

“Democracy’s a very fragile thing. You have to take care of democracy. As soon as you stop being responsible to it and allow it to turn into scare tactics, it’s no longer democracy” – Sam Shepard

Election Integrity in Sonoma County

Recent polls confirm what many Sonoma County citizens might suspect: there is a growing concern within the United States that our democratic institutions have deteriorated over the past two decades. A 2023 Brookings Institution report identified election manipulation as a core concern. Furthermore, a 2023 AP/NORC poll reported that only 44% of the American public had a great deal—or even quite a bit—of confidence that votes in the 2024 presidential election would be counted accurately.

The 2023-2024 Sonoma County Civil Grand Jury (Grand Jury) determined that the question of whether Sonoma County elections were tainted by manipulation of any sort was a timely question worthy of investigation.

The Grand Jury examined all aspects of the County’s election process: voter registration, creating and distributing ballots, managing the receipt of completed ballots, verifying the authenticity of returned ballots, accurately counting all ballots, and sending certified election results to the California Secretary of State.

Our goal was straightforward: determine whether County elections are conducted in an impartial and equitable manner that is consistent with California and federal law, and that would be seen as fair by an objective observer. In short, we aimed to answer the question, “Does our county’s election process have ‘integrity?’” where we defined that term as meaning that *all persons who are eligible to vote can do so freely and without unreasonable constraints, that all ballots are accurately counted, and that all persons who are ineligible to vote are prevented from doing so.*

The Grand Jury notes that all 58 California counties are bound by the state’s Election Code. The Grand Jury has no authority to examine state law or the policies that frame the law, but is permitted to examine the manner in which Sonoma County executes those laws.

The Grand Jury notes that, as a matter of overarching policy, California’s election laws are designed to make voting as accessible as possible, while maintaining appropriate controls to ensure that unqualified persons do not vote. This approach is in distinction to the approach adopted by some states, where “election integrity” is pursued by imposing restrictions on who, where and when a ballot may be cast. The Grand Jury believes this difference may be illustrated by a comment related to criminal justice made by John Adams in 1770¹ “[W]e are to look upon it as more beneficial, that many guilty persons should escape unpunished, than one innocent person should suffer... .” The analogy is clear: the core principle of California’s election law is to vigorously defend the right of every eligible person to vote, even if that protection incurs a small but manageable risk of allowing a few bad actors to succeed.

¹ The comment was made when Adams was defending British soldiers from charges following the Boston Massacre. Benjamin Franklin reiterated the point in 1785 when he wrote “...it is better 100 guilty Persons should escape than that one innocent Person should suffer.”

METHODOLOGY

This investigation was self-initiated by the Grand Jury.

The Grand Jury conducted more than a dozen interviews with individuals who are or were involved in the County's election process, including members of several non-governmental public service organizations and local leaders of the two major political parties.

The Grand Jury also reviewed documentation provided by the Registrar of Voters office (ROV²) and the California Election Code. In addition, members of the Grand Jury toured the ROV offices and observed election procedures being executed in support of the March 2024 primary election.

DISCUSSION

The essential purpose of this investigation was to determine whether County elections are executed in a manner that an objective person would consider fair and unbiased—in other words, that the election process has integrity as previously defined.

The Grand Jury quickly realized that the election process, even in a relatively small County, consists of many interrelated moving parts—multiple separate functions that must be executed accurately and within strict timelines to ensure that all aspects of the process are in place and fully validated in time to support an election.

The multidimensional structure of the overall election process is reflected in the structure of this report, in which each major section addresses either an integral component of the election process or a subject that is important to the process.

County elections are executed with a high degree of integrity.

The essential question of this investigation is straightforward: are County elections free of bias, undue influence, corruption, or other irregularities that could or potentially have altered the outcomes of our elections? After examining all aspects of the election process, the Grand Jury's conclusion is that our elections are, in fact, free of any such defects—that ROV conducts elections in accordance with the Election Code, and with effective management controls over all election processes and procedures.

The Grand Jury cannot say with absolute certainty that none of the ballots counted in the recent election were cast illegally. But we can say with a high degree of confidence that if any illegal votes were counted, this happened despite the exacting processes rigorously enforced by ROV. These processes make it extraordinarily difficult to cheat the system, and we are reassured that the votes counted are virtually certain to have been cast by people who were legally entitled to do so.

The remainder of this report examines the component elements of the overall election process that, in aggregate, support this conclusion.

² This report uses the acronym ROV as a reference the Sonoma County Office of the Registrar of Voters, not the elected individual who serves as the Registrar of Voters.

ROV manages elections with consummate skill and dedication.

ROV has the statutory responsibility of ensuring that state election laws, regulations, and procedures are properly implemented during an election. Accordingly, the Grand Jury examined in detail how ROV's duties were executed, with particular emphasis on adherence to prescribed procedures and, importantly, appropriate management oversight and controls designed to quickly identify, isolate, and resolve any questions or problems that may occur. The Grand Jury notes that details regarding conduct of 2024 elections may be found in the [Sonoma County Registrar of Voters Election Administration Plan \(EAP\)](#), dated September 2023. This plan, which must be submitted for review and approval by the California Secretary of State, is readily available on the [ROV website](#).

The Grand Jury also notes that ROV does not suffer from the staffing shortages and employee turnover problems that have been widely reported as affecting other County departments. ROV staff consists of dedicated, experienced professionals who know their jobs well. However, the very experience of ROV staff does contribute to a minor problem: ROV management identified keeping local procedural documentation current as an issue because 1) knowledgeable staff do not often need to refer to written documentation, and 2) updating routine documentation is often a low priority administrative task. The Grand Jury notes that while procedural documentation is not generally necessary, its importance can be magnified under unusual circumstances, such as when new or supplemental employees must be brought in due to unexpected absences.

A brief description of some key aspects of conducting an election follows:

- **Voter Registration:** To register to vote in Sonoma County a person is required to be a US citizen, a resident of California, and be at least 18 years of age by Election Day. In addition, anyone currently serving a state or federal prison term for conviction of a felony, or who has been found mentally incompetent by a court of law is disqualified from registering. The Grand Jury found that ROV follows all applicable requirements and procedures for processing voter registration applications.
- **Ballot creation and distribution:** ROV validates that all requirements for appearing on a ballot have been met by a candidate or a measure. Once all ballot entries have been verified, ROV prepares templates that are delivered for printing. [California Assembly Bill 37 \(the Universal Vote by Mail law\)](#), signed into law in fall of 2021, requires that all registered voters be sent a ballot in the mail in all elections. However, voters have a choice: they may use the ballot mailed to them or may instead vote in person at any Vote Center. The Grand Jury also notes that all Vote Centers must have Accessible Ballot Marking devices specifically designed for use by people who need special assistance.
- **Ballot collection:** When the polls are open, ballots are collected from Vote Centers nightly and from Ballot Drop Boxes per a prescribed schedule. Vote by Mail ballots are collected by ROV directly from the United States Postal Service (USPS). Ballot chain of custody is strictly enforced, which means that at least two people must always be present with the ballots during collection and transport. Ballots are always maintained in locked and sealed containers. All Vote Centers are closed, and Ballot Drop Boxes are locked, at precisely 8:00 p.m. on Election Day (while

accommodating voters who are waiting in line at that time). By law, Vote by Mail ballots are counted if they are *postmarked* (not simply placed in a USPS mailbox) on or before Election Day. The Grand Jury notes that California law allows any voter to designate any other person to deliver their ballot for counting via any legal means.

- **Signature Verification:** All Vote by Mail ballots undergo a manual signature verification check³. This check is performed by ROV staff in accordance with training provided by the Federal Bureau of Investigation (FBI) for the task. When a signature cannot be verified, curing processes are invoked, which always include voter notification to explain what must be done to resolve the issue within a defined timeline.
- **Ballot counting:** Regardless of how a voter returns their ballot, when it has been received by ROV it is then electronically scanned and tallied. The counting process includes multiple in-process checks to ensure that the number of ballots received matches the number of ballots processed. Furthermore, one week following an election, 1% of the ballots are randomly selected for a manual verification tally.
- **Ballot Retention:** ROV secures all ballots and envelopes, and retains them for 22 months, after which time they are destroyed.
- **Continuous process improvement:** Following every election, ROV management and staff conduct an internal review meeting. Things that worked well and issues that were identified during the election cycle are discussed, evaluated, and incorporated into ROV procedures as deemed applicable.

ROV installs and maintains a secure technology infrastructure that is dedicated to supporting the election process.

In the November 2022 general election, Sonoma County had 304,017 registered voters, 200,347 of whom cast ballots. ROV had a statutory duty to distribute, collect, validate, and count these ballots within reporting deadlines set by the California Secretary of State. This task had to be accomplished with a permanent staff of 18 people, supplemented by 18 part-time employees and six field service officers.

Technology is a critical component of secure elections; without it, the task would be impossible to complete within the legally mandated timelines. But the use of technology begs a critical question: Is that technology trustworthy? We are reminded daily that the benefits of modern technology come at a price: bad actors know how to exploit technology to their benefit and at our expense. Given this, the Grand Jury examined the technological systems and tools used by ROV, with particular emphasis on the security and trustworthiness of these systems. The following essential points resulted from this examination:

³ As the Grand Jury observed, signature verification is accomplished while the ballot is still in the privacy envelope; no one in the ROV office can see what votes were cast at this point in the process.

- The vote-counting machines used by ROV are kept in a secure room. Access to this room is limited to ROV staff, and to visitors and observers (including members of the Grand Jury) under supervision.
- The vote-counting machines are not connected to any external data networks (e.g., WiFi or cellular), which means that they are not vulnerable to internet-delivered malware. To hack the machines' software, a perpetrator would have to gain physical access to the machines; these machines are always kept in securely locked rooms and two authorized people are required to be present whenever anyone accesses them.
- Software updates to the machines are delivered by a USB-connected storage device, a thumb drive. All software updates are prepared by the California Secretary of State's office and must be retrieved in person by an authorized ROV official. The physical drive is uniquely indexed in a manner that ensures the correct software is installed on the intended machine, making it highly unlikely that illegally modified software could ever be installed. All software updates are verified to confirm that each machine received its intended update. This process uses tools that have been provided by the Secretary of State's systems developers for this purpose.
- ROV conducts publicly witnessed Logic and Accuracy (L&A) tests prior to every election, shortly after the machines have been configured with refreshed software. The L&A test consists of preparing approximately 1,600 sample ballots that have been printed for the purpose and that mimic all physical characteristics of live ballots. In summary, the Logic portion of the test is designed to verify that all machines are reading all ballots, and the Accuracy portion of the test is designed to ensure that votes were read as marked. The counts produced by the machines are compared to known final tallies: each test batch is run through every machine to confirm that the tallies are as expected. L&A tests are open to the public, and various interested groups including representatives of the Democratic Party, the Republican Party, and the League of Women Voters were present (along with members of the Grand Jury) during the test conducted on February 8 this year.
- The Grand Jury notes that during the February 8 test the first four ballot readers were completely accurate, but two of the six produced invalid results. In response, technical servicing was performed, and a subsequent test proved the accuracy of the last two machines. Full certification was completed (with public monitors on hand) on February 15. These events confirmed both ROV's focus on ensuring that election technology was working correctly and the efficiency with which errors are identified, isolated, and corrected.
- ROV has a dedicated and closed data network that is accessible only to the voting systems and the few computers that are needed to manage the data they produce. All these devices are in one room, and connectivity is accomplished by hard wiring—physical cables that run between machines. There are no internet or wireless connections for this network. In addition, ROV access to the machines is managed by a software access-control system that prevents unauthorized user accounts

from accessing the voting machines. Access is monitored by ROV technicians to ensure that the limited number of accounts with voting-machine access is accurate, and that only authorized users are online. The same system also monitors all attempts to access the protected machines and generates automated alerts if an unauthorized access attempt is detected.

- The room that houses ROV technology systems is protected by a physical access control system that only allows entry by employees with registered credentials. The room is under constant video surveillance, so that ROV management may access a live feed or visual record of who accessed the room and what they did while in the room.

ROV employees and election poll workers have been, and continue to be, targets of abusive behavior and physical threats.

A May 2022 report published by the Brennan Center for Justice⁴ found that within the United States “one in six election officials have experienced threats because of their job” and that “77 percent say that they feel these threats have increased in recent years.” Sonoma County is not immune. Sources within ROV related multiple instances of having received threats, including an explicit reference to the potential use of firearms.

Fair elections must be conducted in an open and transparent environment. However, this very openness means election workers are exposed and vulnerable, a concern that has substantially increased since the 2020 election. The Grand Jury believes that the County owes election workers a duty of care that acknowledges and responds to this elevated risk profile.

The Grand Jury has included some recommendations associated with this finding but emphasizes that they are exemplars for the actions that we believe should be taken, not an exhaustive or static list of solutions. The Grand Jury acknowledges that the factors concerning physical security in the election environment are dynamic and therefore require constant review. Similarly, the solution set for ensuring physical safety of election workers must necessarily evolve to reflect changing risk factors.

The Grand Jury also notes that ROV participated in a recent meeting with the County Emergency Management Department and law enforcement agencies that resulted in several recommendations related to physical security. The Grand Jury further notes that recent upgrades have been made to ROV facility specifically to enhance the physical security profile of the building. Notwithstanding these upgrades, the Grand Jury believes that both the physical threat mitigation profile and the overall efficiency of ballot processing would be enhanced if ROV were moved to a larger and more defensible facility.

The County, in short, must, to quote John F. Kennedy, “... bear the burden of a long twilight struggle, year in and year out ...”, a never-ending fight to stop those who would attack democracy by attacking those who enable it.

⁴ <https://www.brennancenter.org/our-work/research-reports/estimated-costs-protecting-election-workers-threats-physical-violence>

Citizen poll workers are an essential resource in conducting elections.

As previously noted, conducting an election is a labor-intensive undertaking. The requirements for activities such as staffing 31 Vote Centers (each of which requires a minimum of four people: one Inspector and three Clerks) would quickly overwhelm ROV's full-time staff. The answer is found by inviting citizens to directly support and participate in the election process as poll workers, either as Inspectors or as Clerks.

Poll workers must meet requirements prescribed by the California Election Code. Inspectors must be registered California voters. However, permanent legal residents residing in California and high school students who are at least 16 years old may work as Clerks. All poll workers must attend training sessions that are offered both online and in person.

An important observation is that poll workers are used solely to staff Vote Centers. Only ROV employees may execute ballot processing procedures (e.g., verifying signatures and feeding ballots into the vote counting machines).

Being a poll worker is a way to serve the community and take an active role in democracy. It should also be mentioned that poll workers are paid a stipend in compensation for their time.

ROV supports public outreach and education.

The Grand Jury notes that ROV is the County's main advocate and educator about the electoral process, including the need for active participation and engagement.

Evidence of ROV's engagement in this role includes:

- ROV provides and maintains an informative and user-friendly website and distributes educational materials through multiple physical channels.
- ROV livestreams ballot processing activities throughout the election vote tallying.
- ROV offers tours upon request for schools, civic groups and clubs interested in a behind-the-scenes view of elections.
- ROV provides speakers for group functions desiring information about the election process.
- ROV conducts training for those interested in organizing a voter registration drive.

Public interest would be served by creating a comprehensive election results database.

Open elections are the hallmark of a healthy democracy, and access to historical election results is a natural extension of the public's right to view and compare election data. ROV preserves a massive amount of election data but is not currently capable of making this information available for public review and analysis. This lack of capability is not for want of desire; the Grand Jury was informed of initial attempts to consolidate data for the purpose of deeper examination using the tools at hand (e.g., capturing data in Microsoft Excel spreadsheets). These efforts could not succeed given the massive amounts of

information available, and the lack of time and specific technical expertise within existing ROV staff.

The Grand Jury believes that the value of an election-results data repository goes far beyond academic interest. We believe that significant public benefit would result from enabling members of the public to answer questions such as, “For a given voting precinct, how many school bond issues have been on Sonoma County ballots over the past 20 years, and what were the outcomes by measure?” or “Compare the results of Board of Supervisors contests over the past 10 years between multiple specified voting areas.” Access to this type of in-depth analysis of historical voting patterns would be, in the view of the Grand Jury, a quintessential element of election transparency.

The Grand Jury also believes that execution of this effort would not necessarily be constrained to hiring commercial technology contractors. We believe that excellent resources to support the project may be found at local colleges in the form of both undergraduate and post-graduate students volunteering time to collect, organize, and capture source data.

Democracy thrives because of many factors, one of which is an informed citizenry. The Grand Jury believes that approving and funding a publicly accessible election information repository would put Sonoma County in the forefront of supporting this goal.

CONCLUSION

The Grand Jury believes that those of us who live in Sonoma County have reason to be grateful for many things. We fully recognize that the County is not perfect by any means, that we collectively face many problems yet to be solved. But we also recognize that we have the benefit of being able to openly discuss (and debate) our problems and to take the most direct action available to a free people when we don't like what our elected leaders are doing: vote for someone else—freely, openly, and without fear of government reprisal. In short, we live in a place where democracy thrives.

It is the considered opinion of the Grand Jury that the Registrar of Voters office does an excellent job of managing and protecting our cherished right to vote, and the Grand Jury commends it for a job consistently well done. The fact that the County's voter turnout (measured as the percent of registered voters who cast ballots) is consistently among the highest in the state speaks volumes: we believe that if people have an inherent distrust of an election process, they generally don't bother to participate⁵.

The Grand Jury also commends the time and energy spent by public groups, including (in alphabetical order) the Democratic Party, the League of Women Voters, and the Republican Party, in observing the election process and asking intelligent and probing questions about our election processes and procedures.

The Grand Jury is keenly aware that, by any reasonable measure, the democratic institutions and traditions that most Americans have long taken for granted are under attack. In the minds of some, the notion that all political power is (and, by right, ought to be) vested in the public is outdated, a relic of the past.

The Grand Jury urges our fellow citizens to recognize that our ability to control our destinies through fair and impartial elections is no accident: it results from our active participation in the election process. Nor should we blindly presume that democracy just happens—that we can afford the conceits of misguided indifference or self-indulgent, unwarranted cynicism. We can, and should, recognize that our political processes are not perfect, but also that we can, and should, use the power of voting to constructively address our problems.

Embracing indifference will, in the long term, invite the undoing of our most fundamental right: choosing who will lead us.

The Grand Jury urges all Sonoma County citizens, regardless of political persuasion or preference, to participate in every election. Do not be an idle spectator of an activity that can only thrive with active engagement.

⁵ The California Secretary of State reports that in the 2022 General Election there were 304,017 registered voters in Sonoma County and 200,347 ballots counted, a 65.9% turnout rate. This compares favorably to the state's overall turnout rate of 50.8%.

COMMENDATION

The Grand Jury commends all employees of the Sonoma County Registrar of Voters office and the citizen poll workers who devote countless hours in ensuring that County elections are conducted in an open and unbiased manner.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. There are no material flaws or uncorrected defects (e.g., machine errors, fraudulent ballots being cast, or miscounting votes) that impair the overall integrity of the election process. The Grand Jury also finds that while ROV executes all procedures effectively, there are nonetheless documentation gaps that lead to situations where institutional knowledge is not entirely committed to paper.
- F2. ROV executes prescribed election procedures with proper management controls in place to ensure full compliance with all applicable requirements.
- F3. ROV ensures that the technology systems and services, including information security and cybersecurity measures, used in an election are properly installed, maintained, and validated for accuracy before all elections.
- F4. ROV employees and Vote Center poll workers have been subjected to abusive behavior and to direct and implied threats of physical violence in the past and may be exposed to similar threats in the future. ROV's threat mitigation profile would be enhanced (and operational efficiency would be streamlined) if ROV was moved to a larger and more defensible space.
- F5. The citizen poll workers who contribute many hours of service during an election are an indispensable ROV resource whose continued support is essential.
- F6. The current state of election integrity found in Sonoma County did not occur by accident, but rather by the continued interest and active engagement of a majority of Sonoma County citizens who register and vote.
- F7. ROV promotes transparency through community outreach and communication with the public leading up to and after an election.
- F8. While ROV carefully preserves the results of all elections, it has neither historical data collection nor reporting capability that would enable comprehensive analysis of past election results.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. By September 1, 2024, ROV develop and begin execution of an ongoing process designed to ensure that internal procedural documentation is created and kept current.
- R2. By June 30, 2025, the Board of Supervisors develop and approve a long-term plan to provide ROV with a facility that better accommodates space and physical security requirements.
- R3a. By August 31, 2024, the Board of Supervisors and ROV develop and implement a plan for enhancing existing ROV security measures and developing new security measures based on recurring threat assessments and recommendations by qualified authorities.
- R3b. By July 31, 2024, ROV create and maintain a record of all incidents of abusive or threatening behavior to support future risk and threat assessment analysis.
- R3c. By July 31, 2024, ROV evaluate all recommendations that resulted from its meeting with the Emergency Management Department and establish an implementation schedule for the recommendations it adopts.
- R4. By December 31, 2024, the Board of Supervisors allocate resources for a project to create a publicly accessible Sonoma County elections database to enable ready access to, and analysis of, past election results.

REQUIRED RESPONSES

Pursuant to Penal Code §§ 933 and 933.05, the grand jury requires responses as follows:

- Sonoma County Board of Supervisors (R2, R3a, R4)
- Sonoma County Registrar of Voters (R1, R3a, R3b, R3c)
- The governing bodies indicated above should be aware that their comments and responses must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.