

**REPORT FROM THE SHASTA COUNTY ELECTIONS COMMISSION
ON
RECOMMENDATIONS REGARDING A LOCAL ORDINANCE MANDATING HAND COUNTED
BALLOTS AT PRECINCTS USING PAPER POLLBOOKS**

To the Honorable Board of Supervisors (Board), County of Shasta, State of California:

The Shasta County Elections Commission (Commission) respectfully submits the following information for the Board's consideration at their next scheduled meeting.

As of this date, Committee members include:

Ronnean Lund, Commissioner

Dr. Lisa Michaud, Commissioner

Dawn Duckett, Commissioner

Susanne Baremore, Commissioner

Bev Gray, Commissioner

GENERAL INFORMATION

It is the belief of the Commission that, in order to increase public trust in the Shasta County election processes, there should be a local ordinance mandating that Shasta County conduct their elections using hand counting of ballots at the precincts with paper poll books.

**BASIS FOR A LOCAL ORDINANCE MANDATING HAND COUNTED BALLOTS AT THE PRECINCTS
USING PAPER POLLBOOKS**

- 1) The California Constitution Article II - Voting, Initiative and Referendum, and Recall; Section 1, states: "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require." (See Appendix)
- 2) No one can observe the actual tally of ballots by a machine. No one, by watching a machine with their eyes, can know whether votes are being tabulated correctly or incorrectly at any moment. No one except the electronic voting system companies and the Secretary of State have access to the source code or software in voting machine equipment used to tally ballots.
- 3) There is credible evidence that, contrary to state law, voting systems as defined by Election Code §362 (See Appendix) have been connected to the internet in violation of Election Code §19205 (See Appendix). This was demonstrated in Antrim County, Michigan (see [Office of the Special Council Interim Report](#), [Ben Cotton's testimony](#), [Penrose's testimony](#)). (see <http://tinyurl.com/2yz55s6k>, <http://tinyurl.com/msv5b72z>, <http://tinyurl.com/3hwrybuv>). Furthermore, electronic poll books are connected to the internet and are permitted by law to connect to the internet. Voter participation is provided in near real time to NGOs and third parties. This information can be used to calculate how many votes are needed to flip an election.
- 4) Jeffrey O'Donnell's Fingerprints of Fraud Vol. #1 report documents evidence that the United States of America and Shasta County (page 73) were the victims of a coordinated multi-state conspiracy to defraud the 2020 General Election using voting machines; see: fingerprintsoffraud.com

- 5) Jeffrey O'Donnell's analysis of Shasta County's June 2022 Primary shows election fraud occurred. He recommended not to certify the election. [Shasta County Report 2022 Primary](http://tinyurl.com/r8znp9t) (see <http://tinyurl.com/r8znp9t>)
- 6) The [Halderman Report](http://tinyurl.com/r8znp9t) (see <http://tinyurl.com/r8znp9t>) demonstrated how easily electronic voting machines can be hacked. Attacks were "successfully implemented and could be effectuated by malicious actors with very limited time and access to the machines, as little as mere minutes."
- 7) The Transparency Foundation [Audit](http://tinyurl.com/y8jpnrs7) (see <http://tinyurl.com/y8jpnrs7>) of California elections revealed voter fraud and a failing score on 9 out of 10 of the categories that were looked at. Election system security received a failing score.
- 8) There is an urgent need to restore confidence in our elections and to protect those who raise complaints or questions about the integrity of our elections.
- 9) The lack of transparency in elections is exacerbated by the withholding of public records by county election officials. At the direction of the Secretary of State's Office, county election officials have repeatedly violated The California Public Records Act, Government Code §§7920.000, et seq. (formerly Government Code §§6250, et seq.), enacted pursuant to Article 1(b) of the California Constitution, which states that "The people have the right of access to information concerning the conduct of the people's business . . ." (See Appendix) Click [HERE](#) to enter Library (see teamhopelibrary.org). Hand counting at precincts would eliminate the need for requests of public records regarding counting of ballots from precincts.
- 10) Hand counting of paper ballots is expressly authorized by the California Election Code §§ 15270, et seq (See Exhibit A) which contains established procedures used by all 58 counties before introduction of electronic voting systems, and is still used to conduct a 1% tally (the gold standard of accuracy). The Secretary of State has no veto power over the use of these procedures. No prior approval or special permission from the Secretary of State is needed to conduct elections in accordance with these statutes because the Secretary of State cannot overrule the use of a method the California Legislature has authorized.
- 11) Election Code §19207 (See Appendix) grants authority to the County governing board to adopt any kind of voting system or combination of voting systems. AB969 usurps the County's authority under Election Code §19207. This will likely be litigated in the courts.
- 12) The Secretary of State has failed to factor into her estimates the result of economic impact on the local citizens of counties who will benefit from employment as a result of a full manual tally of ballots.
- 13) The California legislature used a false "Urgency" clause to fast track an unconstitutional law. California Constitution Article IV – Legislative Section 8 says that "urgency statutes are those necessary for immediate preservation of the public peace, health, or safety." This will likely be litigated in the courts. (See Appendix)
- 14) There is no credible evidence that hand counted elections under these procedures were or will be more expensive than elections conducted with electronic voting systems. In fact, estimates by Linda Rantz (click [HERE](#)) (see <http://tinyurl.com/4xb55dkt>), Clint Curtis (click [HERE](#)) (see <http://tinyurl.com/2bv6uxnu>), and Chriss Street (click [HERE](#)) (see <http://tinyurl.com/5dy9y4p6>) suggest that hand counting will be significantly cheaper than machine counting.
- 15) Hand counting is compatible with casting votes via mail, drop-box, or in person.

- 16) The federal Help America Vote Act requires accommodations to ensure persons with disabilities can vote, but does not require the use of electronic voting systems. Neither does the Americans with Disabilities Act, which only requires that “full and equal opportunity to vote in all elections” be provided to voters with disabilities. On the contrary, 52 USC §21081 (See Appendix) expressly protects traditional paper ballot voting systems.
- 17) “The real will of the electors will not be defeated by any informality or failure to comply with all the provisions of the law.” CA Elections Code 19001. (See Appendix) If the real will of the electors in Shasta County is determined by hand counting then enforcing AB969 would be in direct violation of CA Elections Code 19001 which clearly states that compliance with state law is secondary to ascertaining the true will of the electors.
- 18) CA Elections Code 19003 (See Appendix) states “Notwithstanding any other provision of the law to the contrary, including any city or county ordinance, unless that other provision of the law is deemed consistent with this division, this division shall govern voting systems.” Therefore, the county laws and ordinances supersede any state laws in regard to voting systems. It is incumbent on the County to dictate the manner in which elections are conducted. See also California Election Code §19207. (See Appendix)
- 19) The citizens desire their elections be conducted at the precinct for maximum transparency and community participation. Currently all ballot tallies are conducted at the ROV office with very little access for the community to observe and participate. In order to restore trust in our elections all citizens need to be able to participate and freely observe the election process.

RECOMMENDATIONS

- 1) Ballots brought to precincts on election day should be counted at the precincts that day for transparency, citizen participation, and so results from the precincts are available the night of an election.
- 2) Hand counting should be performed at the precincts, per Election Code 15270 et. seq., for complete transparency, increased accuracy, and so results are available the night of an election.
- 3) Paper pollbooks should be used at the precincts for transparency, election security, and to maintain local control over Shasta County’s voter rolls.
- 4) In order to restore trust in the election process the Election Commission recommends the Shasta County Board of Supervisors create a local ordinance which states that Shasta County shall hand count ballots at the precincts the night of an election using paper poll books.

EXHIBIT A

ELECTION CODE FOR HAND COUNTING OF BALLOTS FRAMEWORK FOR A PROCEEDURE

California Elections Code

Sec. 15270

This article applies to all elections in which ballots are counted by hand.

Sec. 15271

As soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any.

Sec. 15272

The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers.

Sec. 15273

Unless otherwise provided in this code, the precinct board members may not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time.

Sec. 15274

The members of the precinct board may relieve each other in the duties of counting ballots.

Sec. 15275

Those ballots not rejected shall be placed in one pile, and the board shall proceed to count by tallying the vote for one or more offices or measures at a time.

EXHIBIT A CONTINUED

Sec. 15276

The precinct board members shall ascertain the number of votes cast for each person and for and against each measure in the following manner: One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot.

Sec. 15277

(a)Two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following:

- (1)The name of each candidate being voted for and the specific office for which each candidate is being voted. The offices shall be in the same order as on the ballot.
- (2)A list of each measure being voted upon.
- (3)Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure.

(b)The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate or measure voted upon is read aloud from the respective ballot.

(c)Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate and for and against each measure shall be recorded on the tally sheets in words and figures.

Sec. 15278

On completion of the canvass of the returns for each election, the elections official shall compare the vote by mail voters' list with the roster of voters in each precinct to determine if any voter cast more than one ballot at that election.

Sec. 15278.5

No precinct board member may make any tally of votes in any other manner than is provided in this article, nor in any place other than on the tally sheets provided for that purpose.

Sec. 15279

The ballots, as soon as all of the names and measures marked on them as voted for are read and tallied, shall not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope. The signatures of each member of the precinct board shall be written across the seal.

EXHIBIT A CONTINUED

Sec. 15280

The precinct board shall complete, sign, and return to the elections official all furnished forms requiring its signatures. When votes are counted at the precinct, all members of the precinct board, upon the completion of their duties, shall sign the following certificate of performance, which shall be substantially in the following form: for ____ precinct, for the ____ election, held on the ____ day of ____, (year). We hereby certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets. We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county elections official show the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

Inspector

Assistant Inspector

Judge

Judge

Clerk

Clerk

Clerk

Clerk

Sec. 15281

The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 voters cast ballots and the precinct board tallies the results at the precinct, the precinct board shall post only the total number of people who voted at the precinct.

NOTE THAT THERE IS NO ENABLING ACT AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE ADDITIONAL REQUIREMENTS

APPENDIX

Item 1)

CA Constitution Article 2, SECTION 1

All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Item 3)

California Election Law §362

“Voting system” means a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. “Voting system” does not include a remote accessible vote by mail system.

California Election Law §19205

A voting system shall comply with all of the following:

- (a) No part of the voting system shall be connected to the Internet at any time.
- (b) No part of the voting system shall electronically receive or transmit election data through an exterior communication network, including the public telephone system, if the communication originates from or terminates at a polling place, satellite location, or counting center.
- (c) No part of the voting system shall receive or transmit wireless communications or wireless data transfers.

Item 9)

Government Code §§7920.000, et seq.

This division shall be known and may be cited as the California Public Records Act.

Article 1 Section 3(b) of the California Constitution

(b) (1) The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

Item 11)

Election Code §19207

The governing board may adopt for use at elections any kind of voting system, any combination of voting systems, or any combination of a voting system and paper ballots, provided that the voting system or systems involved have been certified or conditionally approved by the Secretary of State or specifically authorized by law pursuant to Section 19209.

Item 13)

California Constitution Article IV – Legislative Section 8

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

APPENDIX

Item 16)

52 USC §21081

Voting systems standards

(a) Requirements

Each voting system used in an election for Federal office shall meet the following requirements:

(1) In general

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall-

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office-

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by-

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Item 17)

CA Elections Code 19001

This division shall be liberally construed so that the real will of the electors will not be defeated by any informality or failure to comply with all of the provisions of the law.

Item 18)

CA Elections Code 19003

Notwithstanding any other provision of the law to the contrary, including any city or county ordinance, unless that other provision of the law is deemed consistent with this division, this division shall govern voting systems.