

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.22
(ID # 17663)

MEETING DATE:
Tuesday, November 16, 2021

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Approval of the Registrar of Voters Response to the 2020-2021 Grand Jury Report: Was the Riverside County November 2020 Consolidated General Election Administered Fairly and Impartially?, Direct the Response to the Grand Jury, Presiding Judge, and County Clerk-Recorder (for mandatory filing with the state), All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve, with or without modification, the attached response to the 2020-2021 Grand Jury Report: Was the Riverside County November 2020 Consolidated General Election Administered Fairly and Impartially? ; and
2. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, the Presiding Judge and to the County Clerk-Recorder (for mandatory filing with the state).

ACTION:Policy


Rebecca Spencer


11/7/2021


Juan C. Perez, Chief Operating Officer

11/10/2021

MINUTES OF THE BOARD OF SUPERVISORS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 21/22	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Penal Code Section 933(c) requires Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the Board's control. In addition, responses must be provided to the Presiding Judge of the Superior Court within 90 days of receipt of the report.

The attached responses constitutes a joint response from the Board of Supervisors, Registrar of Voters and Executive Office in accordance with the required responses identified in the Grand Jury Report.

ATTACHMENTS:

- A. Grand Jury Report "Was the Riverside County November 2020 Consolidated General Election Administered Fairly and Impartially?"
- B. Response to Grand Jury Report



 Gregory J. Priamos, Director County Counsel 11/5/2021

**2020/21 Grand Jury Report
Riverside County Registrar of Voters**

Grand Jury Finding #1:

Research Question 1: Were Riverside County election officials aware of Federal and California laws, regulations, and executive orders as they changed during the COVID-19 pandemic?

Finding 1: After extensive interviews, website reviews, and document reviews, there is significant evidence that Riverside County election officials were well informed of applicable November 2020 Federal and California election laws, regulations, and executive orders. Many city officials who were directly responsible for election activities within their jurisdictions expressed gratitude to the Riverside County Registrar of Voters Department personnel for keeping them well informed of changes in California's laws and procedures, especially changes required by Executive Order N-64-20 and Executive Order N-67-20 during the pandemic.

Response to Grand Jury Finding #1:

The Riverside County Registrar of Voters agrees with Finding 1.

Grand Jury Finding #2:

Research Question 2: Did Riverside County election officials effectively communicate with voters?

Finding 2: After extensive interviews, website reviews, and document reviews, there is significant evidence that Riverside County election officials, both those individuals working directly for Riverside County, as well as those individuals who worked directly for cities, made extensive efforts to inform voters of their voting options and locations through news releases, social media, announcements during official public meetings, and websites. Additionally, city officials throughout the county indicated that, except on rare occasions, they received answers to their questions from the Registrar of Voters Department in a timely manner, so they could provide voters accurate information.

To summarize Research Question 2 findings:

1. Although there were communication challenges, Riverside County election officials effectively communicated with voters.
2. Vote-by-mail ballots arriving before "Consolidated General Election Guides" was caused by the U. S. Postal Service.
3. Incorrect and misleading information associated with the state's new ballot tracking system was caused by both computer programming errors within the Secretary of State's tracking system and the assumption by many individuals that the tracking

involved "real time" tracking when it was not designed to function that way.

4. The Registrar of Voters Department frequently updated November 3, 2020 election results as ballots were processed.

5. There is interest in generating accurate election results faster.

6. The lack of knowledge about the election ballot counting process resulted in questions about the fairness and impartiality of the election.

7. It was not easy for voters to locate their specific election information guides, with candidate statements, and sample ballots online.

Response to Grand Jury Finding #2:

The Riverside County Registrar of Voters agrees with Finding 2.

Grand Jury Finding #3:

Research Question 3: Did Riverside County Registrar of Voters Department provide sufficient training to those who would implement the November 2020 election?

Finding 3: Riverside County Registrar of Voters Department personnel provided training sessions and materials to individuals who worked at the county's ballot processing facility, to city officials involved in the election process for their communities, to individuals who worked at the 130 Voter Assistance Centers, and to individuals responsible for monitoring vote-by-mail drop-off boxes, including transporting ballots from drop-off boxes to the county's ballot processing facility.

To summarize Research Question 3 findings: The evidence was conclusive that the Riverside County Registrar of Voters Department conducted a comprehensive series of training sessions for several months leading up to the November 2020 election and that the training sessions prepared personnel to fulfill their responsibilities. Survey results revealed the need for hands-on training, role-playing scenarios, and more training for non-supervisor staff members.

Response to Grand Jury Finding #3:

The Riverside County Registrar of Voters agrees with Finding 3.

Grand Jury Finding #4:

Research Question 4: Did Riverside County election officials conduct the November 2020 election as required by applicable Federal and California laws, regulations, and executive orders?

Finding 4: With one exception, the November 2020 election was conducted as required by applicable Federal and California laws, regulations. The one exception occurred on the first day of the four days of in-person voting (i.e. Saturday, October 31, 2020). Some voters across Riverside County could not cast their votes as planned due to a

technical problem.

To summarize Research Question 4 findings: Riverside County election officials conducted the November 2020 election as required by applicable Federal and California laws, regulations, and executive orders. The technical problem occurred at the very beginning of the four-day in-person voting days and it was corrected in time for voters to still cast their ballots. The voting process can be enhanced if voters do not have to wait in long lines to vote. Also, if larger signs are posted near the in-person voting locations it will improve visibility of the voting locations and parking.

Response to Grand Jury Finding #4:

The Riverside County Registrar of Voters agrees with Finding 4.

Grand Jury Finding #5:

Research Question 5: Were there instances of "election irregularities" during the November 2020 election?

Finding 5: Some interviewees expressed concerns that the November 2020 election was not conducted as required by Federal and California laws, regulations, and executive orders. Those concerns were in three general areas: (1) accuracy of voter rolls, (2) ballot drop-off box uncertainty, and (3) ballot "chain of custody."

To summarize Research Question 5 findings:

1. Although county Registrar of Voters departments across the state assist in correcting inaccuracies within the state's VoteCal database, establishing and maintaining the VoteCal database is the responsibility of the Secretary of State.
2. There was extensive use of the 80 vote-by-mail drop-off boxes.
3. Minor improvements in the appearance of drop-off boxes will instill more confidence in drop-off box usage.
4. The conclusive evidence establishes that ballot "chain of custody" was maintained throughout the November 2020 election.

Response to Grand Jury Finding #5:

The Riverside County Registrar of Voters agrees with Finding 5.

Grand Jury Finding #6:

Research Question 6: Were ballots accurately counted?

Finding 6: Following the November 2020 election, there were numerous media reports about efforts to stop counting ballots and allegations against the use of certain voting technologies to count ballots. Although more of the media attention was directed toward other states, there were Californians who expressed concerns

about Dominion Voting Systems used in California counties as well.

To summarize Research Question 6 findings, the evidence is conclusive that ballots were accurately processed, counted, and reported.

Response to Grand Jury Finding #6:

The Riverside County Registrar of Voters agrees with Finding 6.

Grand Jury Finding #7:

Research Question 7: Is there any evidence of election fraud that occurred during November 3, 2020 election as it was held within Riverside County?

Finding 7: The Riverside County Civil Grand Jury acknowledges that even the topic of "election fraud" is controversial.

To summarize Research Question 7 findings, there is no evidence of election fraud during the November 2020 election.

Response to Grand Jury Finding #7:

The Riverside County Registrar of Voters agrees with Finding 7.

GRAND JURY RECOMMENDATIONS

Grand Jury Recommendation #1:

Recommendation 1: The Riverside County Civil Grand Jury recommends the Riverside County Registrar of Voters Department make it easier for voters to locate their specific election guide, with candidate statements, and sample ballots in two ways by the end of 2021:

1. Highlight "Election Guides and Sample Ballots" on their website as they did for the options below:



2. Include the website link where voters can access their election guides, candidate statements, and sample ballots in their "News Release" announcing that the voter information guides are on the way to voters.

Response to Grand Jury Recommendation #1:

The Riverside County Registrar of Voters agrees with Recommendation 1 and will implement the recommendations by the end of 2021.

Grand Jury Recommendation #2:

Recommendation 2: Anticipating that future elections will require the Registrar of Voters Department print and mail large numbers of vote-by-mail ballots to all registered voters (e.g., AB 37), the Riverside County Civil Grand Jury recommends that the Riverside County Registrar of Voters Department submit a detailed plan to the Riverside County Executive Office that identifies the steps needed to develop, print, and distribute future election guides and vote-by-mail ballots to registered voters. The detailed plan should include requiring printing vendors to have all election materials available for distribution to the U. S. Postal Service at least two workdays before mailing can legally commence. The detailed plan should be submitted to the Riverside County Executive Office no later than the first public Board of Supervisors meeting in 2022.

Response to Grand Jury Recommendation #2:

The Riverside County Registrar of Voters agrees with Recommendation 2 and will implement the recommendation in January 2022.

Grand Jury Recommendation #3:

Recommendation 3: The Riverside County Civil Grand Jury recommends the Registrar of Voters Department produce a video series, by September 30, 2022, that illustrates the steps their department goes through in the election process. It is recommended that the video series emphasize the following topics:

- Vote-by-mail drop-off box use, security, and transportation of ballots to the ballot processing facility.
- How ballots are processed including signature confirmation and duplicate ballots voided.
- Technology usage including certification, continual updates, testing for accuracy, and manual count confirmation.

The Riverside County Civil Grand Jury suggests the Registrar of Voters Department consider inviting high schools, school districts, community colleges, and universities within Riverside County that have video production capabilities to produce the video series under its guidance.* The video series could be produced and available for the Registrar of Voters website and Riverside County city websites.

** In 2017, Education Code sections 51470-51474 established the "State Seal of Civic Engagement" which encourages, and creates pathways for students "in elementary and secondary schools to become civically engaged in democratic governmental*

institutions at the local, state, and national levels. " High school students who meet five state requirements will be recognized with the "State Seal of Civic Engagement" on the high school diplomas. Creating videos for the Registrar of Voters Department would help students meet criteria 3 to earn this special recognition.

Response to Grand Jury Recommendation #3:

The Riverside County Registrar of Voters agrees with Recommendation 3 and will implement the recommendation in 2022.

Grand Jury Recommendation #4:

Recommendation 4: In collaboration with the Riverside County Executive Office, the Riverside County Civil Grand Jury recommends the Registrar of Voters Department develop and present a plan to the Board of Supervisors prior to the next primary election, that, if approved and implemented, would allow the public to view, via live streaming, all ballot processing phases in a way that maintains voter confidentiality.

Response to Grand Jury Recommendation #4:

The Riverside County Registrar of Voters agrees with Recommendation 4 and will prepare a cost report for review.

Grand Jury Recommendation #5:

Recommendation 5: In collaboration with the Riverside County Executive Office, the Riverside County Civil Grand Jury recommends the Registrar of Voters Department develop a detailed plan to generate election results faster, yet accurately, and present this plan to the Riverside County Board of Supervisors no later than their first public meeting in 2022.

Response to Grand Jury Recommendation #5:

The Riverside County Registrar of Voters agrees with Recommendation 5 and will present a report to the Riverside County Board of Supervisors in 2022.

Grand Jury Recommendation #6:

Recommendation 6: The Riverside County Civil Grand Jury recommends the Registrar of Voters Department investigate what it would cost to produce at least two large signs (e.g., 36 by 24-inch square) per in-person voting location informing voters where to park and where to vote prior to the next primary election.

Response to Grand Jury Recommendation #6:

The Riverside County Registrar of Voters agrees with Recommendation 6 and will

implement the recommendation in 2022.

Grand Jury Recommendation #7:

Recommendation 7: The Riverside County Civil Grand Jury recommends the Registrar of Voters Department modify their training sessions as follows:

- For in-person voting location supervisors and assistant supervisors, insert hands-on training activities and role-playing scenarios, especially with the technology to be used in the election.
- For in-person voting location personnel not serving as a supervisor or as an assistant supervisor, modify their training sessions to include a more comprehensive view of how to assist voters when supervisors and assistant supervisors are not available.

These training enhancements should be included in future training sessions prior to the next primary election.

Response to Grand Jury Recommendation #7:

The Riverside County Registrar of Voters agrees with Recommendation 7 and will implement the recommendation in 2022.

Grand Jury Recommendation #8:

Recommendation 8: The Riverside County Civil Grand Jury recommends that the Registrar of Voters Department develop and implement a policy that requires all future in-person voting locations to confirm that the technology functions properly prior to opening those locations for in-person voting. It is recommended that this policy be established and implemented prior to the next primary election.

Response to Grand Jury Recommendation #8:

The Riverside County Registrar of Voters agrees with Recommendation 8 and the recommendation has already been implemented.

Grand Jury Recommendation #9:

Recommendation 9: The Riverside County Civil Grand Jury recommends the Registrar of Voters Department develop a detailed plan, including technology resources, to eliminate long waiting lines and to present that plan to the Board of Supervisors no later than their first public meeting in 2022.

Response to Grand Jury Recommendation #9:

The Riverside County Registrar of Voters agrees with Recommendation 9 and the plan

will be presented to the Board of Supervisors in 2022.

Grand Jury Recommendation #10:

Recommendation 10: The Riverside County Civil Grand Jury recognizes that many vote-by-mail drop-off box locations were accessible to the public only when monitored by city personnel or by Registrar of Voters Department personnel. The Riverside County Civil Grand Jury recommends the Registrar of Voters Department develop and implement a plan that reinforces drop-off box security by electronically monitoring drop-off box locations accessible to the public when not otherwise monitored by city or county personnel. The plan should commence prior to the next primary election.

Response to Grand Jury Recommendation #10:

The Riverside County Registrar of Voters agrees with Recommendation 10 and the recommendation has already been implemented.

Grand Jury Recommendation 11:

Recommendation 11: The Riverside County Civil Grand Jury recommends that the Registrar of Voters Department redesign drop-off boxes so that they (1) include the words "Official Riverside County Registrar of Voters Ballot Drop-Off Box," (2) have the official Riverside County insignia on them, and (3) use of colors that do not suggest affiliation with a particular political party. Drop-off box redesign should commence prior to the next primary election.

Response to Grand Jury Recommendation #11:

The Riverside County Registrar of Voters agrees with Recommendation 11 and the recommendation will be implemented in 2022.

Grand Jury Recommendation #12:

Recommendation 12: The Riverside County Civil Grand Jury recommends that the Registrar of Voters Department have a means to electronically track secure containers of ballots as they are transported from drop-off box locations to the county's ballot processing facility. Electronically tracking ballots as they are transported to the processing facility should commence prior to the next primary election.

Response to Grand Jury Recommendation #12:

The Riverside County Registrar of Voters partially agrees with Recommendation 12. A cost analysis will be performed to determine the feasibility of the recommendation.

Grand Jury Recommendation #13:

Recommendation 13: The Riverside County Civil Grand Jury recommends that the Riverside Board of Supervisors establish a policy that requires the Riverside County Executive Office to schedule and preside over at least one coordinating meeting, per election, among various county departments that have direct or indirect responsibility for ensuring safe and fair elections, commencing prior to the next primary election, and continuing thereafter.

It is suggested that representatives from the District Attorney's Office, Registrar of Voters Department, Sheriff's Department, Information Technology Department, and County Public Information Officer attend this meeting, so that logistical and communication issues can be addressed prior to each election held in Riverside County.

Response to Grand Jury Recommendation #13:

The Riverside County Registrar of Voters agrees with the concept of establishing a coordinating meeting as referenced in Recommendation 13. Although a formal Board policy has not been established, the Executive Office and ROV have implemented this recommendation for the September 2021 Governor's Recall Election and will continue this practice for future statewide elections.