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Memorandum Date: January 20, 2008  
Order Date: February 4, 2009

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TO: Board of County Commissioners  
DEPARTMENT: Management Services  
PRESENTED BY: Annette K. Newingham, Chief Deputy County Clerk  
AGENDA ITEM TITLE: Report Back – November 4, 2008 General Election

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## I. DISCUSSION

Long term planning and preparation are critical to the successful conduct of any election, and are paramount when dealing with the magnitude of a presidential election. There are many functions that happen sequentially and, at times, concurrently, adding complexity to an already intricate process.

Election laws are the foundation of all the processes, dictating the confines in which all elections officials need to operate. Internal processes are adapted to meet such statutory requirements, taking into consideration all other local factors such as voter registration, participation, ballot returns, and the unique situations that develop within every election.

Lane County Elections started well before the primary election, recruiting and training large numbers of extra help staff for voter registration, customer service, ballot reception, signature verification, ballot pre-inspection, enhancement and duplication, ballot counting, and other tasks, working in sync to ensure an efficient and well-run election.

Prior to every election, all the varied tasks and procedures are carefully reviewed to apply any select changes, taking into consideration previous post-election reviews. While every election is somewhat unique, presidential elections are the most complex and demanding.

The November 2008 election produced a record voter registration (210,911), and Lane County had the highest turnout of the four major county election offices in Oregon (87.7%); higher, even, than the overall state turnout of 85.7%.

## **II. BACKGROUND/ANALYSIS**

The November 2008 general election ran smoothly in the majority of its key processes. In order to accomplish this, Elections staff proactively:

- Recruited and trained 78 new extra help staff to fill the 216 extra help positions covering voter registration, front office customer service, ballot preparation, ballot reception, signature verification, pre-inspection, ballot counting, and other required tasks;
- Developed a detailed ballot pickup schedule to prepare us for the 80% of ballots returned through the drop sites;
- Issued frequent public press releases, complemented by full use of the Elections website to inform and notify both the public and media of election updates, processes, and deadlines. This year we developed a "Tip of the Day" that was included on the county website, in the Register Guard, and on some local TV stations, running for the entire month of October through Election Day;
- Updated and reviewed all ballot processing procedures to ensure a systematic and accurate ballot count;
- Collaborated with the State Elections Division to ensure full signature viewing training was provided to all full time and extra help staff, and reviewed every ballot signature against the current voter registration card signature for every ballot returned;
- Scheduled various shifts to meet the challenges of staff having to work long hours on Election Day.

As with every election, there are always unexpected challenges to overcome and lessons learned. The following details those issues:

### **Length of Ballot/Increased Postage**

The combination of filed contests, candidates, and measures increased the ballot length to 16.8 inches for the first time since the current software was implemented. As past experience demonstrated, any time the ballot length exceeds 15 inches, the postage will increase.

The length of the ballot is dictated by the number of contests, candidates and measures filed. Although the Sequoia ballot, from Lane County's vendor Sequoia Voting Systems, is heavier than the Election Systems & Software ballot used by Washington County, Clackamas County, Multnomah County, and others, Lane County's print costs are substantially less. In comparison, Lane County's ballots cost \$50,000 to print (.19 per ballot printed), whereas Multnomah County's ballots cost \$234,000 to print (.47 per ballot printed). As always, there are many factors to consider when determining advantages and disadvantages.

Following a report to the Board of County Commissioners (BCC) on October 22, 2008, it was agreed that Lane County would cover any insufficient postage over one ounce

to ensure all voted ballots would be delivered to the Elections office without any potential delay. I am pleased to report that no ballot was returned to any Lane County voter for insufficient postage.

## **Slow Ballot Counting**

### Length of Ballot

Multnomah County had a 17" ballot for the November Election and also experienced slower ballot counting. Washington County previously experienced slower ballot counting in 2006 due to a longer ballot. A combination of ballot length-related factors contributes to slower ballot counting.

This was the first election that Lane County Elections experienced such slow ballot counting. After a careful review of all countywide elections since 2004, and discussions with other county clerks and Lane County's ballot count vendor, several key issues were determined to contribute to slower ballot count. (See spreadsheet for election comparisons.)

### Number of Ballot Batches

After the November 2007 Special Election, an internal audit was conducted to review what worked well and what might be changed to improve the ballot counting audit process. Revisions were made to better enable Elections staff to go backwards for disaster recovery, reconciliation and audit purposes.

Although those changes proved valuable for disaster recovery, reconciliation, and audit purposes, they also resulted in increased numbers of ballot batches, contributing to slower ballot counting.

An amended process will be implemented for future elections to reduce the overall number of ballot batches, yet not compromise the critical audit trail enabling election staff to go backwards when necessary.

### Ballot Software Failure Election Night

Lane County Elections experienced a software failure at 3:30pm on Election Day. All five ballot scanners were locked up, and the entire system had to be rebooted. Due to the failure, the ballot count had to be restored to the last backup of 2:30pm. As the result of preparedness for such an event by IS ballot count staff, and the ballot batch audit trail, staff were able to determine exactly which ballots needed to be recounted from the point of recovery. While successful, this event stopped ballot counting entirely for 2-½ hours, and required an additional hour recounting ballots from the 2:30pm recovery time. This event contributed to slower ballot count.

Although this was a software failure, power outages could create the same situation. Jackson County did have a power outage on Election Day, but had generators to continue ballot counting. Lane County Elections has only oversize batteries that allow the completion of a batch on the ballot scanner itself, but we do not have the large generators that could support the electrical needs of the Elections building.

### Duplicated and Enhanced Ballots

With high voter participation and a large number of contests, there are increased numbers of voted ballots not properly completed according to ballot instructions. All ballots are pre-inspected by election boards of opposite party affiliation to determine whether ballots should be counted, rejected, or duplicated. The object of ballot inspection is to ensure ballots are machine-readable and that every vote will be recorded accurately following the Oregon Vote by Mail Procedures manual.

Pre-inspection teams do not necessarily catch every mark preventing ballots from being rejected through the ballot scanners. The higher the number of ballots rejected by the ballot scanners and sent back to the pre-inspection teams, the slower the process.

In major elections, additional teams will be assigned to manually process problem ballots as current space allows. It is always our intent to resolve such ballots as quickly as possible, while ensuring that the processing of voters' ballots maintains a high level of accuracy. That process can continue after Election Day depending on the numbers encountered.

## **III. SUMMARY/RECOMMENDATIONS**

Ballot length is determined by the contests, candidates and measures filed for each election, so longer ballots are likely to occur again. Elections staff will continue to do all they can to keep contests and measures on the front of the ballot when possible, and to keep the ballot as short as possible without compromising other critical elements in designing the ballot. When longer ballots are required, the least expensive option is to pay any difference in postage over one ounce until other legislation is passed.

Slow ballot counting requires a multi-level approach including a smaller number of ballot batches, more enhancement/duplication teams as space allows, as well as adding additional ballot counting shifts starting earlier on Election Day for large elections. That multi-level approach would help reduce the slower ballot count.

To provide further flexibility would require one or both of the following options:

**Option 1:** Revise Oregon statutes to allow the processing of ballots through the ballot scanners in advance of Election Day to timely identify and process problem ballots. California and Colorado have similar state statutes.

**Option 2:** Purchase additional ballot scanners. The cost is \$100,000 to \$125,000 each, plus the additional costs for maintenance. There currently isn't adequate space in the ballot counting room to add another ballot scanner, so there also would be associated remodeling expenses.

Oregon Law requires election certification by the 20<sup>th</sup> day following the election. Elections staff continue to process ballots with signature issues, provisional ballots, ballots from other counties, and ballot resolution through the duplication/enhancement process in the days following the election and prior to certification.

Some processes are slower due to the manual requirements dictated by statutes and administrative rules, yet those steps also help provide a valuable audit trail to ensure credibility in the overall conduct of elections. It is always the goal of Elections staff to provide timely election results, while maintaining the necessary steps to ensure accuracy.

**Attachments:**

1. Board Order No. 08-10-22-11
2. Spreadsheet: Election Variables Countywide Elections 2004 – 2008

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS  
OF LANE COUNTY, OREGON

ORDER NO.

08-10-22-11

) ORDER AUTHORIZING THE COUNTY  
) ADMINISTRATOR TO CONFER WITH  
) THE US POSTAL SERVICE TO ENSURE  
) ALL BALLOTS FOR THE NOVEMBER  
) 2008 ELECTION ARE DELIEVERED TO  
COUNTY ELECTIONS

WHEREAS, the November 2008 ballot contains numerous local, state and federal ballot titles and elections to office of great significance to the citizens of Lane County;

WHEREAS, in a democratic society, the right to vote is one of the most important rights of the citizens;

WHEREAS, the sheer number of ballot titles and positions up for election on the November 2008 Lane County ballot created a situation where the ballot, when enclosed in the security envelope and then exterior envelope, exceeds the weight allowed for standard postage;

WHEREAS, there has been concern raised by citizens and elected officials that ballots which do not have additional postage will be returned to the voters and may not be counted;

WHEREAS, the Lane County Board of Commissioners wishes to ensure that each and every ballot received is counted;

Now, therefore, the Board of County Commissioners authorizes the County Administrator to confer with the US Postal Service to ensure that no ballots will be returned to voters for inadequate postage.

IT IS SO ORDERED.

DATED this 22nd day of October, 2008.

  
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Chair, Lane County Board of  
Commissioners

APPROVED AS TO FORM  
Date 10/22/08 211  
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OFFICE OF LEGAL COUNSEL

Average											
nt	# Counters	#Counter	Ballots	Registered	Ballots		Mail	Return	Ballot Return	% Returned	
nal	Used	Batches	Per Batch	Voters	Cast	Turnout	Back	Drop Sites	Election Day	Election Day	
ght	4	436	203	177,026	88,486	49.98%	39%	61%	26,457	30%	
AM	5	1132	166	206,394	187,388	90.80%	34%	66%	28,927	15%	
PM	2	267	153	193,738	40,925	21.12%	48%	52%	7,991	20%	
AM	3	452	160	192,508	72,471	37.65%	41%	59%	19,518	27%	
AM	5	881	161	190,716	141,778	74.34%	32%	68%	36,668	26%	
ght	3	534	160	191,113	85,205	44.58%	40%	60%	19,159	22%	
ght	4	619	190	189,547	117,696	62.09%	57%	43%	24,260	21%	
AM	4	1638	76	194,720	124,443	60.25%	29%	71%	31,249	25%	
urs	5	2525	73	210,911	184,881	87.66%	20%	80%	33,661	18%	
	4	943	149	194,075	115,919	59%	38%	62%	25,321	23%	

## Election Variables Countywide Elections 2004 thru 2008

Electon Date	Type Election	Ballot Length	Contests	Measures	Front	Back	Duplicated Ballots	Election Day	
								Ballot Count Start Time	Ballot Count Unofficial
May 18, 2004	Primary	16	58+ PCP's	1	Yes	No	690	9:00 AM	12:00 m
November 2, 2004	General/P	15.9	72	24	Yes	Yes	4,376	8:00 AM	1:
May 17, 2005	Special	14.9	201	3	Yes	No	455	11:00 AM	11:
May 16, 2006	Primary	14.8	54+PCP's	3	Yes	No	1,160	11:30 AM	1:
November 7, 2006	General	14.6	65	28	Yes	Yes	11,250	8:00 AM	3:
May 15, 2007	Special	14.9	200	2	Yes	No	702	10:00 AM	12:00 m
November 6, 2007	Special	14.6	0	7	Yes	Yes	0	10:00 AM	12:00 m
May 20, 2008	Primary	14.7	56	5	Yes	Yes	2,382	9:30 AM	2:
November 8, 2008	General/P	16.8	69	25	Yes	Yes	11,016	8:00 AM	6:00 pm
AVERAGE		15	74	11			3,559		