

INVESTING IN ELECTION ACCURACY HAS OUR VOTE

INTRODUCTION/PURPOSE

Prompted by the omission of two candidate statements in some voter information guides and an error in the ballot wording for a school district measure, the 2022-23 San Luis Obispo County Civil Grand Jury investigated the operational performance of the County Clerk-Recorder's Office in preparing printed election materials for the 2022 General Election. The Grand Jury found that the Clerk-Recorder's Office took immediate action to identify the source of the errors and has instituted corrective actions to prevent similar mistakes in future elections.

The Grand Jury also sought to identify factors that present challenges to the Clerk-Recorder's Office in its performance of functions vital to election accuracy and integrity. In addition to the overall complexity of the election process, two factors emerged. First, the Grand Jury reviewed the Office's quality control and assurance measures for printed election materials. We found that the Clerk-Recorder's Office does not have standard operating procedures (SOPs) – i.e., written instructions that describe step-by-step processes – needed for effective quality control during this part of the election process. Second, we conducted a review of staffing levels/configuration, budget, and physical space for the Clerk-Recorder's Office. Analysis included comparison to elections offices in other California counties. Results of the comparison indicate that per capita staffing levels and budget for election-related activities in San Luis Obispo County fall significantly below many other counties. There is a particular need for additional supervisory-level staff. Inspection of the physical space for election-related activities and storage of election materials also revealed the need for additional physical resources for the Office. The findings and recommendations in this report highlight each of these concerns.

Overall, the Grand Jury found that the Clerk-Recorder and staff have been conscientious, diligent, and professional in the conduct of their election-related duties, even in the face of challenging conditions.

ORIGIN

The investigation into errors in printed materials for the 2022 General Election was prompted by awareness among Grand Jury members as voters and by reports in the media.^{1,2}

AUTHORITY

The issuance of this report is authorized under the investigative powers of the Grand Jury pursuant to California Penal Code Sections 921 and 925.

METHOD/PROCEDURE

During its investigation, the Grand Jury received written responses to requests for information and conducted one interview. The Grand Jury also collected and reviewed staffing levels, organization structures, and budgets for elections offices in other California counties. Additionally, members of the Grand Jury participated in election observer panels and viewed the testing of election equipment.

BACKGROUND/HISTORY

County Clerk-Recorder's Office

A primary responsibility of the San Luis Obispo County Clerk-Recorder's Office is to plan and conduct elections in the County, as mandated by state, federal, and local laws. The work of county elections offices is overseen by the California Secretary of State.³ Some of the many election-related duties of the Clerk-Recorder's Office are:

- 1) Registering voters and maintaining voter registration files;
- 2) Administering and conducting all federal, state, county, school district, special district, and municipal elections;

¹ Johnson, P. (2022, October 20). Clerk-Recorder discusses voter guide and ballot errors. *New Times (San Luis Obispo)*. <https://www.newtimeslo.com/sanluisobispo/clerk-recorder-discusses-voter-guide-and-ballot-errors/Content?oid=13065384>

² Leslie, K. (2022, October 20). 'This could cost me an election': SLO County ballot guide omitted 2 candidate statements. *The Tribune (San Luis Obispo, CA)*, p. 21.

³ <https://www.sos.ca.gov/elections/>

- 3) Providing voter registration information and related materials to candidates and campaigns;
- 4) Procuring polling places;
- 5) Recruiting and training poll workers.

Staffing for the Office includes permanent employees and temporary staff to support needs during the election cycle.

Proofing Process for Documents Used for the 2022 General Election

The process followed by the Clerk-Recorder's Office to check and confirm the content of each election-related document involved one or more of the following modes of proofing: 1) letter by letter, 2) word for word, and 3) page by page. (See Appendix A for detailed descriptions of each of these methods.)

NARRATIVE

In response to the Grand Jury's requests, the County Clerk-Recorder's Office provided thorough and detailed responses to the inquiries, as described below.

Errors in Printed Election Materials and Initial Actions Taken

There were two errors in the printed election materials for San Luis Obispo County for the 2022 General Election, a printing error and a proofing error:

- ***Printing Error: Voter Information Guide***

The candidate statements for two election candidates (for Pismo Beach City Council and Lucia Mar Unified School District Area No. 3) were omitted from the voter information guide. Another Pismo Beach City Council candidate's statement was printed twice in the guide.

Source of the Error:

This error was made by the contracted printer, Toppan Merrill, which has been engaged by the County for several years.⁴ Because there was no final review of printer proofs of the guides, the error was not caught by the Clerk-Recorder's Office prior to printing.

Initial Actions Taken:

- A public announcement of the error was made by the County Clerk-Recorder on October 12, 2022.
- The printer was notified of the error and the company printed missing statements at their expense. The Clerk-Recorder's Office sent corrected voter information guides with the candidate statements that had been omitted to affected voters.
- The candidate statement fees were refunded to the two candidates whose statements were omitted.

Additional Actions Taken:

- A new policy was instituted for future elections, requiring a final review of printer proofs of voter information guides, by the Clerk-Recorder's Office prior to printing.

- ***Proofing Error: Ballot Measure***

On the ballot, Measure C-22 for the San Luis Coastal Unified School District contained a typographical error: the \$349,000,000 property tax bond measure read that it would assess a property tax of 4.9 *percent* per \$100 in assessed value instead of the correct description of 4.9 *cents* per \$100 in assessed value. (Information for Measure C-22 was correct in the voter information guide.)

Source of the Error:

Investigation by the Clerk-Recorder's Office found that the error had occurred during the proofing process. Either the person calling the letters/symbols audibly said "percent" instead of "cent" or the person that was proofing inadvertently heard "percent" instead of "cent." The document was then erroneously "corrected" to include the error.

⁴ Vendors must go through an extensive background and reference-checking process by the California Secretary of State's Office to become an approved print vendor for elections (<https://votingsystems.cdn.sos.ca.gov/cert-and-approval/ballots/appr-printer-2023-1.pdf>).

Note: The California Secretary of State's Office has since decertified Toppan Merrill as a ballot printer after receiving notice that the company had closed one of its facilities and would not be seeking to maintain their California certification status.

Initial Actions Taken:

- A public announcement of the error was made by the County Clerk-Recorder on October 12, 2022.
- The Clerk-Recorder’s Office mailed a post-card to all affected voters notifying them of the error and the corrected language for the measure.⁵
- The Clerk-Recorder’s Office conducted an investigation to identify the source of the error.

Additional Actions Taken:

- The Clerk-Recorder’s Office added a final proofing step by the originator of the content (e.g., the sponsor of a ballot measure).
- All changes/corrections are compared against the original as well as the previous version.

In its investigation, the Grand Jury also identified three factors that may have contributed to the printed election materials issues in the 2022 General Election. Most importantly, these issues could potentially impact election accuracy and integrity in the future. These “contributing factors” are highlighted below.

#1: Complexity of the Election Process & Increased Workload Due to Recounts

Management of the election process is particularly challenging due to its complexity. This is amplified by increased demands on the Clerk-Recorder’s Office in this time of greater public scrutiny. While the Secretary of State maintains voter rolls and the mail ballot database, the ballot formations and verifications are done strictly at the local level. The Clerk-Recorder must update these rolls and provide verifications on voter addresses. Assembly of ballot packages involves layers of overlapping boundaries of district elections. More by-district elections generate dozens of different ballot variations throughout the county. In the 2022 General Election, for example, there were *70 such variations of ballots/voter information guides* for San Luis Obispo County. Because of these differences, length of the ballots and guides can vary greatly; a ballot is generally one to four pages, while a voter guide may be dozens of pages. The entries in the page content/ballot order master spreadsheet (described in Appendix A) are proofed by Clerk-

⁵ <https://www.slocounty.ca.gov/Departments/Clerk-Recorder/Forms-Documents/Elections-and-Voting/Past-Elections/General-Elections/2022-11-08-Gubernatorial-General/Documents/Measure-C-22-Corrective-Letter-to-Voters.pdf>

Recorder's Office staff and the spreadsheet is then sent to the printer for use in producing the guides. More versions of the ballot mean more proofing by staff and the chance for printing errors to arise. As an example of increased workload, elections staff were busily engaged in a hand recount of the 4th District Supervisor contest during the ballot preparation time for the Fall 2022 General Election, which further strained staff resources.

#2: Lack of Written Procedures

At the time of the 2022 General Election, there were no written policies or procedures to ensure quality and accuracy of printed election materials or to describe the interactions between the County Clerk-Recorder's Office and the vendor responsible for printing election material.

The Deputy Clerk-Recorder is generally in charge of putting together the election team to assemble the different ballot versions, and catalog them under a master spreadsheet. An election management system is used to track document preparation and proofing. Instructions are given to the team, but the instructions are verbal and passed to staff members from previous practice/experienced staff. An independent review is not established. The lack of complete written procedures increases the risk of mistakes. In addition, once an error is overlooked in the process, the error would continue to be uncorrected. Written procedures are also beneficial for the training of employees and are a valuable resource in the event that an employee leaves. This is especially important given that the Clerk-Recorder is an elected office. While some other elections offices, such as Santa Barbara County, have extensive documentation of processes and procedures, the institutional knowledge within the Clerk-Recorder's Office has not been documented in San Luis Obispo County.

#3: Inadequate Staffing and Need for Additional Supervisory-Level Staff

The election team is composed of five Assistant Clerk-Recorder and Administrative Assistant positions. Use of the Geographical Information System (GIS) for map boundaries and resident addresses is sourced through County Information Technology Department staff as needed. The Clerk-Recorder and Deputy Clerk-Recorder appear to be actively involved during the ballot preparation phase, such that they may not provide a true independent review of the final product. Team structure is critical to obtain consistent results.

Overall, the Clerk-Recorder’s Office is understaffed to meet the demands of the Office. The impact of increased workload due to hand recounts is reflected in this comment by the Clerk-Recorder in October 2022: “We haven’t stopped working on weekends... We’re six days a week at minimum, 10 hours a day, to make up for those five weeks lost. It’s significant. We’re doing the best we can and pushing through.”⁶ To address the situation, the Clerk-Recorder’s Office has identified unmet needs in terms of staff numbers, types of positions and organizational structure to be able to manage all phases of the election process. Needs for additional staffing for the Office presented to the County Administrator in preparation for FY23-24 budget requests are shown in Table 1. Increased staffing would also require new office space to provide ample room that is secure and functional for all staff, equipment, election activities, and public observation. In addition, a secure warehouse is needed that is large enough to store the anticipated increase in election materials and supplies.

Table 1. *Needs for Additional Staffing Presented to the County Administrator*

TYPE OF POSITION	NEED TO BE ADDRESSED
Program Manager – Elections (1 FTE)	Assume responsibility for the Vote-by-Mail process that has been managed by the Deputy Director, Clerk-Recorder.
Public Information Specialist – Clerk-Recorder and Elections (1 FTE)	Ensure that all voters, the media, and other interested parties are well-educated and informed of all election-related processes and rationale.
Geographical Information Systems (GIS) Analyst – Clerk-Recorder and Elections (1 FTE)	Ensure that the Election Division will meet the current and ongoing need to maintain district, precinct, street, and address data to ensure fair and accurate elections.
Temporary Staff Budget - Increase	Additional staff to support elections. Fund pay increase for all temporary election workers, some of whom have not had an increase in 10 years.

Source: San Luis Obispo County Clerk-Recorder’s Office

The Grand Jury’s assessment would suggest that appropriate staff additions, with the appropriate function classifications, are warranted to ensure the integrity of San Luis Obispo County’s elections. As these requests go forward for review by the County Administrator and Board of Supervisors, the Grand Jury recommends that the request for a Program Manager be given high priority. The addition of this position would provide for supervision of processes and staff to

⁶ Johnson, P. (2022, October 20). Clerk-Recorder discusses voter guide and ballot errors. *New Times (San Luis Obispo)*. <https://www.newtimeslo.com/sanluisobispo/clerk-recorder-discusses-voter-guide-and-ballot-errors/Content?oid=13065384>

relieve the Clerk-Recorder from day-to-day supervision and involvement in routine work tasks. This position would also facilitate the creation of written procedures for elections processes noted earlier.

As additional background for staffing requests, the Grand Jury collected information on the levels of staffing and budget for other county election offices. Table 2 contains a comparison of ten California counties with a population of between 100,000 and 600,000. As seen in the table, San Luis Obispo County ranks lowest in terms of elections staff per 100,000 population and in spending per capita. The San Luis Obispo County Clerk-Recorder’s Office election staff is clearly operating on the low end of the spectrum for both staffing and budget to support elections.

Table 2. *Staffing and Budget for Elections Offices – County Comparison*

County	Population	Election Staff	Current	Staff per	Spending
		(Full Time Equiv.)	Budget	100,000 pop	per capita
Santa Barbara	447,651	21.5	\$6,311,300	4.80	\$14.10
Merced	279,150	12.75	\$2,357,467	4.57	\$8.45
Napa	138,795	6	\$2,091,366	4.32	\$15.07
Marin	262,387	10.2	\$3,439,163	3.89	\$13.11
Santa Cruz	272,138	10	\$4,220,388	3.67	\$15.51
Kings	151,887	5	\$1,152,885	3.29	\$7.59
Stanislaus	551,275	16	\$4,152,063	2.90	\$7.53
Imperial	181,253	5	\$1,540,671	2.76	\$8.50
Monterey	438,953	12	\$5,523,076	2.73	\$12.58
San Luis Obispo	282,771	6.35	\$1,800,646	2.25	\$6.37
Staff Levels from FY2022-23 Adopted County Budgets					

CONCLUSIONS

The Grand Jury found that the San Luis Obispo County Clerk-Recorder's Office has taken appropriate actions to identify the immediate causes of the printed elections materials errors that occurred in the 2022 General Election and has taken appropriate action for prevention of future errors. More concerning to the Grand Jury are the systemic factors that are likely to have contributed to these errors. Given the increasing complexity and workload associated with election management, two issues need to be addressed: 1) the preparation of written procedures to enhance quality control and facilitate knowledge transfer; and 2) increases in staffing, especially at a supervisory level. Associated office and storage space requirements also warrant high priority.

FINDINGS

The San Luis Obispo County Grand Jury determined that:

- F1 Due to a lack of written procedures for quality control, errors in printed election materials went undetected and were subsequently distributed to voters.
- F2 The County Clerk-Recorder's Office failed in their responsibility to provide timely and accurate election material to the County's registered voters in two material matters during the 2022 General Election.
- F3 Since the 2022 General Election, the County Clerk-Recorder's Office has changed the quality control practices for their printed election materials to prevent similar errors.
- F4 The lack of written procedures in the County Clerk-Recorder's Office does not allow for adequate knowledge transfer during leadership changes.
- F5 The County Clerk-Recorder's Office has insufficient staff and is lacking the necessary specialized skills and appropriate job classifications needed to effectively manage all phases of the election process.

- F6 The County Clerk-Recorder's Office has insufficient office and storage space, especially during the election process when members of the public are present.
- F7 The public has increasingly scrutinized the election process, resulting in additional ballot recounts and increased workload for the County Clerk-Recorder's Office.

RECOMMENDATIONS

- R1 The County Clerk-Recorder's Office should establish a written procedure for reviewing printed elections materials before distribution to the voting public.
- R2 The County Clerk-Recorder's Office should build additional time into the review process to allow for any errors introduced by the printing contractor during the printing process to ensure they are detected and corrected prior to distribution to the voters.
- R3 Adequate space should be provided to the County Clerk-Recorder's Office for ballot counting, and the Office should be provided sufficient room to store and protect the ballots once counted.
- R4 The County budget should include the necessary funds to cover the costs of staffing, space, and review time, to assure the accuracy and integrity of voting in San Luis Obispo County.

COMMENDATIONS

From the Grand Jury investigation, it is clear that the Clerk-Recorder and staff are extremely conscientious in their election responsibilities. They strive to be current on all election changes, in putting together a flawless product, and in carrying out election results in a fair manner. We applaud their service in carrying out this most vital service for our communities.

REQUIRED RESPONSES

The San Luis Obispo County Clerk-Recorder’s Office is required to respond to R1 and R2.

The San Luis Obispo County Board of Supervisors is required to respond to R3 and R4.

All responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court within 60 days of submission of the report. A paper copy and an electronic version of all responses shall be provided to the Grand Jury.

933.05. Findings and Recommendations

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

Presiding Judge	Grand Jury
Presiding Judge Craig van Rooyen Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

APPENDIX A

Proofing Methods Used by the County Clerk-Recorder's Office⁷

- *Letter-by-letter* proofing is done for some vendor-printed documents, including ballots and candidate statements. The same process is followed for documents in English and in Spanish. Two staff members, both of whom have been trained, are involved in the proofing process. One staff member has the original document and the other has the copy that is being reproduced by the printer. Every letter is recited and checked, including whether it is upper or lower case, bolded, underlined or in italics. Each punctuation mark, any spaces between words, and whether there is a start of a new paragraph are also noted.
- The *word-by-word* proofing method is also applied for some documents. Again, two staff members are involved, with one person reading the document backwards word by word. The advantage of this approach is that going backwards produces an increased focus on each individual word since the flow of the sentences is lost.

After a document has been fully proofed letter by letter and word by word, it is returned to the vendor for correction of any errors identified. The vendor will then make any necessary corrections and return it to the Clerk-Recorder's Office, where it is again proofed using the same process. The cycle continues until there are no further corrections.

- The third proofing method used by the Clerk-Recorder's Office for some documents, such as voter information guides, is *page by page* order. A spreadsheet is completed by the Office to specify to the print vendor which pages are to be included in each guide. There can be many variations of the guides for a single election, depending on the specific content of the ballot for voters in an area. For example, only voters in a city would receive a guide with information about candidates running for city council in that city, and only voters within the boundaries of a school district would receive information about a bond measure for that district. Because of these differences, length of the ballot can vary greatly (e.g., from one to four pages) while the

⁷ Source: San Luis Obispo County Clerk-Recorder's Office

Voter Information Guide may be dozens of pages. The Clerk-Recorder's Office prepares an Excel spreadsheet to document the content and page order for each variation of the guide to correspond with each ballot type. The entries in the page content/ballot order spreadsheet are proofed by the Clerk-Recorder's Office staff and the spreadsheet then sent to the printer for use in producing the guides.