

JIM McCAULEY
COUNTY CLERK-RECORDER-REGISTRAR OF VOTERS

RYAN RONCO
ASSISTANT RECORDER-REGISTRAR



2956 RICHARDSON DRIVE
AUBURN, CA 95603

MAILING ADDRESS:
P.O. Box 5278
AUBURN, CA 95604


PLACER COUNTY CLERK-RECORDER-ELECTIONS

CERTIFICATE OF CANVASS OF VOTE

I, JIM McCAULEY, County Clerk-Recorder-Registrar of Voters, County of Placer, State of California, do hereby certify that on **June 4, 2009**, I canvassed the votes cast in the **May 19, 2009 Statewide Special Election** and the results of said canvass are as follows:

(See Attached)

IN WITNESS WHEREOF I have set my hand and affixed my official seal on this **4th day of June, 2009**, in accordance with the laws of the State of California.



JIM McCAULEY
PLACER COUNTY CLERK-RECORDER-
REGISTRAR OF VOTERS
State of California

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PLACER COUNTY CLERK-RECORDER-ELECTIONS

CERTIFICATE OF LOGIC AND ACCURACY TEST

I, JIM McCAULEY, County Clerk-Recorder-Registrar of Voters, County of Placer, State of California, do hereby certify that on **April 24, 2009**, a Logic and Accuracy test was completed in conjunction with the **May 19, 2009 Statewide Special Election** and the results were satisfactory.

IN WITNESS WHEREOF I have set my hand and affixed my official seal on this **4th day of June, 2009**, in accordance with the laws of the State of California.



JIM McCAULEY
PLACER COUNTY CLERK-RECORDER-
REGISTRAR OF VOTERS
State of California

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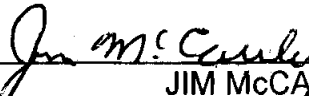
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PLACER COUNTY CLERK-RECORDER-ELECTIONS

STATE OF CALIFORNIA }
COUNTY OF PLACER } ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483), I, Jim McCauley, Registrar of Voters for the County of Placer, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the statewide election held on the 19th day of May, 2009 in the County of Placer, State of California.

I hereby set my hand and official seal this 4th day of June, 2009 at the County of Placer.



JIM McCAULEY
PLACER COUNTY CLERK-RECORDER-
REGISTRAR OF VOTERS
State of California



OFFICE OF

**PLACER COUNTY CLERK – RECORDER –
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JIM McCAULEY
County Clerk–Recorder–Registrar

RYAN RONCO
Assistant Registrar
Of Voters

**Clarification to Statement of Vote for the May 19, 2009
Statewide Special Election**

The “Totals by District Report” contains several entries showing “Multiple Districts” from two (2) Supervisorial Districts (three and four) that were consolidated into Mail Ballot Precincts No.’s: 6346401 and 6340510.



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JIM McCAULEY
County Clerk-Recorder-Registrar

RYAN RONCO
Assistant Registrar-Recorder

**Report of 1 percent manual tally count of random
precincts per California Election Code Section 15360(e)**
and
**Report of post election manual tally (PEMT) per
emergency regulations reodopted by the Office of
Administrative Law on April 13, 2009**

I, JIM McCAULEY, County Clerk-Recorder-Registrar of Voters, County of Placer, State of California, do hereby certify that on June 1, 2009, a one percent manual tally was conducted and completed in conjunction with the May 19, 2009, Statewide Special Election. No contest required an increased manual tally because each contest had a margin of victory that was not less than half of one percent (0.5%), and further no manual tally escalation requirements for variances were found. I further certify that the post-election manual tally (PEMT) was not triggered in accordance with emergency regulations reodopted by the Office of Administrative Law.

The California Elections Code requires each local election official to conduct a manual count of all contests on ballots cast in a randomly-selected one percent of the Election Day voting precincts in order to verify the accuracy of the machine count. This manual tally occurs during the 28-day vote-canvassing period prior to official certification of election results and augments extensive pre-election testing activities to demonstrate the integrity of the vote tabulation system.

This report addresses the manual-count to machine-count comparison of a randomly-selected one percent of the AccuVote Optical Scan units deployed on Election Day.

With 177 polling place precincts and 61 vote-by-mail precincts, Placer County would need to randomly select three precincts to comply with Elections Code Section 15360(e). Historically, however, Placer County draws a random precinct from each of our five supervisorial districts, exceeding the legal requirement. The five randomly selected slips of paper contained the following precinct numbers: 140655, 240322, 340103, 440616, and 544712.

In addition, to check accuracy for the vote-by-mail ballots, one additional precinct was randomly selected for a mail ballot precinct (6346104), and one of the already selected precincts became a vote-by-mail precinct (240322).

For statewide contests the Secretary of State determines whether a manual tally is required by section 20122, subdivision (b), based upon the semifinal official canvass results and margin of victory for the entire district for a state contest. It was determined that there were no contests with narrow margins of victory triggering PEMT regulations.


All 7 selected precincts/races showed exact matching tallies between the manual tally and the election summary report so no additional manual tally escalations were necessary (see attached).

The entire manual tally was conducted in public view by hand without the use of electronic equipment, no individuals who performed the manual tally at any time during the manual tally process were informed of the corresponding machine tally results, and no poll workers were assigned to participate in the manual tally. Further, tally logs of the manual tally process were kept and have been made available to the public, including the number of undervotes and overvotes discovered in the manual tally.

An election notice was published in the legal section of the newspaper to comply with the notice requirements.

Lastly, the entire manual tally process was completed prior to certification of the Election.

IN WITNESS WHEREOF I have set my hand and affixed my official seal on this 4th day of June 2009, in accordance with the laws of the State of California.



JIM McCAULEY
PLACER COUNTY CLERK-
RECORDER-REGISTRAR OF VOTERS
State of California

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 140655
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1A

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variences* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	49	49	0		
No	119	119	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	168	168	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	1				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 240322
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1B

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variations* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	33	33	0		
No	111	111	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	144	144	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	1				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 340103
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1C

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variances* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	61	61	0		
No	167	167	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	228	228	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	3				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 440616
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1D

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variances* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	22	22	0		
No	66	66	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	88	88	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	0				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 544712
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1E

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variances* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	18	18	0		
No	35	35	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	53	53	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	0				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 6346104
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1F

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variances* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	28	28	0		
No	8	8	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	36	36	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	0				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).

**Secretary of State
Manual Tally Log - Precinct Sheet**

County (Select from dropdown menu): Placer
 Precinct: 240322-VBM
 Selected For (Select from dropdown menu): 1% Tally
 Election Date: 5/19/2009
 Contest: Measure 1B

Candidate Names Measure Yes/No	Machine Tally (Precinct Total)	Manual Tally (Precinct Total)	Variances* (Absolute Value)	Reason for variance	How was variance resolved?
Yes	291	291	0		
No	470	470	0		
			0		
			0		
			0		
			0		
			0		
			0		
			0		
		Subtotal	0		
		Variance Deduction**			
Total	761	761	0		
Variance Percentage (Precinct)	0.00%				
Overvotes	0				
Undervotes	4				

*See Emergency Regulations for Post Election Manual Tallies section 20121(d) and 20124.

**See Emergency Regulations for Post Election Manual Tallies section 20125(a).



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JIM McCAULEY
County Clerk–Recorder–Registrar

June 4, 2009

RYAN RONCO
Assistant Recorder-Registrar

Honorable Debra Bowen,
California Secretary of State
1500 11th Street
Sacramento, California 95814

Dear Secretary Bowen:

We are pleased to forward the following report on Placer County voting systems security procedures implementation for the May 19, 2009 Statewide Special Election. This report accompanies the County's certified Statement of Vote for the Statewide Special Election which was completed June 4, 2009.

Please do not hesitate to contact either Ryan Ronco or myself directly should you have any questions or require additional information regarding the report.

Background

The County deployed one AccuVote OS (optical scan) and one AccuVote TSX (touch screen) voting equipment unit in each of the 177 county precinct poll locations¹ for the May 19, 2009 Statewide Special Election as permitted by the Conditional Recertification for Diebold Election Systems, now Premier Elections Solutions, Inc. voting equipment systems. As utilized by Placer County, the AccuVote TSX machines are intended for use by disabled voters only and supplement the County's main AccuVote OS (optical scan) voting system, which continues to be used as the primary precinct and absentee voting system in the County.

All of the County's previously purchased AccuVote TSX's were prepared for the Election in accordance with approved Guidelines and Requirements, including reinstallation of software and pre-election diagnostic testing, memory card creation and installation, security seal logging and installation, and post-election diagnostics if needed. These same procedures and requirements were also followed for the County's AccuVote OS machines, and in addition, the County's GEMS servers had all firmware and software reinstalled prior to the Election from the approved source media.

¹ Excludes mail ballot only precincts.

Training

A total of 782 individuals attended AccuVote TSX, AccuVote OS and Election Day Poll or Election Night Procedure trainings for the May Election, plus County Election staff. Those trained included persons who served as Precinct Inspectors and Judges at the polls (346 individuals) and Election Day Rovers (59 individuals). An additional 328 poll worker Clerks attended these regular training sessions, as well, plus 20 persons received training on receiving center procedures for Election night.

In addition to training in specific procedures required for conducting the May Statewide Special Election and voting equipment unit setup requirements, Placer poll worker training materials and procedure manuals included all of the following:

- Chain-of-custody procedures required for voting equipment and ballots;
- Secure storage of voting equipment while in the poll worker's possession;
- Seal placement and procedures for verification of seal integrity, including signing of logs;
- Set up of polls, including placement and observation of voting equipment;
- Observation of activity that could indicate tampering or an attempt at tampering;
- The Voter Bill of Rights as set forth in section 2300 of the Elections Code;
- The purpose served by the AccuVote-TSX Voter Verified Paper Audit Trail (VVPAT), the importance of its review by voters, and how to handle problems such as paper jams;
- That poll workers must not record in any manner neither the time nor the order in which voters vote in a polling place;
- How to maintain voter privacy at the polling place, including privacy sleeves for persons voting by optical scan ballots and for persons voting on the AccuVote-TSX;
- The public's right to inspect voting equipment and security seals, in a time and manner that does not interfere with the conduct of the election or the privacy of any voter, and how to handle requests for such inspection;
- How to handle equipment failure or lack of sufficient paper ballots in a polling place and how to ensure continuity of the election in the event of such a failure;
- How to properly log all events and issues related to voting equipment in the polling place, including voter complaints of malfunctioning equipment, in the poll event log;
- That poll workers are not to access any AccuVote-TSX AVPM audit records and that the paper roll security canister, which will contain the AVPM audit records, are to be sealed at the polls immediately upon being installed into the printer module of the TSX unit; and

- Printing of two copies of the accumulated vote results from each AccuVote-OS and AccuVote-TSX precinct poll voting unit, upon close of the polls, verification signing of the results by all poll workers, and posting of the results at the polls is required.

Election Day

On Election Day, the County Elections Information Technology Help Desk received a total of 116 telephone calls for technical assistance (for 177 county poll locations.) In the Nov. 2008 Presidential General Election 173 such calls were received for 270 county poll locations.

Of the May Statewide Special Election calls, 90 related to the AccuVote TSX voting equipment units, of which 36 were printer problems, and 26 to AccuVote OS voting equipment, of which eight were ballot jams. (Non voting equipment related problem calls were handled by other County Elections staff.) In addition, our Rovers in the field assisted the poll workers with issues such as, replacement of canisters and security seals due to printer jams on the AccuVote TSX units and general procedural questions.

Of the total voting equipment units deployed on Election Day, three AccuVote TSX and three OS units required replacement in the field. The number of TSX and OS voting equipment units requiring replacement was lower than in the Nov. 2008 General; however, the voting equipment problems for the May Election will still be further analyzed to attempt to identify training issues and/or any other issues that may be able to be remediated for future elections.

At the conclusion of Election Day, Placer County was again among the first counties to transmit absentee results to the State and concluded its Election night semifinal official canvass at approximately 11:30 p.m. on May 19th. In accordance with the Conditional Recertification Requirements, AccuVote OS and TSX results were *not* transmitted from poll locations or regional receiving centers by modem; instead all voting equipment was brought to the County's Auburn election facilities for checking of security seals and for central vote tabulation of poll cast OS ballots.

Utilization

A total of 82,779 ballots were cast in the May Statewide Special Election, representing 42.41% of the total 195,184 registered voters for the election. Of the voted ballots, 58,243 were vote-by-mail (absentee) ballots, 24,536 were optical scan ballots either cast at the polls or (non-absentee) mail ballots submitted, and four were AccuVote TSX cast ballots at the polls.

Security Procedures

The County followed the security procedures set forth in the Secretary of State's Conditional Recertification Requirements, approved Guidelines and Procedures issued by Premier Election Solutions, Inc., the County's Sept. 28, 2007 Response to the Conditional Recertification, the Secretary of State's Procedures related to tabulating precinct votes issued, and the Proposed Emergency Regulations for Post Election Manual Tally Requirements. Specifically:

- A. No additional software developed by Diebold/Premier, or other systems modifications, other than that specifically listed in the voting system vendor's certificate, plus Adobe Acrobat software used for ballot layout development, were installed on the County's GEMS servers running GEMS v. 1.18.24.
- B. The County reinstalled all approved software and firmware on its GEMS servers and the AccuVote TSX units had software reinstalled from secure, authorized media sources. Any voting machine that goes to repair has the firmware and software reinstalled.
- C. The GEMS servers are located in a secure, card key controlled, camera surveilled room within the County Elections Office; additionally, the Election Office is located within a controlled access County building.
- D. Placer adheres to the recommended procedures and system configurations set forth in the Premier *Client Security Policy* and *GEMS Server Configuration Guide* for its GEMS servers as established and promulgated by Premier Election Solutions, Inc., and also by the Secretary of State.
- E. The County conducted the required logic and accuracy testing for ballot tabulation.
- F. Placer elections staff reset the encryption key used for all AccuVote-TSX units, from both the key used in the November 2008 Election and from the factory default key, prior to programming the units for the May Statewide Special Election.
- G. Placer has established clear separation of duties among Elections staff to enhance internal control over GEMS voting system security.
- H. Poll workers were trained on types and placement of security seals for both the AccuVote OS and TSX units; on seal verification requirements by poll workers; on signing of the "zero" tapes before the election and on the election results tapes by all poll workers; on allowing public observance of seals and equipment at the polls; and on use of poll incident logs.
- I. Required signage regarding the penalties for tampering with voting equipment and/or altering voting results was posted in each voting booth and on or near each TSX unit.
- J. The County did not use any unapproved AccuVote TSX or OS voting equipment models.
- K. All AccuVote TSX and OS units were stored before and after the May Statewide Special Election in a secure locked and alarmed facility, with access limited to County staff, and which is under camera surveillance.
- L. All AccuVote TSX units had software replaced from the secured, approved media source.
- M. All AccuVote TSX and OS units were pre-election diagnostic tested by County IT staff in secure Election facilities. Post election diagnostics are done on the voting equipment as applicable.

- N. Every AccuVote TSX and OS memory card had a permanent serial number assigned to it. Each memory card was programmed in a secured facility by County Elections staff. Once a memory card was programmed for the Election, it was inserted by Elections staff into its assigned unit and sealed with the serialized, tamper-evident seal, and its serial number was logged into the County's tracking system designed for that purpose. The County also recorded the chain of custody of each memory card and voting equipment unit from the point of programming the memory card for use in the Election through the time of completion of the official canvass.
- O. On Election Day, prior to any ballots being cast on any unit, the integrity of the TSX tamper-evident seals was verified by the precinct officials before opening the compartment containing the memory card and unit power switch. The serial number of the seals was also verified against the log provided to the Precinct Inspector and was witnessed by the other precinct officers. The same process was followed for the OS machines, as well. A complete review of all seal logs by County Election staff is still in process.
- P. If it was detected that a seal has been broken prior to the unlocking of the TSX compartment or for an OS equipment unit, or if there was a discrepancy between the log and the serial number, the discrepancy was confirmed by one or more of the remaining members of the precinct board, documented, and immediately reported to County Elections. If seals were missing or voided, the units were usually replaced (one TSX unit and one OS unit). In some cases, the voting equipment units may have been replaced for other reasons, as well. Two of the three OS units were replaced due to a memory card failure and a hardware failure. Two of the three TSX units replaced were due to a VPAT printer problem and the other was due to a provisional voter on the unit. Once replaced, OS ballots were recounted in the new replacement machine; TSX electronic votes cast and captured on the memory card, if any, would have been recounted against the paper audit record for that unit.
- Q. Each AccuVote OS and TSX machine was checked Election night by Elections staff when received back at the Elections Offices in Auburn for intact seals and confirmation of security seal and serial numbers. One OS unit had a memory card failure and a new memory card was created ballots were recounted by Election staff on a different machine. This was the case in only one precinct out of 177. All TSX ballots cast (4 total) were duplicated onto OS ballots by Elections staff during the canvass and tabulated during the canvass.
- R. AccuVote OS and TSX results were *not* transmitted from poll locations or regional receiving centers by modem per direction from the Secretary of State's Conditional Recertification; instead all voting equipment was brought to the County's Auburn election facilities for checking of security seals and central vote tabulation.
- S. The required minimum one percent (of voting precincts) random manual tally was conducted in accordance with Election Code Section 15360(e). The results of these tallies are included in the Statement of Vote, which this memorandum accompanies.

- T. Poll workers did not participate in any audits or recounts involving AccuVote-TSX AVPM or AccuVote-OS audit records for any precinct(s) for which they served as poll workers.
- U. Any significant, adverse issues relating to voting equipment would have been reported to the Secretary of State's Office of Voting Systems Technology Assessment on Election Day, including a complete description of the problem and information on how the issue would have been resolved. However, no such issues arose in Placer County for the May Election.
- V. Each memory card from the precinct AccuVote OS voting equipment used was loaded into GEMS and the AVServer one-at-a-time, with verification of each card's upload before the next card was loaded.

Conclusion

The County very successfully completed the May Statewide Special Election under the Conditional Recertification and subsequent requirements of the Secretary of State. This outcome was the result of careful planning and many hours of dedicated hard work by Election staff and County poll workers.

Please feel free to contact me directly should you have any questions or comments after receipt of this report.

Sincerely,



Jim McCauley
Placer County Clerk-Recorder-Registrar of Voters