

MONTEREY COUNTY ELECTIONS

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June 3, 2008 Consolidated Statewide Primary Election Report of the Official Canvass and 1% Manual Tally

The following is a report reflecting the official canvass and 1% manual tally certifying the Statement of the Vote of the June 3, 2008 Consolidated Statewide Primary Election:

Official Canvass of the Vote. The official canvass was completed and the election certified on Tuesday, July 1, 2008. The official canvass consisted of several steps, including an inspection of all materials and supplies returned from each polling place, processing and counting vote by mail, regular precinct ballots and provisional ballots returned from each precinct, a reconciliation of signatures in rosters with votes recorded, a reconciliation of ballots counted with the number of votes recorded, a manual tally of the ballots tabulated by the voting systems at 1 % of the precincts and a 100% manual tally of all votes cast on any AVC Edge II (touch-screen) voting machine. The Department invited 14 individuals and organizations to observe procedures of the official canvass.

Manual Tally. Effective January 1, 2007, Elections Code Section 15360 was enacted by Stats. 2006, Ch. 894 (AB 2769: Benoit) to require that the official conducting the election to include a report on the results of the 1 % manual tally in the certification of the official canvass of the vote. AB 2769 further mandates that the 1 % manual tally include vote by mail ballots from the selected precincts and centrally tabulated at the Monterey County Elections Department. The "one percent manual tally" is defined by Elections Code Section 336.5 as "*the public process of manually tallying votes in 1 percent of the precincts, selected at random by the elections official, and in one precinct for each race not included in the randomly selected precincts. This procedure is conducted during the official canvass to verify the accuracy of the automated count.*" Based upon the 2007 Post-Election Audit Standards, the manual tally and determination of any increased audits for close contests should be based upon the semifinal official canvass, or election night results, as defined in Elections Code Section 353.5.

On Monday, June 16, 2008, the Elections Department conducted a public random selection of precincts for the 1 % manual tally. The Department utilized a random number generating system found on the internet at www.randomnumbgenerator.com. The two precincts chosen were precinct 5110 and mail ballot precinct 9438 and captured the following contests: 17th Congressional District, 15th Senate District, 27th Assembly District, Propositions 98 and 99, Superior Court Judge, Board of Supervisors Districts 4 and 5, Green Party County Council, and Democratic Central Committee, District 4. The Department selected the following additional precincts in order to capture the offices and measures that were not included in the original selection: 1015 (Board of Supervisor District 1), 2023 (Measure V), 2041 (Measure T), 5102 (Measure U), mail ballot precinct 9101 (Measure S), mail ballot precinct 9207 (Recall Measure and Candidate contest, 12th Senate District), and mail ballot precinct 9328 (28th Assembly District).

During the review of selected precincts, it was discovered that there were no votes cast in the portion of mail ballot precinct 9101 using *Ballot Type 1* that was chosen in order to manually tally Measure S (Sprekels Memorial District). There were two remaining mail ballot precincts containing Measure S. A second random selection was done on Wednesday, June 18, 2008, resulting in mail ballot precinct 9317 being chosen. However, mail ballot precinct 9317 was not included in the semifinal official canvass as there were no vote by mail ballots received and verified in time for inclusion in the election night results. The only remaining precinct containing Measure S was 9316.

Increased Sample Size for Close Contests. There were no contests where the margin of victory was less than one half of one percent (0.5%) and therefore, it was not necessary to implement this procedure.

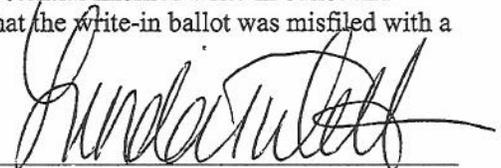
Results of the Manual Tally. The Department found no true variances between the manual tally and the electronic results. The required 1% manual tally verified that the automated tabulation of votes on the Optech 400-C (central count) paper ballot tabulating machines was accurately reflected. The 100% manual tally verified that the automated tabulation of votes cast on each AVC Edge II (touch-screen) voting machine was accurately reflected.

During the conduct of the 1% manual tally for precinct 2041 for Measure T and precinct 5102 for Measure U, the manual tally teams discovered inconsistencies with the total ballots cast on the electronic report and the actual number of vote by mail ballots returned, tabulated and sealed inside the tamper-evident containers for each precinct. Research and analysis of the vote by mail ballots for each precinct indicate the high potential for human error and one ballot card being read twice.

For precinct 2041, the result summary report indicated there were nine ballot cards where the voter connected the vote target area next to the write-in candidate space, however, during the manual tally the team accounted for eight ballot cards with the write-in vote target connected. For precinct 5102, the electronic summary report reflected one additional ballot card and vote in each contest in that precinct than what the manual tally results showed.

For each precinct, the tally team took the following steps:

1. Exercised diligence and conducted a full review of all empty ballot return envelopes to ensure the original count of official ballots was accurately reflected on both the Ballot Inventory Sheet and Ballot Accountability Forms used by the Department to provide an accounting of returned envelopes and returned ballots.
2. Undertook a further analysis and review of the activity of the Optech 400-Cs used to tally each precinct showed instances of ballot “jams” when the machine halts processing ballots.
 - a. There were up to 2 instances when the machine stopped ballot processing precinct 2041 and there were up to 4 instances when the machine stopped ballot processing precinct 5102.
 - b. Ballot “jams” can be caused by a number of situations such as a voter who forgets to remove their ballot stub from the ballot, due to a torn, bent or wrinkled ballot, or simply due to the way the ballots are oriented into the ballot hopper by the machine operator. During instances of a ballot jam, the Optech 400-C machine will provide the operator with specific steps and details on where to place each ballot affected by the stop. An inexperienced machine operator can misinterpret the instructions and placed a ballot that had passed through the scanner and was successfully tallied, back into the category of ballots that were not yet scanned and tallied by the machine, resulting in one ballot card being read twice.
3. Conducted a full recount of each precinct to gain a full understanding of the affect of any ballot card read twice and determined that the ballot did not affect contests in any way that would change or reverse the outcome of any candidate contest or ballot measure.
 - a. Precinct 2041 write-in ballot: Analysis found a match to a Democratic ballot that was read twice. Affected contests were: 17th Congressional District, *Sam Farr (-1)*, 28th State Assembly District, *Anna Caballero (-1)*, Superior Court Judge #2, *Todd Hornik (-1)*, Proposition 98, *Yes (-1)*, Proposition 99, *Yes (-1)*, 12th State Senate Recall, *No (-1)*, 12th State Senate Recall Candidate Contest, *Write-in blank/undervote (-1)*, Salinas Elementary School District, Measure T, *Yes (-1)*.
 - b. Precinct 5102: Analysis found a Democratic ballot was read twice. Affected contests were: 17th Congressional District, *Sam Farr (-1)*, 15th State Senate District, *blank/undervote (-1)*, 27th State Assembly District, *blank/undervote (-1)*, Superior Court Judge #2, *Mark Hood (-1)*, Member of the Board of Supervisors District 5, *Dave Potter (-1)*, Proposition 98, *Yes (-1)*, Proposition 99, *Yes (-1)*, City of Pacific Grove, Measure U, *Yes (-1)*.
4. For precinct 2041, the Department exercised diligence and looked through each secured envelope containing write-in ballots from all 184 precincts in search of a potential misfiled write-in ballot and found none. It may have been possible that, for precinct 2041, that the write-in ballot was misfiled with a different precinct.



Linda Tulett, Registrar of Voters