



**COUNTY OF SAN LUIS OBISPO  
BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

|  |  |  |                      |
|--|--|--|----------------------|
| (1) DEPARTMENT<br>Administrative Office  | (2) MEETING DATE<br>8/22/2023            | (3) CONTACT/PHONE<br>John Nilon, Interim County Administrative Officer<br>805-781-5011   |                      |
| (4) SUBJECT<br>Request to 1) approve responses to the FY 2022-23 Grand Jury report titled "Investing in Election Accuracy Has Our Vote"; and 2) forward the responses to the Presiding Judge of the Superior Court by September 10, 2023.  |  |  |                      |
| (5) RECOMMENDED ACTION<br>It is recommended that the Board:<br><ol style="list-style-type: none"> <li>1. Adopt as a County's response to the referenced Grand Jury report titled "Investing in Election Accuracy Has Our Vote " the responses prepared by the Board of Supervisors to Recommendations 3 and 4; and</li> <li>2. Direct the Clerk of the Board to forward the approved responses to the Presiding Judge and the Grand Jury by September 10, 2023.</li> </ol> |  |  |                      |
| (6) FUNDING SOURCE(S)<br>N/A   | (7) CURRENT YEAR FINANCIAL IMPACT<br>\$0 | (8) ANNUAL FINANCIAL IMPACT<br>\$0   | (9) BUDGETED?<br>N/A |
| (10) AGENDA PLACEMENT<br><input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)  |  |  |                      |
| (11) EXECUTED DOCUMENTS<br><input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input checked="" type="checkbox"/> N/A   |  |  |                      |
| (12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)<br>N/A   |  | (13) BUDGET ADJUSTMENT REQUIRED?<br>BAR ID Number:<br><input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A |                      |
| (14) LOCATION MAP<br>N/A   | (15) BUSINESS IMPACT STATEMENT?<br>No    | (16) AGENDA ITEM HISTORY<br><input checked="" type="checkbox"/> N/A Date _____   |                      |
| (17) ADMINISTRATIVE OFFICE REVIEW<br>This item was prepared by the Administrative Office.  |  |  |                      |
| (18) SUPERVISOR DISTRICT(S)  |  |  |                      |



## COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Administrative Office / John Nilon, Interim County Administrative Officer  
805-781-5011

DATE: 8/22/2023

SUBJECT: Request to 1) approve responses to the FY 2022-23 Grand Jury report titled "Investing in Election Accuracy Has Our Vote"; and 2) forward the responses to the Presiding Judge of the Superior Court by September 10, 2023. All Districts.

### **RECOMMENDATION**

It is recommended that the Board:

1. Adopt as a County's response to the referenced Grand Jury report titled "Investing in Election Accuracy Has Our Vote " the responses prepared by the Board of Supervisors to Recommendations 3 and 4; and
2. Direct the Clerk of the Board to forward the approved responses to the Presiding Judge and the Grand Jury by September 10, 2023.

### **DISCUSSION**

On July 12, 2023, the San Luis Obispo County Grand Jury (Grand Jury) issued a report titled "Investing in Election Accuracy Has Our Vote" (Attachment 1). The Grand Jury's investigation was initiated because of the omission of two candidate statements in some voter information guides and an error in the wording for the school district measure. The Grand Jury report states that upon their review of the preparation of the printed election materials process for the 2022 General Election Grand Jury Found the Clerk-Recorder's Office took immediate action to identify the source of errors and had put in place corrective activities to avoid future mistakes of similar nature. The Grand Jury report included 7 findings, 4 recommendations, and 1 commendation. Responses were required as follows:

| <b>Required Responses</b>   | <b>Recommendations</b> |
|-----------------------------|------------------------|
| County Clerk Recorder's     | R1, R2                 |
| County Board of Supervisors | R3, R4                 |

All responses must conform to the response language and timelines required under Penal Code section 933. Under this section, Board adopted responses from County departments must be submitted to the presiding judge of the superior court within 90 days of the date the report is released. The responses from the Board of Supervisors are scheduled to be transmitted to the Presiding Judge and the Grand Jury by September 10, 2023. Elected officials,

including the Clerk-Recorder, must respond within 60 days and may respond directly to the Presiding Judge and the Grand Jury.

Recommended Responses:

**Grand Jury Recommendation #3**

*Adequate space should be provided to the County Clerk-Recorder's Office for ballot counting, and the Office should be provided sufficient room to store and protect the ballots once counted.*

Board of Supervisors Response to R3:

The recommendation requires further analysis. The Clerk-Recorder's Office and Public Works are currently working on ways to alleviate space in the existing area as well as planning for a remodel to the ballot counting area to increase storage space, improve functionality, and enhance visibility for observers. The County's process for capital improvements requires that project requests from all departments are evaluated and ranked based on the criteria in the Budget Policies adopted by the Board of Supervisors. Projects are then presented to the Capital Improvement – Executive Steering Committee in the fall so that the committee can determine which projects to estimate. Before the end of 2023, the Capital Improvement – Executive Steering Committee is scheduled to provide funding recommendations to the Administrative Office.

Additionally, along with the Department Project Request referenced above, the Administrative Office has directed Public Works to analyze the impact that teleworking has had on office space, which will be finalized this summer. The result of the study could identify a potential opportunity to increase the Clerk-Recorder's space.

**Grand Jury Recommendation #4**

*The County budget should include the necessary funds to cover the costs of staffing, space, and review time, to assure the accuracy and integrity of voting in San Luis Obispo County.*

Board of Supervisors Response to R4:

This recommendation requires further analysis. As part of the FY 2023-24 budget a new Public Information Specialist (PIS) I/II/III was added to the Clerk-Recorder's department to meet the current and ongoing need to inform and educate the County residents, media, organizations that serve voters with disabilities, local governments, language minority communities and other communities of interest about the various provisions of conducting an election. This function didn't exist in the department before, and as elections issues arose, they were addressed by existing staff in the Clerk-Recorder's office with assistance from Administration. One goal of adding this new position was to free up time from existing staff in order for them to focus on other necessary functions in the office. The hiring process for the new position has been initiated.

Additionally, the County's annual budget development and management process has a method in place for departments to request modifications to the budget. During the annual budget process all department requests are considered, and recommendations are made within the context of the overall funding of the county. To the extent that additional funds are needed for elections in this County, such requests will be analyzed and considered during this process. In addition, capital and maintenance projects can be requested as part of the annual Capital Improvement process as stated above.

**OTHER AGENCY INVOLVEMENT/IMPACT**

The Board drafted the recommended responses to the Grand Jury report.

### **FINANCIAL CONSIDERATIONS**

Costs for preparing this response are included in current department budgets.

### **RESULTS**

Adoption of the responses will make it possible for the County to meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations under California Penal Code Section 933. The responses from the Board to the FY 2022-23 Grand Jury report titled "Investing in Election Accuracy Has Our Vote" will be adopted and transmitted to the Presiding Judge and the Grand Jury as required.

### **ATTACHMENTS**

1. Attachment 1 - FY 2022-23 Grand Jury Report - Investing in Election Accuracy Has Our Vote