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ANALYSIS OF AUDIT REQUEST

2008-106

March 12, 2008

I. AUDIT REQUEST

Senators Florez and Ridley-Thomas are requesting an audit of the county registrars' training of poll workers. Specifically, the senators are interested in knowing what type of training poll workers receive and whether consideration is given to projected voter turn-out in training and identifying the appropriate number of poll workers that will work at each polling place.

II. BACKGROUND

At least 29 days prior to an election, the elections official (often through the County Registrar) must define precinct boundaries, designate a polling place for each precinct, and appoint for each precinct a precinct board (a.k.a. poll workers). Poll workers help set up the polling place and assist voters on election day. Most poll workers are volunteers and may be paid a stipend. The amount of the stipend can vary by county. Poll workers can be any registered voter of the State that meet certain criteria as well as eligible high school students who are at least 16 years of age. Each county provides poll workers with training, typically occurring a month before election day.

Until the enactment of the federal Help America Vote Act of 2002 (HAVA), poll worker recruitment and training had been primarily a responsibility of the counties in California. HAVA requires that each state prepare a state plan detailing, among other things, how it will use HAVA funds to educate elections officials and poll workers. The State adopted a plan that specifies the topics it covers in training poll workers. At the same time, the state's chief elections officer, the Secretary of State (SOS), sponsored legislation to require adopting uniform poll worker training standards.

Senate Bill 610 (Chapter 530, Statutes of 2003) required the SOS to establish a Poll Worker Training Task Force (task force) to recommend a set of uniform guidelines to ensure that California's poll workers are properly trained in administering voting, handling emergencies, and properly using their county's election equipment. Further, the task force report included recommendations designed to provide instructions to poll workers in serving voters with a disability or who do not speak English as their primary language. The task force established a minimum set of requirements that poll worker training sessions and materials must meet. The counties are responsible for ensuring that these minimum standards are included in their respective poll worker-training program.

Media reports from across the State concerning the February 5, 2008 election, indicated that many decline-to-state (DTS) voters were not allowed to vote by misinformed poll workers. Senators Florez and Ridley-Thomas are concerned about the problems encountered and are requesting a performance audit of county registrars' training of poll workers.

III. AUDIT SCOPE AND OBJECTIVES

The audit by the Bureau of State Audits will provide independently developed and verified information related to the county registrars' training of poll workers and would include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Determine the role of the SOS in providing guidelines or standards to county registrars' offices, including those for the training of poll workers. Review the applicable training guidelines or standards established and the information provided to county registrar offices and determine whether those guidelines meet the requirements set in law and regulations.
3. Determine whether the training guidelines established by the SOS are updated periodically or as necessary based on changes in law and whether the guidelines address the rights of DTS voters. Determine whether the SOS has any oversight in ensuring that training guidelines are adhered to.
4. Select a representative sample of eight counties, including Los Angeles and Kings, to identify the following:
 - a. The training methods used to train poll workers.

- b. The format, amount, and timing of the training provided.
 - c. The instructors used for training programs.
 - d. The frequency of training provided.
5. For the sample of at least eight counties, review the training programs to determine what information is provided and if it complies with the guidelines provided by the SOS and the law, including information related to provisional voting, DTS voters, disabled voters, and voters who are not proficient in English.
6. For the sample of county training programs reviewed, determine how often the training program is updated and reasons for the updates. Also, determine whether or not returning poll workers are required to participate in the updated training.
7. Determine how each county assesses whether poll workers are effectively trained and can deal with any situations or issues that may arise on election day. Determine if counties identify issues that arose during past election days when reviewing and updating the training programs.
8. Review the information that each sampled county provides poll workers and voters to determine if the counties identify what voters can do when they receive incorrect information regarding voting rights or when voters believe that poll workers provide them with misinformation. Determine what action the county takes when it receives complaints from voters.
9. Determine how each county reviewed determines the number of poll workers to assign to each polling place to ensure they can properly assist voters on election day and handle any issues that arise.

IV. OTHER WORK IN THE GENERAL AREA

2004-139 Office of the Secretary of State: Clear and Appropriate Direction Is Lacking in Its Implementation of the Federal Help America Vote Act (December 2004)

V. RESOURCE REQUIREMENTS

We estimate that this audit would require approximately 2,580 hours of audit work at a cost of approximately \$232,200 plus travel and administrative expenses and the possible costs related to an outside consultant, if necessary. We will conduct this audit using our existing budget authority to the extent funding is available for audits approved by the Joint Legislative Audit Committee.

VI. REQUIRED DATE OF COMPLETION

The senators did not request a completion date for this audit.



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California State Senate

SENATOR DEAN FLOREZ

REPRESENTING KERN, KINGS, PESCADO, AND TULARE COUNTIES



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February 13, 2008

2008-106

The Honorable Nell Soto
Chair, Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

Dear Chairwoman Soto,

Rules governing the Democratic and American Independent parties permit decline-to-state (DTS) voters to participate in their primaries by requesting to do so at the polling location. Despite these rules, reports from across the state during and after the February 5, 2008 presidential primary election indicated that hundreds (and probably thousands) of DTS voters were told that they were not allowed to vote in the Democratic primary by misinformed poll workers.

Poll workers, most of whom are volunteers, are to be commended for serving their communities and helping to make democracy work. But, poll workers do receive training from their respective county registrar's office and it is imperative that this training be effective and comprehensive enough to ensure that not a single Californian be disenfranchised of his or her right to vote.

In light of the problems encountered during the February 5th presidential primary, we request that the Joint Legislative Audit Committee approve a performance audit of county registrars' training of poll workers. We request that, at a minimum, eight counties, including Los Angeles and Kings counties, be included in this performance audit. The State Auditor shall choose the remaining counties to be included in the performance audit; these counties should be representative of the state as a whole. Specifically, the audit should examine the following:

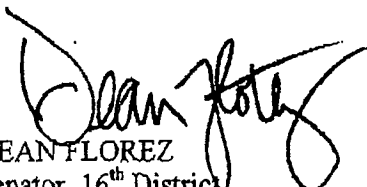
1. The training methodology utilized by county registrars to train poll workers: the format of the training, the length of the training, who conducts the training, how


frequently county registrar's offices conduct the training, and when county registrar's offices conduct the training.

2. How county registrar's offices determine what information must be included in the training program, how long the training program takes, whether or not poll workers who volunteer for subsequent elections must partake in this training, and how frequently county registrars offices update their training programs for poll workers, including whether or not changes in law affecting elections are included in any updates to poll workers' training programs.
3. An analysis of any requirements under existing law regarding the training that poll workers must undergo and whether or not any of these requirements directly address the rights of DTS voters.
4. An analysis of whether or not the poll worker training programs effectively prepare poll workers for the variety of situations and problems they may encounter on Election Day.
5. What contingency plans county registrar's offices have in place when a voter, DTS or otherwise, calls on Election Day to complain that a poll worker has misinformed the voter about his or her rights.

Thank you for your attention to this matter.

Sincerely,


DEAN FLOREZ
Senator, 16th District


MARK RIDLEY-THOMAS
Senator, 26th District