

County of Santa Clara

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(ENDORSED)
FILED
SEP 11 2018

Megan Doyle
Clerk of the Board

September 4, 2018

Clerk of the Court
Superior Court of CA County of Santa Clara
BY _____ DEPUTY
Janice Jones

The Honorable Patricia M. Lucas
Presiding Judge
Santa Clara County Superior Court
191 North First Street
San Jose, CA 95113

RE: Grand Jury Report: Taxpayer - Funded Automatic Election Recounts: A Solution Looking for a Problem.

Dear Judge Lucas:

At the August 28, 2018 meeting of the County of Santa Clara Board of Supervisors (Item No. 57), the Board adopted the response from County Administration to the Final Grand Jury Report entitled Taxpayer - Funded Automatic Election Recounts: A Solution Looking for a Problem.

As directed by the Board of Supervisors and on behalf of the Board President, our office is forwarding to you the enclosed copy of the response to the Final Grand Jury Report. This response constitutes the response of the Board of Supervisors, consistent with provisions of California Penal Section 933(c).

If there are any questions concerning this issue, please contact our office at (408) 299-5001 or by email at boardoperations@cob.sccgov.org.

Sincerely,

Jessica Schmidt
Deputy Clerk, Board of Supervisors
County of Santa Clara

Enclosures

**County of Santa Clara
Registrar of Voters**



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DATE: August 6, 2018
TO: Miguel Márquez, Chief Operating Officer
FROM: Shannon Bushey, Registrar of Voters
SUBJECT: Response to Santa Clara County Civil Grand Jury Report: *Taxpayer-Funded Automatic Election Recounts: A Solution Looking for a Problem*

The Santa Clara County Civil Grand Jury's Final Report: *Taxpayer-Funded Automatic Election Recounts: A Solution Looking for a Problem*, contained Findings and Recommendations. The Registrar of Voters responses to the Findings and Recommendations are as follows:

Finding 1

There were no tangible benefits from the 2016 recounts because no outcomes were changed. The potential intangible benefits, comfort in not finding evidence of errors, can be far more cost-effectively accomplished by well-known other means.

Finding 2

The June 2016 pilot did not provide an adequate basis for the County to extend the recount pilot to the November 2016 General Election. The recount was conducted after certification when there was adequate staff, time and physical space. By being forced to complete any full manual recounts prior to certification, there was insufficient time, staff and physical space to complete any of the manual recounts.

Finding 4a

The County's use of a 0.5% (one-half of 1 percent) or 25-vote threshold should have been based on empirical evidence or statistical analysis of prior election results.

Finding 4b

The County's use of a 0.25% (one-quarter of 1 percent) threshold should have been based on empirical evidence from the 2016 elections.

Registrar of Voters' Response to Findings 1, 2, 4a, and 4b:

The Registrar of Voters can neither agree nor disagree with these findings. Automatic recounts are conducted pursuant to a Board of Supervisors' policy. This is a policy decision for the Board of Supervisors.

Adopted: 08/28/2018

Recommendation 1a:

The County should eliminate its automatic recounts policy and remove Section 3.63 from its policy manual before the November 2018 election.

Recommendation 1b:

If the County rejects Recommendation 1a, then the County should explore whether it can adopt a form of risk-limiting audit for each automatic recount and approve the lease of state certified equipment, physical space, as well as hiring and training of additional staff necessary to complete any recounts prior to certification.

Recommendation 1c:

Pending passage of AB 2125, the County should request authorization from the SOS to adopt a risk-limiting audit in place of the state mandated 1% sample of precincts audit, beginning with the March 3, 2020 statewide primary election.

Recommendation 1d:

Upon implementation of a risk-limiting audit, the automatic recount policy should be ended if it has not been canceled previously.

Recommendation 4:

If the County rejects Recommendation 1a, then the County should, by June 30, 2019, complete an analysis of thresholds, both percentage and vote count, so that the selection of triggers is based on statistically defensible evidence.

Registrar of Voters' Response to Recommendations 1a, 1b, 1c, 1d, and 4:

Automatic recounts are conducted pursuant to a Board of Supervisors' policy. The Registrar of Voters will implement whichever recount policy is enacted by the Board of Supervisors.