



COUNTY OF LOS ANGELES

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CONNOR B. McCORMACK

Registrar-Recorder/County Clerk

July 19, 2007

Mr. David Jefferson
Chair, Post-Election Audit Standards Working Group
Center for Applied Scientific Computing
Lawrence Livermore National Lab
7000 East Avenue
Livermore, CA 94550

VIA ELECTRONIC MAIL

Dear Mr. Jefferson:

As a follow-up to our conference call last week when you and members of the Post-Election Audit Standards Working Group requested written documentation regarding the 1% manual tally procedures and costs in Los Angeles County, our key election managers have compiled the following information:

1% Manual Tally Reports

Attachment Group 1A: Report1_Summary.pdf, Report2_ProceduresPrec.pdf, Report3_ProceduresAV.pdf

Attachment Group 1B: Report4_TallySheets.pdf, Report5_Overview.pdf, Report6_Operation.pdf

Report 1 lists the recap summary comparison results of the ballots tallied by computer and by hand for 50 randomly selected precincts and the 38 additional precincts that were selected to cover remaining contests in the November 2006 General Election. **Reports 2 and 3** provide procedures used by tally supervisors and clerks in the 1% manual tally operation. **Report 4** provides scan samples of actual tally sheets used in the 1% manual tally operation. **Report 5** provides a general overview of the 1% Manual Tally Process. This report is available for public distribution to interested observers. **Report 6** provides staffing and workload statistics of the operation.

Official Canvass Manuals

Attachment Group 2: Roster Rec Ops Manual.pdf, Ballot Remake Ops Manual.pdf, Observer Guidelines.pdf

The **Roster Reconciliation Operation Manual** covers various processes of the official canvass operation including data entry, signature tabulation and provisional ballot envelope

comparison. The **Ballot Remake Operation Manual** covers duplication or enhancement procedures for absentee and precinct ballots and the various sub-categories therein (provisional, write-in, damaged and withheld ballots); and the **Canvass Observer Guidelines** cover general rules/regulations for observing canvass activities. These guidelines are made available to all visitors/observers throughout the canvass period.

Touchscreen, Snap and Absentee Tallies

Attachment Group 3: Audit1_TSX.pdf, Audit2_Absentee.pdf, Audit3_Snap.pdf

These three reports detail additional voting system integrity and audit processes our staff conducted following the November 2006 General Election for electronically voted ballots, absentee ballots, and news media/voting trend comparison "snap tally" results.

Manual Count Cost Summary – General Elections

Attachment Group 4: Manual Count Costs – Nov 06.pdf

This report details the cost of the existing 1% manual count for the November 2006 General Election and the estimated costs of the manual count with the addition of absentee ballots for that same election.

As these documents reveal, conducting the required manual tally process in Los Angeles County in conjunction with the November 2006 General Election involved hand counting 25,526 ballots from 88 of Los Angeles County's 5,028 precincts. This computes to a manual tally of 1.7% of our precincts' ballots. As there were 52 contests on the ballot, the actual number of votes tallied, in order to compare and verify the vote results in each contest with the computerized count, entailed painstakingly hand-counting between 500,000 and 1,000,000 votes (depending upon how many selections each voter either voted or skipped on his/her ballot). This labor-intensive manual tally and comparison process required a staff of 50 employees working 10 hours a day, 7 days a week from November 11 through certification of the election on November 27.

To reiterate some of the key points we highlighted on the conference call, the costs – both financially and operationally – to conduct the current, legally-required process, which is specifically defined in the California Elections Code, is significant and extensive. For the November 2006 General Election in Los Angeles County the \$207,508 cost of conducting the 1% manual audit would have increased by \$73,000 if absentee ballots had been included. As you know, prior to 2007, there was no requirement to include absentee ballots in the 1% manual tally process. However, a new State law passed by the Legislature and signed by the Governor last year (AB 2769) expanded the process to include absentee ballots. Therefore, beginning this year, and for all future elections, absentee ballots will be included in the 1% manual tally process thereby creating additional expense.

It is my understanding that your Working Group is considering making a recommendation to Secretary of State Debra Bowen to expand the current manual tally process to increase the percentage of hand counted ballots and/or the number of ballots in identified contests. As a point of reference as to the significance of such a recommendation, the cost in Los Angeles County would grow to approximately \$500,000+ in each statewide election if the manual tally

percentage requirement was increased from 1% to 2% of the ballots cast. This was a subject of discussion in a recent conference call between representatives of the Los Angeles County Board of Supervisors and Secretary Bowen with regard to potential conditions the Secretary may impose on the certification of voting systems. There was clear recognition in that conference call of the significant costs and impacts of expanding the existing 1% manual tally.

As Los Angeles County represents approximately one-fourth of the State's registered voters, the statewide cost of expanding the manual tally would likely entail an additional \$1+ million per statewide election or a total of \$3+ million in conjunction with the three statewide elections in 2008 alone. In addition to such a large financial impact, the staffing logistics would require hiring, training and deploying significantly more personnel to accomplish the work within the allowable 28-day canvass period. Given physical space constraints, in Los Angeles County this would necessitate operating multiple shifts – including a night shift – of workers and supervisors to complete any expanded manual tally process within the legally-permitted timeframe prior to official certification of the results.

As was also mentioned on last week's conference call, it is vital to clarify the distinction between the separate processes of the 1% random manual tally procedure versus a candidate/voter requested recount. The legally-required 1% manual tally process occurs prior to certification of official results and involves hand counting all contests on each ballot cast in a randomly selected 1% of the voting precincts in order to verify the accuracy of the vote tally system. Conversely, a candidate/voter-initiated recount can only be requested and occur after the certification of official election results and involves only one electoral contest in which the final result shows a very small number of votes separating the winner from the loser. Candidates who request recounts following official certification are seeking to overturn the published result. This goal is quite different from the intent and purpose of the legally-mandated 1% manual tally conducted during canvass, prior to declaration of official results. Races cannot be overturned as a result of a 2%, 3%, or 4% "audit", as California law specifies that only a 100% manual recount can change the certified result of an election. A recount is initiated and paid for by the candidate or voter seeking the recount. In the rare instances in which a complete recount overturns the certified election results, the funds deposited by the candidate/voter to pay for the recount are then refunded.

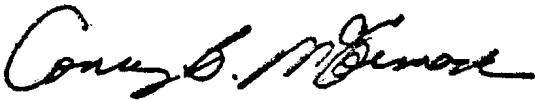
The purpose of the required 1% manual tally is to verify the computerized vote count in all of the election contests on the ballot. Over the past 40 years, performing this 1% manual tally process in an open and transparent manner has drawn praise from numerous candidates and election observers who have attended and commented positively on the process. However, it has also been our experience that a losing candidate involved in an electoral contest with a razor-thin, extremely small difference between himself/herself and the declared winner invariably seeks a recount involving a request to manually tally all of the ballots cast in those precincts involved in his/her contest.

We are also concerned about representations that have been made that your Working Group "will report...suggested guidelines for reconciling manual audit and machine count results." This portion of the Working Group's mission suggests that reconciliation is a complex and uniform process that requires formal guidelines. We would suggest that "reconciliation", in this limited arena, is a basic subtraction process – the votes recorded by the machine are compared, one precinct and one contest at a time to a manual tally. Formalized "reconciliation guidelines" seem premature without first establishing and defining the need for such guidelines.

As shown above, the costs to taxpayers would be high if the current 1% manual tally process, as specified in the Elections Code, were expanded. Should the State Legislature desire to hold hearings and subsequently pass legislation signed by the Governor to alter the provisions of the Elections Code with regard to the manual vote counting provisions, our assumption is that counties would be entitled to claim reimbursement from the State for the significant additional costs.

I want to thank you and the members of the Post-Election Audit Standards Working Group, in advance, for your consideration of this information and its relevance to the recommendations and report you will be making to the Secretary of State. Should you or any members of the Working Group desire further clarification regarding the enclosed documents, please do not hesitate to call me.

Sincerely,



Conny B. McCormack
Registrar-Recorder/County Clerk

- c: Secretary of State Debra Bowen
Senator Ron Calderon, Chair, Elections, Reapportionment & Constitutional
Amendments Committee
Assemblyman Curren Price, Chair, Elections & Redistricting Committee
Members, Los Angeles County Board of Supervisors
Evan Goldberg, Chief Deputy Secretary of State
Lowell Finley, Deputy Secretary of State
Jennifer Luckie-Bratt, Post-Election Audit Standards Working Group