

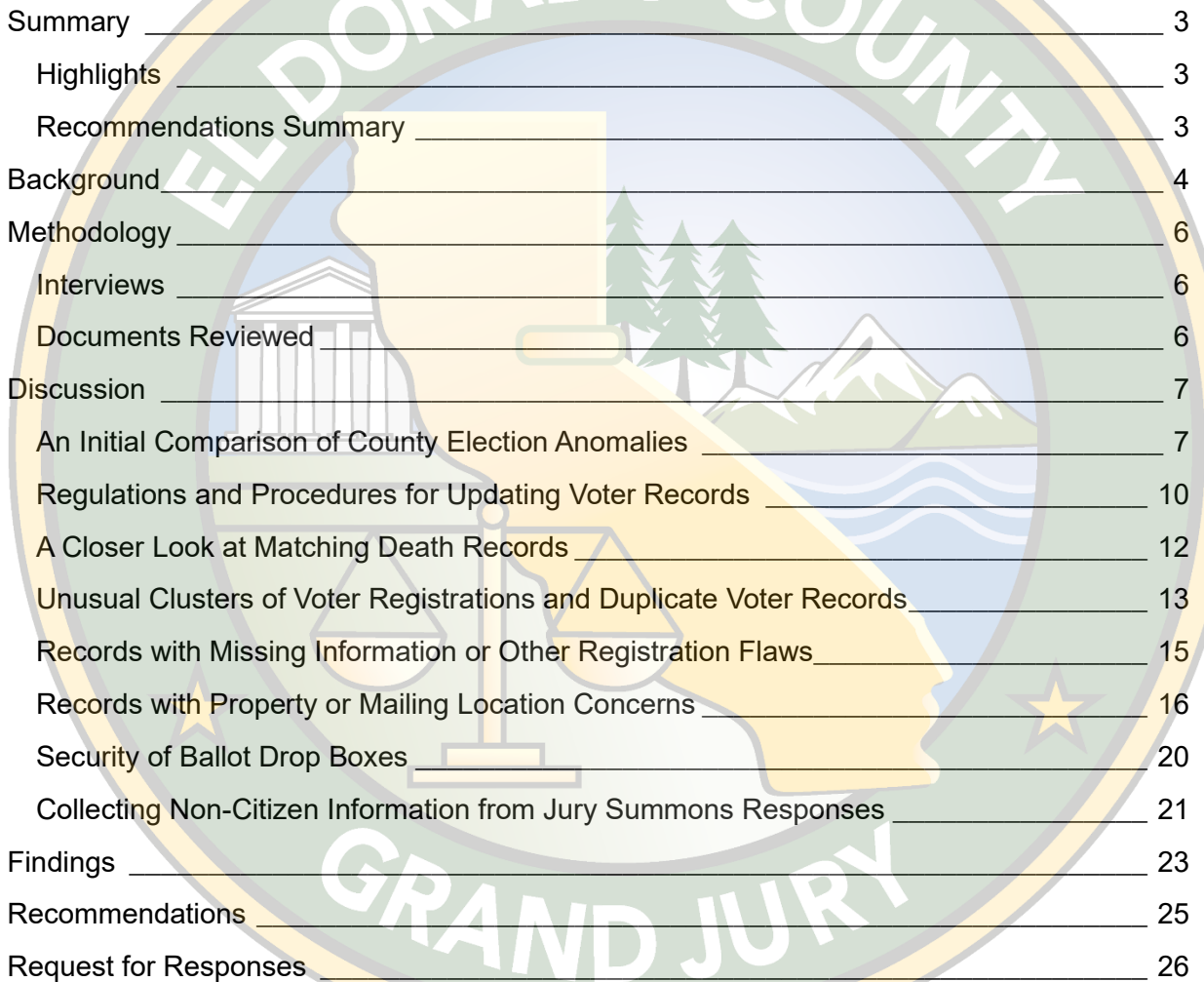
## 2024-25 GRAND JURY REPORT EL DORADO COUNTY JANUARY 7, 2024 – CASE #25-01

### ELECTIONS: A DEEPER DIVE INTO VOTER ROLLS AND DROP BOX SECURITY

*Following up on the last Grand Jury report (#24-09) on Election Procedures, we take a closer look at the maintenance of voter rolls and voter eligibility, one of the bigger challenges the County Elections Department faces.*

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The background of the page features a large, semi-transparent watermark of the Eldorado County Grand Jury seal. The seal is circular with a yellow border. Inside the border, the words "ELDORADO COUNTY" are written in a semi-circle at the top, and "GRAND JURY" is written in a semi-circle at the bottom. The central part of the seal depicts a landscape with a yellow sun, green trees, and snow-capped mountains. In the foreground, there is a scale of justice and a gavel.

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*Cover Caption: Election night monitoring screens available to the public at the County Election Headquarters. Taken March 5, 2024.*

# SUMMARY

## Summary

*“A fair election is the cornerstone of democracy, and the integrity of the process must be upheld to ensure that every citizen's voice is heard.”*

- Thomas Jefferson

## HIGHLIGHTS

Maintaining the El Dorado County (“County”) voter roll is one of the most challenging and tedious tasks for our County Office of Elections (Elections Department). This process includes determining who receives a vote-by-mail ballot and who is eligible to vote in County elections. While voter registration procedures are governed by the State of California, ultimately the County Registrar of Voters is accountable for the accuracy of the voter database. The sheer size of the state and the daily updates that are required for new registrations, address changes and deaths seemingly opens the door for a certain number of errors, outdated information and inconsistencies. Further, to ensure everyone’s right to vote, it is much easier to get on the voter roll than to be removed, so there are bound to be several records that are pending clean-up or updates when dealing with partial or unconfirmed information.

The Grand Jury took a deep dive into the state of our County voter database to see if there were any anomalies, and to better understand the process the County uses to keep the voter roll up to date, accurate and in compliance with State requirements. Suspicious, incomplete or inaccurate records appear to be minimal, although with detailed analysis there could be opportunities for ongoing cleanup of outdated records. We also compared numbers with other counties to gauge the severity of the issues in our County.

## RECOMMENDATIONS SUMMARY

Overall, the County is doing an excellent job. Recommendations are minor. An ongoing review of certain records is warranted and there may be opportunities to more easily correlate voter records with outside sources of information to detect anomalies in the future. Our full analysis of the County voter roll follows.

## Background

The Office of Elections consistently reports that one of its biggest challenges is maintaining accuracy and consistency of the County roll of eligible voters. The challenge has only increased in recent years as the State of California (“State”) has moved to a “vote center” model where a large majority of votes are now cast by mail-in ballot and ballot verification and processing is handled in a central location. The County is ultimately accountable for the accuracy of its voter roll and is required to coordinate daily with the State for voter updates on relocations, new registrations, deaths, duplicate registrations, and more. It is impossible to keep an up-to-date and accurate list of all eligible voters and their current location. By design, there are limited opportunities to verify voter identities, and there can be registration errors through paper and online registration procedures.

The accuracy of voter rolls is one of the biggest concerns expressed by the public when discussing election integrity. There is speculation about voter roll maintenance and voter eligibility simply because the process has become much more complicated and automated in recent years. A primary concern is to what extent non-citizen migrants are allowed to register and vote, and the ability to vote without presenting any form of ID. Some of these issues were covered in detail in a 2023-2024 County Grand Jury report (#24-09).

The Grand Jury was informed that the Elections Department has received calls from individuals who received a mail-in ballot but were not citizens and requested that their names be removed from the voter rolls. The Grand Jury does not know how many such calls were received, nor how many individuals in similar situations did not call or report the condition. This provides initial evidence that the voter roll contains issues that need further investigation. In addition, we were made aware of other election integrity investigations throughout the State that had uncovered voter roll anomalies in other counties. By using a database query system, the Grand Jury did a very preliminary analysis of the County voter roll for unusual registrations and found several hundred that warranted further investigation.

## BACKGROUND

We investigated a large number of those records specifically to see if there were any anomalies or concerns that could lead to fraudulent votes in our County. We also wanted to determine if there were any areas that the Elections Department should focus on to improve the accuracy of the list of eligible voters. Our factual analysis of these initial concerns follows.



# METHODOLOGY

## Methodology

The Grand Jury obtained access to the statewide voter roll database from the California Secretary of State as of August 15, 2024. We primarily focused on the El Dorado County voter roll and looked at trends across other larger counties (Placer, Sacramento, and Los Angeles) for comparison purposes. We leveraged a data analytics tool from SoftNetwork Solutions, LLC, to query the voter database for anomalies as well as to inspect individual voter records and details for additional information.

The SoftNetwork Solutions platform combines the voter roll database with other large public data sets, including Social Security death records, social media profiles, consumer databases, Google maps, address information, and more. In some cases, these additional data sets provided the ability to identify duplicate records as being unique individuals, or whether a primary residence provided was legitimate for the number of registered voters listed.

The voter database was provided by the California Secretary of State through SoftNetwork Solutions, LLC, who was authorized to provide the information to the Grand Jury. California Code of Regulations, Title 2, Section 19003(a) provides permissible uses for voter rolls, including subsection (a)(6): *Record Review: For any person to conduct an audit of voter registration lists for election, scholarly, journalistic, political, or governmental purposes. Record review includes, but is not limited to, detecting voter registration fraud, evaluating voter registration information accuracy, and evaluating compliance with applicable Federal and California laws.*

## INTERVIEWS

- Elections Department staff
- Tour of the Elections Office and Public Town Hall

## DOCUMENTS REVIEWED

- California Elections Code
- El Dorado County Voter Roll current as of August 15, 2024

# DISCUSSION

## Discussion

The Elections Department is challenged to keep the County voter roll accurate and synched with State data. We analyzed the data to see how current and accurate the voter roll really was.

### AN INITIAL COMPARISON OF COUNTY ELECTION ANOMALIES

The Grand Jury started with a comparison of election anomalies identified in a standard database report across four different counties, including El Dorado, Placer, Sacramento, and Los Angeles. This initial report included voter information from the most recent March primary election in California (actual votes cast), as well as the voter roll data from each county as of August 15, 2024.

The initial report summary is designed to identify a wide variety of election anomalies including:

- Incomplete voter registrations and duplicate registrations,
- Number of voters at the same address or with the same contact details,
- Voters with invalid residential information (a mail store or other commercial address),
- Address and age anomalies,
- Matching death records or obituaries for active voters,
- Active voters that should be inactive,
- Voters living outside the County, State and country.

The following table shows a side-by-side comparison of each county relative to a list of possible anomalies to identify areas of interest that would require further analysis in El Dorado County, and which issues might need to be better addressed at the State level across multiple counties.

The results listed in the table of anomalies are not necessarily indicative of any fraudulent activity or unwarranted voter registrations. Further analysis of the individual voter records involved is required to determine voter registrations that should be cleaned from the roll. Additional information not available in the data is likely required to verify any potential issues. After identifying potential areas of concern, we drilled further down in the data to make a final determination of any records or identified anomalies, such as “dead people” voting.

## DISCUSSION

The table below highlights some of these areas which are further discussed in the following sections. Most of the problem areas listed in the left column of the table are self-explanatory. The data platform can correlate voter information with a wide range of other external data sources. These include death records and obituaries, California consumer credit reports, social media profiles where real names are required, etc.



# DISCUSSION

Problem type	El Dorado				Placer				Sacramento				Los Angeles			
	Total Voters	144737	Total Voted	67674	Total Voters	311471	Total Voted	136616	Total Voters	977700	Total Voted	347130	Total Voters	6224977	Total Voted	1638943
	Voters	%	Voted	%	Voters	%	Voted	%	Voters	%	Voted	%	Voters	%	Voted	%
Missing birthplace	24216	17%	7392	11%	41522	13%	9439	3%	134719	14%	23431	7%	1414484	23%	257302	16%
6+ Voters at address	2068	1%	795	1%	5262	2%	1679	1%	24571	3%	6295	2%	403070	6%	70238	4%
Voter Age: 90+	1759	1%	1070	2%	4649	1%	2970	1%	12497	1%	6306	2%	88819	1%	29895	2%
Can not find matching consumer in CA	1398	1%	458	1%	5383	2%	1535	0%	22239	2%	4677	1%	253132	4%	44526	3%
NVRA violation: active after missing two elections	2830	2%	0	0%	9026	3%	0	0%	39354	4%	0	0%	472483	8%	0	0%
Mailing address is outside of state	6742	5%	325	0%	12572	4%	641	0%	30572	3%	1140	0%	22478	0%	1282	0%
Mailing address is outside of USA	414	0%	57	0%	731	0%	100	0%	2330	0%	368	0%	27170	0%	4058	0%
First/Last name not found in census or social media	338	0%	113	0%	906	0%	283	0%	4527	0%	1005	0%	35862	1%	7274	0%
2+ Voters with same name & DOB	163	0%	85	0%	359	0%	158	0%	1431	0%	513	0%	14981	0%	3074	0%
3+ voters with same email	107	0%	62	0%	121	0%	51	0%	1034	0%	338	0%	3416	0%	1078	0%
Matching death record found at Social Security	79	0%	50	0%	138	0%	76	0%	993	0%	201	0%	5446	0%	883	0%
Matching record found in obituary	12	0%	3	0%	39	0%	6	0%	283	0%	30	0%	1867	0%	105	0%
Voter residence at a mail store	28	0%	2	0%	210	0%	44	0%	50	0%	6	0%	1332	0%	225	0%
Matching death record found in vital statistics	1	0%	0	0%	6	0%	3	0%	23	0%	6	0%	282	0%	81	0%
One character last name	1	0%	0	0%	1	0%	0	0%	19	0%	4	0%	302	0%	29	0%
No First Name	2	0%	0	0%	6	0%	3	0%	34	0%	8	0%	81	0%	14	0%
Mail: Mail zip or country is missing	1	0%	1	0%	1	0%	3	0%	14	0%	0	0%	1	0%	0	0%
Missing Precinct	0	0%	1	0%	0	0%	7	0%	2	0%	0	0%	2	0%	12	0%
DMVCOA - Move out of state	0	0%	3	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Deceased	0	0%	281	0%	0	0%	580	0%	0	0%	1315	0%	0	0%	4715	0%
Failure to Respond to Notice Sent	2560	2%	1	0%	3196	1%	5	0%	31	0%	1	0%	9040	0%	60	0%
Incomplete Information	0	0%	0	0%	5	0%	3	0%	0	0%	0	0%	13	0%	2	0%
Move Out of County	0	0%	40	0%	0	0%	0	0%	0	0%	0	0%	1	0%	1	0%
Moved Out of State	0	0%	16	0%	0	0%	0	0%	0	0%	61	0%	0	0%	0	0%
USPS Notice - Inactive	9443	7%	203	0%	19643	6%	443	0%	104385	11%	1785	1%	479008	8%	5449	0%
NON-Active voter, voted.	1332	1%	546	1%	3083	1%	1007	0%	8824	1%	2717	1%	40353	1%	9016	1%

Table - Comparison of voter roll anomalies across El Dorado, Placer, Sacramento, and Los Angeles counties based on voter rolls pulled on August 15, 2024, and voter data from the California primary election on March 5, 2024. Notable anomalies identified include the large number of records missing required birthplace information (See California Elections Code Section 2150 (a)(6)), the number of people with matching death records in the Social Security database that vote, the number of inactive voters that are listed as active, as well as duplicate registrations across counties. Highlighted cells were considered a high priority for further investigation in the following sections.

# DISCUSSION

From the above table, we can see that none of the anomalies checked are significantly different from rates in other counties. In some cases, El Dorado County is markedly better. In most cases, the number of suspect voter records is so small, or they don't result in actual votes, that we can categorically dismiss those anomalies without further inspection.

Before we discuss some of the anomalies in the above table that we investigated in depth, let's lay the groundwork for the voter registration process and some of the relevant elections code that the County must comply with.

## REGULATIONS AND PROCEDURES FOR UPDATING VOTER RECORDS

The National Voter Registration Act of 1993 (NVRA) sets forth certain voter registration requirements with respect to federal elections. It requires states to offer such registrations opportunities through certain State or County agencies. The NVRA also requires states to implement procedures to maintain accuracy and current voter registration rolls.

California implemented its Motor Voter program (1998) to implement the NVRA and make registering to vote at the Department of Motor Vehicles (DMV) more convenient. Eligible applicants completing a driver license, identification (ID) card, or change of address forms through the DMV will be automatically registered to vote (or have their registration updated) by the California Secretary of State (SOS), unless they choose to opt out of automatic voter registration.

In 2002, Congress passed the Help America Vote Act (HAVA), which required each state to create a statewide voter registration system. California now has a centralized voter system, VoteCal, which links to county voter registration systems. As a result, overall data about voter registrations is automatically fed into the statewide system.

The SOS website states that to be eligible to vote, the applicant must be:

- A United States citizen and a resident of California,
- 18 years old or older on Election Day,
- Not currently serving a state or federal prison term for the conviction of a felony, and
- Not currently found mentally incompetent to vote by a court,

## DISCUSSION

For DMV customers who have attested to their eligibility to register to vote, the SOS retrieves and analyzes the corresponding records, then excludes records of applicants who opted out of voter registration, duplicate records, and records for which a more recent registration exists. The SOS then processes them directly into the statewide voter registration system.

All other types of applications to register to vote by filing a paper application are processed by the Elections Department.

The voter registration form (<http://RegisterToVote.ca.gov>) initially requires an applicant to confirm if they are a citizen of the U.S. and resident of California by simply checking a box on the form. If confirmed, the form requires the applicant to confirm that they are over 18. Next, the applicant is asked to provide their legal name, date of birth, and place of birth.

The applicant is then asked to provide a California Driver's License or a California Identification card number, and a Social Security Number (SSN), or state that they do not have these forms of identification. If the applicant states that they do not have these forms of identification, their voter registration application is allowed to proceed. They are informed that if a driver's license or SSN was not provided when registering, new voters may have to show a form of identification or proof of residency the first time they vote.

When a voter registers online and does not provide identifying information the registration stays in a pending mode. If they show up in person, they will need to re-register and provide the information. When a voter sends in a printed registration form without providing identification information, they get a status of First Time Federal Voter. The Elections Department then sends

**Finding 1** – The Elections Department is required to accept new voter registrations and voter roll updates provided by the Secretary of State's office even though the Elections Department is aware that some of these County voters may not have the required driver's license or SSN and/or may not be citizens. The Elections Department places the registration in a pending status until identification details are provided whether the registration is online or mailed in, ensuring that an identifying number is recorded for every voter. The County relies on information provided by the voter to determine their citizenship status.

## DISCUSSION

a notice with their ballot requiring them to send back some identifying information before their ballot can be counted. This alleviates the concern that voter registrations are created, and voters are allowed to vote, without providing a corresponding government-issued identification. It is not required to show the ID to vote, however, in the State.

### A CLOSER LOOK AT MATCHING DEATH RECORDS

Although a small percentage of the overall vote, we were initially suspicious of the number of active voters that appeared in the Social Security database as deceased and yet appeared to have voted (50). There appeared to be almost 80 suspect records that required further analysis including voter identities that were found in online obituaries going back decades.

The “Deceased” row in the above table shows 281 presumed dead people voted on March 5, 2024, in the County. This number seems high but perhaps reflects people that died after casting a legitimate vote in March, and were later reported as deceased in the August 15, 2024 voter roll snapshot. We did not investigate the possibility that they died just prior to casting a vote and a family member voted on their behalf, as that would be virtually impossible to detect and not statistically significant to address. It would also likely be detected in the signature match procedure during ballot validation as a safeguard.

The table shows that these deceased voters from March were off the voter roll by August 15, meaning the County is rapidly purging individuals from its voter roll.

We then turned our attention to the matching death records at Social Security and other sources going back many decades that still appear active and/or casting votes. Of these 77 individuals identified, we closely analyzed 45-50 of the matching records before we identified a likely pattern and root cause.

To match a voter registration and a Social Security or obituary death record, the individuals must have both the same first and last names and have the same date of birth (DOB). Based on the limited common information available between the two data sets, this is all that can be consistently compared. Middle initials or names and other identifying data are optional in the

## DISCUSSION

voter roll and cannot provide definitive correlation. But matching birthdates many decades ago is a strong indicator of matching identity and enough to warrant further inspection.

Of the several dozen records we looked at, the consistent pattern was that the individuals had very common names, such as Brown, Anderson, Smith, Jones, Carter, etc. Less familiar surnames had common first names like John, Timothy, Michael, etc. When drilling into specific records, we found mismatched middle names or initials, different party affiliations, and/or places of birth (when listed) that clearly identify the death record as a different individual with the same name and date of birth. With roughly 10,000 live births nationwide each day, it's reasonable that two people or more with common names would be born on the same day, with one person dying decades ago, and one still alive and voting regularly in El Dorado County. Our conclusion, with a few noteworthy exceptions, is that these matching death records are not an issue for the County. They are indeed separate individuals. Overall, the Elections Department is doing an excellent job in staying current with the records of deceased individuals. One noteworthy exception is the case of a woman whose unusual name and DOB matches that of a child born in Southern California in the 1970's who died only two days after birth. The unusual name and matching birthdate make this a bit more suspicious of a coincidence. The early death of the baby likely made it easy to fraudulently use their social security number and identity without setting off other red flags. Further analysis is outside the scope of this investigation but may warrant a referral to the District Attorney.

**Finding 2** – The Elections Department is doing an excellent job staying current with deceased voters and incorporating information from Social Security records and other sources. This is not a significant problem for the County despite initial evidence to the contrary.

### UNUSUAL CLUSTERS OF VOTER REGISTRATIONS AND DUPLICATE VOTER RECORDS

The table above identified 163 duplicate voter records. These are voters in El Dorado County with the same name (first, last) and DOB as another voter registered in CA. When first name, middle name, last name and DOB are used to check for duplicates, this count goes to zero. We conclude there are currently no duplicated voter registrations in El Dorado County with other

# DISCUSSION

registrations throughout the State. It's easy to understand how matching first and last name with an identical DOB decades in the past would be a concern without further research.

Two family members of County Grand Jurors received multiple ballots at the same residence. This is a small sample size (19 Grand Jurors) and two confirmed instances. We were unable to determine how this may happen. The Elections Department confirmed that these are errors that should be researched and remedied.

## **Clusters at the same residence**

There are 2068 voters in El Dorado County where six or more individuals live at the same address. The majority of these appear to be multi-generational families as indicated by a common surname and different birthdates. Note that college age children can elect to vote using their parents' residential address as an out-of-state (or out-of-area) voter. Several clusters of multiple voters at the same address had a different last name. These locations were investigated, and the residential addresses given were usually identified as communal living facilities or long-term residential care facilities, including a monastery, which the Elections Department had previously identified.

## **One email address for multiple voters**

There were 107 instances of three or more voters having the same email address. These voters share either a common surname or residence address with two or more other members of this class. They do not appear to duplicate the identity of a single individual.

## **Updates from the El Dorado Superior Court**

The County responded to a recommendation in the June 2023 Grand Jury report that the Elections Department was receiving updated voter information when the citizen responds to a jury summons that they have moved out-of-state. These individuals should be considered for removal from the voter roll or removed immediately upon confirmation. A County Grand Juror's daughter received a jury summons in early 2024 and replied that she had moved out-of-state yet received a vote by mail ballot in October 2024.



## DISCUSSION

The Elections Department claimed that they should be able to capture this address update from the court and not send the ballot out. They will conduct additional research to manage this process going forward.

### RECORDS WITH MISSING INFORMATION OR OTHER REGISTRATION FLAWS

We investigated several key areas of the voter roll for possible problems with accuracy, validity, and soundness. Our analysis yielded the following conclusions related to these issues.

#### **Data Flaw: Missing Birthplace**

There were 24,216 voters with a missing birthplace, 21,595 voters were active and 7,392 of those voted in March 2024. California elections code Section 2150(a)(6) states that a place of birth is required for a valid voter registration: “*The affiant registration shall show: (6) The state or country of the affiant’s birth.*” This is a flaw at the state level since this information is not required in the online registration form. Seventeen percent of El Dorado County registrations were missing this information, while twenty-three percent were missing in Los Angeles County. El Dorado County does not have to act here except to use their influence to encourage the State to conform to or modify the code going forward. The **National Voter Registration Act of 1993 (NVRA)**, codified at **52 U.S.C. § 20504-20507**, sets federal standards for voter registration. The law itself does not specifically require applicants to provide a place of birth to register to vote.

Place of birth can be another important piece of data to correlate or resolve possible duplicate registrations with the same name or with death records. Requiring place of birth is also important to determine who may be a non-citizen voter and who is stating they are natural born citizens.

**Finding 3** – The State of California is not compliant with the statutory requirement for a voter registration record to include the affiant’s place of birth. The Secretary of State makes the place of birth optional in the online voter registration form. The County cannot determine this information independently.

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## **Name Flaw: One Character First Name**

There were 77 voters with one character first names, 69 of whom were active, and 41 voted. Upon review of these records, it seems that this is an error on the part of the person registering, where they entered an initial instead of the full name. Most appear to have a middle name which may also be the cause of the entry error. Any registration that has a single character first name, and no middle name should be updated, inactivated, or removed. We do not have a recommendation on how to handle registrations for individuals that use their legal middle name as their primary name and choose to provide a first initial.

## **Data Flaw: Registered under 18**

There were two voters with this registration flaw, both of whom were active voters, and neither of which voted. This may be likely due to persons registering before their 18th birthday but who obviously didn't cast a vote illegally (must be 18 on the day of the election). It is legal to pre-register starting at age 16. Other counties are moving to allow voters as young as 16 to vote in local school board elections and other races. This is not done in El Dorado County.

## **RECORDS WITH PROPERTY OR MAILING LOCATION CONCERNS**

We looked at voter records with mailing location anomalies, such as voter records with their residence at a post office, mail store location, and in other states or countries.

Our analysis of the voter roll from August 2024 showed 28 voter records with a property address or primary residence at a post office or mail store location. This is an unusual situation, but not an abnormally high amount compared to the three larger counties we compared: Placer, Sacramento, and L.A.

Each person who registers to vote must provide an address where they live and an address where they receive their mail, if they are different. The address where they live determines which elections they are eligible to vote in, and the Elections Department needs a mailing address or P.O. Box to send the voting materials.

## DISCUSSION

Under California law, voters do not lose their voting residence until they gain a new primary residence. Whether the voter is homeless, living on the road, or if they lost their home for any reason and do not yet have a new fixed residence, they may use their last residence address. Although a business address can be used as a primary residence in California, as of January 2020, if the voter resides there, it is unlikely that actual residence is the post office or mail store location. It raises questions for voters that have a mailing address out-of-state or out of the country and continue to list their primary residence in the County, especially a mail location.

As noted above, we found 28 records that listed a primary residence at a mail location, and of these, four were active. There is very little concern with these anomalies and the County is doing a good job at moving these records to inactive. Further clean-up of the voter roll is needed by requesting an update to the actual primary residence or eventually removing the voters from the roll if there is no response as allowed by law.

Two of the four active records above were at a strip mall that included a mail location and other commercial addresses. These could not be identified as exactly at the mail location. Two active records switched the residence address with the mail address. We would advise requesting updates from these voters with mail location addresses to confirm their actual primary residence but will not make this a formal recommendation due to the small number of registrations involved.

We questioned the Elections Department staff to determine if they could easily detect when voters listed mail locations as a primary residence and if they had procedures in place to verify and/or update voter records. The Elections Department stated that they periodically perform analyses like this, but the checks are sporadic and not automated.

**Finding 4** – The Elections Department regularly checks and identifies voter registrations that incorrectly list a post office box location as an actual residence. These checks are sporadic, and they had not identified all instances at the time of our analysis.

Some additional effort at times is required to verify the address of a new registration. They have

## DISCUSSION

all the county addresses in the election management system. The online registration system does not have a comprehensive list of all county roads, the field is free form, so voters input the information as best they know, we catch most and correct most when processed.

Next, we spot checked the large number of active voters with mailing addresses in other states and other countries. There are 6,742 voters with out-of-state mailing addresses in the latest voter roll snapshot, roughly 5% of eligible voters. This was higher than other counties we compared. There are many legitimate reasons to have a mailing address out-of-state; this does not imply any suspicious behavior. We looked at trends and opportunities for further detailed investigation or clean-up. Notably, of the 6,742 that were registered to vote, only 325 voted in the most recent presidential primary election in March 2024, a lower rate than the general population. [Note that the 325 votes came from a slightly different set of out-of-state voters that existed prior to March 2024, than our set pulled from August 2024.]

We asked Elections Department staff if they were able to track how long individual voters had had the same out-of-state mailing address and if they could question if this was a temporary or permanent change of residence. The Elections Department staff indicated that they did not track out-of-state mailing addresses, even for ones that have been out-of-state for many years, and that there is no statute in the elections code for them to do so. They further indicated that they are open to doing research on out-of-state addresses when time permits.

The voters with mailing addresses outside the country showed some interesting anomalies. There were 414 voter records with mailing addresses outside the country. Fifty-seven people actually voted in the March 2024 presidential primary. This is a much higher percentage than out-of-state voters. Of the 414 total voter records, 397 were active voters, meaning they were receiving vote-by-mail ballots.

The Grand Jury did not investigate all 397 of these active voter records for additional anomalies, but we checked many of them, several of which raised some interesting questions:

- A person with a mailing address in Germany who has never voted but registered back in October 2020. This voter has a German email address (ending in .de), indicating that this may be more than a temporary situation.

## DISCUSSION

- A mailing address in Denmark, also an active voter despite never having voted in the County, and the most recent registration in October 2020.
- A mailing address in the United Kingdom (UK) as well as a .uk email address. They registered in August 2024 and have no record of voting in the County. Such a recent registration is more likely to be indicative of someone who just moved here from the UK. With a .uk email address is there any indication this person is a US citizen eligible to vote?
- A mailing address in the UK and a listed phone number in the UK. They last voted in the County in 2004 but updated their registration in 2022.

These were just a few of many records that showed a lack of voting activity and/or other evidence of longer-term residence outside the U.S. With less than 60 actual votes in the most recent primary, we do not feel there is significant risk to overall election outcomes. We asked the Elections Department staff if it made sense to apply additional scrutiny to some of the foreign voter records. The Elections Department staff noted that U.S. citizens that have lived overseas for decades still have a right to vote in U.S. elections. The current registration process uses that registrant's last U.S. residence location to determine which ballot they receive, and which contests they will be participating in. The Elections Department staff noted that this is frustrating to them at times and is a flaw in our system. While someone who has not lived in the U.S. for many years may rightfully be allowed to vote for president or other key federal races, why would it make sense for them to get a ballot that includes local supervisor and special district board races because of where they lived decades ago? These voters are getting the same ballot as if they are currently living at their last stated U.S. address.

**Finding 5** – The Elections Department cannot update ex-patriated voter registrations even though they have not lived in the U.S. for many years. These voters have the ability to participate in U.S. elections and use their last primary residence as a location to determine their ballot. This may allow voters to participate in local races for which they have no knowledge, interest or involvement.

## DISCUSSION

American citizens living abroad are generally allowed to vote in Federal elections, giving them the ability to vote for the President and Vice President, U.S. Senate and House of Representatives. We can assume that these ex-patriated voters are ignoring these local races, but we recommend the State provide special consideration for these voters with a different ballot that excludes local races if they no longer have ties to the local communities. At present, there is nothing additional we would expect our County Elections Department to do in this regard.

### SECURITY OF BALLOT DROP BOXES

California elections code Section 20133 requires county election officials to determine the number and locations of ballot drop boxes. To continue to make it easier for the public to vote, the County has 14 drop boxes in convenient locations such as libraries and grocery stores. Most are available 24x7 throughout the election period, although the requirement is for them to be available at least 12 hours per day.

The June 2024 Grand Jury report on elections investigated the security of ballot drop boxes and made recommendations regarding additional monitoring which were evaluated by the County and several of which were encouragingly adopted. In October 2024, incidents in Oregon and Washington where incendiary devices were thrown in ballot drop boxes destroyed a large number of ballots. These events further raised the issue of how the County can keep ballot drop boxes safe and secure and avoid these types of issues. One of the affected drop boxes included fire extinguishers that allowed the recovery of most of the ballots, although drop boxes that didn't have these fire prevention mechanisms resulted in the near total loss of the ballot box contents. We asked the Elections Department staff how the County should prevent similar losses here.

They shared several potential approaches to improve ballot box security in response to these events. They are very supportive of fire retardants in the boxes that would be automatically triggered by heat in a confined space. Oregon had such a device in place, and it worked well, while Washington also used a similar system that did not work. Both of those systems were deployed outside of the box, which could allow tampering. An external fire retardant is not an ideal system from our County's perspective.



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Another potential solution is to move the outside drop boxes indoors, which also raises a number of concerns. It is important to drop ballots at all hours for the convenience of voters. Moving them indoors would limit the hours the ballot boxes are available. The Elections Department has been working with the Sheriff's Office to increase patrol of the outdoor drop boxes, but that can only provide partial coverage. A feasibility study to provide around the clock monitoring of video surveillance cameras on every drop box by the Sheriff's Office will be evaluated, but it will require significant additional funding. If the County could allocate election-specific funding, the Sheriff's Office could be reimbursed for their work and potentially add a dedicated person to monitor the cameras at night.

**Finding 6** – Outdoor ballot drop boxes are vulnerable to physical attacks such as inserting an incendiary device that would cause a large loss of ballots. Fire retardants and increased patrols and video surveillance could alleviate concerns but would require additional funding and may not completely eliminate potential problems.

Some counties are experimenting with crowd-sourced camera monitoring as the Grand Jury suggested in the June 2024 report. The County response to that recommendation was to not implement the crowd-source monitoring because it may infringe on the privacy of the public during the voting process when dropping off ballots. The Grand Jury disagrees with this legal interpretation. The fact that other counties are looking into crowd-sourcing continuous drop box monitoring leads us to believe that this recommendation should be revisited. The Grand Jury acknowledges that this would still leave some gaps in continuous 7x24 coverage of live video streams.

### COLLECTING NON-CITIZEN INFORMATION FROM JURY SUMMONS RESPONSES

The Grand Jury investigated last year's Grand Jury report recommending responses to jury summons from the El Dorado County Superior Court that indicated the individual was declining jury duty because they were non-citizens were processed correctly and used to remove any non-citizens from the voter roll. Elections staff confirmed with us that the Superior Court sends a list of jury summons responses quarterly and they are processed accordingly. Because these

## DISCUSSION

instances are very rare they could not provide us with an example that we could confirm had been removed from the roll before we issued this report. We conclude that this issue is handled well and not a cause for concern going forward.

## Findings

**F1** – The Elections Department is required to accept new voter registrations and voter roll updates provided by the Secretary of State’s office even though the Elections Department is aware that some of these County voters may not have the required driver’s license or SSN and/or may not be citizens. The Elections Department places the registration in a pending status until identification details are provided whether the registration is online or mailed in, ensuring that an identifying number is recorded for every voter. The County relies on information provided by the voter to determine their citizenship status.

**F2** – The Elections Department is doing an excellent job staying current with deceased voters and incorporating information from Social Security records and other sources. This is not a significant problem for the County despite initial evidence to the contrary.

**F3** – There is inconsistency between Federal and State election codes regarding requirement for stating place of birth on a registration. State of California is not compliant with its own statutory requirement for a voter registration record to include the affiant’s place of birth, by making the place of birth optional in the online voter registration form. The County cannot determine this information independently, and it is left blank in a significant number of voter records. This conforms with Federal election mandates and requires no new action by the County.

**F4** - The Elections Department regularly checks and identifies voter registrations that incorrectly list a post office box location as an actual residence. These checks are sporadic, and they had not identified all instances at the time of our analysis.

**F5** – The Elections Department cannot update ex-patriated voter registrations even though they have not lived in the U.S. for many years. These voters have the right to participate in U.S. elections and use their last primary residence as a location to determine their ballot. This may allow voters to participate in local races for which they have no knowledge, interest or involvement.

## FINDINGS

**F6** – Outdoor ballot drop boxes are vulnerable to physical attacks such as inserting an incendiary device that would cause a large loss of ballots. Fire retardants and increased patrols and video surveillance could alleviate concerns but would require additional funding and may not completely eliminate potential problems.

# RECOMMENDATIONS

## Recommendations

### **The Grand Jury recommends:**

**R1** – Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to license and use a more powerful voter registration database query and analytics software that will facilitate their ability to identify, research, and address any voter registration anomalies with reduced effort. Fiscal impact: approximately \$20,000 per year.

**R2** – Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to confirm whether place of birth is a required data field in a valid registration and request the State to either update Elections Code Section 2150(a)(6), or make the field required in online registration forms and resolve the inconsistency with Federal code.

**R3** – Within 180 days of the release of this report, the Board of Supervisors direct and enable the County Elections Department to implement a plan for increased drop box security and surveillance against physical attacks, including reimbursing the Sheriff's Office for any required support they need to provide. Fiscal impact: approximately \$80,000 per year.

**R4** – Within 180 days of the release of this report, the Board of Supervisors direct the County Elections Department to address the small number of voter registrations with a single character first name and no middle name by requesting an update to their information or moving to remove them from the voter roll.

**R4** – Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to periodically review out-of-state voter registrations as time allows to determine if any are eligible to be revised or removed from the voter roll.

# REQUEST FOR RESPONSES

## Request for Responses

A Civil Grand Jury report details a single investigation. Each report lists FINDINGS and RECOMMENDATIONS. The responsible organization is notified and is required to respond to the report.

The California Penal Code § 933(c) specifies response times.

- PUBLIC AGENCIES. The governing body of any public agency (also referring to a department) must respond within 90 days from the release of the report to the public.
- ELECTIVE OFFICERS OR AGENCY HEADS. All elected officers or heads of agencies/departments are required to respond within 60 days of the release of the report to the public.
- FAILURE TO RESPOND. Failure to respond, as required to a Jury report, violates California Penal Code Section 933.05 and is subject to further action that may include additional investigation on the subject matter of the report by the Jury.

The following responses are required pursuant to Penal Code § 933 and § 933.05:

From the following government bodies:

- El Dorado County Board of Supervisors
  - All Findings and Recommendations

For more information refer to [How to Respond to an El Dorado County Grand Jury Report](#) available on the El Dorado County Grand Jury webpage.