs associated with rectifying the vendor's error, such as compensation for staff's overtime costs. Specifically, when a vendor assembled the electronic voter information guides with the incorrect ballots for a June 2016 election, Santa Clara explained that its staff performed additional work, including work on the weekends, to determine which guides were incorrect and to rectify the errors. The vendor credited Santa Clara more than \$25,000 for, according to Santa Clara, the total labor cost for the time staff spent rectifying the errors, which included proofreading more than 2,000 versions of the voter information guides.

However, in six other instances, Santa Clara did not seek reimbursement for the costs associated with vendor errors. For example, Santa Clara did not seek reimbursement for the failure of an election-night reporting server. An assistant registrar stated that because of the nature of the service provided, it would be hard to quantify how much the vendor would owe based on how long the service was unavailable. Santa Clara also did not

Santa Clara did not seek reimbursement for its costs related to six of the seven vendor errors from 2010 through 2016.

seek reimbursement when a vendor's software program incorrectly assigned voters to the wrong precinct, causing Santa Clara to send voters the wrong voter information guides and official ballots. The assistant registrar stated that Santa Clara did not generally seek compensation for costs of remedying errors because mostly the vendors handled the errors internally, including sending the errata letters along with the corrected materials. However, he was

unable to provide evidence to support his assertion that vendors mailed errata letters and corrected materials. Because Santa Clara generally did not seek reimbursement from vendors for costs associated with vendor errors, it may have lost compensation for costs that could be significant. As discussed previously, based on Santa Clara's experience with one error, the cost to rectify errors can exceed \$250,000.

We found some instances in which Santa Clara effectively acted to prevent similar vendor errors from occurring again, and we identified some instances when it did not act effectively. For example, for an election in November 2016, a programming error in a vendor's software program assigned more than 80 voters to the wrong precincts. As a result, Santa Clara reported that it sent nearly 70 of these voters the wrong ballot types and voter information guides. The vendor took responsibility for the error and informed Santa Clara that it would fix it, and Santa Clara followed up to ensure that the vendor had resolved the programming error.

However, Santa Clara did not always take sufficient preventive actions to avoid repeated vendor errors. For example, for an election in November 2012, Santa Clara reported that a county department it uses for the printing and mailing of notifications about polling place locations inadvertently used an outdated mailing list from a previous election. Santa Clara reported that this mistake caused it to provide more than 14,000 voters with the incorrect polling place locations. Once it identified the mistake, Santa Clara sent a letter to affected voters, explaining the error and providing the correct polling place locations. To ensure that this error did not recur, Santa Clara stated that it implemented a requirement that the county department delete all mailing lists immediately following each election, but it did not document this requirement in its procedures. Furthermore, for an election in November 2014, a vendor reported to Santa Clara that its software had a technical error, causing it to drop some pages from the official ballot translated into Chinese. This vendor stated that it was developing a software tool, among other actions, to detect and prevent this type of error in the future, yet Santa Clara did not follow up with the vendor to confirm in writing that the vendor implemented its proposed corrective actions. One of the assistant registrars stated that the follow-up occurred during subsequent meetings when the vendor verbally confirmed the new procedures were in place. Without requiring vendors to provide and implement corrective action plans when errors occur, Santa Clara lacks assurance that vendors actually remedied the causes of the errors.

In 11 Cases, Santa Clara's Staff Omitted Information or Made Procedural Errors When Preparing Election-Related Materials

Santa Clara may have also caused voters to lose confidence in the accuracy of election-related materials through errors other than those caused by mapping issues or by vendors. Santa Clara staff were largely responsible for these errors—including omissions of candidate statements or arguments from voter information guides—which Santa Clara does not track formally to prevent recurrence. Table 3 describes these errors, showing that some were insignificant, such as typographical errors that consisted of misspelled words, because they did not change the context of the information. However, several of the errors were more significant in terms of the severity of the mistakes and the number of voters they affected. For example, for an election in June 2010, Santa Clara indicated that Candidate Services misplaced a candidate's statement, and Ballot Layout was therefore unaware of the document and omitted the candidate's statement entirely from the voter information guides that Santa Clara mailed to nearly 19,000 voters. Santa Clara explained that to ensure that future voter information guides included all candidate and measure information, it created a new document log that it keeps in its contest files, where Ballot Layout staff sign off to verify receipt of each document from Candidate Services. To the extent that both divisions follow the process, Candidate Services staff are able to identify those documents that they have not provided to Ballot Layout.

In another case, for an election in November 2016, Santa Clara published in voter information guides the incorrect argument against a measure. State law requires that if more than one argument for or against any county measure is submitted, the county election official shall select one of the arguments. State law also prescribes that the registrar must use a hierarchical selection process by giving preference and priority to the Board of Supervisors or its members, followed by sponsors or proponents of the measure, then associations of citizens, and lastly individual voters who are eligible to vote on the measure. For the error that occurred for the November 2016 election, the registrar explained that Candidate Services received two arguments against the measure—one from a voter and one from an association of citizens. Santa Clara received the latter argument by the deadline but stated that Candidate Services failed to provide it to Ballot Layout. Therefore, because it was unaware of the second argument, Ballot Layout did not publish the association of citizens' argument as prescribed by state law. Instead, Santa Clara erroneously published the voter's argument in the voter information guides, which Santa Clara says it sent to more than 110,000 voters. To ensure that it evaluates all submitted arguments and publishes the correct ones in the future, the Candidate Services manager stated that Santa Clara changed its procedure beginning with the March 2017 election to keep all arguments in a master folder until the close of the filing period. It updated its written procedures during our audit to reflect this change.

Table 3
Summary of Santa Clara’s Other Errors From 2010 Through 2016

ELECTION DATE	ERROR DESCRIPTION	ERROR TYPE	TOTAL NUMBER OF REGISTERED VOTERS	NUMBER AND PERCENTAGE OF AFFECTED VOTERS	CORRECTIVE ACTION TAKEN
June 8, 2010	Typographical error in a candidate's occupation in official ballots and voter information guides.	Typographical	765,680	36,548 (4.77%)	Sent errata letters*
June 8, 2010	Santa Clara did not publish a candidate's statement in voter information guides even though it had received it.	Missing information	765,680	18,788 (2.45%)	Sent errata letters
November 8, 2011	Santa Clara mailed some voters ballots that included the wrong contests.	Mailing	117,649	115 (.10%)	<ul style="list-style-type: none"> • Sent errata letters • Mailed correct ballot
November 6, 2012	Santa Clara made two typographical errors in candidate statements in the English and Tagalog voter information guides.	Typographical	817,837	37,716 (4.61%)	<ul style="list-style-type: none"> • Sent errata letters • Corrected pages mailed
November 6, 2012	Santa Clara published the Spanish translation of a candidate's professional business or community title as female when it should have been male in the military/overseas ballots.	Typographical	817,837	99 (.01%)	None: The registrar stated that because this decision was made before she was the registrar, she is not certain why Santa Clara did not take corrective action.
November 5, 2013	Santa Clara did not identify that the word "to" was not translated to "a" on the inside cover of the Spanish-translated voter information guides that indicated polling times.	Typographical	228,435	3,012 (1.32%)	None: The registrar explained that she checked with the certified Spanish-speaking staff and they believed that the content and message were clear. Further, because the error did not affect a contest, such as a candidacy or measure, management thought it was not necessary to send voters a correction.
June 3, 2014	Although Santa Clara received an argument against a measure, it did not publish it in voter information guides and electronic voter information guides.	Missing information	805,922	415,778 (51.59%)	<ul style="list-style-type: none"> • Sent errata letters • Issued press release
November 4, 2014	Santa Clara marked an incorrect field in its election management software that designated candidates for vote-at-large offices as vote-by-district, causing them to not include all candidates for two school districts in the voter information guides.	Technical	805,502	112,496 (13.97%)	<ul style="list-style-type: none"> • Sent errata letters • Issued press release • Sent email • Placed phone calls
April 7, 2015	A voting district, in this instance a city, incorrectly indicated a candidate was participating in voluntary campaign spending limits by placing a diamond symbol next to the candidate's name in official ballots, voter information guides, and electronic voter information guides.	Incorrect information	40,476	40,476 (100.00%)	Worked with the city to: <ul style="list-style-type: none"> • Send errata letters • Issue press release
November 3, 2015	Santa Clara incorrectly reprinted the hand-written name of an argument signer, causing Santa Clara to misspell the signer's name in the voter information guides.	Typographical	44,085	17,839 (40.47%)	Sent errata letters
November 8, 2016	Santa Clara published the wrong argument against a school district's measure in voter information guides and electronic voter information guides.	Incorrect information	875,176	110,850 (12.67%)	<ul style="list-style-type: none"> • Sent errata letters • Issued press release

Source: California State Auditor’s analysis of information provided by Santa Clara; however, because Santa Clara does not keep detailed records of its election-related errors, we cannot ensure that this information is complete.

* An *errata letter* is a letter Santa Clara sends to voters to notify them of an error in election-related materials and provide them with corrected information before the election.

Officials at four of the five California counties that we interviewed reported that they have experienced some errors over the past seven years, and officials at only two of these counties stated that they track errors in election-related materials. Specifically, election officials at Alameda estimated that its office has had less than five errors in the past seven years, including one error in which a vendor printed the wrong back cover of a voter information guide. Election officials at San Francisco also explained that its office experienced some errors, including a mistake during one election in which one of its vendors printed the incorrect party name at the top of every ballot. Sacramento officials reported experiencing various errors, including the omission of a candidate statement from a voter information guide.

Officials at four of the five California counties reported that they have experienced some errors over the past seven years.

In another instance, a vendor for Sacramento placed the incorrect covers on voter information guides. On the other hand, San Bernardino election officials could recall only one error in election-related materials since 2011, and Orange election officials stated that the county's voter materials have not had any errors in the last seven years. Officials at Alameda and Orange counties explained that they track errors and that their staff typically catch errors before materials go to print by using thorough proofreading processes. In contrast, San Bernardino, San Francisco, and Sacramento election staff explained that they do not track errors but that the most common mistakes they experience are typographical.

Santa Clara also does not track formally any election-related errors in materials it distributes to voters, and error tracking is not a requirement in state law or regulations. However, we believe that tracking errors could ensure that staff are aware of the errors, identify trends in error types, and determine necessary modifications to processes to reduce or eliminate the recurrence of such errors. For example, Santa Clara had eight mapping errors that occurred from 2011 to 2016, as Table 1 on page 14 shows. Had Santa Clara been tracking its errors, it could have identified this trend in mapping and modified its processes to avoid repeating such mistakes. Santa Clara's registrar agreed that tracking errors would be beneficial for Santa Clara because it would create one central document for staff to monitor for informational purposes and it would provide future staff with a record of Santa Clara's responses to errors.

Santa Clara Lacks Comprehensive Written Policies and Procedures and Staff Training That Can Help Prevent Errors From Occurring

Because some of the more significant errors Santa Clara experienced during the past seven years related to mapping and to inaccuracies in ballots and voter information guides, we expected to find that Santa Clara had developed comprehensive policies and procedures to prevent these types of errors from recurring; however, it has not done so. For example, although Mapping has a procedures manual that it created in 2013, the document is still in draft form, and it provides only general instructions to staff on how to enter voting district boundaries into Santa Clara’s mapping software. Further, Mapping’s draft procedures manual does not specify how staff should obtain maps from voting districts or how to send precinct maps to the Secretary of State, which state law requires for each general election. These inadequacies may help explain some of the mapping errors Santa Clara reported experiencing during the period of our review.

Additionally, Ballot Layout provided us with a checklist that prompts proofreaders to verify the titles of measures that appear on ballots, yet the checklist does not include specific direction about the sources of information staff should use to verify the accuracy of the measures’ titles. Santa Clara’s documents related to proofreading election-related materials lack specificity about how staff should conduct this proofreading. Specifically, we expected

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The checklist does not include specific direction about the sources of information staff should use to verify the accuracy of the measures’ titles.
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to find centralized and detailed instructions for staff to follow when completing the different proofreading steps, such as comparing original documents to text that has been reformatted for printing, reading text aloud to one another as part of the proofreading process, and determining whether entire words should be read aloud or spelled out letter by letter. Although these instructions appeared to a limited degree on some documents, they were not centralized in a single location, such as a procedures manual, as we had expected.

Further, Santa Clara uses a detailed spreadsheet to manage each election, which includes deadlines by which staff must complete numerous election tasks, such as tasks related to hiring temporary staff, proofreading, campaign finance reporting, and ballot distribution. However, we found that this spreadsheet—one of the management tools that its managers use to oversee their divisions' election tasks and deadlines—is missing critical milestones, such as the dates that Santa Clara may start accepting nomination papers and the dates by which voting districts must submit their boundary maps. The management analyst responsible for formalizing Santa Clara's policies and procedures stated that Santa Clara implemented the current version of the spreadsheet in preparation for the June 2016 primary election and that it is a dynamic document, customizable to the needs of each election. Without comprehensive policies and procedures, including comprehensive tracking of key deadlines during an election cycle, Santa Clara lacks assurance that staff have the guidance necessary to prepare election-related materials accurately and consistently, which could lead to errors.

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We found that this spreadsheet—one of the management tools that its managers use to oversee their divisions' election tasks and deadlines—is missing critical milestones.

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In lieu of using comprehensive policies and procedures, Santa Clara has relied on the institutional knowledge of its senior staff to provide instruction and guidance to newer staff members regarding its processes for developing election-related materials. Specifically, Santa Clara does not provide staff with formal training regarding their duties, but instead it has experienced staff review with newer staff the office's processes. The election division coordinator for Candidate Services explained that Santa Clara hires temporary staff during the major primary and general election cycles to assist with the increased workload. The election division coordinator further stated that before each election, senior staff discuss with newer staff how to process candidate and ballot measure filings, which includes an overview of the candidate guide, forms, and other documents related to the specific election contests. However, Santa Clara was unable to provide us with any documentation, such as written instructions, to demonstrate the content of the information it provides to staff regarding how to perform their job duties. As a result, Santa Clara lacks assurance that staff are well informed and trained about the steps they need to take when reviewing and developing materials provided to voters, and it

risks that staff may perform these activities inconsistently, which could introduce errors into the process. In addition to inadequate written policies and procedures, Santa Clara's lack of structured employee training leaves it susceptible to the loss of institutional knowledge in the event of staff turnover.

Moreover, although Santa Clara asserts that it has undertaken numerous comprehensive reviews of election-related materials, it does not require staff to consistently document these reviews to ensure that they are conducted as Santa Clara's management intended. According to the management analyst, staff conduct multiple comprehensive reviews of the materials distributed to voters to ensure the materials accurately match the original documents. He explained that these reviews include proofreading text, checking for complete content, and inspecting required formatting. Although we found that Santa Clara included these activities on the checklists it provided to us, we were surprised to learn that staff completed the checklists inconsistently and that some checklists lacked evidence of managerial review. As a result, Santa Clara cannot be sure that staff consistently verify that the information it distributes to voters is consistent with the information that candidates, voting districts, or others provide it. Without evidence of these reviews, we also could not verify that staff perform all activities on the checklist.

Santa Clara's registrar acknowledged that Santa Clara continues to work to formalize its policies and procedures, and she explained that they have been a work in progress for several years because of competing priorities. However, we question the reasonableness of this explanation, particularly because the registrar stated the office hired two permanent management analysts more than two years ago for the purpose of documenting its policies and procedures, among other tasks. The registrar stated that one of the management analysts left the position more than one year ago. According to the remaining management analyst, he was hired to formalize Santa Clara's policies and procedures but his managers often redirect his focus to other projects, such as postelection reports, budget reports, and deadline-driven priorities associated with the planning and administration of elections, including operations.

Therefore, he indicated that he has competing priorities and has only dedicated a small percentage of his time to documenting policies and procedures. The registrar explained that since the other management analyst left, Santa Clara has been working through two voter recounts from contested elections, 11 recounts directed by the Board of Supervisors, and the administration of six elections, including the 2016 June primary and the November general election. She further explained that, because the management analyst position was

vacant, Santa Clara had the opportunity to reclassify the position to allow it to hire someone with management experience and enable that individual to gain election experience before being classified at the highest level. She stated that the position reclassification was complete, and as of September 2017, she submitted a hiring request to the county's Employee Services Agency and is currently waiting for it to post the management analyst position.

Given the complexity of the elections process, as we describe in the Introduction, and the comprehensive detail with which staff must conduct their reviews to confirm the accuracy of election-related materials, it is reasonable that documenting and finalizing these procedures could take several months. However, Santa Clara could

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Santa Clara could have avoided several of its errors, particularly those that were typographical in nature or involved information omitted from ballots, by having comprehensive policies and procedures.

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have avoided several of its errors, particularly those that were typographical in nature or involved information omitted from ballots, by having comprehensive policies and procedures in place. Thus, Santa Clara would be remiss if it did not prioritize the development of such procedures to avoid incurring the costs—both financially and to its reputation—of responding to preventable errors.

Unlike officials and staff at Santa Clara, election officials we interviewed at five other counties generally stated they have developed formalized policies and procedures related to the creation, review, and distribution of election-related materials they provide to voters. Our review of the counties' policies and procedures indicates that Santa Clara could take steps to collaborate with other county registrars and obtain other counties' policies and procedures to assist in the development of its own. For example, although Santa Clara experienced typographical errors, it does not have detailed, centralized proofreading procedures for staff to follow that could prevent such errors. In fact, Santa Clara's proofreading procedures are limited to checklists that instruct staff to proofread and verify information but that do not describe the proofreading process or give the proofreader detailed instructions about how to verify that information is consistent with the information that candidates, voting districts, or others provide.

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Santa Clara could take steps to collaborate with other county registrars and obtain other counties' policies and procedures to assist in the development of its own.

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On the other hand, Sacramento has proofreading procedures that apply to all documents it proofreads during the election cycle that describe, in detail, the proofreading process, including that there are three proofreading teams, each consisting of two people—one person reading the original document and one person listening to make sure the content is correct. Sacramento's procedures further explain that the first team reads the document word for word, beginning to end; the second team reads the document word for word, end to beginning; and the third team reads the document letter by letter, beginning to end. For example, the third team would read the name Joe Smith as "capital *J*, lowercase *o*, *e*, space, capital *S*, lowercase, *m*, *i*, *t*, *h*." Sacramento also maintains a proofreading log that tracks staff members' progress in the proofreading process, which management has the ability to continuously monitor. Santa Clara could formalize similar proofreading procedures to ensure that staff have explicit instruction on how to proofread materials, and both management and staff could verify accountability within the process.

Additionally, in contrast to Santa Clara, Orange has a written document approval policy to ensure that every document, including ballots and voter information guides, that the registrar provides to the public are subject to managerial review. The policy states that the registrar has a document approval team consisting of five members—the registrar and other managers or unit leads—who are charged with reviewing every document that it distributes to the public. Each member of the document approval team must sign an approval form attached to the document, and this form must be filed with the approved document. Officials from Orange also indicated that the county uses a spreadsheet to track all changes made to documents during the proofreading process; this spreadsheet remains with the original document, and reviewers verify that the ballot captures the changes before two reviewers perform a final examination. Santa Clara could implement similar review and approval procedures, which would provide it with assurance that staff are conducting the reviews it requires and hold the reviewers accountable for the accuracy of election materials Santa Clara distributes to voters.

Finally, Alameda has implemented technology that can reduce errors. Alameda's registrar stated that it created an online portal where candidates can log in to view, type, or upload their statements independently, which we believe would eliminate transposition errors that software may make when, for instance, it converts handwritten text to typewritten text. He also explained that it requires candidates to sign off on their statements to verify accuracy. Technological resources such as these could reduce Santa Clara's risk of making errors in its election-related materials. For example, Santa Clara could have potentially avoided the typographical error in a candidate's occupation in election material for the June 2010 election or the typographical errors in candidate statements in the voter information guides for the November 2012 election.

Recommendations

To ensure the accuracy of voting district boundaries and to allow Santa Clara to make changes to existing boundaries as necessary, Santa Clara should establish a procedure requiring Mapping staff to ask each voting district either to certify that its boundaries are accurate and unchanged or to provide an updated map of its boundaries at least 125 days before each general district election.

Santa Clara should immediately coordinate with Information Services to access the most current maps from other county departments, such as the Santa Clara Assessor, to verify the accuracy of district maps.

To reduce errors and potentially its workload, Santa Clara should research by January 2018 its opportunities to integrate mapping software with its election management software, and Santa Clara should implement this integration of mapping software technology by June 2018.

Santa Clara should promptly seek compensation from its vendors for all costs associated with rectifying vendor errors that occur in the future.

To make certain that its staff learn of election-related errors and identify trends in error types, and to allow Santa Clara to identify necessary modifications to processes that will reduce or eliminate such errors, Santa Clara should immediately formalize a policy requiring the continued use of a spreadsheet similar to the one it created to track election-related errors.

To ensure accuracy and consistency in the creation, review, and distribution of election-related materials, Santa Clara should review and document in detail all policies and procedures by October 2018, prioritizing its documentation for the divisions that are responsible for the most frequent and egregious election-related errors. Specifically, Santa Clara should review and formalize Mapping's policies and procedures by January 2018, to allow time for implementation before the June primary election process. By October 2018, Santa Clara should review and formalize policies and procedures for the remaining divisions—including Ballot Layout, Candidate Services, and Vote by Mail—to provide adequate time for implementation before the November general election process.

To reduce the risk of staff errors, inconsistencies in procedures, and the loss of institutional knowledge in the creation, review, and distribution of election-related materials, Santa Clara should develop and implement training for its staff that includes instructions on its comprehensive policies and procedures. The development of this training should take place concurrently with Santa Clara's detailed documentation of its policies and procedures, and Santa Clara should require relevant staff to attend this training before each major election.

To ensure the accuracy of election-related materials, Santa Clara should immediately implement a procedure for candidates, voting districts, or others who submit documents to have them verify the accuracy of the electronic versions of those documents once Santa Clara has formatted them.

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Santa Clara Has Not Ensured That It Notifies Voters Consistently and Effectively About Errors in Election-Related Materials

Key Points

- Santa Clara has not formalized a contingency plan to inform its decision making when responding to election-related errors, and this lack of a plan has contributed to its acting inconsistently when addressing errors that are similar.
- Santa Clara did not always notify voters about the existence of errors in election-related materials, nor did it provide voters with explanations about how such errors occurred.

Santa Clara Addressed Similar Types of Errors in Inconsistent Ways

Santa Clara does not have a written contingency plan for how it will address election-related errors; rather, it generally relies on staff judgment when responding to these errors. In addressing most of its errors, Santa Clara has issued errata letters or press releases, and it has taken both of these actions for some errors. However, according to the registrar, Santa Clara has relied historically on staff knowledge of the process rather than using a predetermined contingency plan to respond to election-related errors. The registrar stated that she and the assistant registrars judgmentally determine for each specific error how they will respond, and they consider the number of voters affected and whether the error changes the context or meaning of the information provided to voters.

Partly because Santa Clara does not have a contingency plan to inform its decision making, we found it took inconsistent remedial actions in response to the errors. For a May 2011 election, Santa Clara issued a press release, sent voters an errata letter, and mailed the correct ballot after it incorrectly mailed to 133 voters ballots and voter information guides that included a measure for the Cupertino Union School District when these voters should have received ballots that included a measure for the Sunnyvale School District. In contrast, for an election in November 2011, Santa Clara did not issue a press release when it made a similar mistake by mailing to approximately 115 voters vote-by-mail ballots that included contests for the Orchard School District located in San Jose even though the voters lived in Palo Alto. In this case, Santa Clara explained that it chose only to send errata letters and the correct vote-by-mail ballot to the 115 affected voters.

For an election in June 2010, a vendor subcontractor violated state law when it forwarded ballots to 7,668 voters who had changed their mailing addresses with the U.S. Postal Service but who had not changed their voter registration addresses with Santa Clara. According to a 2011 grand jury report, roughly 2,000 of these 7,668 voters had moved outside the county and no longer were eligible to vote in Santa Clara, 3,100 voters had moved to addresses within different voting areas of the county, and 2,500 voters had moved to addresses within the same voting area. Although forwarding ballots violates state law, the 2,500 voters who moved within the same voting area received the correct ballots; therefore, it was not necessary for Santa Clara to issue a correction or notification to these voters. For the 3,100 voters

who moved to different voting areas within the county, Santa Clara indicated that it sent them the correct ballots. However, Santa Clara could not demonstrate that it sent errata letters to these voters explaining that if they had previously voted on the incorrect ballots, they must vote again using the new ballots for their votes to be counted. On the other hand, when it sent 38 voters the incorrect ballots for an election in November 2014, Santa Clara sent the voters errata letters along with the correct ballots and voter information guides. The registrar explained that Santa Clara had several different administrations during the period we audited and that because many of these errors occurred before she was appointed, she could not explain why Santa Clara chose to take different actions when responding to a similar error. The registrar's response underscores our belief that Santa Clara needs a contingency plan to ensure it takes consistent actions for similar errors. Consistent responses to errors could increase Santa Clara's transparency and ensure that it takes all reasonable actions to inform voters affected by the errors.

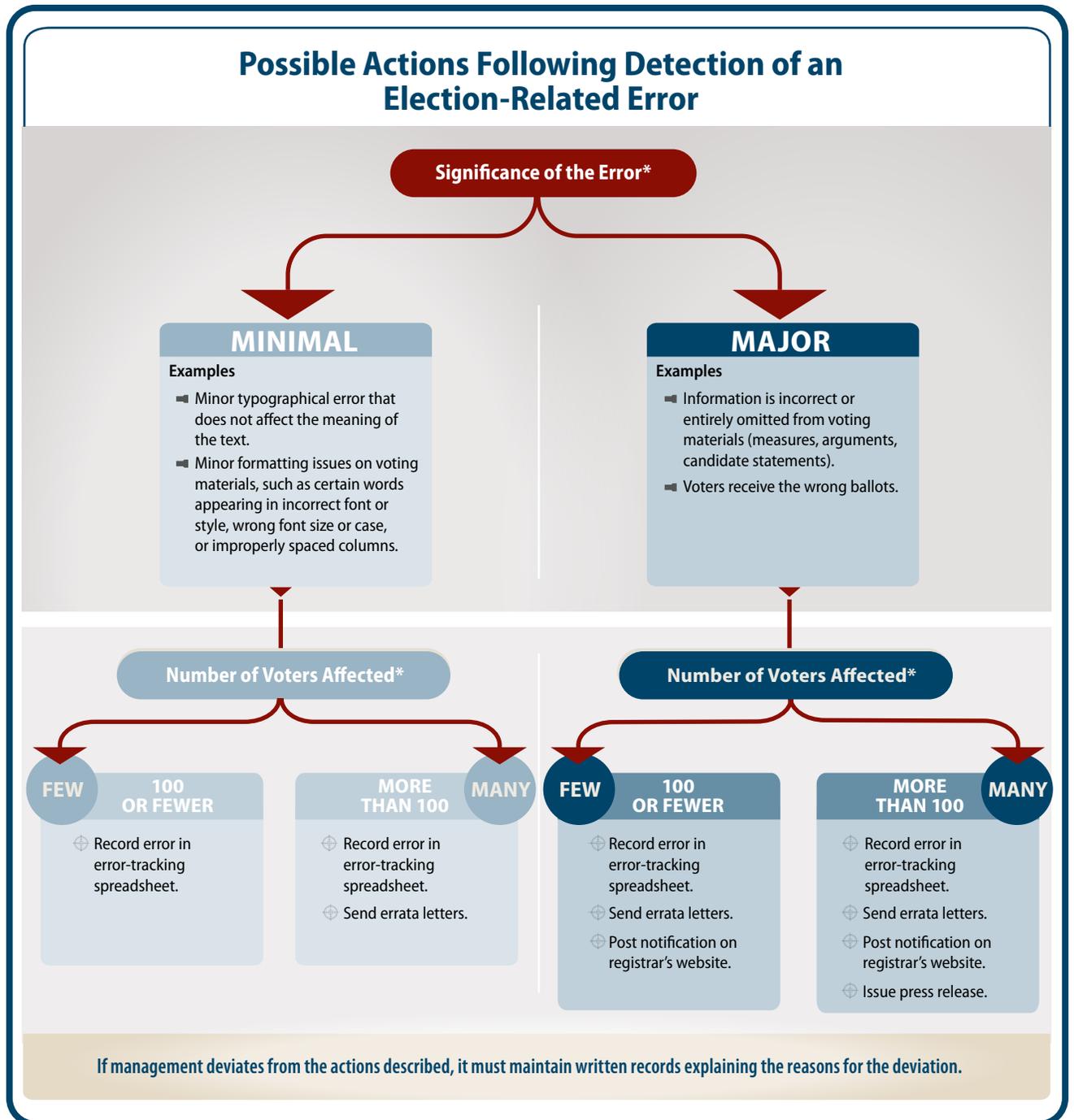
Although state law and regulations do not require counties to have contingency plans for responding to election-related errors, we believe that having such plans is a best practice. Like the election staff at Santa Clara, officials we interviewed at five other counties also indicated that they do not have contingency plans for election-related errors and generally decide how to respond to them on a case-by-case basis. We believe that having contingency plans would inform the counties' decision making when addressing election-related errors and would ensure that the actions the counties take are consistent and effective. Santa Clara's registrar agreed that formalizing a contingency plan and procedures would be beneficial to her office because it would allow new staff who are unfamiliar with the process to address errors effectively and consistently.

Figure 4 presents an example of a decision matrix that Santa Clara could use to guide the actions it takes when responding to errors so that it can ensure that its actions are consistent when it responds to similar errors. As the figure shows, Santa Clara could consider the number of voters affected and the significance of the error when deciding which actions to take. For example, for minor errors, such as a typographical error in a ballot distributed to more than 100 voters, Santa Clara could record the error in its tracking spreadsheet and send the voters errata letters.² For major errors, such as omitting a candidate's statement from voter information guides distributed to more than 100 voters, Santa Clara could take the additional steps of issuing a press release and posting a notification on its website. We acknowledge that for some errors, this matrix may not always be practical to follow. For example, if Santa Clara makes a typographical error in a candidate's professional or community title and the error affects 100 or fewer voters, the candidate may ask the registrar to send errata letters to the affected voters. In such instances,

² Santa Clara should determine its own standards by which to measure the significance of the error and number of voters affected.

Santa Clara could choose to deviate from its prescribed set of actions, allowing it the flexibility to consider the specific circumstances of errors and to document justifications for any such deviations.

Figure 4
Potential Decision Matrix Santa Clara Could Use to Address Election-Related Errors



Source: California State Auditor's generated graphic.

* Santa Clara should determine its own standards by which to measure the significance of the error and number of voters affected.

Santa Clara's Responses to Some Errors in Election-Related Materials Could Erode Public Trust

Although it generally notified voters of errors in election-related materials from 2010 to 2016, in five instances Santa Clara identified errors but chose not to notify all affected voters. Additionally, in its errata letter about another error, Santa Clara may have provided an unfair advantage to one candidate. We determined that for some errors, Santa Clara's decisions not to notify voters were reasonable given that the errors were minor and did not change the meaning of the information about the relevant elections. Nevertheless, when it decided not to disclose to the public the remaining two errors, Santa Clara missed opportunities to assure voters of its dedication to transparency and accuracy.

Our review indicated that Santa Clara was reasonable when it chose not to inform relevant voters about three of the five election-related errors for which it did not issue notifications. For example, for an election in November 2013, Santa Clara did not identify that the word "to" was not translated to the Spanish word "a" on the inside cover of the Spanish voter information guide that indicated polling times. The registrar explained that she checked with the staff who were certified in Spanish, and they believed that the content and message were clear. She further explained that because of that feedback and her understanding that the error did not affect a contest, such as a candidacy or the passage of a measure, management thought it was unnecessary to send voters a correction. We agree that in such an instance it is unnecessary to notify voters.

In two of these five instances, however, we determined that Santa Clara should have notified voters about the errors. For example, as we previously discuss, for an election in June 2010, a vendor subcontractor forwarded to voters' new addresses ballots that listed contests applicable to their old addresses for which the voters were no longer eligible to vote. Although Santa Clara stated that it sent

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In two of these five instances, however, we determined that Santa Clara should have notified voters about the errors.

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corrected ballots to the roughly 3,100 eligible voters who had moved within the county, it did not send an errata letter notifying the voters that their first ballots would be invalid and that they must vote again. Additionally, Santa Clara did not send over 2,000 voters who had

moved out of the county an errata letter to notify them that they were ineligible to vote. Santa Clara also discovered errors during an election in November 2012, when it determined that it had been using incorrect boundaries for two voting districts since 2000. According to its assistant registrar, this error may have caused it to send as many as 850 voters—the number of voters it estimates were affected each year—voter information guides and ballots that did not include contests or measures that pertained to their respective community college district for at least 12 years. Because the error was discovered early enough for Santa Clara to correct the maps before any materials were mailed to the voters who would have been affected, no action was required for the November 2012 election. Noting that these errors had occurred before her appointment, the registrar stated that she could not explain why Santa Clara chose not to respond to these errors. Notifying the public of errors is necessary to ensure that voters obtain accurate information and can exercise their right to vote on candidates and measures within their jurisdictions when applicable.

In another instance, Santa Clara may have provided a candidate with an unfair advantage because of the manner in which it chose to notify voters of its mistake. For an election in June 2010, Santa Clara failed to publish a candidate's statement in the voter information guide. To notify voters of the error, Santa Clara sent an errata letter that contained only the candidate's statement that it omitted. Instead, the errata letter should have included all candidates' statements. Although the candidate did not win,

.....

Santa Clara may have provided a candidate with an unfair advantage because of the manner in which it chose to notify voters of its mistake.

.....

Santa Clara drew voters' attention to that candidate in particular by providing just the one candidate's statement and therefore may have provided an unfair advantage to that candidate or influenced the public's perception of the candidate. We noted, however, that in a similar instance for an election in June 2014, when Santa Clara mistakenly omitted an argument against a measure in the voter information guide, it did include arguments in favor and against the ballot measure in its errata letter.

Additionally, for 14 instances in which errors affected election materials for groups of more than 100 voters, Santa Clara failed to issue press releases, an action we consider to be a best practice. For example, for an election in November 2012, Santa Clara reported that it sent 14,548 voters notification letters listing incorrect polling places, but it did not issue a press release. In another instance, for an election in June 2016, a vendor incorrectly assembled electronic voter information guides and included the wrong sample ballots for 2,080 ballot types, and again Santa Clara did not issue a press release. Given the large numbers of voters affected in both of these instances, we expected that Santa Clara would have issued press releases to make certain that the affected voters were aware of the errors.

Santa Clara also missed an opportunity to inform the county's voters when it decided not to address the public regarding media reports of certain election-related errors. Specifically, in October and November 2014, the media scrutinized Santa Clara for errors that had occurred, including the fact that Santa Clara had mailed voter information guides and official ballots that were missing arguments about measures, candidates' names, and candidates' statements to some voters. Further, the media reported that the registrar's website experienced outages of its webpage showing election night results, which prevented the public from viewing updated voting results and that a complete tally of votes was not available until the following morning. According to the registrar, Santa Clara posted an update to the website in lieu of real-time results. The media stated that Santa Clara was the last county in the Bay area to complete its count and among the slowest in the State. Despite such scrutiny, Santa Clara issued a press release identifying just one of the errors; it did not issue a press release responding to the media reports of its other errors.

According to the registrar, she believed it was unnecessary to issue a press release because the media were already aware of the errors, and she made herself available for all media inquiries. Nevertheless, we believe that Santa Clara missed a key opportunity to reassure the public and to display its transparency by issuing a statement describing the causes for and circumstances surrounding the errors. Such a statement could have also included a description of Santa Clara's plan to ensure that similar errors do not recur in the future, which would have bolstered public confidence in the registrar's office and might have mitigated some of the negative press coverage that Santa Clara received.

We found that, in general, Santa Clara did notify voters about errors, but it did not explain the causes for the errors or how it planned to prevent similar errors from recurring. State law does not require such explanations; however, we believe disclosing this information is a best practice that promotes transparency

and fosters the public's trust. By not disclosing information about errors, Santa Clara missed opportunities to demonstrate to voters its commitment to verifying that the information they receive is consistent with the information submitted to Santa Clara for inclusion in election-related materials. Santa Clara issues a postelection report that it publishes on its website after each election. We believe that Santa Clara should use these postelection reports to describe the causes of errors that occurred during elections and the ways in which it will prevent similar errors from recurring. The registrar agreed that it is reasonable to add this information to its postelection reports.

Recommendations

To ensure consistency in responding to election-related errors, Santa Clara should immediately implement a contingency plan or decision matrix that includes specific guidelines for the actions it will take based on the number of voters affected and the significance of the error. In instances in which it chooses to deviate from this plan, Santa Clara should document its reasons for deciding to do so.

To maintain the public's confidence in it and its functions, Santa Clara should immediately include in its postelection reports descriptions of any election-related errors, accounts of why the errors occurred, and explanations of how it plans to prevent similar errors from occurring in the future.

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To Help Prevent Errors in Election-Related Materials and Processes, the Secretary of State Should Enhance Its Oversight of County Election Officials

Key Points

- The Secretary of State conducts insufficient monitoring of counties' election-related materials to ensure that they comply with laws and regulations.
- The Secretary of State provides limited guidance to county election officials, particularly regarding best practices and correct interpretation of election laws and regulations.

The Secretary of State Should Conduct Reviews of Local Elections to Ensure Compliance With State Requirements

If the Secretary of State were to actively identify the types and frequency of errors that occur in the election-related materials prepared and distributed by counties, it could help to identify and mitigate the causes of those errors. Although the Secretary of State is responsible for providing oversight of county election practices, its chief counsel acknowledges that the Secretary of State does not monitor or oversee county election-related materials to verify the counties' compliance with laws and regulations. Rather, the Secretary of State relies on the public to notify it about criminal violations of the California Elections Code. However, the chief of elections stated that the Secretary of State tracks voter fraud complaints and that the complaints typically are not about specific election officials or election-related materials. Further, the election voter complaint form on the Secretary of State's website specifically states that voters may use the form to report election fraud or criminal violations. Given this instruction, voters are unlikely to use this form to report errors in election-related materials to the Secretary of State. Coupled with the fact that state law or regulations do not require counties to track or report errors in election-related materials provided to voters, these limitations hinder the Secretary of State's awareness of and ability to address errors counties may experience.

Under its current authority, the Secretary of State could require counties to self-report after each election the types and causes of errors that occurred in their election-related materials. According to the chief of elections, to ensure that counties report meaningful information regarding the errors, it would need to define the parameters for the errors, determine the thresholds of the errors, identify how to store the information, determine how to identify any patterns in the errors, and assess how to track the information it receives. All of the counties whose officials we interviewed stated that their responses to errors depend on the errors' significance, but the counties indicated that they had different notions of which errors are significant. For example, Sacramento stated that it considers any instance in which it provides voters with inaccurate information an *error*. However, San Bernardino stated that it considers any error on the ballot significant, but if there are minor errors on the voter information guide, it consults with the affected

candidates or voting districts to determine what actions to take. On the other hand, Santa Clara’s registrar considers all mistakes in voter information guides or official ballots that it distributes to voters as errors. By establishing which election-related mistakes or incidents constitute *reportable errors* and by tracking all counties’ reported errors, the Secretary of State could evaluate those errors to understand the most common errors and to adjust its guidance to counties in the future.

The Secretary of State’s chief of elections and chief counsel explained that, as a matter of practice, the Secretary of State does not conduct reviews of counties’ voter information guides or official ballots, nor does it assess the distribution of those materials to confirm compliance with state requirements. Although the Secretary of State asks counties to provide it with copies of sample ballots, the chief of elections explained that staff do not review this information for compliance but instead maintain it for the purposes of addressing questions the public may pose and for certification of bond measures. As a result, the Secretary of State cannot be certain

The Secretary of State does not conduct reviews of counties’ voter information guides or official ballots.

that counties comply with state law and regulations consistently, even though noncompliance could affect both state and local elections. For example, because of redistricting, the Secretary of State provides counties with an updated map of state and federal voting districts once every 10 years. Counties are required by law to use the state map for administrative functions involving elections, including the preparation of precinct maps. However, the chief counsel stated that all local district and precinct mapping is the responsibility of county election officials—not the Secretary of State. Thus, although it has the authority to do so, the Secretary of State does not verify the accuracy of the counties’ precinct maps. Further, as we discuss previously, counties’ abilities to provide voters with correct ballot types is reliant upon the accuracy of these maps. Without an oversight process, the Secretary of State cannot be certain that counties are providing voters with accurate ballots for elections, including state elections.

The chief counsel explained that the Secretary of State does not monitor county election offices to confirm their compliance with state requirements because county election officials are responsible

for proofreading, reviewing, and distributing election-related materials to their respective voters. However, state law requires the Secretary of State to make certain that county election officials conduct elections efficiently and that state election laws are enforced. Therefore, we disagree with the chief counsel's conclusion and think that the Secretary of State should, for example, select 10 counties for review each year, using a risk-based approach that takes into account the numbers of errors reported by the counties and the public as criteria for its selection. The Secretary of State should then evaluate selected aspects of those counties' creation, review, and distribution of election-related materials to ensure that counties comply with state requirements. Until such monitoring occurs, the Secretary of State will continue to lack assurance about whether counties are complying with state requirements that govern elections. Moreover, the Secretary of State could use observations from its annual reviews to inform the guidance it provides to counties. The Secretary of State's chief of elections asserted that the implementation of reviews of counties' election related-materials would require an assessment of the resources such reviews would require.

The Secretary of State Could Increase the Guidance It Provides to County Election Officials to Foster Consistency in Their Interpretation of State Requirements

The Secretary of State provides to county election officials some guidance on various election-related topics through memorandums, conference calls, and collaborative training with county election officials. Because the Secretary of State is responsible for overseeing the election process, we expected to find that it gives direction to counties to help ensure consistency in their interpretation of laws and disseminate best practices. However, our review of available documentation regarding the Secretary of State's guidance revealed that the documentation is limited and could be strengthened. Specifically, the Secretary of State gave us 65 written memorandums that it believed contained guidance and that it disseminated to county election officials during calendar year 2016; however, we determined that only 18 actually contained guidance. Further, none of these memorandums related to errors in election-related materials. The majority of the remaining 47 memorandums were informational, instructional, or requests for the counties to participate in surveys. Specifically, 38 of these memorandums simply contained information or instructions, which the Secretary of State is required to provide counties for the administration of state elections. For example, a February 2016 memorandum provided counties with the proposition number for a measure that would appear on the ballot for the upcoming June election. The remaining nine memorandums

contained surveys in which the counties were requested to participate. For instance, in June 2016, the Secretary of State issued a memorandum asking counties to participate in a survey about how much the counties planned to charge legislative candidates and congressional candidates to purchase candidate statements in voter information guides.

The chief of elections explained that the Secretary of State also conducts monthly conference calls with the California Association of Clerks and Election Officials (county association), which provides a forum for county election officials to share information and best practices throughout the State. The Secretary of State provides guidance, general information, and notifications of upcoming events during these calls. The chief of elections also stated that the Secretary of State coordinates with the county association to conduct presentations at its various monthly subcommittee meetings. Furthermore, the assistant chief of elections explained that the chief or division staff respond on the electronic message board to any questions that counties may ask and that the Secretary of State surveys counties to request information related to their compliance with certain requirements or to determine best practices. In our review of the 2016 surveys, we generally found this to be the case.

Although staff we interviewed at the five counties explained that they could contact the Secretary of State for guidance as needed, we are concerned that election officials, including registrars, would not seek guidance if they believe they are already interpreting or implementing requirements correctly, and this situation could lead to inconsistencies. By increasing its monitoring efforts, the Secretary of State could more readily identify statewide issues to better focus the direction it provides to counties, including guidance that helps ensure that counties are providing accurate information to voters and addressing errors consistently. The chief of elections did not oppose the idea of increased monitoring and guidance; however, she also did not commit to additional monitoring, stating that limited resources may be an issue.

Recommendations

The Secretary of State should adopt regulations establishing clear criteria for mistakes in election-related materials that constitute reportable errors and require counties to report these errors to it after each election.

Beginning in December 2018, the Secretary of State should implement annual risk-based reviews of a selection of county election officials' offices to ensure their compliance with state election laws and regulations.

To inform and enhance the guidance it provides to county election officials, the Secretary of State should analyze error reports and its risk-based review results to focus its guidance on topics most relevant to improving elections throughout the State.

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SCOPE AND METHODOLOGY

The Joint Legislative Audit Committee (Audit Committee) directed the California State Auditor to determine, for the period from 2010 through 2016, whether Santa Clara’s policies, procedures, and practices regarding the review and distribution of election-related materials complied with relevant legal requirements and were adequate to identify and prevent errors. We were also directed to review a selection of errors and the corrective actions Santa Clara took to address the errors, determine whether Santa Clara has contingency plans for when election-related problems occur and whether these plans are effective, and evaluate Santa Clara’s oversight of its vendors as it relates to creating and distributing election-related materials. Table 4 lists the objectives that the Audit Committee approved and summarizes the methods we used to address those objectives.

Table 4
Audit Objectives and the Methods Used to Address Them

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Identified and documented the relevant federal and state laws, rules, regulations, county ordinances, and Secretary of State guidance and reports to develop background and establish criteria related to the audit.
2	Review the registrar’s office’s policies, procedures, and practices regarding review and distribution of election related materials—including sample ballots, election pamphlets, and official ballots—and determine whether they comply with relevant legal requirements and are adequate to identify and prevent errors.	<ul style="list-style-type: none"> • Obtained policies, procedures, and practices regarding the review and distribution of election-related materials from 2010 through 2016. • Compared policies, procedures, and practices with a judgmental selection of 20 legal requirements to ensure compliance. We selected voter information guides, which include sample ballots, and official ballots from three elections that took place from 2010 through 2016 and determined whether they satisfied the 20 selected legal requirements, as appropriate. Although Santa Clara’s formal policies, procedures, and practices are not adequate to identify and prevent errors in election-related materials, we found the existing documentation and practices, though incomplete, comply with relevant legal requirements.
3	Determine whether the registrar’s office has contingency plans for when election-related problems occur or are discovered and, if so, determine whether those plans are effective.	Interviewed staff to obtain an understanding of why Santa Clara lacks contingency plans, reviewed the checklist it recently developed, and documented the results.
4	Review and evaluate the registrar’s office’s oversight of its vendors as it relates to such activities as printing or mailing of election documents including ballots, sample ballots, and voter information guides, among others.	<ul style="list-style-type: none"> • Obtained all practices, policies, and procedures from 2010 through 2016 regarding procurement and oversight of vendors related to creation and distribution of election-related materials. • Reviewed and analyzed procurement policies and procedures and all vendor contracts for the development, review, and distribution of election-related materials from 2010 through 2016 to determine whether the contracts and procedures were sufficient to identify and prevent errors and protect the county from losses. • For the seven vendor errors that occurred during 2010 through 2016, interviewed staff and obtained documentation to determine whether the actions Santa Clara took to enforce its contracts or hold the vendors accountable complied with its procedures and were reasonable.

continued on next page . . .

AUDIT OBJECTIVE	METHOD
<p>5 Review a selection of errors that occurred in the past six years, including instances attributed to vendors, to evaluate the following:</p> <p>a. The corrective actions the registrar's office took to address the errors and evaluate whether those actions comply with internal policies, procedures, practices, and contingency plans.</p> <p>b. The registrar's office's efforts to prevent similar errors from occurring in the future.</p> <p>c. The effectiveness of outreach and communications used by the registrar's office to inform voters of errors.</p>	<ul style="list-style-type: none"> • Obtained and documented election-related errors and corrective actions taken for each error during the past seven years. We reviewed seven years because the analysis of the Audit Committee's request asked us to review 2010 through 2016, which we considered as calendar years. • For all 26 errors in election-related materials reported by management as occurring from 2010 through 2016, compared corrective actions with internal policies and practices to determine compliance. Because Santa Clara does not keep detailed records of its errors, we cannot ensure that this information is complete. • Interviewed staff and obtained documentation to determine whether Santa Clara modified existing policies, procedures, and practices in the past seven years as a result of past errors. • Reviewed outreach efforts used to inform the public of errors in election-related materials to determine the effectiveness and consistency of such efforts.
<p>6 Review and assess any other issues that are significant to the audit.</p>	<p>Secretary of State:</p> <ul style="list-style-type: none"> • Obtained and assessed guidance provided to county elections officials for review and distribution of election-related materials. • Obtained and assessed guidance provided to elections officials for contingency planning for errors in election-related materials. • Interviewed Secretary of State staff to determine the level of oversight and guidance provided to county elections officials. We interviewed officials and staff at Santa Clara and the five counties—Alameda, Orange, Sacramento, San Bernardino, and San Francisco—to determine whether they believe they need additional guidance and what guidance they believe they are lacking as it relates to the scope of our audit. <p>County Interviews:</p> <ul style="list-style-type: none"> • Based on inadequacies we identified in Santa Clara's policies, procedures, and practices, we interviewed officials at five counties regarding their policies and procedures, and we reviewed supporting documentation to help inform best practices and our recommendations to Santa Clara. In selecting the five counties, we considered those that were similar to Santa Clara in voter population size, the number of languages in which they must translate election-related materials, the number of precincts within each county, and recommendations from Santa Clara and the Secretary of State. • Identified the types of errors the counties have had over the audit period, the steps the counties took toward corrective actions, and the outreach efforts the counties used to inform the public of errors in election-related materials.

Sources: California State Auditor's analysis of the Audit Committee's audit request number 2017-107 as well as information and documentation identified in the column titled *Method*.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the Scope and Methodology section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: October 24, 2017

Staff: Laura G. Kearney, Audit Principal
Karen Wells
Alexander Maher

Legal Counsel: Rick Weisberg, Senior Staff Counsel

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

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County of Santa Clara

Office of the County Executive

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Jeffrey V. Smith, M.D., J.D.
County Executive

October 2, 2017

Ms. Elaine M. Howle, State Auditor*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

Please accept this letter as the County of Santa Clara's response to the California State Auditor's report entitled, "Santa Clara County Registrar of Voters: Insufficient Policies and Procedures Have Led to Errors That May Have Reduced Voters' Confidence in the Registrar's Office." This audit was conducted at the direction of the Joint Legislative Audit Committee of the California Legislature. We note that the copy of the audit report provided to us omitted certain redacted material. We cannot, and do not, provide a response as to redacted material in the report, and these responses do not address or apply to the redacted items. ①

The audit report has helped to clarify that, while the County of Santa Clara's existing documentation and practices comply with relevant legal requirements, its policies, procedures, and practices can be improved to more fully identify and prevent errors in election-related materials.

The audit report should also be commended for making great efforts to explain the complexities of elections and ballot creation processes within a compressed timeframe, as illustrated by Figure 1. The County of Santa Clara strives for complete accuracy in the information it provides to voters, and recognizes that more detailed procedures, process enhancements, and technological advancements would help improve the process of election-related materials creation, verification, and distribution.

The following are the ten recommendations of the audit report, each followed by the County's response:

Recommendation #1

To ensure the accuracy of voting district boundaries and to allow Santa Clara to make changes to existing boundaries as necessary, Santa Clara should establish a procedure requiring Mapping staff to ask each voting district either to certify that its boundaries are accurate and

* California State Auditor's comments appear on page 55.

unchanged or to provide an updated map of its boundaries at least 125 days before each general district election.

County of Santa Clara Response to Recommendation #1

The County of Santa Clara agrees that staff should request that voting districts confirm that the information the County has is accurate, or provide an updated map of boundaries. The County has an existing process in which annual notices are mailed to local voting districts to request boundary update information. This notification letter includes a verification form by which voting district staff may sign off that the map on file with the Registrar's Office is accurate and current, in lieu of providing a map to the department for each election. The County agrees that a more complete notice package of information to each of the districts would enhance the process, specifically by including the existing map on file as an enclosure to the annual letter and verification form, and by following up with voting districts that do not respond to the notice.

Recommendation #2

Santa Clara should immediately coordinate with Information Services to access the most current maps from other county departments, such as the Santa Clara Assessor's Office, to verify the accuracy of district maps.

County of Santa Clara Response to Recommendation #2

The County of Santa Clara agrees with the recommendation, and has initiated the process of coordinating with Information Services to gain more frequent and regular access to the maps maintained by the County of Santa Clara Assessor's Office.

Recommendation #3

To reduce errors and potentially its workload, Santa Clara should research by January 2018 its opportunities to integrate mapping software with its election management software, and Santa Clara should implement this integration of mapping software technology by June 2018.

County of Santa Clara Response to Recommendation #3

The County of Santa Clara agrees with the recommendation to research opportunities to integrate mapping software with its election management system. The County's election management system software requires a manual data transfer from the County's Geographic Information Systems software. The County agrees that the extent to which this process can be automated would reduce staff workload and the chance of data entry error. Any changes to the election management system software would need to be agreed upon and developed by the third-party vendor, which would determine the delivery schedule. However, the County agrees with exploring such integration, and, if possible, will attempt to implement by the recommended date.

Recommendation #4

Santa Clara should promptly seek compensation from its vendors for all costs associated with rectifying vendor errors that occur in the future.

County of Santa Clara Response to Recommendation #4

The County of Santa Clara agrees with this recommendation, to the extent that its agreements with vendors permit such compensation. When past errors resulted from a vendor's mistake, the County addressed the situation with the vendor's representatives, asking for the work to be redone and assistance in resolving the issue. For future vendor errors, the County will review its vendor agreements, and, where appropriate, seek compensation for costs associated with rectifying errors.

Recommendation #5

To make certain that its staff learn of election-related errors and identify trends in error types, and to allow Santa Clara to identify necessary modifications to processes that will reduce or eliminate such errors, Santa Clara should immediately formalize a policy requiring the continued use of a spreadsheet similar to the one created to track election-related errors.

County of Santa Clara Response to Recommendation #5

The County of Santa Clara agrees with the recommendation to formalize a policy requiring the use of an error tracking spreadsheet to support staff learning and awareness, identify trends in error types, identify necessary process modifications, and reinforce adherence to error prevention processes.

Recommendation #6

To ensure accuracy and consistency in the creation, review, and distribution of election-related materials, Santa Clara should review and document in detail all policies and procedures by October 2018, prioritizing its documentation for the divisions that are responsible for the most frequent and egregious election-related errors. Specifically, Santa Clara should review and formalize Mapping's policies and procedures by January 2018, to allow time for implementation before the June primary election process. By October 2018, Santa Clara should review and formalize policies and procedures for the remaining divisions—including the Ballot Layout, Candidate Services, and Vote by Mail divisions—to provide adequate time for implementation before the November general election process.

County of Santa Clara Response to Recommendation #6

The County of Santa Clara agrees with this recommendation and is currently reviewing the policies and procedures for these divisions. While the Registrar's Office has hundreds of written procedures, checklists, manuals, and other job aids for its staff members and election volunteers, the department acknowledges that many of its procedures need to be documented or need to be more detailed. The recommendation to review and document all policies and procedures regarding voting information error prevention is valid, and the County anticipates numerous benefits of new and more detailed documentation and procedures. ②

Recommendation #7

To reduce the risk of staff errors, inconsistencies in procedures, and the loss of institutional knowledge in the creation, review, and distribution of election related materials, Santa Clara should develop and implement training for its staff that includes instruction on its comprehensive policies and procedures. The development of this training should take place concurrently with Santa Clara's detailed documentation of its policies and procedures, and Santa Clara should require relevant staff to attend this training before each major election.

County of Santa Clara Response to Recommendation #7

The County of Santa Clara agrees with the recommendation that having more formalized training, supported by new and more detailed documentation, policies, and procedures, will greatly assist managers and supervisors in providing staff members a consistent instructional training experience.

Recommendation #8

To ensure the accuracy of election-related materials, Santa Clara should immediately implement a procedure for candidates, voting districts, or others who submit documents to have them verify the accuracy of the electronic versions of those documents once Santa Clara has formatted them.

County of Santa Clara Response to Recommendation #8

The County agrees that the recommendation of developing a procedure that would include verifying the accuracy of electronic versions would improve the overall data integrity process, and after evaluating alternatives, the Registrar's Office will attempt to implement within the recommended time frame. The County currently sends City Clerks election-related materials before going to press, for their review and sign-off, and will develop a method to extend such a verification step to all other candidates and voting districts.

Recommendation #9

To ensure consistency in responding to election-related errors, Santa Clara should immediately implement a contingency plan or decision matrix that includes specific guidelines for the actions it will take based on the number of voters affected and the significance of the errors. In instances in which it chooses to deviate from this plan, Santa Clara should document its reasons for deciding to do so.

County of Santa Clara Response to Recommendation #9

The County of Santa Clara agrees with the recommendation of implementing a written decision matrix to improve the consistency of future responses to errors. Although the County believes that, in recent years, the Registrar's Office has made strides in responding more comprehensively and with greater transparency when voting information errors have occurred, having a written decision tool would facilitate the ability of the Registrar's Office to expeditiously determine the appropriate responsive actions and ways in which voters will be notified, and to ensure consistency in the future.

Recommendation #10

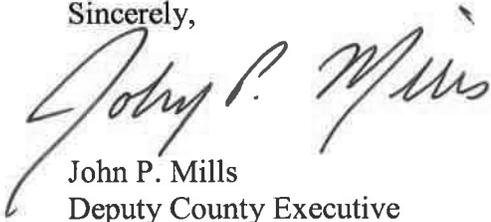
To maintain the public's confidence in it and its functions, Santa Clara should immediately include in its postelection reports descriptions of any election-related errors, accounts of why the errors occurred, and explanations of how it plans to prevent the errors from occurring in the future.

County of Santa Clara Response to Recommendation #10

The County of Santa Clara agrees with the recommendation to include in its post-election reports descriptions, reasons, and ensuing prevention plans with respect to future election-related errors. The reports will benefit from the increased transparency that the disclosure of election-related errors and prevention plans will provide.

We would like to thank the California State Auditor for the thoughtful work on this report. If you have any questions, please do not hesitate to contact me via phone at (408) 299-5828 or via email at john.mills@esa.sccgov.org.

Sincerely,



John P. Mills
Deputy County Executive

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE COUNTY OF SANTA CLARA

To provide clarity and perspective, we are commenting on the response to our audit report from the County of Santa Clara (Santa Clara). The numbers below correspond to the numbers we placed in the margin of Santa Clara's response.

Consistent with our standard practice, we only share the portions of the draft report and recommendations that pertain to the responding agency. Thus, we did not share with Santa Clara the portions of the draft report that related to the Secretary of State.

①

Santa Clara's claim that it has hundreds of written procedures, checklists, manuals, and other job aids for its staff members and election volunteers is misleading. In fact, we found that in the cases where such documentation did exist, it was inadequate, as we explain on pages 23 through 28. For example, on page 23 we explain that although the Mapping Division has a procedures manual that it created in 2013, the document is still in draft form, and it provides only general instructions to staff on how to enter voting district boundaries into Santa Clara's mapping software. In another example on the same page, we indicate that Santa Clara's documents related to proofreading election-related materials lack specificity about how staff should conduct this proofreading. We also state on page 23 that we expected to find centralized and detailed instructions for staff to follow when completing the various proofreading steps; however, these instructions were limited and were not centralized in a single location, such as in a procedures manual. Finally, on page 25, Santa Clara's registrar acknowledged that Santa Clara continues to work to formalize its policies and procedures, and she explained that they have been a work in progress for several years because of competing priorities. Nevertheless, we are pleased to learn from Santa Clara's response that it agrees with our recommendation, which includes reviewing and documenting in detail all policies and procedures by October 2018.

②

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October 2017



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
1500 11th Street | Sacramento, CA 95814 | Tel 916.653.7244 | Fax 916.653.4620 | www.sos.ca.gov

October 2, 2017

Elaine M. Howle, CPA
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: Response to Draft Audit of Santa Clara County Registrar of Voters

Dear Ms. Howle:

Thank you for the opportunity to respond to your recommendations related to the Secretary of State's office, which are included in your draft audit report of the Santa Clara County Registrar of Voters' review and distribution of election-related materials.

As the chief elections officer of the State of California, I take seriously my responsibility to ensure that elections are efficiently conducted and that state election laws are enforced. My office is committed to assisting counties in order to ensure accurate and timely information is provided to voters and I look forward to the opportunity to improve that assistance.

As Secretary of State, I have witnessed first-hand the steadfast hard work and dedication of our elections officials in each and every county, even when faced with consistently limited resources. I look forward to reading your entire report in order to gain perspective on how particular issues identified in Santa Clara may be mitigated or avoided in the future throughout the state. Further, I am committed to exploring how my office might address your specific recommendations, including an analysis of whether the recommendations require additional staff resources to ensure adequate implementation.

I appreciate your staff's professionalism throughout this audit, as well as your identification of opportunities for improvements my office may be able to implement related to the creation and distribution of election-related materials by county elections officials.

Should you have any additional questions, please contact Jana Lean, Chief of Elections at (916) 653-5144.

Sincerely,

A handwritten signature in black ink that reads "Alex Padilla".

Alex Padilla
Secretary of State