

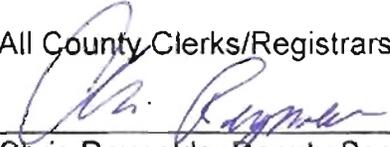


DEBRA BOWEN | SECRETARY OF STATE | STATE OF CALIFORNIA
1500 11th Street, 6th floor | Sacramento, CA 95814 | Tel (916) 653-7244 | Fax (916) 653-4620 | www.sos.ca.gov

June 21, 2010

County Clerk/Registrar of Voters (CC/ROV) Memorandum #10193

TO: All County Clerks/Registrars of Voters

FROM: 
Chris Reynolds, Deputy Secretary of State, HAVA Activities

RE: Election Day Survey: U.S. Election Assistance Commission survey ready for review

The U.S. Election Assistance Commission (EAC) has released its federally mandated 2010 Election Day Survey (EDS).

Completing the EDS requires close collaboration and coordination between the Secretary of State's office and county elections officials on a relatively short timetable. The 2008 EDS was required to be completed and submitted to the EAC by mid-February of 2009.

For the 2008 election cycle, the EAC expanded the EDS to include much more detailed questions about the conduct of elections in each state. While this provided a greater breadth and depth of information about the administration of elections, completing it was also more complex and time-consuming. The 2010 EDS is largely unchanged from the 2008 EDS and there is more time to complete it than there was in 2008. These two factors should help make the process of completing it less burdensome.

The EAC is interested in receiving feedback on the 2010 EDS, so it can determine whether the instructions for completing the survey need to be clarified.

Please review the 2010 EDS at your earliest convenience and feel free to contact me at (916) 651-7837 or chris.reynolds@sos.ca.gov. You can also contact Jason Heyes at (916) 651-9163 or jason.heyas@sos.ca.gov with questions or comments. We will forward the feedback from counties to the EAC and make note of it as we prepare to work with you and administer completion of the final survey.

Below please find links to the EAC website where you can view a copy of the 2010 EDS. Attached is some clarifying information provided to county elections officials by the Secretary of State regarding the 2008 EDS.

A copy of the Survey and additional information about the Survey can be found on the EAC website at www.eac.gov/research/election_administration_and_voting_survey.aspx.

A copy of California's response to past EAC surveys can be found on the Secretary of State's website at www.sos.ca.gov/elections/nvra/ca-biennial-report-to-eac.htm.

Thank you.

**The Election Assistance Commission 2008 Election
Administration and Voting Survey Supplemental Instructions for
the State of California**

A1. Total registration

For California, please ignore, "...or any person who may have been able to register and vote on Election Day." California does not have "same day registration." This number should reflect your total voter registration *as you would normally report it*.

A4. Count of voters who registered for the election and were eligible to vote the same day that they registered.

For California this would include any voter who legally registered on or after E-29 (the start of issuance of vote-by-mail ballots) and qualified to vote in the November 4, 2008 Election. This would include qualified Special Absentee and New Citizen registrations after E-15.

A10. Removal Notices sent to voters for non-participation

This question is asking for the number of voters who were sent removal notices because the person had not voted or appeared to vote in the two previous elections (per NVRA Section 8 (d) (2)). If you do not have that number but a larger number of removal notices not specific to voter inaction, then please put that number in the answer box and specify the difference in the comment box.

A11. Voters removed from the registration rolls.

For California, please enter the total number of voters in your jurisdiction for whom voter registration was *cancelled* between the close of registration for the November 2006 general election and the close of registration for the November 2008 general election. Do not include voters who were merely moved to "inactive" status and retain eligibility to vote. A person who was cancelled and subsequently reregistered in the same jurisdiction within this period should still be counted as a "cancellation".

B1. Total UOCAVA absentee ballots issued

For California, please enter the total number of absentee ballots transmitted *by your jurisdiction* to UOCAVA voters for the November 2008 general election, including those sent by facsimile or electronic transmission. Do not include federal absentee write-in ballots that are obtained elsewhere and submitted by the voter. If this total includes re-issued ballots (i.e., replacements for spoiled or lost ballots) as a second ballot in the total count, please note this in the Comments section below. If possible, provide the total count of such replacements separately on an "Other" line.

B14. Rejected UOCAVA ballots

For California, if a voter was rejected because the voter was not registered or the voter registered after the deadline, such rejections should be indicated on one of the "Other" lines with an explanation placed in the comment line.

D1. Total Precincts

During elections, voters are typically reassigned to "voting precincts" which represent combinations of precinct/precinct-parts that all share an identical ballot style. For California, please enter the total number of geographic *voting* precincts in your jurisdiction to which voters were assigned for voting in the November 2008 general election, and for which vote results were separately compiled and reported in your official canvass.

D3. Total Number of Poll Workers

For California, please enter the total number of poll workers used in your jurisdiction for the November 2008 general election.

- Poll workers may include election judges, booth workers, wardens, commissioners, or other similar terms that refer to persons who verify the identity of a voter; assist the voter with signing the register, affidavits or other documents required to cast a ballot; assist the voter by providing the voter with a ballot or setting up the voting machine for the voter; and serving other functions as dictated by state law.
- Include any people who were assigned roles providing direct on-site support to physical polling places, such as "rovers" and field technical support.
- Include all people recruited specifically for the purposes of working at physical polling places in operation on and/or before Election Day, including temporary contract labor and county employees recruited from other departments, but, do not include observers stationed at the polling places or regular elections staff, regardless of their role.
- In situations where one or more persons share a single assigned 'shift', count each person as a separate poll worker.

F1. Total Participation (Turnout)

For California, please enter the total turn out number then specify in the question's comment box what that total turnout number includes such as absentee ballots that have been rejected or not.

F3. First-time Voters Required to Provide ID

For California, please enter the number of voters in your jurisdiction who were first time voters in the state and who registered to vote by mail, and, under HAVA 303(b), were required to provide identification in order to vote and/or have their ballot counted in the November 2008 general election. Do not include any voters who were exempted from the requirement to provide identification when voting under any of the following exclusions:

- Voter provided a copy of acceptable identification when registering to vote;
- Voters driver's license or the last four digits of the voter's SSN was verified with DMV; or
- Voter is automatically entitled to vote-by-mail under the provisions of UOCAVA, the Voting Accessibility for the Elderly and Handicapped Act, or any other Federal law.

F7. Voting Equipment Used

For California, the question should read Enter information on the number and type of voting equipment deployed for use in the 2008 November general election, regardless of whether votes were actually cast or tabulated on the equipment. Then, for each type of voting equipment, please identify how the machines were used in the voting process and where the ballots from that machine type were tallied. Do not include backup systems that were not actually used. If you used a type of equipment for tabulation and not casting, please use the "Others" option and please specify the difference in the comments section.



EAC Election Day Survey Frequently Asked Questions and Answers January 5, 2009

A5, A10 & A11. Each of these questions asks about voter registration activity (registrations received, 8(d)(2) notices sent and cancellations) between the Close of Registration for the November 2006 general election and the Close of Registration for the November 2008 general election. Generally, the close of registration is always E-15 for statewide elections, although there are exceptions for some classes of voters, such as new citizens who may register for an election up to E-7. How should we take these classes of voters into account when calculating these numbers?

Please include all registrations received after E-15 prior to the 2006 General Election and not eligible to vote in the 2006 election. Please exclude voters registered between E-15 and E-7 (such as new citizens) that were eligible to vote in the 2006 General Election.

Additionally, please include all voter that registered before the 2008 General Election that were eligible to vote in the election, including the new citizens.

B3 & C4. Question B3 asks counties to enter the number of UOCAVA ballots “returned by the UOCAVA voters and submitted for counting for the November 2008 general election.” Our county takes all returned ballots and first checks their eligibility, including signature verification. Only ballots that are verified as eligible are actually opened and submitted for counting. Is this question asking for the number of ballots we received from voters *or* the smaller number of ballots we verified as eligible and actually submitted for counting?

Question C4 asks a similar question about regular absentee (vote-by-mail) ballots.

Questions B3 through B7 and question C4 all refer to the ballots that were returned and submitted by voters for counting in the November 2008 general election (as opposed to spoiled ballots received for replacement and received ballots that were returned as undeliverable). Count all such voted ballots you received, regardless of whether they were later rejected as invalid in your processing and not actually counted. (This point is also clarified in the supplemental instructions for the survey.)

Section C. (general) The “Supplemental Instructions” for this section states that the “definition of absentee refers to the traditional meaning of the term, and not ‘in-person absentee’ ballots, which should be counted in the Early Voting section. In some cases, people will come to our office and be processed like an in-person absentee voter. They

are issued a ballot, which they then take home to complete and subsequently mail back in as a vote-by-mail ballot. Should I count this person and ballot as an “absentee ballot” in this section, or as an “early voter” in the subsequent section?

Any voted ballot that is submitted by mail should be counted as an absentee ballot.

D1. Please clarify how I would count precincts in the following situations:

- My county had twenty-seven precincts, four of which were all-mail ballot precincts under EC §3005. The remaining twenty-three precincts all had physical polling places on Election Day.

The question asks for the number of geographic areas or precincts into which you divided your voters for the November 2008 election, regardless of where or how they voted. In this case, your response should be a total of 27 precincts.

- Voters in my county are assigned to one of 150 precincts. After applying consolidations of precincts, we had 123 distinct geographic precincts for the November 2008 general elections. Which number should I report?

As noted in the Supplemental Instructions for the Survey, you are asked to report the number distinct geographic precincts to which voters have been assigned for voting in the November 2008 election. In this case you would report 123 precincts.

- In one instance I had three different precincts sharing the same physical polling place. Should I count this as one precinct or three precincts?

As question D1 is asking about the number of distinct geographic areas to which your voters have been assigned for voting purposes, you would count these as three precincts. The number of polling places for this election is reported separately in question D2.

- My county had twenty distinct geographic precincts established for voting in the November 2008 election. Of these, four were all-mail ballot precincts. My vote tabulation and reporting system required that I define two separate “logical precincts” for each of the non-mail-ballot precincts – one for absentee voters in that precinct and one for voters who voted in-person at the polling place. Therefore, on Election Day my system reported a total of thirty-six precincts: two for each of the precincts with a polling place (2 x 16), plus four for the four all-mail ballot precincts. What number should I report?

Again, as question D1 is asking about the number of distinct geographic areas to which your voters have been assigned for voting purposes, you would report twenty precincts total.

D3. My county hires/recruits people whose job is to go around to polling places after the polls close to pickup the equipment or supplies and return them to the county office.

Should I count these as “poll workers?” Does it make a difference whether they do this on election night or a couple of days later? (Note: at least one county uses the county Sheriff’s department to collect the ballots and ballot boxes on election night and return them to the county office for tabulation. Should they be counted as ‘election workers’ in this question?)

Similarly, should we count people who we recruit to deliver equipment and supplies to the polling place *before* the election?

Yes, please count the people who pick up the equipment. No, it does not matter if this is the Election Day or a couple days later. No, please do not count Sheriffs. Yes, equipment and supplies delivery workers count. Please specify as much as possible in the comment box.

F7. “Our county generally uses paper optical-scan ballots for precinct voting. We deployed DREs to polling places primarily for accessibility support, but allowed other voters to use the DREs to cast their ballot if the voter wished. In responding to the ‘Machine Use’ section of Question F7b, should we mark *only* ‘Special Device accessible to disabled voters’, *or* should we mark *both* ‘In-Precinct regular ballot voting’ *and* ‘Special Device accessible to disabled voters’?”

Yes, please mark them both if the machines are open for use by all voters.

F7b. In my county we deploy one TSx (DRE) to each polling place for accessible voting. We also deploy a second TSx to each polling place solely to program the ‘voter activation card’ for each person who votes on the first TSx. Do we include the second TSx used for programming the voter activation cards in our count of machines deployed? If so, how do we mark it for the “Machine Use” section?

Please mark the number of DREs used for voting in the question column then mark the number of DREs used for activation cards in an “Others” answer box. If that information is not available, you can simply omit the DRE used for programming voter activation cards.