# November 6, 2012 Presidential Election

**Absentee and Provisional Ballot Voting Report** 



By Stephen L. Weir Contra Costa County Clerk-Recorder January 16, 2013

555 Escobar Street Martinez, CA 94553 925-335-7899



### CONTRA COSTA COUNTY CLERK-RECORDER DEPARTMENT

555 Escobar Street Martinez, CA 94553 925-335-7899

DATE: January 16, 2013

TO: Board of Supervisors

Grand Jury

David Twa, County Administrator

Elections Citizens Advisory Panel (ECAP)

Media

FROM: Steve Weir, County Clerk-Recorder

SUBJECT: November 6, 2012 General Presidential Election Report

#### **Summary**

Vote-by-Mail (VBM) has grown from a small fraction of the vote cast in the November, 1980 Presidential Election (5.80%) to over half of the ballots cast in the November, 2012 Presidential Election (55.63%) (see Attachment A).

This tenfold increase has dramatically changed the manner in which we conduct our elections.

One significant impact brought on by this increase in Vote-by-Mail voting is the rejection of Vote-by-Mail ballots due to the factors of late arrival, no signature match and no signature submitted. This and prior reports outline our efforts to reduce rejected ballots.

New on the scene is a drastic increase in Vote-by-Mail ballots being rejected for voters less than 50 years of age and clustered in the 20-39 age groups. We have made progress in

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reducing that rejection rate by over 40% during the past two General Elections. We believe more can and should be done.

Provisional voting, especially at our Presidential Elections, continues to grow. It was just 0.3% in November, 1996 and rose to 4.5% for this past election. Provisional Ballots are extremely time consuming and must be processed towards the end of the canvass.

Our over and under vote statistics continue to go down, with our new voting system and with second chance voting, as required by the Help America Vote Act of 2002 (HAVA). While there are no strict standards on over/under votes, lower numbers are better.

Lastly, our military and overseas voters' comparison is attached. We have experienced an increase in rejection rates over past elections. We have diligently monitored this program, which institutes online access to ballots and materials.

### **VOTE HISTORY FOR CONTRA COSTA COUNTY**

Election Date	Voter Registration	Total Turn Out	% Turn Out	VBM Vote*	% Voting VBM	No. of Precincts
Nov. 6, 2012	556,327	442,143	79.48%	245,953	55.63%	834
June 5, 2012	520,098	192,761	37.06%	133,566	69.26%	646
Nov. 2, 2010	533,825	352,657	66.10%	200,064	56.73%	807
Jun. 8, 2010	525,992	210,417	40.00%	138,739	65.94%	628
Nov. 4, 2008	527,145	456,876	86.67%	234,043	51.23%	854
June 3, 2008	490,954	169,475	34.52%	117,766	69.49%	772
Feb. 5, 2008	475,821	318,224	66.88%	168,668	53.00%	816
Nov. 7, 2006	486,441	308,206	63.36%	161,520	52.41%	1,032
Jun. 6, 2006	489,263	185,241	37.86%	111,115	59.98%	885
Nov. 8, 2005	492,656	281,120	57.05%	125,770	44.75%	556
Nov. 2, 2004	504,505	418,335	82.92%	156,920	37.51%	921
Mar. 2, 2004	453,034	250,235	55.24%	96,358	38.51%	787
Oct. 7, 2003	444,355	320,994	72.23%	111,387	34.70%	489
Nov. 5, 2002	484,640	274,087	56.6%	93,428	34.09%	1,072
Mar. 5, 2002	478,754	187,496	39.2%	57,765	30.81%	910
Nov. 7, 2000	493,826	384,300	77.80%	116,192	30.34%	1,078
Mar. 7, 2000	458,136	276,352	60.30%	78,947	28.57%	907
Nov. 3, 1998	485,910	306,712	63.10%	94,026	30.70%	934
Jun. 2, 1998	492,730	222,717	45.20%	68,660	30.80%	877
Nov. 5, 1996	555,734	356,383	64.10%	80,819	22.70%	975
Mar. 26, 1996	510,990	216,359	42.30%	52,798	24.40%	839
Nov. 8, 1994	492,562	305,529	62.00%	67,316	22.00%	953
Jun. 7, 1994	475,884	169,670	35.70%	36,071	21.30%	821
Nov. 3, 1992	507,451	389,391	76.70%	76,624	19.70%	946
Jun. 2, 1992	452,315	216,287	47.80%	44,902	20.80%	800
Nov. 6, 1990	453,435	277,999	61.30%	58,115	20.90%	906
Jun. 5, 1990	431,802	200,263	46.40%	35,742	17.80%	791
Nov. 8, 1988	452,491	341,149	75.40%	54,424	16.00%	
Jun. 7, 1988	406,769	207,140	50.90%	22,090	10.70%	
Nov. 4, 1986	409,507	256,007	62.50%	24,531	9.60%	
Jun. 3, 1986	391,137	161,104	41.20%	15,115	9.40%	
Nov. 6, 1984	427,593	326,301	76.30%	33,371	10.20%	
Jun. 5, 1984	380,311	185,524	48.80%	13,490	7.30%	
Nov. 2, 1982	365,642	257,887	70.50%	15,146	5.90%	
Jun. 8, 1982	375,460	207,846	55.40%	10,238	4.90%	
Nov. 4, 1980	358,560	291,155	81.20%	16,815	5.80%	
Jun. 3, 1980	344,670	231,313	67.10%	10,776	4.66%	

<sup>\* &</sup>quot;good" ballots including mail-precinct ballots; excludes provisional and seven-day ballots

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#### **Progress in Having Voters Successfully Return Vote-by-Mail Ballots**

We have collected core data over the years concerning rejected Vote-by-Mail ballots (see Attachments B and B-1).

As mentioned in the introduction, we began tracking rejected Vote-by-Mail ballots at the November 1996 General Election. Almost 4% of the Vote-by-Mail ballots cast were rejected (2.68% were late and 1.2% for no signature, no signature match and some miscellaneous causes including improper 3<sup>rd</sup> party delivery).

For the June 1998 Primary Election, we enclosed a ½ sheet notice on green paper, stating that ballots had to be in our office or at any Contra Costa County poll site by 8:00 pm on Election Night. The rejection rate due to being "late" dropped significantly for that election. However, our rejection rate for other causes remained high.

So, for the November 1998 General Election, we again placed the green notice about timely delivery of ballots and on the opposite side we outlined the other primary reasons for rejection.

In addition, starting at the November 1998 General Election, we began to screen returned Vote-by-Mail ballots for "no signatures", and mailed them back to the voter with instructions on what they needed to do to have their ballots counted. Over the next few elections, we perfected this corrective action and made it a permanent part of our election process.

Attachments B and B-1 show the progress we have made.

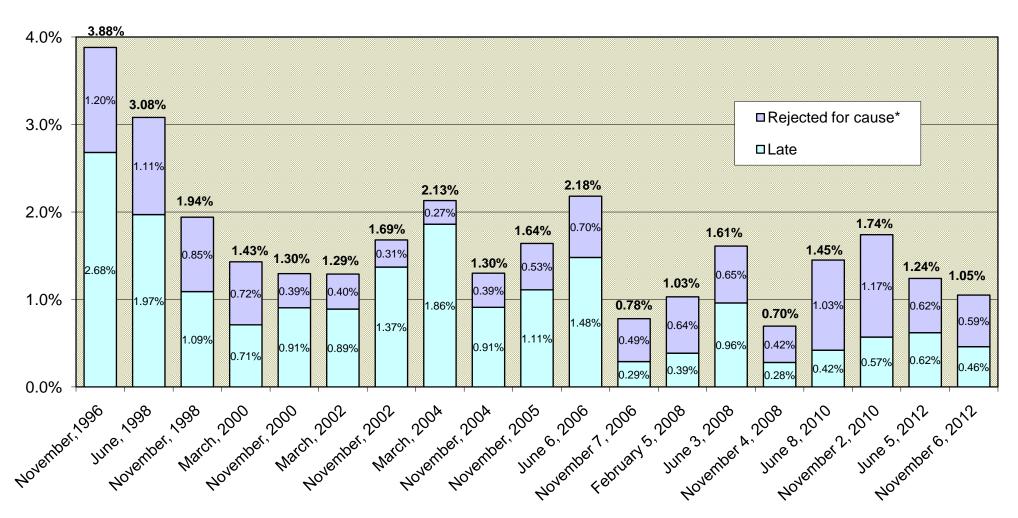
At the March 2004 Election, we noticed a jump in late Vote-by-Mail ballots. Upon investigation, we found that the category of "mandatory Vote-by-Mail precincts" had an 11.5% "late" statistic. We set up a meeting with the regional postal officials. We learned that on the Monday prior to Election Day and on Election Day the business reply clerk who handled our postage paid account was out and two days' worth of mail had backed up, including many of those ballots.

We do not pay the return postage on Vote-by-Mail ballots, except where we require a precinct to vote by mail (where there are 250 or fewer voters in a precinct). As this could be seen as a poll tax, we use a business reply, postage paid account with the post office. A Post Office clerk must receive this mail every day and debit our account accordingly.

This experience prompted us to meet before and after each major election with Postal Staff to go over our processes.

## Total Disqualified Vote-by-Mail Ballots Contra Costa County

(Late and Rejected)



<sup>\*</sup>No signature; no signature match; other

#### VOTE-BY-MAIL BALLOTING REJECTION STATISTICS<sup>1</sup>

TOP THREE CAUSES SUMMARY

		<u>No.</u>	<u>%</u>	No.	<u>%</u>			No.	<u>%</u>	<u>No.</u>	<u>%</u>
November 2012:	Total Submitted:			247,265		November 2004:	Total Submitted:			158,993	
	Total Rejected:			2,600	1.05%		Total Rejected:			2,073	1.30%
	Late:	1,135	0.46%				Late:	1,447	0.91%		
	No Signature:	178	0.07%				No Signature:	53	0.03%		
	No Signature Match:	1,062	0.43%				No Signature Match:	446	0.28%		
June 2012:	Total Submitted:			135,004		March 2004:	Total Submitted:			98,433	
	Total Rejected:			1,716	1.27%		Total Rejected:			2,075	2.11%
	Late:	862	0.64%				Late:	1,826	1.86%		
	No Signature:	105	0.08%				No Signature:	15	0.02%		
	No Signature Match:	611	0.45%				No Signature Match:	203	0.21%		
November 2010:	Total Submitted:			202,733		November 2002:	Total Submitted:			95,029	
	Total Rejected:			2,986	1.74%		Total Rejected:			1,601	1.69%
	Late:	1,157	0.57%				Late:	1,304	1.37%		
	No Signature:	111	0.05%				No Signature:	84	0.08%		
	No Signature Match:	1,537	0.76%				No Signature Match:	213	0.22%		
June 2010:	Total Submitted:			141,558		March 2002:	Total Submitted:			58,519	
	Total Rejected:			2,048	1.45%		Total Rejected:			755	1.29%
	Late:	594	0.42%				Late:	541	0.92%		
	No Signature:	156	0.11%				No Signature:	76	0.13%		
	No Signature Match:	1,107	0.78%				No Signature Match:	122	0.21%		
November 2008:	Total Submitted:			234,043		November 2000:	Total Submitted:			117,392	
	Total Rejected:			1,625	0.69%		Total Rejected:			1,525	1.30%
	Late:	665	0.28%				Late:	1,075	0.92%		
	No Signature:	96	0.04%				No Signature:	207	0.18%		
	No Signature Match:	858	0.37%				No Signature Match:	149	0.13%		
June 2008:	Total Submitted:			118,902		March 2000:	Total Submitted:			80,091	
	Total Rejected:			1,909	1.61%		Total Rejected:			1,144	1.43%
	Late:	1,136	0.96%				Late:	571	0.71%		
	No Signature:	41	0.03%				No Signature:2	158	0.20%		
	No Signature Match:	730	0.55%				No Signature Match:	77	0.10%		
February 2008:	Total Submitted:			171,326		November 1998:	Total Submitted:			95,890	
	Total Rejected:			1,742	1.02%		Total Rejected:			1,864	1.94%
	Late:	658	0.39%				Late:	1,046	1.09%		
	No Signature:	148	0.09%				No Signature:	309	0.32%		
	No Signature Match:	936	0.55%				No Signature Match:3	105	0.11%		
November 2006:	Total Submitted:			161,537		June 1998:	Total Submitted:			70,845	
	Total Rejected:			1,226	0.76%	·	Total Rejected:			2,185	3.08%
	Late:	471	0.29%				Late:	1,399	1.98%		
	No Signature:	145	0.09%				No Signature:	331	0.47%		
	No Signature Match:	602	0.37%				No Signature Match:	114	0.16%		
June 2006:	Total Submitted:			113,361		November 1996:	Total Submitted:			84,080	
	Total Rejected:			2,459	2.17%		Total Rejected:			3,261	3.88%
	Late:	1,682	1.48%	•			Late:	2,254	2.68%	•	
	No Signature:	288	0.25%				No Signature:	468	0.56%		
	No Signature Match:	480	0.42%				No Signature Match:	247	0.29%		
							•				

<sup>&</sup>lt;sup>1</sup>Only includes major reasons ballots are rejected

<sup>&</sup>lt;sup>2</sup>Began aggressive collection and return of absentee ballots without signature

<sup>&</sup>lt;sup>3</sup>Included statement on the need for signatures to look similar

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#### Signature Verification, a New Generation of Wrinkles<sup>1</sup>

A marked increase in rejected ballots for cause in November, 2010 prompted us to look into reasons for this jump.

We compare the voter's signature on their Vote-by-Mail envelope against the voter's signature on the Affidavit of Registration. We found that the rejection for "no signature match" had increased dramatically at the June and the November 2010 Elections.

Upon further investigation we found that younger voters represented a disproportionately high number of rejected ballots for no signature match (See Attachments C and C-1).

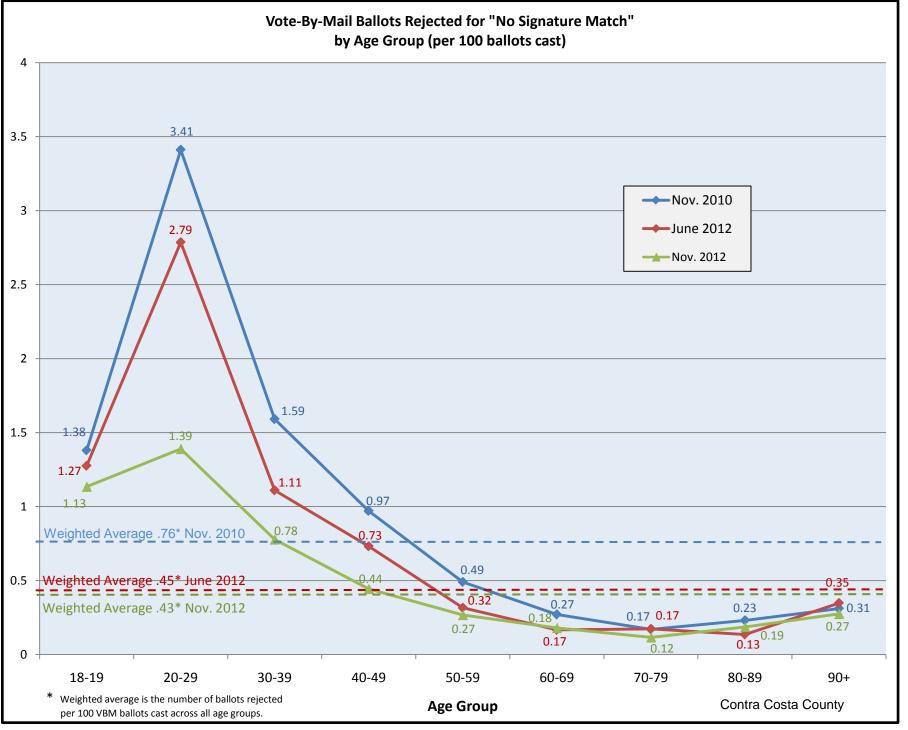
We changed our "Make Your Vote Count" insert that is placed in our outgoing VBM packets to highlight this problem (See Attachment C-2).

While we have witnessed a reduction in rejected signatures by over 40% between November 2010 and November 2012, the younger voters remain well above the average for rejected signatures.

We believe that a well-orchestrated effort designed to go on the social networks may be an additional avenue to reduce this relatively new occurrence.

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<sup>&</sup>lt;sup>1</sup> We issued a report titled "Dramatic Increase in Rejected Vote-by-Mail Ballots for Younger Voters" on March 14, 2012. It is available upon request.



#### **VBM NO SIG MATCH**

#### **NOVEMBER 2010**

110 121112211 2010							
AGE GROUP	<b>NO SIG MATCH</b>	ACTUAL # SUBMITTED	REJECTION RATE				
18-19	31	2,210	1.40%				
20-29	454	13,218	3.43%				
30-39	279	17,434	1.60%				
40-49	329	33,673	0.98%				
50-59	238	48,432	0.49%				
60-69	124	45,776	0.27%				
70-79	44	25,362	0.17%				
80-89	32	14,110	0.23%				
90+	8	2,514	0.32%				
TOTALS	1,539	202,729					
W	eighted average =	1539/202,729 =	0.76%				

#### **JUNE 2012**

AGE GROUP	NO SIG MATCH	ACTUAL # SUBMITTED	REJECTION RATE
18-19	12	945	1.27%
20-29	174	6,233	2.79%
30-39	88	7,960	1.11%
40-49	118	16,189	0.73%
50-59	93	29,518	0.32%
60-69	60	36,170	0.17%
70-79	39	22,638	0.17%
80-89	17	12,642	0.13%
90+	9	2,605	0.35%
TOTALS	610	134,900	
We	ighted average =	610/134,900	0.45%

#### **NOVEMBER 2012**

AGE GROUP	NO SIG MATCH	<b>ACTUAL # SUBMITTED</b>	REJECTION RATE				
18-19	51	4,516	1.13%				
20-29	324	23,320	1.39%				
30-39	204	26,207	0.78%				
40-49	175	39,385	0.44%				
50-59	142	53,303	0.27%				
60-69	94	51,946	0.18%				
70-79	33	28,897	0.11%				
80-89	29	15,547	0.19%				
90+	10	3,652	0.27%				
TOTALS	1,062	246,773					
We	eighted average =	1062/246,773	0.43%				

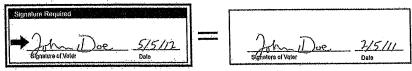


### **MAKE YOUR VOTE COUNT**

Avoid the most common reasons Vote by Mail Ballots are rejected:

#### **MISMATCHED SIGNATURES**

The voter's signature must look similar to the original signature on the registration card.



Vote by Mail Envelope

signature on file

If you can not remember how you signed your original registration card, or if your signature has changed, re-register immediately so your current signature will be on file.

Go to <a href="https://www.sos.ca.gov/elections/register-to-vote/">https://www.sos.ca.gov/elections/register-to-vote/</a> to update your registration.

#### LATE BALLOTS

Ballots must be in the Contra Costa County Elections Department or a polling place no later than 8 p.m. on June 5, 2012.



Vote and Return your ballot early. Mail <sup>1</sup> your ballot by May 30<sup>th</sup>, 2012 to ensure it is received in time to be processed.

Ballots can be returned to any polling place or the Contra Costa County Elections Department between 7 a.m. and 8 p.m. on Election Day.

MYVC

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#### **Provisional Voting**

Provisional voting is available to any voter, where their right to cast a ballot is in question. This method of voting allows the voter to vote and leaves the adjudication of that vote to be timely investigated during the 28-day canvass.

Provisional voting was introduced by San Francisco Registrar, Jay Patterson, as a remedy for voters who were not on the precinct rolls but who say they are registered to vote. With time, California adopted provisional voting for the same reason. The Help America Vote Act, 2002, made provisional voting a requirement in every state.

Over time, California liberalized the use of provisional voting. In the past, a ballot would only be counted if it had the same, or less, races than the ballot the voter was entitled to cast. California changed the rule and only required that the voter be registered and not have cast another ballot. Voters are still only eligible to vote on those races they would be able to vote on if they had their correct ballot.

Provisional voting is most active during our Presidential General Election (see Attachment D).

For the 2004, 2008 and 2012 Presidential General Elections, a significant number of provisional ballots were cast. However, the rate or percent of "good" fell as some voters were not registered and they could not have their ballots counted.

Provisional voting, especially at the Presidential General Elections, constitutes an ever-growing percent of the total (good) ballots cast. However, 4,681 ballots were rejected because the voter was not registered in this county.

### **DISPOSITION OF PROVISIONAL BALLOTS**

Election	Cast*	Good	Percentage Good	Percentage Vote Cast
November 6, 2012	25,326	19,705	77.81%	4.5%
June 5, 2012	4,117	3,654	88.75%	1.9%
November 2, 2010	12,166	9,978	82.02%	2.8%
June 8, 2010	3,562	3,255	91.38%	1.5%
November 4, 2008	21,728	17,702	81.47%	3.9%
February 5, 2008	14,929	12,059	80.78%	3.8%
November 7, 2006	10,815	9,469	87.50%	3.1%
June 6, 2006	3,936	3,629	92.20%	2.0%
November 2, 2004	17,313	14,476	83.61%	3.5%
March 2, 2004	4,505	4,142	91.94%	1.7%
October 7, 2003	7,930	7,132	89.94%	2.2%
November 5, 2002	4,108	3,736	90.94%	1.4%
March 5, 2002	1,015	751	73.99%	0.4%
November 7, 2000	6,661	4,702	70.59%	1.2%
March 7, 2000	2,369	1,869	78.89%	0.6%
November 3, 1998	3,105	2,238	72.08%	0.7%
June 2, 1998	2,071	1,399	67.55%	0.6%
November 5, 1996	3,923	2,603	66.35%	0.7%

<sup>\*</sup> includes seven-day ballots

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#### **Over/Under Votes**

Looking at over/under votes for the Office of President can act as a benchmark on the usability of a voting system.

Our statistics reflect a low combined over/under vote for the November 2012 General Election.

This year, we have broken down our numbers by precinct voting and Vote-by-Mail. Scanners at the polls alert voters to over votes. For Vote-by-Mail, our scanners are set to stop at over votes and according to published rules and accounting practice, if we can determine voter intent, the ballot is tallied accordingly. This is under the Help America Vote Act (HAVA) of 2002 second chance voting requirement (see Appendix 1).

National studies compare voting systems and other socio-economic parameters to over/under vote statistics. I have not seen any such comparisons for the November 2008 Election.

Here are the statistics for Contra Costa County's Presidential contests for 2000, 2004, 2008, and 2012.

YEAR (General Election)	2000		2004		2008		2012		
Total Ballots Cast	384,300		418,335		456,876		442	,143	
Total Votes Cast for President	381	381,823		413,686		453,244		439,145	
Over Vote *	692	0.18%	1,853	0.44%	1,109	0.24%	700	0.16%	
Under Vote **	1,785	0.46%	2,796	0.67%	2,523	0.55%	2,298	0.52%	
TOTAL		0.64%		1.11%		0.79%		0.68%	

<sup>\*</sup> Over vote is recorded where the voter has marked more than one voting position for President and the voter's intent cannot be determined.

As a point of reference, Florida's statewide over/under votes in 2000 added up to 2.93%. In California, statewide that same year, the over/under vote was 1.6%.

<sup>\*\*</sup> Under vote is recorded if no selection for President is made.

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Here is our breakdown of over/under votes by precinct-cast ballots versus Vote-by-Mail-cast ballots:

2012 Ballot Type	Precinct		Vote-by-Mail	
Total Ballots Cast	196,190		245,953	
Total Votes Cast for President	1	194,952		,193
Over Vote *	356	0.18%	344	0.14%
Under Vote **	882	0.45%	1,416	0.58%
TOTAL		0.63%		0.72%

NOTE: While precinct ballots are not rescanned to correct for voter intent, if during a hand recount of the ballots, voter intent can be determined, that ballot can be tallied accordingly.

<sup>\*</sup> Over vote is recorded where the voter has marked more than one voting position for President and the voter's intent cannot be determined.

<sup>\*\*</sup> Under vote is recorded if no selection for President is made.

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#### Military, Overseas Voters, Ballots Challenged and Late

Our military and overseas voter comparison of turnout and of challenged ballots is attached (Attachments E and E-1).

We have experienced an increase in rejection rates this election over several past general elections.

We have assigned a specialist to monitor and to facilitate the timely return of these ballots. Nonetheless, our analysis of late returned ballots show at least two examples of ballots being returned late even though they had postmarks six weeks before their arrival.

General Election
Military/Overseas Ballot Rejection Rate (Challenged and Late)

Willitary/ Overseas ballot Rejection Rate (Challenged and Late)										
November 20	November 2012, "Military and OS" Late: 102									
	<u>Issued</u>	<u>Returned</u>	Challenged*	<u>Late</u>	% Late					
Military Dom	609	288	20	16	5.56%					
Military OS	280	149	12	8	5.37%					
Civilian OS	1871	1086	59	53	4.88%					
Federal OS	1142	759	32	25	3.29%					
Total	3902	2282	123	102	4.47%					
Overall VBM	Total Late:	0.49%	•							
November 20	10, "Milita	ry and OS"	Late: 35							
	<u>Issued</u>	Returned	Challenged*	<u>Late</u>	% Late					
Military Dom	485	133	4	3	2.26%					
Military OS	209	76	1	1	1.32%					
Civilian OS	2190	847	36	31	3.66%					
Total	2884	1056	41	35	3.31%					
Overall VBM	Total Late:	0.57%	•							
November 20	08 "Militar	y and OS" L	.ate: 57							
	<u>Issued</u>	Returned	Challenged*	<u>Late</u>	% Late					
Military Dom	646	347	13	7	2.02%					
Military OS	254	148	5	5	3.38%					
Civilian OS	2749	2031	56	45	2.22%					
Total	3649	2526	74	57	2.26%					
Overall VBM	Total Late:	0.28%	) )							
November 20	06. "Milita	rv and OS"	Late: 10							
	<u>Issued</u>	Returned		<u>Late</u>	<u>% Late</u>					
Military Dom	·	80	1	1	1.25%					
Military OS	167	59	2	1	1.70%					
Civilian OS	1469	437	12	8	1.83%					
Total	2099	576	15	10	1.74%					
Overall VBM	Total Late:	0.29%								
November 20	04. "Milita	rv and OS"	Late: 75							
	Issued	•	Challenged*	<u>Late</u>	<u>% Late</u>					
Military	840	359	23	20	5.57%					
OS	1809	1243	61	57	4.59%					
Total	2649	1602	84	77	4.81%					
Overall VBM		0.91%								

<sup>\*</sup> Includes "Late" as well as No Signature Match, No Signature, Deceased, Empty Envelope, etc.

#### Return Rate, UOCAVA Percentage Total Turn-out

General Elec	tion:		
	Military/OS	Total Turn-out	<u>Ratio*</u>
Nov. 2004	60.50%	82.92%	73.00%
Nov. 2006	27.40%	63.36%	43.20%
Nov. 2008	69.20%	86.67%	80.00%
Nov. 2010	36.60%	66.10%	55.40%
Nov. 2012	55.40%	79.48%	69.70%
Primary Elec	tion:		
	Military/OS	Total Turn-out	<u>Ratio*</u>
Feb. 2008	32.02%	66.88%	47.90%
June 2010	18.01%	40.00%	45.00%
June 2012	23.00%	37.10%	62.00%
June 2012 Br	<u>eakdown</u>		
	Military/OS	Total Turn-out	<u>Ratio*</u>
on-time	18.00%	37.10%	48.50%
group 1496	26.20%	37.10%	71.00%

<sup>\* %</sup> turnout of UOCAVA vs. total turnout

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#### **Late Arriving Vote-by-Mail Ballots**

Since there has been a legislative move to allow "late" arriving VBM ballots to be included in the tally, we have responded to a survey request from the California Association of Clerks and Election Officials on the subject of late arriving mail. (See Attachment F)

Attachment F

#### November 6, 2012

County: Contra Costa		Election Day (E) + (Number of days after the election)					
CURRENT LECISIATION.	E + 1	E + 2	E + 3	E+4*	E + 5 *	E + 6 **	TOTAL ALL BALLOTS
CURRENT LEGISLATION: Daily Total of # VBM Ballots Received:	340	322	59			73	
Postmarked by Election Day	274	210				14	
Missing Postmark***	30	48	9			42	794
Unreadable Postmark	36	30	1			8	
Postmarked after Election Day	0	34	12			9	
Daily Total of Military/Overseas Ballots Received:	9	19	6			11	
Postmarked by Election Day	7	12	3			5	
Missing Postmark***	2	7	2			4	45
Unreadable Postmark	0	0	1			1	
Postmarked after Election Day		_				1	

<sup>\*</sup> We did not pick up mail on E+4 (Saturday). The post office was closed E+5 and E+6. We picked up on E+7. So E+6 is actually on E+7.

<sup>\*\*</sup> E+6 is actually E+7

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#### **Reliability of Our Voting System**

Appendix 1

The 2000 Presidential Election brought the issue of ballot layout and the usability of voting systems into the National spotlight.

Because the 2000 Presidential Contest in Florida was so close, much scrutiny was paid to that state.

The Statewide average for over/under votes for Florida in 2000 was 2.93% with a wide variation between the 67 Florida counties (Leon County had the low of 0.18% while Gadsden County had the high of 12.40%).

California, that year, had an over/under vote Statewide rate of 1.60% with much less variation between the counties (Marin County was the low at 0.40% while Colusa County held the high with 3.2%). For Georgia, where the contest was not close, the over/under vote was much higher than in Florida.

For Contra Costa County, that year our over/under vote was 0.64%. Given that not everyone casts a ballot for President, hitting true zero is impossible. An over vote can be a mistake by the voter, the failure of the voting system to allow for adjustments in the voter changing their mind or the voter making a marking mistake. In some instances, it can be the voter marking the target for a candidate, and then writing in that candidate and again marking that target. Or, the voter can touch the voting position with a marking device, leaving a very small dot, and move on to select another candidate. Under California State rules, registrars can ferret out such mistakes and can correct the voter's ballot to reflect only one choice. (California requires, as part of the certification of a voting system, that the system defines what a vote is under HAVA's second chance voting requirements. Contra Costa publishes what constitutes a vote.)

Over votes can be the result of poor ballot layout. Over votes can occur when a registrar runs a contest between two columns, or they can be the result of misleading headings on a ballot. While not perfect, reviewing the over/under vote statistics for voting systems for major contests (President) can be a tool that will allow a registrar to review ballot practices. It can also be useful for limited comparisons between voting systems and between jurisdictions.

After the 2000 Presidential Election, a review of over/under votes showed punch card systems fared the worst in over/under vote comparisons and electronic voting equipment (designed to block over voting) came out on top. (Other issues concerning security have brought into question the reliability of such equipment.)

The Help America Vote Act of 2002 (HAVA) was a federal response to the 2000 Presidential Election which provides funds to replace voting systems and to adopt new rules, including the elimination of punch card and mechanical voting technologies. In addition, HAVA required Second Chance Voting. Second Chance Voting gives a voter a second chance to correct a totally blank ballot or to correct an over vote. Touch screen and precinct optical scanners can alert the voter to a potential error and the voter can

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#### Appendix 1

choose to correct it or override the warning. Practically speaking, with the movement towards Vote-by-Mail, Second Chance Voting looks more like reviewing each over voted contest to see if the voter intent (according to State adopted guidelines) can be determined and the ballot adjusted accordingly, under specific audit rules, to count in that contest.

#### **Conclusion:**

Contra Costa's voting systems have fared very well compared to other jurisdictions and voting systems. Part of this can be attributed to a higher socio-economic demographic for the county as a whole. Part of it is a familiarity with our paper based voting system. And part of this is a well laid out ballot.

Our first case study relates to the November 6, 2012 General Election, where the ballot included the office of Contra Costa Community College District. Ward 2 was a "vote for one" of three candidates. The over votes were 1.13%. The over votes for the same contest, but in Ward 5, was 0.17%. A review of ten precincts showed that in fact, these votes were true over votes. We concluded that the ballot layout may have contributed to this confusion, because voters saw the "2" in "Ward 2" and voted for two candidates (see ballot example on next page).

The second case study concerns the Measure "C" School Bond election on the November 1995 Election; this contest was extremely close. Opponents to the measure quickly calculated the under vote figure for each precinct, and focused on one precinct with an abnormally high under vote. During a recount, that precinct was the first to be hand counted. We found that 47 ballots had been marked in such a manner that the voter's intent was obvious, but that the machine could not detect the vote. We later determined that the marking devices (felt-tipped Mark-A-Vote pens) had been left uncapped and had dried out. Poll workers dipped these pens in water before handing to the voter to mark their ballot.

These 47 ballots, when tallied, determined that the measure had failed. (A subsequent election contest showed a few other anomalies.) Had the registrar reviewed over/under votes by precinct in this extremely close contest, that review would have exposed the one precinct abnormality, and corrective action could have been taken.

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#### OFFICIAL BALLOT

Tuesday, November 6, 2012

2012 Presidential General Election B Contra Costa County . c State of California 11 **INSTRUCTIONS TO VOTERS:**  To vote, BLACKEN the oval to the LEFT of the name of the candidate or to the LEFT of the word "Yes" or "No". To cast a write-in vote, locate the write-in area below the names of the other candidates for that office. Blacken the oval entry to the LEFT of the blank space and write the candidate's name in that space. Voting for more choices than are allowed is an OVERVOTE. (Your vote for the contest will not be counted.) · Voting for fewer choices than are allowed is an UNDERVOTE. (Your vote will count; however, you have missed a voting opportunity.) Marking the ballot outside of the designated space to vote for a candidate or measure may compromise the secrecy of the ballot. If you wrongly stamp, tear, or deface this ballot, return it to the election official and obtain another. **Party-Nominated Offices** Voter-Nominated and Nonpartisan Offices The party label accompanying the name of a cardidate for party-nominated office on the general ballot means that the candidate is the official nominee of the party shown. All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated or nonpartisan The party preference, if any, designated by a candidate for a voter-nominated office is selected by the candidate and is shown for the information of the voters only. PRESIDENT AND VICE PRESIDENT It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate. The party preference, if any, of a candidate for a nonpartisan office does not appear on the ballot. Vote for One Party Republican MITT ROMNEY For President UNITED STATES SENATOR Vote for One PAUL RYAN Governing Board Member, Ward 2 Vole for One ELIZABETH EMKEN Party Preference: Republican Businesswoman/Nonprofit Executive TOM CLEVELAND CPA Libertarian GARY JOHNSON For President TOMI DIANE VANDEBROOKE College Board President DIANNE FEINSTEIN 42 JAMES P. GRAY For Vice President Party Preference: Democratic United States Senator VICKI GORDON Educator/Board Member Peace and Freedom ROSEANNE BARR For President UNITED STATES REPRESENTATIVE SAN HAMON VALLEY UNIFIED SCHÓOL 11th District CINDY SHEEHAN For Vice President Vote for One Governing Board Member Vote for no more than Two GEORGE MILLER Party Preference: Democratic Congressman DWIGHT R. WINN, SR Retired Businessman Democratic BARACK OBAMA For President  $\bigcirc$ GREG MARVEL School Boardmember/Entrepreneur VIRGINIA FULLER JOSEPH BIDEN Party Preference: Republican Registered Nurse MARK ALLAN JEWETT Certified Public Accountant 0 STATE SENATOR JILL STEIN For President 7th District Vote for One  $\bigcirc$ CHERI HONKALA For Vice President MARK P. MEUSER Party Preference: Republican Counselor at Law American Independent THOMAS HOEFLING For President MARK DESAULNIER Party Preference: Democratic State Senator/Businessman ROBERT ORNELAS MEMBER OF THE STATE ASSEMBLY  $\bigcirc$ 16th District Vote for One AL PHILLIPS Party Preference: Republican Union Construction Superintendent **TURN BALLOT OVER** JOAN BUCHANAN Party Preference: Democratic Assemblymember Typ:01 Seq:0015 Spl:01

Appendix 1

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#### **Vote-by-Mail, When Do Voters Respond?**

Appendix 2

With the growth in Vote-by-Mail, mainly due to the growth in permanent Vote-by-Mail status, we have tracked the time that the ballots are issued and the time that they are returned.

As a business necessity, this data is helpful in scheduling permanent and temporary staff.

Our goal is to process (and have in the election night count) as many Vote-by-Mail ballots as possible. Obviously, the volume and timing of those returned ballots are critical in trying to meet our goal.

For whatever reason, our November Gubernatorial Elections tend to see much higher rates of return during the last nine days. This also holds true for ballots returned on Election Day (see table beginning on next page).

Even with this data, we missed the surge of ballots of the November 2010 Gubernatorial Election, which caused many ballots to be processed and tallied during the canvass instead of Election Night. As we had several close races, including Congressional District 11 and the State Attorney General, much attention was given to our county. We were taken to court to challenge our processing of these ballots in Ellis vs. Weir. This case was dropped in July, 2012. We are more cognizant of the need to stay on top of our returning Vote-by-Mail ballots.

NOVEMBER 6, 2012									
	VBM ISSUED	VBM RETURNED*	%	% LATE					
	316,632 **	242,456	76.57%	0.49%					
Week 1	274,737	1,116	0.46%						
Week 2	16,316	28,015	11.55%						
Week 3	20,994	57,581	23.75%						
Last 9 Days	4,585	155,735	64.23%						
Last Day		62,175	25.64%						

<sup>\*\*</sup> includes 5712 second issues

	VBM ISSUED	VBM RETURNED*	%	% LATE
	264,839	138,850	52.43%	0.64%
Week 1	252,426	4,402	3.17%	
Week 2	5,039	25,647	18.47%	
Week 3	4,321	32,656	23.52%	
Last 9 Days	3,053	76,145	54.84%	
Last Day		29,218	21.04%	

	NOVEMBER, 2, 2010				
	VBM ISSUED	VBM RETURNED*	%	% LATE	
	282,143	200,137	70.93%	0.57%	
Week 1	249,835	1,988	0.99%		
Week 2	10,663	22,150	11.07%		
Week 3	13,984	43,194	21.58%		
Last 9 Days	7,660	132,797	66.35%		
Last Day		49,972	24.97%		

		JUNE 8, 2010			
	VBM ISSUED	VBM RETURNED*	%	% LATE	
	258,836	140,726	54.37%	0.42%	
Week 1	245,957	4,251	3.02%		
Week 2	5,809	25,472	18.10%		
Week 3	5,601	27,415	19.48%		
Last 9 Days	1,465	83,588	59.40%		
Last Day		28,923	20.55%		

	NOVEMBER 4, 2008				
	VBM ISSUED	VBM RETURNED*	%	% LATE	
	276,987	233,612	84.34%	0.28%	
Week 1	140,263	6,760	2.89%		
Week 2	111,407	34,984	14.98%		
Week 3	13,472	60,662	25.97%		
Last 9 Days	11,845	131,206	56.16%		
Last Day		43,670	18.69%		

		JUNE 3, 2008			
	VBM ISSUED	VBM RETURNED*	%	% LATE	
	232,041	118,902	51.24%	0.96%	
Week 1	225,121	11,950	10.05%		
Week 2	3,415	25,324	21.30%		
Week 3	2,671	22,344	18.79%		
Last 9 Days	834	59,284	49.86%		
Last Day		21,087	17.74%		

		FEBRUARY 5, 2008			
	VBM ISSUED	VBM RETURNED*	%	% LATE	
	234,195	170,551	72.82%	0.39%	
Week 1	217,867	14,224	8.34%		
Week 2	6,649	34,576	20.27%		
Week 3	5,933	34,941	20.49%		
Last 9 Days	3,746	86,810	50.90%		
Last Day		30,516	17.89%		

NOVEMBER 7, 2006				
	VBM ISSUED	VBM RETURNED	%	% LATE
	214,155	161,067	75.21%	0.29%
Week 1	183,703	1,385	0.86%	
Week 2	15,028	15,887	9.86%	
Week 3	10,877	35,934	22.31%	
Last 9 Days	4,547	107,861	66.97%	
Last Day		38,393	23.84%	

		JUNE 6, 2006			
	VBM ISSUED	VBM RETURNED	%	% LATE	
	189,346	111,589	58.90%	1.48%	
Week 1	178,591	13,095	11.74%		
Week 2	4,441	20,097	18.01%		
Week 3	4,851	21,116	18.92%		
Last 9 Days	1,463	57,281	51.33%		
Last Day		22,686	20.33%		

		NOVEMBER 8, 2005				
	VBM ISSUED	VBM RETURNED	%	% LATE		
	170,048	125,493	73.80%	0.29%		
Week 1	140,442	2,127	1.70%			
Week 2	13,881	26,957	21.48%			
Week 3	10,917	30,512	24.31%			
Last 9 Days	4,808	65,897	52.51%			
Last Day		21,399	17.20%			

	VBM ISSUED	VBM RETURNED	%	% LATE
	185,748	159,575	85.90%	0.91%
Week 1	143,458	3,687	2.31%	
Week 2	17,534	20,699	12.97%	
Week 3	14,987	35,714	22.38%	
Last 9 Days	9,769	99,475	62.34%	
Last Day		31,965	20.03%	

		MARCH 2, 2004			
	VBM ISSUED	VBM RETURNED	%	% LATE	
	123,617	96,542	78.10%	1.86%	
Week 1	96,668	824	0.85%		
Week 2	12,528	16,520	17.11%		
Week 3	10,597	21,711	22.49%		
Last 9 Days	3,824	57,487	59.55%		
Last Day		19,331	20.02%		

		OCTOBER 7, 2003				
	VBM ISSUED	VBM RETURNED	%	% LATE		
	128,800	111,623	86.66%	0.88%		
Week 1	80,025	11,412	10.23%			
Week 2	24,307	14,303	12.81%			
Week 3	15,019	22,191	19.88%			
Last 9 Days	9,449	63,717	57.08%			
Last Day		14,395	12.90%			

	NOVEMBER 5, 2002			
	VBM ISSUED	VBM RETURNED	%	% LATE
	115,157	93,702	81.37%	1.37%
Week 1	81,695	2,070	2.21%	
Week 2	11,386	9,976	10.65%	
Week 3	14,921	15,670	16.72%	
Last 9 Days	7,155	65,986	70.42%	
Last Day		22,683	24.21%	