[Municipal Elections Code - Open Source Voting]

Ordinance amending the Municipal Elections Code to require the Director of Elections to submit information documenting the City's intended open source voting pilot program to the California Secretary of State, on behalf of the Board of Supervisors, and, upon approval of the Secretary of State, to implement such a system for use at the November 8, 2022, election.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.

Additions to Codes are in <u>single-underline italics Times New Roman font</u>.

Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>.

Board amendment additions are in <u>double-underlined Arial font</u>.

Board amendment deletions are in <u>strikethrough Arial font</u>.

Asterisks (\* \* \* \*) indicate the omission of unchanged Code

subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Municipal Elections Code is hereby amended by adding Article XII, consisting of Sections 1200, 1201 and 1202, to read as follows:

# <u>ARTICLE XII: OPEN SOURCE VOTING PILOT PROGRAM</u> <u>SEC. 1200. FINDINGS.</u>

(a) Since 2007, the Board of Supervisors ("Board") has shown interest in developing and using open source voting systems in the City and County of San Francisco ("the City"). In 2007, the City adopted Resolution No. 330-07, supporting an investigation into the feasibility of an open source voting system. In 2008, the City enacted Ordinance No. 268-08, creating a Voting Systems Task Force ("VSTF") that provided the City with recommendations on models for development of a voting system, including proprietary, disclosed, and open source software and hardware. In June 2011, the VSTF

issued "Recommendations on Voting Systems for the City and County of San Francisco," a report summarizing their recommendations. This report is available with the Clerk of the Board in File No. 110805. In 2014, the City adopted Resolution No. 460-14, committing the City to work with other jurisdictions and organizations to create new voting systems using open source software. The Elections Commission ("Commission") has also passed resolutions in support of open source voting in 2007, 2015, and 2018. These Commission resolutions are with the Clerk of the Board in the file for the ordinance establishing this Article XII, File No. 211303.

(b) Under California Elections Code Section 19209, to conduct an open source pilot program, the Board, without formally adopting a voting system, may provide for the experimental use of the voting system in a pilot program held in one or more precincts at a single election. Among other criteria, the voting system must meet the requirements of regulations adopted by the California Secretary of State ("SOS"). Under the California Elections Code, the Board must submit to the SOS a plan for the pilot program no later than nine months before the election at which the pilot program is proposed to be conducted; after submittal of such a plan, the SOS would have up to three months to approve or reject it. But, as of December 14, 2021, the SOS had not yet issued the regulations required for any pilot program, as required by the California Elections Code.

(c) On November 12, 2021, the SOS distributed a public letter confirming that it has begun the process of drafting the necessary regulations for a pilot program. This letter from the SOS is on file with the Clerk of the Board in File No. 211303. The letter also explained that while regulations have not yet been adopted, there are two available paths to move forward with an open source pilot program. First, the City or the open source voting system provider may submit a voting system for testing and review for certification by the SOS. Second, the City or the open source voting system provider may outline and document the intended voting system equipment, implementation, and use, and provide that information to the SOS for feedback.

(d) As of December 14, 2021, the SOS had not approved a pilot program for an open source or disclosed source voting system. The City is hoping to be the first to conduct a pilot program in conjunction with a future election. Conducting this pilot program would advance the Board's and the Commission's long-term goal of moving towards open source voting systems for City elections.

## SEC. 1201. DEFINITIONS.

For purposes of this Article XII, the following terms have the following meanings:

"Ballot marking device" shall mean voting equipment used by voters to record votes on paper ballots.

"Disclosed source voting system" shall mean a voting system subject to licenses that allow the public to review all of its source code and the ability to share all source code with other parties.

Disclosed source voting systems may incorporate software that has a proprietary license that would restrict the users' ability to copy or modify its source code.

"Open source" shall mean the software's source code is available for use, study, re-use, modification, enhancement, and re-distribution and is subject to one or more licenses approved by the Open Source Initiative.

"Open source voting system" shall mean a voting system (a) whose software is open source; and (b) whose electronic hardware is off-the-shelf and publicly available.

"Secretary of State" shall mean the California Secretary of State.

"Source code" shall mean the version of a computer program in which the programmer's original programming statements are expressed in a source language (e.g. C++, C#, Visual Basic or Java) which must be compiled or assembled and linked into equivalent machine-executable object code, thereby resulting in an executable software program.

"Voting system" means a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. "Voting system" does not include a remote accessible vote by mail system.

# <u>SEC. 1202. SUBMISSION OF PLAN FOR INTENDED OPEN SOURCE VOTING PILOT PROGRAM.</u>

(a) For the purposes of this Article XII, the intended open source voting pilot program shall consist of a minimum of one open source ballot marking device that the City wishes to use at the City Hall Voting Center for the November 8, 2022 Consolidated General Election. The Director of Elections shall have discretion to decide if more than one ballot marking device will be utilized during the open source pilot program and where to place the ballot marking device(s), based upon accessibility, security, and staffing requirements. But, to the extent feasible, an open source ballot marking device shall be available to any voter that wants to use the device at the City Hall Voting Center.

(b) By no later than February 8, 2022, the Director of Elections shall submit information to the SOS that describes a plan for the City's intended open source voting pilot program, as set forth in subsection (a). The SOS must adopt regulations for open source voting pilots, and approve the City's plan for the intended open source voting pilot program, in order for the Department of Elections to deploy the open source ballot marking device(s) at the November 8, 2022 Consolidated General Election for the public's use.

(c) The Director of Elections' plan for the intended open source voting pilot program shall include information that outlines and documents the City's intended open source voting system equipment, implementation, and use. The information shall include at a minimum: (a) a list of each piece of hardware, software, and firmware that will be used and how each complies with the requirements of California Elections Code Sections 19209 and 19212, and (b) draft use procedures on how the system will be implemented and used by the Department of Elections and poll workers. The use procedures shall conform to the SOS's template available on the SOS website. This template is on file with the Clerk of the Board in File No. 211303.

Attachment 1 Auhorizing Ordinance

Section 2. Effective Date

This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM: DAVID CHIU, City Attorney

By: /s/\_\_\_\_

ANA FLORES Deputy City Attorney

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#### California Elections Code Section 19209:

- (a) For purposes of this section, the following terms have the following meanings:
  - (1) "Commercial off-the-shelf means mass-produced, readily available hardware devices, including card readers, printers, or personal computers, and their firmware or software products, including operating systems, programming language compilers, or database management systems.
  - (2) "Incorrect in part" means a full manual tally of the votes cast on the pilot system would reveal rates of error in the pilot system tally that, if extrapolated to the entire contest, would alter the electoral outcome.
  - (3) "Partial risk-limiting audit" means a procedure that guarantees a large minimum chance of a full manual tally of the votes cast on the pilot system if the electoral outcome is incorrect in part.
  - (4) "Risk-limiting audit" means a procedure that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the voting system for the audited contest.
- (b) The governing board, without formally adopting a voting system, may provide for the experimental use of the voting system in a pilot program held in one or more precincts at a single election or, in the case of a special election, the special primary election and the special general election, if the voting system complies with either of thefollowing:
  - (1) The voting system is certified or conditionally approved prior to its experimental use.
  - (2) The voting system meets all of the following requirements:
    - (A) Uses only software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware.
    - (B) Meets the requirements of subdivision (b) of Section 19101.
    - (C) Meets the requirements of the regulations adopted by the Secretary of State pursuant to subdivision (g).
    - (D) Implements risk-limiting audits.
- (c) A voting system that meets all of the requirements of paragraph (2) of subdivision (b) need not be certified or conditionally approved prior to its experimental use in a pilot program if the number of voting system units deployed in the pilot program is limited to the number necessary to test and demonstrate the capabilities of the voting system in a limited number of precincts or locations, including a prudent number of reserve units to ensure that sufficient working units will be available to conduct the pilot program. In no event shall the number of voting system units exceed 50 percent of the estimated number of units that would be required for full deployment of the voting system at every polling place and early voting site in a statewide election throughout the jurisdiction. Capabilities that may be taken into account in determining

the number of voting system units reasonably necessary to test and demonstrate the capabilities of the voting systeminclude, but are not limited to, all of the following:

- (1) The capability of the voting system to accommodate voting in all languages in which the jurisdiction is required to provide ballots under applicable state and federallaws.
- (2) The capability of the voting system to accommodate voting by persons with a broad range of physical and cognitive disabilities, as required by applicable state and federal laws.
- (3) The current and projected number of voting-eligible individuals in the jurisdiction.
- (4) The geography and distribution of the population in the jurisdiction.
- (d) No later than nine months before the election at which the pilot program of a voting system is proposed to be conducted, the governing board shall submit to the Secretary of State a plan for the pilot program. The Secretary of State shall approve or reject the plan no later than three months after receipt of the plan.
- (e) The votes cast on a voting system during a pilot program pursuant to subdivision (b)shall be subject to risk-limiting audits.
  - (1) For each contest conducted entirely on the pilot voting system, the jurisdiction conducting the pilot program shall conduct a risk-limiting audit with at least a 90- percent chance of requiring a full manual tally of the contest whenever a full manual tally would show an outcome that differs from the outcome reported by the pilot voting system.
  - (2) For each contest conducted partially on the pilot voting system, the jurisdiction conducting the pilot program shall conduct a partial risk-limiting audit of the portion of the contest in which the voters cast their votes on the pilot voting system, with at least a 90-percent chance of requiring a full manual tally of all votes cast using the pilot voting system whenever the outcome is incorrect in part.
  - (3)(A) If a risk-limiting audit of a contest leads to a full manual tally of all of the ballots cast in the contest, then the contest outcome according to that manual tally shall become the official result.
    - (B) If a partial risk-limiting audit of a contest leads to a full manual tally of the ballots cast using the pilot voting system, the vote counts according to that manual tally shall replace the vote counts reported by the pilot voting system for the purpose of determining the official contest results.
    - (4) Risk-limiting audit procedures shall comply with all other requirements inregulations adopted by the Secretary of State pursuant to subdivision (g).
- (f) Upon completion of the pilot program, the governing board shall notify the Secretaryof State in writing of any defect, fault, or failure of the hardware, software, or firmware ofthe voting system or

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a part of the voting system.

(g) A voting system pilot program shall not be conducted in a legally binding election without the prior approval of the Secretary of State. The Secretary of State shall adopt and publish regulations governing voting system pilot programs.



VxAdmin and attached printer



VxMark and attached printer



VxBatch and attached scanner (with BMD ballot)

## John Arntz, Director

## **BMD Ballot Remake Procedures**

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# I. Introduction and Background

Thank you for joining the Ballot Remake Team! The remaking of ballots is a critical process and the Department expects everyone on the team to become thoroughly familiar with the procedures and guidelines described in this document as well as those in the *Ballot Adjudication Guide*. Be sure to ask your lead for help whenever you are unsure how to proceed or if your team disagrees about how to interpret a particular votemark or remake a particular ballot.

State elections law requires a "duplicate" be made of any ballot unscannable by scanning machines such that all valid votes can be counted. The law also requires matching serial numbers be affixed to the original and remade copies of the ballot so they can be compared as necessary.

Ballots that are physically damaged, including those that are torn, bent, folded, dirty, or damp ballots, and ballots on non-standard paper, such as those cast by military and overseas voters and returned by fax, must be remade.

Department staff must also remake ballots containing invalid votes. For example, a voter who is registered in one precinct but who votes in another may cast a provisional ballot (PV) that includes contests in which the voter was not entitled to vote. In such a case, the Department will remake the ballot, so that only those votes the voter was entitled to cast will be counted.

The Department uses a Ballot-Marking device (BMD) to remake ballots.

Prior to remaking live ballots, each remake team will receive specialized training on interpreting voter intent and a copy of the *Ballot Adjudication Guide* as well as this guide.

For the November 2022 election, the Department will be doing a pilot program with the VotingWorks voting system. The Department will offer VotingWorks accessible ballot marking device (VxMark) for voters to mark their ballots. Ballots that are cast on the VxMark will require a remake on the BMD.



## **II. Remake Process Overview**

Every remake team will consist of a "Ballot Marker" and a "Ballot Caller" working together.

After a lead assigns a batch of original ballot to a team, the Ballot Marker will begin marking and printing out each ballot in the batch using a BMD device. The Ballot Caller reads from the ballot the contest names and the corresponding votes, while the Ballot Marker visually verifies this information and marks these votes on the ICX machine.

All valid votes on each remade ballot must match the original ballot exactly, including undervotes and write-ins. The Ballot Marker will also confirm that all overvoted contests have been remade as blank contests (an overvoted contest must be remade as a blank contest because the BMD does not permit a user to overvote a contest and the end result, no valid vote, is the same.)

Once the ballot has been correctly remade, the Ballot Caller will write matching alphanumeric serial numbers on the original ballot and the remake printout in green ink. Such information includes type of ballot, precinct number, initials of the team members, date, and number of remake ballot in incremental order.

If the Ballot Marker made a mistake, the Ballot Marker will write the word "Spoil" across the printout and redo the remake.

For quality control, the supervisor will randomly select remade ballots for review, checking in with teams and reviewing any errors as necessary.

Once a batch of ballots has been successfully remarked, printed, and successfully reviewed, the original ballots will be separated from the remake printouts, the printouts transferred to the tabulation team for processing on ICC scanners, and both originals and remake printouts will be stored in secure rooms in the Department of Elections until certification. After certification the ballots are transferred to the Department's warehouse for record retention.

# III. Preparing BMD Device for Remake

To prepare BMD device for remake, the Ballot Marker will:

- 1. Ask the supervisor for a poll worker key card.
- 2. Insert the key card into the bottom of a BMD device:





3. Enter the full ballot activation code (precinct number).



4. Tap the "Activate" button.



- 5. Remove the poll worker key card.
- 6. Select "English" in the language menu.



# IV. Remaking a Ballot on the BMD Device

To remake a ballot, the Ballot Marker will:

- 1. Review all votemarks(s) for the first contest on the original ballot.
- 2. Referring to the Adjudication Guide, note the applicable rule(s).



- 3. Copy all valid votes for the first contest onto the BMD ballot.
- 4. Repeat this process (1-3) for all contests on the original ballot.
- 5. Tap "Review" and double check all contests and all votes.
- 6. Tap "Print Ballot" and "Cast Your Ballot," then get the printout.
- 7. Verify the precinct number on the printout matches the one on the original. (If not, write the word "Spoil" across the printout, place it in the "Spoiled" tray, and ask your lead for assistance.)

#### DEMONSTRATION BALLOT City and County of San Francisco

Instructions to Voters

- If your make a mistake, contact a Poll Worker before casting your ballot. Do not cross out or erase errors. To cast your ballot, deposit it in the tabulator.





**FAVORITE LANDSCAPE** Rank 1: Vote for OCEAN Rank 2: Vote for MOUNTAIN Rank 3: Vote for GLACIER Rank 4: Vote for FOREST

- 8. Write your first and last name initials neatly on the bottom of the remake printout.
- Paperclip the original ballot to the printout and place the pair in the tray labeled "For Review."

# V. Remaking a VotingWorks Ballot

During vote-by-mail processing, ballot processors are instructed to place all non-standard ballots in a review bin. Lead staff will sort through the review bin and gather all VotingWorks ballots for remake. Lead staffs will also record the number of VotingWorks ballots collected each day in a record retention log.

Ballot Marker and Ballot Caller will follow these steps to remake a VotingWorks ballots on the BMD:

- Obtain VotingWorks ballots from your supervisor.
- 2. Enter precinct number listed on the VotingWorks ballot on the BMD.
- 3. Read each contest name and voter selection on the VotingWorks ballot.
- 4. Mark the corresponding selections onto the BMD device
- 5. Verify the selection on the review screen and make corrections as necessary.
- 6. Tab "Print Ballot", then "Cast Your Ballot", then get the printout.
- 7. Verify the precinct number on the printout matches the original VotingWorks ballot.
  - a. If not, spoil the printed BMD ballot by writing "spoiled" across front and back, place it in the "Spoiled" box, and start again.
- 8. Serialize the original VotingWorks ballot and ballot printout.



## VI. Reviewing a Remade Ballot

To review a remade ballot for accuracy, the Ballot Marker will:

- 1. Review all votemarks(s) for the first contest on the original ballot.
- 2. Referring to the *Adjudication Guide*, note the applicable rule(s).
- 3. Confirm all valid votes for the first contest are on the remade ballot printout.
- 4. Repeat this process (1-3) for all contests on the original ballot.

#### 5a. If there are NO mistakes in ANY of the contests:

- a) Write the serial number on the original and the printout (see Section VI).
- b) Paper clip the original back to the printout, with the printout on top.
- c) Place the successfully reviewed ballot in the tray labeled "Completed".

#### 5b. If there are ANY mistakes in ANY of the contests:

- a) Use a marker to highlight the inaccurate votemark(s).
- b) In large print, write the word "Spoil" across the printout.
- c) Paperclip the spoiled and original ballots back together.
- d) Place the ballot in the Ballot Marker's "For Remake" tray.

# VII. Creating Serial Numbers

Mark each pair of successfully reviewed original and remake ballot printouts with a serial number composed of:

- 1. "VBM" or "PV WBT" or "VW" (vote-by-mail or provisional wrong ballot type or VotingWorks);
- 2. Ballot precinct number;
- 3. Initials of the Ballot Verifier:
- 4. Today's date in dd/mm format; and
- 5. Daily remake number (i.e., team's fifth remake of the day=5).





# VIII. Quality Control

The quality control (QC) team will randomly select remade ballot printouts from the "Completed" tray and compare them to attached original ballots to ensure valid votemarks, and only valid votemarks, have been copied correctly. Ballots that have in fact been remade correctly will be processed, with remake printouts being transferred for scanning and tabulation and both originals and remakes stored at the Department's warehouse.

If the QC team finds a ballot that has been remade incorrectly, they will review the error(s) with the responsible remake team in detail, referring to applicable rules in the *Adjudication Guide* and explaining how prevent similar mistakes in the future.



Attachment 6 Regulations: Risk-Limiting Audits

California Code of Regulations

**Title 2. Administration Division 7. Secretary of State Chapter 2. Risk Limiting Audits** 

### 20110. General Provisions.

- 1. The purpose of this chapter is to establish guidelines and procedures for an elections official to conduct a risk-limiting audit in accordance with the requirements of Division 15. Chapter 4. Article 5.5 of the Elections Code.
- 2. Pursuant to Elections Code section 15367(a)(1), commencing with the statewide general election held on November 3, 2020, the elections official conducting an election may conduct a risk-limiting audit during the official canvass of any election.
- 3. A participating county may exclude any contest that has been subject to a risk-limiting audit from the one-percent manual tally required by Section 15360.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 15150, 15360 and 15367, Elections Code.

#### 20111. Definitions.

As used in this Chapter, the following terms have the following meanings:

- 1. "Ballot" shall have the meaning set forth in Elections Code section 15366(a). A validly cast ballot is any ballot that is eligible to be counted in the canvass of an election, as specified in Division 15, Chapters 2 through 4 of the Elections Code.
- 2. "Ballot card" means a card upon which is printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. A ballot may be comprised of multiple ballot cards.
- 3. "Ballot-level comparison audit" shall have the meaning set forth in Elections Code section 15366(b). In performing this type of risk-limiting audit, the elections official shall export a cast vote record from the voting system for every cast ballot card and cast voter verified paper audit trail containing the contest(s) under audit. The cast number of cast vote records must be exported in a way that enables the elections official to determine whether the number of cast vote records matches the number of ballot cards physically accounted for in the ballot manifest and to find the particular physical ballot card or voter-verified paper audit trail associated with each cast vote record.
- "Ballot manifest" means a detailed description of how the ballot cards are stored and organized, listing at minimum the unique physical location of each and every ballot card cast in the election in such a way that individual ballot cards or batches of ballot cards can be found, retrieved, and examined manually.
- 5. "Ballot polling audit" shall have the meaning set forth in Elections Code section 15366(c). In examining voter markings, the audit board shall perform a hand-to-eye, human interpretation of voter markings but shall not compare those interpretations to the corresponding cast vote records.

- 6. "Batch comparison audit" means a type of risk-limiting audit in which the audit board examines voter markings on ballot cards, in randomly selected batches of ballot cards. This type of risk-limiting audit involves the following steps:
  - 1. The elections official divides the ballot cards cast in the contests under audit into physically identifiable batches, such as the ballot cards cast in different precincts or vote centers.
  - 2. The elections official exports vote subtotals from the voting system for each such physically identifiable batch of cast ballot cards.
  - 3. The elections official verifies that the number of ballot cards according to these subtotals does not exceed the number of ballot cards physically accounted for in the ballot manifest.
  - 4. The elections official compares some or all of those batch-level subtotals to subtotals derived by hand-to-eye, human interpretation of voter markings from the corresponding ballot cards marked by the voter or the voter verified paper audit trail, as defined by Elections Code section 19271.
- 7. "Cast vote record" shall have the meaning set forth in Elections Code section 15366(d). The cast vote record shall be generated by the voting system.
- 8. "Elections official" shall have the meaning set forth in Elections Code section 320.
- 9. "Electoral outcome" shall have the meaning set forth in Elections Code section 15366(e).
- 10. "Hybrid audit" means a type of risk-limiting audit which involves, at a minimum, the following steps:
  - The elections official divides the ballot cards cast in the contests under audit into physically identifiable batches, such as the ballot cards cast in different precincts or vote centers or ballot cards processed by different voting equipment.
  - 2. The elections official exports vote subtotals or cast vote records from the voting system for some of those batches of cast ballot cards from paragraph (1) and exports, at a minimum, aggregate results for the remaining batches of ballot cards.
  - 3. The elections official verifies that the number of ballot cards according to the subtotals in paragraph (2) does not exceed the number of ballot cards physically accounted for in the ballot manifest.
  - 4. The audit board compares some or all of the vote subtotals or cast vote records exported in paragraph (2) to a tabulation or interpretation derived by hand-to-eye, human interpretation of voter markings from the corresponding ballot cards marked by the voter, as defined by Elections Code section 19271.
  - 5. The audit board examines some or all of the ballot cards in the remaining batches from paragraph (2) and performs a hand-to-eye, human interpretation of voter markings from the corresponding ballot cards marked by the voter, as defined by Section 19271.
- 11. "Public notice" means the release of information to the public through two or more of the following readily available communication channels: a website update, a social media post, an email list mailing, a press release, and a notice posted at an office open to the public.
  - 1. Elections officials are encouraged to maintain an email mailing list of persons who would like to be notified about risk-limiting audits. If an elections official maintains such a list, public notice for the purposes of this Chapter must include sending an email to all persons on this list
- 12. "Random seed" means a randomly generated number consisting of at least 20 digits that is used to generate a random number sequence to select ballot cards or batches of ballot cards for audit.
- 13. "Risk-limiting audit" or "RLA" shall have the meaning set forth in Elections Code section 15366(f).
- 14. "Risk-limiting audit software tool" or "RLA software tool" means software that can perform any of the audit types described in Section 20112. Pursuant to Elections Code section 15367(b)(2)(E), the

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algorithms and source code of the RLA software tool shall be disclosed to the public. The Secretary of State shall effect this disclosure by posting the source code, or a link to the source code hosted on another publicly available website, on its website.

15. "Voting system" shall have the meaning set forth in Elections Code section 362.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 320, 362, 15302, 15366, and 15367, Elections Code.

## 20112. Audit Types.

The elections official shall use an RLA software tool provided by the Secretary of State to perform one of the following:

- 1. A ballot-level comparison audit, with a five percent risk limit.
- 2. A ballot polling audit, with a five percent risk limit.
- 3. A batch comparison audit, with a five percent risk limit.
- 4. A hybrid audit, with a five percent risk limit.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

#### 20113. Audit Initiation.

- 1. If the audit commences after all validly cast ballot(s) within the jurisdiction have been tabulated, the audit shall be conducted in a single phase as described in section 20121.
- 2. If the audit commences before all validly cast ballot(s) within the jurisdiction have been tabulated, it shall be conducted in two phases as described in section 20122.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

#### 20114. Contests to be Audited.

Participating counties shall conduct a risk-limiting audit on one or more contests fully contained within the county's borders. Participating counties may conduct opportunistic reviews of contests not subject to audit, including cross-jurisdictional contests, from the same sample of ballot cards by entering voter selections from those contests into the RLA software tool. The results of opportunistic reviews shall not be considered confirmation to any risk limit of the outcomes of these contests.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 15150 and 15367, Elections Code.

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#### 20115. Audit Board Selection.

- 1. The elections official shall appoint an audit board(s) to perform the duties specified in section 20123 that meets the following criteria:
  - Audit boards shall consist of no fewer than three members. At all times, at least one member shall serve as an observer of the audit and may not make determinations of voter choices. At least two members, excluding the observer, shall make determinations of voter choices for each ballot card examined by the audit board. Audit board members may rotate roles.
  - 2. Audit board members may be comprised of election office full-time or temporary staff, volunteers or a combination of staff and volunteers. When feasible, audit board members involved in adjudicating voter intent during the tabulation shall not be involved in ascertaining voter intent during the audit.
  - 3. Prior to conducting the audit, each member of an audit board shall complete and sign a declaration of intent to faithfully discharge audit board duties. Each audit board member shall do so in the presence of the elections official on a form provided by the elections official. The elections official shall countersign the declaration. The declaration shall be in the following form:
  - 4. No fewer than two members of the audit board will be in possession of ballot cards at any time, including during the ballot card retrieval process.
- 2. If the elections official appoints multiple audit boards, only one audit board shall evaluate each ballot card.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

### 20116. Public Education on Risk-Limiting Audits.

- Prior to conducting an RLA, the elections official shall provide public notice that includes descriptions
  of how the process will be conducted, the difference between 1% manual tally and an RLA, and the
  methods for ensuring ballot security. The elections official shall also provide information regarding
  the process for selection of their audit boards and procedures used to ascertain voter intent
  manually.
- 2. The Secretary of State shall make the same materials described in (a) above available on its website.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367. Elections Code.

### 20117. Ballot Manifest and Ballot Handling.

1. The elections official shall maintain an accurate ballot manifest, created without reliance on the voting system. The ballot manifest shall uniquely identify the storage container in which each validly cast ballot card is stored after tabulation.

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- 2. The ballot manifest shall be in the format required by the RLA software tool in the California Post-Election Risk-Limiting Audit Ballot Manifest Format document dated October 15, 2019, which is hereby incorporated by reference, and which the Secretary of State shall post on its website.
- 3. If the audit commences after all validly cast ballot(s) have been tabulated, the elections official shall create only one ballot manifest.
- 4. If the audit commences before all validly cast ballot(s) have been tabulated, the elections official shall create two ballot manifests, one before each phase of the audit: an initial ballot manifest that includes all ballot cards that have been tabulated before the first phase of the audit starts, followed by the final ballot manifest including all tabulated ballot cards.
- 5. The content of the initial ballot manifest shall not be changed in the final manifest; accordingly, no ballot cards shall be added to the containers included in the initial manifest. Instead, the tabulated ballot cards that are not included in the initial ballot manifest shall be stored in new containers, and the final ballot manifest shall include all the rows in the initial ballot manifest plus a row for each new container. Example: 1,000,000 ballot cards were cast in the county, of which 900,000 had been tabulated when the elections official decided to start the first phase of a two-phase audit. The initial ballot manifest includes those 900,000 ballot cards. Ultimately, 97,000 of the remaining 100,000 ballot cards are determined to be validly cast. These ballot cards are tabulated and are stored in new containers. The final ballot manifest consists of the initial ballot manifest plus additional rows that describe the new containers in which these 97,000 ballot cards are stored, for a total count of 997,000 ballot cards in the ballot manifest for the second audit phase.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367. Elections Code.

## 20118. Chain of Custody.

- 1. The elections official shall maintain and document uninterrupted chain of custody for each ballot card and each ballot storage container. Chain of custody logs should, at a minimum, include an identifying number of each ballot storage container and the number of a tamper-evident seal affixed to each ballot storage container. Chain of custody logs shall be available for public inspection after the canvass of the election pursuant to Division 15, Chapters 2 through 4, of the Elections Code is complete.
- 2. The elections official shall secure and maintain in sealed ballot containers all tabulated ballot cards.
- 3. The elections official shall establish written procedures to ensure the security, confidentiality, and integrity of any ballot cards, cast vote records, or any other data collected, stored, or otherwise used pursuant to this section. These procedures shall be published on its website at least five days in advance of the audit.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

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#### 20119. Data Publication Prior to Audit.

- 1. When the elections official submits data to the RLA software tool before an audit phase begins they shall also publish the same data on their website before continuing with the audit. The elections official shall also publish any changes made to such data.
- 2. Subject to Elections Code section 2194(a), cast vote record data shall not be posted to the elections official's website, but shall be made available to the public at the location where the audit is being conducted. The cast vote records made available to the public must include all contests selected for audit, and may also include cast vote records for any other contest in the election not subject to the audit.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 2194 and 15367, Elections Code.

#### 20120. Random Seed.

- 1. The random seed shall be generated in order by sequential rolls of one or more fair 10-sided dice.
- 2. The random seed shall be generated in a public meeting as follows:
  - The elections official shall give at least five days public notice of the public meeting before generating the first random seed and public notice at least one hour before generating a second random seed, should a second random seed be needed when conducting a twophase audit.
  - 2. The elections official shall randomly select members of the public who attend the meeting to take turns rolling a die. At the election official's discretion, the elections official may designate one or more staff members to take turns rolling a die.
  - 3. In the event that no members of the public attend the meeting, the elections official may designate someone or themselves to roll the die.
  - 4. Members of the public attending the public meeting shall be permitted to video record or photograph the random seed generation.
- 3. After the random seed is generated, the elections official shall provide public notice of the random seed
- 4. The random seed shall be entered into the RLA software tool as provided in sections 20121(d) and 20122(e).

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

#### 20121. Audit Procedures for Single-Phase Audit.

- 1. The elections official conducting an RLA after all ballot cards cast within the jurisdiction have been tabulated and reported shall enter the following information into the RLA software tool:
  - 1. The ballot manifest for all ballot card(s):
  - 2. The results for all ballot card(s) tabulated;
  - 3. For ballot-level comparison audits, the cast vote records for all ballot card(s) tabulated;

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- 4. For batch comparison audits, vote totals from the voting system for each contest being audited for each batch; and
- 5. For hybrid audits, all vote subtotals or cast vote records that were exported pursuant to paragraph (2) of subdivision (j) of Section 20111.
- 2. If the RLA software tool identifies any inconsistencies in the information entered under subdivision (a), the elections official shall, if possible, resolve the inconsistencies before the audit proceeds and note the inconsistencies and their cause(s) in the final audit report in section 20125.
- 3. After the data have been submitted under subdivisions (a) and (b), the elections official shall generate a random seed pursuant to section 20120.
- 4. The elections official shall enter the random seed into the RLA software tool. The RLA software tool will generate a list of particular ballot card(s) or batches of ballot card(s) from the ballot manifest to examine manually.
- 5. The elections official may at any point decide to conduct a full manual tally of any contest(s) whose outcomes have not yet been confirmed by the RLA. In the event that the elections official conducts a full manual tally, the RLA of that contest shall be suspended. Such a manual tally shall follow the procedure specified in Elections Code section 15290.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 15290 and 15367, Elections Code.

#### 20122. Audit Procedures for Two-Phase Audit.

- 1. An elections official conducting a two-phase audit under subdivision (d) of section 20117 shall do so in accordance with this section.
- 2. In the first phase of the audit, the elections official shall enter the following information into the RLA software tool:
  - The initial ballot manifest for all ballot card(s) tabulated as described in subdivision (d) of section 20117;
  - 2. The results for all ballot card(s) tabulated that are included in the initial ballot manifest;
  - 3. For ballot-level comparison audits, the cast vote records for all ballot card(s) tabulated that are included in the initial ballot manifest;
  - 4. For batch comparison audits, vote totals from each contest being audited for each batch;
  - 5. For hybrid audits, all vote subtotals or cast vote records that were exported pursuant to paragraph (2) of subdivision (i) of Section 20111; and
  - 6. The maximum number of ballot cards that remain to be tabulated.
- 3. If the RLA software tool identifies any inconsistencies in the information entered under subdivision (b), the elections official shall, if possible, resolve the inconsistencies before the audit proceeds and report the inconsistencies and their cause(s) in the final audit report in section 20125.
- 4. After the data have been submitted under subdivisions (b) and (c), the elections official shall generate the first random seed pursuant to section 20120.
- 5. The elections official shall enter the first random seed into the RLA software tool. The RLA software tool will randomly generate a list of particular ballot card(s) or batches of ballot card(s) from the ballot manifest to examine manually.
- 6. In the second phase of the audit, the elections official shall enter the following information into the RLA software tool:

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- 1. The final ballot manifest for all ballot card(s) tabulated as described in subdivision (d) of section 20117;
- 2. The results for all ballot card(s) tabulated that are included in the final ballot manifest;
- 3. For ballot level comparison audits, the cast vote records for all ballot card(s) tabulated;
- 4. For batch comparison audits, vote totals from each contest being audited for each batch; and
- 5. For hybrid audits, all vote subtotals or cast vote records that were exported pursuant to paragraph (2) of subdivision (j) of Section 20111.
- 7. If the RLA software tool identifies any inconsistencies in the information entered under subdivision (f), the elections official shall, if possible, resolve the inconsistencies before the audit proceeds and report the inconsistencies and their cause(s) in the final audit report in section 20125.
- 8. After the data have been submitted under subdivisions (f) and (g), the elections official shall generate the second random seed pursuant to section 20120.
- 9. The elections official shall enter the second random seed into the RLA software tool. The RLA software tool will identify whether further auditing is required to meet the risk limit. If further auditing is required, the RLA software tool will randomly select additional particular ballot card(s) from the final ballot manifest to be examined manually.
- 10. The elections official may at any point decide to conduct a full manual tally of any contest(s) whose outcomes have not yet been confirmed by the RLA. In the event that the elections official conducts a full manual tally, the RLA of that contest shall be suspended. Such a manual tally shall follow the procedure specified in Elections Code section 15290.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 15290 and 15367, Elections Code.

#### 20123. Ballot Retrieval and Manual Examination.

- 1. The audit board shall locate and retrieve, or observe the location of and retrieval by elections official or election staff of, each randomly selected ballot card from the appropriate storage container. The audit board shall verify that the seals on the appropriate storage containers are those recorded on the applicable chain of custody log.
- 2. The audit board shall examine each randomly selected ballot card. If the selected ballot card was duplicated prior to tabulation, the audit board shall retrieve the original ballot card and report how the original (rather than the duplicate) was marked.
- 3. The audit board shall interpret voter markings on ballot cards selected for audit in accordance with Elections Code section 15154. If the audit board members cannot unanimously agree on the voter's intent, they shall indicate their disagreement in the final report in section 20125. They shall then notify the elections official of the disagreement, who shall arbitrate the issue. The elections official may:
  - 1. Instruct the audit board members to replace the ballot card with another ballot card, selected at random, that contains the same contests as the previously selected ballot card:
  - 2. Instruct the audit board members to submit to the RLA software tool that no consensus can be reached on the voter choices; or
  - 3. Make a final determination of the voter markings and instruct the audit board to submit the voter markings or choices in all audited contests to the RLA software tool.
- 4. The audit board shall record the voters' choices in every contest on every ballot card selected for audit. Those choices shall be entered into the RLA tool.

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- 5. The audit shall continue until the risk limit is met for every contest being audited pursuant to section 20114. If the RLA software tool specifies that further auditing is required to meet the risk limit, it will randomly select additional ballot card(s) from the ballot manifest to be examined manually. The elections official shall retrieve those additional ballot card(s) as described in (a), examine those additional ballot card(s) as described in (b) and (c), and record the voters' choices as described in (d).
- 6. If the elections official chooses to perform a full manual tally of one or more contests, the audits of those contests will be deemed to have met the risk limit and the results of the full manual tally shall be the official results for those contest(s).
- 7. The RLA shall be completed no later than the canvass deadline, as specified by Section 15372 of the Elections Code.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Sections 15154, 15360, and 15367, Elections Code.

#### 20124. Public Observation and Verification of Audit.

- 1. The elections official shall ensure that the audit process is observable and verifiable by the public. The elections official shall:
  - 1. Provide at least five days public notice prior to the first phase of the RLA. This notice shall include the time and place of the random seed generation described in section 20120 and the date the ballot cards will be retrieved and manually examined.
  - 2. Describe in writing the process of manually examining ballot cards and the selection of the ballot cards to be used in the audit.
  - Provide observers with an oral and/or written explanation of the RLA process, a written code of conduct for observation, and any documentation they will need for informed and effective observation.
    - The code of conduct for observation shall be determined by the elections official. The code of conduct for observation shall explain the rights and responsibilities of observers.
    - 2. Documentation needed for informed and effective observation shall include but not be limited to any data the audit relies upon, including:
      - 1. The ballot manifest;
      - 2. For ballot-level comparison audits, the cast vote records;
      - 3. For batch comparison audits, vote totals from each contest being audited for each batch: and
      - 4. For hybrid audits, all vote subtotals or cast vote records that were exported pursuant to paragraph (2) of subdivision (j) of Section 20111.
  - 4. Disclose the methods used to select samples and to calculate the risk.
  - 5. Provide the public the opportunity to observe ballot cards being retrieved and examined during the audit.
  - 6. Provide the public the opportunity to observe the voters' marks on every audited ballot card during the audit.
- 2. Observers may ask questions of the audit board provided they do not interfere with the conduct of the audit. The elections official, at their discretion, may designate an alternate person to receive and

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respond to observer questions in lieu of the audit board, and this person shall confer with the audit board to obtain answers to questions to which this person does not know the answers.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

## 20125. Certification of Contest Results and Reporting of Audit Results.

- 1. The elections official conducting an RLA shall report the results of the audit in the certification of the official canvass of the vote specified by Section 15372 of the Elections Code. The report shall contain the following:
  - 1. The type of RLA conducted (e.g. ballot comparison, ballot polling, batch comparison, or hybrid);
  - 2. The date and time the RLA commenced and finished, and the number of rounds of sampling;
  - 3. A list of contests audited, with final reported results for those contests and the final measured risk for each contest;
  - 4. A link to the website where the ballot manifest can be found;
  - 5. The random seed(s) the elections official generated for use with the RLA software tool, and when and how the random seed(s) was generated;
  - 6. Any inconsistencies between the number of ballot cards and the number of cast vote records, or inconsistencies in the data reported by the RLA software tool, and—when possible—the reason(s) for those inconsistencies.
  - 7. The number of ballot card(s) examined for each contest under audit, noting whether a full manual tally was conducted. If the audit was conducted in stages or continued beyond the first sample, a description of how the sample was drawn and the number of ballot card(s) selected at each stage.
  - 8. Notes regarding any ballot card(s) for which the audit board could not determine the voter's intent, as described in subdivision (c) of section 20123;
  - 9. A link to the website where the list of the particular ballot card(s) examined can be found;
  - 10. For ballot-level comparison audits:
    - 1. The number of discrepancies between ballot card(s) and the cast vote record, and a description of each discrepancy; and
    - 2. A link to the website where the cast vote record file only for the ballot card(s) examined in the audit can be found:
  - 11. For batch comparison audits, discrepancies between batches and batch totals, and a description of each discrepancy:
  - 12. For opportunistic reviews of contests not subject to audit, as described in Section 20114, a list of contests reviewed and the result of the reviews.
  - 13. The person-hours required to prepare for the audit, and number of people involved;
  - 14. The person-hours required to conduct the audit, and number of people involved;
  - 15. The number of members of the public who observed the audit;
  - 16. Notes on anything unusual or problematic, or that would be useful to improve the process, or that might be of value to the Secretary of State or other elections officials; and
  - 17. An attestation from the elections official that the RLA was conducted in accordance with Title 2, Division 7, Chapter 2 of the California Code of Regulations.

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- 2. The certification of the official canvass of the vote shall be conducted in accordance with Section 15372 of the Elections Code.
- 3. The Secretary of State shall publish any report under this section received from an elections official on its website no later than five days after the date it publishes the certification of the official canvass of the vote in accordance with Section 15372 of the Elections Code. This subdivision shall not prohibit the elections official from publishing the same report on its website.

Note: Authority cited: Section 12172.5, Government Code; Section 15367, Elections Code. Reference: Section 15367, Elections Code.

## 20126. Redaction of Personally Identifiable Voter Choices.

No later than the third business day following the expiration of the deadline to request a recount under Elections Code sections 15620 or 15621, or the completion of any recount, whichever is later, an elections official who conducted an RLA shall review its cast vote records file that was published and redact from the public record, but not its own files, the voter choices corresponding to any ballot susceptible to being personally identified with an individual voter.

Note: Authority cited: Section 12172.5 Government Code; Section 15367, Elections Code. Reference: Sections 15367, 15620, and 15621 Elections Code.

Attachment 6

# **Custody Transfer Procedures: Ballot Processing**

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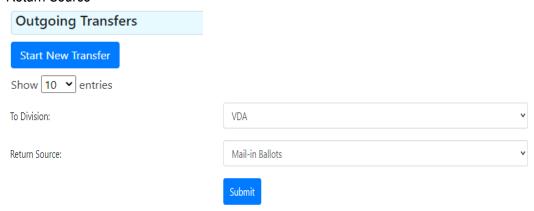
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Maintaining the integrity of elections requires conscientious attention to every aspect of the elections process. An essential part of safeguarding the legitimacy of elections results is the enforcement of strict chain of custody protocols for all vital election materials. The types of election materials include VBM ballots, faxed ballots, challenged ballots (ballots with no signatures and spoiled ballots), cured ballots, non-citizen voting ballots, conditional voter ballots, and provisional ballots.

# I. Preparing a Custody Transfer Log

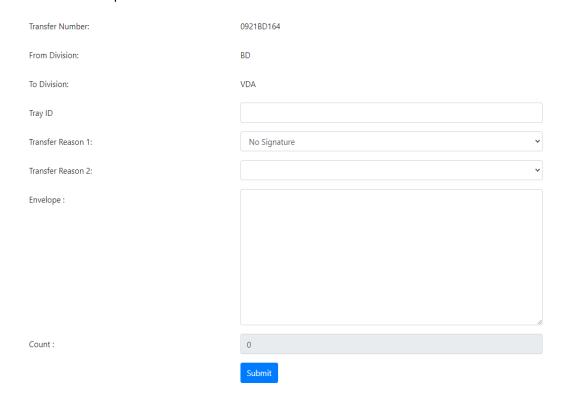
When ballots are transferred between Administration Division "AD", Ballot Distribution "BD", Voter Servicers "VS", Voter Data Analysis "VDA, or Warehouse "WH", division leads create a custody transfer log using the following steps:

- A. Open the ballot custody transfer application.
- B. Log in using your name and password.
- C. Click on "Start New Transfer" tab and enter the following information:
  - 1. Transfer Division
  - Return Source

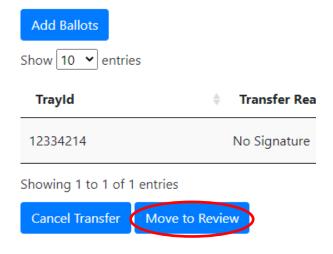




- D. Click on "Add Ballots" tab and enter the following information:
  - 1. Tray ID
  - 2. Transfer Reason 1
  - 3. Transfer Reason 2 (if necessary)
  - 4. Envelope ID



- E. Click on "Submit" tab to record the transfer information and click "Return to Transfer Details" tab to review the entered data.
- F. After confirming the data is correct, click "Move to Review" tab and then click "Initiate Transfer" tab to record the transferring of ballots to another division.



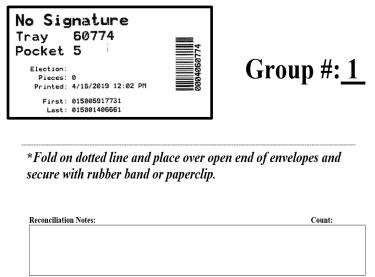


- G. Click "View Summary" tab to printout two copies of the custody transfer log.
- H. Sign both copies of the custody transfer logs.
- I. Bring the ballots and custody transfer logs to the receiving division lead.
- J. The receiver signs both copies of the custody transfer logs.
- K. The receiver retains one copy for record retention and the second copy is given to the originator of the document.

# II. Scanning and Sorting of Vote-by-Mail Envelopes

Upon receipt of vote-by mail (VBM) ballots from USPS, the Agilis team uses the Department's ballot envelope sorting system (Agilis) to sort and scan the envelopes. There are two phases to the sorting of VBMs.

- A. The first phase involves the Agilis capturing a digital image of the signature on each envelope for signature verification and outstacking spoiled ballots and ballots with no signature (step known as incoming scan).
  - 1. The Agilis sorts envelopes in batches of 400 that Agilis team members place into trays.
  - 2. Each tray has a cover sheet with a tray tag, that record which envelopes are sorted into that tray.



**Envelope Extract Form** 

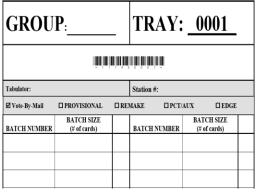
- 3. BD lead transfers outstack ballots to VS or VDA for review using a custody transfer log and a manual review form to indicate the reasons for the transfer.
  - a. The procedure for creating a custody transfer log is described in section I.
  - b. The manual review form is a cover sheet for the VS/VDA team to identify types of outstacked envelopes.



MANUAL REVIEW								
TRAY: 4801								
DAT □ INCOMING SCAN	TE: TOTAL:	□EXTRACTION						
SOURCE:  MAIL  VOTING CENTER  CURBSIDE  POLL PLACE	□ CHALLENGES	□ SPOIL						
□ SPOIL  INDIGNATURE  INDIGNATURE  INDIGNATURE  INDIGNATURE  INDIGNATURE  INDIGNATURE  INDIGNATURE	□ PENDING CHALLENGES □ OTHER □ HILLING HILLIN							
REJECTS  INVALID APP ID  OTHER								

- B. After VS/VDA complete their review, envelopes are transferred to BD for a second sort using the Agilis. The second sort separates challenged and accepted ballot envelopes (step known as audit scan). A ballot is challenged if the signature on the return envelope does not match the voter's signature history in the Election Information Management System "EIMS".
  - 1. BD lead transfers challenged envelopes to VS/VDA team for further processing using a custody transfer log and a manual review form.
  - 2. Agilis team member assigns the accepted envelopes to a group number and a tray number using the Ballot Tracking Application:
    - a. Pick up a tray of accepted envelopes and a tray header sheet as shown below:

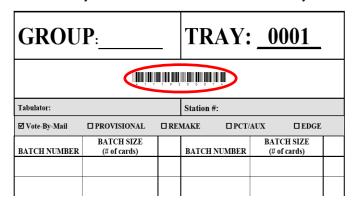




b. Log into the Ballot Tracking Application



- i. Click the drop down menu on the "Manage" tab and click "Tray Assignment"
- ii. Scan the tray header sheet barcode to fill the "Tray Number" field.



- iii. Enter a Group number in the "Batch" field.
- iv. Scan the tray tag barcode in the "Tag" field



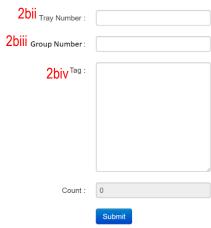
\*Fold on dotted line and place over open end of envelopes and secure with rubber band or paperclip.

Reconciliation Notes:	Count:

**Envelope Extract Form** 

v. Click "Submit"

**Tray Assignment** 

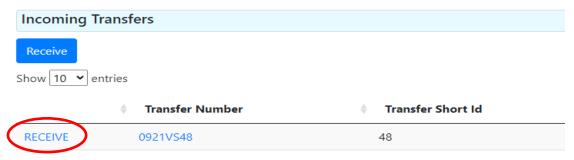




## III. Receiving Transfer of Ballots

Upon receiving the transfer of ballots, the recipient division lead signs the custody transfer log and verifies that the number of envelopes received matches the total recorded on the log. If the number of envelopes does not match, return all of the ballots to the transferring division to resolve the mismatch. If the number matches, the recipient division lead follows the steps below to record the transfer of ballot custody in the ballot custody transfer application.

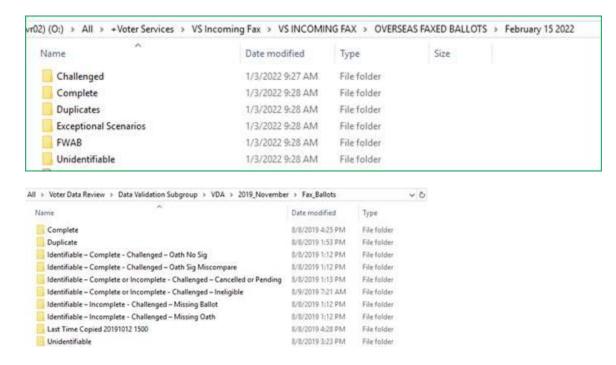
- 1. Recipient division lead opens the division's ballot custody transfer application.
- 2. Under incoming transfers section, click on "Receive" tab.



# IV. Faxed Ballots

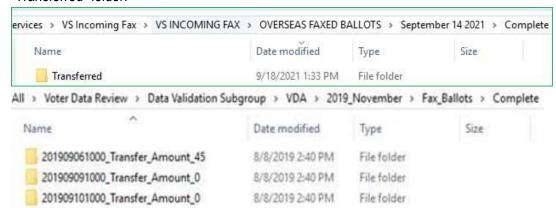
Military and Overseas voters who returned their ballots via fax require different handling and tracking methods than VBM. Below describes the workflow of how the VDA division processes faxed ballots:

- A. The first step in the process is for VDA staff to determine if the incoming fax is complete. A fax is complete if it contains both a signed voter oath and ballot. The incomplete faxes get sorted into different categories based on their challenge reasons.
  - The picture below shows the folder structure of how faxed ballots are organized.

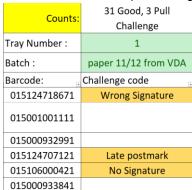




After the faxed ballots inside the "Complete" folder are transferred to BD, they are moved to the "Transferred" folder.



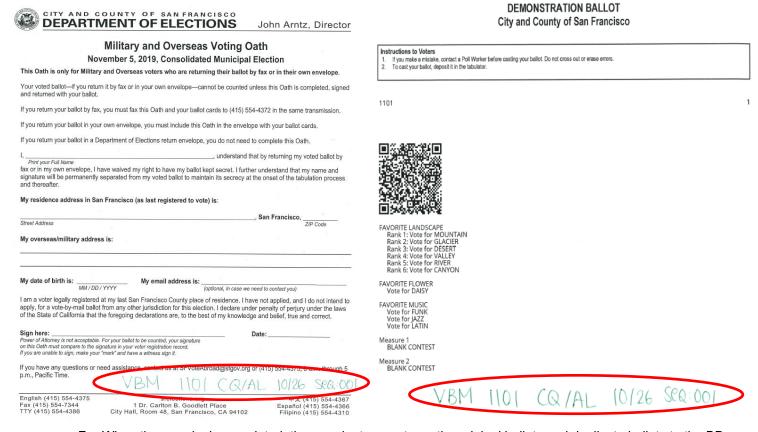
- B. The second step is for VDA staff to transfer the faxed ballots to BD using the custody transfer log.
- C. After BD receives the transfer of faxed ballots, BD staff verifies the faxed ballots are accepted in the EIMS:
  - 1. Open the faxed ballot remake assignment spreadsheet.
  - 2. Scan the faxed ballots barcode under "Barcode" column.
    - a. Faxed ballot that is not accepted in EIMS is flagged with a challenge code and is returned to the VDA for further processing.



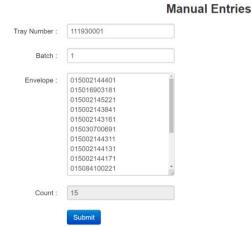
- D. After verification is completed, BD lead must print out a copy of the faxed ballot remake assignment spreadsheet.
- E. The BD lead will assign the faxed ballots to a team for remake using the ICX Ballot-Marking Devices.
  - 1. The original and duplicate ballots will have matching alphanumeric serial numbers, which consist of:
    - a. Type of Ballot: "VBM" or "PV WBT" or "PV WPCT" (vote-by-mail or provisional wrong ballot type or provisional wrong precinct)
    - b. Ballot precinct number
    - Initials of both members of the team
    - d. Current date in dd/mm format; and



The sequence number (i.e, a team's fifth remake of the day will have be represented with "5."



- F. When the remake is completed, the remake team returns the original ballots and duplicate ballots to the BD lead.
- G. BD lead compares the sequence number on the duplicate ballots to the total number of faxed ballot issued on the faxed ballot remake assignment spreadsheet.
- H. Next, BD lead assigns a tray number to the remade ballots using the following steps:
  - Obtain a tray header sheet.
  - 2. Open the ballot tracking application.
  - Scan the faxed ballot barcodes to the manual tray assignment tab.





Click "Submit"

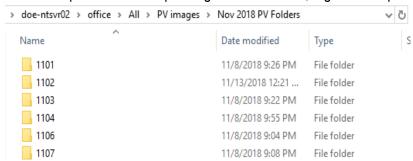
## V. Provisional Ballots

After Election Day, the Department begins to process provisional (PV) ballots. PV ballots are organized in trays by precinct and separated by header cards at the Processing Center at the Department's warehouse and delivered to City Hall. There are six phases to the processing of the PV ballots.

- A. First Phase PV Imaging
  - 1. BD imaging teams photograph the PV envelopes and precinct header sheets.



2. BD leads upload PV envelope images on the server, organized in precinct order.



- After imaging is completed, BD lead will transfer precinct header sheets to PV processing teams for review.
- B. Second Phase PV Processing Team reviews all imaged ballot envelopes to verify the voter's registration and eligibility to vote in San Francisco.
  - 1. PV processing teams retrieve a PV ballot header sheet.
  - 2. Search for the voter who cast the PV ballot in EIMS
  - 3. Input information from the PV envelope image into EIMS
  - 4. Determine if the PV ballot should be counted or partially counted by comparing the Precinct and Ballot Type where the voter cast a ballot with the Precinct and Ballot type of the address that the voter wrote on the envelope.
- C. Third Phase PV Labeling



- BD labeling teams pick up a tray of PV ballots.
- 2. Scan the PV barcode in the PV module to generate a label.
- 3. Attaches the label on the right hand corner of the PV envelope.
- 4. Base on the label, sort the PV envelopes into four categories:
  - a. Accepted PV
  - b. Wrong ballot type (WBT) PV
  - c. Wrong precinct (WPCT) PV
  - d. Pending PV



- D. Fourth Phase BD Leads Process Accepted PV
  - 1. Pick up a tray of accepted PV ballots and obtain a tray header sheet from BD manager.
  - 2. Assign a batch number to the tray:
    - a. Open the Ballot Tracking Application
    - b. Click the drop down menu on "Manage" tab and click "Tray Assignment"
    - c. Scan the tray header sheet barcode to fill the "Tray Number" field.
    - d. Enter a batch number
    - e. Scan the barcode on the PV ballots
    - f. Click "Submit"
  - 3. Assign BD staff to extract and prepare PV envelopes for tabulation.
- E. Fifth Phase BD Leads Process Wrong Precinct (WPCT) PV and Wrong Ballot Type (WBT) PV for remake
  - Create a PV remake custody transfer form.
    - a. Pick up a tray of WPCT or WBT PV ballots.
    - b. Open PV remake custody transfer form.
    - c. Scan in the PV envelopes barcode under "Barcode" column.
    - d. Print out a copy of PV remake custody transfer form.
  - 2. Assign the tray of scanned WPCT or WBT PV ballots to a team for remake using the ICX Ballot-Marking Devices.
  - 3. After ballots are remade, the remake team returns the empty PV envelopes, original ballots, and remade ICX ballots to a BD lead.



- 4. Compare the sequence number on the remade ballot to the total number of PV ballots issued as written on the PV remake custody transfer form.
- 5. Assign the remade PV envelopes barcode into the Ballot Tracking Application to update the Voter Look Up status tool.
- 6. Assign BD staff to prepare remade ballots for tabulation.
- F. Sixth Phase BD Leads Process Pending PV
  - Scan envelopes on custody transfer log and transfer envelopes to PV Processing team for further review.

# VI. VotingWorks Ballots

To ensure all VotingWorks ballots are remade each day, lead staff members compare the number of VotingWorks ballot listed in the record retention log matches with the number of remade VotingWorks ballots in the remake log. If the number does not match, notify a supervisor.

Then, the original and remade ballots are separated and organize according to the serial numbers written on the bottom of the ballots in the following order:

- 1. Date that the ballot was remade
- 2. Team initials
- 3. Daily remake number

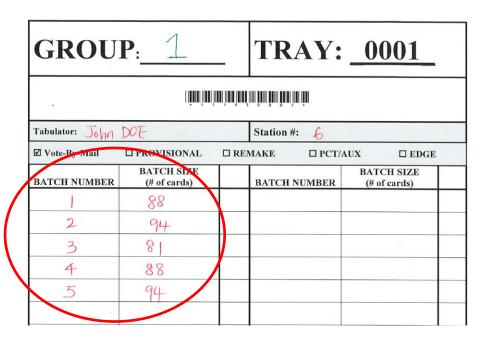
Original ballots are stored in a secured room in the Department. Remade ballots are transferred to the tabulation room for processing. After the remade ballots are tabulated, ballots are placed in storage boxes with a unique box barcode affixed to the box. To secure the boxes, tamper proof seals are placed around the box and box lid.

## VII. Ballot Manifest

To validate the total number of ballots scanned in each batch, tabulation teams compare the number written on the tray header sheets with the "Batches Loaded Report" from the tabulation system. All box and cart information is recorded in a spreadsheet for reference. The Ballot Manifest is also use as tool to tog and track the location of counted ballot boxes.

- A. BD lead opens "Batches Loaded Report".
- B. Tabulation teams compare the batch number and on the tray header sheet to the batch number and total ballots in Batch Loaded Report.
  - 1. If the number does not match, notify a lead.





Batches Loaded Report								
	Tabulator	Tabulator	Batch		Lead	Total	Result	Adjudication
DateTime	Number	Name	Number	Result File Name	Ballots	Ballots	State	State
7/30/2019 10:43:43 AM	6	ICC01-VBM	ı	1_1_6_1_DETAIL.DVD	88	88	Published	Adjudicated
7/30/2019 11:01:41 AM	6	ICC01-VBM	2	1_1_6_2_DETAIL.DVD	94	94	Published	Adjudicated
7/30/2019 11:20:41 AM	6	ICC01-VBM	3	1_1_6_3_DETAIL.DVD	81	81	Published	Adjudicated
7/30/2019 11:23:41 AM	6	ICC01-VBM	4	1_1_6_4_DETAIL.DVD	88	88	Published	Adjudicated
7/31/2019 9:47:51 AM	6	ICC01-VBM	5	1_1_6_5_DETAIL.DVD	94	94	Published	Adjudicated
7/30/2019 11:30:41 AM	6	ICC01-VBM	6	1_1_6_6_DETAIL.DVD	26	26	Published	Adjudicated

C. After the ballot counts are confirmed, BD lead creates a ballot manifest using the tray header sheet number (box number) and cart number.

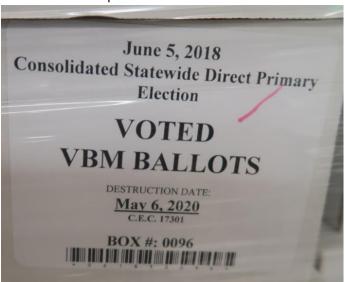
<b>Ballot Manifest</b>										
DateTime			Batch	Result File Name	Lead	Total Ballots		*	Tray number (tray	
	Number	Name							neader sneet)	number
7/30/2019 10:43:43 AM	6	ICC01-VBM	1	1_1_6_1_DETAIL.DVD	88	88	Published	Adjudicated	1	14
7/30/2019 11:01:41 AM	6	ICC01-VBM	2	1_1_6_2_DETAIL.DVD	94	94	Published	Adjudicated	1	14
7/30/2019 11:20:41 AM	6	ICC01-VBM	3	1_1_6_3_DETAIL.DVD	81	81	Published	Adjudicated	1	14
7/30/2019 11:23:41 AM	6	ICC01-VBM	4	1_1_6_4_DETAIL.DVD	88	88	Published	Adjudicated	1	14
7/30/2019 11:30:41 AM	6	ICC01-VBM	6	1_1_6_6_DETAIL.DVD	26	26	Published	Adjudicated	1	14
7/30/2019 11:37:41 AM	6	ICC01-VBM	7	1_1_6_7_DETAIL.DVD	20	20	Published	Adjudicated	1	14
7/30/2019 4:26:43 PM	6	ICC01-VBM	8	1_1_6_8_DETAIL.DVD	5	5	Published	Adjudicated	1	14
7/31/2019 9:47:51 AM	6	ICC01-VBM	5	1_1_6_5_DETAIL.DVD	94	94	Initial	In Adjudication	1	14



## VIII. Record Retention

After ballots are tabulated, scanned ballots are placed inside a cardboard box for storage. Each box contains approximately 500 ballot cards, and ballots are separated into different batches using a tally sheet. The boxes are labeled with the election name and date, the contents, the destruction date set by CEC 17301, and a box barcode number. A tamper proof security seal is placed around each box which covers the container and the box lid. Using the asset management system, BD staff members follow the steps below to prepare the boxes for storage at the warehouse.

A. BD staff members put the tabulated boxes of ballots on a two tier carts, with the box label facing one direction.

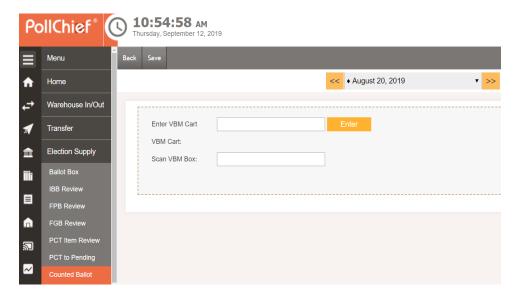


B. BD lead assigns a cart number to the two tier carts.



- C. BD lead logs into the asset management system:
  - 1. Click "Counted Ballot Box/Cart" under Election Supply.
  - 2. Click "Create Counted Ballot Box/Cart:
  - Enter the cart number in "Enter VBM Cart" field.
  - 4. Click "Enter".
  - 5. Scan all of the box barcode numbers in "Scan VBM Box" field.
  - 6. Click "Save".

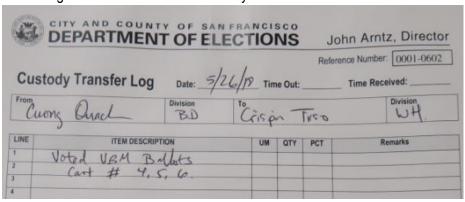




D. BD staff members shrink-wrap the cart and seal with anti-tamper door seal.



E. BD manager fills out a warehouse custody transfer form.





# IX. Security Practices

After tabulation, all ballots are stored in RM 59, secured back room, conference room, and tabulation room. The room is safeguarded with an anti-tamper door seal. In addition to the seal, only authorize personnel are given the passcode to open the secured room. BD and VS staff members follow the steps below as the opening and closing practices.

## A. Opening Procedure

- 1. Verify the anti-tamper door seal and confirm that no one has entered the room after the seal was put on.
  - a. If the seal is tampered, inform a supervisor.
  - b. If the seal is not tampered, move on to step 2.
- 2. Remove the tamper-evident seal and place the seal in the Access Log.
- Record the date, time, name in the Access Log.



### B. Closing Procedure

- Obtain an anti-tamper door seal.
- Record the date, time, name, and seal number in the Access Log.
- 3. Write down their name and date on the tamper-evident seal.
- 4. Seal the room with tamper-evident seal.



## John Arntz, Director

#### DRAFT EXAMPLE

November 8, 2022 Consolidated General Election Canvass Procedures: Random Selection of Precincts for the 1% Manual Tally

### A. Materials used:

- 1. Precinct List: A list of all 588 precincts used in this election in ascending order. Each precinct is listed and is given an item number within a range from 001 to 588.
- 2. Batch Lists: Lists of the batches of vote-by-mail and provisional ballots stored in assigned boxes and assigned item numbers within a range from XXX to XXX.
- 3. Three Dice: Each die is 10-sided and numbered 0 to 9. One die is red, another is white, and the third is blue.
- 4. Lists that include ballot content and ballot types to identify that the selected precincts and batches include every contest voted upon during the election.

## B. Explanation of the Process:

- 1. California Elections Code section 15360 requires a manual tally of ballots cast each election to compare against the results reported by the voting equipment. The Department will randomly select ballots using 10-sided dice from at least 1% of the precincts and manually tally the ballots from the polling places for these precincts. Since the November 2022 Consolidated General Election is comprised of 588 polling places, the Department of Elections (Department) must randomly select a total of six precincts for which the Department will conduct a manual tally covering all contests.
- 2. The Department will use 10-sided dice to randomly select batches of vote-by-mail ballots to manually tally 1% of all vote-by-mail ballots cast. The Department will compare the totals from the manual tallies of vote-by-mail ballots to the results reports issued by the voting system
- 3. The Department will also use 10-sided dice to randomly select batches of provisional ballots to manually tally 1% of all provisional ballots cast. The Department will compare the totals from the manual tallies of provisional ballots to the results reports issued by the voting system.
- 4. California Elections Code section 15360 requires the selection of additional precincts or batches if not all contests were included in the initial group of precincts. The manual tally associated with these additional precincts will apply only to the contests absent from the precincts in the initial group of selections.
- 5. The color of each die corresponds to its position in a 3-digit number combination. For instance, the red die corresponds to the first digit, the white die corresponds to the second digit, and the blue die corresponds to the third digit. As an example, the number "412", represents a roll of which the "4" appeared on the red die, the "1" on the white die, and the "2" on the blue die.
- 6. The three-digit numbers will be cross-referenced to the lists of sequentially numbered precincts and batches of ballots that identify which ballot cards will be audited.
- 7. Department personnel will record the numbers that result from each rolling of the dice.

### C. Steps in the drawing of the precincts:

- 1. A member of the public or a Department representative will place the dice in one or both hands and then roll the dice onto a table.
- 2. The numbers facing up on each die will be announced by a Department representative or a member of the public according to the color of the dice. The number on the red die will be the first number announced, the number on the white die will be second number announced, and the last number announced will be that from the blue die.

- 3. Department personnel will type the numbers as they are called and record them onto a screen located near the table on which the dice are rolled.
- 4. If the number combination falls outside the ranges of precincts or batches, Department personnel will announce aloud that the dice represent a number combination that is outside the range of the sequentially listed precincts.
- 5. If the number combination falls within the range of precincts or batches, Department personnel will announce the corresponding precinct and record them onto the screen.
- 6. After the first five precincts have been selected, the Department will determine if all contests from the election are included in this first group of precincts or batches.
- 7. If there is a contest or contests not included in this initial group of precincts or batches, a Department representative will state which contest or contests require additional rolling of the dice. The Department representative will also state that, for these subsequent precincts or batches, only the contest not yet included in the selected precincts or batches requires a manual tally.
- 8. After the initial group of precincts or batches is determined, for all subsequent rolls of the dice, a Department representative will announce whether the numbers on the dice match a precinct or batch item number, and, if so, represent a precinct or batch from which contest or contests must be added to the manual tally.
- 9. When the additional precincts are identified, the Department will announce that the selection of precincts is completed.
- 10. The Department will issue a press release and post outside the door to its public entrance the list of precincts and batches and their relative contests that the Department will manually tally. The notices will include the time and location of the manual tallies.

## D. Selecting number seed for Risk-Limiting Audit

- 1. The Department conducted a pilot program using ballot marking devices from vendor VotingWorks as authorized by the Board of Supervisors in January 2022.
- 2. State elections law requires all ballots cast during a pilot program be reviewed using a risk-limiting audit.
- 3. Before conducting the audit, the Department must obtain a 20-digit seed number to enter into the software program that assesses the inputted ballot and vote information during the audit.
- 4. To obtain the 20-digit seed number, the Department will again roll the three 10-sided dice, and apply the numbers in the same sequence according to the color of the die: red, white, and then blue.
- 5. The three dice will be rolled a total of six times as a group, which will provide 18 of the 20 digits needed for the seed number. To obtain the remaining two digits for the seed number, the seventh roll of the dice will include the red and white dice, and will omit the blue die. The number on the red die will be recorded first, followed by the white die.
- 6. After the 20-digit seed number is obtained, the Department will post this this number on its website.

### E. Ballot Content (Example from November 2018 General Election)

- 1. Every voter received a four-card ballot for this election:
- 2. Card 1 contains contests for the Governor, Lt. Governor, Secretary of State, State Controller, State Treasurer, Attorney General, Insurance Commissioner, Board of Equalization-District 2, U.S. Senator, U.S. Representative
  - a. District 12, U.S. Representative District 14, State Assembly –District 17, State Assembly –District 19,
  - b. Judicial Offices, Superintendent of Public Instructions, and the Community College Board, BART Director District 8.
- 3. Card 2 contains the contests for the Board of Education, and the State Propositions 1 to 7.
- 4. Card 3 contains the contests for State Propositions 8 to 12, and the Local Measures A to E.
- 5. Card 4 contains the contests for the RCV contest which includes the Assessor Recorder, Public Defender,
- 6. Board of Supervisor for Districts 2, 4, 6, 8, and 10.