County of Orange
California

James D. Ruth
Interim
County Executive Officer

June 13, 2003

Honorable Frederick P. Horn
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Circuits are Busy at the Registrar of Voters"

Dear Judge Horn:

Per your request, and in accordance with Penal Code 993, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Frank Kim at the County Executive Office who will either assist you or direct you to the appropriate individual.

Respectfully,

James D. Ruth

James D. Ruth, Interim County Executive Officer

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Response to Findings

1. Thirty phone calls were made to the ROV by eight Grand Jurors. Only seven calls were completed.

Response to Finding #1: Disagree with the finding

Registrar Response:
Department staff cannot comment on the number of calls made by Grand Jury members or the phone numbers they called. However, staff can respond to what did occur in this department on the dates in question.

The department uses two separate phone systems during elections. The primary system is the Interactive Voice Response (IVR) unit, which is supported by four T-1 lines and is able to handle 96 simultaneous calls. The records from this phone system (Attachment 2) indicate only one time period where the system reached capacity. Fewer callers received a busy signal during this time period than the Grand Jury states were unanswered. Further, due to the nature of the system, a caller would usually gain access to the IVR by simply hanging up and dialing again.

The second system is the County's primary phone system used by County staff. When a staff member is on the phone, the caller is automatically switched to voice mail. As with the IVR system, this department's system can handle 96 simultaneous calls. Further, the department's mailbox system can record several hours of messages. If the Grand Jury experienced difficulty in calling this department, it was not due to a weakness of the department's IVR or County phone systems. This system had been fully tested prior to the election and changes made to ensure all phone mailboxes were fully functional.

Staff phone numbers are not normally given out to the public. In general, the only persons calling these numbers would be polling place inspectors and our field coordinators. In the unlikely event these individuals could not get through, they were instructed to call the main (714) 567-7600, identify themselves, and be transferred to the appropriate staff member.

CEO/IT Response:
CEO/IT conducted an intense and thorough investigation regarding this issue. ACD records and reports were examined, trunk busy reports were analyzed, and system log files scrutinized.

The condition specified within the report "circuits are busy message" does not exist within OCTNET (Orange County Telephone Network). Although there are numerous recorded messages within the County's network, all circuits-busy recordings are not. These messages are generated by the LEC and are generally associated with traffic congestion between central office facilities. Additionally, other telephone providers such as cellular and long-distance companies may generate similar recordings if related conditions exist in their respective networks.

Since this recording could not have been generated as a result of an internal County equipment failure or degraded service, directly, CEO/IT contacted the LEC in an effort to inform and consult on remediation. The LEC (SBC) indicated that without more specific information it would be extremely unlikely that they would be able to identify causality. Although SBC did say it was highly unlikely that their central office facilities experienced blockage, the fact remains that the County's voice network does not generate the "all circuits busy" recording.

2. **A majority of poll workers questioned were unaware of the Direct Record Electronic (DRE) voting system demonstrations conducted by the ROV.**

Response to Finding #2: Disagree partially with the finding

During the new voting system evaluation process, extensive coverage of the meeting times and locations was provided by the Orange County Register and Los Angeles Times. Further, additional coverage was provided by radio stations and cable TV.

Department staff called all of the inspectors (poll worker in charge) from the polling places mentioned in the Grand Jury report. The majority of these inspectors did not recall anyone coming to their polling place stating they were with the Grand Jury during the time the polls were open.

ROV staff purposely did not brief poll workers about the new system during training sessions prior to the November 2002 general election. Training sessions are limited to two hours with the entire time period being used to instruct on ensuring successful polling place operations. Briefing poll workers on the DRE procurement status would have required glossing over critical information needed for conducting the general election.

A select group of very experienced poll workers was asked to become a part of the DRE evaluation process. This group received comprehensive hands on briefings by the three finalist vendors tailored to the interaction of the DRE and the poll workers. The comments of these poll workers were incorporated into the information used to make the final DRE selection recommendation to the Board.

3. **A majority of phone calls made by the interviewed poll workers to the ROV received the circuits are busy message, and when messages were left at ROV, some calls were not returned.**

Response to Finding #3: Disagree partially with the finding

Registrar Response:
This finding does not state which type of busy signal the Grand Jury members received. The type busy signal received would indicate if the department or County systems were overloaded or if the main Pac Bell lines were overloaded. County records show that our systems were fully functional throughout the day and not overloaded.

Part of the closing procedure for polling places is to have the poll workers write down any problems they experienced. Comments about the phone system were positive in the ease of reaching staff in comparison to prior elections.

CEO/IT Response:
As indicated in Response to Finding 1 above, the County's network does not generate a "circuits are busy" message or recording.

Regarding the second part of this finding (that of leaving messages at the ROV some calls were not returned) CEO/IT successfully tested all voice mail-recording functions both prior to and immediately after the election period. Additionally, message notification functions were tested and performed faultlessly.

4. **Some polling places at schools lacked designated voter and handicapped parking. Some lacked access for the handicapped from the parking area to the polling place.**

Response to Finding #4: Disagree partially with the finding

Every school used as a polling place had designated handicap parking. Every school used as a polling place was ADA accessible. Department staff personally walked the route from the parking areas to the voting areas to ensure ADA compliance. However, it is unknown if this route was always used or available during school hours.

The Grand Jury is correct that few polling locations have designated parking for voters. ROV staff hopes to begin to address this by creating mega-polling places at large government buildings and high schools. Creating mega-polling places was not practicable using a punch card voting system. As we develop more experience with the Hart DRE system, we will be able to better tailor the polling places to the needs of the voters.

5. **Signs provided by ROV for the entrances to school and church polling places were not readable from the street.**

Response to Finding #5: Disagree partially with the finding

All signs used at all polling locations were in compliance with all State and federal election codes. Further, the number of signs posted met or exceeded these same requirements. As we begin to move to mega-polling locations, staff will reexamine the current signs used and if there is a need, modify the size, type, or quantity.

Response to Recommendations

1. **Review the telephone system at ROV with the local phone carrier to determine why "the circuits are busy" message was received for a large number of calls. (Findings 1 and 3)**

Response to Recommendation #1: The recommendation has been implemented.

CEO/IT has reviewed the telephone system at the ROV and has determined that no equipment failure or service breakdown occurred during the time period indicated in the report. We also consulted with the local phone carrier and the results were inconclusive. As indicated previously the LEC was unable to determine the exact cause of the recording. We will implement additional controls on the 96 trunks to be used during the next election cycle. These controls will include manual testing of incoming calls as well as asking the LEC to provide specific trunk monitoring during the same period.

2. **In addition to the media release, use the Poll Worker Connection Quarterly publication or a separate flyer to inform poll workers, and the public, as to future DRE introductory demonstrations. (Finding 2)**

Response to Recommendation #2: The recommendation has been implemented

The Maximus/Hart team, in conjunction with County staff, is developing an extensive outreach program to inform the citizens of Orange County about our new DRE voting system. This program will be timed to provide the greatest impact on the use of the system for the March 2004 primary

election. This program will include speaker bureaus, media coverage and information sent to all registered voters.

3. **Ensure that adequate voter parking and access to polling places for the handicapped are provided. Make necessary arrangements with school authorities and inspect the sites prior to Election Day. (Finding 4)**

Response to Recommendation #3: The recommendation has been implemented

Our current requirement to have over 1700 polling places in Orange County means many of these polling places will only meet minimum legal requirements. As we transition to DRE voting we will transition to mega-polling place voting. However, this conversion will be accomplished over several major elections to allow the voters to become accustomed to this and to provide feedback to the ROV department. Once fully implemented, the type polling location (i.e. garage, church, high school gym, etc.) will be tailored to the needs of the voters using the location.

4. **Provide larger readable entrance signs directing voters to polling places located in churches, schools or any other similar large facility. (Finding 5)**

Response to Recommendation #4: The recommendation has been implemented

As part of the conversion to DRE voting, polling place operations are also being reviewed. Signage is one of the areas receiving specific attention. Prior to the March 2004 primary election, the size, type, and quantity of signs will be optimized to the needs of the specific polling place.