



Grand Jury <grandjury@scgrandjury.org>

Response Packet - Every Vote Counts

1 message

Jason Hoppin <Jason.Hoppin@santacruzcounty.us>
To: "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Thu, Aug 10, 2017 at 11:19 AM

Foreperson Tobin,

Please find the attached Santa Cruz County Board of Supervisors response to the 2016-17 Grand Jury Report, "Every Vote Counts."

Thank you,

Jason Hoppin

Communications Manager

County of Santa Cruz

831-454-3401 (desk)

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 **Every Vote Counts - BOS Response APPROVED 8.8.17.pdf**
190K



**The 2016-2017 Santa Cruz County Civil Grand Jury
Requires that the
Santa Cruz County Board of Supervisors
Respond to the Findings and Recommendations
Specified in the Report Titled
Every Vote Counts
by August 15, 2017**

When the response is complete, please

1. Email the completed Response Packet as a file attachment to grandjury@scgrandjury.org, and
2. Print and send a hard copy of the completed Response Packet to

The Honorable Judge John Gallagher
Santa Cruz Courthouse
701 Ocean St.
Santa Cruz, CA 95060

Instructions for Respondents

California law PC § 933.05 (included [below](#)) requires the respondent to a Grand Jury report to comment on each finding and recommendation within a report. Explanations for disagreements and timeframes for further implementation or analysis must be provided. Please follow the format below when preparing the responses.

Response Format

1. For the Findings included in this Response Packet, select one of the following responses and provide the required additional information:
 - a. **AGREE** with the Finding, or
 - b. **PARTIALLY DISAGREE** with the Finding and specify the portion of the Finding that is disputed and include an explanation of the reasons therefor, or
 - c. **DISAGREE** with the Finding and provide an explanation of the reasons therefor.
2. For the Recommendations included in this Response Packet, select one of the following actions and provide the required additional information:
 - a. **HAS BEEN IMPLEMENTED**, with a summary regarding the implemented action, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**, with a timeframe or expected date for implementation, or
 - c. **REQUIRES FURTHER ANALYSIS**, with an explanation and the scope and parameters of an analysis or study, and a timeframe for that analysis or study; this timeframe shall not exceed six months from the date of publication of the grand jury report, or
 - d. **WILL NOT BE IMPLEMENTED** because it is not warranted or is not reasonable, with an explanation therefor.

Validation

Date of governing body response approval: August 8, 2017

If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F2. Most equipment used to conduct the election is old, much of it nearing or past its useful life. This includes voting machines and electronic and mechanical vote counting systems. Spare parts are increasingly hard to find.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

F3. Santa Cruz County uses a state certified system that meets state standards. Beyond keeping some key systems offline, this equipment does not implement adequate computer security measures.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The County conducts elections and maintains elections systems with the highest level of integrity, and our elections systems meet State and federal standards. However, modern computer security is a field where change is constant, and the County will continue keeping up with election cybersecurity developments.

F4. Santa Cruz County limits physical access to the ballots and the machinery used to process the ballots and conducts comprehensive audits both before and after every election.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

F5. Voting equipment that the county would select to replace its aging infrastructure has not yet been certified. When the certified replacement equipment becomes available, it is not clear when funds might be provided.

AGREE

PARTIALLY DISAGREE – explain the disputed portion

DISAGREE – explain why

Response explanation (required for a response other than **Agree**):

The County is studying ways to fund necessary upgrades of new voting equipment as it becomes certified by the Secretary of State. One such way is through the Voting Modernization Bond Act of 2018 (AB 668), which the County Board of Supervisors supports. The Voting Modernization Bond Act of 2018 would place a bond measure on the June 2018 ballot for \$450 million to replace aging voting systems in all of California's 58 counties.

If such a measure fails, the County would have to reexamine potential funding sources for new voting equipment.

Recommendations

R3. The Board of Supervisors should begin the process of identifying and budgeting the requisite funds for replacement of election equipment once it is certified. (F2–F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Response explanation, summary, and timeframe:

The Board understands the need for election equipment upgrades.

Penal Code §933.05

1. For Purposes of subdivision (b) of §933, as to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - a. the respondent agrees with the finding,
 - b. the respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
2. For purpose of subdivision (b) of §933, as to each Grand Jury recommendation, the responding person shall report one of the following actions:
 - a. the recommendation has been implemented, with a summary regarding the implemented action,
 - b. the recommendation has not yet been implemented but will be implemented in the future, with a timeframe for implementation,
 - c. the recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report, or
 - d. the recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
3. However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a County department headed by an elected officer, both the department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected department head shall address all aspects of the findings or recommendations affecting his or her department.
4. A Grand Jury may request a subject person or entity to come before the Grand Jury for the purpose of reading and discussing the findings of the Grand Jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
5. During an investigation, the Grand Jury shall meet with the subject of that investigation regarding that investigation unless the court, either on its own determination or upon request of the foreperson of the Grand Jury, determines that such a meeting would be detrimental.
6. A Grand Jury shall provide to the affected agency a copy of the portion of the Grand Jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. **No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.**