



County of Orange
California

Michael B. Giancola
County Executive Officer

May 6, 2014

Honorable Glenda Sanders
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: *"Registrar of Voters Earns High Marks for 2012 Election"*
County's Follow-Up Response to Open Items

Dear Judge Sanders:

Per your request, and in accordance with Penal Code 933, please find the County of Orange follow-up response to the subject report as approved by the Board of Supervisors. The respondents are the Registrar of Voters and County Emergency Manager. If you have any questions, please contact Jessica O'Hare at (714) 834-7250.

Sincerely,

Michael B. Giancola
County Executive Officer

Enclosure

cc: FY 2012-13 Orange County Grand Jury Foreman
Sandra Hutchens, Orange County Sheriff-Coroner
Mark Denny, Chief Operating Officer, County Executive Office
Neal Kelley, Registrar of Voters
Jessica O'Hare, County Executive Office

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Follow-Up Response to July 23, 2013 Open Items

Recommendations R1 and R8

2012-13 Grand Jury Report entitled "Registrar of Voters Earns High Marks for 2012 Election"

Introductory Comments

On May 1, 2013, the Grand Jury released a report titled "Registrar of Voters Earns High Marks for 2012 Election." This report included various Findings and Recommendations and sought responses from the County Executive Office (CEO), Registrar of Voters, and the County Emergency Manager. The County's combined response to the report was finalized on July 23, 2013. The County's response to the report indicated that additional time was required to complete Recommendations 1 and 8. The original Grand Jury recommendations, the follow-up response to those recommendations, and the original response are presented below.

Grand Jury Recommendation R1:

Recommendation 1: The Registrar of Voters shall determine the projected lifespan of its electronic voting equipment and report his findings to the County Executive Officer of the County. [F1, F2, F3, F5, F10]

County Follow-Up Response to Grand Jury Recommendation R1:

The recommendation has been implemented.

The Registrar of Voters convened a working group to engage in a rigorous four-month process of assessing the systems' present level of operation and projected longevity, obtaining public input pertaining to the system's functionality and potential areas for improvement, and analyzing recent advances in voting technology in light of the changing landscape of state regulations. The Registrar of Voters submitted the *Voting System Assessment Report* to the County Executive Officer which evaluated the status of the present electronic voting system and identified recommendations for future action. In addition to examining data related to the system's lifespan, input from Orange County voters and poll workers was compiled from surveys and focus groups. The data yielded from thousands of responses was valuable in informing the Registrar of Voters of the public's perception of the future of voting in Orange County.

As a result of its analysis, the Registrar of Voters is cautious in its assessment that the current voting system can be maintained for operation through the 2016 election cycle. Nevertheless, the Registrar of Voters is committed to the ongoing performance of proactive



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and preventative maintenance in order to protect the system's integrity and extending its lifespan. The Registrar of Voters plans to conduct a detailed Request for Information (RFI) in fiscal year 2015-2016 to assess the viability of upgrading the current system in comparison to a wholesale change of the entire voting system.

Original Response to R1:

The recommendation has not yet been implemented, but will be implemented in the future.

The Registrar of Voters has used the Hart InterCivic electronic voting system in Orange County elections since 2004. Prior to its use in any election, the system fulfilled strict federal certification and state law requirements, and earned approval by the Secretary of State after satisfying a rigorous testing process. The voting system has functioned flawlessly in approximately 30 elections in Orange County between 2004 and 2012. The voting system is regularly tested to ensure the accuracy of tabulated results, and the Registrar of Voters is vigilant about performing preventive maintenance and immediately replacing damaged parts and equipment. By investing in technology and parts needed to maintain the system, the Registrar of Voters projects that the lifespan of the system has been extended by five or six years and will continue to properly function through the 2016 elections.

Despite diligent efforts to continually monitor and maintain the voting system, the Registrar of Voters is very aware that these systems will not function in perpetuity and that the lifespan of such voting systems is required by federal guidelines to meet a ten year threshold. Consequently, the Registrar of Voters is presently evaluating the status of the existing system, which includes the extent to which performance is diminished by wear and tear associated with the intended use of the equipment, as well as alternative voting systems available in the marketplace. The Registrar of Voters will convene a working group during the summer of 2013 to further study these issues and will report its findings to the County Executive Officer prior to December 31, 2013.



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Grand Jury Recommendation R8:

Recommendation 8: The County's Emergency Manager shall plan and host a table top emergency management exercise that involves an event likely to strike Orange County (earthquake, wildfire, power grid failure, Santa Ana wind event) in the days prior to a general election. [F8] R8. The County's Emergency Manager shall plan and host a table top emergency management exercise that involves an event likely to strike Orange County (earthquake, wildfire, power grid failure, Santa Ana wind event) in the days prior to a general election. [F8]

Emergency Management Division Follow-Up Response to Grand Jury Recommendation R8:

The recommendation has been implemented.

The Orange County Sheriff's Department, Emergency Management Division conducted an Emergency Operations Center Exercise on Thursday, March 27, 2014 which provided the opportunity to demonstrate Orange County's ability to provide for the continuity of voting services during emergency and disaster situations. Consistent with best practices in emergency management, this exercise was developed with a multi-jurisdictional and multi-discipline Exercise Design Committee including representatives from County agencies, Cities, Special Districts and School Districts. The Exercise Design Committee determined exercise objectives specific to each Emergency Operation Center Section, including an objective related to the requirements of an election.

Exercise evaluators provided feedback based on their observations from the March Emergency Operations Center exercise. The scenario, which centered on a destructive tsunami affecting the entire Orange County coastline, posed a significant issue for coastal communities. The Registrar of Voters exercised their Business Continuity Plan for Business Processes in order to continue to provide voting services during the "disaster situation." Evaluators were impressed with the number of polling locations, and the flexible capabilities of the Registrar of Voters. Through its Business Continuity Plan, the Registrar of Voters ensures voters can be accommodated at alternate polling locations and vote for extended hours, if necessary. Additionally, the support systems to ensure votes are collected and secured proved to be robust and flexible when necessary.



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The March 27, 2014 Tsunami Exercise demonstrated the County's capacity to provide for and support an election during times of disaster.

Original Response to R8:

The recommendation has not yet been implemented, but will be implemented in the future.

The Orange County Sheriff's Department, Emergency Management Division will work towards the integration of a discussion-based tabletop emergency management exercise involving a credible disaster scenario, which will potentially impact a general election. Due to existing exercise schedules, this exercise will be integrated into a planned Emergency Operations Center exercise which will take place in the first half of 2014. All County Emergency Operations Center exercises are developed with a multi-jurisdictional and multi-discipline Exercise Design Committee which includes representatives from County agencies, Cities, Special Districts and School Districts. This Exercise Design Committee will determine exercise objectives specific to each EOC Section, including an objective related to the requirements of an election. The Committee will also determine the scenario and exercise date. This exercise will be completed by June 30, 2014.