



April 19, 2019

## COMMUNITY BRIEFS

### **Voter's Choice Act OK'd**

All voters in Santa Clara County will be mailed a ballot prior to election day under the Voter's Choice Act model recently approved by the county Board of Supervisors.

The Voter's Choice Act will take effect with the March 2020 Presidential Primary Election. After marking their ballot, voters will have the choice of returning it by mail with postage provided by the county, dropping their ballot in a ballot drop box anywhere throughout the county, or visiting any Vote Center within the county.

The Vote Centers, which will replace traditional polling places, will offer an array of services: replacement ballots; assistance and voting materials in multiple languages; accessible voting machines for disabled voters; vote-by-mail ballot drop-off; and voter registration. Vote Centers also allow

voters to cast their ballot at a location that is convenient to them.

Public meetings will be scheduled to receive feedback from citizens or groups regarding the creation of the county's Election Administration Plan, which will outline the number and location of Vote Centers, the number and location of ballot drop boxes, and other aspects of the Vote Center model.

"The new process makes sense," said Board President Joe Simitian. "It's a net plus for our voters. But it's a big change. We'll have to work hard to communicate the new process to the public."

Santa Clara County is the sixth county in the state to implement the Voter's Choice Act program; at least four more are set to implement it in 2020.

For more information, contact the Registrar of Voters' Office at 408-299-VOTE (8683) or toll-free at 1-866-430-VOTE (8683), or visit [www.sccvote.org](http://www.sccvote.org).

November 28, 2016

# Palo Alto school board election to be recounted

## Local race one of 10 subject to county's pilot recount program

by **Elena Kadvany / Palo Alto Weekly**

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Palo Alto school board incumbents Heidi Emberling and Melissa Baten Caswell talk during an election night party on Nov. 8, 2016. Photo by Veronica Weber.

The results of this month's Palo Alto Board of Education election will be automatically recounted by the Santa Clara County Registrar of Voters due to a narrow margin between two incumbents vying for the third open seat.

The school board race is one of 10 contests countywide that are subject to the automatic recount, which begins Monday morning, the Registrar said in a press release.

In any election within Santa Clara County boundaries that is not for any state or federal office where the margin of victory for a candidate or measure is within 0.5 percent of the

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total number of ballots cast or fewer than 25 votes a recount was triggered.

In the Palo Alto race, incumbent Heidi Emberling lost to three-term trustee Melissa Baten Caswell by 198 votes, just barely less than 0.5 percent of total ballots cast (41,057). Emberling conceded to Baten Caswell.

Baten Caswell wrote in an email to the Weekly that she supports "having accurate vote counts.

"My focus, however, is not on the recount, but on what we can continue to do to provide an excellent learning experience for each of our students," she wrote.

Emberling said she doesn't expect the outcome to change. The board did, however, reschedule its Dec. 6 meeting, when the three new trustees were set to be sworn in, to Dec. 13, after the Registrar will have certified the final results.

The other races to be recounted are Los Altos City Council, Los Altos Hills Town Council, Monte Sereno City Council, Cupertino Union School District board, San Jose City Council District 8, Santa Clara chief of police, Gilroy City Council, Gilroy Unified School District board and a San Jose Unified School District parcel tax, Measure Y.

A pilot automatic recount program was approved by the county Board of Supervisors in May at the urging of Supervisors Joe Simitian and Cindy Chavez. The Board of Supervisors voted in September to extend the program for the Nov. 8 election, to ensure votes are counted accurately and to prevent any individual candidate or concerned community member from covering the exorbitant cost of a recount.

"As things now stand," Simitian said in a February statement, "even if it comes down to a couple of votes, a candidate is obliged to pick up the very substantial cost of a recount to make sure everyone's vote is counted correctly. It shouldn't be up to an individual candidate or voter to cover the tab for making sure we get it right at the County."

The statement notes that Santa Clara County had four contests in the last half-dozen years with either less than 0.5 percent or less than 25 votes difference between candidates, including a 2014 Cambrian school board race that was decided by only two votes.

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The pilot program began with the June 7 primary election and only resulted in one recount, in a San Jose City Council election. The recount did not change the ultimate outcome of that race.

The losing council candidate, however, filed a lawsuit to overturn the results, alleging the county's recount was mismanaged. The attorney for Manh Nguyen, who also paid for a separate recount, told the San Jose Mercury News that the total number of ballots changed with each recount.

Philip Chiantri, the Registrar's election division coordinator and spokesman, declined to comment on whether the Registrar had changed practices in response to Nguyen's allegations "due to the active litigation."

The automatic recounts began Monday at 8 a.m. at the Registrar of Voters' Office. More than 150 staff members will work on the automatic recounts from 8 a.m. to 6 p.m., seven days a week, until all of the recounts have been completed, the Registrar said in a press release. The recounts are expected to last between seven and eight days. The Registrar anticipates to finish recounting the Palo Alto school board race by Wednesday, according to an online schedule, though it is subject to change.

All costs incurred in the automatic recounts will be paid for by the county, according to the Registrar.

The Registrar will certify the final results for the Nov. 8 election on Dec. 8, after all manual recounts and audits have been completed, as required by state law, the Registrar's release states. The certified results will be posted online at [sccvote.org](http://sccvote.org). The recounts are being conducted prior to certification of the election, but after all polling place, provisional, and vote-by-mail ballots have been counted, the Registrar said.

# The Mercury News

December 22, 2022

## Editorial

# *Recounts should not depend on candidate wealth*

In last month's election, a City Council race in Richmond ended in a tie. Another in Sunnyvale was decided by one vote. And one in Antioch was determined by a three-vote margin.

There are recounts ongoing in all three races. There should be. But the candidates and their backers have had to pay to make sure the results are right. That's morally wrong.

Election integrity should not be determined by candidate wealth. Yet the state's elitist election laws only provide for recounts if a member of the public foots the bill.

It's time to change that. Recounts in razor-thin elections should be automatic and publicly funded. State lawmakers should end payment requirements that favor affluent candidates.

We have seen repeatedly just how close elections can be. In 2000, after the U.S. Supreme Court intervened, the infamous presidential recount debacle in

Florida ended with George W. Bush beating Al Gore by 537 votes out of almost 6 million cast, a margin of 0.009%.

In California, we saw a repeat in the 2014 open primary for state controller in which Betty Yee edged out a fellow Democrat for the critical second-place slot by 481 votes, about 1/100th of 1 percent of the ballots cast in the race. This year, in a state Senate race in the southern Central Valley, Democrat Melissa Hurtado beat Republican David Shepard by 20 votes out of 136,894 ballots cast, a margin of 0.015%.

In such tight races, making sure there are no errors should be essential. That's why 22 states and Washington, D.C., have automatic recounts for close outcomes. Among those states, the most common recount trigger is a vote margin of 0.5% or less.

California has a recount provision in exceptionally close races, but it only applies

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to statewide races and is at the option of the governor — a formula ripe for political abuse.

While our election counting systems are very good, they are not perfect. We need to acknowledge that and ensure there are safeguards. Which is why Santa Clara County, as an outlier in the state, has an automatic recount policy for local races within the county in which the margin of victory is either less than 0.25% or less than 25 votes. It's a reasonable threshold.

The Santa Clara County recounts have presented startling examples of why they are needed statewide. In a 2016 San Jose City Council race, the automatic recount narrowed the margin of victory from 36 votes to 12. In the 2018 race for three seats on the San Jose-based Orchard School District board, the automatic recount changed the winner of the third seat.

As more cities and school districts, facing threats of voting-rights litigation, shift from at-large elections to selection by districts, the number of narrow



SHAE HAMMOND — BAY AREA NEWS GROUP

Delfino Isais recounts votes for the Sunnyvale District 3 election at the Santa Clara County Registrar of Voters Office.

races is going to increase. Indeed, the three Bay Area cities awaiting the outcomes of ongoing recounts — Richmond, Sunnyvale and Antioch — have all in recent years migrated to district elections.

While the Santa Clara County automatic-recount system is better than nothing, it doesn't go far enough. That's because there are two parts to a recount, the actual manual tabulating of the votes and the resolution of disputes over which ballots should be included. Santa Clara County's policy doesn't address the latter.

There are legitimate disputes in every election over, for example, voter intent when a ballot is not clearly marked or voter eligibility when a signature doesn't match the election office records. The means for resolving those disputes are spelled out in state laws that affect recounts.

But Santa Clara County's recount policy only addresses the manual tabulation. Consequently, the Sunnyvale race, for which the ballots already have been recounted under the county policy, is now subject to another recount under state law. But under the state law, the candidate must foot the bill.

It's time for California lawmakers to ensure that every close race is automatically reviewed under state recount rules and to drop the payment requirement. Democracy should not depend on a candidate's ability to pay.