



COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK

12400 Imperial Highway – P.O. Box 1024, Norwalk, California 90651-1024 – www.lavote.net

DEAN C. LOGAN

Acting Registrar-Recorder/County Clerk

February 11, 2008

TO: Each Supervisor

CC: William T Fujioka, Chief Executive Officer

FROM: Dean C. Logan, Acting Registrar-Recorder/County Clerk
Dean C. Logan

PRELIMINARY FINDINGS: REVIEW AND ANALYSIS OF SAMPLE SET OF NON-PARTISAN BALLOTS CAST IN THE FEBRUARY 5, 2008 PRESIDENTIAL PRIMARY ELECTION

At the Board meeting on February 6, 2008, upon motion by Board Chair Yvonne Burke, your Board instructed the Registrar-Recorder/County Clerk (RR/CC) to:

“...take all steps necessary as authorized by law, including but not limited to working with the Secretary of State, to ensure to the greatest extent possible that non-partisan votes are counted where the voter’s intent can be clearly ascertained and where the voter attempted to cross-over and affiliate with either the Democratic or American Independent Party, but may not have completed the ballot by marking an additional bubble relating only to party affiliation.”

Consistent with your instruction and my public testimony at the Board meeting, I directed RR/CC staff to conduct a review and analysis of all non-partisan ballots cast in precincts selected for the required one percent post election manual tally. The intent of conducting the review on a statistically relevant sampling was to quickly quantify the occurrence of non-partisan voters who more likely than not intended to cross-over and cast a ballot for a Democratic or American Independent Party Presidential candidate – and to differentiate those ballots from those where the voter clearly elected to vote an exclusively non-partisan ballot.

In conducting the review and analysis, three central findings have emerged. First, although any quantification is significant, the universe of ballots impacted by the cross-over issue has been found to be much smaller than the number that has been reported in the media since Election Day. Second, the limitations of our voting system and the ballot design impede an ability to determine voter intent on those ballots that were impacted; and third, a clear need exists to immediately modify the ballot layout and voting procedures to facilitate cross-over voting in a manner that does not require additional steps on the part of the voter.

We have analyzed the ballot layout to determine whether the ballot design would allow us to make a determination of voter intent with certainty. The ballot layout and voting instructions inherent to our voting system significantly limit our ability to make a clear delineation of voter

intent with certainty on those non-partisan ballots where a cross-over party selection was not made by the voter.

In addition to conducting the ballot review and analysis, I continue to consult with the Secretary of State's office and with County Counsel to assess the legal parameters and feasibility of properly determining voter intent and its applicability to the cross-over voting issues that occurred in last week's election.

The following is a synopsis of the preliminary analysis and findings based on a review of non-partisan ballots cast at the polls and through the mail. The full statistical analysis is contained in Exhibit 1.

Background

The manner in which cross-over voting was presented to Los Angeles County voters in last week's Presidential Primary Election is consistent with the procedures and layout used in the last three statewide primary elections (2002, 2004 and 2006). The voter instructions provided in the sample ballot booklets, which were mailed to all voters in the County highlighted the steps to be taken by Decline to State voters when voting a cross-over ballot. Likewise, poll worker training materials and the actual vote recorder page instructions were consistent with past practice.

With respect to the question of why this particular procedure has been in place for primary elections, one must understand two important points concerning the rules of modified closed primaries and the limitations of the County's InkaVote voting system.

1. In California, political parties that allow Decline to State voters to cross-over are permitted to restrict the voters' ability to cast votes for the parties' Central Committee Contests. This modified procedure requires the jurisdiction/county to be able to restrict non-partisan cross-over voters from casting a vote in such contests.
2. Los Angeles County's InkaVote Plus voting system has limitations on the number of unique ballot positions available for contests. This limitation has been managed in primary elections, where a large number of party specific contests and candidates appear on the ballot, by overlapping positions. These system specific limitations were a significant factor in the design of current cross-over procedures.

It is also important to note that modifications to Los Angeles County's voting system (MTS ver. 1.3.1) necessary in order to administer California's modified closed primary were reviewed and administratively approved by Secretary of State Kevin Shelley in February 2004. While approval of the methodology for presenting cross-over voting was not explicit in the administrative approval, the testing of the County's voting system associated with that approval did include an understanding and a test of the logic used for the party selection response position associated with cross-over voting.

In recognition of the potential confusion for voters and poll workers alike, the RR/CC was proactive in focusing early voter education and poll worker training content on cross-over voting instructions.

These efforts included:

- Full page "Special Instructions for non-partisan voters" in the non-partisan sample ballot booklets that were mailed to all Decline to State Voters in the County;
- PDF instructions for cross-over voting on the RR/CC website;
- Multiple references to cross-over voting instructions in poll worker training materials and instructional videos (also available on the RR/CC website);
- Cross-over voting emphasis in training materials for Precinct Coordinators who visited polling locations on Election Day and who serve as the first line of contact for our 28,000 poll workers;
- Highlighted cross-over voting instructions in vote by mail ballot materials -- including instructions on how to request a replacement cross-over party ballot;
- Instruction on the inside roster cover at each polling location;
- Precinct Inspector Alerts that highlighted and focused on this issue sent by Federal Express mail to each Precinct Inspector the weekend preceding the election, as part of a final mailing that included the supplemental roster pages.

Additionally, these instructions were highlighted in our media outreach efforts including a media release on cross-over voting the week prior to the election.

In addition to the above and in response to the requests and suggestions offered by attorneys representing the Courage Campaign, who first communicated any concern to the RR/CC the day before the election, the RR/CC took the following additional steps to further educate Decline to State voters on their options:

- An additional media release was issued Monday, February 4, 2008 focused on the cross-over voting instructions with specific reference to the party selection response position;
- An audio PSA in English and Spanish was distributed to all broadcast media outlets (radio and television) emphasizing cross-over voting instructions with a request to play the 30-second clip during polling hours on Election Day;
- Audio PSA files were posted on the RR/CC website and cross-over voting instructions were more prominently placed on the website;
- Further distribution of cross-over voting instructions to all precincts and polling locations by Precinct Coordinators; and

References to cross-over voting instructions were included in all Election Day media interviews.

Overview Summary

The statistical sample is based on a review of non-partisan ballots cast from 48 voting precincts. This sample constitutes a one percent sampling of all non-partisan ballots cast and included in the semi-official election results released early Wednesday morning, February 6, 2008.

In total, 1,820,758 ballots were reflected in the semi-official election results released Wednesday morning, February 6, 2008; 189,438 (10.4%) were non-partisan ballots. Our vote tallying system reported that 94,530 (49.9%) of these ballots included a vote in a party selection position (indicating a cross-over to either the Democratic Party or the American Independent Party) and a corresponding vote in a party Presidential candidate position.

Those non-partisan ballots that did not include a vote in the cross-over party selection may possibly fall into one of two categories:

1. Ballots successfully marked as instructed:
 - The voter did not wish to cross-over and therefore did not mark the party selection position nor a party Presidential candidate position;
 - The voter intended to cross-over by marking a Presidential candidate response position without making a corresponding party selection;
2. Ballots marked with a vote for a Presidential candidate and without a cross-over party selection:
 - The non-partisan voter, while indicating to the pollworker an intention not to cross-over, voted for another party's candidate selection, whether mistakenly or intentionally, in the common ballot response positions shared by each of the political parties Presidential candidates.

It is important to note that all votes cast for statewide ballot measures and applicable local measures and contests were counted regardless of whether the voter marked the cross-over position or not. However votes for party Presidential candidates were not counted if a corresponding party selection position was not marked on the ballot. A physical and detailed inspection of ballots was conducted in order to quantify these categories of ballots.

Based on a physical examination of ballots summarized in Exhibit 1, we project that 24% of the non-partisan ballots cast were true non-partisan ballots with no cross-over party selection or Presidential candidate response position marked. Applying the same statistical model, we project 26% of the non-partisan ballots cast did include a mark in the range of response positions for Presidential candidates, but without a cross-over party selection. Based on the semi-official election results, this equates to approximately 49,500 ballots. Because the response positions were commonly assigned to candidates for all parties, it is impossible to determine with certainty for which candidate the voter intended to vote.

Applying Sample to All Non-Partisan Ballots Cast

Based on our findings, we estimate that more than 70%, or approximately 140,000 non-partisan voters who intended to cross-over to cast votes in the Democratic or American Independent Party primaries or who chose not to cross-over and to vote a strictly non-partisan ballot did so successfully.

On average, 26% of non-partisan ballots, or approximately 49,500 ballots, appear to have been cast incorrectly. These ballots contained marks within the range of response positions for Presidential candidates, but did not contain a mark for the party selection. It is also noteworthy

that the data compiled at the Congressional District level (Appendix D), as well as the precinct level (Appendix C), reveals a wide variation in the percent of incorrectly cast cross-over ballots. This variation strongly suggests that minimizing or eliminating errors in casting cross-over ballots can be achieved through improved voter outreach and poll worker instruction.

Conclusion

As described above, two factors make it impossible to make a determination of voter intent on the ballots where the non-partisan voter marked a Presidential candidate selection without making a corresponding party selection.

First, the response positions for Presidential candidates overlapped across each of the party's vote recorder pages (see Appendix A). Due to this fact, it is impossible to make a definitive determination of voter intent on those ballots.

Second, non-partisan voters not crossing over were permitted to mark their ballots in any available voting booth, and as such, there is no way to definitively rule out the distinct possibility that a non-partisan voter used, for example, a Republican Party or minor party vote recorder and marked their ballot for one of those party candidates, even though cross-over voting was only authorized by the Democratic and American Independent Parties. Other variables related to consistency in application of polling place procedures and poll worker performance also cast a degree of uncertainty that prohibits us from making broad assumptions about voter intent.

Therefore, it is impossible to determine with absolute certainty that a vote for a Presidential candidate without a mark for a party selection indicates clear voter intent to vote for a Democratic Party or American Independent Party Presidential candidate.

Although it is impossible to know with certainty, it is highly likely that a number of decline to state/non-partisan voters attempted to execute a cross-over vote and because of the confusing layout of the ballot, unsuccessfully cast a vote for some Presidential candidate. While the cross-over party option procedure has been in place now for four major primary elections, we believe that the unprecedented interest and subsequent turnout of heretofore non-primary voters contributed significantly to the confusion we witnessed.

This phenomenon underscores the tremendous importance of ongoing voter education and the need for not only campaigns and candidates to educate their voters appropriately, but the important role the County plays in providing ongoing education to its citizens. Additionally, poll worker comprehension of the process is also a concern and we will move to address that for subsequent elections.

The results do, however, indicate that more than two thirds (74%) of all non-partisan voters executed their votes appropriately. Despite this significant finding, it is undoubtedly clear that Los Angeles County must find a remedy for simplifying its cross-over voting procedures before the upcoming June 3, 2008 Statewide Primary Election.

With respect to counting the cross-over presidential votes where no party selection was made, any attempt to count Presidential votes cast on such ballots would require gross assumptions in order to deduce voter intent. Such a practice would seem irregular and contrary to law as Elections Code section 15154(c) does not permit the acceptance of a ballot in which the choice of the voter is impossible to determine.

Recommended Future Action

The following recommendations are an immediate action plan proposed in advance of the June 3, 2008 State Primary Election.

1. The RR/CC will establish an ad-hoc working group to identify appropriate and feasible remedies to facilitate cross-over voting procedures in Los Angeles County in time for the June 3, 2008 Statewide Primary Election.
2. The RR/CC will consult with County Counsel and the Secretary of State to delineate appropriate parameters for conducting cross-over voting, in compliance with state election code.
3. The RR/CC will conduct comprehensive focus groups with both voters and poll workers in order to test the viability of options identified by the Working Group.
4. The RR/CC will partner with the 208 member Community Voter Outreach Committee and elected officials to conduct a focused and comprehensive voter education campaign, which shall include opportunities for voters to interact with voting systems and the process.

These recommendations are not exhaustive but do present your Board with a clear plan of action to ensure that elections in Los Angeles County are accessible to all voters and conducive of increased voter participation.

EXHIBIT 1 – Full Statistical Analysis

APPENDICES

- A. Vote Recorder Pages
- B. Sample Ballot Non-Partisan Voter Instructions
- C. Manual Ballot Review Spreadsheets
- D. Congressional District data sets based on sample data
- E. Pre-election Outreach Materials
 - Press Releases
 - Poll Inspector Alert
- F. RR/CC Statement on Cross-Over Voting

EXHIBIT 1

Statistically Relevant Ballot Review Sampling

In order to assess the frequency of non-partisan cross-over vote failures, the RR/CC conducted an extensive review, drawing a one percent simple random sample¹ of all non-partisan ballots cast in the February 5, 2008 Presidential Primary Election.

The non-partisan ballots sampled for review were drawn from the randomly selected precincts included in the one percent post election manual tally required by California Election Code. The random selection of precincts was conducted on Wednesday, February 6, 2008 in the presence of public observers.

The sample size consisted of all ballots cast in 45 randomly selected precincts. The total number of precincts for this election was 4,379. The non-partisan sample consisted of 48 precincts – the original 45 precincts drawn for the one percent manual tally plus three additional randomly selected precincts to ensure the sample was representative of all Congressional Districts (political parties allocate Presidential nomination convention delegates based on Primary results within each Congressional District).

RR/CC staff sorted each precinct's ballot cards, segregating non-partisan ballot cards and further separating those cards into the categories listed below. The total sample included 1,939 non-partisan ballots. The sample provides a statistically sound number of ballots, which allows us to apply the review's findings to the full number of ballots cast and therein generate reliable estimates.²

Categories of Analysis

The categories for this analysis comprise iterations of vote choices made by voters casting non-partisan ballots. The analysis captures the range of probable ballot choices and errors. All results presented in the analysis consist of total non-partisan ballots cast, non-partisan ballots cast for the American Independent (AI) Party and non-partisan ballots cast for the Democratic (Dem) Party.

The categories are:

1. Ballots Successfully Marked as Instructed: This category includes all non-partisan ballots voted in accordance with the ballot instructions. It encompasses non-partisan voters who voted a non-partisan ballot with no intended votes for President and those

¹ The method used to derive this simple random sample follows statistically sound principles of inferring that the characteristics of the observations found in the sample match those of the population as a whole. See Alan Agressi "Statistical Methods for the Social Sciences". Staff used sampling without replacement of all precincts (both polling place and vote by mail precincts) assigned in the election.

² The number of observations allows us to confirm results within a 95 percent confidence interval. Therefore, we can say that observations of the sample fall under a normal distribution and represent those of the general population at least 95 percent of the time and within 2 standard deviations of the mean.

who chose to cross-over to either the American Independent or Democratic Parties and marked that party selection in addition to voting for a Presidential candidate.

2. Ballots Marked With No Cross-over Party Choice But Included Vote For a Presidential Candidate: This category includes non-partisan ballots with a vote in a response position that corresponds with Presidential candidate selections, but without a mark in the ballot position indicating the cross-over party choice.

Results and Analysis

The analysis reflects numbers of ballots cast by category followed by percent breakdowns. Totals represent votes cast in the one percent tally sampling of total voting precincts.

Tally Votes by Category

	Tally Totals
Non Partisan Ballots Cast	1967
Total Precincts	48
Ballots Successfully Marked as Instructed	1457
Ballots Unsuccessfully Marked	510

Percent Totals

	Percent of Total NP Cast	Number of Ballots*
Ballots Successfully Marked	74%	140,014
Ballots Unsuccessfully Marked	26%	49,253

* estimated based on statistical sampling

PAGE
1

DEMOCRATIC PARTY

VOTERS REGISTERED WITH DEMOCRATIC PARTY
SKIP TO PRESIDENTIAL PREFERENCE'S CONTEST BELOW

TO VOTE FOR DEMOCRATIC CANDIDATES, NONPARTISAN VOTERS
MUST FIRST SELECT PARTY IN THE BOX BELOW.

THIS BOX FOR NONPARTISAN VOTERS ONLY Vote for Q1b	AMERICAN INDEPENDENT	
	DEMOCRATIC	6 →

PRESIDENT OF THE UNITED STATES

PRESIDENTIAL PREFERENCE Vote for Q1c	MIKE GRAVEL	Democratic	8 →
	JOHN EDWARDS	Democratic	9 →
	CHRIS DODD	Democratic	10 →
	HILLARY CLINTON	Democratic	11 →
	JOE BIDEN	Democratic	12 →
	BARACK OBAMA	Democratic	13 →
	BILL RICHARDSON	Democratic	14 →
DENNIS KUCINICH	Democratic	15 →	

CONTINUE VOTING ON NEXT PAGE 

01-001E

FOR REVIEW AND APPROVAL ONLY - NOT FOR PRODUCTION


Use:	EOLSEN	Context:	LOS ANGELES
Job Number:	122276		
Composed:	12/08/2007 22:00		
Checked:	0485877b	BASE STYLE:	VW01-001E
Page 1			

AMERICAN INDEPENDENT PARTY

VOTERS REGISTERED WITH AMERICAN INDEPENDENT PARTY
SKIP TO PRESIDENTIAL PREFERENCE'S CONTEST BELOW

TO VOTE FOR AMERICAN INDEPENDENT CANDIDATES, NONPARTISAN VOTERS
MUST FIRST SELECT PARTY IN THE BOX BELOW.

THIS BOX FOR NONPARTISAN VOTERS ONLY Vote for One	AMERICAN INDEPENDENT	5	
	DEMOCRATIC		
PRESIDENT OF THE UNITED STATES			
PRESIDENTIAL PREFERENCE Vote for One	DIANE BEALL TEMPLIN	American Independent	8
	DON J. GRUNDMANN	American Independent	9
	MAD MAX FRIESE	American Independent	10

CONTINUE VOTING ON NEXT PAGE 

01-020E

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User:	EOLSEN	LOS ANGELES
Job Number:	122276	Contact:
Completed:	12/08/2007 22:00	
Checksum:	5801581	BASF STYLE: V101-020E
Page 43		



REPUBLICAN PARTY PRESIDENT OF THE UNITED STATES

PRESIDENTIAL PREFERENCE Vote for One	DUNCAN HUNTER	Republican	8
	FRED THOMPSON	Republican	9
	TOM TANCREDO	Republican	10
	RUDY GIULIANI	Republican	11
	JOHN H. COX	Republican	12
	SAM BROWNBACK	Republican	13
	RON PAUL	Republican	14
	JOHN MCCAIN	Republican	15
	MITT ROMNEY	Republican	16
	ALAN KEYES	Republican	17
MIKE MUCKABEE	Republican	18	

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01-010E

FOR REVIEW AND APPROVAL ONLY - NOT FOR PRODUCTION

User:	ECLSEN	Context:	LOS ANGELES
Job Number:	122278		
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Checksum:	27924257	BASE STYLE:	VK01-010E
Page 30			

APPENDIX B

SPECIAL INSTRUCTIONS FOR NONPARTISAN VOTERS

Our voter registration records indicate that you are currently registered as a nonpartisan voter.

Election law in California permits qualified political parties to determine whether or not to allow nonpartisan voters the choice of voting for partisan candidates in Primary Elections.

Two of the six political parties are offering this choice for the February 5, 2008 Presidential Primary Election: the **American Independent** and **Democratic** parties.

In addition to the nonpartisan contests and ballot measures, for this election only, you may request to vote in the Primary Election for one of these parties.

Voting at the Polls – Tell the pollworker you are a nonpartisan registered voter who wishes to vote for one of the two parties listed above. The pollworker will issue you a ballot and direct you to the correct voting booth for the selected political party.

Voting By Mail – When completing the Vote By Mail application printed on the back cover of this Official Sample Ballot, write in **American Independent** or **Democratic** in the space provided for political party ballot request. Your Vote By Mail packet will include instructions for voting for the selected party's candidates.

If you are a permanent Vote By Mail voter or if you reside in a Vote By Mail precinct with no designated polling place and you have already submitted a party ballot request, you need not reapply.

Upon receiving your ballot, you must first mark your party selection on the ballot before writing for partisan candidates (see below):

SAMPLE
TO VOTE FOR A CANDIDATE, NONPARTISAN VOTERS
MUST FIRST SELECT PARTY IN THE BOX BELOW.

THE BOX - FOR NONPARTISAN VOTERS ONLY Vote for One	AMERICAN INDEPENDENT	5 → ○
	DEMOCRATIC	6 → ○

NOTE: If you do not wish to request a ballot for the American Independent or Democratic Party, no further action is required. You will be provided with a ballot containing only nonpartisan contests and ballot measures.

Visit the Secretary of State's web site at www.ss.ca.gov for additional information.

W7/04

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User:	LA	Context:	LOS ANGELES
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Checksum:	652091901	BASE STYLE:	FPTM
Page 13			

APPENDIX C

Precinct	Serial	Subtotal Ballots Cast With Crossover Party Marked (Combo)				Subtotal Ballots Cast With Only Crossover Party Marked (Combo)			Subtotal Ballots Cast Without Crossover Mark (Combo)		Subtotal Ballots Cast With Only NP Contests Marked(Combo)		Total NP Ballots Cast
		AI	DEM	Total	% NPs	AI	DEM	Total					
0080001A	12	1	13	14	40%	0	0	0	8	23%	13	37%	35
0150051A	57	0	5	5	22%	0	0	0	4	17%	14	61%	23
0350037A	114	0	18	18	41%	0	0	0	8	18%	18	41%	44
1000020A	342	0	1	1	10%	0	0	0	3	30%	6	60%	10
1070048A	460	0	31	31	54%	2	3	5	9	16%	12	21%	57
1600042A	599	1	27	28	56%	0	0	0	13	26%	9	18%	50
1600074A	605	0	24	24	71%	1	0	1	2	6%	7	21%	34
1780002A	623	0	37	37	71%	1	0	1	5	10%	9	17%	52
1780094A	647	2	55	57	66%	2	2	4	9	10%	17	20%	87
1900004A	698	5	36	41	77%	0	0	0	1	2%	11	21%	53
1940002A	709	0	18	18	30%	4	0	4	23	38%	16	26%	61
2050048A	766	1	13	14	61%	0	0	0	3	13%	6	26%	23
2100113A	794	4	13	17	33%	2	0	2	22	42%	11	21%	52
2100121A	799	0	1	1	17%	0	0	0	0	0%	5	83%	6
2550025B	877	2	36	38	67%	2	0	2	10	18%	7	12%	57
2560104A	919	1	20	21	49%	0	0	0	9	21%	13	30%	43
3300009A	1149	2	16	18	46%	1	1	2	11	28%	8	21%	39
3350001A	1181	3	11	14	41%	0	0	0	10	29%	10	29%	34
3850271E	1473	0	10	10	31%	2	0	2	3	9%	17	53%	32
5000063A	1819	1	20	21	47%	2	1	3	12	27%	9	20%	46
5400004A	2012	2	20	22	45%	5	0	5	11	22%	11	22%	49
5550014A	2067	1	1	2	8%	2	0	2	4	17%	16	67%	24
6000005F	2158	0	18	18	28%	3	1	4	21	32%	22	34%	65
6200001A	2197	0	21	21	40%	0	0	0	19	36%	13	25%	53
6220065A	2252	0	22	22	55%	1	0	1	8	20%	9	23%	40
6250038A	2341	3	45	48	65%	2	0	2	16	22%	8	11%	74
6250068A	2353	0	1	1	14%	0	0	0	1	14%	5	71%	7
7050072A	2510	2	14	16	37%	3	2	5	9	21%	13	30%	43
7670012B	2646	0	3	3	23%	0	0	0	10	77%	0	0%	13
9000174A	2911	1	35	36	82%	0	0	0	1	2%	7	16%	44
9000180A	2915	2	28	30	39%	2	0	2	25	33%	19	25%	76
9000366A	3027	0	10	10	42%	0	0	0	12	50%	2	8%	24
9000689A	3200	4	15	19	28%	2	0	2	31	45%	17	25%	69
9001279B	3459	2	6	8	42%	1	0	1	0	0%	10	53%	19
9001367A	3515	0	20	20	43%	1	0	1	22	47%	4	9%	47
9001721A	3657	2	8	8	43%	1	0	1	4	21%	6	32%	19
9002037C	3761	3	26	29	39%	6	0	6	36	48%	4	5%	75
9002207A	3829	0	11	11	22%	0	0	0	34	69%	4	8%	49
9002363A	3875	0	2	2	22%	2	0	2	1	11%	4	44%	9
9002589C	3946	0	11	11	26%	2	0	2	24	56%	6	14%	43
9003055A	4002	1	0	1	4%	2	0	2	1	4%	21	84%	25
9005662A	4168	1	15	16	41%	1	0	1	15	38%	7	18%	39
9006344A	4245	1	47	48	63%	2	0	2	15	20%	11	14%	76
9007230A	4323	0	3	3	3%	2	58	60	16	18%	11	12%	90
9007313A	4326	2	30	32	55%	0	1	1	9	16%	16	28%	58
2630028A	6104	0	0	0	#DIV/0!	0	0	0	0	#DIV/0!	0	#DIV/0!	0
3500013A	6135	0	0	0	#DIV/0!	0	0	0	0	#DIV/0!	0	#DIV/0!	0
3500053F	6136	0	0	0	#DIV/0!	0	0	0	0	#DIV/0!	0	#DIV/0!	0
Totals			866		44%		128	7%	510	28%	484	24%	1,987

(Highlighted cells reflect Declared Vote by Mail precincts where no non-partisan ballots were cast)

APPENDIX D**Successful and Unsuccessful Non Partisan Votes by Congressional District
Within the 1% Sample**

Congressional District	Successful NP Votes Cast	Unsuccessful NP Votes Cast	Non Partisan Ballots Cast
25th	78%	22%	132
26th	97%	3%	223
27th	55%	45%	324
29th	81%	19%	166
30th	66%	34%	344
32nd	79%	21%	111
33rd	74%	26%	161
35th	72%	28%	101
37th	44%	56%	43
39th	79%	21%	96
42nd	88%	12%	162
46th	59%	41%	32

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COUNTY INFORMATION SERVICES

CONTACT: Marcia Ventura (662) 462-2726
Eileen Shea (662) 462-2648

February 4, 2008
FOR IMMEDIATE RELEASE

**IMPORTANT VOTING INSTRUCTIONS FOR
NON-PARTISAN / DECLINE TO STATE VOTERS**

Acting Registrar-Recorder/County Clerk (RR/CC) Dean Logan reminds all Non-Partisan / Decline To State voters that choose to cross over to the American Independent or Democratic party ballots to follow ballot instructions to ensure their vote is accurately recorded.

Logan said "Non-partisan voters who cross over to either the Democratic or American Independent Parties must mark the party box at the top of their ballot along with their choice for President in order for their vote to be counted in today's election."

For the February 5, 2008 Presidential Primary, the American Independent and Democratic parties have allowed Non-Partisan / Decline to State voters the option of casting a ballot for their party's presidential candidates.

To ensure voters mark their ballots properly, the Registrar-Recorder/County Clerk posted a notice to cross over voters on their web site - www.lavote.net, they sent instructional notices to all registered voters in their sample ballot packs and they have released a Public Service Announcement alerting voters on how to mark their ballots correctly.

(More)

Additional information, including a full explanation of cross over voting may be found on the RR/CC's website at www.lavote.net or on the Secretary of State's website at www.sos.ca.gov. Voters may also call the RR/CC at 1 (800) 815-2666.

Persons requiring multilingual assistance in Chinese, Japanese, Korean, Spanish, Tagalog/Filipino, or Vietnamese regarding information in the press release, may call (800) 481-8683.

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COUNTY INFORMATION SERVICES

CONTACT: Marcia Ventura (562) 462-2726
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January 31, 2008
FOR IMMEDIATE RELEASE

CROSS OVER VOTING AVAILABLE FOR NON-PARTISAN VOTERS

Acting Registrar-Recorder/County Clerk (RR/CC) Dean Logan reminds voters who are registered as "Decline to State" or "Non-Partisan" that they may crossover and choose American Independent or Democratic party ballots in the February 5, 2008 Presidential Primary Election. Voters can also vote a non-partisan ballot using statewide measures and local ballot propositions only.

Under California's "Modified Closed Primary" law that passed in 2002, each established political party may request that "Non-Partisan" or "Decline to State" voters be allowed to cross over and vote in their scheduled party primary elections. For this election only, the American Independent or Democratic Parties requested that this option be exercised.

Logan said, "This is the first time that the Democratic and Republican parties have made different decisions with regard to allowing cross over voting for non-partisan voters. We have undertaken an aggressive voter education campaign in order to avoid confusion so that voters who are eligible and choose to cross over can do so."

The RR/CC mailed letters to all permanent non-partisan mail-in voters notifying them of their options, included notices in sample ballot packets mailed to every registered voter and trained pollworkers extensively so that non-partisan voters who vote at their polling location will be aware of their options on Election Day.

Additional information, including a full explanation of cross over voting may be found on the RR/CC's website at www.lavote.net or on the Secretary of State's website at www.sos.ca.gov. Voters may also call the RR/CC at 1 (800) 815-2666.

Persons requiring multilingual assistance in Chinese, Japanese, Korean, Spanish, Tagalog/Filipino, or Vietnamese regarding information in the press release, may call (800) 481-3685.

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DATE: 01/31/08

Nonpartisan voters **MAY** choose to vote for candidates from either the American Independent or Democratic Parties.

Nonpartisan voters choosing to do so, must select the party in the box at the top of the American Independent or Democratic Vote Recorder page.

Nonpartisan voters **MAY NOT** choose candidates from the following political parties:

- Green
- Libertarian
- Peace and Freedom
- Republican

Sample of top of American Independent Party Vote Recorder Page showing political party selection for Nonpartisan voters wishing to vote for an American Independent candidate.

AMERICAN INDEPENDENT PARTY

VOTERS REGISTERED WITH THE AMERICAN INDEPENDENT PARTY
SKIP TO PRESIDENTIAL PREFERENCE'S CONTEST BELOW

TO VOTE FOR AMERICAN INDEPENDENT CANDIDATES, NONPARTISAN
VOTERS MUST FIRST SELECT PARTY IN THE BOX BELOW.

THIS BOX FOR NONPARTISAN VOTERS ONLY Vote for One	AMERICAN INDEPENDENT	→ <input type="radio"/>
	DEMOCRATIC	

Sample of top of Democratic Party Vote Recorder Page showing political party selection for Nonpartisan voters wishing to vote for a Democratic candidate.

DEMOCRATIC PARTY

VOTERS REGISTERED WITH THE DEMOCRATIC PARTY
SKIP TO PRESIDENTIAL PREFERENCE'S CONTEST BELOW

TO VOTE FOR DEMOCRATIC CANDIDATES, NONPARTISAN VOTERS
MUST FIRST SELECT PARTY IN THE BOX BELOW.

THIS BOX FOR NONPARTISAN VOTERS ONLY Vote for One	AMERICAN INDEPENDENT	
	DEMOCRATIC	→ <input type="radio"/>

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COUNTY INFORMATION SERVICES

CONTACT: Marcia Ventura (562) 462-2726
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February 5, 2008
FOR IMMEDIATE RELEASE

**LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK
STATEMENT ON CROSS OVER VOTING**

I want to assure voters in Los Angeles County that this office takes the issue of voter enfranchisement very seriously. Clearly, there is concern about the ballots cast today by nonpartisan or decline to state voters who were permitted to cross over and vote in the primaries of the Democratic and American Independent parties.

It is important to note that while hundreds of thousands of voters across the state encountered new voting systems this election, voters in Los Angeles County were fortunate to be able to cast their ballots using InkaVote Plus, which has been in place for several elections. The manner in which cross over voting was presented in Los Angeles County was no different than that of the last three statewide primary elections (2002, 2004 and 2006). The voter instructions provided in the sample ballot booklets, which were mailed to all voters in the County, highlighted the steps to be taken by nonpartisan voters when voting a cross over ballot. Likewise, poll worker training materials and the actual vote recorder page instructions were consistent with past practice. Additionally, this office engaged in extensive voter outreach and education focused on cross over voting.

(MORE)

Reports from across the County indicate that Los Angeles County voters turned out in record numbers for this Presidential Primary Election. The close contests among the Presidential candidates inspired thousands of new and infrequent voters to take part in this historic election. Our department extended considerable effort to educate voters about the cross over process - from the sample ballot to the polls on Election Day - particularly, among new decline to state and nonpartisan voters.

Tonight our focus must be on counting the votes cast in Los Angeles County. I have made a commitment to the parties and organizations with concerns regarding the ballot layout to conduct a thorough review of the nonpartisan ballots cast and to identify the extent to which potential voter disenfranchisement may have occurred in relation to ballot layout. This will take time, patience and cooperation. We will conduct the process during the post election canvass period in an open and transparent manner to ensure that the interests of all parties are respected and considered.

In cooperation and consultation with the Secretary of State we will seek to determine whether or not this issue has potential impact on the outcome of the Democratic Presidential contest. If such an impact is established, we will exhaust every available option under state law to count cross over votes on nonpartisan ballots where the intent of the voter can be clearly and definitively determined.

California's modified Primary Election process is complex. Additional variations in political party rules and the recent pace of regulatory change with regard to voting systems in California and throughout the nation are factors that must be contemplated in ensuring voters' understanding of instructions and ballot layout.

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Over and above those factors, I recognize the importance of ensuring that every effort is made to facilitate voters' option to cast ballots as permitted under California Election Code.

The integrity of the administration of elections in Los Angeles County remains the first and foremost mission of this office.

— Dean C. Logan

Acting Registrar-Recorder/County Clerk
Los Angeles County

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