

David  
Benson

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Tuesday, February 13, 2024

**RE: Delivery of Written Response to "A Review of 2023 Cache County Elections"**

Dear Lieutenant Governor Deidre Henderson:

On February 06, 2024, I was presented with a draft of "A Review of 2023 Cache County Elections" created by your elections staff. Yesterday, I received the final version of it. I have reviewed the report and hereby provide a written response for each recommendation, in advance of the February 20, 2024 deadline.

Given the serious nature of the recommendations, I am encouraged that your office found no evidence that the November 2023 general election results were improperly certified. I am also grateful that, with help from your staff and other members of our County, both the Hyrum and Logan City December 2023 run-off elections were also successfully canvassed. I credit the dedication and determination of the Clerk/Auditor staff in administering these elections in the midst of great difficulty.

I genuinely appreciate the significant effort represented by this review, and assure you of my unwavering commitment to addressing these issues in a speedy, thorough, and conscientious manner. Since taking office this past June 30, 2023, I have strived to balance the increasing duties within my two offices. I must emphatically note that I make a concerted effort, typically on a daily basis, to learn and follow county and state law in order to be in full compliance. Never are rules nor code purposefully disregarded, nor are infractions intentional. I routinely encourage my staff to take the same approach to their responsibilities.

In keeping with our office practice of making immediate corrections and improvements, I humbly report that 27 of the 31 recommendations in this review have been addressed, and that action plans to resolve the remaining four are scheduled to be complete by February 29, 2024. While I have personally reviewed every single recommendation and action plan, recognition must be given to current office staff who purposefully and thoughtfully have worked from early December 2023 to correct and improve our elections operations.

Despite the disquiet associated with this review, I am heartened by the goodwill and cooperation shared between my staff and yours. Remembering that only examined processes can be improved, I sincerely invite your staff to return for subsequent reviews of the March, June, and November 2024 elections in Cache County so that my office may benefit from their valuable input.

Most respectfully,

A handwritten signature in black ink, appearing to read "David Benson", is written over a horizontal line.

David Benson  
Cache County Clerk/Auditor

cc: Cache County Council, Cache County Executive, Cache County Clerk/Auditor Staff



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## Cache County Clerk/Auditor Response

### "A Review of 2023 Cache County Elections"

Tuesday, February 13, 2024

This is the written response ordered by Lieutenant Governor Deidre Henderson to be provided to her office (the "LGO") no later than February 20, 2024. Replies to the narratives and findings within the Review were omitted in favor of focusing on an implementation timeframe and an action plan for each recommendation, as dictated. All recommendations are expected to be regular, permanent corrections to deficiencies or enactment of best practices, subject to continuing refinement with ongoing experience.

#### **Recommendation 1.1**

**Timeframe:** Completed

**Action Plan:** Create a "Maintenance Log" to include the following election equipment: Poll Pad tablets (27), Poll Print OKI C711 printers (5), MBV machine (1), Opex machines (2), Express Vote machines (4), DS200 tabulators (4), and DS450 tabulators (2). For each model of equipment, the logbook will provide a dedicated space to record maintenance activities. The top of each page will list essential equipment information such as the name, model number, and serial number uniquely identifying the equipment. The maintenance records section will document each maintenance activity, the date of maintenance, a description of the activity, the personnel involved, the name of the vendor, the election official present for the service, and any relevant notes or observations.

#### **Recommendation 1.2**

**Timeframe:** Completed

**Action Plan:** Review precinct boundaries and splits in preparation for 2024 elections across multiple areas. First, collaborate with the Logan City School Board to correct residual inaccuracies within its district boundaries and associated maps. Second, coordinate with the Cache Water District to resolve residual inaccuracies within its district boundaries. Third, meet with Cache County GIS staff to organize an ongoing effort to update relevant maps and information on the Cache County Elections webpage. Fourth, specifically update static GIS maps on the same webpage. Fifth, submit a proposed ordinance to the Cache County Council to include two uninhabited precincts within the Council voting district.

#### **Recommendation 1.3**

**Timeframe:** Completed

**Action Plan:** Adopt the LGO's "Ballot Proofing and Extract Review" checklist and store digital and paper copies of the same with current election forms. Revise this template to document sign-off and approval from other election officials, the ballot-creating vendor, and the ballot-printing vendor.

#### **Recommendation 1.4**

**Timeframe:** Completed

**Action Plan:** Use the "candidate tools and status" feature in VISTA to manage candidates for the January 2024 candidate filing period. Successfully register candidates, then efficiently manage and retain status and related change timelines, including transitioning two candidates from active to withdrawn. Plan to continue this practice for all future candidate filings. Create a supplementary binder containing a

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comprehensive list of all candidates and any modifications made to their status in order to enhance transparency and provide a tangible backup for tracking candidate information and status updates.

### **Recommendation 1.5**

**Timeframe:** Completed

**Action Plan:** Implement ballot-proofing recommendations from the LGO as internal procedures for the March Democratic Presidential Primary election, to include: ballot review by at least two (ideally three) staff members; reviewing ballots backwards, forwards, left to right, right to left, and around the edges; early review of ballots to avoid undue haste; dedicating a single lead staff member to be responsible for the creation and proofing of ballots, reviewing every ballot style, and additional suggestions from the Utah Elections Handbook as well as the LGO's "Proofing Checklist."

### **Recommendation 2.1**

**Timeframe:** Completed

**Action Plan:** Successfully conduct and document a full, internal Logic and Accuracy Test with LGO staff present on February 06, 2024, at 10:00 am, before any ballots are processed. Submit results to the LGO for review. Plan to conduct additional internal L&A tests, as needed to verify every ballot style for ballots on demand, before processing any ballots. (Allowances were made with the LGO for a partial BOD test due to ongoing vendor ballot face/image issues.)

### **Recommendation 2.2**

**Timeframe:** Completed

**Action Plan:** Successfully conduct and document a full, public Logic and Accuracy Test on February 12, 2024, at 10:00 am, before any ballots are processed. Submit results to the LGO for review. (Allowances were made with the LGO for a partial BOD test due to ongoing vendor ballot face/image issues.)+

### **Recommendation 3.1**

**Timeframe:** Completed

**Action Plan:** Create proper documentation and procedures for ballot collection, tracking the movement of ballots and providing clear records of at least two election officials handling ballots. Plan to use the resulting forms for all future elections, as detailed below:

The "Ballot Box Chain of Custody" form will include the location of the ballot boxes, the date of pick-up, the time of collection, the name and initials of the two election officials collecting the ballots, the numbered zip tie used to secure the ballot bag, and any notes.

When ballot bags are delivered to the Ballot Processing Center, election staff will continue the chain of custody with the "Center Ballot Box Chain of Custody" form. This will enable election staff to maintain oversight of each ballot's journey and ensure proper handling throughout. It documents the accuracy of the "Ballot Box Chain of Custody" and includes the name of the election official receiving the ballot bag at the Ballot Processing Center, the time the ballot bag is returned to the Ballot Processing Center, the date, the zip tie number, and the number of ballots in the ballot bag. For every ballot bag collected that day, the process of counting the ballots and recording the numbers on this form will be repeated. The form will document the total number of ballots received from all the bags collected on that day.

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When ballots are collected from the Post Office, a postal worker will verify the election officials have proper identification. Once validated, the postal worker will complete the “USPS Chain of Custody” form by recording the following: the date of pick-up, the time of collection, the names of the two election officials collecting the ballots, the name of the postal clerk, and the number of ballots retrieved from the post office.

Subsequently, while at the Ballot Processing Center, the election officials will determine the number of ballots that need to be removed from this postal delivery for further documentation using the “Center USPS Chain of Custody” form. This might include ballots that need to be counted, sorted, or processed in any other manner, such as undeliverable, moved in County, moved out of County, moved out of State, or temporarily away ballots.

Ballots designated for further documentation will be separated from the remaining ballots received. These ballots will be placed in a specifically colored bin/tray and secured at the Ballot Processing Center where they cannot be confused with other ballots or batches that have been reviewed. One dedicated election staff member will be assigned to move these ballots, ensuring accountability and security. The remaining ballots, which are to be processed normally, will be placed in bins of a different color and moved to the Privacy Tab Removal Station for subsequent processing.

### **Recommendation 3.2**

**Timeframe:** Completed

**Action Plan:** Create a “Batch Card” form and associated procedures to ensure the integrity of each ballot batch throughout its processing and reconciliation. This form will include the number of ballots in the batch, the initials for two or more election workers, the date, the time, and the reason for any diversion or challenge. A unique “Batch Card” will accompany each batch through its life cycle, ensuring ballots within the batch remain together without co-mingling with other batches, and ending with its secure storage after the election certification. Batch reconciliation is addressed in the response to Recommendation 3.11.

### **Recommendation 3.3**

**Timeframe:** Completed

**Action Plan:** Create a procedure to place ballots that are in Group 1 stage of signature review in red-colored bins/trays, different from other ballots, and to store them in rolling, secure cages at the Ballot Processing Center where they cannot be confused with other batches that have been reviewed. Commit to implementing this procedure for all future elections.

### **Recommendation 3.4**

**Timeframe:** Completed

**Action Plan:** Relocate elections resources and materials to consolidate ballot processing at the Ballot Processing Center. Plan to securely store and process all ballots, including those undelivered and challenged, at the Ballot Processing Center, never to be removed. Utilize additional computer resources, already procured by the Clerk/Auditor office, for this centralized processing.

Plan to establish, for all future elections, separate workstations for undelivered and challenged ballots. Each station will have the necessary software and tools to manage these ballots according to the

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established procedures, with trained election staff assigned and dedicated workers to oversee the process to ensure accuracy and compliance with regulations.

**Recommendation 3.5**

**Timeframe:** 02/21/2024

**Action Plan:** Create and document a process for handling diverted ballots, including chain of custody and reconciliation procedures, which integrates with the “Batch Card” process from Recommendation 3.2 and the “Daily Ballot Reconciliation” process from Recommendation 3.9.

**Recommendation 3.6**

**Timeframe:** Completed

**Action Plan:** Train core election staff on the built-in VISTA reporting tool to track and send challenged ballot notices for all future elections. Discontinue historic use of other tracking tools in favor of the more secure VISTA method.

**Recommendation 3.7**

**Timeframe:** Completed

**Action Plan:** Plan to utilize the “Batch Card” from Recommendation 3.2 to ensure that each batch of ballots remain together with their original batch throughout the entire processing workflow, and to confirm that two election workers are dedicated to work on a single batch at a time as they prepare them for scanning.

**Recommendation 3.8**

**Timeframe:** Completed

**Action Plan:** Purchase card stock and/or larger rubber bands to divide and organize ballot batches within storage boxes without damaging the ballots. Plan to clearly label each batch within the box with its batch report, card stock separator, and larger rubber bands.

**Recommendation 3.9**

**Timeframe:** Completed

**Action Plan:** Adopt the “Daily Ballot Reconciliation” form, provided by the LGO, and related processes to reconcile the number of ballots in each batch with the number of ballots counted by the tabulation machine. This form includes locations to record ballots received, challenged ballots, envelopes to be opened, ballots ready to process, ballots processed, voter credit given within VISTA, and initials for the election official.

Plan to reconcile the number of ballots processed by the election workers with the number of ballots counted by the tabulation machine after scanning. No batch will be finalized until the difference between the number of ballots in a batch and the number of ballots tabulated by the machine is zero, ensuring accuracy in the processing. Once a batch fully reconciles, the responsible election workers will sign the “Batch Card” to certify its accuracy.

**Recommendation 3.10**

**Timeframe:** 02/29/2024

**Action Plan:** Purchase sealable storage totes and seek reimbursement through Help America Vote Act (HAVA) grant funds for storing scanned ballots securely. Plan to clearly label each tote with the following

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information: a clear name for the election (e.g., "2024 Democratic Presidential Primary"), date of the election, the processed date, batch numbers stored in the tote for easy identification and tracking, quantities, and the specific destroy date no less than 22 months from the date of the election.

### **Recommendation 3.11**

**Timeframe:** Completed

**Action Plan:** Create a process utilizing the "Daily Ballot Reconciliation" from Recommendation 3.9 to ensure that the number of individuals that received vote credit, the number of ballots prepared for scanning, and the number of ballots scanned all match. Ballot processing and reconciliation will be conducted daily to track the movement and status of ballots throughout the election cycle. The reconciliation process will involve comparing the number of ballots received, processed, verified, cured, and tabulated to ensure accuracy and completeness. The process will include scanning and storing of the daily reconciliation reports for easy access and reference, with the final reconciliation report being part of the canvass report.

### **Recommendation 3.12**

**Timeframe:** Completed

**Action Plan:** Plan to designate dedicated staff members to oversee the following specific processes, free from other responsibilities and distractions while assigned to supervise that process: MBV, Diverted Ballots, Signature Verification, Signature Verification Auditing, Cure Letters, and Moving Ballots from station to station.

### **Recommendation 3.13**

**Timeframe:** Completed

**Action Plan:** Create and implement a staffing plan that includes filling new Elections Supervisor and Records Supervisor positions, maintaining full staffing levels, adjusting full- and part-time employee schedules to ensure consistent office coverage and a smooth workflow, requesting funds for additional seasonal elections workers to handle an expected increase in election work volume, and developing a cadre of dedicated community volunteers to assist with election preparation and execution.

Continue election staff attendance at online and in-person elections trainings, such as weekly election calls, regular topical learning sessions, and VOTE classes. Assign a deadline (02/23/2024) for completion of a comprehensive elections training manual to document standard policies and procedures, best practices, and lessons learned to preserve institutional knowledge and facilitate knowledge sharing among staff members.

### **Recommendation 4.1**

**Timeframe:** Completed

**Action Plan:** Store digital and paper versions of the "Signature Audit Summary" form received from the LGO and plan to conduct regular signature audits during ballot processing for all future elections, completing such audits before separating any ballot from its envelope. These signature audits will be performed in real time as ballot batches are removed from the MBV.



**Recommendation 4.2**

**Timeframe:** Completed

**Action Plan:** Store digital and paper versions of the “Signature Audit Summary” form, provided by the LGO, to be completed by an elections staff member dedicated to signature verification auditing as detailed in Recommendation 3.12. Add the phrase “The Signature Auditor may not audit his/her own work” to the form. Plan for the Elections Supervisor to review all signature audit paperwork to guarantee that the signature auditor is distinct from the original signature verifiers.

**Recommendation 4.3**

**Timeframe:** 02/21/2024

**Action Plan:** Submit a revised, written signature audit policy to the LGO on randomly selecting signatures to audit in accordance with the Lieutenant Governor’s Audit Policy.

**Recommendation 4.4**

**Timeframe:** Completed

**Action Plan:** Store digital and paper versions of the “Signature Audit Summary” form, provided by the LGO, to document each signature audit that is performed, including the date, time, ballots audited, who performed the audit, the results of the audit, and any remedial action. Revise the form to include a “Time” field. Plan to submit to the LGO and the board of canvassers a record of the audits performed for all future elections.

**Recommendation 4.5**

**Timeframe:** Completed

**Action Plan:** Plan to bundle envelopes with zip ties first and include two spaces for “Envelope Ziptier Initials” on the “Batch Card” that ensures envelopes are batched with their corresponding ballots. Envelopes and ballots are to be stored for no less than 22 months before being destroyed.

**Recommendation 5.1**

**Timeframe:** Completed

**Action Plan:** The current ballot instructions for the 2024 Democratic Presidential Primary Ballot are consistent with other counties observed. Communicate with the ballot creation vendor to revise the language on all future ballots to better explain how a voter can correct an error or mistake. This will include a separate “Contact Information” section that clearly identifies the Cache County telephone and email addresses.

**Recommendation 5.2**

**Timeframe:** Completed

**Action Plan:** Adopt an “Adjudication Log” from the Roundtable shared service to be signed by election workers who perform adjudications. Store the log where it is accessible to both election staff and members of the public alike. Create a process to coordinate the recording of adjudications in the vendor software and on the paper log, to include dating the event, adding the initials of the two election staff members involved, and noting any relevant details or observations related to the adjudication process in the notes section of the software and the binder.

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**Recommendation 5.3**

**Timeframe:** Completed

**Action Plan:** Create binders for each adjudication station that include the “Adjudication Log” from Recommendation 5.2 and the “Voter Intent Guide,” a reference outlining criteria for determining voter intent in cases where ballots require adjudication. Include a sign-off sheet for election workers to verify they have read the “Voter Intent Guide” prior to the election.

**Recommendation 5.4**

**Timeframe:** Completed

**Action Plan:** Begin using the “Replication Chain of Custody Log” form provided by the LGO by storing digital and paper copies of the same. Review the fields included on the form, namely the precinct associated with the ballot, the date of replication, the initials of the election officials replicating the ballot, reason for the replication, the number assigned to the original ballot, and a corresponding number assigned to the replicated ballot. Plan to use this log in all future elections.

**Recommendation 5.5**

**Timeframe:** Completed

**Action Plan:** Maintain the “Replication Chain of Custody Log” where it is available to election workers and the public alike. Plan to scan and store a digital copy of the log at the end of each ballot-processing day it is used. Designate a location for a digital copy to be stored and retained for no less than 22 months after the canvass.

**Recommendation 6.1**

**Timeframe:** 02/29/2024

**Action Plan:** Please see Recommendation 3.10