

# SAFE AND SECURE?

*A New Look at the Yolo County Elections Office*

**A Report by the 2022-23 Yolo County Grand Jury**



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*“Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country”.*

-Franklin D. Roosevelt

## **SUMMARY**

A free and fair election system is the cornerstone of American democracy. Trust and confidence in the integrity of regular elections must be maintained. Bearing this in mind, the 2022-23 Yolo County Grand Jury (Grand Jury) investigated the operation of the Yolo County Elections Office (Elections Office) during the 2022 mid-term election period.

This report responds to a citizen complaint received this year raising concerns about election integrity in Yolo County. Some county citizens are concerned that election fraud alleged in other jurisdictions in California and other states might be present in Yolo County. The Grand Jury also reviewed the Elections Office’s response to the 2021-22 Grand Jury’s recommendation to make its emergency response plan accessible to the public.

The Grand Jury found that the Elections Office voter outreach and ballot processing procedures went over and above merely complying with California election laws and procedures. The Elections Office encourages and facilitates participation of election observers, and offers training for them, unlike the practice of some counties and states where election fraud has been reported. The Elections Office complies with California state election law and procedures.

Some possible vulnerabilities, such as possible registration by non-citizens, improper maintenance of voter rolls and misdirected mail ballots, are difficult to discover, measure, or prevent. These risks are known to the Elections Office and to the California Secretary of State (SOS) and are discussed below. The Grand Jury found there are workplace safety issues for Elections Office staff and poll workers, including ergonomic issues.

In its 2021-22 report, the Grand Jury recommended the creation and publication of an emergency response plan to provide guidance should the election process be disrupted. The current grand jury has reviewed the *Yolo County Procedures and Guidelines for Voting in a State of Emergency or Natural Disaster* (Emergency Response Plan) published by the Elections Office on its website on November 8, 2022. This review indicates that the plan includes acceptable emergency response elements including the scope and application, alarm system effectiveness, evacuation, and training required under California Code of Regulations, Title 8, Section 3220, [Emergency Response Plan](#) (1).

## TERMINOLOGY

**ACE:** Assessor/Clerk-Recorder/Elections department in Yolo County. The ACE mission statement (2) is “To serve Yolo County residents with integrity and pride through accessible, fair, and transparent property assessments, records management, and election services.” Jesse Salinas became ACE administrator for Yolo County in 2016 and was elected Registrar of Voters in 2022.

**Election Integrity:** The extent to which an election process is accurate, verifiable, and defensible, which is the basis of public trust in the voting system.

**Election Security:** The extent to which the means to attain election integrity, including effective laws and procedures, are accurately determined and correctly enforced.

**Ergonomics:** An applied science concerned with designing and arranging the workplace so that workers interact most efficiently and safely. The Occupational Health and Safety Administration (OSHA) further defines ergonomics as “fitting a job to a person” (OSHA Ergonomics) (3).

**MSD:** Musculo-skeletal Disorders (4) are muscular, skeletal, and connective tissue injuries and disorders caused by bending, climbing, crawling, reaching, or twisting. Examples of MSDs include sprains, tears, back pain, carpal tunnel syndrome, and hernias. MSDs do not include sudden injuries caused by slips, trips, falls, or similar incidents.

**Poll Worker:** Lawinsider.com defines poll worker as a person (5) assigned by an election official to assist with an election, voting, or counting votes. Poll workers in Yolo County are temporary paid employees assigned to work under the guidance of Elections Office staff before, during, and after an election.

**Source Code:** A human-readable listing of commands compiled or assembled into executable computer program machine language. Voting equipment machines use proprietary software including source code that is tested and approved by the California SOS.

**Voting Equipment:** Hardware and software used to print, tabulate, and process ballots. Yolo County voting equipment includes Hart, Agilis, Canon, and OPEX machines, which have been approved by the California SOS.

**Workplace Safety:** Lawinsider.com defines workplace safety (6) as “those conditions related to physical health and safety of employees enforceable under federal or state law, or District rule

related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment and training”. This includes measures to protect against workplace violence.

## **BACKGROUND**

Since the presidential election of 2000, Americans nationwide have been concerned about election integrity. This is due in part to the fact that the rules for elections vary by state, and administration varies by county, as allowed by the Constitution. As a result, questions about election integrity are often local in nature.

Nationally, opinions questioning the legitimacy of the November 2020 Presidential election official results have persisted since the election. The possible causes of such opinions about election integrity are addressed below.

Nationally as well, threats of violence and intimidation against elections officials and workers have risen since the 2020 general election. In July of 2021, the Department of Justice launched a [task force](#) (7) to identify risks and take action against those making the threats. Since that election, there have been numerous [published reports](#) (8) of threats against election workers in at least seven states. In 2021, the Brennan Center for Justice reported on its poll of elections officials from across the United States. [The poll](#) (9), taken in April 2021, found that “one in three local election officials are concerned about facing harassment or pressure while on the job.” Fortunately, no threats have been reported against election officials or workers in Yolo County. To verify that Elections Office staff and poll workers are prepared should threats occur in the future, the Grand Jury reviewed existing policies and training efforts for recommended responses to violence.

Other national concerns have to do with voter registration, ballot handling, and reporting of election results. Suspicions about voting machines and software vulnerability have been voiced in reports and observations from concerned citizens. During interviews, the Grand Jury found that the Elections Office has been the subject of scrutiny from residents who are concerned about election fraud alleged in other counties in California and in other states. No evidence of election fraud was presented by those interviewed.

The 2019-20 Grand Jury examined the Elections Office and reported that its procedures were generally acceptable. Since then, Yolo County has fully adopted measures of the 2016 [Voters Choice Act](#) (10), which replaces precinct voting with “vote center” voting. These measures were in effect in the 2022 mid-term election. The Grand Jury noted that, since 2010, the Elections

Office has upgraded voting equipment to current technology, including servers, software, tabulation equipment, and secure communications devices.

## **APPROACH**

The Grand Jury researched many aspects of the election process. Grand Jurors joined other election observers to review voting equipment, ballot processing, and election security procedures. Besides election integrity and security issues, the Grand Jury also looked into Elections Office voter outreach, voter satisfaction, and worker safety. A Grand Jury committee reviewed documents and other information available both online and gathered from Elections Office staff. It toured the Elections Office, observed actual ballot processing and tabulation, visited a mobile and a regular vote center, and interviewed county staff, special subject matter experts, a poll worker, and members of the general public.

## **DISCUSSION**

In part because of the complaint received and in part because of ongoing controversy about election processes surrounding recent elections, the Grand Jury investigated whether or how much those concerns – national and state-wide – could be found in Yolo County. To provide context, the Grand Jury identified the most common allegations or concerns. Where appropriate, they discussed how or whether those concerns are reflected in Yolo County's election processes. This also provided the Grand Jury with an opportunity to dig deeper into Election Office operations and provide more extensive detail about those operations than past grand jury reports.

### **Election Integrity**

Trust in free and fair elections is fundamental to democracy. Our elections should be free and secure for eligible voters. Voters should have free access to pertinent information on election issues prior to voting. Voters should feel secure about the results afterwards.

### **National and State Concerns**

Nationally, election integrity and security have been major topics of interest since the 2000 Presidential election. The issue of election integrity is bipartisan. In 2005, a [bipartisan commission](#) (11) co-chaired by former President Carter and former Republican Secretary of State James Baker wrote a paper addressing the distrust in election security arising from the 2000 and 2004 elections. Despite such bipartisan efforts, concern over election irregularities has continued to grow. Some Democrats believe that the 2016 election was improperly influenced, and some Republicans believe the 2020 election was stolen. This interest has heightened since the 2016 presidential election, and there has been recurrent talk of improper methods.

In California, an example of a compromised voting process occurred in 2022 in the City of Compton. The city council election was overturned due to fraud, according to the Los Angeles Times (12): “After a contentious primary, [candidates] Galvan and Spicer advanced to a runoff in June 2021, which Galvan won, 855 to 854. With the four illegal ballots disqualified, a Court ruled that Spicer was the rightful winner of the election by a tally of 854 to 851.”

With the national discussion in mind, the grand jury is focusing mainly on Yolo County election vulnerability -- whether election irregularities did occur *or could occur* here.

### **Yolo County Concerns**

Considering online research into controversial claims that lapses in election integrity could have changed the outcome of local, state, or national elections, the Grand Jury identified five concerns and investigated whether they related to Yolo County operations. Sources for those concerns are noted below.

1. Voter suppression or intimidation: The Grand Jury did not see any evidence of voter suppression or intimidation in Yolo County (alleged in Georgia and Arizona).
2. Registration and list maintenance: California, and in particular Yolo County, has an unusually large number of registered voters compared to its number of voting-age citizens. California does not require voters to show identification at the time they vote and does not appear to have any procedures in place to challenge voters' citizenship status. The Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws, had done anything improper.
3. Elections Office procedures: The Grand Jury observed Elections Office chain of custody and ballot signature verification protocols and saw no evidence of anything improper in their procedures.
4. Vote-by-mail and vote drop boxes: The Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws about vote-by-mail and drop boxes, had done anything improper.
5. Voting machine integrity: Yolo County uses Hart, not Dominion, voting equipment, and the election staff are satisfied with its performance. While Hart software is proprietary and its software is not subject to review by outside experts, the Grand Jury did not see any evidence that the Elections Office, in complying with state procedures and laws about voting machines, had done anything improper.

### **Noncitizen Voting**

The United States has more immigrants (13) than any other country in the world; more than 40 million people living in the U.S. were born in another country. In 2018, non-citizens comprised about 23.5 million of the 332 million U.S. population (14), of which an estimated 10-11 million are “unauthorized immigrants.” (15) California has the highest percentage of immigrants among the states. The presence of so many immigrants has fueled suspicions about vote patterns in immigrant-heavy states. However, when the Brennan Center interviewed election officers in 2016, it concluded that non-citizen voting was very rare. It found that “multiple nationwide studies have uncovered only a handful of incidents of non- citizens voting. Based on state prosecution records, votes by non-citizens account for less than 0.001 percent of all votes cast.”

Nationally, election officials agree that there is no serious problem of non-citizen voting in our elections. The National Association of Secretaries of State, whose Republican-majority membership includes the chief elections officers of 40 states (16), said they “are not aware of any evidence that supports the voter fraud claims....”

California is a sanctuary state and is more supportive of undocumented non-citizens than most states. In 2016, the voters in the City and County of San Francisco voted to allow non-citizen voting (17) for school board elections only, although this measure is pending in the state courts.

### **Voting by Mail**

In 2020, voting by mail was encouraged nationally as an emergency response to the COVID-19 pandemic. In California, the mandate for all registered voters to receive ballots with pre-paid postage return envelopes may have been responsible for a slight increase in voting numbers, although a trend was already apparent.

The California SOS’s Rumor Control web page (18) says: “Fact: Mail in ballots provide more security to elections, not less. Elections officials use protocols to verify the eligibility and identity of the voter prior to sending the vote by mail ballot. When the ballot is returned, elections officials will verify the voter’s identity through signature verification. If the elections official determines that the voter's signature does not match, the identification envelope will not be opened, and the ballot will not be counted until the identification of the voter is confirmed. If a voter loses, fails to receive, or makes a mistake on their ballot, they can request another vote by mail ballot from their county elections official or go to a polling place to receive a replacement ballot.”

### **Voter Registration**

Nationally, voter registration procedures can be a subject of heated discussion. There have been many changes throughout America’s history as to who may vote, and some regional differences remain. Today, rules for voting eligibility vary from state to state and among local jurisdictions. Registration is necessary everywhere before voting. Following are the ways that citizens may register to vote in Yolo County.

*Registration Process:* Prospective voters in Yolo County can apply for registration by one of three methods: paper forms, online and through personal assistance at the Elections Office and vote centers. The paper registration form in Yolo County is one-sided, 8.5” x 17” and can be mailed in with pre-paid postage. Entry fields are numbered, and the first one requires the applicant to state whether they are a U.S. citizen. Another field asks for a driver’s license number or Social Security number. A required signature at the bottom affirms that the applicant is “a U.S. citizen and at least 16 years old.”<sup>1</sup> See Appendix A for a sample paper voter registration form.

Paper registration forms are available at the Elections Office in Woodland and at many other locations, such as the Department of Motor Vehicles (DMV), post offices, libraries and city offices. Voter registration forms are commonly submitted at the DMV, the Elections Office, vote centers, and by mail. All are processed when received by Elections Office staff.

Up to the day of the election, registration applications are accepted at vote centers. An applicant who submits such a form is allowed to fill out a paper ballot, but the ballots are considered “provisional” and are not counted unless the application is processed and accepted as valid and completed by the Elections Office.

The online registration form (19) at the Elections Office web site, [yoloelections.org](http://yoloelections.org), requests data similar to the paper form. It differs from the paper form in that, in order to progress through the process, an initial positive affirmation of citizenship is required. Failure to take this step results in an incomplete application and no online acceptance. Since in both cases (paper and online) a declaration of citizenship is required, an incomplete voter application should not be processed for a non-citizen.

Questions may arise from the public about mistakes made but there is no documentation that incomplete applications have resulted in improper registrations or illegal voting in Yolo County.

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<sup>1</sup> Preregistration can begin at 16 years old. Voting cannot begin until age 18.



However, it can be difficult to verify that no mistakes were made. Elections Office receives the registration database from the SOS.

Misunderstandings about how to register correctly could occur at vote centers such as the one at the University of California, Davis (UC Davis). Students arriving there to vote in a national or state election must appear on voter rolls or register on a provisional basis to receive a ballot. If they additionally show proof of Yolo County residency, they may receive a local ballot appropriate for their local address. If registering for the first time, they must attest to their U.S. citizenship as others must do. Provisional ballots from UC Davis will be counted only if eligibility is verified later by the Elections Office.

*Motor/Voter:* The National Voter Registration Act (NVRA) (20) was passed in 1993 and “requires states to provide the opportunity to apply to register to vote for federal elections. Section 5 of the Act requires states to provide individuals with the opportunity to register to vote at the same time that they apply for a driver's license or seek to renew a driver's license and requires the State to forward the completed application to the appropriate state or local election official.” Its California counterpart, AB60 or the “Motor Voter Law” (21), provides rules for its use in Yolo County.

Local DMV offices have Yolo County voter registration forms available and offer them to customers. The DMV collects completed forms and forwards them to the Yolo Elections Office. Voter registration is not “automatic” but the opportunity to fill out a form is. It is possible that some customers do not understand that the form must be filled out completely to be processed by the Elections Office.

### ***Voting Equipment and Vote Processing***

The Grand Jury observed voting procedures at a county vote center and the mobile vote center and interviewed a vote center supervisor. At a vote center, ballots can be printed for every voter according to their precinct. In-person voters must sign their names to get a ballot. An “e-pollbook” at each location holds statewide voter information and is used to verify eligibility on the spot and to determine if a ballot has already been cast by that voter. (21) An unregistered voter may cast a provisional ballot and apply to register at the vote center. Address changes may be handled at the vote center and new voter information may result in the voter receiving a ballot for a new precinct according to their new address. Paper ballots are printed using a [Hart Verity](#) (22) machine as directed by the e-pollbook. At a vote center, ballots are marked with a pen and not by a voting machine; the product of in-person voting is a paper ballot, placed by the voter in a secure box.

All equipment and software used in Yolo County is tested and approved by the California SOS and is obtained through that state office. Prior to each election, the latest secure software package is provided by the state to the county. Its installation on County servers is tightly controlled and checked by a “checksum” process, a file-size verification routine, and a receipt is provided. No one at a county level is allowed to access the source code at any time, including when it is installed using a controlled process.

Until recently, Yolo County used voting equipment purchased in 2002 that operated on a Windows 2000 platform. The Elections Office obtained funding in 2020 from the Board of Supervisors and has modernized all equipment, which is now considered state of the art. The Elections Office will need funding in coming years for upgrades on a five-year cycle, the same as with other Yolo County offices.

During the election period, ballots arrive at the Elections Office in Woodland by various means. Most arrive in envelopes from the post office or from drop boxes. Others arrive from vote centers in sealed ballot boxes (some in envelopes). In-person voting in the 2022 midterm election was under 15% of the total, much less common than it used to be, per the Yolo County Elections website.

When envelopes with ballots arrive at the Elections Office, they go through a detailed sorting and verification process. Envelopes containing ballots first go through an automatic signature verification (ASV) process before they are opened. Signatures on the envelopes are compared to verified signatures from accepted registration forms using dedicated software running on desktop servers. This software stores all signatures from past voting years and allows for evaluation by Elections Office staff when a match is not perfect. This verification system is set currently to “90% discrimination” which means that the scanned signature must be a 90% match with the ones on file or else it goes to a human for resolution. At the Elections Office, only 22% of submitted signatures are accepted by the software and 78% are evaluated by certified workers. When accepted, the submitted signature is stored on the system as well and added to the database for future comparison use. This ASV system is “air-gapped” (not connected to the internet). When a signature is not found on the envelope, elections staff attempts to contact the voter to resolve the situation.

If a signature does not match or no valid signature can be obtained, the envelope is not opened, and the ballot is not counted. The ASV software also verifies voter eligibility by checking the frequently updated state database that shows who has died (data from the Yolo County Coroner’s Office) and who has moved away (data from the U.S. Postal Service). If a voter, such as a UC Davis student for example, has moved away but has not notified the USPS of

the fact, a ballot could still be mailed out to the address on file. The Post Office will not forward such ballots and will return them to the Elections Office if delivery is refused. It is possible for mailed ballots to be delivered and not returned. If a person were to return another person's ballot, it would have to bear the mailed voter's signature and be verified at the Elections Office for votes to count. A voter may track the status of a ballot mailed back using a web link on the ballot.

In 2022, it was found that 110 Yolo County voters were mailed incorrect ballots (23). Per the Woodland Daily Democrat (October 18, 2022), for 90% of these individuals, the error occurred due to a recently changed street name on the UC Davis campus that did not get updated in the voter database system before mailing. Once resolved, the voters who were still residents were issued new ballots and all incorrect ballots were canceled. The Elections Office met with the Post Office and UC Davis to set new noticing rules.

Ballot envelopes are sorted by an Agilis machine which groups them by precinct and condition. The resulting groups of envelopes are kept separate up to the time that they are opened on an OPEX machine operated by two workers. After this point, the envelopes bearing unique bar codes are stored and the removed ballots, separated from identifying information, become anonymous.

The now-anonymous paper ballots are scanned in batches on a Canon desktop device. The scanned images are then read by Hart software running on a server that is not connected to the internet. The software can detect problems with individual ballots such as unclear voter marks or votes with unclear intent (such as a vote for both candidates). Images of the problem fields are shown on a computer screen to a trained and certified human, who tries to resolve the conflict. Errant votes with no clear intent are not counted. Following this, the software tabulates the votes to be certified. Machines and software in this process are checked before each election with logic and accuracy tests.

### ***Voting Equipment Software***

The California SOS says (24), "California conducts source code review and evaluation, hardware and software security penetration testing, open ended vulnerability testing, operational testing to validate system performance and functioning under normal and abnormal conditions and more, to identify any vulnerabilities and have our voting systems resolve or mitigate them". The SOS alone has the power to review the voting machine vendor's propriety software and to allow counties to purchase it. When more than one vendor is approved, the counties can choose which one they want. The SOS's software certification process is thorough and can take up to two years. The public is not permitted access to the source code.

Yolo County administrators stated that voting equipment and tabulators are not connected to the internet, and do not have modems or hardware in them that could be remotely "activated." Vendors and county officials follow strict physical security and chain of custody requirements for all voting technology software, firmware and hardware that meet or exceed federal guidance including that of the Justice Department, the Cybersecurity and Infrastructure Security Agency (CISA) and the Election Assistance Commission.

Every county must validate, before every election, that the voting system is identical to the SOS-supplied "trusted build" by reinstalling the "trusted build" or utilizing the SOS's trusted build cryptographic HASH (essentially a digital fingerprint of the software and firmware) to ensure it matches the approved version and has not been modified. For a comprehensive article about California's voting system security standards, please visit the SOS's [statement](#). (25)

### ***Drop Boxes***

[California Code of Regulation, title 2 section 20135\(e\)](#) (26) states, "[i]f feasible, drop boxes shall be monitored by a video security surveillance system, or an internal camera that can capture digital images and/or video. A video security surveillance system can include existing systems on county, city, or private buildings". Drop boxes are under heavy safeguards to protect ballots returned by voters. The typical drop box is made of steel, is bolted to the ground and is equipped with additional security features such as tamper-evident seals, minimal ballot insertion size, locks, and water/fireproof materials. Election officials will often place the drop box in a public location that already has 24-hour video surveillance.

The SOS does not require county election offices to have cameras located at ballot drop boxes because it understands that many elections offices lack the infrastructure or financial resources to be able to do so. There also is concern that forcing locations, such as local grocery stores, to add cameras for ballot boxes in addition to their normal security efforts could result in them backing out of such arrangements, which would limit where voters could safely and conveniently return vote-by-mail ballots. Some people might take exception to a proliferation of cameras, for privacy reasons. The state formula for the number of drop boxes is one per 15,000 registered voters, but Yolo County provides a higher number, located both inside businesses and outdoors.

### ***Training for Election Security***

Election integrity requires trust that those performing election processes, such as registering voters and using voting equipment, are properly trained. Elections Office staff rely on the Secretary of State's office to evaluate the trustworthiness of Hart software, as required under

current law, and its senior Elections Office staff bring to their positions extensive training and experience. Training includes staff who have become Registered Election officials per the California Association of Clerks and Election Offices, who have completed the Certified Election Registration Administrators program, have been certified by the National Election Center Organization, certified as a California Professional Elections Administrator Credential Program (CalPEAC), or have taken cybersecurity training from the Cybersecurity Information Security Agency (CISA). Currently, all but two regular Elections Office staff are CalPEAC certified; the two remaining staff members are relatively new. Some Yolo County staff also have previous experience working in election offices in other counties including Solano, San Mateo and San Joaquin.

Elections Office staff are informed of changes or clarifications in elections operations, laws and policies through notices from, or attending meetings or conferences by, the SOS's office or the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) under the [Center for Internet Security](#) (27), a nonprofit organization formed in 2000. During election periods, weekly calls with SOS staff include all counties in California.

Vote recounts may be called for in some cases. Now that ballots have more localized variations due to state law, machine recounts are necessary, using trusted equipment. The Elections Office says that it is not possible to complete a hand recount of 90,000 or so ballots in the short time allowed for vote certification after an election.

### ***Voter and Observer Outreach***

Significant changes to voter registration and the voting process have been made over the past several years. Many states have now [passed laws](#) (28) that change identification requirements when registering to vote and when and how voting can take place. There also have been [reports](#) (29) of potential voter intimidation at the polls in several states. Concerns about possible voter [intimidation](#) (30) also arose in California during the November 2022 election.

The Elections Office works hard to communicate with potential and current voters to encourage them to register and vote, as well as with observers to understand and witness the many processes related to voting. Below is information about the Office's recent outreach efforts to voters as well as how staff works with residents interested in observing the voting process.

*Voter Outreach:* The Elections Office has been assertive in its efforts to reach prospective and actual voters in the County. Its outreach goals center around the need to educate, encourage and engage eligible individuals who historically have low participation turnout in the voting and decision-making process, such as young voters, language minority groups and individuals

impacted by the legal system. A main goal of the office is to make official voter information more accessible using diverse outlets. Some outreach efforts to encourage voter registration and voting include:

- Use of technology to make information available to voters. The Elections Office [website](#) (31) allows visitors to research a wide range of information on diverse topics, with tabs entitled Election Returns, Election Services, Voter Registration, Get Involved, Candidate Services, Voter’s Choice Act, My Elected Officials, and News & Publications (which includes press releases and direct links to social media accounts). Its use of cutting-edge technology won it a 2019 [Clearie Award](#) (32) from the U.S. Elections Assistance Commission for its use of geographic information systems (GIS) and mapping, along with a new poll worker app, to streamline election night reporting and improve voter participation. GIS technology also allowed staff to create surveys to learn more about voter experiences and preferences. Elections Office staff have used mail, email, texts, and postcards to send election information to Yolo County residents.
- Use of an outreach specialist in the ACE department for myriad projects, such as one project with the Probation department to help current and former incarcerated persons know when and how to vote, one working with a media group to draft press releases, and one to provide elections-related information at community events. A sampling of community organizations with which the specialist works includes Gurdwara Sahib Sikh Temple, Yolo County Healthy Aging Alliance, Catholic Charities of Yolo Solano, Yolo County Agriculture Worker Program, Winters Community Corazon, National Alliance on Mental Illness Yolo County, and Esparto Regional Chamber of Commerce.
- Use of social media, including Facebook, YouTube, Twitter, Instagram and TikTok, to provide timely information to online users. More traditional media include: television (KCRA 3, Univision 19, ABC 10, Fox 40, etc.), radio (KDVS, NPR-Capital Public Radio, KFBK, Ethno.fm 87/7 Radio-Russian, etc.) and print (CalMatters, Daily Democrat, Davis Enterprise, Winters Express, West Sacramento News-Ledger, Davis Vanguard, d’Primeramano Magazine, Diaspora Community Newspaper-Russian, Valley Voice).
- Use of the only Mobile Vote Center in Northern California which visited the rural locations of Clarksburg, Dunnigan, Guinda, Knights Landing, Madison, Yolo, and Zamora days before the June and November 2022 elections. The Mobile Vote Center gives residents the choice of either voting in-person or dropping off their completed ballots without having to drive to a vote center in Davis, Esparto, West Sacramento, Winters or Woodland.
- Close work with UC Davis officials to encourage student voter registration and voting. Following the 2020 primary election, UC Davis received [multiple awards](#) (33) for its improvements in student registration and voting in collaboration with the Elections Office.

- Outreach to local groups of voters with special needs. For example, working with the Voter Access Advisory Committee and Language Access Advisory Committee, and holding town hall meetings with groups with limited knowledge of English to provide voter education. The Elections Office also partnered with the Yolo County Public Defender’s Office and Probation Department to conduct voter education and outreach to individuals impacted by the criminal-legal system (34) ahead of the October 24, 2022, deadline to register to vote.
- Partnering with YES!, a national program to empower and encourage youth to say “yes” to leadership roles and civic engagement in their local communities and to conduct an annual Youth Engagement Summit (35). This event was most recently hosted by UC Davis, in April 2022, and attended by almost 50 students from high schools throughout Yolo County. Conducting the YES! event virtually during the COVID pandemic was also recognized by the Center for Tech and Civic Life in its February 24, 2021, discussion (36) entitled “27 Ideas for Encouraging Youth Participation in Elections”. In 2019, Yolo County received the Guardian Award (37) from the National Association of Election Offices for its efforts with the Youth Empowerment Summit. In addition, having vote centers in high schools has allowed students to see voting in action and to ask questions of poll workers or their teachers.
- Conducting voter education and outreach workshops (38), virtually and in multiple languages, in September 2022 in preparation for the November 2022 midterm election.
- Giving presentations and conducting voter registration drives at schools throughout Yolo County, including high schools in Winters, West Sacramento, Woodland, and Davis. Drives at Woodland Community College are held during its Hispanic Heritage Month Celebration.
- Surveying voters about aspects of the voting process. Individuals who dropped by vote centers or the Elections Office during the 2022 election received a business card with a QR code and website address to complete a Voter Survey. Survey questions included: where and how you voted, how a ballot was returned and how long you took to return the ballot, ballot drop off preference, whether you used the Vote by Mail Ballot Tracking system, how easy or difficult it was to vote, and to rate the overall experience. Survey respondents were not asked to provide their name or contact information. The Elections Office has created an Excel spreadsheet noting all the categories and responses by the 177 participants; results will reportedly become available in Summer 2023.

The Elections Office has also supported voter education and registration activities by local chapters of non-profit groups, such as the League of Women Voters and Empower Yolo’s Knights Landing Family Resource Center. The outreach efforts noted above were validated in terms of voter convenience, preference, and concerns when Grand Jury members spoke briefly

with eight voters at both the mobile vote center and a vote center location on election day. The majority came to the site primarily to vote in person (their preference) and chose the location because it was close to their home. All surveyed were very positive about their voting experience, and the majority stated they had no concerns about the voting process.

*Outreach to Observers:* To attract election observers from throughout Yolo County, the Elections Office uses various forms of media (social, print, emails, etc.). In a press release on August 15, 2022, the Elections Office invited “interested members of the public” to observe “a randomized alphabet drawing to determine the order in which state candidates’ name [would] appear on the November 8, 2022, General Election ballot.” On October 3, 2022, the Elections Office sent a press release to local media inviting groups or individuals interested in observing election activities to join an Election Observer Panel training to be held on November 8, 2022. That press release also stated that “anyone may observe our processes without being on the panel.” Those and other press releases can be found on the Elections Office [website](#). (39)

As noted above, several grand jurors attended the November 8 training session, overseen by the Deputy of Elections and the Administrative Services Officer. The training session covered the Election Observer Guide and General Election Prohibitions and information on how vote-by-mail ballots are counted, as well as where to vote in Yolo County, including ballot drop box, vote center and mobile vote center dates and locations.

During its observation of the many election activities in October and November 2022, at no time were Grand Jury members prohibited from asking questions (following prescribed limits so as not to impact election work), prevented from seeing activities (such as ballot sorting and envelope opening) or asked to stand away from an activity (unless standing too close would invade a voter’s privacy or possibly cause injury). When interviewed, subject matter experts attested to both the transparency of observation and not seeing cause for concern, although one complained that observers had to sign in and receive a badge every time they came to observe.

### ***Workplace Physical Safety***

*Threats of Violence:* Yolo County has policies, training and emergency action plans in place to address workplace safety incidents. The County relies primarily on department heads to be proactive in seeking County assistance to identify possible risks to their workplaces or staff. Department heads are then expected to take substantive action, such as implementing and requiring staff training or purchasing equipment. A review of documents, such as the Emergency Response Plan and poll worker training manual, and interviews, showed that there remain myriad risks to elections staff and poll workers.



To better understand physical risks, training and expectations related to worker safety from threats of violence, the Grand Jury interviewed staff and poll workers and reviewed the Elections Office training manual for poll workers. Yolo County policies related to workplace safety were also reviewed. There are many resources available, some online, for assessing different threats (such as active shooter, bomb, etc.), determining best practices and enhancing training. Among these are the federal Cybersecurity and Infrastructure Security Agency's (CISA) Active Shooter Emergency Action Plan Guide and Template, local law enforcement and Yolo County's Human Resources department.

*Threat Awareness:* The Elections Office demonstrated some awareness of potential threats of violence when, during Observer training by Elections Office staff in October 2022, attendees received two documents from the Elections Office as part of the training packet. One document, titled *Election Observers* and printed on October 5, 2022, identified one "Prohibited Activity" as "disrupt[ing] the workplace or anywhere voting is taking place including, but not limited to, intimidation, pushing, shouting/loud vocalizations, cursing, or throwing objects." Another prohibition in the "Intimidation of Voters, Election Interference, and Corruptions of the Voting Process" section stated, "Do not possess or arrange for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions." The second document, entitled "General Rules for Observers/Media at the Yolo County Elections Office, Vote Centers & Ballot Drop Box Locations" (no date given), stated that "Observers may NOT: 1) make physical contact with election personnel or throw objects" and 2) "carry any weapon or firearm, regardless of any concealed carry licenses issued by any jurisdiction, unless in the course of official business of peace officer employment or under the approval of the election official."

Elections Office staff reported having received accusations related to election security and being subjected to foul language over the phone, to the point of emotional distress for the staff member hearing such calls during the November 2022 midterm election. (Yolo County has an Employee Assistance Program available to staff to provide counseling and other support upon request.) Fortunately, no overt threats of violence are known to have been received to date, as have been made in other counties in California or in other states. It is entirely possible, however, given the current political climate and threats or violence occurring increasingly in other workplaces, that such a threat will occur at either the Elections Office or a vote center site during a future election. By comparison, Yolo County school districts have made significant improvements in response to threats of violence before and after a 2019-20 Grand Jury report recommended changes needed so staff and students could feel safe.

*Emergency Response Plan:* The focus of the aforementioned Elections Office Emergency Response Plan is primarily on evacuating safely in case of an emergency, communications, and securing voting equipment and ballots. Threats of violence, whether active shooter or bomb threats, are noted briefly in the Emergency Response Plan, but provide only minimal guidance about how staff or poll workers should respond to such threats in progress.

*Building Security:* The Yolo County Administration building, which houses the Elections Office and is located at 625 Court Street in Woodland, has 27 on-site cameras, several of which are pointed toward the Elections Office. There also is an on-site security guard, who is present at most times. County safety staff also have toured the Elections Office in the past, identified appropriate exits and provided panic buttons to front office staff. Staff have been trained multiple times on using panic buttons, as are new staff. Staff are reminded of the panic buttons before each election.

*Workplace Safety Policies:* Yolo County has workplace safety policies in place, all of which were thoroughly reviewed by the Grand Jury. Its Injury and Illness Prevention Plan (IIPP) was updated in December 2013 and does not cover acts or threats of violence. The 2009 Workplace Civility policy encourages county employees to report incidents of workplace incivility, hostility or offensive behaviors and protects persons who make such reports from threatening or retaliatory action but provides no further direction on how to protect oneself when such behavior occurs. The 1998 Workplace Security and Safety Policy goes further in defining threats and acts of violence as well as measures the County will take should such be found to have occurred. However, the focus is on who to contact in case of such an emergency, not how to protect oneself during an act of violence.

The Grand Jury felt that many Yolo County workplace safety policies were outdated, and County staff have reportedly updated approximately 50 percent since 2021. An annual review process is under consideration to ensure such policies reflect the most up-to-date guidance and mitigation opportunities. The County also has a Safety Committee, comprised of members of different departments, including the County's ACE department, and the County's Safety staff that regularly discusses workplace safety issues and makes recommendations based upon department concerns or needs.

*Workplace Safety Training:* Yolo County has an array of trainings available through its Yolo Training Academy and is reportedly in the process of implementing LEARN (40), an online system that would allow for electronically reserving, tracking and reporting on completion of employee trainings. Active shooter and other safety-related trainings are typically available upon request by department heads. Policy and training opportunities focus on regular

employees, while the elections training manual, with over 200 pages of step-by-step guidelines and helpful graphics, provides poll workers with detailed information about all aspects of elections operations – but nothing specific to active threats of violence. There also are mandatory online training modules for poll workers that reflect information in the training manual.

Active-shooter training has not been offered to Elections employees consistently in the past; it is not an integral part of poll worker training. The 2022 poll worker training manual discusses de-escalation techniques when dealing with an angry or upset member of the public but does not mention what to do – beyond calling law enforcement – should a threat escalate or a weapon appear. Nor does it provide specific guidance to address a bomb threat.

The visitor lobby is a small public space that forces visitors to stand close to the office area. The work area behind it is vulnerable to forced access, having only an unlocked half-gate separating a visitor from the office area itself. While panic buttons are available, harm could be caused before a security guard or law enforcement could respond.

The Elections Office is aware that threats of violence have been made in other counties and states during recent elections. Yolo County is in the process of updating its safety policies. More consistent and robust steps can be taken to better ensure the safety of staff, poll workers and the public.

### ***Workplace Ergonomics***

In October and November 2022, Grand Jury members walked through the front and back offices of the Elections Office, and other areas used during the peak of elections activity. The Grand Jury had concerns about how the limited workspace available, especially during an election crunch time, could contribute to work-related injuries or fatigue. The Grand Jury interviewed individuals knowledgeable about the layout of the offices and how they are utilized and reviewed ergonomics training available to staff and poll workers.

The Centers for Disease Control and Prevention (CDC) has published data (41) from as early as 1999 finding that MSDs are associated with high costs to employers, such as absenteeism, lost productivity, as well as increased health care, disability and workers' compensation costs. Such cases can be more severe than the average nonfatal injury or illness. More recently, the National Safety Council (NSC) found that in 2020 alone the private sector experienced 247,630 (42) MSD injuries or illnesses involving days away from work. The NSC found that in 2021 the total cost to employers of fatal and nonfatal injuries (beyond MSDs alone) was \$167 billion (43). The NSC also noted that "the true cost to the nation, employers, and individuals of work-related

deaths and injuries is much greater than the cost of workers' compensation insurance alone.” Yolo County departments are not charged separately for Workers’ Compensation claims.

*Ergonomics Policies and Practices:* Ergonomics has been described as the science of fitting the job to the person. To start this process in Yolo County, reviews of work areas and training focused on ergonomics are requested through the Human Resources department and Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA). Department heads are responsible for requesting such assistance, although they themselves may not be fully aware of risks.

Yolo County also has a robust “Ergonomic Program” guide which includes detailed diagrams, discusses resources and responsibilities, and provides checklists to help employees assess discomfort and risks related to MSDs. A “*Potential Hazard Identification Form*” also is available to employees; potential hazards and responses are discussed in the county’s IIPP.

*Other Observed Risks:* From tours of the Elections Office and discussions with staff, grand jurors determined that there is more that remains to be done to reduce risks of MSDs or other injuries to Elections staff and poll workers. For example:

- There do not appear to be adjustable keyboard trays or sit/stand stations at cubicle or office desks. Computer monitors are not always at the optimal height for users. Lighting appears to be adequate.
- Work stations in the front office appear too small for the work performed. They are crowded with work-related materials, such as file folders, books, staplers, document holders, etc., which limit desk space for such activities as writing or sorting papers. Leg room underneath is cramped with waste-paper baskets, boxes, etc., which could force workers to twist in place while seated. Work station ergonomics, whether involving computer, furniture or lighting setups, directly affects employee health and productivity and is relatively easy and inexpensive to improve (44).
- Two desks for regular staff in the back offices were entirely exposed to their surroundings: large storage racks, myriad boxes of all sizes and weights, elections machines, and, during prime election periods, constant movement and noise from staff, poll workers and observers. The resulting distractions and disruptions could make concentration, conversation and the ability to discuss or work on confidential projects very challenging.
- The back-office areas – where voting-related machines, large storage racks, equipment, and boxes of different shapes and sizes for use during elections are housed – allowed no more than three feet of space for walking, and occasionally less. Items were piled in such a way that they could fall upon someone or cause them to trip. The large metal

storage racks, set on wheels, were not restrained. Dust and other air pollutants did not appear to be controlled should a worker have breathing-related problems.

- OSHA notes (45) , “75% of workplace-related back injuries occur during a lifting task”. MSDs could result from staff or poll workers attempting to incorrectly lift, shift and move boxes and trays of varying sizes, materials and weights. MSDs can result from moving large handfuls of ballots or ballot trays – up, down and sideways – to and from machines used for ballot opening, sorting and scanning or lifting, moving or assembling equipment at vote centers. High stress, such as during the days immediately preceding or following an election, can make MSD injuries more likely to occur.

The Erwin Meier Administration Building, referred to as the county administration building, was completed in the spring of 1985, and the Elections Office moved in from its previous location at 470 Kentucky Avenue. Elections Office staff, furnishings, office and election equipment and supplies have increased steadily over the past 40 years to the point where the Elections Office is forced to take over additional space to meet its demands from time to time. This may negatively impact other county departments. Demands on the Elections Office space will continue to grow along with Yolo County’s increasing population. Taking steps now to provide a workspace better adapted for the increasing demands on elections operations and staff will prevent future injuries and costs related to Workers’ Compensation claims and lost productivity. It will reinforce Yolo County’s and Elections Office management’s desire to provide election safety as well as workplace safety.

## **COMMENDATIONS**

1. The Yolo County Elections Office security procedures for both ballots and machines were well implemented. They are subject to necessary compliance with California state election law and procedures.
2. The Yolo County Elections Office informs the public well and invites them to see the election process in action. Those who wish to be election observers are invited to witness key election events, such as ballot removal from envelopes, signature verification, vote tabulation, and recording and transmission of voting counts.
3. The Yolo County Elections Office continues to interact and train with a variety of local, state and federal election and security personnel and organizations in order to maintain county election security.
4. The Yolo County Elections Office has gone above and beyond in its efforts to increase voter education and turn-out among all of its communities.
5. The Yolo County Elections Office poll worker manual is thorough and well-illustrated (see sample page, Appendix B), and its procedures are well conceived and well implemented by trained staff.

## **FINDINGS**

- F-1 The Yolo County Elections Office will need stable funding in coming years for upgrades and maintenance of electronic voting equipment.
- F-2 The Yolo County Elections Office makes extensive efforts in voter outreach, through media communication and visits with various citizen groups, and by operating a mobile vote center. While it has goals, they are not SMART (Specific, Measurable, Attainable, Realistic, Time-specific) nor are metrics in place to determine how closely the goals are achieved.
- F-3 The Yolo County Elections Office lacks consistent training to help staff and poll workers respond directly to violence (physical, guns and knives or bomb threats).
- F-4 The Yolo County Elections Office needs additional and more flexible space to meet staff productivity needs. In addition to appropriate space, additional training is needed to meet minimum ergonomic standards.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R-1 Yolo County Board of Supervisors should ensure adequate future funding for voting equipment maintenance and upgrades, appropriate to the nature of the equipment.
- R-2 The Elections Office should create SMART (Specific, Measurable, Attainable, Realistic, and Time-specific) goals for its outreach efforts, including metrics and a timeline for reviewing such efforts and determining how closely the goals are achieved. In addition, the Elections Office should complete a final report on responses to its voter survey. Both the SMART goals and metrics and the voter survey final report should be submitted to the Yolo County Grand Jury by December 31, 2023.
- R-3 Active shooter and bomb threat risks should: 1) be assessed thoroughly utilizing appropriate resources (such as local law enforcement, YCPARMIA, safety staff, etc.), relevant policies updated and communicated to all new staff and poll workers. 2) Trainings should be updated and implemented at least annually for all Elections staff and at the beginning of each election for all poll workers. To implement these recommendations, a detailed plan for completing the assessment and changes to workplace safety-related policies and trainings with an implementation plan should be completed by December 1, 2023, with full implementation prior to the next scheduled election (March 5, 2024).
- R-4 A thorough assessment of the Yolo County Elections Office (front and back areas) by Human Resources staff and knowledgeable Yolo County third-party providers, such as YCPARMIA, should be conducted by January 1, 2024. During the assessment, input should also be gathered from Elections staff about how equipment and storage needs

impact work spaces during election periods. At minimum, such assessment should determine: 1) whether the current space is adequate to meet the Election Office’s growing needs; 2) how the work spaces can be reconfigured to address day-to-day and election period needs; 3) the furnishings or equipment that should be purchased, installed and training provided for appropriate use to reduce the possibility of MSDs and other injuries; 4) how the funding will be made available to complete these changes; and 5) how ergonomics training should be updated and implemented for regular staff at least annually and poll workers at the beginning of each election.

## REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows:

From the following individual:

- Yolo County REGISTRAR OF VOTERS - F1, F2, F3, F4, R2, R3, R4

From the following governing bodies:

- Yolo County Board of Supervisors – R1, R2, R3, R4

## ENDNOTES

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## APPENDICES

1. Voter Registration Form
2. Training Manual sample page

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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APPENDIX 1: VOTER REGISTRATION FORM

### California Voter Registration/Pre-registration Application YOLO COUNTY

Use blue or black ink. Print clearly. Fill out this form if you are a new voter, are pre-registering to vote, have changed your name, or want to change your political party preference.

① I am a U.S. citizen and resident of California.....  Yes  No ← If "No" you CANNOT register to vote. Do not complete.  
 I am 18 or older.....  Yes  No  
 I am 16 or 17 and want to pre-register.....  Yes  No

Your legal name: First name \_\_\_\_\_ Middle name \_\_\_\_\_

② \_\_\_\_\_

③ Last name (may include suffix, such as Jr., Sr., III) \_\_\_\_\_ Optional  
 Mr.  Mrs.  Ms.  Miss

④ \_\_\_\_\_

⑤ Home address – not a P.O. Box or business address – (Number, Street, Ave., Drive, etc. Include N, S, E, W) \_\_\_\_\_ Apt or unit # \_\_\_\_\_

⑥ City \_\_\_\_\_ State **CA** Zip \_\_\_\_\_ California county \_\_\_\_\_

⑦ If you do not have a street address, describe where you live including cross streets, Route, N, S, E, W \_\_\_\_\_

⑧ Mailing address – if different from above, or P.O. Box \_\_\_\_\_

⑨ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Foreign country \_\_\_\_\_

⑩ Date of birth \_\_\_\_\_ U.S. state or foreign country of birth \_\_\_\_\_  
 MM DD YYYY

⑪ \_\_\_\_\_

⑫ CA driver license or CA ID card # \_\_\_\_\_ If you do not have a CA driver license or CA ID card, list the last 4 numbers of your Social Security Number, if you have one. . . . . SSN (Last 4 numbers) \_\_\_\_\_ Phone numbers are posted at polling places on Election Day.

⑬ Email (optional) \_\_\_\_\_ Phone number (optional) \_\_\_\_\_

⑭ \_\_\_\_\_

⑮ Do you want to choose a political party preference?  
**Yes**, my political party preference is (check one):  
 American Independent Party  Democratic Party  Green Party  
 Libertarian Party  Peace and Freedom Party  Republican Party  
 Other (specify): \_\_\_\_\_  
 **No**, I do not want to choose a political party preference. (If you choose no, you may not be able to vote for some parties' candidates at a primary election for U.S. President or party committee.)

⑯ I want to get my ballot by mail before each election.\*  Yes  No

⑰ If you were registered/pre-registered to vote before, fill out below:  
 First name \_\_\_\_\_ Middle initial \_\_\_\_\_ Last name \_\_\_\_\_  
 Previous address where you were registered/pre-registered \_\_\_\_\_ City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_ Previous county \_\_\_\_\_ Previous political party preference (if any) \_\_\_\_\_

⑱ **Read and sign below.**  
 I am a U.S. citizen and am at least 16 years old. I am not currently imprisoned or on parole for the conviction of a felony. I am not prohibited from voting by a court because of mental incompetency. I understand that it is a crime to intentionally provide incorrect information on this form. I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct.

Signature \_\_\_\_\_ Date Signed: Month / Day / Year  
 57 ZB 769051 200001

**Important!** To vote in the next election, you must be at least 18 on Election Day and mail or deliver this card at least 15 days before the next election. New voters who register by mail may have to show their ID at the polling place the first time they vote.

**Optional**  
 A.  I want to be a poll worker. (If bilingual, indicate language: \_\_\_\_\_)  
 I can provide a polling place.  
 B. My ethnicity/race is: \_\_\_\_\_  
 C. My language preference for receiving election materials is:  
 English  Spanish  Chinese  Vietnamese  Korean  
 Español  中文  Việt ngữ  한국어  
 Tagalog  Japanese  Hindi  Khmer  Thai  
 日本語  हिन्दी  ខ្មែរ  ไทย

**Did someone help you fill out or deliver this form?**  
 If yes, the person who helped you must fill out and sign both parts of this green box.  
 Signature \_\_\_\_\_ Month / Day / Year  
 Name, address, and tel.: \_\_\_\_\_

## APPENDIX 2 – POLL WORKERS MANUAL SAMPLE PAGE

### Verity Touch Writer

#### Verity Touch Writer (cont'd)

14. Turn **green circle** key to lock screen in place and remove key. Secure the **blue square** and **green circle** keys in the **Site Binder's** pouch.



15. Wait until the Verity Touch Writer finishes powering up and displays the **Print Zero Report** screen, and then connect the AutoBallot Barcode Scanner to the USB connection located on the lower compartment above the report printer.



16. Lift the Verity Access Controller from its cradle.
17. Plug headphones into the headphone jack on the top left of the Verity Access Controller. The headphone jack is also indicated by the raised headphone symbol.



18. Place a set of disposable ear covers on headphone set in preparation for the first user.
19. To install input devices from the voter (e.g., tactile switches, sip-and-puff, or other stereo input devices), plug the device into the jack on the top right of the Verity Access Controller. This jack is also indicated by the raised wheelchair symbol.

