

County Poll Workers

The Office of the Secretary of State Has Developed Statewide Guidelines, but County Training Programs Need Some Improvement

REPORT NUMBER 2008-106, SEPTEMBER 2008

Office of the Secretary of State and five county registrar offices' responses as of November 2008 (three counties did not provide a 60-day response)

The Joint Legislative Audit Committee (audit committee) requested that the Bureau of State Audits conduct an audit of the county registrars' training of poll workers. Specifically, the audit committee requested that we determine the role of the Office of the Secretary of State (office) in providing guidelines or standards to county registrars' offices, including those for the training of poll workers, and whether those guidelines meet the requirements set in law and regulations, are periodically updated, and adhered to by the counties. In addition, the audit committee requested that, for a sample of counties, we identify the methods, format, amount, timing, and frequency of training provided to poll workers, and whether the training complies with the guidelines provided by the office, is assessed for effectiveness, and are adequately updated. Further we were asked to determine how each county trains poll workers to handle complaints, the actions each county takes when receiving complaints, and how each county determines the number of poll workers to assign to each polling place.

Finding #1: The office has provided guidelines for training county poll workers, but lacks a directive to monitor their use by the counties or update the guidelines.

In 2003 the Legislature enacted a law that required the office to establish a task force to recommend uniform guidelines for training poll workers. The guidelines were to include certain topics, such as voters' rights and polling place operations. In 2006, as required by state law, the office published the *Poll Worker Training Guidelines 2006* (training guidelines), which reflects the work of the task force. The document was not intended to take the place of training materials or resources for poll workers; rather, it was to establish a minimum set of requirements that training sessions and materials developed by the counties must meet and to set a standard against which county programs for poll workers should be measured.

The law does not require the training guidelines to be updated, and the office has not done so since issuing them in 2006. Nevertheless, senior management at the office have expressed a desire to update the training guidelines and have acknowledged that to do so, the office would need to convene a task force similar to the one used to develop the original training guidelines.

One subject not covered in the training guidelines is the rights of voters who registered to vote without declaring a political party affiliation (decline-to-state voters). The office's senior management stated that in the February 2008 presidential primary election, many

Audit Highlights . . .

Our review of county elections officials' training of poll workers revealed the following:

- » *In 2006 the Office of the Secretary of State (office) adopted poll worker training guidelines (training guidelines), as required by law.*
- » *The law does not require the training guidelines to be updated and the office has not done so since issuing the training guidelines in 2006.*
- » *The office's senior management asserts that although the law does not direct the office to monitor counties' compliance with the training guidelines, the office does conduct some observations of counties' elections and shares the results of its findings with the counties it observes.*
- » *The eight counties we reviewed substantially complied with the content of the training guidelines when training their inspectors, but some counties appeared to only partially train poll workers in certain areas.*
- » *Some counties employed noteworthy practices targeted toward providing poll workers with added opportunities to practice what they have learned.*
- » *Not all counties required inspectors to attend training or were able to demonstrate they trained all inspectors prior to the February 2008 election.*

continued on next page . . .

- » *None of the counties could clearly demonstrate how the information collected from the February 2008 election was summarized and used to update their training for the June 2008 election.*
- » *Many of the counties were not able to provide reliable data that described how they resolved voter and poll worker complaints.*

decline-to-state voters were confused about which political parties' candidates they could cast ballots for because only two of California's six qualified political parties had authorized this type of voter to cast ballots in their primaries. In addition, some news agencies reported that poll workers gave unclear instructions to decline-to-state voters and that poll workers were unsure as to how much information they could volunteer to these voters. The office has taken steps to eliminate voter and poll worker confusion, such as emphasizing the rights of decline-to-state voters in its June 2008 Voter Information Guide. In addition to its guidelines, the office has communicated training information through periodic memorandums (memos) to county elections officials, as well as through trainings and informational seminars conducted by the California Association of Clerks and Election Officials (CACEO), an association of county elections officials. The office uses the memos as a means of communicating with county elections officials about election-related topics. Of the more than 650 memos the office issued between April 2006 and April 2008, we found that 11 seemed to have implications for poll worker training.

Although not required to do so, the office performs limited monitoring of the poll worker training conducted by counties. The office's senior management noted that although the law establishes the secretary of state as the chief elections officer it does not direct the office to track whether counties conform to the office's guidelines when training poll workers or to develop regulations or policies surrounding poll worker training. However, the office does perform some monitoring of counties' administration of elections through its Election Day Observation Program (observation program). Created in 2003, the observation program began as a poll monitoring program that focused on preventing issues such as long lines at polling places and the intimidation of voters. Subsequent election reviews have focused on how well counties were complying with federal election requirements. During the February 2008 primary election, the office staff visited 31 counties and afterward shared their observations with each county to help them identify ways to strengthen their respective poll worker training. The office performed a similar review in June 2008, and the office's senior management stated that they plan to perform a review in November 2008 but are uncertain about the 2010 election cycle. According to the deputy director of operations, whether the observation program will continue in 2010 is dependent upon available resources and whether changes in the law require changes in polling place operations that dictate a need to observe how the counties are implementing those changes. Many of the eight counties we reviewed look to other sources of information, rather than the office when updating their training programs. Three of the eight counties we visited told us they do not believe they are required to follow the training guidelines. One county told us that it seldom reviews the training guidelines for current elections because the guidelines have not been updated. Seven of the eight mentioned using the CACEO or the United States Election Assistance Commission (commission) for information to update their poll worker training programs. The Election Administration Research Center (center) at the University of California, Berkeley, is another organization that provides tools to counties for improving their training programs. The center released two reports summarizing its findings from surveys of poll workers that the center administered during the 2006 election cycle.

We recommended that the Legislature consider amending the Elections Code to explicitly direct the office to periodically update its poll worker training guidelines and to monitor county adherence to these standards. In the interim, the office should continue with its plans to update its training guidelines and incorporate new guidance on the proper handling of decline-to-state voters. Finally, to the extent feasible, the office should continue its efforts to monitor county adherence to its guidelines through its observation program.

Legislative Action: Unknown.

There does not appear to be any pending legislation that would require the office to periodically update its poll worker training guidelines.

Office's Action: Partial corrective action taken.

The office reports that it will update its poll worker training guidelines in 2009 and has advised county election officials that it will form a committee in the coming months to revise and expand the guidelines to address additional topics, including decline-to-state voters. In addition, the office stated that it had conducted an observation of selected counties for the November 4, 2008, general election. According to the office, it observed the counties in which it had noted deficiencies during the June 2008 statewide direct primary election. The office reported to us that the counties it observed appeared to have corrected all of the deficiencies that were identified during previous observations and no new issues were noted.

Finding #2: County elections officials generally followed the poll worker training guidelines issued by the office and instructed poll workers on the voting options of decline-to-state voters for the June 2008 election.

The eight counties we reviewed substantially complied with the content of the office's training guidelines when training poll workers, which consist of the inspectors who supervise polling places and the clerks who staff them. However, some counties appeared to only partially train poll workers in certain areas. For example, Fresno County partially trained its inspectors on voters' rights to replace spoiled ballots, but did not train them on voters' rights to report illegal or fraudulent activity. Further, three counties in our sample only partially trained poll workers on cultural competency. Specifically, these three counties trained poll workers to display multilingual materials, but not on how to be respectful of diverse cultures. Additionally, some counties did not use suggested training methods, such as role playing for processing voters' ballots and hands-on training for teaching workers to operate voting machines. However, after encountering problems in the February 2008 primary election with ensuring the rights of decline-to-state voters, the eight counties whose training we observed all discussed the voting options available to these voters prior to the June 2008 election.

To ensure that poll worker training programs conform with the office's guidelines, we recommended that county elections officials review the content of their programs, ensuring their training fully covers topics such as voter complaint procedures, preventing voter intimidation, and issues pertaining to a culturally diverse electorate.

Alameda County's Action: Corrective action taken.

At the time of the audit, Alameda County could not demonstrate that it instructed poll workers to be polite to voters and respectful of diverse cultures. In addition, the audit found that Alameda County didn't employ certain training methods called for under the office's guidelines, such as using role-playing scenarios and asking questions of the audience to reinforce key points.

In its 60-day update to the audit, Alameda County provided evidence that it modified its training presentation to stress the importance of poll workers being polite and respectful to all cultures. In addition, the county indicated that its training sessions for the November 2008 election were interactive and included role-playing scenarios.

Fresno County's Action: Corrective action taken.

At the time of the audit, Fresno County could not demonstrate that it had trained poll workers on voters' rights to report illegal/fraudulent activity, prohibiting the intimidation of voters at the polls, and being polite and respectful of diverse cultures. In addition, the county could not demonstrate that it provided hands-on training on the use of voting equipment or used role-playing scenarios during training.

In its 60-day response to the audit, Fresno County stated that for the November 4, 2008, election it implemented the three training topics we reported were missing from its poll worker training program: voters' rights to report illegal or fraudulent activity, prohibiting the intimidation of voters, and being polite to voters and respectful of diverse cultures.

Kings County's Action: Corrective action taken.

At the time of the audit, Kings County's training program did not train poll workers on being polite and respectful to all cultures. In addition, the county did not offer hands-on practice with voting equipment and did not use role-playing exercises during the training class we observed.

In its 60-day response to the audit, Kings County provided an update on its efforts to implement the audit report's recommendations that included an expanded training presentation on voters' rights, treating voters politely, and respecting cultural diversity.

Los Angeles County's Action: Corrective action taken.

At the time of the audit, Los Angeles County's training program complied with the office's poll worker training guidelines. The audit report's Appendix and Table 2 provide more information on which aspects of poll worker training we reviewed during the audit.

Los Angeles County did not provide a 60-day update on its efforts to implement this recommendation, however, based on its performance during the audit, we believe the county requires no additional action regarding this specific recommendation.

Orange County's Action: Corrective action taken.

At the time of the audit, Orange County's training program complied with the office's poll worker training guidelines. The audit report's Appendix and Table 2 provide more information on which aspects of poll worker training we reviewed during the audit.

Although Orange County provided a 60-day update on its efforts to implement some of the audit report's recommendations, it did not address this specific recommendation. Nevertheless, based on its performance during the audit, we believe the county requires no additional action regarding this specific recommendation.

San Diego County's Action: Pending.

At the time of the audit, San Diego County's training program did not provide poll workers with training on preventing voter intimidation at the polls.

San Diego County did not provide a 60-day update on its efforts to implement the audit report's recommendations. Further, its response to the audit report did not address this specific recommendation.

Santa Clara County's Action: Corrective action taken.

At the time of the audit, Santa Clara's training program complied with the office's poll worker training guidelines. The audit report's Appendix and Table 2 provide more information on which aspects of poll worker training we reviewed during the audit.

Santa Clara County provided a 60-day update on its efforts to implement the audit report's recommendations, reaffirming that it complies with the office's training guidelines. Based on its performance during the audit, we believe the county requires no additional action regarding this specific recommendation.

Solano County's Action: Pending.

At the time of the audit, Solano County's training program did not train poll workers on voters' right to report illegal/fraudulent activity, prohibiting voter intimidation at the polls, and did not offer hands-on training on all of its voting equipment.

Solano County did not provide a 60-day update on its efforts to implement the audit report's recommendations. In its response to the audit, the county disagreed with the report's findings and indicated that it receives very few complaints from voters. The county's response to the audit did not address the lack of hands-on training for some voting equipment.

Finding #3: Some counties exhibited noteworthy practices for training poll workers.

In our review of eight counties, we observed some noteworthy training practices. Most of these practices seemed targeted toward providing poll workers with additional opportunities to practice what they have learned while also being sensitive to their time commitments. For example, we found that some counties offered training at various times and locations and tailored the content to the experience level of the attendees to promote greater training attendance. Others offered on-line training or optional workshops with opportunities for more hands-on training just prior to the election.

Recognizing that these practices may improve poll workers' willingness to attend training and their ability to retain the lessons learned, we recommended that county elections officials consider implementing the following practices:

- Maximize the number of training sessions scheduled for poll workers while also offering the training at multiple locations with different start times to better accommodate poll workers' other time commitments. Also, providing condensed training tailored to experienced poll workers may entice greater attendance, while more extensive training can be reserved for new poll workers.
- Offer poll workers an opportunity to reinforce what they learned in class through the use of on-line supplemental training material. Such an on-line program might include practice quizzes on election day procedures, examples of the election materials to be used, and reference materials provided at training. County elections officials might also consider providing podcasts that emphasize critical aspects of poll worker training.
- Provide optional workshops giving poll workers additional opportunities to practice what they learned and to get hands on experience in the use of election day supplies and voting equipment. County elections officials might consider providing these workshops on the days immediately before an election to maximize poll worker confidence and retention of information.

Alameda County's Action: Partial corrective action taken.

Alameda County's 60-day update indicated that it was evaluating the feasibility of having separate training classes for more experienced workers and new poll workers. The county also indicated that it is considering providing on-line training. For the November 2008 election, Alameda County collected on-line surveys from poll workers who commented on the strengths and weaknesses of the county's training program. The county also reported that it offered poll workers the opportunity for individualized, refresher training for those wanting more exposure to classroom materials and voting machines.

Fresno County's Action: Pending.

Fresno County did not provide a 60-day update on its efforts to implement this recommendation. In its response to the audit, the county indicated that it provides an optional "Lab Day" when poll workers can go through the set up and use of the voting machines. However, as we state in the

report, the county did not offer hands-on training during the training class we observed. The county's initial response to the audit did not include any additional perspective on the other aspects of this recommendation.

Kings County's Action: Pending.

Kings County did not provide a 60-day update on its efforts to implement this recommendation. In its response to the audit, the county did not address the report's recommendations.

Los Angeles County's Action: Pending.

Los Angeles County did not provide a 60-day update on its efforts to implement this recommendation. In its response to the audit, the county did not address this specific recommendation. Nevertheless, our audit report commented on the county's use of on-line training for some of its poll workers.

Orange County's Action: Corrective action taken.

Our audit report recognized Orange County's approach of having different training classes depending on the experience level of individual poll workers. In addition, the audit report recognized the county's use of on-line resources such as podcasts and optional workshops where poll workers can reinforce what they learned in class. In its 60-day update, the county reported that it has continued its prior practices and began training poll workers as early as six weeks before the November 2008 election.

San Diego County's Action: Corrective action taken.

In its 60-day update on its implementation of our recommendations, San Diego reported that it implemented on-line training for its poll workers for the February 5, 2008, Presidential Primary, and 20 percent of its poll workers used the on-line training for both the June 3, 2008, and November 4, 2008, elections. Moreover, our audit report recognized San Diego County's use of optional workshops where poll workers could practice with classroom material and voting machines, reinforcing what they had learned in class. According to San Diego for the February, June, and November 2008 elections, 821, 729, and 729 poll workers, respectively, used the workshops to practice their election-day lessons. Finally, San Diego reports it uses a three-week train-the-trainer program to prepare its trainers to teach poll workers.

Santa Clara County's Action: Pending.

Santa Clara County's 60-day update did not address this specific recommendation. In its initial response to the audit, Santa Clara County disagreed with many aspects of our audit report, however, its response did not address this specific recommendation.

Solano County's Action: Pending.

Solano County did not provide a 60-day update on its efforts to implement the audit report's recommendations. The county indicated that it would be able to provide an update sometime during the first quarter of 2009. In its initial response to the audit, the county expressed its disagreement with many aspects of our audit report, however, its response did not discuss this particular recommendation.

Finding #4: Not all poll workers are required to attend training, and most counties we visited could not provide reliable training data.

Although state law requires that polling place inspectors receive training prior to election day, six of the eight counties we reviewed were unable to provide reliable data to demonstrate that all of their inspectors had been trained before the February 2008 election. Specifically, many counties had difficulty providing us complete and accurate lists of inspectors that received training. As a result, we were unable to evaluate whether all inspectors were trained. Of the two counties that could provide reliable

data, one acknowledged that not all of its inspectors were trained, while the other county was able to provide evidence that all its inspectors received training. As a result, many counties in our sample cannot be certain that all these workers have the knowledge to efficiently administer elections.

We recommended that to better ensure that county elections officials provide knowledgeable inspectors to serve voters, counties should take steps to ensure that all inspectors receive training. Steps that counties might take to achieve this goal include:

- Compiling accurate lists of inspectors who have attended training while informing inspectors who did not go through training that they cannot serve as inspectors.
- Recruiting reserve poll workers who have gone through inspector training to be deployed, as necessary, to polling places where the assigned inspectors did not receive the required training.

Alameda County's Action: Corrective action taken.

In its 60-day update, Alameda County reported that it began using a new software program for the June and November elections. At the time of our audit, we had looked into attendance for the February election since it was the most recent. The county asserts that it now uses this new software to track poll workers by assignment and to record training class attendance. Our audit report recognized that Alameda County tries to recruit reservist poll workers.

Fresno County's Action: Pending.

Fresno County did not provide a 60-day update on its efforts to implement this recommendation. In its initial response to the audit, the county indicated that it strives to train all poll workers (inspectors and clerks) and maintained that it had provided us with a thorough record of those attending class. However, as we reported on page 35 of the audit report, the county did not have training records for the February election and its records for the June 2008 election were incomplete, with six of the 29 trained poll workers in our sample missing from the training lists provided. Fresno County's initial response to the audit did not discuss our recommendation regarding reservist poll workers.

Kings County's Action: Corrective action taken.

Kings County did not provide a 60-day update on its efforts to implement this recommendation. In addition, the county's initial response to the audit did not address this specific recommendation. However, our audit report noted that the county had accurate attendance lists and that all inspectors attended training. As a result, we believe the county requires no additional action regarding this specific recommendation.

Los Angeles County's Action: Corrective action taken.

In its 60-day update on its efforts to implement the audit report's recommendations, Los Angeles reported that it has implemented a process to contact precinct inspectors to remind them to attend training. In its initial response to the audit, the county acknowledged that some inspectors work when they do not attend training, explaining that there are various causes for this phenomenon. To address this issue in the past, the county indicated that it had increased the monetary incentive for attending training and focused on developing written and video materials to ensure that poll workers have reference information to run a polling place "from scratch" on election day. The county's initial response did not address our recommendation regarding the recruitment of reservist poll workers. Nevertheless, we acknowledged in the audit report that the county has a goal of recruiting 400 reservist poll workers. As a result, we believe the county requires no additional action regarding this specific recommendation. In addition, in the audit report we acknowledge that Los Angeles County had reliable data on poll worker training.

Orange County's Action: Pending.

During the audit, we did not attempt to assess the accuracy of Orange County's poll worker attendance data because internal documents indicated that this data was inaccurate. In its response to the audit, the county explained that it understood our decision, but maintained that a further review of training attendance would show that all inspectors attended training prior to the February 2008 election. In its 60-day update to the audit report, the county explained that it has not altered its process and indicated it is "completing [its] accounting of the attendance for poll worker training classes [for] election day and will provide proof of training in subsequent responses." The county's 60-day update indicates that it continues to recruit reservist poll workers, which we had originally acknowledged in the audit report.

San Diego County's Action: Corrective action taken.

San Diego County reported in its 60-day update on its efforts to implement the audit report's recommendations that all precinct, assistant, and touchscreen inspectors are required to attend training before each election. Training for clerks is optional. The county scans bar codes from training sign-in sheets and prints an attended training report to document the total number of poll workers who attend training. San Diego County reports that for the November 4, 2008 election, it trained 7,203 poll workers and 300 reserve poll workers in case some poll workers dropped out before or on election day.

Santa Clara County's Action: Pending.

In its 60-day update, Santa Clara County indicated that it would compile and summarize data to demonstrate that, at a minimum, all inspectors are trained before election day. The county's update indicated that it would begin doing this compilation for the November 4, 2008, election. Santa Clara's update did not discuss our recommendation pertaining to reservist poll workers. However, on page 46 of the audit report we discuss the county's practice of purposefully over-recruiting inspectors.

Solano County's Action: Pending.

Solano County did not provide a 60-day update on its efforts to implement the audit report's recommendations. In its initial response to the audit, the county maintains that all of its inspectors received training and explained they could not have received their polling place supplies had they not attended training. In our rebuttal comment, we noted that the receipts for supplies the county provided did not have dates and could not be matched with the dates the county provided the training. The county's response did not address our recommendation regarding reservist poll workers.

Finding #5: Counties we visited collect data on the effectiveness of poll worker training from various sources, but none could demonstrate how they identified changes needed in poll worker training.

The elections officials from the eight counties we visited told us they use a variety of sources for collecting information to identify needed improvements in their poll worker training programs. These sources included post-training feedback from poll workers, comments from instructors, postelection debriefing reports, analyses of voter complaints, and reviews of questions from poll workers on election day. Seven of the counties were able to provide at least some documentation of the information they collected. However, none could clearly demonstrate how the information collected from the February 2008 election was summarized and used to make changes in their training programs for the June 2008 election. At most, counties were able to provide postelection evaluation reports that described what needed to be changed in their training programs for poll workers, however, these reports did not link their conclusions from the data collected to the proposed changes to be made. As a result, we could not determine whether the counties in our sample effectively used the information they collected to improve their poll worker training.

Under state law, voters have the right to ask poll workers and elections officials questions and register complaints about election procedures and to receive an answer or be directed to an appropriate elections official for an answer. Although most of the counties we reviewed discussed procedures for handling voter complaints in their poll worker training, the emphasis the counties placed on handling complaints varied. In addition, although all eight counties told us they receive complaint calls from voters or poll workers on election day, most counties we visited were unable to provide information on how they resolved voter or poll worker complaints.

To better ensure that training programs for poll workers are effectively evaluated and needed improvements identified, we recommended that county elections officials consider taking steps to track voter complaints and poll worker questions that are received during an election, evaluate whether such comments suggest ways to improve their training programs, and implement those improvements.

Alameda County's Action: Corrective action taken.

In its 60-day update, Alameda County provided examples of voter complaint logs it has developed that will be used in conjunction with its automated data systems to develop a synopsis of the election and identify needed changes to its poll worker training programs. The county reports this recommendation was implemented in time for the November 2008 election. Similarly, the county provided us with an example of its poll worker questionnaire that asks poll workers to discuss whether they believe they were adequately trained for election day.

Fresno County's Action: Pending.

Fresno County did not provide a 60-day update on its efforts to implement this recommendation. In its initial response to the audit, the county did not address this specific recommendation. In the audit report, we noted that the county lacked summarized data on voter complaints and poll worker questions on election day.

Kings County's Action: Pending.

Kings County did not provide a 60-day update on its efforts to implement this recommendation. In its initial response to the audit, the county did not address this specific recommendation. In the audit report, we noted that the county lacked summarized data on voter complaints and poll worker questions on election day.

Los Angeles County's Action: Corrective action taken.

In its 60-day update on its efforts to implement this recommendation, Los Angeles reported that it has fully implemented its on-line survey of the effectiveness of its on-line poll worker training. In addition, for the November 4, 2008 election, the county reports it sought more formal feedback on the effectiveness of poll worker and precinct coordinator classes from the instructors who conduct the classes. Further, in the audit report we recognized that the county has summarized data on voter complaints and poll worker questions on election day. In its initial response to the audit, the county indicated that it is now using a new database that will address all of the areas critiqued by our report.

Orange County's Action: Pending.

In its 60-day response to the audit, Orange County indicates that it will use poll worker surveys (from training class and post-election surveys), as well as other sources to determine the need for enhancements to its poll worker training. In addition, the county indicates that it will consider looking into tracking voter questions and concerns.

San Diego County's Action: Pending.

San Diego County states that the audit report concluded that it was unable to provide documented evidence of summarized data on poll worker questions or concerns on election day. The county stated that it does collect data on poll worker questions or concerns, but uses it to send troubleshooters out to specific precincts to resolve issues rather than to evaluate its poll worker training.

Santa Clara County's Action: Pending.

Santa Clara County's 60-day update indicated that its staff will summarize voter complaints and poll workers questions and compile reports that will highlight potential best practices. The county's response indicated that this process would be in place in time for the November 2008 election.

Solano County's Action: Pending.

Solano County did not provide a 60-day update on its efforts to implement the audit report's recommendations. In its initial response to the audit, the county maintained that the Elections Code does not require the county to keep detailed logs of complaints, questions, or its responses and solutions. In our rebuttal comments on page 106 of the audit report (comment #15), we recognize that counties are not required to document voter complaints and poll worker questions. Nevertheless, as we state in the report, relying on the county's assertions of its practices without corroborating documentary evidence would not provide a sufficient basis for our analysis.

Nevertheless, the county's initial response indicated that it currently is implementing a system to track public calls that may result in summarized data on poll worker and voter concerns.