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Economy & Efficiency Commission Presentation

Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.

**PRESENTATION BY
Ms. Conny B. McCormack
Registrar Recorder/County Clerk, Los Angeles County
Topic: Voting in Los Angeles County**

May 3, 2001

Chairman Philibosian introduced Ms. Conny McCormack, Los Angeles County Registrar/Recorder and County Clerk who oversees one of the largest electoral systems in the world. Chairman Philibosian mentioned that Ms. McCormack was formerly Registrar/Recorder in San Diego County and has served as a consultant to the election process in Russia.

Ms. McCormack thanked Chairman Philibosian and recognized the importance of the Economy and Efficiency Commission to Los Angeles County. Ms. McCormack emphasized that election issues are not in the forefront of this budgetary season even though the Los Angeles County voting system is a thirty-three year old punch-card system and needs a major overhaul. Ms. McCormack sits on the national Election Center's Election Reform Task Force and serves as an adviser. She is also involved in a movement to upgrade the electoral system in Sacramento using AB 56 (Hertzberg), which would allot \$300 million for a "democracy fund" to support Counties' upgrades of computer technology and voting systems. The Los Angeles County Board of Supervisors has unanimously supported the necessary upgrades, but is awaiting the results of the proposed federal and state funding.

Ms. McCormack stated that she is an advisor to the National Commission on Election Reform (co-chaired by former Presidents Carter and Ford). On April 12, 2001 hearings were held by this National Commission at the Reagan Library where national election experts, as well as the California Secretary of State, were brought in to provide testimony. The Ford-Carter Commission Hearings will continue in Washington at the end of May 2001. Nationally, electoral equipment upgrade costs would be about \$3B (about 1/3 the cost of an aircraft carrier).

Ms. McCormack stated that the Touch-Screen Pilot Project Report was presented to the Board of Supervisors on January 30, 2001 explaining the "phase in" proposal. In the November 2000 elections there was a 99% acceptance of the system by 21,000 voters. The machine immediately indicates "over votes", or "two votes for president". Commissioner Baltierrez commented that she voted in the November 2000 elections in Palmdale on the Touch-Screen, and agreed that it was efficient and easy.

Ms. McCormack voted blind folded on the Touch-Screen to ensure the simplicity of the audio headset

version of the system. Afterwards she received letters from blind voters, who for the first time in their lives needed no assistance. Nine Touch-Screen locations were set up in Los Angeles County and were open for three weeks prior to election day including Saturdays and Sundays; any voter could be qualified at the registration table, eliminating the necessity to vote in their own neighborhood. The first page of the Touch-Screen enabled people to choose their language (seven languages were available).

Ms. McCormack proposed budgeting \$3M for the 2002 elections to expand the nine Los Angeles County locations to forty locations; this would also include more equipment, staffing and locations, i.e. shopping centers for voter convenience. These funds are not in the CAO's recommended budget, and the Board of Supervisors would like to receive federal/state funding for this purpose. The electoral timeline was her department's main concern. Ms. McCormack stated that May 15, 2001 is the deadline to have funding approval by the Board of Supervisors for this system to be in place for the March 2002 election.

Redistricting is another issue and the off year election will consume the time of the technical staff. The budget for the November 2000 election was overspent; 300,000 additional voters' registration sample ballots were mailed out, absentee voters registration climbed 20%, and the next fiscal year's budget accommodated only the previous voter file number. The Registrar/Recorder Department needs \$2.2 M to continue their present operational services, and \$3 M to continue the touchscreen early voting system.

Ms McCormack explained a handout, which presented six reasons why "California is not Florida". In California there are statewide guidelines, which establish what constitutes a vote. The major problem last year was "holding ballots up to the light". Unlike Florida, California has no partisan canvassing board. California has contentious recounts; but procedures and guidelines have enabled a fair outcome with a sensible recount and certification process. A 2.7 percentile average "error" (i.e. voters skipping the Presidential Contest or mistakenly voting for more than one candidate) in Los Angeles County's 5,000 precincts is common (Los Angeles County had 2.7 M ballots cast in November 2000 Election, which was more than the total state count in 41 states). A national committee recommendation is that no state should have a "seven-day" certification of the election. California has a 28-day process that is being recommended nationally. In Los Angeles County signatures are counted on every roster in the 5000 precincts and compared to the ballots that were counted as part of the final reconciliation prior to official ballot certification – this assures an accurate count.

Finishing her overview, Ms. McCormack opened the floor to questions. Commissioner Crowley asked Ms. McCormack to comment on her interaction with California Institute of Technology (CalTech) and Mr. David Baltimore, President of Caltech. Ms. McCormack responded that CalTech /Massachusetts Institute of Technology (MIT) has an election study in progress from an academic and statistical analysis viewpoint. She attended Caltech's conference on March 28, 2001 as a speaker, and is working with the four-member team. The study indicated that there were many components to the election that were unknown, (the statistics of Touch-Screen versus Punch Card voting systems concluded that the error rate was basically the same). Now CalTech/MIT are looking at the residuals factors, i.e. in Michigan there is straight party voting - the result populates all of the party members in the system. On the Los Angeles County Touch-Screen System, after unintentionally touching the screen for president, then realizing the mistake, the vote must first be erased before a new vote can be reentered. On April 19, 2001 all of the Touch-Screen vendors conducted a presentation of their equipment at the Hall of Administration for the Board of Supervisors and their staffs to see how their touchscreen systems work. This showed that there could be an under vote of 3% for President. Los Angeles County had a .5% under vote, and Riverside County had .6% percent.

Commissioners Andes stated that he served as a poll worker at a voting precinct in the last election, and he noticed that two to three Votomatic Punch Card machines malfunctioned: the styluses broke, and cards did not enter properly.

Commissioner Fuhrman noted that much of the presentation focused on technical and systems issues; however, in Florida voters were refused a second ballot, due to untrained precinct officers; he was concerned that the precinct wardens would also be unable to administer the Touch-Screen system in the next election. Ms. McCormick stated that the County was working with unions, and the goal for March 2002 is

that one county worker per each precinct (totaling 5000 workers) would work at the polls. The county employees acting as precinct workers would be public service minded, well trained and tested, accustomed to a long day, receive their regular pay from the county and a stipend of \$55.00 - \$75.00 for a fifteen-hour day. Also, in 1996 a law was passed that allows high school seniors under the age of eighteen to be employed at the polls (there have been approximately 5,000 students employed in the past). In Riverside County, however, they had 715 precincts; all Touch-Screens and former poll workers were used successfully.

Commissioner Tortorice asked if there were any issues within the County with regard to the currency of the voter rolls and the potential for voter fraud. Ms. McCormack responded that it was one of the topics addressed in the national report. A voting system is more than a piece of equipment, and more than an election day. (North Dakota, however, has no voter registration, another five states have same-day registration; California law changed this year and now registration has gone from 29 days before the election to 15 days.) In the November 2000 election, there were 155,000 registrants on the deadline, 80,000 had been expected. Fortunately, in California there is provisional balloting where people whose eligibility is in question can vote provisionally; and with the 28-day period before official election certification these votes will be checked. There were 100,000 provisional votes out of 2.7 Million, and 61,000 ended up being valid. This provisional process does not occur in Florida, where there were an undetermined number of people who were turned away from the polls. Studies to determine who has not voted in the past four years indicate that it is in the range of eight or nine per cent of the voter file. The Department of Motor Vehicles (DMV) is assisting in the voter registration process but there are problems with data transfers among the different data bases.. Since Ms. McCormack is the "Birth, Death and Marriage Commissioner", she understands how difficult it is to up-date the voters' lists using the death lists. From agency to agency there are other, difficult technical issues. In California, if absentee votes arrive a day after the election, they are not counted. Ms. McCormack emphasized that if voters have a doubt as to whether their vote will be counted they should "Go Vote Provisional". Most states do not have this provisional voting process, and this needs to be addressed on the national level. The process is expensive, labor intensive, indicating that the election cannot be certified in seven days.

Commissioner Tortorice asked if there had been any evidence of organized voter fraud. Ms. McCormack responded, yes and no. In 1998 her office was interviewed on CBS 60 Minutes regarding 16,000 fraudulent voter registrations collected by "bounty hunters" (persons who are paid to register voters and sometimes cheat to make money). Actual voter fraud at the polls or through the absentee voting process is very rare. Commissioner Baltierrez wanted to address the issue of the "mad rush" to find voter poll locations on Election Day. She worked with the League of Women Voters who went on-line assisting voters with their polling locations. The Los Angeles County hotline was also used as an alternative. Ms. McCormack responded that California is one of the very few states which provide a sample ballot to voters with their poll location printed on the back; and if there is a change, we send a poll change of address postcard. On polling day, 5% of the 4 million voters pick up the phone and ask for directions, which is about 10,000 phone calls per hour. There were 300 Los Angeles County phone lines, however extra registration assistance was given by community partners such as the various political parties, the League of Women Voters, the National Association of Latino Elected Officials (NALEO), and the Asian Pacific Islander American (APIA) Voters. There were 150,000 hits on the Registrar Recorder/County Clerk Web site for polling place locations.

Commissioner Hill stated that she admired Ms. McCormack's ability to change the whole culture of voting and asked if she had considered the Productivity Investment Fund (PIF) to close the gap on the \$3 M that is needed. Ms. McCormack stated that the Department did not want any loans; they needed immediate funding. Commissioner Hill stated that there were one-time loans for creative, innovative projects. Ms. McCormack stated that this week she was working with Mr. David Janssen, the CAO, who might provide the department with funds from the Technology Fund.

Commissioner Petak stated that Ms. McCormack had mentioned the cutoff for registration was now fifteen days before the elections, was that a Los Angeles County decision? Ms. McCormack responded that it was a new State Law. Commissioner Petak noted that the cutoff significantly increased her cost of operation. Ms. McCormack replied that it did increase her costs, and that she received no funding increase. She also asked

whether the commissioners were aware of the “Slightly Ajar Primary in 2002”? There used to be a closed primary, then there was an open primary, however the United States Supreme Court declared California’s type of open primary unconstitutional last summer. The State Legislature, last summer, decided that they wanted to allow the political parties the opportunity to include the 16% non-partisan voters in their primary elections. If the political parties wanted to adopt rules that would meet the Federal requirement, which both the Republicans and the Democrats have now done, then the March 2002 election will permit them to be issued a partisan ballot. However, the parties have determined that the non-partisans can vote for the “unimportant offices” like governor, members of congress and the state legislature, but not for the Party Central Committee. This means that poll workers and voters will have to try to distinguish which type of ballot to give nonpartisan voters compared with party affiliated voters which is anticipated to cause great confusion statewide.

Commissioner Farrar asked what the logic was for not requiring a photo I.D. when voting at the polls? Ms. McCormack stated that it was an emotional and a partisan issue. At the moment there is no requirement to ask for an I.D. The current rules are that you cannot ask a voter for identification. If a voter has moved, the polling person can ask for residency verification. In the past some poll workers did not think a person looked like their I.D., and the person was denied permission to vote; this became a constitutional issue. The solution would have been to give the voter a provisional ballot. Commissioner Farrar asked what would it take to change that situation? Ms. McCormack replied that there has been a bill sponsored by Bill Jones the Secretary of State to support voter I.D. at the polls. Nationally, this issue is also on the table. The county and the national election task force decided not to take a position. Commissioner Petak remarked that Ms. McCormack stated that the I.D. issue was a political issue; however, the national group can make a recommendation with the reasons why politically they should make this decision. Ms. McCormack responded that her group is split; and could not come up with “near unanimity” on this recommendation.

Commissioner Thompson understood that Ms. McCormack wanted to make the elections fair – that showing identification is a political issue, but in reality the issue is a “politically correct” one. Ms. McCormack stated that she administers the law, and that the current law in California is no I.D. Commissioner Thompson reiterated that a legitimate election could not be run without proper identification of the voters. Ms. McCormack stated that the voter system has been an honor system from the beginning; and the average person has very little motivation to commit a felony.

Chairman Philibosian asked Ms. McCormack to give a little more information on AB 56 (Hertzberg), so that the Commission could take a position. Ms. McCormack said that it was a bill for the Democracy Fund to bring \$300 M of state funding (a two or three to one match) and is totally bipartisan (supported by Bill Jones and Robert Hertzberg). It is to assist counties in upgrading their voting technology in the election’s office. The bill’s first hearing in the Policy Committee resulted in 14 to 0 outcome and has passed to Appropriations. The Los Angeles County Board of Supervisors’ would be supportive if the bill is amended; if not, the B.O.S. would not come up with a match - they want 100% funding. The bill is moving, but Ms. McCormack feels it might die in Appropriations, or be drastically reduced.

Ms. McCormack stated that she is worried about the State of California ACLU lawsuit, which was filed in Los Angeles to address a Fourteenth Amendment violation resulting from the current punch card voting system. The \$100 M to phase in the 5,000 precincts to touchscreen voting could be compromised. Perhaps a phase in of 1,000 precincts is a more manageable number but this could involve 14th Amendment issues of equal protection if some voters had a modern touchscreen voting system at their precincts and others were still on punch cards. Los Angeles County needs to have an “early voting” period prior to major elections to have the touchscreen system available to any of our 4 million voters at various locations throughout the County; the preliminary Touch-Screen expansion could be available to 4 million voters. If this were the approach, in the next four to five years’ technology costs should come down prior to countywide implementation. At the moment the Touch-Screen System is secure, protected and there are no big companies in the election field that could indemnify a \$100 M contract in Los Angeles County.

Commissioner Stoke asked if it would be helpful for the Economy & Efficiency Commission to consider a study of what it takes to phase in a program that is Fourteenth Amendment pure. The E & E Commission

could make a report to the Board of Supervisors as to its feasibility, which may aid Ms. McCormack with any presentations that she might have to make to the Board. Ms. McCormack responded that there were settlement talks re the ACLU lawsuit on Monday with the County Counsel, ACLU, and Bill Jones's 10-point Democracy Program. Ms. McCormack said she would like the E & E Commission to assist her in getting the \$3 M she needs for the Touch-Screen voting expansion.

Commissioner Fuhrman noted that there are five thousand precincts; if the precincts were combined thirty to forty percent of the expenditures on the number of personnel, locations, and equipment could be avoided. Ms. McCormack agreed, last week she was in the Legislature testifying in support reducing the number of precincts. A 1974 California State Law limits 1000 voters to a precinct. This law was enacted when only 2% of the people voted absentee, now, 20-30% vote absentee. Legislative proposal AB 280 initially proposed allowing up to 1,500 voters per precinct, and has been amended to permit up to 1,250 voters per precinct (most states have 2,000 to 3,000 voters per precinct without the absentee vote count). Ms. McCormack stated that the Registrar Recorder/County Clerk office had an eight-month full management audit last year and a recommendation was to create regional voting centers. If the law would allow the combination of precincts, this would be an efficient means to convert to the new technology; and people could still vote near where they live. Redistricting, polling place ADA compliance, and lack of consistency regarding voting locations within the cities are other future issues.

Commissioner Petak returned to the \$3 M funding issue, and mentioned that the Chair of the Quality and Productivity Commission was present at the E&E Commission Meeting and he recommended that Ms. McCormack submit a proposal to the Productivity Investment Fund (PIF), which could be partnered with the Information Technology Fund (ITF). Commissioner Hill agreed that it could be an option. Ms. McCormack stated that she would need a commitment of money now to conduct touchscreen early voting in conjunction with the March 2002 Election. Commissioner Petak recommended that she change the timeline to the November 2002 election. Ms. McCormack emphasized that there might be a lot of voter criticism if touchscreens aren't available in March 2002, but that was a possibility.

Chairman Philibosian thanked Ms. McCormack for her informative and lively presentation.

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