

The Contra Costa County Elections Division

**Voter Outreach, The Voter Guide &
Election Security**



2022 – 2023
Contra Costa County
Civil Grand Jury
Report 2303
May 22, 2023

A REPORT BY
THE 2022-2023 CONTRA COSTA COUNTY CIVIL GRAND JURY
725 Court Street
Martinez, California 94553

Report 2303

The Contra Costa County Elections Division

Voter Outreach, The Voter Guide & Election Security

APPROVED BY THE GRAND JURY

Date 5-31-2023



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ACCEPTED FOR FILING

Date 5/24/23



Hon. JILL C. FANNIN
JUDGE OF THE SUPERIOR COURT

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Contra Costa County Grand Jury Report 2303

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TO: Contra Costa County Clerk-Recorder

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SUMMARY

The 2022 – 2023 civil grand jury completed an investigation of the Contra Costa County (the County) elections division, investigating several topics including:

- the effectiveness of their voter outreach efforts,
- voter guide requirements related to candidates and ballot measures, and
- election security.

The county elections division is responsible for managing all elections within the county. These can be presidential general elections, which include candidates for president, the U.S. Senate, and members of the House of Representatives. State offices are also included including candidates for governor, the state Legislature, and other state offices such as lieutenant governor, and attorney general. There are also mid-term elections, which may include some of the above offices, and special elections that may be held to recall, or to fill a vacancy of, an elected official.

The ballot will also contain local elections, such as candidates for county supervisors, judges, mayors, city council members, and special district boards. Included on the ballot are various initiatives, measures, referendums, and propositions. These items can be at a statewide, county, or municipal level and can include initiatives on a variety of topics. Local measures can include school bonds, funding for fire districts, and open space preservation, among other things.

The elections division also promotes voter outreach programs, encouraging citizens to register to vote, and conveying to existing voters the importance of participating in the election process. The elections division is also charged with educating voters on the many ways in which they can cast their ballots. Whether that is in-person on election day or in advance via mail-in ballot or depositing ballots at drop boxes located throughout the county. They are also responsible for pre-election activities such as providing guidelines and due dates to candidates seeking office, and information for entities such as cities, counties and school districts seeking to place initiatives on the ballot. They are responsible for creating and publishing the voter guide, printing, and mailing ballots, counting the ballots, certifying the election, reporting election results, and ensuring the election process is secure.

The grand jury investigated all these activities during our term. We found the elections division personnel to be both professional and cooperative throughout our investigation, and we are pleased to report our findings and recommendations to the citizens of Contra Costa County.

METHODOLOGY

Documents

The grand jury issued a Request for Information (RFI) to the elections division inquiring about the process and guidelines to place candidate information, measures, and initiatives in the voter guide and on the ballot.

The Grand Jury reviewed the California Elections Code, the Candidate Guide, and the Measure Argument Guide that the elections division provides to office seekers, counties, school districts and special districts, providing instructions on how to place information on the ballot.

We reviewed the outreach efforts of several community groups, funded by a nonprofit grant that was overseen by the elections division, focused on increasing new voter registration and the participation of registered voters in the county.

Site Tours

On election night in November 8, 2022, several grand jurors toured the elections division headquarters, warehouse, ballot counting facility, and a local precinct. We observed security measures, signature and ballot verification methods, storage, and ballot collection efforts.

Interviews

The grand jury interviewed several elections division officials and others with information specific to our investigation. On election night we asked questions of volunteers, election division employees, and members of the media.

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BACKGROUND

Our investigation sought to determine if the voter outreach programs deployed in the months before the 2020 general election had a measurable impact on voter registration and participation compared to the 2018 general election.

The elections division's outreach efforts were in partnership with community-based organizations (CBOs) based in West County, including Richmond and San Pablo, East County cities including Antioch, Brentwood, Oakley, and Pittsburg, and in unincorporated areas such as Bethel Island. Central and South County areas, including Danville and San Ramon, were also included in the outreach.

The CBOs included approximately 25 faith based, ethnic, youth, women, family justice, elderly, visually impaired, and affordable housing advocates across the county. They provided voter education, assistance with registration, and promoted the importance of voting to increase voter participation and inclusion. In total, per the elections division, the organizations contacted approximately 385,000 citizens throughout the county. This represents approximately one third of the county population.

We also sought to understand what information is required of a candidate to be placed on the ballot and what information is required of a city, school district, or special district to have a measure placed on the ballot and be included in the voter guide.

We also observed the elections division's operations on election night in November 8, 2022 and investigated safeguards put in place to collect, secure, and count voter ballots.

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DISCUSSION

VOTER OUTREACH

Regarding voter registration and participation, we compared the 2018 general election to the 2020 general election to measure the elections division’s voter outreach efforts.

Table 1 shows registered voters, compared to votes cast, for the last two major elections. The cities in **BOLD** represent the areas that were targeted by CBOs as part of the election division’s outreach efforts in the months prior to the 2020 general election. The outreach was funded by a grant from the Center for Tech and Civic Life (CTCL). The CBO outreach efforts included door to door visits, mailers, phone calls, and community events.

Almost every city targeted by the outreach program showed an increase from 2018 to 2020 in registered voters and votes cast compared to the county average of 13% and 40% respectively.

Table 1 – County Voter Registration and Participation 2018 and 2020

Area	2018 GENERAL ELECTION			2020 GENERAL ELECTION			2018 to 2020 CHANGES	
	Registered Voters	Votes Cast	Percentage of Participation	Registered Voters	Votes Cast	Percentage of Participation	Percent Increase in Registered Voters	Percent Increase in Votes Cast
Contra Costa County Overall	619,963	423,348	68%	703,021	591,143	84%	13%	40%
City of Antioch	53,398	30,493	57%	62,394	47,993	77%	17%	57%
City of Brentwood	33,932	22,814	67%	40,127	34,402	86%	18%	51%
City of Clayton	8,017	6,161	77%	8,675	7,820	90%	8%	27%
City of Concord	65,365	43,935	67%	72,952	61,099	84%	12%	39%
Town of Danville	29,827	22,533	76%	32,657	29,485	90%	9%	31%
City of El Cerrito	16,089	12,849	80%	17,502	15,643	89%	9%	22%
City of Hercules	14,510	9,368	65%	16,809	14,316	85%	16%	53%
City of Lafayette	17,918	14,330	80%	19,222	17,325	90%	7%	21%
City of Martinez	23,942	17,583	73%	26,262	22,837	87%	10%	30%
Town of Moraga	10,928	8,663	79%	11,657	10,536	90%	7%	22%
City of Oakley	20,898	12,133	58%	24,987	20,089	80%	20%	66%
City of Orinda	13,950	11,291	81%	15,015	13,584	90%	8%	20%
City of Pinole	11,160	7,715	69%	12,403	10,329	83%	11%	34%
City of Pittsburg	32,622	18,513	57%	38,855	29,622	76%	19%	60%
City of Pleasant Hill	21,471	15,750	73%	23,496	20,519	87%	9%	30%
City of Richmond	51,600	31,880	62%	58,362	45,247	78%	13%	42%
City of San Pablo	10,852	5,687	52%	12,658	9,287	73%	17%	63%
City of San Ramon	41,106	28,853	70%	48,335	42,495	88%	18%	47%
City of Walnut Creek	45,736	35,388	77%	50,072	44,612	89%	9%	26%
Unincorporated Areas	96,642	67,409	70%	110,581	93,903	85%	14%	39%

The elections division also used the grant funds to purchase two remote voting and public engagement trailers. Both were called into service as emergency polling places on Election Day November 3, 2020, and provided continuity of service at polling locations that became unavailable due to Covid-19 concerns.

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The elections division also has a wide selection of educational videos on its website. The videos describe how to register, where to get reliable election news and information, and the available methods to cast a ballot. The site also includes the methods the division uses to count ballots and officially certify the election. A review of these videos shows an average of 50 views per video.

THE VOTER GUIDE

The elections division is also responsible for educating candidates and government entities on how to run for office and place measures on the ballot. The statutes that govern elections in Contra Costa are primarily state laws contained in the California Elections Code and California Government Code. The candidate guide, issued every election by the elections division, provides those running for office with a complete list of deadlines, qualifications for the office and any fees required.

Prospective candidates are required to file a Statement of Qualifications showing they meet the general qualifications for office (e.g., are as U.S. citizens, are registered to vote, reside in the political subdivision they're running in, and have not been convicted of a felony). However, the candidates are not required to submit a candidate statement that describes their background, education, or why they are running for office. In fact, if candidates elect to submit their candidate statement, they can, under the State of California Elections Code, be required to pay a pro rata fee to offset the costs of printing and mailing the voter guide. This cost can range from a few hundred dollars for a school board member, to over \$4,000 to run for a BART director. The cost is based on the number of voter guides distributed that include that candidate.

Many candidates running for office decide not to pay for a candidate statement. Elections officials explained that this may be because they run unopposed or have name recognition and find submitting a candidate statement unnecessary. An analysis of the Contra Costa County Voter Guide for the November 8, 2022 election distributed in Martinez found no candidate statement for at least one candidate running for the following offices: U.S. House of Representatives for District 10, Member of the State Assembly for District 15, and the Mayor of Martinez. At the state level, some candidates for lieutenant governor and the Board of Equalization also chose not to provide candidate statements.

The elections division is also limited to what they can do as far as vetting a candidate's statement. The Elections Code states that "*...any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities*".¹

If the voter is frustrated by a lack of information about a candidate, measures placed on the ballot often overwhelm the voter with too much information. An example can be found in the Contra Costa County voter guide for Martinez from the November 8, 2022 general election. Measure K was put forth by the Martinez Unified School District asking voters to approve a \$90,000,000 bond issue to modernize and construct school facilities within the district. The measure took up over seven pages in the voter guide and was comprised of: a description of the measure, county

¹ CA Elec. Code sec. 13308.

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counsel's analysis, a tax rate statement, an argument in favor, an argument against, a rebuttal to the argument in favor, a rebuttal to the argument against, and finally the full legal text of the measure.

The Elections division does provide a Guide to Filing Measure Arguments for county, cities, school districts and special districts that reference statutes in the state elections code. Measure K complied with those guidelines.

ELECTION SECURITY

On election day, November 8, 2022, grand jurors visited the election division's main office, warehouse facility, and a precinct in Martinez. They observed sheriff's deputies at both the elections office as well as the warehouse intake where ballots arrive. There were security cameras in all areas we visited that contained physical ballots. At least two election workers were present in all areas we observed where ballots are stored and counted. Ballot counting areas were limited to access by key personal via a card key system.

Investigators were also able to interview election employees at a county precinct who explained that there are safeguards in place to prevent someone from submitting more than one ballot. The first ballot scanned is the official ballot and all other attempts to submit a ballot afterwards are flagged by the system and denied. There is a process in which the voter can manually request that the latter ballot be counted instead, due to an error on the voter's part, but this needs to be done in-person with elections staff.

Ballots filled out in person at the precinct are input via a touch screen, however, elections staff demonstrated how they can accommodate a voter who does not want to use the touch screens by providing a paper ballot. Whether a paper ballot is scanned, or the voter submits their ballot in person via the touch screen, it immediately goes into the system and is shown as received. This eliminates the old paper roster system that we're used to seeing at precincts in years past.

All election workers are sworn election officers who take an oath to uphold the State and U.S. Constitutions. They undergo training that includes the security measures employed by the elections division.

Our overall assessment of physical security measures on election day found no areas of concern. The elections division has also implemented election security measures to guard against network breaches and cyber-attacks. This includes ensuring all election voting systems are not connected to the internet or to regular county computer systems. All USB ports on elections computers are sealed and firewalls and virus blocking software are used to prevent unauthorized access to voting systems.

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Findings and Recommendations

Findings

- F1. The elections division outreach efforts using CBOs in the months before the 2020 general election had a measurable impact on voter participation in those areas where resources were deployed.
- F2. For those cities targeted by the elections division's CBO outreach program, voter participation was 15% above the overall county increase from 2018 to 2020.
- F3. The elections division reaches out to the public using online "how to" videos on their website, including videos describing the many ways to cast your vote, how elections are certified, and how you can research candidates and measures.
- F4. The elections division provides a candidate guide for potential candidates that describes the process of running for an elected office within the county.
- F5. A candidate is not required to submit a candidate statement for the voter guide.
- F6. The elections division levies a fee for the candidate statement in the voter guide, to offset printing and distribution costs.
- F7. The fee for a candidate statement ranges from a few hundred to a few thousand dollars, depending on the number of voter guides printed with that candidate's information.
- F8. The elections division has implemented safeguards to prevent physical and cyber security breaches as well as unauthorized, fraudulent, and duplicate ballots.

Recommendations:

- R1. The grand jury recommends that the elections division continue to seek out and apply for grant funding for voter outreach efforts including mailers, community meetings and telephone outreach.
- R2. The grand jury recommends that the elections division establish a means to quantify (measure) the impact of outreach efforts on voter registration and participation and make those results available to the public after each major election via its website.
- R3. The grand jury recommends that the fees for providing candidate statements in the voter guide be eliminated to promote candidate transparency.
- R4. The grand jury recommends that the elections division add a video to its website describing the physical and cyber security measures it employs to safeguard facilities, ballots, and election data.

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REQUIRED RESPONSES

As provided by California Penal Code sections 933(b) and 933.05, the 2022-2023 Contra Costa County civil grand jury requires responses from the following governing bodies:

Responding Agency	Findings	Recommendations
Contra Costa County Clerk-Recorder Kristin B. Connelly	F1 – F8	R1 – R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy to:

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