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- Q2: Has your county developed a strategic plan to adequately fund election administration? If so, please explain.
- Q3: Has your county adopted performance metrics for election administration? If yes, please identify what criteria are used to measure performance.
- Q4: Please indicate which sources of funding are used to support election administration in your county. Select any that apply.
- Q5: Does your county provide election services to jurisdictions within the county? If so, what formula or methodology is used to determine service charges?
- Q6: Are special elections funded differently than other elections in your county? If so, please explain.
- Q7: Identify policy and funding challenges to election administration in your county. Please provide examples where possible.
- Q8: What aspects of your election administration funding strategy could benefit other counties if adopted?
- Q9: Please estimate how long before voting systems in your county need to be replaced.
- Q10: Is your county preparing for the procurement of new voting systems and other election equipment?
- Q11: How has your county been impacted by the suspension of reimbursements for state election mandates? Select any that apply.
- Q12: What areas of election administration in your county would benefit from more funding? Select any that apply.
- Q13: Does the current state-county funding model adequately provide funding for the following:
- Q14: If the state adopts an alternative funding model for election services, please indicate which characteristics are most important to least important for your county. (1=most, 5=least)
- Q15: Is your county interested in exploring alternative methods to fund election administration?
- Q16: If the state begins exploring new alternatives to replace the state mandate framework, what is your level of interest in the following alternative funding options?

- Why is so much being spent on overtime?
- Why are there so many temporary employees?

By understanding how much was being spent and why, Contra Costa County was able to develop ways to be more cost effective. One example was the ballot printer used. It was determined that the printer was driving up the costs of equipment, labor and polling places, among others. By changing ballot printing practices, new processes were more cost-effective; equipment costs were reduced by half, the amount of time to count vote-by-mail ballots was reduced by 800 percent, and ballots were cheaper overall. These cost-savings allowed the Registrar to allocate resources more effectively elsewhere, which in turn resulted in more cost-savings.

Another process that was streamlined involved filing deadlines. The reason the county had significant overtime and significant temporary employees occurred as a result of deadline "crunch" times for statement filing and precinct determination. By pre-determining precincts the county was able to conduct many processes in advance, including recruiting poll workers, training, determining polling places and preliminarily designing the ballot. This allowed for a 400 percent reduction in temporary employees and an 800 percent reduction in overtime. Additionally, reports of stress significantly decreased.

Appendix G - State Survey Questions

Q1: Does the following statement from the Election Reform Report by Electionline.org and the Constitution Project, still accurately describe the election administration system in STATE? If not, please explain in detail.

Q2: Are elections state-funded, locally-funded, or a combination of the two?

Q3: If costs are shared by both the state and localities, how is this done?

Q4: If your state provides funding to localities for election administration, what is the methodology or formula used? Please explain in as much detail as possible.

Q5: Do local election administrations charge other local municipalities (cities, school districts, other special districts) within their jurisdiction for election services? If so, please explain how those charges are determined.

Q6: Has your state legislature mandated election activities to counties? If so, are these mandates reimbursed by the state?

Q7: Which election services are considered state, local, or shared responsibilities? (Printing ballots, purchasing voting equipment, approving voting equipment, staffing, training poll workers, voter outreach)

Appendix D – Election Cost Project

In January 2014, the California Association of Clerks and Elected Officials was granted funding from the James Irvine Foundation to undertake the endeavor of determining the cost for each of the counties in California to hold an election; to find an “apples to apples” method of cost comparison across counties; and ultimately to provide transparency of election cost data to benefit lawmakers, the public, and the counties themselves. To fulfill this task, the CACEO drafted a comprehensive survey which includes Direct Cost Categories, detailing costs associated with staff Salaries and Services & Supplies, a, Election Technology survey to record hardware and software purchased by counties since 2004, and an Election Profile to give context to the reported costs.

The CACEO then charged California’s 58 counties with recording their costs for every statewide election since 2004. As of April 2016, 47 counties have participated in the project. Please note that participation is voluntary, and due to varying county staff sizes, access to decade-old data, and other factors, not all counties have been able to participate at this point. Please also note that not all counties track their costs to the extremely high level of detail called for in the survey. Therefore, not all data is available for every county, as respondents were asked not to estimate costs to maintain the integrity of the dataset as a whole.

Appendix E – County Elections Equipment Cumulative Reserve Fund

Chapter 4.73

4.73.010 Name of fund.

There is hereby created a special revenue fund named Elections Equipment Cumulative Reserve Fund.

(Added Ord. 89-140, November 13, 1989).

4.73.020 Purpose of fund.

The elections equipment cumulative reserve fund is established to accumulate monies collected by the county auditor’s office for conducting elections, maintaining voter registration files and producing a local voters’ pamphlet. These monies represent a portion of the billings that is intended to recapture the cost of equipment and software purchased and used in conducting elections, maintaining voter registration files and producing a local voters’ pamphlet by the county auditor. The money in this fund will be used to purchase equipment, hardware, durable supplies and software used by the county auditor’s office for elections, voter registration and local voters’ pamphlet operations.

(Added Ord. 89-140, November 13, 1989; amended by Ord. 02-029, eff. date July 10, 2002).

- 4) Cost. California spends an estimated \$100 million per year to run elections, averaging to about \$10 spent per ballot. As previously mentioned, the CCSF spends roughly \$2.2 million per year for Dominion's hardware, software, and services, averaged over the 9-year lifetime of the system. This figure does not include the cost of ballots, poll workers, and other miscellaneous costs to run elections. Proponents of open source voting systems argue that their new system would save counties millions of dollars in the long run, since the software would be free to all jurisdictions once developed. In this sense, there is an economy of scale. Once the system is developed and certified, San Francisco would need to pay only for COTS hardware and election services. In addition, Dominion charges San Francisco per election for services to use its equipment. With a non-proprietary system, San Francisco would not be limited to a single vendor for services, opening up the possibility for more competitors and lower costs. Since the design and operation of open source software is public, any company could potentially provide services for that equipment – not just the company with the internal knowledge of how it works. San Francisco could even act as its own vendor.
- 5) Security. Former Secretary of State Debra Bowen ordered a top-to-bottom review of the major voting system companies in 2007, instructing a team of computer software experts to perform a security review and examination of all the major voting system companies at the time (Hart Intercivic, ES&S, Sequoia, and Diebold). ES&S did not submit its system for review and the other three company's products were deemed defective and unacceptable and that time² and had their certification revoked until they made the recommended improvements to the system. Sequoia, the company the CCSF partnered with at the time of the reviews, has since gone out of business and the CCSF has replaced their services with Dominion. The Dominion system that CCSF uses is not the same system that was tested in Secretary Bowen's review; there is no record of any security review of Dominion systems but it did go through a full source code review was established by the Secretary of State's office. While there are testing labs that are tasked to inspect proprietary voting systems, a conflict of interest exists. Secretary of State Bowen did have an independent review established by the University of California system to ensure that issues that may occur from the federal level did not occur at the state level. Professor David Wagner was the lead researcher on Secretary Bowen's top-to-bottom review, and testified before the Committee on House Administration and Elections Subcommittee in 2007.³ In his testimony he stated: "Testing labs are paid and selected by the vendor who makes the equipment being tested, [so] they are surely aware that withholding approval too frequently might send vendors to competing testing labs with a reputation for more lenient treatment... Unfortunately, at present there are few checks and balances that can be used to hold testing labs accountable if they fail to serve the public interest. In the long run, source code disclosure might help to ensure that the process is effective by holding testing labs accountable in the court of public opinion if they approve systems with obvious defects in the source code."

- The development of open source voting systems takes a considerable amount of time, money, and effort, most of which is undeterminable at this point.
- There are several boundaries and limits to how a new voting system would function, based on California election law. That is not to say laws could not be changed, but if CCSF is to embark on creating a new system it would need to do so using the laws as they are at the time of creation of the new system and not on hope that laws will get changed.
- CCSF staffing is a key component that needs to be addressed in open source voting system proposals.

In regard to the breadth and scope of the conducted analysis, it is important to note that a complete open source voting system does not yet exist anywhere in the country; as such, the exact costs of developing the system are undetermined, and there is a lack of empirical evidence surrounding the success of open source voting systems.

Overview of Systems

A. Existing Voting System with Dominion

Budget:

The CCSF has contracted with Dominion since 2008. The up-front cost of the system was \$9.64 million in 2008. This included the hardware purchase (\$6.53 million); the software purchase (\$1.40 million); and installation, training, and warehouse improvements (\$1.71 million). This works out to \$10.65 million in 2015. In addition to the up-front costs, there are per-year costs. In a year with two elections, the per-year cost is \$1.38 million; in a year with one election the cost is \$883,700. These figures include hardware maintenance (e.g. parts and repairs) and software licensing fees, as well as fees for personnel and election services, logistical support, and Election Day preparation and operation (ballot layout, services management, staffing, transportation costs, on-site tech support, etc).

After 2016, the total cost of voting system related expenses over nine years (combining up-front and per-year costs) is expected to be \$19.69 million, which includes \$8.16 million for hardware and \$2.86 million for software. This averages to \$2.19 million per year when spreading the up-front and per-year costs over the nine-year lifetime of the system. If the CCSF had used the system only for the originally anticipated six years (four years with options to extend two additional years), the cost per year would have been \$2.67 million per year. If the system had been used only for the original contract length of four years, the cost would have averaged to \$3.45 million per year.

By extending the life of the current system from the original contract length of 4 years to 9 years the average cost per year for hardware; election services; and

Appendix C- Study on Open Source Voting Systems

Below is a portion of the final report of the San Francisco Local Agency Formation Commission's Study on Open Source Voting Systems.

Study on Open Source Voting Systems

Definition of Terms

The following terms relate to open source voting system technology and will be used frequently in this report. For readers who are unfamiliar with open source technology, the following terms have been defined in order to avoid any confusion while reading this report. Any mention of the following terms, unless otherwise noted, will always refer to the intent and meaning as defined below:

Blended voting system: A voting system that incorporates components from more than one vendor or certified system.

Closed source: A term applied to software meaning that it is not open source. Also known as proprietary software.

Copyleft: A term that applies to when open source software is modified that those modifications must also remain open source.

COTS hardware: Commercial off-the-shelf hardware. Units that are already available in stores and can be commercially purchased, such as iPads, windows tablets, scanners, etc.

Disclosed source: A term applied to software meaning that the source code is publicly viewable. Such software can be either proprietary or non-proprietary.

Hardware: The physical part of election material—ballot box, tablet, etc. Controlled by the software.

Open source: A term applied to software meaning that the source code can be freely viewed, used, modified, and shared by the public.

Software: The program that is installed on to the hardware, controlling how the hardware functions.

Source code: The computer programming code that controls how the software functions.

Executive Summary

This report serves as an objective comparison of existing proprietary voting systems and a proposed open source voting system. The following also provides background

- Use data other than the census to determine ballot languages
- Upgrade technology
- Provide more training to election officials
- Streamline certification and procurement processes in a timely manner
- Increase state support for outreach and education
- Upgrade laws and statutes for modernized voting systems
- Create an "Election Academy" for training
- Facilitate consistent interpretation of election laws
- Create uniform standards for election functions such as petition verification, registration processing, candidate filing, etc.

Counties were also asked how the state could provide voting system assistance other than increased funding, responses included:

- Create programs for publicly-owned, open source voting systems
- Update laws and statutes to accommodate new technology
- Speed up the approval and certification processes
- Provide recommendations for voting system choices to counties
- Develop a department that works with design, testing, procurement and maintenance of voting systems
- Retain experts on the use of voting systems
- Consult with election officials before creating new laws
- Collaborate with counties
- If systems are decertified by a new administration, the state should be responsible for the cost of new systems
- Provide flexible and timely regulation adoption
- Authorize pilot projects
- Expand the market of available products, systems and services

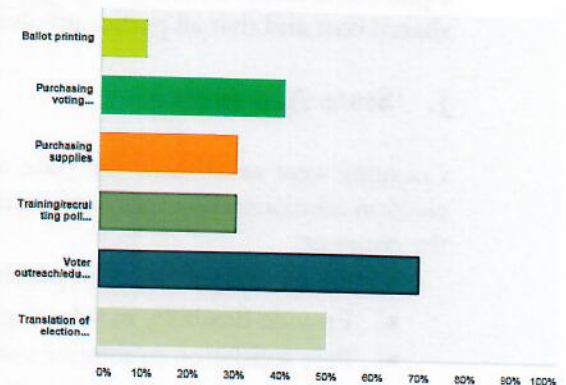
K. Collaboration

When counties were asked whether or not they collaborate with other counties for election services or activities, examples were limited. One example included several counties forming a consortium called Bay Area Votes to take advantage of a shared media market for voter outreach. Also, many counties have agreements to allow for use of equipment should failure occur. Generally speaking, meaningful collaboration is minimal among counties. Registrars cited several difficulties in collaborating:

- Timing and agreement
- Distance
- Resources
- County size and scale

Has your county collaborated with another county or counties to provide the following election services:

Answered: 10 Skipped: 23

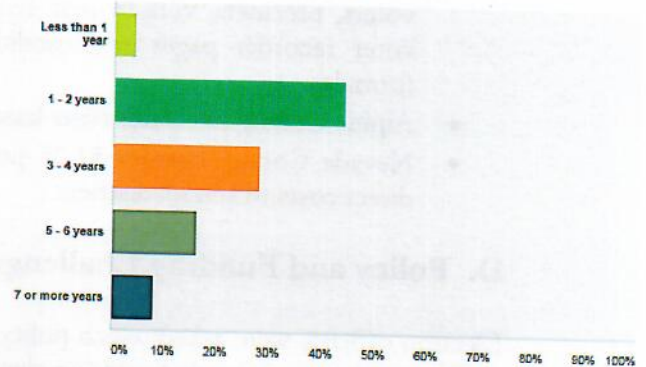


E. Voting Equipment

CA Fwd's county survey indicated that 76 percent of responding counties need to replace voting equipment within three to four years and 44 percent of those within one to two years. The consensus among most responding counties was that there is a need for aging voting systems to be replaced and little funding to do so. At the time of this study, two counties had developed special funds for the purchase of voting equipment; however, most were unsure of how to fund systems going forward. Many also indicated a desire to consider implementing uniform voting systems.

Please estimate how long before voting systems in your county need to be replaced.

Answered: 26 Skipped: 8

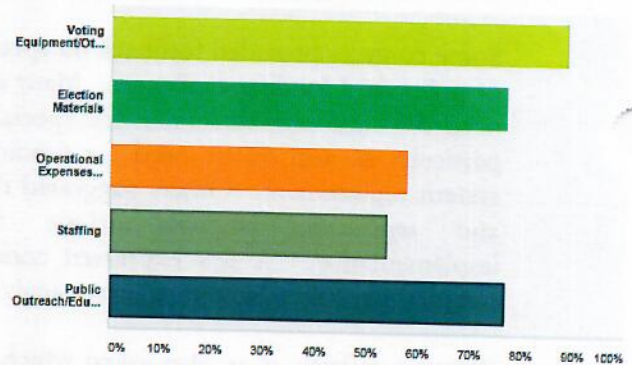


F. Where Funding is Needed

About 88 percent of responding counties indicated voting equipment would benefit from more funding, and 77 percent indicated election materials and public outreach and education would benefit from increased funding. Some counties responded that additional funding is also needed for staff, building space and infrastructure.

What areas of election administration in your county would benefit from more funding? Select any that apply.

Answered: 26 Skipped: 7

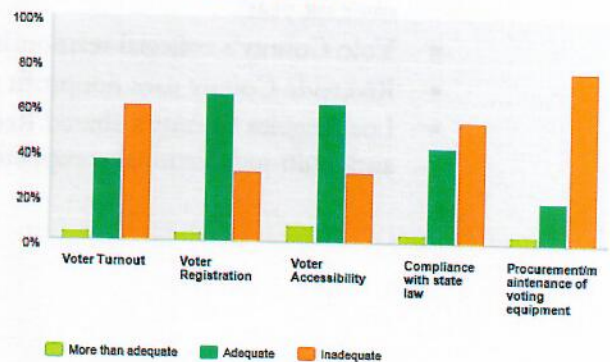


G. Adequate Funding

When asked about the adequacy of funding for election services, 77 percent of responding counties indicated that funding was inadequate for voting systems and 60 percent responded that there was inadequate funding for voter turnout and outreach. In particular, some counties expressed concern that funding can sustain current low voter turnout but may not be enough if turnout increases in the future.

Does the current state-county funding model adequately provide funding for the following:

Answered: 26 Skipped: 7



- Kern County measures by ballot processing time.
- Calaveras County measures monthly and yearly goals and performance standards through evaluations.
- Marin County uses Managing For Results (MFR) to identify initiatives, discuss achievements and quantify and measure goals.
- San Diego County measures customer satisfaction, election night tallying, recruitment, vote-by-mail processing costs, registration processing costs and other data points.
- Los Angeles County uses a system called Lean Six Sigma Process Improvement Initiatives which include post-election inspector surveys and report cards, online poll worker training data, an election calendar and a task management task board.

C. Local Jurisdiction Cost Allocation

All counties in California charge local jurisdictions for the cost of operating elections through a cost allocation formula or methodology. Each county does this in a slightly different way; however, most charge based on the number of measures or candidates, registered voters, jurisdictions, or polling places.

- Inyo County calculates direct prorated costs based on actual costs incurred, excluding staff time.
- Mono County calculates a prorated share of costs based on the number of items.
- Colusa County tracks staff time and incorporates it into a prorated share of direct costs.
- Kings County calculates costs based on the number of registered voters and the number of jurisdictions.
- Plumas County calculates actual costs in addition to applicable overhead, which includes staff time and equipment use.
- Sacramento County uses a board of supervisors-approved fee schedule based on previous elections.
- San Luis Obispo County calculates a prorated share of costs based upon the number of polling places, candidates and measures.
- Kern County allocates one third of total costs by ballot type and by registered voter.
- Calaveras County calculates costs based on the number of registered voters.
- Yolo County bills direct costs.
- Siskiyou County calculates a prorated share based on the number of jurisdictions.
- Santa Cruz County itemizes costs, directly bills when possible and prorates indirect costs based upon voter turnout.
- Orange County calculates costs based upon the prorated share of actual costs and indirect costs.
- Riverside County calculates a prorated share of costs by number of registered voters and polling places.

for states to "improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens." California is not currently a member of ERIC.

A concurrent study also funded by The James Irvine Foundation is reviewing election cost data in California. The California Association of Clerks and Election Officials is working with county registrars to develop a database of election administration costs in order to develop a clear picture of what it costs to operate elections.

G. Voting Systems

In light of increased attention toward the future of voting systems, CA Fwd's project aimed to understand how states acquire and implement systems. There is a spectrum across the U.S. with some states allowing local governments to choose a variety of different voting systems, and others having more centralized, uniform voting systems. There is also a spectrum of methods for funding these systems. Many states take California's approach of local control where counties are free to choose voting equipment that is approved by the Secretary of State, and pay for the costs associated with purchasing and maintaining it. According to CA Fwd's state survey, there are also several examples of more centralized state-level voting systems throughout the nation.

Colorado is beginning a Uniform Voting Systems Project (UVSP) which will have one vendor and tabulation system for the whole state and will create a common contract for all counties. This project has not received state funding and will be the responsibility of the counties. However, according to Colorado's state election official, the treasurer is considering low-interest loans paid over time for counties. The Legislature has been asked to set aside funding to partially fund the project.

As mentioned earlier in this report, Georgia also has a more centralized voting system. All 159 counties use the same system uniformly, which is produced via the Center for Election Systems out of Kennesaw State University and is funded by the state. According to the executive director of The Center for Election Systems, a statewide assessment of equipment (over 40,000 pieces) was recently conducted, and the equipment is at 97 percent readiness level for the 2016 cycle. The system has been in continuous use since 2002 and has supported over 6,500 county elections.

Similarly in Louisiana, there is a uniform statewide voting system that is maintained by the state, as well as a special account to fund voting equipment which is operated by the state treasury. Maryland also follows a similar model, where uniform voting systems are selected and acquired by the state, then funded half by the state government and half by counties.

Hawaii is yet another example of uniformity in voting equipment; however, rather than purchasing systems the state leases voting systems through one vendor and

The survey revealed a few examples of localities partnering to purchase supplies and equipment for a group discount. One example is in Alabama, where some counties partner together to put in bid requests for voting equipment. Additionally, some Arizona counties order voter registration forms and other supplies together for a reduced price.

A larger scale example of using purchasing power is in Kansas, where the four largest counties in the state are collaborating on a Request for Proposal (RFP) for new voting equipment. When the population of a county reaches a certain threshold, a separate elections office is created and the official is appointed rather than elected. These counties have decided to collaborate in purchasing voting equipment to receive cost-savings and a more consistent voter experience. The RFP for this equipment has been written to allow other counties in the state to be able to purchase from it; the Election Assistance Commission and Kansas state government helped to proof the RFP. This is an example of a “service collaborative” which involves partnerships with counties that are not geographically next to one another, but have shared needs.

According to Oregon’s election official, some counties have a “continuity of operations plan” where resources are shared between counties when needed. In addition, cooperative purchasing exists via a purchasing co-op in the northwest, which allows counties to purchase off of an existing contract.

In Maryland, election administration was made more centralized at the state level in 2001 following the Bush v. Gore presidential election. Along with changing to a uniform statewide voting system, counties also began reporting their supply inventory monthly and the state decides how to distribute resources to align with needs and surpluses. According to the chief election official in Maryland, this top-down system allows the state to take advantage of economies of scale, avoid material waste, share resources, reduce financial burden on counties, assure proper spending of funds, and provide a consistent voter experience.

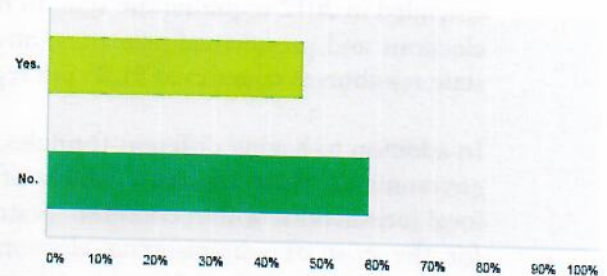
E. Challenges

In addition to surveying states regarding how election activities are shared and funded, CA Fwd’s survey also sought to discover what election officials thought about the adequacy, reliability and equity of the current election administration model in their state. When election officials were asked to rate their overall agreement that the model in their state addresses those three aspects, results were varied.

Election officials were then asked what would make election administration in their state more adequate, more reliable and more fair, along with what obstacles or

Do localities collaborate in election administration to reduce costs and/or increase effectiveness (such as sharing resources, or partnering to purchase from vendors)? If so, please provide an example of this collaboration.

Answered: 24 Skipped: 3



New Mexico is more centralized in funding elections than most states that responded, with the state paying for all voting supplies, systems and ballots. The state uses a voting system revolving fund, the only example of a fund of this kind in the survey. The voting system revolving fund was created by the legislature in order for the Secretary of State to pay for hardware, software, firmware, maintenance and support of voting systems in the state. Counties in New Mexico are responsible for paying poll worker per diem and upfront costs for some mandates such as Native American polling places and workers, but are reimbursed by the state for those costs.

Oregon uses an apportionment formula for sharing costs in election administration. The counties track expenses in broad categories such as personnel, printing, postage, supplies, et cetera. After the election, the expenses are combined into a cost total and then billed to the state and local jurisdictions based on a pro-rata share of measures or candidates on the ballot.

In addition to understanding the methodologies and formulas used to share costs, the survey sought to discover from which sources funding is derived. Overall, the majority of responding states indicated state and local funding for election administration is derived from their respective general funds. Local general funds are typically funded by taxes such as property. Occasionally, states indicated HAVA funds remained from the 2002 federal disbursement, and those may be used to fund voting system replacement and maintenance as well as other election administration needs. The most notably different source of funding for election administration is in Colorado, where it is derived from business license fees. This has allowed a significant source of funding for elections; however, this is currently under court contest (NFIB vs. Williams) as Colorado's Tax Payer's Bill of Rights states no tax or fee can be collected for one reason and used for another. The outcome of this case will set a precedent and determine whether or not counties will need to find alternative sources of funding.

C. Funding Formulas

In launching the Election Funding Project, CA Fwd was interested in discovering the different methodologies used in sharing election administration costs between state and local governments. Of the states that indicated a formula was used to share costs between the state and localities, no two states were exactly the same. This is once again an example of the significant variation among states.

In Colorado, the state reimburses counties for some of the costs of elections aside from the odd-year general elections in which the state pays the full cost. The state reimburses the county based on the number of active voters in that election; that formula is \$.90 cents per active voter in counties with less than 10,000 voters, and \$.80 cents for more than 10,000 voters.

Louisiana state pays 75 percent of state elections, while the remaining 25 percent is divided by a pro-rata share between local jurisdictions. If there is not a state measure

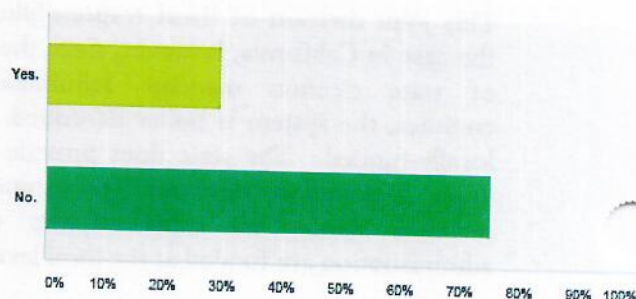
There are trends that seem to transcend many states; however, there are also exceptions. For example, there are differences in staffing and training among some states. Maryland provides all staffing, training and support at the state level, while Vermont leaves this not only to counties, but to local jurisdictions within those counties. North Dakota shares these responsibilities between entities with the state providing training and the county paying for staff and poll workers. In California, counties are responsible for all staffing, training and ballot printing, and the only solely state responsibility is approving voting systems. The state and counties do share some voter outreach and must cooperate in the procurement of voting systems, with the counties deciding which machines they will purchase and the Secretary of State approving of machines and purchases.

The take home message is that every state has a different way of administering elections and sharing responsibilities between state and local governments, and often these vary from locality to locality within each state.

When asked if election responsibilities are shared with other entities such as departments, boards or commissions, 75 percent of states indicated that they are not. Of the states that said they did share responsibilities, they indicated that ballot counting and reporting were done by county commissioners and canvassing boards. It should be noted that this is actually the case in most states, and interpretation of this question was likely varied. One of the more unique examples is Florida; its canvassing boards additionally consist of the chair of the board of county commissioners and a county court judge.

Do election officials share election-related responsibilities with other officials, departments, boards or commissions? If so, please specify which entities share election-related responsibilities.

Answered: 24 Skipped: 3



B. Funding Methods

In California, the state government requires counties to perform certain election-related activities, such as requirements for the disabled and absentee ballots. These are called mandates, and according to the state constitution when they are imposed on counties the state is required to reimburse for the cost of these mandates. The study recognized that not every state has a mandate system and aimed to discover the methods by which election administration is funded elsewhere.

The survey asked states whether or not election activities are mandated to localities, and if so, whether localities are reimbursed for the costs of those mandates. Overall, states that responded indicated that their legislatures had passed laws regarding how localities should operate elections; however, these are not often funded by the state aside from special elections with federal and/or state candidates on the ballot. Of the states that have systems to provide funding for localities for the cost of election administration, there are different methods of doing so. These can vary by

These revolving funds allow counties to carry over funds and build up balance, providing consistent and predictable revenue for voting systems. They also give counties the ability to rely less on state funding and more latitude in deciding when and how systems will be replaced.

IX. Conclusion

As lawmakers and stakeholders discuss and create policies for the future funding of voting systems and elections as a whole in California, it is important to ask the right questions in the right order. The custom has often been to fight for a piece of the proverbial “budget pie” and then decide how to divvy it up among the counties.

Alternatively, policymakers can define the future they want for elections – including how technology is used to strengthen democracy by making it easy for every voter to vote, and how state and county officials should work together to make that vision a reality. Based on a model with the capacity to control costs and improve quality, the state and counties can agree on a funding model that provides reliable funding and encourages and rewards the needed improvements.

It is important to capitalize on this pivotal moment of increased attention on voting systems and interest in electoral reform. This is an opportune time in California’s history to implement a framework to modernize elections. It seems crucial to make sure tax dollars are well-spent on ongoing progress and improvement rather than one-time allotments that will leave us having the same conversations again in the future.

Implementing policies that improve the overall functioning of election administration, that repair government relationships and encourage continual improvement is an essential step toward a more equitable and sustainable election administration system, and may have reverberating effects on restoring public trust and perhaps even increasing voter turnout.

Sustainable Funding Partnership



The state has two significant opportunities to help pay for elections in ways that over time will improve the efficiency and effectiveness of elections administration, be the foundation for a positive and constructive partnership with counties, and potentially reduce its long-term liabilities: 1) Develop a formula for the state's share of elections; and, 2) Create a special fund for technology procurement that also incentivizes improvement among the counties.

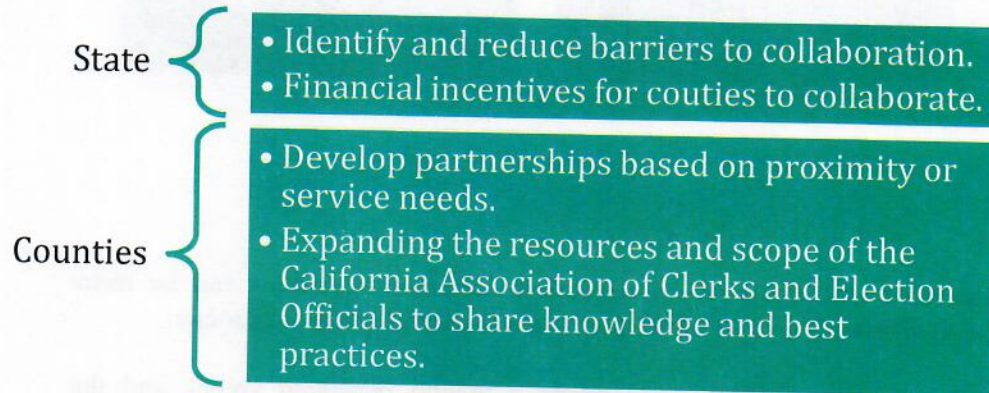
More than 40 years after SB 90 and almost 40 years since Proposition 13, it is time for the state and counties to replace the long-standing feud over funding with a new partnership that reflects obligations, responsibilities and the imperative of efficient, accessible and reliable elections.

The state is reliant on county election offices, and as in most other states, the state of California should compensate the counties for that service.

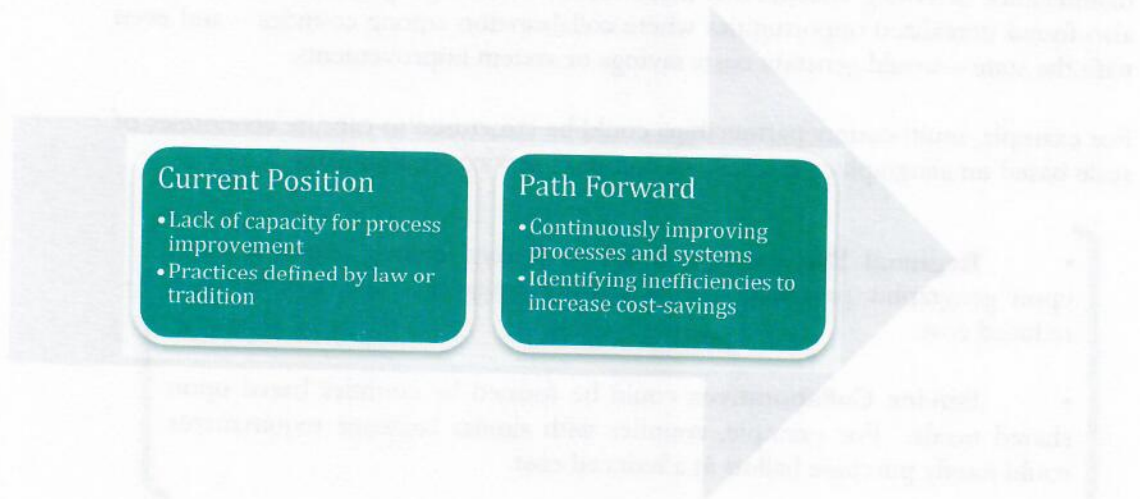
As mentioned in the State Perspective section above and detailed in Appendix A, there are a variety of ways other states share costs for elections. Some state formulas are based on the number of registered voters in counties, and at least one state formula is based on the percentage of the physical space on the ballot dedicated to state candidates and issues. The state and counties could develop a formula that reflects the formulas used within counties. Regardless of the structure, ***California should replace the mandate reimbursement process with something similar to the policies in place in many other states by directly sharing in the operational expenses of elections.***

In doing so, the state also has an opportunity to proactively increase the value of new technologies and capture the efficiencies and quality improvements that can be generated by collaboration among counties and improved business practices. As a funding partner – and as a partner in good governance – the state has a direct interest in the efficiency and quality of elections administration.

specific opportunities and convening county leaders to develop them into actionable projects. The state also could provide a financial incentive for counties to develop collaboratives – such as in the purchasing, maintenance and operation of election equipment. The need to replace equipment and the emerging willingness of the state to finance equipment presents an opening for the state to encourage the kind of voluntary collaboration that can respect regional diversity and local control while capturing savings.



Continuous Improvement



In addition to technology and collaboration, CA Fwd identified the potential to improve the efficiency and effectiveness of elections through proactive process re-engineering.

Generally speaking, most state and local agencies have not developed strong internal capacity to assess practices and develop cost-effective approaches to service delivery. Lean management and similar methods can be applied to elections administration in

better serve the public while being more cost-effective and efficient. Current procurement and certification rules leave counties with few choices or vendors to select from, and potentially giving price control to the suppliers. A more appropriate technological solution would allow competitive pricing, more voting system options for counties and increased transparency.

While policymakers are currently debating how much to allocate for the next generation of voting systems, the answer to these questions should be predicated on the result of a broader review of technology and procurement options that might provide higher quality at lower costs.

In addition, given the state's interest in the efficiency of voting systems and election administration in general, the state should consider how its financial support for the next procurement can be structured to provide incentives for continuous improvement at the county level, reduce the state's expenditures, and spread the costs and procurement over time.

Voting Technology Pilot Projects

Los Angeles County, California:

The Voting Systems Assessment Project (VSAP) launched in Los Angeles County in 2009 with the goal of creating a more transparent and innovative voting system. Formed by LA County's Registrar-Recorder/County Clerk's office, VSAP received a \$150,000 grant to conduct initial research for their project. Partnering with the Voting Technology Project, VSAP took a heavily user-focused approach to the notion of an open source voting system; conducting countywide voter surveys, poll worker surveys, focus groups, and internal discussion groups. In addition, they conducted an Open Design Search, comprised of experts, designers, and members of the general public. The search aimed to determine what the public wanted out of a voting system, and which components would provide a stronger sense of legitimacy, accuracy, and transparency. Additionally, the Open Design Search initiated the conversation on how the Ballot Marking Device (BMD) should be designed. Their research concluded that a paper trail was still necessary for election accuracy, thus a link between paper and electronic ballot was deemed a key element of the voting process. As a result, VSAP's system is focused around a paper-ballot, as opposed to a completely electronic voting system. (Study on Open Source Voting Systems, Page 12)

Travis County, Texas:

In Texas, Travis County Clerk Dana DeBeauvoir has been working on developing the county's own voting system, dubbed the STAR Voting System. Travis County currently contracts with Hart Intercivic for election materials. The county purchased new Helping America Vote Act compliant voting machines in 2006, but County Clerk DeBeauvoir said they were simply buying "a second version of the same machine." Echoing the sentiments of other open source voting system proponents, DeBeauvoir felt the existing systems were outdated and lacked reliability and security. Travis County also performed extensive voter/user research, and their citizens panel and study group also reiterated the same concerns. Another group of Travis County voters, led by the Austin NAACP, filed a lawsuit against the county in 2006, alleging that the Hart Intercivic ESlate voting machines did not provide enough security and ability to audit due to a lack of a paper trail; the Texas Supreme Court dismissed the case in 2011. (Study on Open Source Voting Systems, Page 13)

will over time deliver more cost-effective elections. California also will be better positioned to incorporate policies or practices that will make elections more accessible and reliable.

In other words, ***for California to develop a new and effective funding model, the state will need to modernize some aspects of election administration and governance.*** California has a much greater chance of developing a financially sustainable system if technology is appropriately deployed, if the state and counties are working collaboratively together, and if individual counties are increasingly efficient.

With those directional coordinates set, state and local policymakers can establish a new shared funding model that reflects and strengthens the state-local partnership and provides the right incentives for county election agencies to continuously improve their operations.

In the end, both the state and the counties are likely to spend less over time than they would otherwise, the fiscal requirements will be easier to manage, and the improved operations will support reliable, trustworthy and accessible election operations.

Increasingly, technology will be the dominant factor in a modern system. The state should determine how to evolve its approach to using technology before allocating and expending additional funds. The new approach will not only help determine how much money is needed, but how to share the costs between the state and the counties.

Similarly, if there is agreement on how the counties can pursue collaboration and continuous improvement, then state and policymakers can develop a sustainable cost-sharing model that provides the right incentives for continuous improvement.

Better Technology

Current Position

- Limited vendors and options
- Vendor-controlled pricing
- Cumbersome certification process

Path Forward

- Adaptive and transparent technology
- Competitive pricing
- Shared and continuous funding

The state has an interest in seeing improvements to all three factors. First, the state has an obligation to ensure that elections are conducted in ways that meet the standards of a modern democracy. Second, the state is dependent on county elections for its own operations – the Legislature, statewide offices, the initiative and the referendum processes. And third, the state is often a funder of last resort – as evidenced by the contemporary debate over voting systems.

The Mandate Process Muddies the State's Fiscal Responsibility

Even before the mandate reimbursements were suspended, the reimbursement process had become an inadequate and inefficient way to share financial responsibility. Among the challenges:

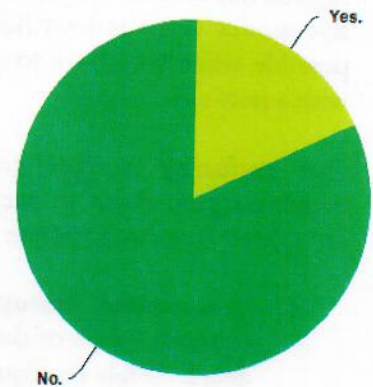
1. **More funding is needed.** As more counties come under increasing fiscal stress, it will become increasingly difficult for counties to operate effective election systems. Election officials must seek funding from both the county and the state budget processes, where their requests are seldom viewed as a high priority.
2. **Elections may limit access to budgeting process.** The budget process coincides with the election process every other year during the June primary so that county election officials literally are unable to participate in the budget process because they are running elections at that time.
3. **The state doesn't pay a "fair share".** A significant portion of election costs are associated with state offices and statewide ballot measures. But unlike other local governments that reimburse counties for the costs of their elections, the state does not.
4. **The mandate process isn't working.** The mandate process creates new conflicts and perpetuates old tensions between the state and counties – making it more difficult for the government agencies to work together to improve the elections system.
5. **Little incentive for improvement.** Without having a financial stake in elections administration, the state has no incentive to help counties reduce costs, improve operations or deploy better technologies.

The study, *Reassessing the State Mandates Problem in California*, discusses how addressing the mandate process will require repairing the antagonistic state-local relationship:

"This study concludes that the issues of high costs and process delays can be re-conceptualized as sub-problems stemming from a more fundamental problem that lies outside the mandates process – with the system itself and

Has your county developed a strategic plan to adequately fund election administration? If so, please explain.

Answered: 28 Skipped: 5



3. **Lack of collaboration for cost-savings.** The diversity and autonomy further reinforce a culture where counties work closely together on issues involving the state, but far less in terms of replicating best practices such as voluntarily standardizing procedures, or systematically working together to create opportunities for multi-county cost-saving efforts. *Since common voting systems may create opportunities for savings, counties could be developing partnerships and consortiums now while they are on the eve of a new procurement cycle.*

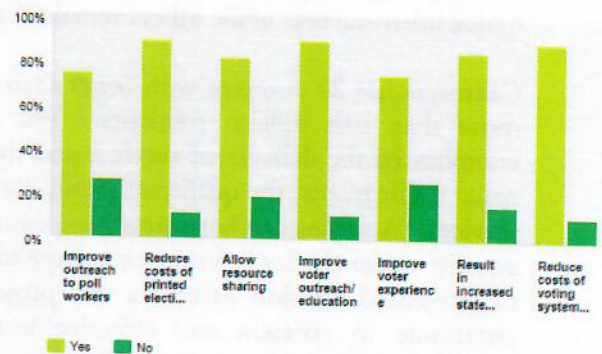
Importantly, county leaders expressed a strong desire to explore collaborations on a range of issues with nearby counties, counties of similar size or counties with a shared interest. The data reveal an opening to encourage cost-saving collaborations.

Often times the alternative to local control is characterized as statewide uniformity or centralized control. But California has demonstrated the power of multi-county collaborations. And as the state has pushed control of more policy and program decisions to local governments, a new model is emerging where counties work together to build the capacity to reduce costs and share results. As has been seen by the collaborative efforts of CACEO and the Future of California Elections, county election officials are more often working together for improved results. This new operating paradigm would be even more powerful if the state actively encouraged, incentivized and participated as a partner in helping counties develop the capacity for collaboration and continuous improvement.

While this has been an instrumental step forward, more can be done to encourage modernization of voting technology. For example, current statute does not allow administrators to replace broken voting system parts with ones from the same model in a later year. This means election officials must seek out the part from the year the equipment was manufactured (often times searching online) and if such a part is discontinued or unavailable, the entire system must be replaced. Certification and procurement procedures should be assessed for outdated, inconsistent, burdensome and irrelevant requirements to ensure the process is one that allows for the most effective, efficient and safe products available.

Would your county be interested in forming partnerships or collaborations with other counties if doing so would:

Answered: 27 Skipped: 6



Updating Certification and Procurement

In 2013, the Legislature passed Senate Bill 360 (Padilla) and it was signed into law. This bill helped streamline burdensome aspects of the certification process and allowed for the use of pilot projects and open source voting technology. SB 360:

- Allows certification and approval power to reside with the Secretary of State (SoS) rather than both the state and federal governments.
- Allows for use of the Voting Modernization Fund for voting equipment research, development and testing.
- Requires the SoS to publish voting system standards.
- Allows for voting system pilot projects.
- Allows for the use of a state-approved testing agency.

Technology Is Chronically Behind

Three major factors contribute to the current state of voting technology in California:

1. **Limited options.** Only three voting system vendors are certified in California and only one new voting system is approved for sale. This provides a limited number of options for counties and discourages competition in pricing and updating technology. Other concerns include a lack of transparency in reviewing source code and a lack of incentives for vendors to produce lasting products and to enable modifications and upgrades.
2. **Restrictive certification and procurement.** Recent legislation has made it easier for counties to explore alternative voting technology, but there is still more to be done to reduce barriers. Current certification and procurement processes are cumbersome and restrict the number of options available while inhibiting updates because discontinued parts cannot be replaced.
3. **Lack of funding.** There is no effective long-term funding mechanism for voting equipment in California. The last funding sources were the one-time federal disbursement of HAVA funds and California's \$200 million dollar bond that were allotted 14 years ago. There is no strategy in place to fund replacement of aging voting systems in the future.

The state's technology and procurement policies have long focused on preventing failures rather than enabling innovation. Procurement of voting equipment is further complicated by a certification process that is intended to ensure the security and integrity of the electoral process. While mitigating failure is important, procurement procedures also should encourage technologies that hold down the lifecycle costs of development, operations and maintenance; enable system-wide efficiencies; and provide a more enjoyable voting experience.

While the passage of Senate Bill 360 (Padilla) in 2013 allowed for the research, development and adoption of more innovative voting technology, more needs to be done for technology to play a larger role in efficient and modern elections. With one state-approved system and three vendors, counties have few options. The lack of competition reduces the pressure on vendors to lower costs or improve the value of their systems.

According to proponents of Open Source voting systems, the small number of vendors has effectively controlled the market and the costs – reducing options, transparency and the competitive pressure that would encourage vendors to improve the quality of their systems.

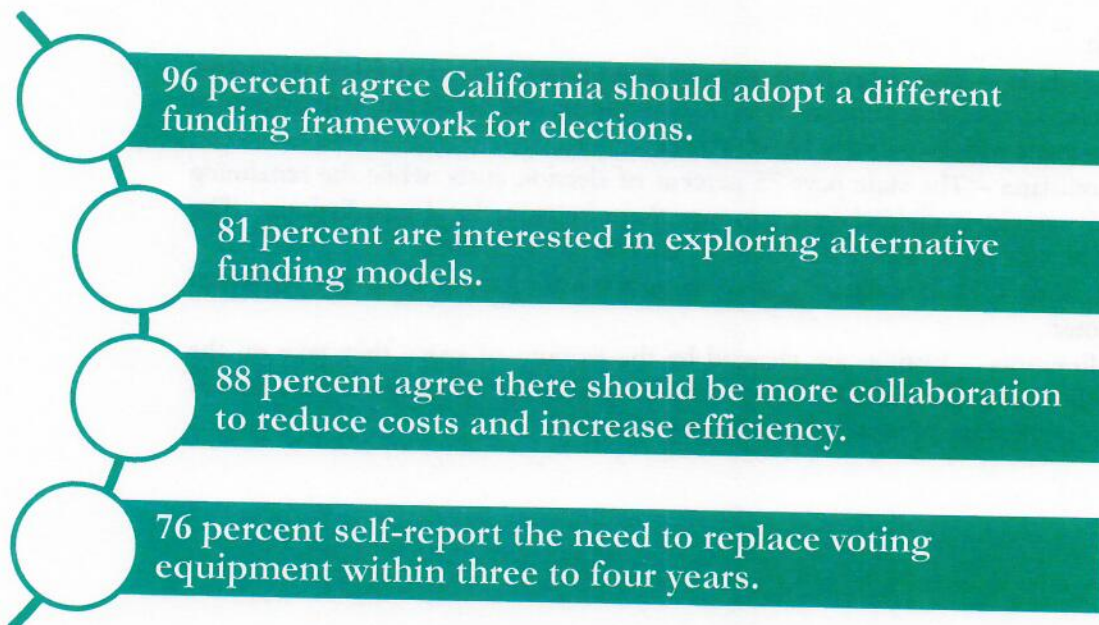
In light of deteriorating voting systems, few alternatives and little funding for counties to replace equipment, some counties have entered into lease agreements

VI. The California Perspective

To better understand how election administration is funded in counties, CA Fwd sent surveys to all 58 counties – 34 counties responded. In addition to asking about divisions of responsibility and general funding, the survey asked administrators about strategic planning, performance metrics, qualitative evaluations of the current funding model and what can be improved. This data along with feedback gathered from a series of regional meetings with election officials provides a reasonable understanding of the systems in place. Full results can be found in Appendix B.

California's diversity and strong tradition of local control resulted in variation among the counties. No two counties fund and operate elections in the same way. This highly decentralized system leaves many key funding and operational decisions up to counties. The local control and diversity extends to the reimbursement practices between counties and local jurisdictions. Counties operate elections for most cities, schools and other special districts, and charge these entities for the cost of running elections. They rely on various formulas and methodologies which usually involve a pro-rata share based on the number of candidates, ballot measures, registered voters, jurisdictions or polling places. In part because counties use different methods to calculate costs, local jurisdictions across the state are likely to be charged different amounts for similar services.

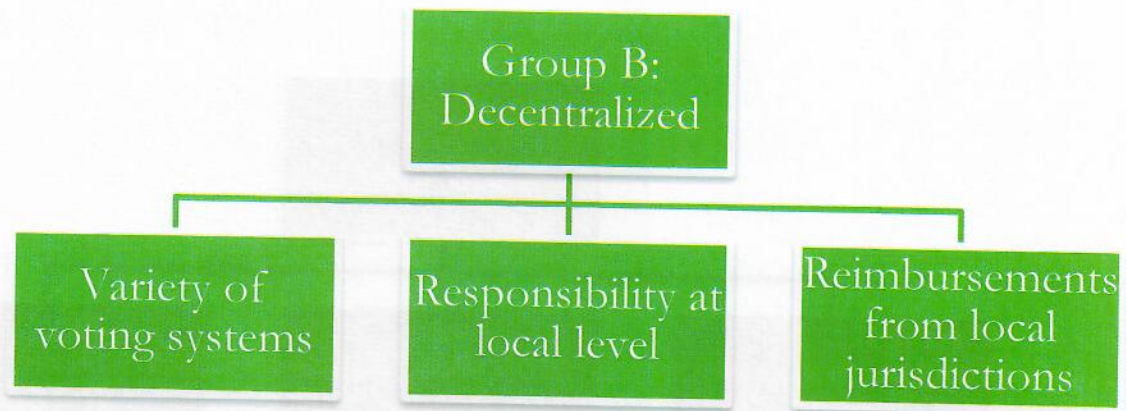
Despite significant variation among counties, CA Fwd found that there are several points of agreement among responding counties:



Group B: Decentralized

26 percent of responding states shared the following characteristics:

- Election responsibilities are held primarily by local governments
- Local governments select and purchase voting equipment
- Reimbursements are made to counties from local jurisdictions

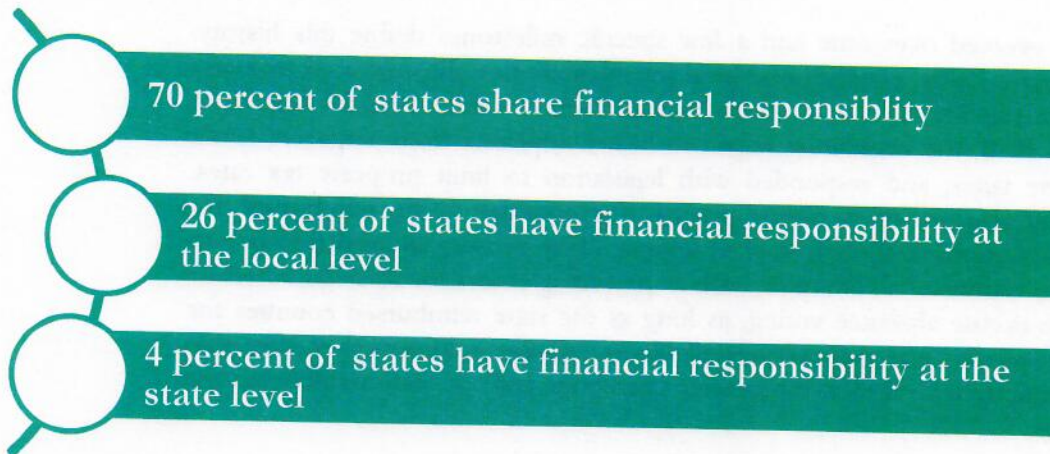


Considerations:

- Seven of the responding states had similar models to California with decentralized election administration.
- Costs incurred by local governments and reimbursements are sought from local jurisdictions.
- There are varying methods and formulas counties use for seeking reimbursement from local jurisdictions for election costs.

V. The National Perspective

Through online surveys as well as phone interviews, CA Fwd developed a general understanding of how other states administer elections. The 27 states that responded to the survey provided information on the division of responsibility between state and local governments, cost-sharing, funding sources, collaboration, assessments of adequacy, reliability and fairness, as well as obstacles and challenges. Respondents represented a diverse group of states in terms of population, geography, and demographics. The full report of state responses can be found in Appendix A; this section provides a general overview.



In approximately 70 percent of responding states, the financial responsibility for election costs is shared between the state and local governments; 26 percent of the responding states place responsibility primarily at the local level and in 4 percent the state is primarily responsible for funding elections. Responsibility for services such as ballot printing, purchasing voting equipment, staffing and training vary widely among states, with no two operating the same system. Some general trends: Many state and local governments partner on outreach activities. Staffing and ballot printing responsibilities are primarily controlled by local governments. And the approval of voting systems is overwhelmingly a state responsibility.

States also were asked about the adequacy, reliability and equity of their funding systems, as well as barriers to improvement. Common themes in responses included the desire for governmental partners to pay their “fair share” of costs and the difficulty in determining actual costs. States voiced concerns about inconsistent data collection and reporting, lack of collaboration and outdated laws and statutes. Officials in other states were interested in finding solutions, including reliable funding for elections and voting systems, budgetary flexibility, with some interest in uniform statewide voting systems.

For explanatory purposes, CA Fwd grouped states into three generalized categories: centralized, decentralized and hybrid. This categorization facilitated an exploration the different elements and options for operating and funding election administration.

C. Surveys

CA Fwd's survey of state election administration was informed by the budget data and the literature review. Many of the survey questions were influenced by the state "snapshots" in Electionline.org's report. In these brief descriptions, the researchers outlined the basics of election administration in each state. This included the identification of the Chief Election Official (CEO) and State Agency (SA) responsible for managing elections, a description of voting system verification, as well as any other information provided in the survey. California Forward's survey aimed to build on those descriptions.

The CA Fwd survey also collected more detailed information regarding election administration funding and operations. It included questions regarding the division of responsibility between state and local governments, cost-sharing formulas and methodologies, funding sources, examples of collaboration, assessments of adequacy, reliability and fairness, as well as obstacles and challenges. These questions allowed CA Fwd to develop a more detailed understanding of election administration models.

CA Fwd's second survey, which was sent to all 58 counties in California, was similarly structured and also included more detailed questions that evaluated whether strategic planning and management are used and the estimated remaining life of each county's voting systems. The information from the national and state surveys were combined and presented to county registrars and staff in four regional convenings to validate the accuracy of the responses and to collect qualitative information on these issues.

IV. Historical Context

Two distinct and historical vantage points shape the contemporary conversation in California. The first is the national perspective, which focuses on the emerging intersection between technology and voting system integrity. While the 2000 election elevated the role of technology, the policy challenges and potential solutions have evolved with and as fast as the technologies themselves.

The second perspective is California's long-standing tradition of local autonomy in election systems and its history regarding state and local relationships. These perspectives converge to define some of the issues regarding elections in California.

The 2000 presidential election was a critical moment in American election history and the aftermath had rippling effects on events well into this decade. In particular, the controversy that arose from the Florida election catalyzed greater reform. After concluding that punch card voting systems and other antiquated methods dating to the 1960s were not reliable, the federal government began to look at election systems and operations across the country. It found inconsistent standards within states and local governments regarding the administration of elections and the equipment used.

in California. The outcome of the Election Cost Study in combination with the Election Funding Project will shed light on how much is spent on elections, funding needs going forward and the policy options for the future of sustainable elections.

Multiple levels of stakeholder input were gathered throughout the process to increase the accuracy and utility of the project. Thought partners and contributors include the California Association of Clerks and Election Officials, California Voter Foundation, Urban Counties of California, Rural Counties Representatives of California, California State Association of Counties, Secretary of State's Office, Department of Finance, Senate and Assembly Elections and Budget Committee staff, members of the Future of California Elections coalition and others.

Methodology

CA Fwd conducted the Election Funding Project in several stages, each building upon the earlier stages. The first objective was to collect and summarize existing data and literature related to the funding of elections. This information was used to inform surveys of state and county election officials. Lastly, data and survey feedback were used to inform discussions with California registrars and other stakeholders on how to better fund elections going forward.

A. Data Collection

The research process began by gathering data from the National Association of State Budget Officers' *Summaries of Fiscal Year 2015 Proposed and Enacted Budgets* report and compiling data on how much states generally spend to administer elections. In addition, data on population, number of registered and eligible voters, and number of counties was gathered to ascertain how election spending relates to population size, voter turnout and other factors.

Similarly, the project gathered data on counties in California through the State Controller's Office, which keeps county-reported data on election expenditures and revenues. Data also was gathered on county population, as well as registered and eligible voters. Additionally, overall budgets were obtained from each county. There were significant differences found between each data set. For example, Los Angeles County reported approximately \$115 million in elections expenditures in 2013 while the State Controller's Office indicated the county spent approximately \$86 million. The differences in how the county and the state agency view election expenditures and revenues results in a discrepancy of more than \$29 million.

Each data set reflects the intended utility. The State Controller's Office data uses streamlined reporting standards allowing for cross-county comparisons, but as a result the numbers reported may not be a complete picture of total election costs and revenues. County budgets may include the most accurate numbers for actual expenditures and revenues; however, the different reporting practices among counties make comparisons difficult, if not impossible. Currently, there is no precise and comparable source of election cost and revenue data in California.

million in backlogged election-related claims, public officials and advocates have begun to ponder whether the mandate “framework” is the appropriate foundation for fiscal sustainability in election administration. Moreover, the tension over mandates, reimbursements and suspensions is one of many friction points in the complex and often acrimonious state-local fiscal relationship.

That relationship is further complicated by California’s strong tradition of local control. California’s 58 counties have significant discretion over how to administer elections; from the selection of voting systems to the formulas used to charge cities and special districts for the cost of local elections. While this tradition has allowed for counties of wildly different sizes to tailor their approaches, it also has encouraged a patchwork of administrative models that frustrates efforts to establish baseline needs, benchmark best practices or capture economies of scale. Differences in practices have led to significant variation that makes comparisons difficult.

For better or worse, California is not alone. This knowledge gap was documented as a national barrier to system-wide improvements in a 2001 publication by Caltech and MIT titled *Voting Technology Project Report*:

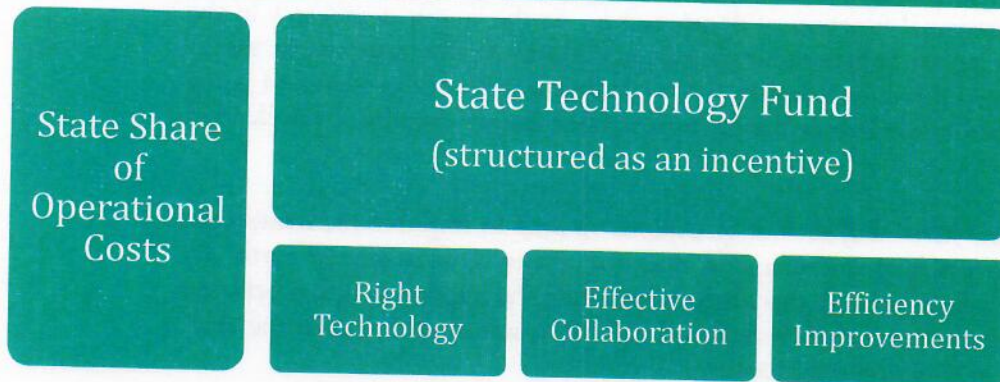
“Even the most basic facts about the cost and finance of elections in the United States are unavailable, and the most basic questions remain unexamined. It is not known how much we spend on election administration overall in the U.S. each year. It is not known on what funds are spent. There has been little analysis of how and how well local governments provide election services. Each of us has some sense of what we get—a stable and successful democracy. But there are clearly problems that can be remedied. How much will improvements in this system cost?”
(Caltech–MIT Voting Technology Project, 2001)

III. The Election Funding Project

CA Fwd’s Election Funding Project aimed to start filling in this information gap and inform a policy discussion about a more sustainable funding model. The project began by stepping back from the state mandate debate to explore the possibilities of thinking differently, holistically and realistically about California’s financial commitment to this essential function of democracy. Through surveys, interviews and convenings the CA Fwd sought to assemble data, information and insight from other states and California’s counties to develop options for California to more adequately and sustainably fund election services. This was done through the generous support of The James Irvine Foundation, which supports research and other projects to improve elections, including the Future of California Elections, a collaborative effort of which CA Fwd is a member.

Understanding the source of funding for elections was a logical next step. CA Fwd began its research by trying to determine how individual counties paid for election activities – how much is derived from county general funds, state support, charges to

Funding a Stronger Partnership



California is at a pivotal waypoint and has a distinct opportunity to chart a new path for the future of elections. The opportunity is defined by an evolving state-local relationship in several major policy areas, by the advent of transformative technologies, by warming relationships and by engaging and inspiring leaders at the state and county levels.

The decisions made over the next few years – by election officials and their legislative counterparts – will impact the course and progress of election administration for many years to come.

The current funding model is predicated on past practice and historic relationships. A new and better funding model could be predicated on a commitment to partnership and excellence – an electoral process that matches the aspirations of Californians for an inclusive, accessible, efficient and trustworthy election system. CA Fwd respectfully offers this analysis and these suggestions to bias action toward partnership and excellence.

The following graphic illustrates the four inter-related issues and opportunities for developing a modern and sustainable governance and finance system for election administration in California.

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California Forward is a bipartisan governance improvement organization that advances innovative ideas and sound analysis to develop, enact and effectively implement pragmatic solutions that are needed to grow jobs, promote cost-effective public services and create accountability for results. Find out more at www.cafwd.org.

The opinions expressed in this report are those of the author and do not necessarily reflect the views of The James Irvine Foundation.

(Report Cover Photo Credit: Joe Hall/[Flickr](#))

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

RECEIVED
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FROM
J. H. DUNN
TO
J. H. DUNN
SUBJECT
RESEARCH REPORT

RESEARCH REPORT
ON THE
STRUCTURE OF
THE
CRYSTAL
OF
SODIUM
FLUORIDE

BY
J. H. DUNN
AND
J. H. DUNN
DEPARTMENT OF CHEMISTRY
UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

RESEARCH REPORT
ON THE
STRUCTURE OF
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CRYSTAL
OF
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FLUORIDE

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----- Forwarded message -----

From: **Goble, Alex** <agoble@sanjuancounty.org>
Date: Fri, Feb 14, 2020 at 1:13 PM
Subject: Re: Signatures for Referendum in Spanish Valley
To: Nielson, John David <jdnielson@sanjuancounty.org>
Cc: Kendall Laws <klaws@sanjuancounty.org>

John David,

You can provide Justin the following response, and inform him it is the official position of the County Attorney's office.

We continue to treat signatories' home address information as protected information that is not for disclosure. This is supported by 63G-2-305(51) as the only way a voter can participate (as is their constitutional right) under the statute is to provide that information. By providing that information voters are not agreeing to their name and home address being published by or to their angry neighbors who resent them for signing the referendum. Public shaming, especially with social media, is quickly becoming the go-to norm for political disagreements between individuals, and if we have to choose between being sued for protecting privacy versus being sued for divulging information that leads to harassment, reputation damage, or something worse then we should err on the side of protecting privacy. As we learned, because of early issues in the referendum, several employees have signed it, and their home address is deemed private under 63G-2-302(g). Also, under 20A-3-201(5) requires protection of voter's privacy, and as the referendum falls under the same title and applies to voters, the same privacy considerations must be provided for the referendum process as is provided to the voting process. Currently Senate Bill 47 is up for vote at the legislature and specifically restricts the information to be provided to be only a name and voter ID number, nothing else, which indicates that was the legislative intent for this provision. The statute doesn't have a deadline for turning over the information, unlike other statutes such as GRAMA that require responses within a specific period of time. While we worked to be responsive and comply within the GRAMA deadlines, we were under no obligation to do so. Simply put, we could have taken the position that we were going to see how SB 47 played out before supplying any of the information that we did, but that seemed to be a disservice to Mr. Love.

However, per Mr. Love's own admission he intends to make contact with the signers of the petition. As their home address is the only information he is being denied, that means he intends to go or send others to make contact at their homes. This is exactly the type of behavior that concerns us and could have an incredible chilling effect on people's participation in the democratic process. If he truly wants to have a public discussion with his neighbors, he can organize a community gathering to discuss the issues. People who signed the petition did not agree to unsolicited persons, demanding to know the reason for their vote, appearing at their home door.

On Fri, Feb 14, 2020 at 12:12 PM Nielson, John David <jdnielson@sanjuancounty.org> wrote:
Here is Justin Lee's email to Bill Love's request for intervention.

Here is how I had thought to reply to Justin. What do you think?

Justin,

I have discussed this matter with our county attorney's office and how I should proceed when answering these type of requests surrounding a hotly contested topic within the county. This request is not a formal GRAMA request, but we are treating it as a GRAMA request because that is how similar requests to the Lieutenant Governor's office have been treated. The GRAMA request denial is based on 63G-302(2)(d).

The purpose is not to supercede the recommendation of your office, but to attempt to protect petition signers from being harassed and bullied.

----- Forwarded message -----

From: **Justin Lee** <justinlee@utah.gov>
Date: Fri, Feb 14, 2020 at 10:16 AM
Subject: Re: Signatures for Referendum in Spanish Valley
To: John David Nielson <jdnielson@sanjuancounty.org>
Cc: McDonald, Mack <mmcdonald@sanjuancounty.org>

Based on on 20A-7-603 I'm not sure I see where the address would not be included. Can you point me to the code that brought you to the decision to not include the addresses?

Thanks,

Justin Lee
Director of Elections
Office of the Lieutenant Governor
State of Utah
801.538.1129
justinlee@utahgov

On Sun, Feb 9, 2020 at 11:54 AM William Love <[REDACTED]> wrote:

The signatures you sent me of the people signing the petition for the referendum of the Land Use Codes in Spanish Valley did not contain the address. The state only requires that the birth dates be removed. Please resubmit the signatures and addresses.

Bill love

--
John David Nielson
San Juan County Clerk/Auditor
[REDACTED]

--
This email is intended for the named recipient only. This email may be protected by attorney client privilege. If you have received this email in error, please contact the sender immediately, and delete the email.

From: McDonald, Mack <mcdonald@sanjuancounty.org>
Subject: Fwd: Signatures for Referendum in Spanish Valley
Date: May 12, 2020 at 3:41 PM
To: Sheila Canavan [REDACTED]
Cc: Kendall Laws <klaws@sanjuancounty.org>

I spoke with Kendall, enclosed is the email chain you are referring to in which Kendall sent to me in reference regarding an email discussion with William Love (Bill), John David Nielson, Justin Lee from Alex Goble.

Sincerely,

Mack McDonald
Chief Administrative Officer



P.O. Box 9
117 South Main Street #221
Monticello, Utah 84535

Office: (435) 587-3225

mcdonald@sanjuancounty.org

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From: Laws, Kendall <klaws@sanjuancounty.org>
Date: Tue, May 12, 2020 at 2:11 PM
Subject: Fwd: Signatures for Referendum in Spanish Valley
To: McDonald, Mack <mcdonald@sanjuancounty.org>

Kendall G. Laws
San Juan County Attorney
([REDACTED])

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----- Forwarded message -----

From: Laws, Kendall <klaws@sanjuancounty.org>
Date: Fri, Feb 14, 2020 at 1:29 PM
Subject: Fwd: Signatures for Referendum in Spanish Valley
To: McDonald, Mack <mcdonald@sanjuancounty.org>

Kendall G. Laws
San Juan County Attorney
([REDACTED])

UTAH GOVERNMENT RECORDS REQUEST FORM

TO: SAN JUAN COUNTY CLERK

Address of government office: 117 SOUTH MAIN P.O. Box 338

MONTICELLO UTAH 84535

Description of records sought (records must be described with reasonable specificity):

PER UCA 20A-7-605(6) AN IMAGE OF A SIGNATURE PACKET OR SIGNATURE REMOVAL STATEMENT WITH DOB REDACTED; OR DOCUMENT OR ELECTRONIC LIST CONTAINING THE NAME AND OTHER INFORMATION OTHER THAN DOB

- ☒ I would like to inspect (view) the records.
- ☒ I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63-2-203. I authorize costs of up to \$25.00
- ☒ UCA 63-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63-2-203 (4), I am requesting a waiver of copy costs because:
- ☒ releasing the record primarily benefits the public rather than a person. Please explain:

- ☐ I am the subject of the record.
- ☐ I am the authorized representative of the subject of the record.
- ☐ My legal rights are directly affected by the record and I am impoverished. (Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

- ☐ I am the subject of the record.
- ☐ I am the person who provided the information.
- ☐ I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63-2-202, is attached.
- ☐ Other. Please explain:

- ☐ I am requesting expedited response as permitted by UCA 63-2-204 (3)(b). (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or other information that demonstrates that you are entitled to expedited response.)

Requester's Name: SHEILA CANAVAN

Mailing Address: [REDACTED]

Daytime telephone number: [REDACTED]

Date: 2/14/20

Signature: [REDACTED]



GRAMA Request to SJC 02.14.20.pdf
121K



GRAMA Request to SJC 02.14.20 ATTACHMENT A.doc
28K



Clerk/Auditor

John David Nielson

jdnilson@sanjuancounty.org

February 27, 2020

Sheila Canavan
[REDACTED]

Re: GRAMA request

Ms Canavan,

Attached with this letter are the documents requested in your GRAMA request submitted on 02/14/2020. The documents included are the names of the individuals who signed the signature packets for the referendum challenging SJC Ordinance 2019-02.

Signatures, Addresses, and DOB have been redacted from the signature packets in accordance with U.C.A. §63G-2-305(51).

If you do not agree with the county's decision regarding this GRAMA request you may appeal, within 30 days of this letter, to the county's GRAMA appeal officer.

Mack McDonald

PO Box 9

Monticello, UT 84535

mmcdonald@sanjuancounty.org

Best,

John David Nielson

San Juan County Clerk/Auditor
[REDACTED]

4/14/2020

San Juan County Mail - Fwd: Petition signatures with addresses

I am not over elections, it is the Clerk Auditor's duty, John David Neilson, who the information request would need to be through and I would recommend a GRAMA to him. There is a specific time frame to respond to on GRAMA requests in which we have to respond to with the requester. Typically items that were redacted would have been redacted under the consent and advise of our County Attorney's Office, the concern about legality would have to be directed towards him. The interpretation of the code is that addresses can be redacted. This makes sense especially knowing that for some, having those addresses, would then allow those against any referendum/petition to then harass or go out and praise those individuals who have signed it or vice versa.

It is the law that any signature on a petition or referendum be signed by an actual registered voter of the County which is where I base my statement you quoted. I made no mention of addresses. I have yet to see the signatures collected, I just know the counts and have spoken with many property owners in the Spanish Valley area who are upset with the changes in zoning to their property.

Sincerely,

Mack McDonald
County Administrator



P.O. Box 9
117 South Main Street #221
Monticello, Utah 84535

Office: (435) 587-3225

mmcdonald@sanjuancounty.org

On Fri, Feb 14, 2020 at 11:16 AM Sheila Canavan [REDACTED] wrote:
Hi Mack,

I see that you put the map on the agenda for the 18th. As you may know, Bill Love was promised a copy of signed petition but was denied the addresses - contrary to legal requirements. Please let me know today if formal GRAMA is required or if the information will be provided to Bill. Assuming representations will likely be made to the County Commissioners re "According to the number of signatures on the referendum, even though it narrowly failed, those signatures obtained supporting their overall decision represents a significant number of citizens and property owners who were affected in that area, those who support the old zoning which seems to speak otherwise for representatives of that area." We would like the opportunity to examine the data for ourselves prior to the meeting. Thank you very much. Sheila



Nielson, John David <jdnielson@sanjuancounty.org>

wd: Petition signatures with addresses

1 message

Goble, Alex <agoble@sanjuancounty.org>

Tue, Apr 14, 2020 at 2:58 PM

To: John David Nielson <jdnielson@sanjuancounty.org>

First Record

----- Forwarded message -----

From: Laws, Kendall <klaws@sanjuancounty.org>

Date: Tue, Apr 14, 2020, 2:51 PM

Subject: Fwd: Petition signatures with addresses

To: Alex Goble <agoble@sanjuancounty.org>

Kendall G. Laws
San Juan County Attorney
[REDACTED]

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----- Forwarded message -----

From: Laws, Kendall <klaws@sanjuancounty.org>

Date: Fri, Feb 14, 2020 at 1:49 PM

Subject: Re: Petition signatures with addresses

To: McDonald, Mack <mmcdonald@sanjuancounty.org>

Especially considering that the Senate is considering a bill this session that would spell out the same process that we are following. That would indicate that their legislative intent last year was exactly what we thought and we are following the intent of the law.

Kendall G. Laws
San Juan County Attorney
[REDACTED]

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On Fri, Feb 14, 2020 at 1:38 PM McDonald, Mack <mmcdonald@sanjuancounty.org> wrote:

That is crazy. I agree with keeping the addresses private. When you sign a petition, there is no notice given that by signing this petition, you are subjecting yourself to the opposition showing up on your doorstep. The address should only be used for validating registered voter signatures.

Sincerely,

ATTENTION 302



Clerk/Auditor
John David Nielson
jdnilson@sanjuancounty.org

April 27, 2020

Sheila Canavan
[REDACTED]
[REDACTED]

Re: GRAMA Request

Dear Ms Canavan,

Attached with this letter is the county's response to you GRAMA request dated 4/14/2020. The request includes records related to the consent and advice sought from or received from the County Attorney's Office regarding the redaction of the local referendum land use ordinance signature packets.

If you disagree with this response you may appeal the decision to the county's GRAMA appeal officer within 30 days of this letter.

Mack McDonald
PO Box 9
Monticello, UT 84535
mmcdonald@sanjuancounty.org

Regards,
[REDACTED]

John David Nielson
San Juan County Clerk/Auditor
[REDACTED]