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PUBLIC REPORT OF CITIZEN RECOUNTS
OF THE
2022 SAN LUIS OBISPO COUNTY ELECTIONS

The San Luis Obispo County Citizens Action Team (SLOCCAT) issues this preliminary report of its findings and observations related to the two public recounts of the 4th District and 2nd District Supervisorial elections held in June and November 2022. We ended the pending District 2 recount on Thursday, December 29, 2022 and this report outlines why we are doing so.

SLOCCAT is a group of dozens of local citizen volunteers who are concerned that voter confidence in California elections at all levels, and the system California has used for conducting elections, is at an all-time low. At the same time public confidence has plummeted, controversy surrounding the elections themselves is at a record high.

SLOCCAT undertook efforts to get into the details of the local system that is governed by state law and the elections code and regulations. We undertook these efforts -- at considerable personal financial expense, time and effort. Our citizen volunteers spent hundreds of hours working precincts and poll observing on Election Day and at the SLO county elections office observing, taking notes, reviewing documents and materials, and asking specific questions of our election officials who ran these elections.

The following should not be taken as a criticism of these officials' integrity or competency in performing the tasks state law requires them to perform. We believe the system they are required to implement is fundamentally flawed, lacks auditability and thus the public cannot effectively audit or certify its reliability or accuracy. Their task is not enviable: they administer a flawed system created by the California Legislature. Reform is essential if citizens' confidence in the electoral process is to be restored.

Summary Findings

California's election system is not designed to be accountable through a traditional audit process that is the standard of accountability nationally, in business and non-profit organizations. Moreover, information about key system outputs cannot reasonably be obtained by ordinary citizens through the limited statutory processes (recounts, election contests, public records requests) provided for by California law.

Darcia Stebbens, a certified public accountant with substantial experience in business and forensic accounting and one who has sought and become familiar with these limitations, led our SLOCCAT team. SLOCCAT participated in two public recounts of SLO County supervisorial elections in 2022 (the 4th District June Primary and the 2nd District November General election). SLOCCAT consulted with lawyers, statisticians and others with substantial experience both nationally and in California recounts,

election contests and public records search processes. We find and conclude that our election system is designed to be unaccountable through commonly used and understood accounting and auditing practices.

Reports permitted by state law to be made public during recounts do not reconcile perceived discrepancies, are not understandable either separately or as considered together, and do little to shed light on how accurately and operationally the system works. It is more like a set of puzzle pieces that cannot be put together. In reality, the system operates more like a black box and we are not allowed to open the box and see the contents.

We, as citizens, are asked to trust a process which at its front end is, as a State Auditor Report in 2015 stated, based entirely on the “honor system.” Its common features:

- A universal automatic voter registration process with universal mail balloting (ballots are sent to all active registered voters listed on California’s VoteCal system voter rolls, as demonstrated by a 2019 federal court settlement with the California Secretary of State and Los Angeles County’s Registrar of Voters)
- No requirement that voters must provide photo or other personal identification at the polls
- No verification of present actual residency entitling the voter to vote
- No verification of citizenship
- No timely cleaning of bloated voter rolls to remove deceased voters or voters who have moved from their registered addresses, many of whom have not lived at the addresses they are registered to vote on both California’s active and inactive voter rolls.

This system since 2015 has created incentives for organized groups to not only engage in “ballot harvesting” but also in “ballot trafficking” – paid efforts to collect ballots and voted ballots at voters’ doors and which affords unchecked, unlimited opportunities for the unscrupulous to coerce voters to vote and even how to vote.

All these practices, working together, picture a system without any effective checks or deterrents to prevent abuses. The lack of prosecutorial interest in policing this system, together with a bureaucratic imperative to just get the election over and done, leaves the system wide open for abuse.

Lacking an accountable audit system, relying on an “honor system” for voter registration, promoting and implementing an automatic voter registration system without effective verification of voters’ identities, and piling on top of those “features” the mailing of ballots to anyone listed on its bloated voter rolls, voters are asked to simply trust the public officials who run California’s Elections.

Many commentators have noted that these voting systems’ deficiencies actually include more stringent penalties and impediments for those who seek in good faith to investigate and shine light on these systemic problems, than those who can act with virtually no threat of punishment for abusing the systemic features we describe above.

SLOCCAT finds it impossible to conclude that the system isn’t *designed for abuse*.

Finally, in the last few years, the media and partisans have engaged in a wide and broad-scale project to shame and discredit those who call or attempt to call attention to these systemic deficiencies and vulnerabilities. All of these problems allow for administrative problems to persist, and unfortunately foster an environment in which abuse can occur – on a widespread basis – potentially affecting statewide and especially local elections such as those we were privileged to examine.

Specific Findings

1. This system cannot produce a clean list of voters who are entitled to vote.
2. This system cannot produce a list of who actually voted.
3. This system cannot produce a list of total ballots sent out that matches the number of voters on the voting rolls at the time the ballots are mailed out.
4. This system has virtually eliminated the checks of the traditional precinct voting system of neighbors running polling places who can identify neighbors voting in person, an important check on reliability.
5. This system utilizes technology for tabulating ballots that is proprietary, totally insulated from any citizen accountability, and for that reason alone is not trustworthy. Statutory logic and accuracy equipment tests are insufficient to audit such a system that has numerous opportunities for local and systemic inputs that could affect the tabulation of ballots. However, tabulation is at the “caboose end” of a railroad train that operates “driverless” in the system described above.
6. There were a number of detailed problems with the way the system worked in SLO County relating to duplicate mail ballot votes sent to voters, of non-delivery of mail ballots to voters, of discouragement by precinct polling officials of precinct voters from voting in person or surrendering their mail ballots to vote in person, and voters assigned to “mail ballot only” precincts who were deprived of the opportunity to vote in person, and major mistakes in over 50,000 ballots and voter guides sent out with incorrect information and omitting candidates’ statements. Also, county election officials failed to provide public notice of counting and denied SLOCCAT election canvass observers access to observe signature “curing” and provisional ballot processing and other actions before the official canvass was concluded. A Supplemental Report containing greater detail on the problems identified in this item will be issued forthwith.

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