



Analysis of the 2020 General Election

This report has been prepared by Paul Gilbert of Citizen Auditors of Nevada County. The 2020 election created lots of questions about the vote, the systems that are being used and the data they contain.

This analysis was meant to look at all the publicly available data and data collected from public records requests. While the author has taken the due diligence to be accurate in this report, there could be records that the county has failed to release and that as a result errors could be discovered that could change the outcome of this report.

To prepare for this audit a Countywide roll was acquired to serve as a snapshot in time of the size of the voter roll as June 4, 2021. All other voter rolls are the History rolls for the years 2012 to 2021.

2020 General Election Results

- **Table 1 2020 General Election Voter History Roll**

According to the voter history roll there are 72,775 registered voters, who are separated into different groups:

1. By Party.
2. Did they vote.
3. Did they vote:
 - a. Absentee
 - b. In Person.
4. Did they not vote.
5. Was the ballot returned undeliverable.

Voter History Roll	2020 General Election					
	Total Registered Voters on Roll	Did Vote			Didn't Vote	Return to Sender
By Party		Did	Absentee	In Person		
Democratic Party	28,826	25,783	24,852	931	2,798	245
Republican Party	24,088	21,372	19,527	1,845	2,542	174
No Party Preference	9,546	7,504	6,922	582	1,935	107
American Independent Party	2,745	2,160	1,989	171	556	29
Libertarian Party	936	731	659	72	193	12
Peace & Freedom Party	217	119	111	8	96	2
Green Party	610	444	418	26	161	5
Total All Other Parties	5,807	4,491	4,249	242	1,288	28
Total All Parties	72,775	62,604	58,727	3,877	9,569	602

From this data we can get we get the following totals:

	By Party	Did Vote			Didn't Vote	Return to Sender
		Did	Absentee	In Person		
Total All Parties	72,775	62,604	58,727	3,877	9,569	602

- **Table 2 2020 Certified Results from Nevada County**

According to the certified election results there are 64,750 votes tabulated, separated into different groups:

1. By Candidate.
2. Did they vote Absentee.
3. Did they vote Early
4. Did they vote In Person.
5. Did they vote on a Provisional ballot.

	Certified Results 2020 General Election				
	Absentee	Early	In Person	Provisional	Total
JOSEPH R. BIDEN	33,993	1,119	857	390	36,359
DONALD J. TRUMP	23,145	1,707	1,560	367	26,779
GLORIA LA RIVA	130	5	5	7	147
LA FUENTE GUERRA	168	2	15	4	189
HOWIE HAWKINS ANGELA	304	10	21	10	345
JO JORGENSEN JEREMY	819	23	61	16	919
Brian Carroll (W)	6	0	0	0	6
Brock Pierce (W)	3	0	0	0	3
Jesse Ventura (W)	1	0	0	0	1
Joseph Kishore (W)	0	0	0	0	0
Mark Charles (W)	1	1	0	0	2
Votes:	58,570	2,867	2,519	794	64,750

From this data we can get we get the following totals:

	Absentee	Early	In Person	Provisional	Total
Votes:	58,570	2,867	2,519	794	64,750

Bringing together Tables 1 and 2

Table 3 In Person Voters

To compare the In Person votes between the two tables, in Table 2, we need to add the Early voters with the In Person voters to give a total of all In Person voters. The total of which is 5,386 voters.

Early	2,867
In Person	2,519
Total	5,386

Table 4

In Table 4 we will get the difference between the values from Table 1 & 2.

	In Person
Table 1	3,877
Table 2	5,386
Totals	1,509

The In Person counts have a problem. The History Roll reports that only 3,877 votes were cast in person. The tabulator is reporting 5,386 votes cast in person. This leaves us with 1,509 additional In Person voters.

Further investigation into the discrepancy is warranted. The first and most obvious question is why these voters are not in the History Roll. To get an in-person ballot, you must be validated, and the History Roll would get updated to reflect that a ballot was issued, and you placed it into the collection system. This would represent a major failure in the software that manages the voter roll during the election.

Table 5 Absentee Voters.

	Absentee
Table 1	58,727
Table 2	58,570
Difference	157

The Absentee count is subject to reductions due to many factors, there will be ballots that are

unreadable or rejected, and returned as undeliverable. This will result in a fewer number of Absentee ballots being cast in Table 2.

In Table 1 we have identified ballots that were returned as undeliverable. By auditing the event logs from the election process, we find additional information. On 9/1/21 a Public Records Request for Absent Voter Stats – Challenged, was prepared. On page 16 of this report there is a summary, Exhibit A. This report provided us with some usable numbers.

Exhibit A - Absent Voter Stats – Challenged

Table 6

Absent Voter Stats – Challenged	
BALLOT MISSING FROM ENVELOPE	1
BALLOT WAS NOT RECEIVED ON TIME	17
CANCELLED	2
INACTIVE VOTER	181
MISSING OR INCORRECT ADDRESS O	4
NO VOTER SIGNATURE	16
NON-MATCHING SIGNATURE	228
PROVISIONAL CHALLENGE	19
SUSPENDED (see Table 7)	
VBM BALLOT WAS UNDELIVERABLE	1,375
VOTER ALREADY VOTED	9
Total	1,852

Table 7

SUSPENDED	
Table 4 In Person	5,386
Table 2 Provisional	794
Subtotal	6,180
SUSPENDED	6,440
Difference	260

Table 8

UNDELIVERABLE	
Table 1	602
Exhibit A	1,375
Difference	773

From the data found in Table 6, I have created Table 7 to look at the Suspended ballots, which have a correlation to the In Person and Provisional votes. Table 8 is to look at the correlation between Exhibit A and Table 1 Undeliverable ballots. Both of which need further investigation.

The total Challenged ballots without the Suspended total is 1,852 and will be accounted for in the next table.

Table 9 Absentee Ballots

Table 1	
Absentee Total Reported	58,727
Challenged Total Table 6	1,852
Ballots which can be Cast	56,875

Table 2	
Absentee Total Reported	58,570
Ballots which can be cast	56,875
Difference	1,695

The Absentee ballot counts have a problem. The History Roll reports that 58,727 ballots were validated, with 1,852 challenged. Leaving 56,875 ballots to be cast. The tabulator is reporting

58,570 votes cast by absentee ballot. This leaves us with 1,695 unaccounted for Absentee ballots.

Further investigation into this discrepancy is warranted. The question is now just not about the voter list management system, we are seeing that the tabulation equipment may be a source of the problem as well.

There are other tests that can be performed which will verify how many validated ballots were tabulated. Once these other tests are performed, we will have a better understanding of where the problem lies.

- **Summary of the Tables**

Table Summary	
Excess Absentee Ballots Table 9	1,695
Excess In Person Ballots Table 4	1,509
Provisional Ballots Cast Table 2	260
Total Excess Ballots Cast	3,464

With an almost 3,500 ballots in question, this represents almost 5% of the total registered voters eligible for to vote in the General Election. This percentage is way too high for this election to be considered an accurate vote of the people. While it would not have changed the outcome as to who won the county, it shows that there are major issues with the election hardware and software along with voter roll maintenance issues.

In the next section we will explore voter roll integrity.

Voter Roll Integrity

As we further analyze the 2020 General Election History Roll, we need to look at how compliance with the Help America Vote Act (HAVA) might affect the correct number of eligible voters for the 2020 General Election.

Compliance with removal of ineligible registrations is key to proper voter roll maintenance. While analyzing the 2020 General data several questions arose with regards to voter roll maintenance and how proper maintenance would have reduced the total number of eligible voters.

The key field in the 2020 General History roll is the one for how they voted, In-person, Absentee, didn't return one, or it was returned undeliverable. It was the discrepancy in Undeliverable mail in Table 8 and with this and all voters who didn't return a ballot, a house keeping task was triggered.

According to HAVA regulations, when a voter fails to vote in a federal general election, that they are to get at notice and are given instruction on how to cure the defect. If they fail to respond and fails to vote in any federal election for the next 4 years, then they are to be removed from the voter roll.

Many counties fail on this requirement, Judicial Watch vs Los Angeles is a prime example of voter roll maintenance gone wrong. So, to conduct a proper audit, we need to look at how year over year maintenance would affect the size of Nevada County's voter roll.

To conduct this audit, we used our voter history rolls going back to 2012. A voter who missed the 2012 or 2014 elections and failed to vote in the 2016 and 2018 elections would not be eligible to be on the 2020 history roll, as they should have been removed after having missed the required number of elections for automatic removal.

Table 10 Year over Year Maintenance

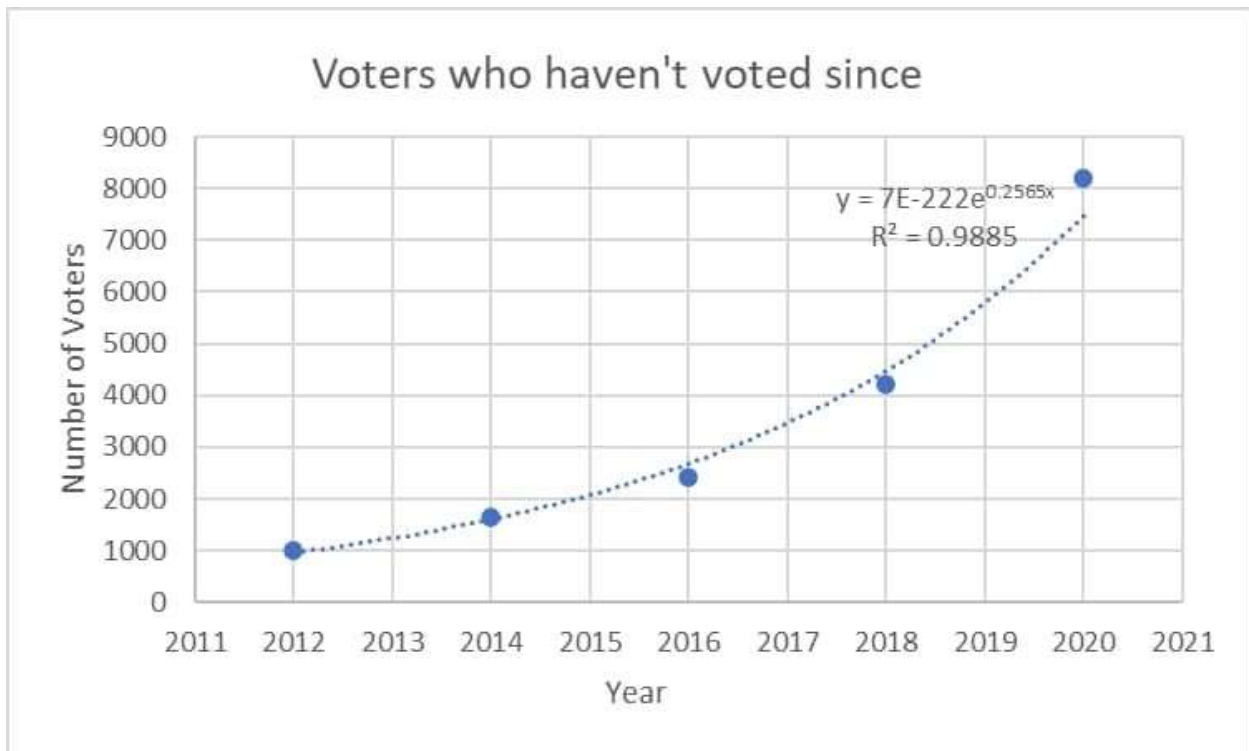
Year	Haven't voted since year	Total Registrations	If HAVA had been followed, this is the approximate size of the voter roll	Error Rate
2012	1011	52588	Insufficient Data	
2014	1640	61711	60700	est using 2012 data 1 st yr 1.64%
2016	2417	68877	67866	est using 2012 data 2 nd yr 1.47%
2018	4219	68860	67849	2012 data removed per HAVA 1.47%
2020	8195	72775	71135	2014 data removed per HAVA 2.25%

What Table 10 shows us is that a total 2,651 registrations from 2012 and 2014 should have been removed prior to the 2020 Primary election. Just prior to the primary election, state statute requires the Registrar of Voters to perform a maintenance of the voter roll, to identify and remove all ineligible voter registrations. This list becomes the foundation for the Primary History roll and just prior to the General Election, a similar process happens which becomes the foundation for the General History roll.

As we approach the 2022 Primary election the question this auditor has is, will the excess 2,417 registrations get removed or not?

Table 11 show us that the task of removing ineligible registrations is failing. Based on the records I have reviewed this problem goes back even decades, but it's clear that the problem is getting worse with each passing year. Chart 1 shows that it is growing exponentially and that if it's not corrected now, it will continue to become a greater percentage of the registrations in the voter roll that don't belong.

Chart 1 Voters who haven't voted Year over Year



Because of the inflated voter roll, the county is incurring higher costs and some of that is placed on the candidate. As in the cost to get your Statement of Qualifications on the voter pamphlet is tied to the number of eligible voters on the voter roll. As we discovered, there are thousands of them, and that expense adds up. It also adds up in the form of increased mail cost to both

the candidates or any committee sending out mailers and for the county and state in sending out election materials. Which is a waste of taxpayer money.

- **Undeliverable ballots**

From Table 8 we find that 1,375 ballots were returned, yet in Table 1 the voter history roll reports only 602. The remaining 773 have no matching registration. Who are they, can the Registrar of Voters produce the registration records?

Using the history rolls I audited the reported undeliverable ballots; the results are Table 11.

Table 11 Undeliverable Ballots

Year	Matched	Unmatched	Total	Dem	Rep	NPP	Others
2012	11	136	147	52	50	36	9
2014	7	73	80	28	20	24	8
2016	2	16	18	8	4	4	2
2018	1	5	6	1	1	3	1
2020	27	575	602	245	174	107	76

The results clearly show that there was an extreme growth in the number of ballots returned in 2020. The data shows that from 2012 to 2018 much progress in reducing the number of returned ballots was having an effect. Our collection of voter rolls includes a Countywide index and is a snapshot of the voter roll as of June 4, 2021. This gives us the ability to compare the history rolls to the current voter roll and see if a matching record could be found in the Countywide roll.

2020 stands out in the number of returns when compared to previous years and in the number of registrations not being found in the Countywide roll. Addition analysis of 2020 is needed. Aside from the large number of returned ballots, the large number of registrations that have already been removed in the 7 months after the election. When did they register? How did they register?

Then when you take the actual number of Vote By Mail ballots that were undeliverable as shown in Exhibit A of 1,375, it shows that there is a much bigger problem with the voter roll and why did it explode in this year?

Table 12 60 Days Before Election

When doing an analysis of registrations by date, several surges in registrations occurred in the last 60 days before the General Election which prompted a closer look.

March 1, 2022

Countywide 60 Days Before 2020 General Election	Countywide Not Found in 2020 History	Countywide Found in 2020 History	Of those Found in 2020 History This Many Voted	Of those Found in 2020 History This Many Didn't Vote	Of those Found in 2020 History This Many where Undeliverable
3892	2563	1329	1168	161	2

Of the 3,892 registrations made during the 60 days before the election, 2,563 have no voting history. That's 2.5% of the registered voters. This is more than just a few so, a closer look was made using data from the 2021 Recall election, which revealed some interesting information.

Countywide Not Found in 2020 History	Of those Not Found in 2020 History were found in 2021 Recall History	Of those Not Found in 2020 History that were found in 2021 Recall were Undeliverable
2563	246	246

What stands out in this analysis is that 90% of those who registered within the 60 days before the election were purged out of the voter roll between June 4th and the Sept 14, 2021, Recall election. And those that did appear in the Recall roll, all of them had their ballots returned as undeliverable.

Meaning that 100% of the people who didn't have a voting history and registered within the 60 days before the election, have been purged or their mail is undeliverable.

This also represents 75% of all the registrations made during this period. The numbers are too high to be natural. A closer look at those registrations would be justified to see if there is a pattern that can be found.

March 1, 2022

Summary

It's clear that there is a significant disconnect between the results of the tabulators and the voter management system and without intervention the problems with ineligible voters will become an even bigger problem.

It's not possible for both systems to be a true and correct presentation of the vote. If the History roll is accurate, then then tabulators were stuffed with fraudulent ballots. Were ballots being run through the system more than once? Were ballots bypassing the signature checking and update of the voter History roll?

This audit provides many answers about the accuracy of the voter roll, but also begs many more question on how it got like this. The number of undeliverable ballots was on a downward trend. Is this a sign of failure in the Vote By Mail program. Under the older Absentee Voter program, there were fewer mail-in ballots to work with and the elections department was doing a good job on reducing the number of undeliverable ballots.

Deeper investigations into the questions raised are warranted. Citizen Auditors will continue to use the tools available to us to collect public data, so that we can restore trust in the integrity of the voter rolls and the equipment use to count the vote.

Additional audits of the 2021 Recall and the upcoming 2022 Primary will be made. The results of this audit demand continuous review of the elections and the voter rolls.

March 1, 2022

Exhibit A

Absent Voter Stats - Challenged

Run Date: 09/01/2021 NOVEMBER 3, 2020, GENERAL ELECTION
Run Time: 10:34 am
Election: 11/03/2020

Category/Org	Issued	AVID	Name	Mailed To	City	Challenge Code
TOTAL						
						Total
BALLOT MISSING FROM ENVELOPE						1
BALLOT WAS NOT RECEIVED ON TIME						17
CANCELLED						2
INACTIVE VOTER						181
MISSING OR INCORRECT ADDRESS O						4
NO VOTER SIGNATURE						16
NON-MATCHING SIGNATURE						228
PROVISIONAL CHALLENGE						19
SUSPENDED						6,440
VBM BALLOT WAS UNDELIVERABLE						1,375
VOTER ALREADY VOTED						9
						Total
						8,292