

**Citizens' Oversight Projects (COPs)**

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2023-01-19

Ms. Cynthia L. Paes

San Diego Registrar of Voters

5600 Overland Avenue

San Diego, CA, 92123



Ref: M1992

Dear Ms. Paes:

Citizens Oversight is a 501(c)3 nonprofit that has been working in the election integrity area for a while now. Lately, we haven't been giving San Diego much attention because largely, the department has been doing a pretty good job. So, thank you for that.

Our group is trying to explain some of the processing to members of the public and to within our study group, and in some areas we are not sure of the answers. Therefore, after discussing these questions in our group, we finally decided to ask you if you could help us answer these questions.

If it helps you at all, you can process these as records requests under the California Public Records Act (PRA, Cal Code section 6250 et seq), but if that does not apply, please treat them as questions to be answered based on the California Voters Bill of Rights per Elections Code, Section 2300(9)(B) i.e. "You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer."

We are asking these questions long after the last election specifically so they won't disrupt your duties. Please consider the 2022 general election regarding these questions.

These questions are mostly related to the chain of custody and processing of ballots prior to scanning. We are interested in "documents," but please consider that this means any policies, reports, logs, procedures, manuals, internal communications, raw counts, estimates, checklists, travelers, or other documents to help us with these questions, but feel free to explain as well. By "staff", I mean any workers, including employees, contractors, volunteers, supervisors, officials, etc.

Please provide your reply and any documents electronically, including any letters you may have your county counsel generate. Links to reports on your website are acceptable. Please email your responses directly to [raylutz@citizenoversight.org](mailto:raylutz@citizenoversight.org)

**1. IN-PERSON VOTING:** For ballots cast in-person by voters at early voting centers or on election day: Please provide documents related to the procedures. In addition, please make sure these documents and your answers address the following questions for early voting and election-day voting:

**a. Hand-marked vs BMD:** Are any voters given the opportunity to vote using hand-marked paper ballots, or do all use BMDs to vote?

**b. Checking printed BMD ballot summaries:** For BMD voting, please provide your written procedure regarding how staff instructs voters esp. with regard to review of their ballot summary card before casting it.

**c. Voter Observation of Scanning:** About what portion of voters feed their ballot directly into a polling-place scanner?

**d. Security:** What security is used for maintaining custody of the paper ballots at the polling place, and when transported back to the election office? Are any individual ballots handled by workers outside the election office? Do you have a requirement for multiple workers to be involved at all times?

**e. Accumulation:** For early voting, are the paper ballots transported every day, or are the paper ballots accumulated to the end of the period (and combined) prior to scanning?

**f. Grouping:** If not accumulated to the end of the period, are the paper ballots kept separate for each polling place or voting center and then scanned as a group? What is the smallest size group allowed?

**g. Shuffling:** What shuffling is prescribed in your procedures documents within the group of ballots from a given polling place and among ballots from various polling places PRIOR TO scanning?

**2. DROP BOXES:** Please provide documents regarding the drop-box procedures, number and frequency of pickups and the time needed by staff to pickup and transport. Are there any monitoring cameras, and does staff monitor camera feeds, and if so, how much time is used for that activity? How are seals processed during this phase? Is there any scanning of ballot envelopes provided by the drop boxes, and potentially SMS messaging to the voter that their ballot has been accepted? Are drop boxes staffed in any way? Does staff pre-screen ballot envelopes by looking for signatures properly applied, for example? How are ballots (in envelopes) transferred for transport to the central office? Are envelopes handled by workers?

**3. MAIL DELIVERIES:** Please provide documents related to ballots received from the USPS, including anything you normally track, such as number of bags, trays, weights, etc. Do you have any tracking of ballots inside the USPS? Can voters track their own ballots through the USPS system?

**4. SEAL REPORTS:** Please provide documents related to security seals, broken or missing seals, and follow-up investigations.

**5. DIVERTED BALLOTS:** Please provide documents and counts related to any ballots that were completed by voters (either BMD ballots or nonBMD ballots), and were not immediately scanned (either at the polling place or at the central scanning operation) but instead were diverted for additional scrutiny, duplication, remaking, etc. In our investigation in 2008 regarding the procedures used in San Diego County, we found that about 6% of the ballots from polling places were removed when first received and then were not included in the initial scanning at the central facility, and also were not included in the 1% Manual Tally audit either.

**6. DUPLICATED OR "REMADE" BALLOTS:** Please provide documents related to any ballots duplicated, remade, reconstructed, replicated, or transcribed. We are interested in understanding why hand-marked paper ballots are being entered into BMD devices by staff. Please describe the tracking

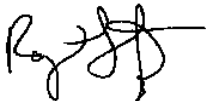
involved, including staff time. Please answer: Why would Chinese-language hand-marked paper ballots be remade into BMD ballots which are printed as ballot summary sheets (with QR Code) in Chinese? Are workers performing remaking by entering into BMD devices told to check the printed ballot summary sheets to confirm that they were printed correctly? Is this process audited? Do you use white-out or additional marking on ballots in any fashion, and why?

**7. REJECTS AND CURES:** Please provide documents and counts related to signature matching, numbers accepted and rejected, curing activities (how cures are done). The number of voters, if any, who said they did not send the ballot received. For signature matching, the number processed by automated matching vs. human-eye matching, staff required. Who and how are decisions made to potentially disenfranchise voters due to mismatched signatures?

**8. AUDIT REPORTS:** (This item is outside the chain of custody realm.) Please provide any audit reports and other documentation that is easily available, not including the actual log sheets. I am specifically interested in policy regarding vote interpretation during the audit, whether you evaluate the votes based on voter-intent, or how the machine would evaluate the votes. Please provide the overall percentage of the ballots audited vs. total number of ballots cast in the election.

Thank you for your kind assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Lutz', with a stylized flourish at the end.

Raymond Lutz  
Executive Director, Citizens' Oversight Projects

[https://www.sdvote.com/content/rov/en/pollworkers/pollworker\\_training.html](https://www.sdvote.com/content/rov/en/pollworkers/pollworker_training.html)