April 20, 2006

Public Meeting on Vote Counting and Recounting

Seattle, Washington

<u>Statement of Jill LaVine, Registrar of Voters, County of Sacramento, California</u>

Thank you for this opportunity to address the Commission regarding recounting ballots cast using voting systems equipped with a voter verifiable paper audit trail.

I am Jill LaVine, the Registrar of Voters in Sacramento, California. I am responsible for registering voters, maintaining the voter file, for local campaign filings and for the conduct of federal, state, county and city elections within Sacramento County. In addition, I conduct the elections for more than 125 school and special districts in two languages, English and Spanish.   We have over 600,000 registered voters. I have been involved in the administration of elections in different capacities for more than 20 years.

Sacramento County used a punch card voting system for over 34 years. After the 2000 elections we knew it was time to look at new systems with new technology. However, with technology and laws changing so fast, we went out to bid three times for a new system in four years.

In 2001, in California, punch cards were decertified by our then Secretary of State Bill Jones and Proposition 41, The Voting Modernization Act, was passed by the voters.   Proposition 41 included the following language:

"Any voting system purchased using bond funds that does not require a voter to directly mark on the ballot must produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided

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to the voter but shall be retained by elections officials for use during the 1 percent manual recount or other recount or contest."

There was a lot of discussion on the definition of paper audit trail. The Secretary of State, then Kevin Shelly, established a Task Force to look at this subject.

Our second Request for Purchase, RFP, for our voting system now included questions for the vendors about a paper audit trail, and as part of our vendor testing, we required the vendor to demonstrate early voting.

All but one of the vendors had done Early Voting in other jurisdictions. So we asked if Avante would consider doing a pilot project for Sacramento County. This was a very limited early voting pilot project. The equipment for this pilot, the Vote Trakker system, was provided to Sacramento County by Avante International Technology, Incorporated, without cost. The pilot was authorized by the Voting Systems and Procedure Panel within the Office of the California Secretary of State. Additional authorization was provided by the Sacramento County Board of Supervisors.

The project involved early voting in six locations for a period of eleven days prior to the November 5, 2002 Election. Voters from anywhere in Sacramento County were permitted to vote at any one of the six locations. There were a total of 246 variations of the ballot for this election. The voting units were accessible to blind voters and voters with disabilities. Each voter was able to choose to have his or her ballot presented in either English or Spanish. A total of 1,612 valid ballots were cast at the early voting locations.

This pilot project, I believe, was the first use of a voter verified paper audit trail in the nation for an election.

This experiment with a voter verified paper audit trail was conducted under very controlled conditions. Each of the early voting sites was staffed with experienced personnel including a technician provided by Avante. The equipment and system met our requirements and expectations.

California Election code 15360 requires that during the canvass of the vote that one percent of the precincts, chosen at random, will be manually recounted to verify the equipment.

As part of the canvass of the vote, we manually recounted one of the early voting polling places. The precinct selected included 114 ballots. Because it was possible for a voter from any of the 246 ballot types in the County to vote at the Early Voting sites it made the recount very complicated. Our tally sheets consisted of several pages.

We had four teams of two sit at tables with tally sheets to handle all the contests. The paper ballots were held together with large binder clips, the ballots curled and they varied in length from 11 inches to 20 inches making it very difficult to handle. I saw the teams putting paper weights on both ends trying to "uncurl" the paper to make it easier to read. As soon as one of the weights was moved the paper rolled back up causing the employee to lose their place.

The vendor used a heat sensitive thermo paper that left a residue on the staff's hands. A few staff members asked to use rubber gloves which were provided.

We allowed Provisional voting for this pilot project. Processing the Provisional votes was a very quick and easy process. After office staff verified the eligibility of the voter, the Provisional envelope was opened and the ballot card was loaded into the machine for counting.

Avante's report for write-in candidates contained the name of each person that was written in, regardless if they were a certified candidate or not. Since over voting is impossible, this system made the canvass of the write-ins go much faster.

We verified the number of voters on one machine with the report printed out. We verified the report with the paper records and then we verified the machine totals with the paper record. When the counting was complete we were off by one ballot. We learned that a fleeing voter, or a voter that did not complete their ballot and left before casting their ballot, has no paper record, for privacy reasons; therefore, when counting the voter receipts with the printout, it was necessary to confirm the number of voters and check the activity log print out for the fleeing voter.

It took 127.5 hours to recount the 114 ballots, or approximately an hour and 15 minutes for each ballot.

The number of votes from the machine count and the number of votes from the paper ballots matched exactly.

This pilot project would have been even more difficult if this had been a Primary election with the eight parties and the three non-partisan cross-over opportunities that California allows. Also, the paper audit trail did not print in Spanish so the recount was done in English only.

If there had been any challenged contests or if it was necessary to recount more than the 114 ballots, there would be significant delays providing official election results.

I'll be happy to answer any questions that you may have.