

Citizens' Oversight Projects (COPs)
CitizensOversight.org
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NEWS RELEASE

FOR IMMEDIATE RELEASE

July 15, 2020

Universal Vote-by-Mail due to COVID-19 Creates an "Audit Catastrophe" CA on Track to Omit a Majority of Ballots from Audits

Citizens' Oversight Asks Gov. Newsom, Secretary Padilla, Legislature for Corrective Action

SAN DIEGO, California -- Citizens' Oversight, an organization that provides nonprofit nonpartisan oversight over our elections, today sent a letter to Governor Gavin Newsom, Secretary of State Alex Padilla, and the leaders in respective committees in the Senate and Assembly, regarding the fact that the election audits will likely omit a majority of ballots from scrutiny in the 2020 General Election.

The letter is attached with this news release and is also available at this web address:

<https://copswiki.org/Common/M1947>

Ray Lutz, Executive Director of Citizens Oversight explains:

We noticed the Registrar of Voters in San Diego omitted about 285,000 ballots from the mandatory audits in 2016, specifically, the later arriving vote-by-mail (VBM) ballots, which were mailed on time but were not fully processed and included in the tabulation by election night, even though our reading of the law states those ballots should be included.

We asked San Diego Registrar Michael Vu to draw eight random batches to cover that set. He refused. We sued, and prevailed. But then in 2017, Secretary of State (SOS) Padilla, along with the California Association of Clerks and Elections Officials (CACEO) lobbied for AB-840 to make it legal to omit those later VBM ballots, making our victory moot, and gutting the audit process.

Gov. Newsom recently issued an Executive Order, followed up by legislation (AB-860) where all voters will be mailed a VBM ballot so as to make voting safer during the COVID-19 pandemic. This will result in a further increase in the use of VBM voting, from 66% to likely over 90%. Also, most voters vote at the last minute, making the later VBM group likely a majority of the ballots.

"We are heading for a real catastrophe here, where now a majority of the ballots cast will not be subject to any tabulation audit, opening the door to errors, manipulation by corrupted insiders or by hackers with

access to the tabulation," said Lutz. "We need to turn back the clock and undo the mistake of AB-840 for this extremely consequential election.

"Even though California is not a battleground state for the presidential election, we will be slammed with accusations of election or voter fraud to undermine the credibility of the popular vote. So we must clean up these audits for the 2020 general election, for that reason, and also to make our state and local contests trustworthy."

The letter also requests that ballot images, which are now produced by the newly installed voting equipment throughout the state, be made available for public review. With such secondary and independent review, it matters not so much if election officials don't conduct their audits perfectly.

Citizens' Oversight requested ballot images from the 24 top counties in CA for the 2020 Primary. San Francisco provided the images without any problem, but the other counties, in concert with an opinion provided by Secy. Padilla, claim that those images are the same as "voter registration cards" that will expose voter information. But no voter information exists on the ballot images, and if any does exist, election officials are already required to remake the ballot and remove any personal information. As a significant public record, it is the position of Citizens' Oversight that these images must be provided under the California Public Records Act (CPRA, Cal Code 6250 e seq). For further information on the status of this request, the response by Secy Padilla and the counties, please see this web address:

<https://copswiki.org/Common/M1943>

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