Los Angeles County REGISTRAR-RECORDER/COUNTY CLERK

Dean C. Logan
Registrar-Recorder/County Clerk

January 27, 2011

TO: Supervisor Michael D. Antonovich, Mayor
               Supervisor Gloria Molina
               Supervisor Mark Ridley-Thomas
               Supervisor Zev Yaroslavsky
               Supervisor Don Knabe

               William T Fujioka, Chief Executive Officer

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

SUBJECT: Voting Systems Assessment Project Incremental Plan

This report is in response to the motion adopted by your Board on September 7, 2010, directing the Registrar-Recorder/County Clerk (RR/CC) to update your Board on the progress of the Department's Voting Systems Assessment Project (VSAP). The motion further asked for an overview of the current strategy for moving forward and ultimately implementing a new voting system in Los Angeles County, including a general time frame outlining the process up to the implementation of a new voting system. The information contained in this report addresses the points of inquiry in your motion.

Overview

The Voting Systems Assessment Project is an unprecedented and comprehensive approach at modernizing the County's voting systems in order to ensure accessible, accurate, and secure elections. The vision of the project is to implement a voting system through a transparent process that takes into account the needs and expectations of our primary consumers, the current and future voters of Los Angeles County.[1] Out of this vision, the Department has developed a multi-phase plan for the modernization of the County's voting systems. The project was officially launched in September 2009 and since then has, with input from community stakeholder groups and research support from the Voting Technology Project and the James Irvine Foundation,

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[1] See "Los Angeles County Voting Systems Assessment Project Concept Paper", presented to Operations Cluster August 22, 2009.
http://www.lavote.net/Voter/VSAP/Default.cfm?Section=DOCUMENTS

carried out a number of engagement activities that have informed and fine tuned the scope of the VSAP. The following sections outline the specific phases the Department has identified for the project.

Need for the VSAP

The current *InkaVote Plus* and *Microcomputer Tally System* voting systems have served and continue to serve the voters of Los Angeles County with accuracy and integrity. But the design of these systems and the age of their technology do not offer the technical and functional elasticity necessary to continue to accommodate our growing electorate, its diversity, and needed innovations to help improve the accessibility and efficiency of elections.

The current voting system was developed by the Los Angeles County Information Technology Systems branch of the Internal Services Department. The original systems, Automated Ballot Layout (ABL), Election Tally System (ETS), and the Election Results Inquiry System (ERIS), were developed over 30 years ago using IBM mainframe computing technology. While the Registrar-Recorder/County Clerk still uses the mainframe ABL and ERIS systems, the ballot tabulation component of the ETS system was migrated in the mid-1990s to a DOS-based PC platform called the Microcomputer Tally System (MTS), which resides on an isolated token ring network at the Department's headquarters.

Several ISD employees, none of whom were the original developers of the systems, continue to maintain these systems. Ongoing attrition of ISD staff due to retirement and the increasing difficulty of finding new staff with requisite skills in obsolete mainframe technologies has become a significant challenge to the long term sustainability of our operations.

The impact of this situation is exacerbated by a number of factors. One such factor is the fluid nature of the regulatory process governing elections both at the state and federal levels.   Currently, the Microcomputer Tally System is only conditionally certified by the State of California and has not been certified under the federal certification process. Additionally, changes in voter trends press the need for a new voting system. The migration of a significant number of voters to vote by mail and changes in state and federal laws regarding accessibility and language services have stretched the limits of the voting systems, which when designed did not contemplate the varied forms of voting and voter interface that are expected in today's electoral environment. Further, the current system lacks the flexibility to meet voter preferences, as it does not offer voters an intuitive and user-friendly interface that retains confidence that votes are being cast and counted in a secure and efficient manner.

In addition, recent legislative changes to the electoral process further jeopardize the operability of the system. Without technical changes made to the voter approved "Top-

Two" Primary Election process, as outlined in enabling legislation SB 6, the County's voting system could be rendered obsolete as soon as June 2012.

The current state of our voting system, as described above, makes implementing a new voting system critical and warrants recognition as a priority for Los Angeles County.

Incremental Project Plan

Phase I: Public Opinion Baseline Research
(Sept. 2009 – Jul. 2010)

The first phase of the project sought to compile an array of baseline data from multiple stakeholders that included voters, advocates, key community organizations representing traditionally underserved voter constituencies, and elections staff. This data was collected through a variety of research and engagement activities; a countywide voter survey, voter focus groups, a pollworker survey, focus groups with local election officials, and internal focus groups with Departmental staff. The goal for this phase of the project was to establish initial baseline information regarding opinions and expectations of voters and key stakeholders when it comes to our current and future voting needs. This information included specific opinions about "likes" and "dislikes" of other common voting systems, as well as values and expectations surrounding core characteristics like accessibility, accuracy, security, and public confidence.

The research activities were made possible through a partnership with the Voting Technology Project (VTP) at the California Institute of Technology and the Massachusetts Institute of Technology who received funding from the James Irvine Foundation in support of the project. The findings of this first phase of the project were summarized in a report to your Board submitted July 9, 2010 and accepted and filed on September 7, 2010.[2]

In addition to our formal report, the Department has continued to solicit stakeholder input on the project and research findings through a series of discussion meetings. Meetings have been held with community organizations and advocates working with language minority groups, voters with disabilities, and election integrity advocates. Additional discussion meetings are planned with other stakeholders representing African American voters and general civic participation organizations.

The successful implementation of this preliminary phase of the Voting Systems Assessment Project has provided the project a solid first step. The data compiled in **Phase I** of the project will play a critical role as baseline information that will help inform the development of general principles and user requirements to guide the

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[2] See "Voting Systems Assessment Project Report." Submitted to the Board of Supervisors July 9, 2010.
http://www.lavote.net/Voter/VSAP/Default.cfm?Section=DOCUMENTS

development/acquisition of new voting systems for Los Angeles County and help facilitate the evaluation of the system implemented.

Phase II: Process Assessment and VSAP Advisory Committee (Jan. 2011 – Jun. 2011)

This second phase of the project will seek to begin to define the fundamental direction of the process and to establish a more formal stakeholder input body for the duration of the project and subsequent systems implementation. Beyond the needs of current and future users of the voting system it is imperative that we assess and identify the most effective and efficient process through which a new voting system will be acquired, developed, and implemented. These assessments will help to further define the best process for the project to successfully meet its goal of implementing a more accessible, accurate, and secure voting system.

Key goals for *Phase II* of the project include:

1. Establish VSAP Advisory Committee

Establish a stakeholder advisory committee to work with the RR/CC to provide input and guidance into the establishment of principles and user requirements as well as the overall development of the Department's voting system acquisition/development strategy. The thirteen member advisory committee will be comprised of individuals representing critical constituency groups and communities of interest.[3] The committee will be active throughout the life of the project.   The VSAP Advisory Committee is critical to ensuring ongoing citizen input and transparency.

2. Acquisition/Development Model Assessment

The RR/CC will assess various models for the acquisition/development of a modernized voting system. Among the acquisition models to be assessed are commercial-of-the-shelf acquisition/development, in-house development, and public/private partnerships

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[3] The thirteen member committee will be led by a chair and vice-chair and will be comprised of individuals representing critical constituency groups and communities of interest as follows:

      Retired Public Administrator (1)
      Voters with Disabilities Advocates (1)
      Voting Integrity Groups (2)
      Voting Rights Advocates (3)
      City Clerks (2)
      Academia (2)
      Political Parties (2)

Members will remain on the committee throughout the life of the Committee, which will be active throughout the duration of the VSAP.

that can explore more creative models that include a combination of not only private entities but also public and/or non-profit institutions such as universities and philanthropic foundations.

During the assessment, the Department will consult with and solicit input from the Chief Executive Officer (CEO), Chief Information Officer (CIO), Internal Services Department (ISD), and County Counsel. The goal of the assessment is to identify the model that achieves the greatest degree of cost effectiveness, flexibility, and transparency.

3. Evaluation of Existing Voting Systems Models

Further research is needed to better evaluate whether common voting system models in place in other jurisdictions align with voter needs and expectations as well as the capacity and scale requirements of a jurisdiction like Los Angeles County. Common voting system models will include hand-counted paper ballots, hand-marked optical scan ballots, direct recording electronic ballots, and ballot-marking devices. Tabulation models (central count v. precinct-based count) will also be evaluated as part of the voting system models. The goal of this evaluation is to simply identify the advantages and challenges/strengths and weaknesses of each model.

4. Assessment of the Current Regulatory Environment

Any new voting system intended for use in California must be certified both by the federal Election Assistance Commission and the California Secretary of State.   In this phase, the Department will also assess the current regulatory environment and certification process to determine its potential impact on the timing of voting systems implementation. Given the unique nature of Los Angeles County as a jurisdiction and the emerging need for replacement and modernization of our voting systems, it is expected that legislation and regulatory amendments will be necessary to facilitate the recommended outcome of the VSAP. This phase will identify those needs, propose a strategy for seeking passage of the needed changes and incorporate the regulatory elements into the overall project time line.

5. Funding Analysis

An analysis of dedicated and potential funding for voting systems acquisition/development and implementation is imperative to defining the resources available to the County.   The Department has identified at least two dedicated sources of funding at this time. The first source being federal funding from the Help America Vote Act (HAVA) Sec. 301; the second, state funding made available through Prop. 41. The analysis will assess the status and levels of this funding as well as identify any other potential sources of funding that may be available.

Phase III: Acquisition, Development, and Award Process
(Jul. 2011 – Dec. 2012)

Once the direction of the project has been defined, including guiding principles, user and technical requirements for the voting system desired, as well as the desired acquisition/development strategy, the third phase will identify the appropriate and desired process to solicit, evaluate, and select the appropriate partners/contractors for the development phase of the project.

We expect that in order to accommodate an innovative development process the Department will need to explore nontraditional solicitation processes. To ensure the identification of the best process possible the Department will consult and work collaboratively with the CEO, CIO, ISD, and County Counsel.

Phase IV: Development and Certification
(Jan. 2013 – Dec. 2014)

Actively monitor the development of the new voting system acquired by the County. At this time it is very likely that the County will need to have a custom voting system developed. This includes accessible voting devices, vote by mail system, and a tabulation system. California requires that any voting system used in the state be certified both by the federal Election Assistance Commission and the California Secretary of State. Navigating the process and ultimately obtaining federal and state certification will be an area of particular focus for the project.

Phase V: Voting Systems Delivery and Implementation
(Jan. 2015 – Nov. 2015)

The Department will develop detailed implementation plans that address voter education, poll worker training, and voting system deployment. Specifically, the Department will work with the VSAP Advisory Committee and the Department's Community Voter Outreach Committee (CVOC) to develop a comprehensive and aggressive voter outreach and education plan. The plan will employ grassroots and media strategies to ensure maximum reach and saturation of information. It will pay particular attention to traditionally underserved voter populations.

Conclusion

The Department recommends that voting systems modernization be adopted as a top priority for the County. The viability and reliability of our current voting system is quickly diminishing as the demands, complexity, and frequency of elections increases. It is imperative that we dedicate the appropriate resources to this project. Current projections estimate implementation of new voting systems by 2015. Note, however, that legislative changes such as the "Top-Two" Primary system may jeopardize that

timeline and require the County to identify alternative solutions. In the past the County has opted for a number of interim solutions to keep up with legislative and regulatory changes. In our assessment of the current voting system we can no longer sustain such solutions without affecting the integrity, accuracy, and security of elections. The incremental plan presented to your Board in this report envisions the implementation of a completely new voting system infrastructure.

Please note that this plan may be subject to change and that new phases may be necessary to ensure the process is comprehensive and of strong integrity. The Department will continue to update your Board on the status of the project on a quarterly basis. We look forward to working with you to provide an accessible, accurate, and secure voting process for the Los Angeles County voters of today and tomorrow.