



COUNTY OF LOS ANGELES

REGISTRAR-RECORDER/COUNTY CLERK

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December 30, 2003

TO: EACH SUPERVISOR

FROM: Conny B. McCormack, Registrar-Recorder/County Clerk

**REVIEW OF OCTOBER 7 (AND NOVEMBER 4) ELECTIONS; IDENTIFYING
WAYS TO IMPROVE PROCESS FOR MARCH 2, 2004 PRIMARY ELECTION**

This report is in response to Supervisor Antonovich's motion of October 8, 2003 instructing this Department to report back within two weeks with a review of the October 7 Statewide Special Election that identifies ways to improve the process for the March 2, 2004 Presidential Primary Election and including a response to the media report that 300,000 people could not find their polling places as added to the motion by Supervisor Burke.

We requested an extension in order to also report on the introduction of the County's new voting system, InkaVote, launched at the November 4, 2003 Uniform District Elections (UDEL). Additionally, at the conclusion of this report, in addition to describing improvements to the election process, this report includes information regarding the unique complexities and challenges faced when administering a Primary Election under the current "Modified Closed Primary" format as opposed to the previous, more understandable formats of Closed or Open Primaries.

STATEWIDE SPECIAL RECALL ELECTION, OCTOBER 7, 2003

On July 24, 2003, a completely unanticipated Statewide Special Election was called for October 7th to present to the state's voters the historic choice of whether or not to recall the incumbent Governor. Due to the unprecedented nature of this event and the extremely truncated timeframe in which to administer the election, the entire election planning and implementation process, which normally encompasses six months for a statewide election, had to be condensed into a 2 ½ month period. This required taking unorthodox steps such as consolidating the County's 5,000 voting precincts into 1,800. This was due to the fact that there was only a three-week period available to contact and secure all polling places because four million sample ballot booklets, that list the voters' polling locations, had to go to press less than four weeks after the election was called. Additionally, at the close of the abbreviated candidate filing period, 135 candidates for Governor had qualified for placement on the recall election ballot.

A record high 20 lawsuits were filed during this process including one with a very high profile regarding whether or not counties could continue to use punch card voting equipment to conduct this election as it had been de-certified/banned for future use in California beginning in 2004. Plaintiffs were initially unsuccessful in the 9th Circuit Court in their attempt to prohibit the use of the punch card system by attempting to move the Recall Election to March 2, 2004. The issue was immediately appealed and heard by a 3-judge panel of the federal 9th Circuit Court of Appeals who overturned the lower federal court ruling. However, the Chief Justice of the 9th Circuit immediately called an en banc hearing and the case was subsequently re-heard by all the judges of the 9th Circuit. Their decision reversed the 3-judge panel thereby upholding the federal district judge's ruling. The plaintiffs chose not to appeal to the U.S. Supreme Court.

Therefore, the County, which had formally and publicly retired our punch card voting system in conjunction with the June 3, 2003 local elections, was able to resurrect the system that had been in use for 35 years in the County for one last election – the statewide Recall. This was essential as the acquisition of the replacement InkaVote system was still in process with less than 30% of the inventory of new equipment available and tested at the time of the October Recall election.

Recall Election preparation also included hastily selecting, setting-up and staffing 12 touchscreen sites for early voting on electronic equipment from September 24 through October 3, 2003. Voter information concerning all aspects of conducting this election was continually provided to the media. The press did an extraordinary job of publicizing information on how voters could find their voting locations and the voters' alternative options to cast their ballots. Options included either voting by absentee/mail, or on touchscreen devices during the early voting period or on election day at often newly-designated polling sites.

As an extra voter service, signs were posted at those November 2002 polling locations that were not used for the October 7, 2003 Statewide Special Election, with a map depicting how to get to the new polling location. A total of 2,203,835 ballots were cast countywide. This represented a 55% voter turnout, the highest in a gubernatorial election since 1994. Activity included a near-record 550,000 requests for absentee/mail ballots (number exceeded only in the November 2000 General Election) as well as a record-high 42,000 touchscreen voters.

The October 7th Special Statewide Recall Election occurred exactly four weeks prior to the regularly scheduled November 4, 2003 Uniform District Election (UDEL) in which the County's first new voting system in 35 years, InkaVote, was launched. Therefore, many of the election planning and preparation activities for these two elections overlapped. This created very high stress for Registrar employees who worked long hours, seven days per week from the time the Recall election was called on July 24th through the official certification of the UDEL election at the end of November 2003. This timing also overlapped with the candidate filing period for the

March 2, 2004 Primary Election as candidate filing began in November and ended December 5, 2003. Staff is currently finalizing sample ballot booklet contents for the March Primary Election with sample ballot and official ballot production to begin the first week of January.

MEDIA REPORT OF “300,000 VOTERS SEEKING POLLING PLACES”

In response to the second part of the Board’s motion as requested by Supervisor Burke, we have completed our investigation into a media report that aired election day on KMEX-TV alleging that 300,000 voters could not locate their polling places for the Recall Election. We learned from John Lippman, Vice President of the News Division of Univision Television Group, that this information was erroneously reported (as per an email we received from him addressing this subject). According to Mr. Lippman, this was a statement made by Jesse Jackson who erroneously depicted a number of calls as “complaints” (the number 300,000 is undocumented) when the calls were actually questions phoned into Univision from people asking a range of questions about the Recall election.

We also learned that the Univision phone bank set up to respond to election questions encompassed 30-45 phone lines and was staffed by volunteers as part of the Latino media campaign. This phone bank responded to callers from multiple counties (including Los Angeles, Riverside, Orange and San Bernardino) placed over a number of days leading up to and including election day. A member of our voter outreach staff worked all day on this phone bank the Monday before the Tuesday, October 7 Recall election. He reported that the Univision phone operators were directing callers to our website, were well trained and were providing the correct information to callers.

We have been unsuccessful in our efforts to ascertain the number of calls taken by the Univision phone bank. However, we do not believe that the number 300,000 would be feasible with the limited number of phone lines available at Univision even if calls were coming in non-stop over a period of multiple days prior to and including election day in a 4-5 county region. We base this believe on our own experience with election day call volume. For major elections our Department activates 192 automated and over 125 “live” operator phone lines on election day that are specifically dedicated to responding to voters’ inquiries. These callers are primarily asking “where do I go to vote?” This combination of 317 dedicated phone lines (as well as other lines throughout the office) are in constant use on election day. Yet the maximum number of calls that we can handle in a 14-hour election day is approximately 50,000.

In addition to the 317+ phone lines our office activates on election day, dozens of our community partner organizations work with us to publicize their phone numbers to take calls from voters. By using our interactive website, they direct callers to the

assigned polling locations. The number of "hits" on our website election day exceeded several hundred thousand as this avenue has become the prime source for voters to get election information quickly and easily.

We are in the process of setting up a meeting with Mr. Lippman in January to explore an expanded partnership with Univision to assist election day callers. He has been most receptive to this idea for the March and November 2004 elections.

INTRODUCTION OF INKAVOTE SYSTEM AT NOVEMBER 2003 ELECTION

Since 1968, Los Angeles County has been using the Votomatic punch card system. However, due to the decertification of punch card voting systems by the Secretary of State in September 2001 and the subsequent federal court decision in February 2002 accelerating the pace of decertification in California, Los Angeles County was forced to quickly purchase and implement an alternative, State-certified system prior to the March 2004 Primary Election.

At the meeting of August 20, 2002, your Board determined there was insufficient time and funding to fully convert to an electronic Touchscreen voting system countywide in the largest County in the U.S. with almost four million registered voters in the short timeframe available. Therefore, the Board adopted a plan to phase-in new voting systems beginning with the purchase of an interim replacement optical scan voting system for launch at the November 2003 Uniform District Elections (UDEL). The goal of acquiring an electronic touchscreen system for countywide use was predicated upon identification of the estimated \$100 million needed and delineation of a feasible acquisition timeline to assure successful new system implementation.

To assure the most seamless transition, InkaVote was proposed as the most appropriate and cost effective interim replacement voting system. InkaVote is very similar to the Votomatic system; however, it replaces pre-scored punch cards with the same-size optical scan ballots. The InkaVote voting device (unit) is patterned after the Votomatic device for inserting the ballot card. Voters turn printed pages in the voting device that contain the candidates/ballot measures as they did with Votomatic. The ballot card is virtually identical, with the exception that the numbered vote positions are not pre-scored for punching out but instead contain numbered, pre-printed circles for recording votes in ink.

The InkaVote system was certified in October 2002 by the Secretary of State for use in California. Approximately 40,000 voting devices were ordered and produced throughout 2003 and our existing inventory of ballot card readers was modified. The cost of this system conversion was approximately \$3 million. The InkaVote system was successfully launched in conjunction with the November 4, 2003 Uniform District Elections (UDEL) at which 184,000 voters cast ballots. Observations from voters and pollworkers were very favorable. Voters found the

system very similar to the familiar punch card system and repeatedly expressed confidence and pleasure that with the new system there was “no more chad.”

The vote tally process went very smoothly. There were reports of a miniscule number of ballots containing smearing of ink but less than 100 (of 184,000) ballots had to be duplicated in order to count (very similar to the number duplicated with punch card ballots). Due to extremely close election results in several jurisdictions, three recounts were requested and conducted in December 2003. During these recounts ballots were individually examined by our staff as well as the affected candidates and all agreed voter intent was clearly discernible. The outcome of each recount remained the same.

Since the election, the marker/pen attached to the InkaVote device has been modified to solve the minor ink smearing noted on a few ballots during the UDEL Election. The new marker/pen will be examined by the Secretary of State’s Voting Systems Panel at their January 15, 2004 meeting; we anticipate their approval of this system improvement.

Of California’s nine punch card counties that were forced to replace their voting equipment, seven chose to purchase electronic (touchscreen) voting systems. Sacramento County chose a similar path as our County and is transitioning to an optical scan voting system virtually identical to InkaVote produced by another election vendor. As Sacramento County did not conduct an off-year election, their Registrar observed our November 2003 UDEL election and was impressed with voter acceptance of InkaVote and the smoothness of the vote tally process. Visitors from two counties in Illinois also observed this election and were positively impressed with the maiden performance of the InkaVote system.

The InkaVote system will be used for the 2004 Primary and General elections and continue in use until such time as the County determines the financial and operational feasibility of fully transitioning to a countywide electronic touchscreen voting system. Touchscreen “early voting” was available in conjunction with the November 2003 UDEL election and will continue to be available at multiple locations countywide in conjunction with the 2004 Primary and General elections. Attached is an easy-reference brochure explaining in colorful pictures and diagrams the County’s voting system transition plans.

LOOKING AHEAD TO THE MARCH PRIMARY ELECTION

The upcoming March 2, 2004 Primary Election will involve the countywide launch of the new InkaVote voting system at all 4,571 voting precincts. The first experience using InkaVote at the November 2003 UDEL Election was very successful and positively received by voters. However, some minor system modifications are underway to make adjustments and improvements. To rectify the slight ink smearing that occurred on less than 100 of 184,000 voted ballots, a new marker/pen has been selected containing faster drying ink. Additionally, some voters commented that the amount of ink the marker placed on the ballot card did not completely fill the designated circle(s) associated with the candidates/ballot measures. While this made

no difference to the accuracy of the tabulation process, the ballot cards have now been re-designed to reduce the diameter of the circles.

Unlike the Special Statewide Recall Election in which voting precincts were heavily consolidated into 1,800 countywide for the reasons noted earlier in this report, fully 4,571 voting precincts will be established for the March 2, 2004 Primary Election. Typically up to 15% of voting precincts change from election to election due primarily to non-availability of previously used locations. As was successfully done for the Recall Election, the sample ballot front cover has been designed to highlight the importance of voters examining the voting address listed on the sample ballot booklet. However, where changes were made from previous major elections, signs will once again be produced for posting at previous voting locations alerting voters of the assigned polling place for the March election.

Because the InkaVote system, like the punch card system, involves central tabulation in Norwalk of all ballots cast countywide, the pace of election night returns will mirror past countywide elections. Pollworkers usually complete their poll closing duties by 9:30 to 10 p.m. and bring their ballots to one of the designated 75 ballot collections centers. From there, ballots are transported to Norwalk. An infusion of ballots typically arrives between 10:30 and 11:30 p.m. The goal remains counting 50% of the ballots by midnight. This goal has been met in the past several major elections. Election results are periodically updated and posted to our website throughout the evening.

The Precinct Inspector election supplies pick-up program will be expanded for the March 2004 Primary Election. In all past primary and general elections, voting supplies were delivered to the homes of the Inspectors for each of the up to 5,000 voting precincts. Hiring temporary truck drivers, reserving hundreds of trucks and scheduling the delivery routes at convenient times for Inspectors has been a massive and expensive task. The Inspector supply pick-up approach was instituted as a pilot program for the small-scale November 2001 UDEL Election. It was so successful that it was expanded over subsequent elections with the biggest implementation in conjunction with the October 7, 2003 Recall Election. However, that election entailed 1,800 Inspectors picking up their precinct's supplies compared with nearly three times that number of Inspectors for the 4,571 precincts for the March Primary.

We have learned that the key benefits of the Inspector election supplies pick-up program are: 1) most Inspectors prefer picking up their supplies at a nearby location 10 days in advance of the election rather than waiting around their homes for supply deliveries; 2) 90% of Inspectors pick up their supplies. This provides a valuable "heads up" about which Inspectors are truly committed and able to serve while alerting us to those who need to be re-contacted and have the supplies delivered; 3) by paying an additional \$25 to Inspectors who participate in this program, they have an incentive to pick up their supplies. The cost savings that accrue to the County is approximately \$250,000 for a major election.

CONCERNS REGARDING ADMINISTERING THE MARCH 2004 ELECTION

As was reported to your Board in my report following the problematic March 2002 Primary Election, the format of California's recently instituted "Modified Closed Primary" Election is a cause for continuing concern. This format is sometimes referred to as the "Slightly Ajar" Primary because it is a confusing hybrid of the

former Closed and Open Primary formats¹. Under this format each of the seven qualified political parties has the option of deciding in advance of every primary election whether or not to allow non-partisan voters (16% of the State's registered voters) to cast ballots on all or part of that party's partisan contests. Unfortunately, the decisions made by the parties varies widely even among the two major Democratic and Republican parties. For the March 2004 Primary Election, the State's Democratic Party will allow non-partisan voters to crossover and cast ballots for all Democratic contests except County Central Committee. However, the State's Republican Party will not allow non-partisan voters to vote for the Presidential contest in addition to prohibiting County Central Committee participation while allowing it for the other partisan contests on the ballot. The American Independent Party will allow non-partisan voters to crossover to vote on all partisan contests on their ballot. The other four minor parties are prohibiting crossover voting altogether (Green, Libertarian, Natural Law and Peace and Freedom parties). Clearly this complex system will confuse pollworkers and is expected to result in some problems with administering the Primary Election.

Additionally, the March 2004 Primary will be the first election in which key new legal requirements will be in place as a result of passage of the 2002 federal Help America Vote Act (HAVA). The provision that is expected to engender the most frustration with voters and pollworkers alike is the two-tiered system of voter identification that HAVA enacted. All newly registered voters who registered by mail since January 1, 2003 will be subject to an identification requirement at the March Primary Election. The number of new registrants in this category in the County is currently at 176,000 and growing. The precinct roster of voters has been changed to denote which voters fall into this category and pollworkers will be instructed on the procedures to follow for these voters.

The March 2, 2004 election is a mere 62 days away. Throughout the holiday period preparations have been in high gear for this major election. The official ballot order was placed yesterday and the sample ballot booklet is in the final stages of preparation and review. Beginning in mid-January we will resume our weekly election status reports to your Board.

If you have additional questions, please contact me.

Attachment

c: CAO
Executive Officer

¹ In 1996 and prior to that time, California held a "Closed" primary in which voters registered with a political party voted for that party's candidates and non-affiliated voters could only vote for non-partisan candidates and ballot propositions. Following a successful initiative campaign, in 1998 and 2000 California's Primary was changed to a completely Open or Blanket format in which all voters, including non-partisans, could pick and choose among various parties' candidates much like a General Election. Following the U.S. Supreme Court ruling overturning California's Open Primary format, the State Legislature enacted a "Modified Closed" Primary format that allows the political parties to decide whether or not to permit non-partisan voters to participate in their party's primary election AND on which races.

1

TO VOTE FOR A CANDIDATE

- Completely fill in circle next to candidate name(s).
- Do **not** vote for more candidates than indicated. This will result in an overvote and your vote on that office will not count.

ABC WATER DISTRICT	CANDIDATE SMITH Police Officer	<input checked="" type="radio"/>
	CANDIDATE JOHNSON Airline Pilot	<input type="radio"/>
	CANDIDATE LOPEZ Educator	<input type="radio"/>
Vote for No More Than Two		

2

TO VOTE FOR A MEASURE

- Completely fill in circle next to YES or NO.
- Do **not** vote both YES and NO. This will result in an overvote and your vote on that measure will not count.

A	Shall Los Angeles County be declared the sun and leisure capital of the world?	YES	<input checked="" type="radio"/>
		NO	<input type="radio"/>

3

TO VOTE FOR A PERSON NOT LISTED ON BALLOT: (Write-In votes are valid for qualified candidates only).

- Write qualified write-in candidate's office title and name in the blank space provided inside the secrecy sleeve.
- The total number of votes including write-ins must not exceed the maximum number of votes allowed for the contest or your vote for that contest will not count.

Office	<i>90th Water District</i>
Candidate	<i>Candidate Doe</i>

Touchscreen "Early" Voting is available to all voters prior to each county election. Check your sample ballot booklet for dates, times, and locations.

This new voting technology is especially helpful to voters who are blind/visually impaired, or need a translated ballot.

For more information on InkaVote and Touchscreen voting systems...

visit us at www.lavote.net
or call 1-800-815-2666.

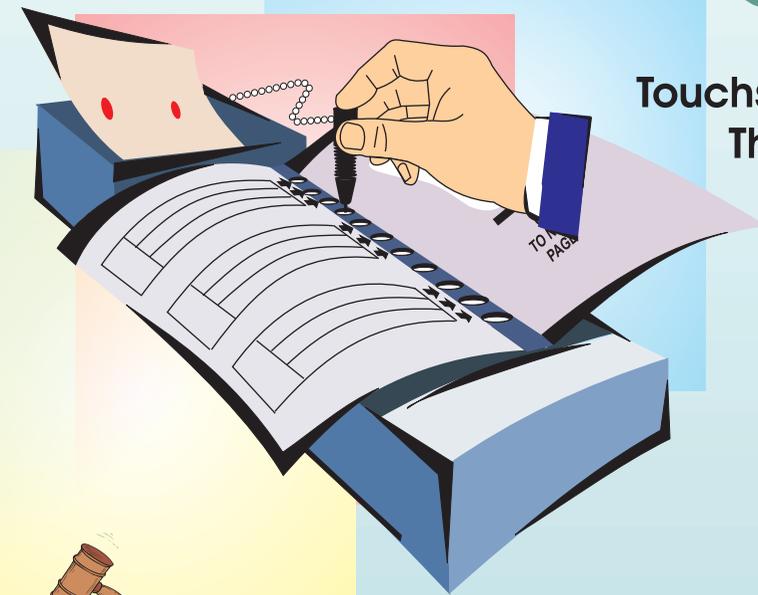
Registrar-Recorder/County Clerk
County of Los Angeles



Los Angeles County's New Voting System



Touchscreen Voting
The Future

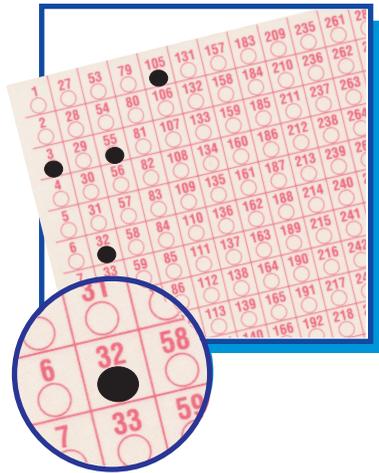


InkaVote Voting
Beginning 2004



Punch Card Voting
1968-2003

What is InkaVote?



Inkavote is an optical scan voting system that is similar to the punch card voting system. Instead of using a punch device to vote the ballot card, voters will use a marking device to fill in circles (with ink) that correspond with vote selections.

Why InkaVote?



Due to a **Federal Court ruling**, further use of punch card voting in California has been banned. Los Angeles County has selected **InkaVote** as an interim replacement voting system beginning with the March 2, 2004 Primary Election. When adequate funding is identified, the plan is to convert to electronic Touchscreen voting.

How to use InkaVote

...at the Polls

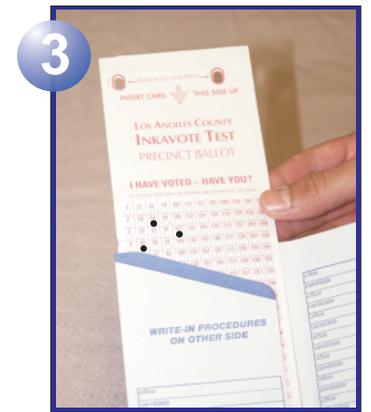
Easy as
1-2-3



1 INSERT THE BALLOT.
Make sure holes at top of ballot card fit over red posts.



2 MAKE YOUR MARK!
Insert marking device next to your vote selection. Press down to fill circle.



3 CHECK YOUR BALLOT.
Make sure circles are marked so vote will count. Place ballot in secrecy sleeve and return to pollworker.

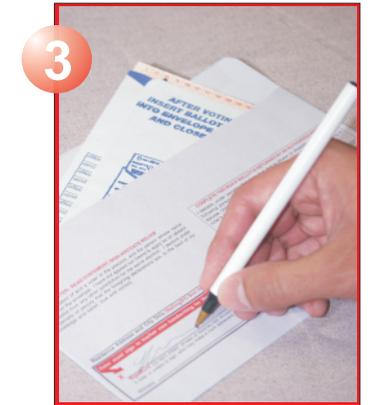
...by Absentee/Vote by mail ballot



1 MAKE YOUR MARK!
Use a blue/black ink pen to fill inside the circles. **DO NOT** mark outside the circle or make any other markings on the ballot card.



2 CHECK BALLOT CARD.
Make sure vote selections are correct. Remove and keep the ballot stub for your record.



3 RETURN THE BALLOT.
Enclose voted ballot inside secrecy sleeve and place in lavender return envelope. Be sure to sign, seal and place stamp on envelope.