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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.

**PRESENTATIONS BY
Ms. Conny B. McCormack
County Registrar Recorder/County Clerk
Los Angeles County**

***Topic: Elections Operations Update
December 7, 2006***

Chair Hill welcomed Ms. McCormack to the Commission.

The Mechanics of an Election

Ms. McCormack opened by thanking the Commission for giving her the opportunity to speak. The discussion opened with an explanation of the Registrar's vote processing from election night until the certification of the election. For example, she explained how the votes that are not counted election night are processed in the days following the election. People wonder why is it possible to count approximately 1.5 million votes on election night, while it takes another three and a half weeks to count the additional 200,000 votes remaining (absentee and provisional ballots that must be researched for eligibility and signature verified prior to counting).

The key consideration for the Registrar's Office for the November 2006 election was the introduction of new voting equipment in all 5,028 voting precincts. In addition, Ms. McCormack noted that once people vote via absentee ballots that behavior tends to become addictive due to the ease of the process of voting by mail. In California, beginning 25-30 years ago, universal absentee voting has been available to the electorate. This means any eligible voter can apply to vote absentee without the special restrictions that still exist in many states. Furthermore, three years ago California allowed voters to apply to be a permanent absentee voter.

Since Los Angeles County maintains the voter registration file, the County supports but does not conduct the elections for all 88 cities in the County. The County does conduct elections for approximately 15-18 of these cities. Ms. McCormack explained that The City of Los Angeles has its own Election Department and many other cities have elected city clerks. The city clerks outside of Los Angeles observed the new equipment in place for November's election and noted the smooth transitions for voters.

Ms. McCormack iterated there are bound to be election problems throughout the country due, in part, to human error and to the fact that there are currently over 2,000 jurisdictions in the United States conducting elections. On Election Day in Los Angeles, there are 5,028 precincts, staffed by approximately 27,000 voluntary poll workers. As new rules and regulations have become more complex; a significant challenge is

posed to the approximately 30%-40% of the poll workers who are new to the process.

The Help America Vote Act

In 2002, the Congress and the President signed the Help America Vote Act (HAVA) to improve the election process, based in part, on what happened in Florida in 2000. Ms. McCormack stated that the factors causing the difficulty were too focused on the equipment. There were many problems including the existence of human error and a misinterpretation of the procedures. The Help America Vote Act requires every jurisdiction that holds elections to have implemented two changes by the 2006 election:

1. Every voter will receive a notification from the voting equipment if an error occurred on the submitted ballot, along with the chance to correct his or her ballot. This is an integral part of the Ink-a-Vote Plus voting equipment features in Los Angeles County, which provides instant feedback to voters and poll workers.
2. The new system must enable disable individuals, including those who are blind, to vote unassisted in every precinct in the U.S. In Los Angeles County, an audio voting unit is now available for use, which creates an Ink-a-Vote ballot for the voter based on selections made using the audio headset. The audio voting equipment is programmed for the 7 mandatory languages in Los Angeles County.

Change management was the key to preparing for compliance with the Help America Vote Act. With 4 million registered voters in Los Angeles County, the largest election jurisdiction in the U.S., the challenge to change voter's behavior was quite significant. The Registrar's Office did not want to overwhelm the voters or the poll workers by making the change from punch cards to fully electronic voting as that would be a major change. Research conducted by Ms. McCormack concluded people seem most comfortable with retaining a voting system with a tangible output.

Ink-A-Vote Plus

The Ink-A-Vote Plus System maintains the same paper-based voting system and added equipment to comply with the two HAVA requirements noted above. A record 91% of the 27,000 poll workers attended training for the debut of the Ink-A-Vote Plus System. Of the 2 million people who voted in Los Angeles County, not a single person complained of being turned away from a polling center or not receiving a ballot when they appeared at a location to vote.

The County hosted international visitors from Italy and Berlin who observed the November 7, 2006 election throughout Southern California. The overall impression was that in Los Angeles County the process was simple; people brought in their sample ballot and transferred the numbers onto the Ink-A-Vote Plus ballot, which takes approximately three minutes. The international visitors reported that in Orange County, which employs a fully electronic voting system using a dial to make selections; the average voter took 20-25 minutes. The machines in Orange County cost \$4,000 dollars per machine compared to Ink-A-Vote voting devices which costs \$20 dollars each. The more expensive the equipment, the fewer machines are typically available to the voters. Fewer machines expands the time needed to vote by three-to four times.

Ms. McCormack observed that all of the equipment necessary to meet the requirements of the new law is 1st generation. Los Angeles County only spent half of the money received from the federal government with the objective of upgrading the equipment down the road as the market opens up for competition and prices come down.

Absentee and Provisional Voting

Ms. McCormack stated that before an absentee or provisional ballot can count there are steps in place to assure accuracy including signature verification on every ballot envelope to assure it matches the signature on file of the voter. For provisional voters (whose names are not on the precinct list when they go to vote), the Office must check to see if the voter has already voted absentee (by mail). Out of the 110,000 provisional ballots cast, the Office must determine how many voters went to the wrong precinct (their names would not be on those precinct lists). Approximately 54,000 registered voters cast a ballot outside of their

home precinct which means the Registrar's office must remake those ballots onto the correct ballots (to insure votes are only counted for those contests for which the voter is eligible, i.e. correct legislative districts, etc.)

Ms. McCormack conducted manual audits consisting of hand counting a random sample of 1% of all the precinct ballots (25,000) and all of the 51 contests to compare those results with the machine count to verify the vote accuracy. The Board of Supervisors has requested the Registrar-Recorders Office to conduct additional audits. As a result, more manual audits of Early Voter Touchscreen voting ballots and Absentee Ballot have taken place for this past election and the results have proven the accuracy of the voting systems used in Los Angeles County.

Questions and Comments

Chair Emeritus Philibosian asked if the Legislature had considered provisional ballots. Ms. McCormack replied that it had. California residents have had the ability to vote provisionally for a number of years. She said that in some states, the votes of people who go into the wrong polling place have their ballots disqualified - these states require the voter to be in the right precinct in order for their vote to count. Today's mobile society tends to lean more toward provisional voting. Ms. McCormack thought that this trend would probably increase with time. Ms. McCormack also observed that in some counties, over 50% of the people are permanent absentee voters.

Commissioner Petak asked if it is possible to create a special precinct called "Absentee Ballot" and handle those electronically. Ms. McCormack replied that the County currently has early voting on electronic equipment that is available to everyone. In addition, there are small precincts, consisting of fewer than 250 people who receive a mailed ballot. Overall, Los Angeles County's model is, "Three choices no excuses". Every voter can go to the polls on Election Day, they may vote absentee or they can go early and vote electronically - the choice of how to vote is there for every voter.

Commissioner Baltierrez asked if it were possible for a person to vote in a city other than where they actually reside. Ms. McCormack stated that this person would not be able to vote for city candidates, but that this person could vote in the general election. Commissioner Baltierrez asked if she lived in Alhambra then moved could she retain her voting rights there. Ms. McCormack stated you have to register to vote where you live.

Commissioner Fuhrman stated he voted early at the Jackie Robinson Center electronically and was pleased to see a paper trail created for subsequent auditing. He then asked as electronic voting becomes more common, what processes are in place to validate the software on the machines and operations, noting that in Florida some machines did not record votes. Ms. McCormack said that in Florida the end analysis would reveal a ballot design problem. Currently, the County's equipment must first go through federal and state testing. Subsequently the County Registrar-Recorder conducts a logic and accuracy test during which many observers witness the process. She affirmed the paper trail helped because the voter can look at the paper if need be.

Commissioner Fuhrman then asked if the results of Los Angeles County's recount were accurate. Ms. McCormack noted there were some paper jams in the printers attached to the electronic equipment (used during the early voting period), which skewed the results when first examined during the post-election audit. In the case of paper jams, those ballots were compared to the paper ballot images taken from the equipment.

Mr. Parks commended Ms. McCormack on the use of the Ink-A-Vote System, commenting that he experienced the capabilities of the system first hand when viewing a rejected ballot because of a voter mistakenly marking both the YES and the NO ballot position in a judicial contest on the November 7th ballot. Ms. McCormack considers this second chance voting capability of the equipment one of the great benefits of the Ink-A-Vote Plus System.

Chair Hill thanked Ms. McCormack for her efforts to ensure the accuracy of the election system and for her informative presentation.

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