

Subject: **CARMEL ELECTION, APRIL 13, 2010**

LWVMP REVIEW, Committee Report December 27, 2010

Introduction

Carmel-by-the-Sea held its municipal election on April 13, 2010. It retained Martin and Chapman, a private contractor, to manage the full procedure under the jurisdiction of the City Clerk. Previous city elections had been administered by the Monterey County Elections Department.

The League of Women Voters Monterey Peninsula (LWVMP) became interested in private contractor election management, and city administration effectiveness.

A committee was formed to review two aspects of the election: a) management by a private contractor rather than by Monterey County Elections Department; and b) effectiveness of the City Clerk for election administration. The committee consisted of Carl Pohlhammer, chair; with Tamara Harris, Lori Lockwood, Dennis Mar and George Riley.

The committee process included personal participation and observation, interviews, review of newspaper articles, and comments from other interested parties. Specific comments were solicited from Carmel City Clerk Heidi Burch, Assistant City Clerk Molly Laughlin, and Monterey County Registrar of Voters Linda Tulett.

This is not an evaluation. It is a review with comments. The intent was to learn how a private contractor and city conducted an election, how it compared to League experience with the MCED, and to understand differences. The committee focus was on comparative costs, training, conduct of the election, security and protection of records and ballots.

Discussion

Since Carmel holds its elections as stand-alone, its costs are higher than if its elections were consolidated with other races. After receiving a quote from Monterey County Elections Department (MCED) in the fall of 2009, the city sought other quotes from private contractors of election management. After soliciting proposals from two contractors, the city selected Martin and Chapman from southern California.

Cost Comparison and Selection of Contractor

County MCED quote for April 2010: \$40,000 to \$56,620, depending on who paid for printing and postage expenses.

Historical costs were:

- 2004: \$ 8,187 (MCED)
- 2006: \$ 8,497 (MCED)
- 2008: \$39,108, (MCED)

The increase in 2008 County costs included the full County expense for hourly wages, overtime and double-time for county staffers and temporary workers, as well as transportation, supplies, postage, and the rental of voting equipment.

County ROV sources stated that previous MCED costs were underestimated and did not reflect the actual costs to the County.

Carmel obtained competitive proposals as follows:

- Sequoia Voting Systems: \$21,718, excluding postage.
- Martin & Chapman: \$23,000, including postage.

Additionally Carmel sent a survey through the City Clerks Association of California inquiring of those contractors. Martin & Chapman was overwhelmingly the top choice of California Clerks.

Organization, Staffing and Training

The City Clerk is the election official for a City election. Martin & Chapman provided training for City staff.

League representatives attended the training sessions for the poll workers and observed at the polls the day of election. Martin and Chapman provided the training and materials. All the poll workers were unpaid volunteers, one of the factors that lowered costs. Some volunteers had county election experience. The Lions Club provided many of the poll workers. The two election inspectors (the precinct chiefs) reported a positive experience.

Observation: Training was not as comprehensive as the county's training, and fewer written handouts were provided. However it seemed adequate.

Ballot Handling and Election Day

Early voting: Martin and Chapman managed the program to keep track of all ballots mailed and returned, and on what date. Each barcode on received mail in ballots was scanned, so it could be confirmed as received. This allowed campaign workers to verify if certain voters has actually voted or not.

Carmel City Clerk maintained security with an observed and locked ballot box in city hall. Early mail-in ballots could be dropped off during working hours. Ballots mailed in or deposited early were scanned and the signatures were copied. Signature verification was

accomplished at MCED in Salinas by two City Clerk staff. The ballots themselves were retained in locked boxes in city hall.

Election Day voting was in the typical manner—deposit of ballots and voting on site. Sign-in procedures were fine. Management of voting in general seemed effective.

Ballot handling procedures on election day: Mail-in ballots cleared for counting were opened in late afternoon on Election Day, sorted by precinct, prepared for processing, and retained under lock until after 8pm. These ballots and those voted on Election Day were compiled for the first count on election night.

Observation: One observer reported walking into the tabulation room before the count began. The room was not attended and the observer was not stopped by two people near the door. Mail-in-ballot envelopes were in boxes in the room. The observer should have been stopped, or the “officials” (if the two other people were officials), should have been in the room. This was a security weakness.

Tabulation of Results

Martin and Chapman used the optical scan Mark-a-Vote counter, certified in Ca, November 2001. It has used this system in all contracted city elections since then. Staff from Martin & Chapman began processing ballots about 8:30pm after polls closed at 8pm. The count was conducted in public at city hall.

Poll closing and ballot verification procedures are critical steps in election management, and can be complicated without knowledgeable supervision. Two LWVMP observers watched this process and voiced no concerns.

On Wednesday the day after, several city staff went to MCED to verify signatures of remaining mail in ballots, and to process all provisional ballots.

Audit procedures included full verification of one of the two precincts. No changes in count were made.

The committee did not observe after-election counts or audit procedures.

Observations and Comments of LWVMP Committee

1. Training was less thorough than MCED, but seemed sufficient. It was an advantage that many volunteer poll workers were experienced, however dependence on unpaid volunteers is not a sustainable staffing model. There should be assurance that more poll workers with experience will be available.

2. The City has not reported its estimated costs devoted to the election. If actual costs of paid staff time for the City Clerk and associated staff were included in the costs, the cost

comparison would be more accurate and useful.

3. All election managers must give particular attention to ballot security. This includes protection from unauthorized access, documentation of chain of custody, and verification of such protections.

4. Poll closing procedures are confusing. Skilled poll workers and knowledgeable leadership are required for this. Reliance on unpaid volunteers may not be sustainable.

5. All observers reported that the election was well conducted, despite the points noted by observers.

Committee Conclusions

The committee appreciated the time from those interviewed. The committee does not have any recommendations to make.

Carmel Staff Report dated September 8, 2010

Staff recommended two options for future consideration: 1) for independent election in April, continue to contract with Martin and Chapman since it is less expensive than the County; or 2) for a consolidated election in November, consolidate with the County for the lowest possible cost.

League of Women Voters Positions

LWVMP has a long history in polling place volunteering and election observation. In addition, LWVMP has a recent history of advocating for transparency in all election systems and specifically in tabulating procedures.

League interest is based on League of Women Voters United States (LWVUS) policy:

- Protect the right of all citizens to vote; and
- Voting is a fundamental citizen right that must be guaranteed.

Furthermore the League of Women Voters California (LWVC) has this specific position on Voting Rights: Support measures which will protect every citizen's right to vote and which will ensure government's responsibility to protect this right through regulations and procedures that encourage an informed and active electorate.

LWVC in 2009 and LWVUS in 2010 passed an LWVMP resolution calling for openness and transparency in the election process, which advocates for "full public access to all election procedures in order to allow meaningful verification of ballot handling, tabulating, auditing and related election materials."
