



**The 2016-2017 Santa Cruz County Civil Grand Jury  
Requires that the  
Santa Cruz County Clerk  
Respond to the Findings and Recommendations  
Specified in the Report Titled  
Every Vote Counts  
by July 17, 2017**

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When the response is complete, please

1. Email the completed Response Packet as a file attachment to [grandjury@scgrandjury.org](mailto: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.

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](mailto:grandjury@scgrandjury.org).

## **Findings**

**F1.** Elections in Santa Cruz County are run fairly and conscientiously, with numerous procedures and safeguards that minimize the likelihood of fraud or systemic errors. Although minor problems occurred, we consider these inevitable given the number of people and the complexity of the process, and they were detected or reported and remedied expeditiously.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

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

Thank you!

**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**):

Santa Cruz County uses a state and federally certified system that meets all state and federal standards.

I believe our voting equipment does have adequate computer security measures. Each unit is tested before it is deployed and has security seals in place to avoid tampering. Steps are taken at the polls to verify the integrity of the security seals and the system. On Election Night, we again audit the equipment and verify its security. After the Election, we do extensive audits of the vote count to ensure that the system has not been tampered with. In addition, we have paper ballots and a voter-verified paper audit trail on the DREs, so any attempt to hack the vote would be identified.

**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**):

**F6.** Re-use of USB drives on the offline vote collection systems, after being attached to an internet-connected system, is a possible avenue to compromise the offline systems.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

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

We will buy additional USB drives so that we do not use them more than once.



**F7.** While currently not being considered in Santa Cruz County, the future possibility of internet voting is a concern due to the inability to ensure the security and anonymity of the vote.

**AGREE**

**PARTIALLY DISAGREE** – explain the disputed portion

**DISAGREE** – explain why

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

## Recommendations

**R1.** The Elections Department should continue to be proactive in evaluating voting systems that are safe, efficient, and available. (F2–F5, F7)

**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:

As new systems become available, we will participate in evaluating them. After 2018 and the implementation of the Vote Center model in a few counties in California, Santa Cruz will need to determine if we want to pursue a Vote Center model or the current polling place model. The type of voting model will impact our voting system needs. We anticipate putting together a voter advisory group in 2018 to assist us as we evaluate our options.

**R2.** In order to protect the integrity of the count, once USB drives or other equipment have been connected to the county network, they should never be reattached to the offline vote counting systems. (F6)

- 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:**

We have purchased additional USB drives and now have procedures in place to use a USB drive only once when taking data from our vote counting system and loading it onto the county network.

## 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.**