



**County of Ventura  
COUNTY CLERK AND RECORDER**

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**DATE:** June 12, 2013

**TO:** The Honorable Brian J. Back, Presiding Judge  
Superior Court of California-Ventura County

Jay Whitney, Foreman  
Ventura County Grand Jury

**FROM:** **Mark A. Lunn, CERA** *mal*  
County Clerk Recorder/Registrar of Voters

**SUBJECT: County Clerk and Recorder Responses to "Elections and Polling"  
2012-13 Ventura County Grand Jury Report**

This report provides the County Clerk and Recorder's responses to the June 3, 2013 "Elections and Polling" 2012-13 Ventura County Grand Jury Report. Thank you for the opportunity to respond to this report. I also want to thank the 2012-13 Grand Jury for its thoughtful commendation to the Ventura County poll workers "for their hard work and dedication."

**Findings**

**FI-01: "The Grand Jury finds that the security of the counting room was compromised when election officials allowed individuals who were not election officials into the counting room, a restricted area, on Election Day. (FA-01-02)"**

We respectfully disagree. The security of the counting room was never compromised. The "Elections Technology Room" (ETR), i.e. the counting room, is a secure, climate-controlled, transparent room located inside the Elections Division that houses the computer servers that tally the votes during an election. The ETR is restricted by card key access and is monitored by multiple video cameras that we installed in 2012. On Election Night, uniformed Sheriff's deputies provide additional onsite security by contract. Moreover, the ETR is encased in windows so that all operations inside the ETR during an election are transparent to any members of the public, including the Grand Jury, who may wish to observe. In the past, non-elections officials have been allowed in the ETR on Election Day. For example, Information Technology Services (ITS) department staff and the voting equipment vendor's technical assistant are present to assist in the vote counting process. The individuals that were observed by the Grand Jury to have entered the ETR on Election Day were present for professional or educational purposes and were under escort by Elections Division executive

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management at all times. None of these individuals was inside the ETR during any time that ballots were being processed or votes counted. A limited number of Grand Jury members would also be allowed access upon advance request to the ETR during future elections under those same strict conditions: under escort by Elections Division executive management and only during times when ballots are not being processed or votes counted.

**FI-02: “The Grand Jury finds that the Election Division should concentrate on the secure counting of votes as its primary responsibility to County voters. (FA-03)”**

We concur. The County Clerk’s fundamental duties include conducting fair and impartial elections in accordance with applicable law. I have suggested to the Board of Supervisors that they give serious consideration to adopting a more viable campaign finance reform model than the current Ventura County Campaign Finance Reform Ordinance that separates this office’s duty to conduct elections from the requirement to enforce complicated local campaign finance reporting regulations. At the State level, elections are handled by the Secretary of State. The enforcement and oversight of campaign finance ethics violations are separate responsibilities tasked to the State’s Fair Political Practices Commission and its staff. This State model provides for a clear and needed separation of duties. The County Clerk’s office acts as an agent of the Secretary of State for purposes of conducting elections. It would, therefore, seem logical for the Board to consider adopting the State model in Ventura County as well. Continuing to require the same public office (Elections Division) to both count votes and act as a watchdog over the activities of political campaigns and committees may no longer be the best model available to serve voters in Ventura County.

**FI-04: “The Grand Jury finds that the BOS could set any and all penalties for breaches of security at the Elections Division on election days and the BOS could request that the Sheriff assign a uniformed deputy to monitor the counting room to ascertain credentials of persons entering on election days. (FA-07-08)”**

We respectfully disagree. Since I assumed leadership of the County Clerk and Recorder’s Office in July 2010, not a single incident of a “breach of security” has occurred in the Elections Division. I am also unaware of any breaches of security in the Elections Division prior to July 2010. It appears that this finding is premised on Finding FI-01 that the security of the counting room was somehow “compromised” on Election Day. As described in the response to Finding F1-01, the security of the ETR was never compromised on Election Day. Moreover, the Elections Division already contracts with the Sheriff’s Department for uniformed deputies to provide transportation and security of ballots, including onsite security, on Election Day. Entrance to the ETR is under the control of Elections Division executive management and is further controlled by card key access. In addition, access to and all activities in the ETR are under video surveillance. The requirement for a uniformed Sheriff’s deputy to monitor access to the ETR would be a redundant and unnecessary precaution. It would also be outside of the Board’s

operational knowledge of the elections process and purview to control access to the ETR.

### **Recommendations**

**R-01: “To secure the area where ballots are counted and to avoid the appearance of cronyism, the Grand Jury recommends that the Elections Division develop and enforce a new zero-tolerance policy to assure a secure counting room. (FI-01-02)”**

We respectfully disagree. This recommendation is already an enforced policy and practice in the Elections Division. The area where ballots are counted (ETR) is secured at all times, as further described in the response to Finding FI-01. An additional zero-tolerance policy to assure a secure counting room is unnecessary and would be redundant to the existing policy that is already in place:

“The ‘Elections Technology Room’ (ETR) is a year-round restricted access environment, due to the sensitive nature of work that is conducted therein. Access to the ETR for any reason must be approved by a member of the Clerk Recorder executive team. Access is controlled via a secure card key entry system whose authorization access is approved by the executive team. All persons who access the ETR, other than those specifically assigned to specific election-related duties, shall be approved and under direct escort by Elections Division management personnel or their designee. At no time shall anyone be allowed access to the ETR during periods of ballot processing and tallying other than personnel directly involved in election administration.”

**R-02: “The Grand Jury recommends that the BOS should set penalties for breaches of security in the Elections Division and that the BOS direct the Sheriff to assign a uniformed deputy at the entrance to the Elections Division counting room on election days. (FI-04)”**

We respectfully disagree. As described in the response to Finding F1-04, not a single incident of a “breach of security” has occurred in the Elections Division since I assumed leadership of the County Clerk and Recorder’s Office in July 2010. I am also unaware of any breaches of security in the Elections Division prior to July 2010. Moreover, the ETR was never compromised on Election Day. The Elections Division already contracts with the Sheriff’s Department for uniformed deputies to provide transportation and security of ballots, including onsite security, on Election Day. Entrance to the ETR is under the control of Elections Division executive management and is further controlled by card key access. In addition, access to and all activities in the ETR are under video surveillance. The requirement for a uniformed Sheriff’s deputy to monitor access to the ETR would be a redundant and unnecessary precaution. It would also be outside of the

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Board's operational knowledge of the elections process and purview to control access to the ETR.

We thank and applaud the Grand Jury for accepting our invitation to observe and participate in the November 6, 2012 election. Your observations, together with the consideration of our responses, serve to remind and assure the public as to the openness and integrity of the elections process that we conduct in Ventura County. We appreciate and will continue to seriously evaluate your observations and recommendations.

Please call me at (805) 654-2266 if you have any questions or if I can be of further assistance.

c: Geoff Dean, Ventura County Sheriff  
Michael Powers, County Executive Officer