



COUNTY OF LOS ANGELES

**REGISTRAR-RECORDER/COUNTY CLERK**

12400 Imperial Highway – P.O. Box 1024, Norwalk, California 90651-1024 – www.lavote.net

**DEAN C. LOGAN**

Registrar-Recorder/County Clerk

May 11, 2009

**TO:** Supervisor Don Knabe, Chair  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

William T Fujioka, Chief Executive Officer

**FROM:** Dean C. Logan, Registrar-Recorder/County Clerk

*Dean C. Logan*

**REPORT ON BOARD MOTION OF MARCH 31, 2009 REGARDING THE COSTS OF SPECIAL VACANCY ELECTIONS AND OPTIONS AVAILABLE TO THE BOARD TO REDUCE COSTS, VOTER FATIGUE, AND INCREASE VOTER PARTICIPATION**

On March 31, 2009, by motion of Supervisor Ridley-Thomas and amended by Supervisor Yaroslavsky, your Board directed the Registrar-Recorder/County Clerk (RR/CC) to report back on:

1. Costs to the County associated with Special Elections to fill vacant partisan and non-partisan, local government, legislative and Congressional seats over the past decade;
2. Efforts being made by the Registrar-Recorder/County Clerk and other jurisdictions to make elections more cost-effective and participatory;
3. Efforts being made by the Registrar-Recorder/County Clerk and other jurisdictions to encourage voter participation and turnout; and
4. Options, including but not limited to Instant Runoff Voting, available to the Board and/or recommendations for legislative proposals to reduce election costs and voter fatigue with the estimated implementation costs and potential savings; and also including technical barriers to implementation; legal issues including the possible need for amendments to the California Elections Code and/or the Los Angeles County Charter.

## **COSTS TO THE COUNTY ASSOCIATED WITH SPECIAL ELECTIONS TO FILL VACANT PARTISAN AND NON-PARTISAN, LOCAL GOVERNMENT, LEGISLATIVE AND CONGRESSIONAL SEATS OVER THE PAST DECADE**

Special elections to fill vacancies are provided for by the elections code and are not out of the ordinary. However they have, over the past decade, become a fairly regular item on the election schedule. As requested by the Board, an analysis of the costs of Special Vacancy elections going back ten years was conducted by Registrar-Recorder/County Clerk staff. The objective of the analysis was to assess costs to the County as a result of Special Vacancy elections. Because special elections conducted to fill vacancies in local governments such as municipalities, school boards, and special districts (e.g. Water Districts) are paid for by the government or agency calling the election, they have been excluded from this analysis.

### **Analysis**

The analysis looked at costs for Special Vacancy Elections for state legislative and Congressional vacancies, which despite provisions for state reimbursements, are still primarily financed by the County up front and reimbursed at a prescribed rate by the state after the fact.

Since the institution of term limits in 1990 the state, beginning in 1993 when the number of elections to fill special vacancies increased, has, through legislative action, reimbursed the County for costs associated with conducting Special Vacancy elections. However, reimbursements are not guaranteed, nor do they cover the full costs of administering these elections. The practice of state reimbursement to counties has been provided for by a succession of legislative bills that contain sunset provisions. In addition, state formulas for reimbursements have not changed since 1993 and rarely provide full cost reimbursement. Consequently, the County has had to absorb a significant share of the costs for these elections.

### **Findings**

Over the past ten years the County has had to conduct elections to fill 10 vacancies in state legislative or Congressional offices. For five of these elections a Special Run-Off Election was necessary to determine a winner<sup>1</sup>. In all, 15 individual elections were conducted to fill legislative and Congressional vacancies between 2000 and 2009. If the current Special Vacancy Election to fill the existing vacancy in the 32<sup>nd</sup> Congressional District does not produce a candidate with a majority of the vote, then, a

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<sup>1</sup> Vacancies in congressional and legislative offices are to be filled by a Special Primary Election. If no candidate receives a majority of the vote in the Special Primary the candidate with the most votes for each party on the ballot will advance to a Special General Election (EC §10705).

second Special Run-Off Election will be scheduled for July 14, 2009. Additionally, the scheduled special run-off election for the 26<sup>th</sup> District State Senate vacancy will likely result in an additional vacancy for a State Assembly seat triggering another set of special elections.

In terms of actual costs to the County, Special Vacancy Elections conducted between 2000 and 2009 exacted a cost of nearly 11 million dollars (\$10,679,725). If we were to also consider the cost of conducting a Special Run-Off Election for the 32<sup>nd</sup> Congressional District we estimate the actual costs would increase to approximately \$12,217,725 and this figure does not account for the potential additional vacancy elections still to occur in the current year. State reimbursement for these costs totaled less than half of the actual election costs (\$4,313,200). Factoring for state reimbursements, net cost to the County still totaled \$7,904,435. This share of the costs was absorbed completely by the County within the operating budgets of the Registrar-Recorder/County Clerk; although it is unlikely that the Department can continue to absorb costs without supplemental funding given current fiscal conditions. "TABLE 1" below provides detailed cost breakdowns for each of the elections analyzed for this report.

**TABLE 1<sup>2</sup>**

<b>ELECTION COSTS AND REIMBURSEMENTS FOR SPECIAL VACANCY ELECTIONS LEGISLATIVE AND CONGRESSIONAL VACANCIES (2000-2009)</b>									
DISTRICT	DATE OF ELECTION	S / C (4)	(A) NUMBER OF VOTERS	(B) ACTUAL COSTS	(C) COST PER VOTER (B/A)	(D) STATE REIMBURSEMENT	(E) PAYMENT RATE PER VOTER	(F) NET COST TO RR/CC (D) - (B)	
32ND STATE SENATE DISTRICT	01/11/2000	S	23,399	\$ 44,829	\$ 1.92	\$ 32,057	\$ 1.37	\$ (12,772)	
<b>32ND STATE SENATE DISTRICT (RUNOFF)</b>	<b>03/07/2000</b>	<b>C-13</b>	<b>20,887</b>	<b>\$ 26,969</b>	<b>\$ 1.29</b>	<b>\$ 13,785</b>	<b>\$ 0.66</b>	<b>(13,184)</b>	
24TH STATE SENATE DISTRICT	03/06/2001	S	277,348	\$ 558,424	\$ 2.01	\$ 379,967	\$ 1.37	(178,457)	
32ND US CONGRESSIONAL DISTRICT	04/10/2001	S	281,797	\$ 336,869	\$ 1.20	\$ 336,869	\$ 1.20	-	
49TH STATE ASSEMBLY DISTRICT	05/15/2001	S	142,548	\$ 306,073	\$ 2.15	\$ 195,291	\$ 1.37	(110,782)	
<b>32ND US CONGRESSIONAL DIST. (RUNOFF)</b>	<b>06/05/2001</b>	<b>S</b>	<b>281,797</b>	<b>\$ 336,319</b>	<b>\$ 1.19</b>	<b>\$ 336,319</b>	<b>\$ 1.19</b>	<b>-</b>	
53RD STATE ASSEMBLY DISTRICT	09/13/2005	S	239,658	\$ 581,210	\$ 2.43	\$ 337,410	\$ 1.37	(243,800)	
39TH STATE ASSEMBLY DISTRICT	05/15/2007	S	112,656	\$ 711,414	\$ 6.31	\$ 154,339	\$ 1.37	(557,075)	
37TH CONGRESSIONAL DISTRICT	06/26/2007	S	266,017	\$ 1,378,283	\$ 5.18	\$ 363,190	\$ 1.37	(1,015,093)	
<b>37TH CONGRESSIONAL DISTRICT (RUNOFF)</b>	<b>08/21/2007</b>	<b>S</b>	<b>263,482</b>	<b>\$ 1,437,527</b>	<b>\$ 5.46</b>	<b>\$ 359,962</b>	<b>\$ 1.37</b>	<b>(1,077,565)</b>	
55TH STATE ASSEMBLY DISTRICT	12/11/2007	S	169,927	\$ 931,776	\$ 5.48	\$ 233,986	\$ 1.37	(697,789)	
55TH STATE ASSEMBLY DIST.	02/05/2008	C-12	165,748	\$ 229,032	\$ 1.38	\$ 229,032 (2)	\$ -	-	
26TH STATE SENATE DISTRICT	03/24/2009	S	404,379	\$ 2,461,000 (3)	\$ 6.09 (3)	\$ 554,000 (3)	\$ 1.37 (3)	(1,907,000) (3)	
<b>26TH STATE SENATE DISTRICT (RUNOFF)</b>	<b>05/19/2009</b>	<b>C-7</b>	<b>409,928</b>	<b>\$ 640,000 (3)</b>	<b>\$ 1.56 (3)</b>	<b>\$ 270,552 (3)</b>	<b>\$ 0.66 (3)</b>	<b>(369,448) (3)</b>	
32ND CONGRESSIONAL DISTRICT	05/19/2009	C-7	257,814	\$ 700,000 (3)	\$ 2.72 (3)	\$ 170,157 (3)	\$ 0.66 (3)	(529,843) (3)	
<b>32ND CONGRESSIONAL DISTRICT (RUNOFF)</b>	<b>07/14/2009</b>	<b>S</b>	<b>252,554</b>	<b>\$ 1,538,000 (3)</b>	<b>\$ 6.09 (3)</b>	<b>\$ 346,373 (3)</b>	<b>\$ 1.37 (3)</b>	<b>(1,191,627) (3)</b>	
<b>TOTAL</b>			<b>3,569,939</b>	<b>\$ 12,217,725</b>		<b>\$ 4,313,290</b>		<b>\$ (7,904,435)</b>	

(1) Reimbursement rate specified in Budget Act of 2000: \$1.37 per RV for Stand Alone Elections and \$0.66 per RV for Consolidated Elections.  
(2) State reimbursement for the February 5, 2008 Primary Elections included the 55th State Assembly District election cost.  
(3) Estimated Amounts.  
(4) S=Stand Alone; C=Consolidated and number of agencies sharing

The cost of conducting elections has increased significantly over time, as illustrated in TABLE 1. These increases can be attributed to a myriad of factors, including regular salary and wage increases, greater costs for materials and voting system maintenance, increased access and application to vote by mail and other early voting options, and continually changing regulatory requirements – in particular those associated with implementing the federal Help America Vote Act of 2002 (HAVA), voting systems certification, use procedures and post election manual tally provisions. It is important to note however, that as election costs have increased, the reimbursement rates applied by the state have not. In the ten year period reviewed for this report, the rate of reimbursement per voter has remained constant at \$1.37/voter in stand-alone Special Elections and \$0.66/voter if the Special Election is consolidated with a County or Statewide election.

An important factor to consider as part of our analysis is the impact that consolidating Special Vacancy Elections with larger County or Statewide elections can have on costs.

<sup>2</sup> Note that in three elections per voter costs were less than or equal to the state reimbursement rate. As such, for these elections column (F) lists no “Net Cost to RR/CC.”

Looking at the vacancy elections for the 32<sup>nd</sup> State Senate District in 2000 and the 55<sup>th</sup> Assembly District in 2007/2008 we are able to discern the actual cost savings produced by consolidating these vacancy elections (See TABLE 1). In both instances the Special Primary was conducted as a stand alone election, while the Special General Election was consolidated with a larger election, which produced significant cost savings.

A comparison of the cost per voter rate demonstrates the significant potential for savings. In the 32<sup>nd</sup> State Senate District Election the cost per voter for the Special Primary was \$1.92, whereas for the consolidated Run-Off the cost decreased by 63 cents to just \$1.29/voter. The cost savings for the vacancy elections for the 55<sup>th</sup> Assembly District were more pronounced decreasing from \$5.48/voter in the Special Primary to \$1.38/voter in the Run-Off. Clearly, the ability to consolidate special vacancy elections is important in mitigating the costs that these special elections can incur and the RR/CC is very vigilant about identifying such opportunities when impending vacancies present themselves.

#### **EFFORTS BEING MADE BY THE RR/CC AND OTHER JURISDICTIONS TO MAKE ELECTIONS MORE COST-EFFECTIVE AND PARTICIPATORY**

The sheer size and geographic as well as demographic complexities of Los Angeles County, coupled with the escalating costs associated with conducting elections in recent years, have prompted the Department to take proactive steps aimed at increasing our efficiency and service to the voter, while simultaneously controlling sharp increases in costs. Over the past few years, the Department has successfully implemented a battery of innovative processes and technologies that have had a dramatic impact on the efficiency, cost-effectiveness, and transparency of elections in the County. Through the use of new technologies, many operations once conducted manually have been automated and streamlined. As a result of such innovations the Department has achieved cost savings or cost increase avoidance in areas such as the mailing of sample ballot materials, processing of vote by mail ballots, and the conduct of the election canvass, to name a few. I would like to highlight several of these important innovations that the Department has successfully implemented.

#### **Vote by Mail Processing**

Systems automation and improvements in mailing processes have produced remarkable results for our Vote by Mail (hereafter VBM) program. As the use of Vote by Mail voting has increased over the last several even year election cycles, from 622,652 VBM requests in 2000 to more than one million requests for the 2008 General Election, our improvements have helped to both maintain a capacity to process the growing number of requests, while keeping potential cost increases in check.

### **Cost Savings of VBM Mailings**

Prior to 2004, variations in the size and weight of VBM instructions and guides prevented us from taking advantage of Standard Class (3<sup>rd</sup> Class) postage rates. In 2004, changes to the materials and their weight allowed us to then mail VBM packets via Standard Class mail. The savings incurred have been significant. Since the implementation of the new standardized VBM packets in 2004, the Department has generated \$1,634,262 in postage savings.

### **VBM Inserting and Sorting**

The growing number of VBM requests and ballots to process requires a labor intensive effort involving thousands of staff hours. Through the strategic use of federal funding made available by the Help America Vote Act of 2002 the Department has been able to automate the process of preparing and inserting election materials for outgoing VBM requests as well as the scanning and signature verification process for returned ballots. Automation has also allowed us to sort returning VBM ballots by precincts, as required by the enactment of Assembly Bill 2770<sup>3</sup> in 2007. These innovations have had a dramatic impact on cost savings and VBM request processing times. More importantly the improvements have allowed us to increase our capacity to serve our voters without necessarily having to increase the staffing resources necessary to respond and complete increased volume workload within the legal deadlines prescribed by law.

The following is a summary of key highlights:

- Automated inserting equipment allows us to now process up to 25,000 outgoing VBM packets daily. Barcode readers and cameras installed on the equipment provide for automated quality control checks of the packets ensuring that each contains materials that are linked to the specific voter to whom the packet is addressed.
- Scanning and signature verification software now allows us to process returned VBM envelopes at a rate of nearly 4,000/hour. The new automated process has reduced the need for manual signature verification from 100% manual verification to an estimated 25% manual verification rate. In addition to the efficiency gained by this system, the criterion for verification is applied more uniformly and with less subjectivity.
- Our sorting equipment has also reduced staffing hours needed to manually sort returned envelopes by precinct, as required by the election code. Sorting equipment is capable of sorting 40,000 to 175,000 envelopes in a seven hour shift and provides for automated quality control checks that assure a higher rate of accuracy.

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<sup>3</sup> The new legislation required Elections Officials to sort returned VBM envelopes by precinct before processing.

- VBM ballot extraction equipment has eliminated the need to manually extract ballots from returned envelopes and has increased the efficiency of the process with the capacity to extract an average of 1,000 ballots per hour. The Department currently operates ten extraction machines during major statewide elections.

### **Automated Roster Scanning System**

The process of reviewing more than 5,000 precinct voter rosters during a countywide election canvass period was another labor intensive process that entailed hand counting and tabulating total individual voter signatures in every roster. In 2007, the Department developed a Roster Signature Scanning System to streamline and further automate the process. This in-house system eliminated the need to manually count signatures. With the Roster Signature Scanning System we have been able to reduce the amount of staff and time needed to complete this phase of the canvass. In addition, the system is able to provide important data reports. The innovation provides faster voter history updates to our voter file; once signature scanning and reporting is completed the data is used to electronically update voter history information. Recent productivity evaluations have found that productivity has increased by 300%, improving the process from one hour to count 500 signatures to just 20 minutes.

### **Scanning of Voter Registration Forms**

The use of technology in elections has facilitated the implementation of many more efficiencies. Other jurisdictions have had similar successes to those I have highlighted in this report. One of the successes we are currently exploring is the use of smart scanning technology to scan voter registration forms. In Johnson County, Kansas the implementation of this technology has resulted in significant cost savings and greater efficiency. For Los Angeles County, where we received tens of thousands of voter registration forms leading up to the close of registration for a Presidential Election, the use of this technology could generate significant cost savings in overtime and temporary staffing.

The Department continues to explore new processes and technologies that can help improve our operations by constantly evaluating these operations. After every major election we have instituted an Election Critique process. This internal evaluation method ensures that we are continuously seeking improvements to our processes.

### **Efforts to Make Elections More Participatory**

With respect to efforts to make elections more participatory, let me emphasize that it is my personal philosophy that elections are a collaborative process between election administrators and the citizenry and that I consider voter education and engagement a

part of our core responsibilities. In the Department we continuously strive to make the elections process 1) open and transparent and 2) accessible to all citizens. Our approach to conducting elections is one of working in partnership with the community and of making every effort to make election information as accessible as possible for all voters. This approach is carried forward in the various initiatives the Department has launched over the years.

In 1998, the Registrar-Recorder/County Clerk established the Community Voter Outreach Committee to form a partnership between the community and the Department. The committee is composed of a diverse array of non-profit, advocacy and political organizations, with as many as 200 participating organizations. The committee has proved invaluable in informing the effectiveness of the information the Department provides to all its voters. More importantly the partnership model has helped to identify many new strategies for serving our growing populations in the Asian and Latino communities as well as meeting the needs of voters with disabilities and special needs.

The Department has also placed great emphasis on using web-based technologies to make election information more accessible to voters. These new technologies allow voters to locate information independently and at their convenience; thereby, empowering voters to navigate the electoral process more freely. The following are some of the web tools that the Department has implemented:

- **Voter Registration Status Look-Up:** This tool allows voters to verify their registration status immediately without having to call our office or submit a request. In many instances dispelling the doubt of whether one is registered or not can avoid the frequency of re-registration when they are unsure of their registration status.
- **Vote by Mail Ballot Status:** Pursuant to recent changes in the elections code the Department developed this web-based system for voters who have requested a Vote by Mail ballot. With this tool voters are able to track the status of their ballot, whether it's been mailed, received, or processed.
- **Polling Place Locator:** Allows voters to locate their polling place for an upcoming election by simply entering their house number and street name. This application also provides online access to voters' sample ballot pages – both in English and in each of the required alternative languages provided for in our compliance with the federal Voting Rights Act minority language provisions.

More recently, in an effort to adapt to the changing modes of communication introduced by new media such as Facebook, Twitter and YouTube, the Department launched a new media initiative to establish a presence and a new platform by which to provide election information. Programs such as Facebook, Twitter and YouTube are



increasingly becoming a frequent means of communication for multiple generations. To give you an example, according to statistics provided by Facebook, there are currently about 31 million active users and an estimated 100,000 new users have been registering daily since January of 2007.

These new media technologies offer an excellent opportunity to communicate information about upcoming elections through an increasingly popular and accessible format. The expectation is that as the use of these tools continues grow, they will also produce efficiencies and enhanced service by reducing the volume of calls for basic information from the public. More importantly, these media offer voter information and education opportunities at no added cost to the Department.

**OPTIONS, INCLUDING BUT NOT LIMITED TO INSTANT RUN-OFF VOTING, AVAILABLE TO THE BOARD AND/OR RECOMMENDATIONS FOR LEGISLATIVE PROPOSALS TO REDUCE ELECTION COSTS AND VOTER FATIGUE WITH ESTIMATED IMPLEMENTATION COSTS AND POTENTIAL SAVINGS**

As directed in your Board’s motion, we researched and considered a number of options, including “Ranked Voting,” that the Board might consider as initiatives or recommendations for reducing election costs and voter fatigue. In particular our review considered the specific issues concerning the costs of rolling elections and the limitations of our current voting system. The goal in our review of options was to identify options that would 1) help reduce the costs of elections (specifically, vacancy elections), and 2) reduce voter fatigue.

The following set of options are preliminary considerations void of any comprehensive regulatory and legal analysis, research, or feasibility study.

**1. Implementation of Ranked Voting**

Ranked Voting (RV)<sup>4</sup> is a method of voting that allows voters in an election to cast their vote for qualified candidates by ranking them in order of preference—first, second, third choices. In elections requiring a 50% +1 majority vote to be elected, this method of ranked voting provides the ability to determine a majority winner without the need to conduct a run-off election. The ranked choices of every voter are used to conduct multiple election rounds until a majority winner is determined. This method of voting is in use both internationally in countries such as Australia and Great Britain, as well as in a limited number of jurisdictions in the United States. This report provides a preliminary review of the ability of Los Angeles County to implement Ranked Voting as a method for

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<sup>4</sup> Ranked Voting (RV) is also referred to as Ranked Choice Voting (RCV) or Instant Run-Off Voting (IRV). For purposes of this report we refer to the method as Ranked Voting (RV) to maintain consistency with language inof current legislative proposals being considered by the California State Assembly.

conducting special elections to fill vacancies for local government, legislative, and Congressional offices and provides an initial assessment of the following questions:

- Is it possible to implement RV using the County's current voting system (InkaVote Plus and MTS)?
- Would the implementation of RV require any amendments to the County Charter, California State Constitution, and Election Code?
- Would RV cost anything to implement? Would it produce cost savings?
- Would RV help reduce voter fatigue?

### **Overview of Jurisdictions Using RV Systems**

Were we to implement Ranked Voting for use in Special Vacancy Elections, Los Angeles County, with well over 4 million registered voters, would certainly be the largest and most diverse jurisdiction to do so in the United States. Per provisions of the federal Voting Rights Act, currently the County provides language assistance in seven different languages and administers around 4,000 polling locations in a given countywide election.

Currently, 17 different jurisdictions across the country have either implemented or are in the process of definitively implementing Ranked Voting.<sup>5</sup> Of these, the largest include: San Francisco, CA (477,651 Registered Voters); Pierce County, WA (468,656 Registered Voters); and the city of Memphis, TN (460,000), scheduled to implement RV in 2011. It is important to note that of the 17 jurisdictions; only nine have actually used RV in a live election. In addition, based on the summary provided, it appears that only two or three of those jurisdictions use RV for electing federal or state offices. Those that do so (Arkansas and South Carolina), use the method exclusively for military and overseas voting. This is important to note only for purposes of considering a jurisdiction of comparable size and diversity within the United States, which could provide our analysis valuable information. However, the fact that Los Angeles is a unique case is neither an impediment to considering Ranked Voting, nor an unknown situation for the County.

As far as the tally systems involved in executing RV, at least five involve a hand count or some other manual procedure, or a combination of software programs. Currently, there is only one voting system approved for use in California that has been tested and certified to process RV ballots. We would need to further research comparable systems to inquire about audit procedures and state or federal certification of systems in place for RV.

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<sup>5</sup> New America Foundation, "Instant Run-Off Voting: Use in U.S. Jurisdictions."  
[http://www.newamerica.net/files/jurisdiction\\_summary\\_irv\\_apr\\_2009.pdf](http://www.newamerica.net/files/jurisdiction_summary_irv_apr_2009.pdf).

**Is it possible to implement RV using the County's current voting system?**

The Department evaluated the possibility of implementing RV under our current voting system by considering the system's technical environment, procedural functions, and state certification guidelines. Voting system transparency and security integrity was also given due consideration in evaluating this option. Based on our preliminary evaluation, it is the Department's opinion that implementation of a Ranked Vote method using our existing voting system would prove difficult without a significant and fundamental overhaul of the voting system. The department further finds that, at least in our initial assessment, the programming and procedural changes required to implement RV would present significant challenges and complexities in providing a tally process of the utmost transparency and auditability to our public.

Currently the County's paper based voting system is comprised of InkaVote Plus and the County's proprietary Microcomputer Tally System (MTS) operated on a DOS-based PC platform. Voters cast their ballots using the InkaVote Vote Recorder, an adaptation of the County's previous punch card system. Voters utilize an ink pen to mark their ballots and votes are recorded onto IBM 312 format paper ballot cards. In compliance with Help America Vote Act (HAVA) requirements for second chance voting, our InkaVote Plus voting system uses Precinct Ballot Readers, deployed at every polling place, to check ballots for *overvotes* and *blank* ballots. Voted ballots are then processed, inspected and counted centrally at our Norwalk headquarters. The tally of the votes is then executed using LR 3000 card readers, which scan the entire voted ballots and detect ink marks in specified ballot positions associated with contests and candidates. The votes detected are then pushed to an MTS terminal and tabulated for the corresponding position/contest. The precinct tally results from each individual terminal are sent over a Token-Ring network to a Summary server that cumulates the precinct totals into a summary total for the entire election. This description is intended to provide a basic overview of our voting system architecture, as approved for use by the Secretary of State.

It is important to emphasize that the state of our current voting system is one requiring serious consideration and attention. As the description of the system and the findings of this assessment suggest, our voting system has served, and continues to serve, the voters of Los Angeles County with accuracy and integrity, but the design of the system and the age of the technology upon which it was built, offer very little technical and functional elasticity for making the major changes that RV would entail.

To implement RV our MTS tally system program code would need to be rewritten to support multiple reads of a single ballot. Currently every ballot that is run through MTS in a live election is read and counted once. The system currently cannot discern whether a ballot was run once before. Furthermore, if a second reading were possible, our systems would need to be altered to ignore all contests except for the RV contest.

Programming changes of this magnitude would require recertification. Because the County is both the vendor and client of the MTS system, all costs involved in recertification would be born by the County. In practical terms, what this is identifying is the broader need for a new voting system as it is unlikely that modification to our existing, legacy voting system would meet new and developing standards for certification and approval at the state and federal levels.

Without further analysis of the re-programming required to implement RV, we cannot at this time provide a clear assessment of the new measures of transparency and auditability that would be required to preserve the integrity of tally processes and results using the potential fixes. This matter requires further consideration of the detailed technical requirements that would need to be developed to implement RV.

**Would the implementation of RV require any amendments to the County Charter, California State Constitution, and Election Code?**

This question was addressed separately by County Counsel in a memorandum to the Board of Supervisors and filed in conjunction with this report.

**Would RV cost anything to implement and would it produce cost savings?**

It is difficult to provide a fixed figure for cost and cost savings at this time. We can, however, consider the following:

*Cost Savings:*

- Election of County Offices occurs during even year statewide elections in June and if necessary in November. As such, County Office elections fall on regularly scheduled election dates, whether there is a run-off or not the Department would be faced with conducting a countywide election. Under these circumstances, it is unclear whether using RV would result in a cost savings for the County; although in some forms of implementation it would provide for cost avoidance.
- In the case of RV for Special Vacancy elections for legislative and Congressional offices, the system could yield cost avoidance by eliminating the need for a run-off election. Again, the cost avoidance would vary based on whether the election would have been consolidated or a stand alone. The cost of a single election can also vary depending on the district size. Using the 37<sup>th</sup> Congressional District run-off in 2007 as an example, the cost avoidance could have been around \$1.4 million.

**Costs:**

- Staffing costs would be incurred in the re-programming of our voting system; although as previously stated this option may not be cost-effective if the assessment of our voting system is that it is in need of replacement.
- Added costs might also be expected for the voting systems certification process. In order to conduct legislative and Congressional vacancy elections using RV, per County Counsel, the voting system would first need to obtain federal certification and then approval by the Secretary of State.
- Potential costs for any new hardware or software equipment would be needed for implementation.
- As part of implementing any new voting system we would strongly recommend the County should expect significant costs associated with voter education and outreach necessary to ensure voters fully understand the alternate method of voting and ranking their choices. Using even a conservative estimate of about \$.55/voter a countywide education campaign could cost \$2.2 million. If we conducted district specific education costs could be around \$200,000. These figures would represent voter education costs for a single election cycle. It is unknown the degree to which these specific costs would become ongoing election expenses beyond the first election with RV, especially if the system were used intermittently for special vacancy elections only.

**Would RV help reduce voter fatigue?**

Voter fatigue is understood to mean the growing disinterest of voters to participate in elections as a result of successive and frequent elections. While not much empirical data exists on measuring and studying the phenomenon of voter fatigue, it is rational to assume that participating in elections takes a physical and emotional investment on the part of voters. The time required making election related transactions, such as registering to vote, reviewing the sample ballot, requesting a vote by mail ballot or taking time to go to the polls certainly requires some investment of time on the part of the voter. Additionally, impacted election schedules have a significant impact on the ability of communities to mobilize the necessary resources to conduct voter education and Get-Out–The-Vote activities. With all these factors considered, it is safe to say that rolling elections can have a significant impact one could characterize as voter fatigue.

Given that RV would eliminate the need to conduct run-off elections, there is definite cause for concluding that RV could have a positive impact on reducing some form of voter fatigue. It is important to note however, that to what extent this would result in greater voter participation in unscheduled stand alone Special Vacancy Elections is unclear. The research cited by RV advocates suggesting exponential increases in voter

turnout dealt with regularly scheduled contests as part of a city or countywide consolidated election and not a stand alone unscheduled election.

Another related issue that is worthy of further research and review of data from jurisdictions where RV has been used is the issue of residual vote to assess the percentage of voters who properly mark their ballots to reflect ranked choices. Through our participation on the City of Los Angeles' task force on Instant Runoff Voting, we are aware that such data is being compiled and analyzed within the academic community. Access to this data could prove valuable as the County considers how its diverse populations may be affected by a new method of voting.

Following is a summary of additional options or approaches that could impact the costs of elections and issues of voter fatigue. As with RV, further consideration of any of these options would warrant more comprehensive analysis and recommendation:

**1. Expand the election calendar to include odd year elections for consolidation**

Establish an expanded regular election calendar that would provide for even and odd year June and November election schedules. These could provide greater opportunities to amend the election code to require that vacancy elections be consolidated with regularly scheduled elections, while at the same time avoiding the problem of extended vacancies. This would require changes to the election code. In particular, changes to the prescribed provisions for filling legislative and congressional vacancies. In theory, this option also allows for greater consolidation of special district and municipal elections and, therefore, has the potential to favorably address issues of voter fatigue.

**2. Institute Limited Appointments to Fill Vacancy Period**

Amend the special vacancy provisions in the election code to allow for an appointment process for filling legislative and Congressional vacancies. Appointees would fill the vacancy until the next scheduled general election at which time a successor would be elected. With an expanded election calendar this would reduce the appointment period. Elected County Central Committees could help appoint the candidates with confirmation by the Governor. A similar model is currently in place in the Los Angeles County Charter for filling vacancies in county offices.

**3. Move to Plurality Winners for Special Vacancy Elections**

Amend legislative and congressional vacancy election rules to allow for plurality winners. This proposal would eliminate the need for runoff elections under the current 50%+1 majority requirements. Note that this option would achieve the same cost

avoidance benefit as identified under Ranked Voting without the costs associated with procuring and certifying a voting system with ranked choice capability.

#### **4. All Vote by Mail Special Vacancy Elections**

Amend state elections code to authorize Counties to conduct special vacancy elections entirely by mail. This would include legislative and non-legislative offices. Statistically, based on a limited sampling of Vote by Mail elections conducted in the County, this option would both reduce election costs and would increase voter participation in filling vacancies. An anecdotal illustration of this is a comparison in the percentage of voter turnout in the recent March 24, 2009 Special Vacancy Primary election for the 26<sup>th</sup> District State Senate seat, which was 7.91% and the all vote by mail election conducted earlier this month for the San Marino Unified School District, which exceeded 50%. This issue would require serious considerations regarding its implementation in traditionally under served communities.

#### **5. Make State Reimbursement for Special Vacancy Elections Permanent and Amend Payment Formulas**

Currently, reimbursement provisions passed by the legislature include sunset provisions. However, since the passage of the first reimbursement bill in 1993, vacancy elections have persisted and in some respects increased in frequency. In addition, reimbursement is based on “per voter” rates established in 1993. These rates remain unchanged despite the increasing cost of conducting elections. State reimbursement should cover all costs associated with conducting the vacancy elections for legislative and Congressional district offices. While beneficial to the County, this option alone only shifts the economic burden associated with the current system for filling vacancies to the state and does not address the overall costs of conducting vacancy elections or the issues of voter participation and fatigue.

#### **EFFORTS BEING MADE BY THE RR/CC AND OTHER JURISDICTIONS TO ENCOURAGE VOTER PARTICIPATION AND TURNOUT**

The RR/CC has made it an operational priority to conduct comprehensive voter information and education efforts aimed at reducing what social scientists refer to as the cost of participation. Over the past decade the Department has placed great emphasis on making sure that the County’s citizenry has access to important election information and, more importantly, that the franchise, through voter registration, a fundamental piece of our elections process, is at the fingertips of all our citizens. The Department is fully committed to the concept that an important factor influencing voter participation is access to information and the process. Although, many studies have shown that direct contact by campaigns or non-partisan organizations is the most effective in actually turning people out to vote, voters’ ability to be informed about simple aspects of the

process such as being registered to vote, how to locate their polling place, access to a sample ballot, voting by mail can also play a vital role in setting the context for greater participation and for achieving and maintaining voter confidence.

Over the years the Department has conducted several programs aimed at accomplishing these goals:

- A. Established a Deputy Voter Registrar Training Program aimed at assisting community based organizations, political campaigns, and other special interest groups with training on completing voter registration forms and guiding voters through the voter registration process.
- B. Providing voter registration services at Naturalization Ceremonies for new citizens.
- C. Strengthened our collaboration with the Sheriff's Department to ensure that eligible inmates have access to the franchise through the Inmate Registration and Voting Program.
- D. The Department also conducts a Senior Citizen and Elderly Voting Assistance program that works with Senior Citizen Residential Care Facilities to assist our County's seniors with the elections process.

Obviously, the geographic magnitude and demographic diversity of Los Angeles County makes reaching all of our residents extremely difficult. In 2008, in advent of the historic Presidential Election the RR/CC launched an aggressive partnership with regional media companies, serving English, Spanish, and Asian language communities. Additionally, partnerships established to highlight services to voters with disabilities and to increase voter engagement in underserved or underrepresented communities was prioritized. The effort created a network of public-private partnerships aimed at ensuring the dissemination of information across various media (e.g. print, radio, television, and internet) as well as in covered languages. The County sought to engage media outlets under the construct of a community service partnership with the intent of having greater access to other media formats beyond simply advertising (e.g. interviews and notices in the news, community calendars, etc.). The media campaign focused on providing information on target HAVA requirements up to one month prior to the election. The strategy included:

- Community service partnerships with media outlets.
- A series of public service announcements that promote vote by mail and Election Day voting systems in print and on broadcast media.



- Voter education news series/community affairs programming with multiple media partners.
- On-air interviews with departmental leadership to promote voter rights and to instill voter confidence in the County's Voting Systems.

While the efforts of the community as a whole are to be commended for the historic participation of Los Angeles County voters, which registered the highest level of voter turnout since 1968, 82% of registered voters, we believe that our initiative played an important role in ensuring that the millions of voters, particularly new voters, were well informed about their options and rights for casting a successful ballot, and that they did so with increased confidence in the integrity of the voting process.

*Highlights:*

- Record number of registered voters-4.3 million
- Record number of Vote by Mail ballot requests-1 million
- Highest turnout in 42 years-82%
- 20,000 registered voters in a single day through our "Midnight Madness" event at the close of registration
- Highest number of attendees to poll worker trainings-30,000

Looking ahead the Department seeks to continue its efforts to promote greater participation amongst the County's citizens, as greater participation ensures a stronger and more resilient democracy. As the populace continues to grow and become ethnically as well as generationally diverse, we look forward to working with your Board in strengthening our democratic process for the 21<sup>st</sup> Century.

**CONCLUSION**

Given the current fiscal environment as well as the dynamics of the electoral process in California and throughout the nation, the elements addressed in this motion and the initial analysis prepared for this report are very timely and align well with the Department's priorities and strategic focus concerning the current state of rolling special elections and our voting system. As we move ahead and prepare for the 2010 Gubernatorial and Statewide election cycle and the 2012 Presidential election cycle, three areas of focus are emerging:

**1. Addressing the future needs of our voting system(s) in Los Angeles County.**

Our current voting system has served the County well and the County has acted with prudence in being cautious not to jump to a new voting system without first

identifying the long term needs and sustainability of available systems that meet federal certification requirements and approval for use by the Secretary of State. The system, however, depends on aging ballot layout and central tally systems that are increasingly difficult to support and operate, due both to technology obsolescence and a shortage of skilled technical staff. The voting device itself is increasingly viewed by regulators, advocacy groups, and the general public as being out of alignment with voting technology standards and developing trends in voting systems guidelines.

The voting system certification process at the state and federal level has experienced profound and rapid change since the establishment of the United States Election Assistance Commission (EAC) in 2002, and the requirements for certifying voting systems have continually expanded and become more complex. This has created uncertainty in the industry and has slowed the testing and certification process for any new advancement or development of voting systems. This situation creates a particularly challenging environment for Los Angeles County. On the one hand, there are no certified Commercial-Off-The-Shelf (COTS) voting systems currently on the market that will meet the special needs of the County, and the new as-yet-uncertified COTS systems proposed by the major vendors do not seem sufficient either. On the other hand, the process of developing or purchasing a custom voting system solution especially for Los Angeles County can be costly and risky in terms of certification.

With that in mind, the RR/CC is embarking on a Voting System Assessment project to discuss, analyze, and document the issues and factors central to the implementation of a new voting system, and the options available for moving forward. It will also set priorities and make recommendations as to how the County would like to proceed. At the end of the project, the Department will have developed and committed to a workable strategy and a formal project plan for implementing a new voting system. This process provides a logical venue for furthering discussion and application of the options outlined in this report.

The New Voting System Assessment project will convene a team of managers from RR/CC and key County departments that will, over a series of meetings, identify, discuss, prioritize, and document the issues, factors, and options involved in implementing a new voting system for Los Angeles County. The project will document the Department's analysis and recommendations, provide a recommendation to the Board of Supervisors and Chief Executive Officer that commits the County to a concrete and specific voting system solution, and a detailed project plan for implementing the new voting system. A vital part of this assessment process will be the input and consent of community stakeholders representing important constituencies such as city officials, racial/ethnic communities, disability rights advocates, voting integrity activists, etc. The

County's assessment project will seek to actively engage these stakeholders throughout the process.

**2. Modernization of the voter registration process and continued commitment to voter outreach and engagement.**

Following the successful administration of the 2008 Presidential election cycle, much of the national policy focus on elections has shifted toward a review and analysis of the way in which we register and engage voters in the electoral process. The RR/CC is participating in this dialogue and is part of a collaborative working group with advocates and researchers considering alternative approaches. As with voting system dynamics, the focus of these efforts is two-fold – 1) increased access and participation and 2) modernization and cost effectiveness.

Consistent with efforts to look at the voter registration process, we need to build on the successful partnerships that were formed with the media and community organizations committed to providing comprehensive and accessible voter education and information. Experience has shown that increased confidence in the electoral process is linked to readily available and easily accessible information; a voters understanding of the mechanics of casting their ballot; and knowing what to expect when they show up to vote.

**3. Engaging with and anticipating the expectations of future generations of voters.**

In 2008 we experienced a noticeable increase in registered voters between the ages of 18 and 29; a demographic often disproportionately under represented, electorally. As we look at new options for voting and new technology for facilitating the franchise, we must focus on the expectations that future voters will have and ensure that we are cultivating a process that encourages and accommodates our newest generations of voters. Identifying options and solutions that meet the needs of today's electorate alone misses the target. We need to lead efforts to be prepared for and that engage the voters of tomorrow.