

MEETING  
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SECRETARY OF STATE  
HAVA STATE PLAN ADVISORY COMMITTEE

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A P P E A R A N C E S

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Ms. Rosalind Gold

Mr. Malaki Amen & Ms. Sharon Bacon  
on behalf of Ms. Alice Huffman

Ms. Margaret Johnson

Mr. Neal Kelley & Ms. Kathryn Reedy

Mr. Eugene Lee

Ms. Rebecca Martinez

Mr. Efrain Escobedo  
on behalf of Mr. Dean Logan

Ms. Chris Carson

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P R O C E E D I N G S

MR. REYNOLDS: I'm going to go around and make the announcement for people who are at the Secretary of State's office, and I'm going to mention the people who are on the line. And if I miss anyone, please speak up and let me know you are on the line.

I'm Chris Reynolds. I'm the deputy secretary for HAVA activities. We also have Debbie O'Donoghue, Jane Howell, Laura Baumann, and Kaye Kaufman. And Margaret Johnson from Disability Rights of California is also here with us. On the line we have Ardis Bazyn, Kathy Feng, Rosalind Gold, Malaki Amen on behalf of the NAACP. And I have Eugene Lee, Rebecca Martinez, and Chris Carson.

And I have heard from Karin MacDonald that she is not available either today. So I know for sure about those folks. And I think I have heard someone join us as well. So did someone join us?

Okay. So we do not yet -- we have not yet heard from Ana Acton, Michael Alvarez, Neal Kelley, or Dean Logan. But hopefully we'll be able to get folks on call.

So with that I just wanted to jump right

1 back in with where we left off last time. And if I  
2 remember correctly, we were at Section Two on the  
3 priorities template, if you will, where there was a  
4 desire to have a better description of the county  
5 expenditure of \$195 million allocated via the  
6 voting system upgrade contracts.

7 Who just joined us?

8 MS. ACTON: Hi, this is Ana Acton.

9 MR. REYNOLDS: Hi, Ana. We were just  
10 getting started.

11 Hi. Who, just joined us?

12 MS. REEDY: Hi, this is Kathryn Reedy from  
13 Orange County.

14 MR. REYNOLDS: Okay. On behalf of Neal  
15 Kelley?

16 MS. REEDY: That's correct. He should be  
17 joining us shortly.

18 MR. REYNOLDS: And so as I said, we're  
19 just starting back into Section Two on the  
20 priorities template, which is page 3. And there is  
21 a desire to have a better description of the county  
22 expenditure of \$195 million allocated via the  
23 voting system upgrade contracts. That -- I had  
24 that as a question mark under a Title III  
25 requirement because the State Plan does -- an

1 update requires that you explain what happened  
2 since the last time you provided a State Plan or  
3 update. So that would be included. It is not a  
4 Title III requirement, but we can certainly make  
5 our best effort to provide that information to  
6 people.

7 I'm not sure what the balance is right  
8 now. Last time I remember it was about \$80 million  
9 statewide. Some counties had expended all of their  
10 funds, and others still had remaining balances. So  
11 we can get that information included in the State  
12 Plan.

13 Is there anything else that anyone wanted  
14 to add by way of explanation about what was desired  
15 there?

16 Okay. The next item was a proposal, if  
17 you will, from a number of different groups to have  
18 the poll workers trained with more hands-on  
19 experience on voting systems. And there is an  
20 effort that we're aware of in the counties that is  
21 ongoing to provide that kind of hands-on training.  
22 We know that because we did some poll worker  
23 training observation efforts for the 2008 election  
24 cycle. And so we did see counties doing more  
25 hands-on training pretty routinely for the poll

1 workers.

2 But whether there is something that can be  
3 done with respect to the funding of poll worker  
4 training generally -- and this specifically is a  
5 problematic question based on the EAC funding  
6 advisory opinion that we received so far that says  
7 that poll worker funding is an allowable expense  
8 the first year that the voting system is rolled  
9 out, but HAVA funds are not to be used as an  
10 ongoing source of funding for poll worker training.  
11 So I just did want to note that.

12 Someone did join us. Can I ask who is on  
13 the call now?

14 MR. KELLEY: Hi, Chris. It's Neal Kelley.

15 MR. REYNOLDS: Hi, Neal.

16 MR. KELLEY: Chris, Kathryn from my office  
17 will be staying on for the whole call. I got to  
18 jump off in about an hour.

19 MR. REYNOLDS: Okay. So is there anything  
20 that anyone would like to add by way of more  
21 hands-on voting system training for poll workers?  
22 We are looking at updating some poll worker  
23 training guidelines. And I mean, it could be an  
24 element of that. It seems as though counties are  
25 working on that, and we do have a best practices

1 page. We could try to encourage counties to follow  
2 through on that and to continue with that effort.  
3 But is there anything else that anyone would want  
4 to add?

5 MS. ACTON: I think this is an ongoing --  
6 it is a critical issue around how to use the voting  
7 system as well as obviously poll worker training  
8 around disability sensitivity and serving voters  
9 with disabilities. I know that some of those  
10 votes -- vote grams I think you call them that  
11 there was a first round of funding and now there is  
12 a second round of funding going out?

13 MR. REYNOLDS: Yes.

14 MS. ACTON: There is some counties that  
15 are applying for poll worker training in those.  
16 And I didn't know if that's worth mentioning, just  
17 kind of the ongoing efforts around poll worker  
18 training. Also that we wanted -- I noticed that  
19 doing sometimes a video or poll worker training  
20 packet, that is really good, effective information  
21 that could be provided to counties.

22 MR. REYNOLDS: And by way of -- there has  
23 been some of that EAID money that has not been  
24 allocated to the vote ramp program because we  
25 sensed that there would be some benefit and some



1 need, frankly, to have a statewide efforts around  
2 accessibility. And potentially there is something  
3 that could be done using that source of funding.  
4 But I don't know whether that would be something  
5 that would be included in the State Plan since it  
6 is 261 funds instead of 251 funds.

7 But I'm hearing a desire to express a real  
8 need for poll worker training around voting  
9 systems, and hands-on training in particular and I  
10 guess cultural and sensitivity for voters with  
11 disabilities and voters with language needs.

12 MS. ACTON: Can I have a clarification?  
13 You said that the HAVA funding only provided for  
14 voting system poll worker training the first year  
15 after the equipment was purchased?

16 MR. REYNOLDS: That was what the EAC said  
17 in its most recent guidance. What I had done was,  
18 as we were approaching this effort and frankly  
19 working through with the counties some requests for  
20 reimbursement, I asked the EAC for some  
21 clarification and some guidance on the use of HAVA  
22 funds for poll worker training and for voter  
23 education.

24 And around the issue of poll worker  
25 training they came back and said when you initially

1       deploy a voting system, this would be a time when  
2       use of HAVA funds would be allowable for poll  
3       worker training. Then they came back in response  
4       to a request for guidance from Sacramento County  
5       more recently and made a bit of a finer point on it  
6       that the first year that the voting system is  
7       rolled out or deployed, you can use HAVA funds for  
8       poll worker training, but thereafter it is expected  
9       to become a local responsibility.

10                So I think what they were thinking was  
11       that an initial investment of HAVA funds for poll  
12       worker training would be something that would be  
13       beneficial and would be allowable, but thereafter  
14       people would know how to do it, if you will.

15                The problem is as a practical matter that  
16       people discover as they deploy voting systems and  
17       implement HAVA that there are new needs that come  
18       up or there are lessons that are learned. And so  
19       much to our disappointment the EAC has said that  
20       this is a limited time frame in which you can use  
21       HAVA funds for poll worker training. We may be  
22       able to put a finer point on it somehow, but I'm  
23       not sure how.

24                MR. KELLEY: Does that also apply or would  
25       that apply to outreach events that may not be

1 considered training where these poll workers are  
2 getting a chance to have hands-on experience, in  
3 other words, they're not going through a training  
4 class?

5 MR. REYNOLDS: The HAVA funds that are  
6 allowed to be used for voter education are around,  
7 again, deployment of a voting system the first time  
8 it's deployed. But secondarily -- not secondarily.  
9 But under the Section 301 provisions for voting  
10 system standards there is a protection against  
11 overvoting. And it says explicitly in HAVA -- and  
12 I cannot remember the section. It is under 301.  
13 It says you can use HAVA funds for a voter  
14 education program to prevent overvoting when you  
15 are using a paper-based system and it is centrally  
16 tabulated.

17 So if a county was choosing to deploy a  
18 paper-based system, an optical scan system, and  
19 they had a precinct-based reader, I think the  
20 thought was it is not as necessary there because  
21 you have the overvote protection through the  
22 precinct-based reader. But if you had a  
23 centralized tabulation and you have a paper-based  
24 system, HAVA does provide explicitly for a voter  
25 education program around protection against

1       overvoting -- explaining to someone how to avoid an  
2       overvote and in the case that they want to try to  
3       correct their ballot and still submit a ballot on  
4       which they've made an incorrect choice, if you  
5       will, a way to correct that ballot. And some  
6       counties we have seen have done that with written  
7       material that they have provided in the  
8       vote-by-mail materials that they send out and then  
9       also at polling places as well.

10                So those are the limitations that EAC has  
11       talked about with respect to the availability of  
12       funding. I'm not sure what it would take to change  
13       the EAC's mind or whether that's even possible. I  
14       thought I had provided a pretty comprehensive  
15       argument both on the basis of what is at HAVA,  
16       what's practical, and based on the experience of  
17       the 2008 election. I provided them with more than  
18       a dozen, I think it was, articles that talk  
19       specifically about the issues that had come up and  
20       the need for poll worker training around those  
21       issues. So I thought I had made a pretty  
22       persuasive argument, but they did come back and say  
23       these are the limitations.

24                MS. BAZYN: Chris?

25                MR. REYNOLDS: Yes.

1 MS. BAZYN: The other thing I find  
2 interesting there is that you don't have the same  
3 poll workers every year. So it would be the first  
4 time for some poll workers. So I guess -- you  
5 know.

6 MR. REYNOLDS: I fully acknowledge that  
7 too. Not only do you have -- it applies both to  
8 poll workers and to voters. You don't have the  
9 same group of poll workers, and you don't have the  
10 same group of voters. So ongoing voter education  
11 through at least a couple of cycles would seem to  
12 be prudent.

13 But I think that what the EAC was  
14 thinking -- and this is a guess. Maybe I shouldn't  
15 even venture a guess. But that the EAC was  
16 thinking, well, you have an initial investment, you  
17 create your program, and then you have a program.  
18 So you use that program. And rather than  
19 acknowledging that, well, the program initially is  
20 going to be more intensive because people are new  
21 to this and, again, you are going to have new poll  
22 workers and the equipment and the rules frankly are  
23 more complex. And they're getting more complex  
24 every election cycle. So there is a need for a  
25 continued education program.

1                   And HAVA seems to imply that too. As I  
2                   said, it tried to talk about the fact that under  
3                   Section 305 -- or is it 304? -- that it refers to  
4                   the Title III requirements as minimum requirements.  
5                   That was at least part of my argument, and the fact  
6                   that the State Plan requires that you explain how  
7                   you are going to have election official and  
8                   training and voter education. Nonetheless, the EAC  
9                   rendered its guidance.

10                   So again the same kind of issue comes up  
11                   with respect to more poll worker training on  
12                   multi-cultural sensitivity and sensitivity for  
13                   voters with disabilities. Same issue with respect  
14                   to more voter education and the fact that the  
15                   Secretary of State should identify best practices  
16                   and facilitate information sharing.

17                   There is only one more than mention to  
18                   make with respect to this other than to say if  
19                   there are suggestions that people have about  
20                   certain things that they would like to see, I don't  
21                   want to try to -- I'm not trying to limit the  
22                   discussion about these items, and I would like to  
23                   hear from people about them. But I want to tell  
24                   you the reality that I think I'm facing at this  
25                   point.

1                   But the only other thing to add at this  
2 point is that we do have a best practices web page.  
3 And on the template I provided a link there. And  
4 the counties have been participating. We don't  
5 have something from every county up there, but we  
6 are continuing to try to work with the counties to  
7 post whatever information they think would be  
8 helpful to their colleagues and provide for kind of  
9 a best practice web page.

10                   With that is there anything anyone wanted  
11 to add on that? I know it is a strong desire. And  
12 again, I don't want to be a wet blanket. Okay.

13                   MR. LEE: With regard to the actual State  
14 Plan update and the Section Two language, one of  
15 the comments that we made was to have language in  
16 Section Two of the State Plan talking about how the  
17 SOS will seek the input of various stakeholders in  
18 monitoring -- maybe coming up with methods to  
19 monitor the performance of the counties as they use  
20 the money distributed under these requirements. So  
21 I don't know what kind of expenditures that would  
22 generate. But I think it would be important for  
23 the Secretary of State in the State Plan to mention  
24 a desire to work with various stakeholders in  
25 coming up with methods to measure performance of

1 the counties.

2 MR. REYNOLDS: Okay.

3 MR. LEE: So that is something -- I  
4 suggested some language in the markup I provided.  
5 Do you still have that?

6 MR. REYNOLDS: You know what? I'm sure I  
7 do. And I did not bring it with me. Again I'm  
8 sorry. But I will go back and look at that, and I  
9 will contact you independently if I don't have it.  
10 But I know I have it. So I can -- I shouldn't say  
11 I don't have it with me because I do believe I  
12 brought with me the comment letters that we  
13 received so far, and it has got to be in there. So  
14 I know I have it. But I will get back in touch  
15 with you if for any reason I need that. And I'll  
16 look at the language and work with you on what we  
17 could put in there.

18 MR. LEE: Okay. Perfect.

19 Just for the benefit of everyone on the  
20 call, one thing I suggested was that the agreements  
21 that the SOS has with counties, the contracts, it  
22 looks like they require that the counties submit to  
23 the SOS their poll worker training and voter  
24 education program. So one suggestion there is for  
25 the SOS to seek the input of various stakeholders



1 of those plans. Another thing that I suggested was  
2 that for the Secretary of State's Election Day  
3 Observation Program it might be helpful to get  
4 input from various stakeholders on the scope of  
5 that program and also specific items that the  
6 election day observers look out for.

7 MR. REYNOLDS: And just so you know,  
8 Eugene, the voter education and poll worker  
9 training plans were a part of the contract  
10 specifically geared at if you are going to ask for  
11 reimbursement for this kind of funding, then we  
12 want to know what it is that you are going to be  
13 doing, at least conceptually and so that we all  
14 have an understanding of where you are going.

15 Now that the funding has been restricted,  
16 I'm not so sure that we're going to be getting any  
17 plans from anybody because it doesn't -- there is  
18 no requirement to do so. But we could talk about  
19 whether there is something that can be done around  
20 the issue of getting -- as a performance measure  
21 getting materials from the counties about what  
22 their poll worker training programs look like, what  
23 kind of outreach, they're doing, so on and so  
24 forth. And when it comes to our Election Day  
25 Observation Program, I think that that is certainly

1 a great idea personally -- again, I'm not speaking  
2 for the Secretary of State here yet -- but to get  
3 input on what that observation program should look  
4 like and also to get input I believe on the poll  
5 worker training guidelines that are being worked  
6 on.

7 MR. LEE: Okay.

8 MR. REYNOLDS: And then on Section  
9 Three -- I'm going to jump to Section Three. Again  
10 the top item there was the poll worker training  
11 should be a funding priority. Again, I have  
12 already explained the limitations that we have and  
13 the fact that we're updating the -- or we have 2006  
14 poll worker training guidelines. And they are  
15 posted on our website, and the link is noted in the  
16 priorities template. So if people want to take a  
17 look at what is there now and think about how they  
18 could be or should be improved and be prepared for  
19 asking -- us asking or giving us your thoughts now  
20 on how those guidelines could be improved.

21 MS. JOHNSON: When do you want them?

22 MR. REYNOLDS: I'm not sure exactly what  
23 the time line is for the update of the poll worker  
24 training guidelines. And I will try to get some  
25 information and get that out to the group. Does

1 anybody here have any --

2 MS. KAUFMAN: They're shooting for the end  
3 of September. They just now were forwarded the  
4 bill.

5 MR. REYNOLDS: So they're shooting for the  
6 end of September for having those available for  
7 more public input. Maybe it will be sooner than  
8 that. I'm not sure. But I'll try to get more  
9 information on that.

10 MS. JOHNSON: Is it possible for us to get  
11 drafts of that? It might also be something that  
12 the VAAC committee might want to look at just in  
13 terms of disability issues.

14 MR. REYNOLDS: Yeah, I think what you  
15 would receive in September would be draft.

16 MS. JOHNSON: Okay. Great.

17 MR. REYNOLDS: The next item under Section  
18 Three was to adopt the --

19 MS. JOHNSON: Were you going to include  
20 something about that in the Section Three then,  
21 just information about that they exist and that  
22 we're going to be updating them or something?

23 MR. REYNOLDS: Probably be a good idea to  
24 mention the fact that there were poll worker  
25 training guidelines that were issued kind of as

1 HAVA was being implemented and that those were  
2 being updated and -- yeah.

3 MS. JOHNSON: Thanks.

4 MR. REYNOLDS: The next item was to adopt  
5 item 8 from the 2003 spending plan, which was on  
6 page 20 I believe, to have NGO or CBO grant funding  
7 for poll worker training and voter education.  
8 Again this is something that was started under the  
9 Kevin Shelley administration. And all I really  
10 have to go on here is a letter that was issued by  
11 the office saying that the program was -- did not  
12 receive funding and that there was going to be  
13 potentially a future effort to go back to that but  
14 the spending plan that was last issued by that  
15 administration did not include it. And it is just  
16 one of those things that again seems restricted by  
17 the advisory opinion on voter education of poll  
18 worker training. So that's a difficult one to add  
19 back into the plan.

20 MS. JOHNSON: So is it possible to say  
21 something that -- kind of why that wasn't done or  
22 why we're not going to do it at least?

23 MR. REYNOLDS: I would do my best to try  
24 to characterize what appeared to have happened.  
25 But again I can't speak with intimate knowledge on

1 what the thinking may have been.

2 MS. JOHNSON: I don't think I was thinking  
3 of some big detailed thing.

4 MR. REYNOLDS: I guess I'm just trying to  
5 give a few caveats about what I might be able to  
6 get.

7 MS. FENG: Is the reason why there was not  
8 such action to the plan because of subsequent EAC  
9 clarifications about what the money could be spent  
10 on? Or is it because of the scandals that happened  
11 around the choice of -- or the actions that Shelley  
12 took when he was distributing those funds?

13 MR. REYNOLDS: I certainly think the first  
14 item you mentioned, the EAC guidance, is something  
15 that can absolutely be pointed to as a reason why  
16 it is not possible to move forward with that.

17 However, the latter point that you  
18 mentioned about why it was that the request for  
19 funding changed or that the program was terminated,  
20 again I'm not sure that I could speak with  
21 authority about Kevin Shelley had a program and it  
22 was discontinued because there was controversy. I  
23 don't know. All I have is a letter from the  
24 Shelley administration to the groups that had  
25 applied for funding saying the legislature has

1 chosen -- I believe it was something about the  
2 legislature has chosen not to fund this program or  
3 the funding authority for the program has lapsed  
4 but we're thinking about it for the future. And  
5 that's about all I have in my possession to  
6 document what may have happened or what the  
7 thinking may have been.

8 MS. JOHNSON: I think that makes sense. I  
9 certainly don't want to put you in a position to  
10 make comments on a previous administration if you  
11 don't know for sure. But at this point we've  
12 gotten guidance that says we can't spend the money  
13 this way.

14 MR. REYNOLDS: Right. Well, there is  
15 limitations on how you can do poll worker training  
16 and voter education, and it is very limited. And  
17 considering the context, we've gotten to the point  
18 where it is supposed to be a done deal unless,  
19 again, counties want to use it specifically around  
20 the issue of a voting system and how to protect  
21 against an overvote.

22 The next item was the adopting item No. 3  
23 from the 2003 Plan, which is again on page 20,  
24 where the previous plan had talked about  
25 considering establishing an election academy. When

1 I arrived here in May of 2005, I did get a call in  
2 June I think it was from somebody from the UC  
3 system. And they were inquiring about interests in  
4 that. I didn't really have an answer for that  
5 person at that point except it did not appear as  
6 though there were more steps taken toward  
7 establishing a "election academy" and I don't know  
8 what they had in mind.

9 There is a compliance manual that was put  
10 together to help guide the elections officials in  
11 implementation of HAVA. And I do know that the  
12 CACEO, the California Association of Clerks and  
13 Election Officials, created a series of classes  
14 called CALPEAC, which at the end of them provided a  
15 certification. And looking at the curriculum for  
16 those classes, there were a lot of them that dealt  
17 either directly or indirectly with HAVA and also  
18 California law.

19 So the training of elections officials,  
20 there were some grants that were provided by the  
21 Shelley administration leading up to the November  
22 2004 election, and there were also these CALPEAC  
23 classes, and then there was the HAVA compliance  
24 manual that was put together by this office in 2005  
25 or 2006. And so we do have those tools that have

1       been used.  But that's where we are with respect to  
2       establishing an election academy.  It wasn't done.

3               And I don't know whether anyone has any  
4       further to add on that.

5               Who just joined?

6               Okay.  The next item under Section Three  
7       was to adopt item 10 from the 2003 Plan, again on  
8       page 20, to ensure the poll worker training covered  
9       specific topics -- voting system operation and  
10      maintenance, that it covered provisional voting  
11      rights, that it covered ID requirements, that it  
12      covered assisting voters with disabilities, and  
13      assisting voters with minority language -- or  
14      providing for minority language voter rights.

15              Again, the poll worker training guidelines  
16      do provide, I believe, for some of those -- at  
17      least some of those items if not all of those  
18      items.  And we could again work with groups about  
19      seeing what you think should be in those updated  
20      training guidelines with respect to those issues.  
21      But with respect to time -- these kinds of  
22      requirements to HAVA funding, again the funding is  
23      limited or not available.  And so in terms of a  
24      HAVA requirement, there might be something put in  
25      there about the poll worker training guidelines.



1           The next item was to list in the State  
2 Plan the voting materials that were produced in  
3 languages other than English. We do have materials  
4 that were provided in some multiple languages. We  
5 provide for the voter information guide in multiple  
6 languages. We also had some voting materials that  
7 were produced in multiple languages. And I'm not  
8 sure whether it was all eight languages or whether  
9 it was Spanish and English or --

10           MS. O'DONOGHUE: There were some that  
11 were -- we did a HAVA fact sheet a couple of years  
12 ago that was produced in all of the seven  
13 languages. And then as Chris said, the voter  
14 information guide is printed in all of the  
15 languages. And then we did some brochures that  
16 were in English and Spanish.

17           MR. REYNOLDS: And we'll try to get a list  
18 of those materials that were produced and in what  
19 languages. And I think that because there is a  
20 requirement under Section 302 to provide voting  
21 materials at the polling place, there could be some  
22 connection back with HAVA and to try to make people  
23 aware of what materials got produced.

24           MS. O'DONOGHUE: And also the Voter Bill  
25 of Rights poster that's posted at the polling

1 places, those are also done in all of the  
2 languages. So it is a list.

3 MR. REYNOLDS: The next item was commit to  
4 creating and distributing voter materials in  
5 minority languages and alternative formats. This  
6 one I have marked as a question mark under Title  
7 III. There is a requirement that there be certain  
8 voting materials provided at the polling place.  
9 But again -- and I took that to mean -- I looked at  
10 Section 304 or 305. Again that says these are  
11 minimum requirements. But the EAC seems to be very  
12 focused on the fact that HAVA provides for voting  
13 materials at the polling place. So what I have  
14 right now are a list of different efforts that have  
15 been put together with respect to getting voting  
16 materials out again in alternative languages.

17 The effort to provide for alternative  
18 format material, I assume that was at the polling  
19 place. Does anybody -- was that the desire? I  
20 don't know the context of this particular portion  
21 of the State Plan. But I do know that there was  
22 talk about making as many efforts as possible to  
23 provide for as much material in alternative formats  
24 as possible.

25 MS. JOHNSON: So HAVA is only requiring

1       that the materials be at the polling site? So this  
2       has no --

3               MR. REYNOLDS: Under Section 302 it says  
4       that you must provide for certain information for  
5       voters at the polling place. And then it lists  
6       what those items are under Section 302(b) I believe  
7       it is. And it talks about sample ballots and so on  
8       and so forth. And we were just -- there is a cost  
9       associated with providing for information in  
10      alternative formats and alternative languages. I  
11      think the alternative -- I don't think they call  
12      them alternative -- but in multiple languages. And  
13      in terms of multiple languages I think that that  
14      may be met by the counties. And I'll have to rely  
15      on county officials to help me out here.

16             Neal, can you speak for Orange County at  
17      least?

18             MR. KELLEY: In terms of what is available  
19      that we have at the poll site?

20             MR. REYNOLDS: Yes. It is available in  
21      multiple languages?

22             MR. KELLEY: I'm sorry, Chris. My printer  
23      keeps cutting you off.

24             MR. REYNOLDS: Are the voting materials  
25      that you provide under HAVA, like the sample ballot

1 and so on and so forth, provided to the voters in  
2 multiple languages?

3 MR. KELLEY: Yes, that's correct. We do  
4 provide the sample ballot in multiple languages.  
5 All of the voting materials that are available in  
6 terms of instructions at the poll site is available  
7 in all of the languages. All of our signage is in  
8 multiple languages. Name tags are in multiple  
9 languages. We go beyond the HAVA requirements.

10 MR. REYNOLDS: And there is -- as you  
11 mentioned in the initial meeting, there was an  
12 ability to listen to the ballot on the DRE. And  
13 some people had said, well, that's a pretty good  
14 practice. So maybe that's one way to provide for  
15 access to some material in an alternative format.

16 I did look around for some cost  
17 information. And we did produce a DVD in American  
18 Sign Language. It was a 16-page brochure. And  
19 that was about \$6.00 each for the DVDs that were  
20 produced. There was another 16-page brochure that  
21 was done in braille, and that was about \$8.00 each.  
22 But timing apparently on the voter information  
23 guide to produce it in braille is difficult because  
24 people can have lawsuits up to the last minute and  
25 things are changing and so on and so forth. And

1 they haven't been able to figure out a way to get  
2 enough lead time on a final voter information guide  
3 to get it in braille.

4           There was a brochure that was done on  
5 audio tape. There was a master tape and then  
6 multiple copies that were made. I don't have a per  
7 unit cost on that, but it was \$650 roughly for the  
8 master tape and the reproductions that were done.  
9 Audio tapes of the voter information guide,  
10 144-page principal plus a 16-page supplement, the  
11 costs there were 7.87 for English -- this is per  
12 unit -- 9.15 for other languages except for  
13 Tagalog/Pilipino, which was 11.15. So it is  
14 roughly 5 cents per page for English and 6 cents  
15 per page for other languages except for Tagalog/  
16 Pilipino, and that was 7 cents per page.

17           And then the large print principal for 144  
18 pages was \$5.92, roughly 4 cents per page. And a  
19 large print supplemental was \$1.15, or about 7cents  
20 per page.

21           So this is kind of cost factor that we're  
22 talking about when we talk about providing  
23 information in alternative formats, wherever they  
24 might be provided. So I just wanted to make people  
25 aware of that and try to get a better understanding

1 of ideas about alternative formats and/or thoughts  
2 about or explanation, if anyone has one, about what  
3 was originally desired or contemplated when this  
4 was discussed.

5 MS. JOHNSON: My memory was that we just  
6 wanted if the things at the polling sites were  
7 going to be in different languages that also things  
8 should be put in some sort of alternative format.  
9 I think the idea of a voting system being able to  
10 read you the information on the ballot seems to me  
11 like a good option. And then if you have other  
12 materials that are commonly there, perhaps having  
13 them in some sort of audio format or large print  
14 format might work. You could probably just have  
15 one per polling site that would be available if  
16 people wanted to listen to it or read it. But I'm  
17 not that total expert on large print or audio  
18 options. But just in terms of what might work for  
19 people, you know, primarily that would be able to  
20 hear things better than see things, that might  
21 work.

22 MS. BAZYN: I agree with her. I think  
23 that if you have one of each type of thing, that  
24 would be adequate because you aren't going to get  
25 that many people interested that it should be

1 available. Most of those items would be reusable  
2 at elections like the voting rights and that kind  
3 of thing. It would just be if there are special  
4 instructions that would have to be done and  
5 provided too.

6 MR. KELLEY: Point of clarification. You  
7 are talking about those items required under  
8 statute that the State provides the counties as  
9 opposed to all of the material that we provide  
10 beyond what is required of the statute; right?

11 MR. REYNOLDS: Yes. There is only -- all  
12 we can really talk about here would be if we  
13 include something in the State Plan. And whatever  
14 context we provide it in -- like it is a best  
15 practice for the county to make sure that DRE is  
16 available so that the ballot can be provided for an  
17 audio and here is a suggestion about what you could  
18 use HAVA funds for. It is for voting material at  
19 the polling place for alternative formats. I may  
20 have to check with the EAC on this.

21 Anyway, the point would be that yes, we  
22 would be limited to those things that are in HAVA.  
23 We couldn't begin to tell people that they need  
24 to -- or that we would provide any assistance or  
25 have any best practices around -- well, we might

1 have best practice around other things, but what  
2 we're talking about here are those things that are  
3 listed in HAVA -- the sample ballot, the hours of  
4 the polling place, so on and so forth.

5 MR. KELLEY: Because a lot of us are under  
6 Section 203, other requirements beyond that.

7 MR. REYNOLDS: Right. Well, I do have a  
8 better understanding of that. And there needs to  
9 be some work and some thought. So I'll be calling  
10 upon Ardis and Ana and Margaret because you guys  
11 have the contacts -- and others for that matter who  
12 have contacts with people who are maybe expert at  
13 this or relying upon our expertise as well to try  
14 to help see what we should be doing.

15 The next item on the list we have already  
16 kind of talked about, explaining why that program  
17 was never carried to implementation. So I'll be  
18 working on digging as much out as I can about that  
19 and/or just simply leaving it at we have this EAC  
20 advisory opinion.

21 Providing additional information about the  
22 distribution of materials to CBOs. Chris Carson  
23 just provided me with some information about what  
24 the League of Women Voters have done around HAVA.  
25 And I believe that the Secretary of State's office



1 provided some assistance for some of that stuff,  
2 the smart voter web page and the easy voter guide  
3 in particular.

4 But we do have -- and I mentioned -- or  
5 there was made a mention in the draft of a State  
6 Plan update about 15,000 community organizations  
7 that were contacted. Well, upon further  
8 examination it turns out that a lot of those  
9 contacts were actually small businesses,  
10 restaurants and pet supply and so on and so forth.  
11 And if you have got a wide distribution -- having  
12 it out there for consumers to see as they walk  
13 through businesses is fine. But it would be much  
14 more accurate to say that it was about 6,000  
15 organizations that could really be characterized as  
16 community-based organizations. And I have a  
17 printout.

18 Now, my understanding is that this access  
19 database that had been used previously is not as  
20 user friendly as it should be and may not be or is  
21 not in use any longer. I do have a mailing  
22 distribution list from 2006. So I can go through  
23 this and provide better, more accurate detail on  
24 the community-base organizations that were  
25 contacted about their desire to get access to

1 materials that we did have available.

2           And then there is some other information  
3 that I have dug out that is more general in nature  
4 about what counties have done. The number of  
5 counties that have, for instance, advertised on the  
6 new HAVA requirements or the number of counties  
7 that use funds to date their poll worker training  
8 manual. Again, initially when you deployed a  
9 voting system, this was an allowable use of funds.  
10 Counties that had used new training techniques like  
11 online poll worker training or CDs and DVDs and  
12 others that had done recruitment efforts, those  
13 kinds of things. So I do have some information  
14 that I pulled together on that. And we can get  
15 more accurate information into the State Plan about  
16 what has been done around that.

17           The next item -- before I jump to Section  
18 Four though, is there anything anyone would like to  
19 make a comment on what I just said or what we have  
20 just covered? Is there anything I am missing from  
21 Section Three?

22           Okay. On Section Four there is a desire  
23 for the deployment of more than one DRE per polling  
24 place. And I think that some of the comment  
25 letters that we had received referred to a feel, an

1       aura, around the current policy as separate but  
2       unequal. And I just want to let people know  
3       that -- and again, I can't speak for the Secretary  
4       of State yet. But there was a very strong concern  
5       about security issues as you are well aware from  
6       reading the State Plan. And I'll take as much  
7       blame for that as anyone because our TTBR, the top  
8       to bottom review, was fresh in my mind when I was  
9       writing the draft that you have.

10                But more than one DRE per polling place.  
11       One of issues that was mentioned in the comment  
12       letters was that it can -- if a machine  
13       malfunctions or breaks down, you don't have any  
14       backup available. Well, the use procedures have  
15       been modified. And it has been in place for about  
16       a year -- but I'm not sure whether it is longer  
17       than that or not -- to allow for a unit to --  
18       more than one unit to be deployed to a polling  
19       place. In the event that there is a malfunction,  
20       you would immediately have a unit to replace it.

21                That might dovetail with a best practice  
22       of providing alternative format ballot audio, if  
23       will you, and have more DREs there for that. But  
24       there is this concern about deploying DREs widely  
25       and having all ballots cast on DREs and no other

1 voting method available.

2 Now, in theory, at least in some  
3 counties -- there are three counties that are  
4 using -- or more counties I should say. But some  
5 have only deployed one voting unit per polling  
6 place. The Hart system is not under a restriction  
7 I'm about to mention, which is that if you do use a  
8 DRE, then you need to do 100 percent manual tally  
9 to check against the results that you come up with  
10 electronically from the system. And I think that  
11 that is also a practical road block, if you will,  
12 to counties having more widespread use of DREs. At  
13 least that's my understanding.

14 But again the Secretary of State is very  
15 concerned about the security and thought that it  
16 was prudent to ensure that at least one DRE was  
17 provided for each polling place and, to the extent  
18 that the DRE was used, that there be 100 percent  
19 tally to check against the electronic record. And  
20 I just want to make you aware of that.

21 Is there anything anybody wanted to add?

22 MS. BAZYN: I wanted to mention that HAVA  
23 in cases like you mentioned the Hart and also like  
24 in Los Angeles County we had the audio ballot, has  
25 there been thought about some of those could have

1 more than one? Because I encountered it on three  
2 occasions myself and others have encountered it  
3 where they have gone and the audio has not been  
4 working. And I understand those systems are  
5 expensive. But if they find out that one isn't  
6 working, they should automatically have someone  
7 send out another unit.

8 MR. REYNOLDS: And I don't know what form  
9 the use procedures take, whether it is a county's  
10 may deploy more than one or whether it is counties  
11 should deploy more than one. So I will have to  
12 check with people on the use procedures on that.  
13 But it was for that very reason that a unit could  
14 malfunction that additional units are allowed at  
15 the polling places.

16 MR. KELLEY: And Chris, on the Hart side,  
17 where it may deploy more than one on our side. You  
18 clarified that. I'm sorry.

19 MR. REYNOLDS: Well, yeah. I'm not sure  
20 whether for the other counties it is a may deploy  
21 more than one so that it is at the county's  
22 discretion or whether the use procedures say that  
23 the counties must or should deploy more than one in  
24 case of a unit malfunctions and describes it for  
25 that purpose. So I'm just not sure how it is

1 characterized.

2 MS. JOHNSON: So the Hart system is not  
3 under the requirement that there be 100 percent  
4 manual tally as a result; is that right?

5 MR. REYNOLDS: Correct.

6 MS. JOHNSON: But if I heard correctly,  
7 the county where the Hart is used, it just says you  
8 may have more than one. So it would seem to me  
9 that the counties were -- it is 100 percent manual  
10 recount. May not say must --

11 MR. REYNOLDS: Right. That's why I'm  
12 saying as a practical matter I think that there is  
13 most of this -- initially I think the Secretary was  
14 saying at least one DRE per polling place per HAVA.  
15 But I think that the fact of the matter is that a  
16 county could deploy -- I'm not sure. I'll to have  
17 check. But a county could deploy more. But as a  
18 practical matter, it is that 100 percent manual  
19 tally that is of concern to the counties. Can I  
20 practically do that in the time that I'm allowed  
21 for the canvass?

22 MR. KELLEY: A good practice, Chris, is  
23 that you have got these roving teens out there they  
24 can replace. As opposed to having to be required  
25 to get two out there and you had to do 100 percent

1 on both, you only have to do that if you have an  
2 issue. That is how we do it.

3 MR. REYNOLDS: Well, and some counties  
4 that are using the Hart system are only deploying  
5 one unit per polling place. That's what HAVA said.  
6 It said you must deploy at least one unit that is  
7 successful. So I think some counties have chosen,  
8 for whatever reason -- maybe because it limits the  
9 amount of expertise they have to have available or  
10 the number of rovers that they need to troubleshoot  
11 or the amount of poll worker training that they  
12 need. Whatever it might be.

13 MS. JOHNSON: Or they're scared that the  
14 approval is going to get withdrawn.

15 MR. REYNOLDS: Or that they have some  
16 local reaction. So for any number of -- cost. You  
17 are going to buy 15 DREs for 15 polling places  
18 instead of 60. The cost is going to be less.

19 So I'm not exactly sure what goes into the  
20 thinking of the counties. But allowing more than  
21 one DRE per polling place, at least for the sake of  
22 a machine malfunction or unit malfunction, that is  
23 allowed. And I did want to make people aware of  
24 that. But I do want to make you aware too that the  
25 security issues are very near and dear to the heart

1 of the Secretary.

2 MS. JOHNSON: I think people with  
3 disabilities want secure systems too. I might  
4 suggest that -- you know, I know the HAVA language  
5 is at least. But I think here in California many  
6 of us in the disability community are hoping that  
7 the State would be more encouraging. And we're not  
8 suggesting -- or I'm not suggesting that the State  
9 come forward with some sort of position that all of  
10 them be DREs or that two of them be or something  
11 like that. But maybe something a little more  
12 positive in terms of, you know, you at least have  
13 to have one but we encourage you to have more, sort  
14 of language. I don't know if you are getting my  
15 drift. So that it is more that we want to be as  
16 accessible as possible and we want to encourage  
17 everyone to have kind of the same system for  
18 everybody instead of kind of separate but equal or  
19 unequal, depending on your point of view about  
20 that.

21 MR. REYNOLDS: And I think that is where  
22 we run into the concern the secretary has about --  
23 it is not a trade-off I don't think. And again I  
24 can't speak for the Secretary. But I don't believe  
25 it is a trade-off of accessibility versus security



1 in the Secretary's eyes because that 100 percent  
2 manual tally provides you for that security.

3 And I think that if -- I think the main  
4 concern that the Secretary has is that when these  
5 voting units were manufactured, security wasn't the  
6 primary concern from the very beginning. And as  
7 they continue to deploy voting systems and as  
8 things continue to come up, that there is still a  
9 concern about the security of the systems.

10 And some of them are pretty basic and  
11 pretty easy to understand, even for a person like  
12 me. For instance, the most recent one that I'm  
13 aware of is the Premier system has an audit log  
14 that you can erase by accident, the zero deck, if  
15 you will. And if there are votes on that zero  
16 deck, then you have lost your -- now, you have your  
17 VVPAT as your backup for that, and you can capture  
18 those votes. But that wasn't even the biggest  
19 concern. The biggest concern turned out to be that  
20 there were a lack of audit log recordings of things  
21 that could be done to the system. In other words,  
22 people could go in and change the results of an  
23 election, and there would be no audit log that  
24 showed you that that had happened. That was my  
25 understanding.

1                   Now, Premier is working on making that  
2                   fix. But the Secretary of State is now undertaking  
3                   a review of the audit log functionality for a  
4                   number of systems. So these things keep coming up.  
5                   And I think the concern is still fresh in the mind  
6                   of the Secretary with respect to concerns about DRE  
7                   also.

8                   MS. FENG: I'm going suggest that there  
9                   may be another way of approaching this. Is it  
10                  possible to put in a sentence or two about  
11                  something like, some counties such as Orange County  
12                  have successfully deployed more than one DRE and  
13                  been able to find a balance in providing  
14                  accessibility as well as security, and just use  
15                  that as an example -- there may be other  
16                  examples -- without passing judgments on that? And  
17                  so it sort of opens up the possibility that some  
18                  counties may choose it, especially if they're using  
19                  the right system and have the right safety  
20                  protocol.

21                  MR. REYNOLDS: I think I understand your  
22                  point, Kathay, about that there is a correct way  
23                  that this can be done or that the machine can be  
24                  designed. And I think I get your point.

25                  MS. FENG: And that might be a way of sort

1 of pointing that there is the opportunity to  
2 without prescribing it, because I understand that  
3 concern. And you know, if Orange County doesn't  
4 mind being singled out, then that might be a way  
5 for us all to point to sort of best practices or  
6 better practices.

7 MR. KELLEY: We don't mind, Kathay,  
8 because it's been that way with the recertification  
9 anyway.

10 MS. FENG: Okay.

11 MR. KELLEY: We've already been singled  
12 out, not by choice.

13 MS. FENG: In a good way.

14 MR. KELLEY: Right. I appreciate that.

15 MS. JOHNSON: I think that -- I don't  
16 think it totally got across what I was trying to  
17 get across to you. I think that framing it as at  
18 "least one DRE" isn't as positive as "we encourage  
19 people to have more than one DRE to make more  
20 accessible voting systems available." I don't  
21 think that's focused on the security thing as more  
22 focused on -- I know the "at least" thing is in  
23 HAVA. But for those of us with disabilities, we  
24 like to think that accessible equipment can be  
25 usable by all people. And so it is just a

1 different way of saying it so that it is more  
2 encouraging to have more than one and not  
3 prescriptive that we require you to have more than  
4 one. But just that "it is a better practice to  
5 have as many of these as you possibly can" sort of  
6 thing. Does that make sense?

7 MR. REYNOLDS: Yes, I think so.

8 MS. ACTON: I would disagree with what  
9 Margaret said because I feel like the language that  
10 we use and the way that we present it can make a  
11 big difference in kind of the perception people  
12 will get from the message on the system. And I  
13 would just back that with people with disabilities  
14 want security too and to say we want to put a  
15 message across that these systems are available to  
16 anyone to use. And the reason why there is even  
17 one or more in a polling place is because we  
18 believe in the system that it is something that is  
19 usable by everyone and is safe for anyone to cast  
20 their ballot on.

21 And also just with when you were talking  
22 about alternative format and the idea of using  
23 these systems possibly as a means of making some of  
24 the materials at polling places such as maybe a  
25 sample ballot accessible, only having one in a

1 polling place could be problematic if someone wants  
2 to read a sample ballot and someone else wants to  
3 actually vote.

4 MR. REYNOLDS: Right.

5 Okay. The next part of Section Four that  
6 was commented on was to explain how accessible  
7 early voting will be expanded in California. And  
8 this one for me was a little -- early voting -- any  
9 time there is a voting experience, I think it needs  
10 to be accessible. If there is early voting  
11 provided for, whether it is in the headquarters of  
12 an election's office or not, it should be  
13 accessible.

14 Now, I understand that people have said  
15 that there are some issues around devoting  
16 resources to the DRE that may be available for  
17 early voting. I think that got raised in the VAAC  
18 by Gail Pellerin. However, I also believe I heard  
19 Lowell Finley talking about an interest in working  
20 with the counties on anything that they might have  
21 by way of concerns and work through those and so on  
22 and so forth. So I am not exactly sure now how to  
23 characterize this comment. Maybe people were  
24 thinking about voting centers. Am I -- or was it  
25 more just about any kind of early voting experience

1 needs to be accessible?

2 MS. CARSON: I guess our concern with this  
3 was just the idea of early voting centers which  
4 would of course have to be accessible. But there  
5 was the larger issue, at least within Los Angeles  
6 County as well as others, of just early voting  
7 centers.

8 MR. REYNOLDS: Got it. Like they have  
9 used in places like Colorado I guess.

10 MS. CARSON: Yes.

11 MS. JOHNSON: I assume from a disability  
12 perspective that if there are going to be centers  
13 or early voting, we certainly want that to be  
14 accessible. And part of the access component of  
15 that isn't always looked at is kind of the ease of  
16 people with disabilities being able to get to  
17 wherever these centers or early voting sites are,  
18 making sure they're on public transportation routes  
19 or things like that. And that may go beyond what  
20 we're trying to do here. But for us access isn't  
21 just that the physical location is accessible but  
22 there is also a way kind of to get there and that  
23 that has been thought about too.

24 MS. CARSON: I'll answer that, Margaret.  
25 We're talking in terms of can you get -- can you

1 use public transportation? Is it placed to be --  
2 you know, best serve the community? Is there  
3 reasonable parking? All that kind of thing.

4 MS. FENG: Chris, is there a way, you know  
5 when we're thinking about the evaluation component?

6 MR. REYNOLDS: Evaluation component? I'm  
7 sorry?

8 MS. FENG: Is there a way to add to the  
9 evaluation component a piece about poll site  
10 accessibility and then to state a certain list of  
11 principles that we would evaluate those poll sites  
12 on including disability access, ease of getting to  
13 it using transit, minority language materials  
14 availability to the extent that it is required by  
15 the law, that sort of thing?

16 MR. REYNOLDS: You are talking about the  
17 performance measures?

18 MS. FENG: Yes.

19 MR. REYNOLDS: Yeah. I think, yeah, that  
20 we would be open to figuring out not just how to do  
21 it but, yeah, what the criteria should be for  
22 trying to evaluate whatever we're trying to  
23 measure.

24 MS. FENG: I guess what I'm thinking is  
25 that there is two places that this goes into. One

1 is obviously the plan where to the extent that  
2 funds can be spent on this type of thing, then  
3 we're trying to implement places that -- or  
4 implement it in such a way that places that are  
5 more accessible are identified. But the other  
6 places in the evaluation component as a way of --  
7 whatever. You know. I guess through an audit or a  
8 report or a review that we set some standards in  
9 the State.

10 MR. REYNOLDS: And we are right now in the  
11 process of updating our poll worker -- polling  
12 place accessibility guidelines, as a matter of  
13 fact. And we've gone through a vetting process  
14 with county elections officials and the VAAC. And  
15 I think other people have been through the VAAC.  
16 And the counties have been looking at those  
17 accessibility experts, and so on and so forth, or  
18 people who might be consultants to counties or  
19 their own in-house talent, if you will. And we are  
20 now getting close to the point I think where we  
21 will be releasing those -- I can't say how soon. I  
22 think it is within several weeks probably -- but  
23 releasing a final draft of the polling place  
24 accessibility guidelines. They haven't been  
25 updated since 2001.



1                   So we did a contract with the Department  
2                   of Rehabilitation Disability Access Section. And  
3                   we're finalizing those. We'll get those out for  
4                   review and comment before they get finalized. And  
5                   then we're also working on a checklist for counties  
6                   to use to survey polling places. And then we're  
7                   going to do some training on how to --

8                   MS. FENG: That sounds like it is not  
9                   necessarily a HAVA-related thing. You were doing  
10                  that independently but that it actually creates a  
11                  nice template for if we wanted to create an  
12                  evaluation component through HAVA that we could  
13                  build on the work that has already been done?

14                  MR. REYNOLDS: Correct. And some of the  
15                  guidelines are rather technical. And an  
16                  evaluation -- you wouldn't want to replicate a  
17                  survey because you wouldn't be able to do anything  
18                  other than the survey in an evaluation if you  
19                  wanted to have more than just that as what you  
20                  would be looking at, but you could have some  
21                  general information in it about the path of travel.  
22                  And you wouldn't want to measure the slopes, and so  
23                  on and so forth. That could get very  
24                  time-consuming. And the counties would attest to  
25                  that fact. So I think, yes, that that effort would

1       somehow dovetail with evaluation.

2               MR. KELLEY: To the extent that you can  
3 promote -- maybe promote is not the right word --  
4 discuss the early voting centers as an option, I  
5 think that is important. Because in these larger  
6 urban counties like ours there are limits to  
7 finding accessible poll sites. As commercial  
8 buildings go away in certain areas and you are left  
9 with just residences, it becomes very difficult.

10              And I think the point is well made on  
11 making sure although you may have an early voting  
12 center that you have it accessible not just getting  
13 inside but getting to the location. I agree with  
14 that 100 percent. But we provide ramps, and we do  
15 all sorts of things to make sites accessible. But  
16 we're a larger county, and it is much more  
17 difficult on the smaller counties. So I don't know  
18 if that's a part of this discussion or not. We  
19 need to promote the other part.

20              MR. REYNOLDS: Okay. And speaking of  
21 evaluation, Section 8 is about performance  
22 measures. And what I have received so far, and  
23 certainly interested in hearing people give me more  
24 information about this, auditing state and county  
25 websites, voting materials, and voter assistance

1 efforts for accessibility for voters with  
2 disabilities and voters with language needs.

3 I don't know if "audit" is necessarily the  
4 right word. And we do have some limitations  
5 because of our authority but also because wherein  
6 the responsibility lies. But working with counties  
7 on trying to, (A) through the poll worker training  
8 guidelines through best practices and so on and so  
9 forth and the State Plan, try to provide them with  
10 encouragement and whatever is stronger than  
11 encouragement that we can do and then to evaluate.  
12 This kind of thing though would require us to  
13 devote some resources to it. So I'm not exactly  
14 sure how to design it or how to -- what kind of  
15 resources would be necessary to make it come to  
16 fruition.

17 But is anybody -- we talked briefly by  
18 evaluation. Does anyone want to add anything to  
19 that, or does this capture what people were  
20 thinking about?

21 MS. JOHNSON: I guess in looking at  
22 Section 8, I mean, that was to adopt performance  
23 goals and measures to determine success and success  
24 of the units of local government in carrying out  
25 the plan. So to the extent that the website's

1 voting material from voter assistance efforts  
2 relate to that, then I think we were just looking  
3 for some way to know that the Secretary of State  
4 had a plan to look at that.

5 MR. REYNOLDS: Okay.

6 MS. JOHNSON: From my prospective. I'm  
7 not sure if this came from our letter or not or if  
8 it was a combination of different folks' things.

9 MR. REYNOLDS: Some of these may be more  
10 of a combination. But I think it may have been in  
11 the joint letter. Yeah, I think it was in the  
12 joint letter. And when I say joint letter, that's  
13 the one that was provided to us by Common Cause,  
14 Disability Rights of California, California Council  
15 of the Blind, and League of Women Voters of  
16 California.

17 Same thing comes with respect to audit of  
18 state and county complaint procedures for the  
19 number of complaints, substance, the resolution,  
20 the timeliness of reporting and long-term policy  
21 changes resulting therefrom. I think at the last  
22 meeting -- we had kind of got onto this section a  
23 little bit at the last meeting, and I think there  
24 was some reference both at the initial meeting and  
25 at that meeting. And I think from Kathay I

1 remember about that 1-800 report, I'll call it.  
2 And so some kind of analysis on what we were  
3 hearing and what, if anything, needed to be done  
4 about things and the fact that things were being  
5 addressed or resolved.

6 So I'm not exactly sure how to  
7 characterize it other than that. Is there anything  
8 more that I'm missing?

9 Okay. Likewise, the create and monitor  
10 quality assurance standards for accessibility and  
11 language assistance, that kind of goes along with  
12 the one I just mentioned.

13 And then the last one, analyzing the  
14 reasons for provisional voting rejection by  
15 category and commit to addressing significant  
16 causal factors. I did put together some  
17 information about provisional voting that we  
18 gleaned from the EAC survey. And I say the EAC  
19 survey. We helped put together, of course, the  
20 results by surveying the counties. So there is  
21 some information on provisional voting that I  
22 provided.

23 I provided it in something of a less than  
24 analytic form because I just wanted to provide as  
25 much raw data as I can in case people had things

1 they wanted to look at. But I'm thinking that it  
2 really comes down to how many provisional votes  
3 were cast, how many were counted, how many were  
4 rejected, and then what are we taking about by  
5 reason of the reason for casting a provisional  
6 ballot and the reason for rejecting a provisional  
7 ballot, and are there things that can be done to  
8 address both of those categories to limit the  
9 number of provisional ballots that need to be cast  
10 and to limit the rejection rate of provisional  
11 ballots.

12 Now, in some respects reducing the number  
13 of people who cast a provisional ballot is a  
14 balancing act because the last thing you want to do  
15 is to discourage anyone, a poll worker, from giving  
16 someone a provisional ballot. That's their right  
17 under HAVA. And if they fall into the right  
18 category, which is they are either not on the  
19 roster or there is no indication that they have yet  
20 surrendered their absentee ballot and they're at  
21 the polling place and want to vote, those are the  
22 two reasons why they should be getting a  
23 provisional ballot. And if they fall in one of  
24 those categories, the person should be giving them  
25 a provisional ballot.

1                   On the other hand, we want to make sure  
2                   that our voter registration process is working in a  
3                   way that is not preventing people from getting on  
4                   the rolls. So that one is a bit of a balancing  
5                   act. But the rejection rate -- if there are some  
6                   things that can be done by way of the signatures  
7                   don't match, that could be because somebody has,  
8                   you know, gotten older -- they registered 20 years  
9                   ago and signatures change over time -- or they  
10                  forgot to sign the envelope, that would be  
11                  something that maybe there should be a reminder  
12                  about. So those kinds of things I'm thinking are  
13                  the kinds of things that people were thinking  
14                  about.

15                 So am I missing anything? Should there be  
16                 more that we talk about here?

17                 MR. AMEN: This is Malaki Amen with the  
18                 NAACP on behalf of Alice Huffman. And I apologize  
19                 that I have been in and out of my office while this  
20                 conversation was taking place. But Ms. Huffman  
21                 wanted to ask a question, and it is based on the  
22                 voter file having information by census tract. And  
23                 her question is: Can the voter registration  
24                 information be pulled by census tract? I'm a  
25                 little bit confused. But I guess the question is,

1 can the voter registration information be pulled by  
2 census tract?

3 MR. REYNOLDS: It is my understanding --  
4 and you are going to have to accept the limitations  
5 and the half of an answer I'm going to give you,  
6 and I'll try to check into this and get back to you  
7 with a better answer. But my understanding is that  
8 the voter registration -- the organization of the  
9 voter registration information isn't going to be  
10 based on census tract. It will at some point when  
11 they go to do redistricting. And if Karin  
12 MacDonald were on this call, she could absolutely  
13 give us chapter and verse on that because she is  
14 the keeper of the database that is used for  
15 redistricting.

16 However, from a county and voting  
17 prospective I believe there is not a real interest  
18 in census tracts and how they coincide with  
19 precincting -- I'm going to call it -- voters.

20 MR. KELLEY: We don't do that.

21 MR. REYNOLDS: So that conforms. Now, I  
22 don't know whether, at some level here at the  
23 Secretary of State's office with the interim  
24 solution that we have, we have any more  
25 cross-reference for that. But I will go check, and



1 I will get back to you with a better answer,  
2 Malaki.

3 MR. AMEN: That would be appreciative  
4 because apparently, as Ms. Huffman observed, there  
5 are 94 tracts that are hard to count in 16 targeted  
6 African-American areas.

7 MS. FENG: To build on what Chris just  
8 shared, for whatever reason some states do try to  
9 synchronize their census tracts and census blocks  
10 shaped with their precinct, but California does  
11 not. So however, Karin MacDonald's group and her  
12 statewide database actually takes the census tracts  
13 and does an overlay using precincts. And with the  
14 various complicated formulas she is able to kind of  
15 assign voter registration information into -- or  
16 synchronize it with census block information. So  
17 you should actually drop her an email if Alice is  
18 looking for that information.

19 MR. REYNOLDS: And I believe --

20 MR. AMEN: Who is this, Kathay?

21 MR. REYNOLDS: Karin MacDonald is a member  
22 of this group, the State Plan Advisory Committee.  
23 And I believe Ms. Huffman has a copy of the roster,  
24 and Karin MacDonald's name is on there. It is  
25 K-a-r-i-n, M-a-c-D-o-n-a-l-d. She's with the

1 Institute for Governmental Studies for UC Berkeley.  
2 And as I said, the UC Berkeley folks are the  
3 keepers. It has been agreed upon by the  
4 legislature that the UC Berkeley folks be the  
5 keepers of the database that gets used for  
6 redistricting.

7 MS. KAUFMAN: Malaki, this is Kaye. Have  
8 Sharon Bacon give me a call if Alice doesn't have  
9 the roster.

10 MR. AMEN: Okay.

11 MS. GOLD: I wanted to comment or just  
12 raise a question with respect to some of the topics  
13 in Section 8.

14 MR. REYNOLDS: Yes, please.

15 MS. GOLD: If we were to provide more  
16 specific information about the types of standards  
17 for language assistance and the types of things  
18 that we thought should be assessed -- if you would  
19 rather use assess rather than audit -- for example,  
20 for websites and voting materials, if we were to  
21 provide a little more specificity about the types  
22 of things that it would be great to have the SOS  
23 offices assess and monitor, do you think you would  
24 have the capability to give us a little better  
25 sense of what the cost would be?

1                   MR. REYNOLDS: Yes, that would be  
2 extremely helpful. And I'm not sure I could. But  
3 I can certainly come up with a methodology that  
4 would probably be defensible. And I would have  
5 some people I could rely upon here. But sometimes  
6 these things are more difficult than they appear.

7                   And -- but I'm thinking that one of the  
8 things I could do is, if you were to be able to  
9 provide me with that kind of specificity about the  
10 standards that should be used to assess any  
11 particular thing, that I would at least be able to  
12 go to Michael Alvarez and Karin MacDonald, who have  
13 done field studies like this, and -- I think  
14 Michael Alvarez has expressed the fact that he has  
15 done similar kinds of studies working with -- I  
16 think it was PEW, but maybe others as well in New  
17 Mexico, in Ohio, and so on and so forth.

18                   So yes, if you can give me not only the  
19 broad area that you are interested in but also the  
20 standards that you think are applicable, that would  
21 be extremely helpful. And I could try to work with  
22 Karin and with Michael and others and try to find  
23 out how it would fit and what it would cost.

24                   MS. GOLD: Like I said, Eugene and I are  
25 going to have an offline discussion about what it

1 would take to put that together for you.

2 MR. REYNOLDS: Great.

3 MS. JOHNSON: This is probably going to be  
4 regressive question. But in the previous plan it  
5 said that the Secretary of State would develop  
6 performance goals and measures with timetables,  
7 blah, blah. Did that actually happen?

8 MR. REYNOLDS: Not as far as I know. I  
9 have never found any documentation that there was a  
10 group that was convened or an effort that was made  
11 to develop performance measures. I don't know  
12 whether that was because it was found to be very  
13 difficult to do or whether because the  
14 administration was consumed with other things.

15 I was here as long as until the March  
16 primary of 2004. And there was a little thing  
17 called the gubernatorial recall that consumed a lot  
18 of time and attention for the Secretary of State's  
19 administration at that time. And so it could be  
20 that even after I left that they didn't have the  
21 opportunity get to HAVA in the way they intended.  
22 That would be an explanation for a lot of things  
23 that didn't happen.

24 So yeah, as far as I can tell, no, there  
25 is no documentation that there was any effort made

1 to develop performance measures.

2 MS. JOHNSON. I guess my next  
3 question isn't -- I'm sorry, but I don't remember  
4 the draft plan that you put together. How were you  
5 proposing to deal with that?

6 MR. REYNOLDS: What I did at the time was  
7 I put in kind of a placeholder. And it said,  
8 "There were no performance measures created by the  
9 previous administration. We will work on providing  
10 for those performance measures."

11 However, I think we can do better than  
12 that. And I think what we can do is we can put  
13 into this plan what kinds of performance measures  
14 we should be looking at as well as articulating  
15 some things that happen now.

16 For instance, we have done poll worker  
17 training observation. We have done polling place  
18 observation. We have -- yeah, the poll worker  
19 training survey, but there is other things that we  
20 have done. There is the survey we do for the  
21 counties to make sure they're doing a preaccess  
22 system for the provisional voter who wants to find  
23 out if their ballot was counted and if not, why  
24 not. We do a survey of counties with respect to  
25 types of voting systems they're going to use to

1 make sure they're employing the voting systems they  
2 should be. We have the one percent manual tally  
3 reports. We have the Post Election Manual Tally  
4 Program.

5           And so these kinds of things could be  
6 indicative of how well your voting system is  
7 working on the one hand, how well your poll workers  
8 are being trained, whether training translates into  
9 actions at the polling place. So I think it is a  
10 valid thing to do to put into the State Plan that  
11 these things are being done.

12           But depending on how far we get, whether  
13 there is an ability to put in the State Plan that  
14 yes, this is the standards we're going to use to  
15 evaluate the websites and the voting materials and  
16 the assistance for voters with disabilities and  
17 those with minority language needs, whether we have  
18 something that is that robust and that fleshed out  
19 or whether it is: We're going to be implementing,  
20 we're working with a group to -- you know.

21           So I'm not exactly sure where we'll be  
22 when it is time to submit the State Plan to the  
23 EAC. But there are some things that will be  
24 mentioned in the update that you will see. They're  
25 not finalized yet. But again, there will be more

1 in the plan. But that's what was in there for the  
2 time being.

3 MS. JOHNSON: I guess I'm thinking just in  
4 terms of disability access, you know, also like  
5 trying to figure out how your efforts are working.  
6 And I don't know if some of the ways that you would  
7 measure that are like how many voters with  
8 disabilities end up coming out to vote or being  
9 able to successfully vote. I'm just like kicking  
10 things out. I don't think those of us on the call  
11 with disabilities have really completely thought  
12 through how we would think you would be able to  
13 measure that, you know, the efforts that you are  
14 making have actually worked. So I don't know if it  
15 might be worth, Ardis and Ana, us having some  
16 offline discussion also and maybe providing --

17 MR. REYNOLDS: If, for instance -- the  
18 polling place accessibility requirements are not a  
19 part of Title III.

20 MS. JOHNSON: I understand that.

21 MR. REYNOLDS: But if you wanted to say a  
22 viable and important measure that California needs  
23 to include is polling place accessibility. And we  
24 are providing for competitive grant programs, and  
25 we give contracts to counties to improve polling

1 place accessibility.

2 If there was a mechanism -- and by the  
3 way, the GAO and others have done surveys, and we  
4 have provided information to the VAAC, and they're  
5 going to do a fuller, more in-depth look at polling  
6 place accessibility. Their initial findings in the  
7 GAO survey most recently was polling place  
8 accessibility is improving, there is fewer  
9 barriers, but there are still problems. So  
10 progress has been made.

11 But if there was a mechanism for us to  
12 survey through the VAAC and the groups that are  
13 represented on the VAAC and whoever could join that  
14 contention, if will you, and ask the question of  
15 the membership, have you gotten out to vote? And  
16 why haven't you gotten out to vote? And have you  
17 tried to go to a polling place to vote? And did  
18 you find -- how was the experience? Was the  
19 polling place accessible? Were the poll workers  
20 helpful in providing assistance? Did you find the  
21 voting unit comprehensible in terms of use? And  
22 how long did it take you to vote? And whatever.  
23 So that all those kinds of things would be  
24 indicative of how well the system, if you will, is  
25 responding to the needs of voters with



1 disabilities. That would be something I think that  
2 would be very valuable.

3 MS. BAZYN: One other question that could  
4 be asked is: Have you used your county website for  
5 checking on polling locations? And how accessible  
6 was the website? That might be another useful  
7 piece of information.

8 MR. REYNOLDS: Right. And to tell you the  
9 truth, there is a thought that I had that perhaps  
10 some of this stuff, if you will, is going to be  
11 more along the lines of let's go out there and see  
12 what we find, and let's create a baseline and then  
13 maybe create a pilot program in a county or two and  
14 then try to take it statewide. I'm not exactly  
15 sure how to address some of what could be done  
16 because we don't have the baseline data yet.

17 And we can know from anecdotal information  
18 which I think is valid in many respects. But  
19 anecdotally and from personal experiences from  
20 people, which I guess is anecdotal -- but to get at  
21 least a flavor for what is out there and what is  
22 needed. And we can make some suppositions about  
23 some things. But to gather information in a  
24 statistical way and to be able to analyze it I  
25 think would really go a long way toward validating

1 that what we're doing is right or is needed and we  
2 have scarce resources and so on and so forth.

3 MS. JOHNSON: Ana, did you have any  
4 thoughts on this also?

5 MS. ACTON: Maybe this is something we  
6 could have a further discussion about, Ardis and  
7 Margaret.

8 MS. JOHNSON: Sure. I think also Debbie  
9 was adding it to the agenda for the VAAC. So it  
10 might be something that we can kick around there  
11 with some other folks about how to really look at  
12 this. I mean, I kind of like the survey idea and  
13 maybe send things out a in county or two to really  
14 look at -- you know, maybe you and your survey want  
15 to do just a few counties or something. I don't  
16 know.

17 MR. REYNOLDS: And then we're looking at  
18 other components of this is -- well, like surveying  
19 the counties. How many polling places are  
20 accessible? How many need mitigation? There is a  
21 balance that you want to make something easy for  
22 the counties to use. You want them to report  
23 honestly what the results might be because, let's  
24 face it, there is a desire to make your county look  
25 good. Let me try to put it more tactfully. There

1 is a desire to have everyone be aware of how much  
2 your county is doing, how hard it is working to  
3 achieve what we all agree are the goals.

4 So you want to make sure it is easy for  
5 the county use, that they report accurate  
6 information, and that they know that there is  
7 support there to try to help. But a survey of the  
8 counties saying, okay, so what did you do? And did  
9 you analyze any of the information that you got  
10 back? Because you are going out, and you are  
11 surveying your polling places according to the  
12 guidelines by the Secretary of State and according  
13 to that survey that we have given you.

14 And it is incumbent upon us too perhaps to  
15 say, how easy did you, County, find using this tool  
16 that we have provided to you? So are the  
17 guidelines easy to understand? And is the survey  
18 not too burdensome to do? And so that would give  
19 us feedback about how we can improve the surveying  
20 effort.

21 MR. KELLEY: Is the goal to develop those  
22 practices, or is the goal to help mitigate?

23 MR. REYNOLDS: Well, I'm not sure I  
24 understand what the goal might be at this point.  
25 But I would say it is probably both at this point.

1 Best practices, if counties are going above and  
2 beyond in doing things and if they have the  
3 resources to do them or if they have a board of  
4 supervisors that is supportive of that, and so on  
5 and so forth, that's one thing that has to be  
6 considered.

7 The other part of it though is, you're  
8 correct, what should counties be doing to mitigate  
9 obstacles to accessibility? And what are they  
10 required to attempt to do? Because in some  
11 counties it is going to be that kind of an effort  
12 for whatever reason.

13 MS. JOHNSON: I also think that ultimately  
14 you are doing all these activities. But are all  
15 the activities that you are doing actually having  
16 more people with disabilities participate in the  
17 voting process? So you may do all kinds of stuff.  
18 But if people with disabilities are not turning out  
19 any more based on doing that, then there may need  
20 to be some rethinking of what the actual barriers  
21 are.

22 MR. REYNOLDS: Right. And that is the  
23 most difficult thing to try to figure out when it  
24 comes to performance measures. How do you measure  
25 someone's -- how do you measure the effectiveness

1 of your electoral system? The voter who goes to  
2 the polling place, is in and out in a couple of  
3 minutes, and their candidate and measures all win  
4 is going to be a happy voter. So is that what  
5 you're trying to measure? Or are we really trying  
6 to measure that they could get there, they could  
7 cast the ballot, they could understand the ballot,  
8 they think that their ballot was cast properly and  
9 that it was counted correctly, and so on and so  
10 forth? Or at the very least that the poll workers  
11 were helpful and friendly. Whatever those measures  
12 might be. It is a qualitative thing in some  
13 respects, and it is difficult. You would really  
14 like to ask quantitative data, but it's not.

15 MS. KAUFMAN: Maybe the people that you  
16 should be asking, Margaret, about this is not so  
17 much the county but perhaps the community-based  
18 organizations to survey their membership. Are  
19 these people that regularly drop into XYZ Community  
20 Center to get assistance with independent living  
21 ideas and whatever? What are their attitudes? Are  
22 they voting more often? What are they doing? That  
23 might be a more valid answer.

24 The other thing that you might want to  
25 measure isn't just what the counties are doing.

1       Because I think every county registrar I talked to  
2       and everybody that has been implementing everything  
3       and submitting their proposals and so forth,  
4       they're trying to do a lot. But how well are the  
5       poll workers implementing that? And maybe part of  
6       the measure is to ask the county, what are you  
7       doing to encourage your poll workers in  
8       implementing these accessibility rules?

9               Like there are some counties that have a  
10       notebook that they give to their precinct captain  
11       that shows them here is where you put the sign,  
12       here is where you put the threshold ramp. And then  
13       there are other counties that say, here is your  
14       materials. Boom. And that's it.

15              So I think it is more than just what the  
16       county plan is. It is seeing, one, the  
17       implementation and, two, the community reaction.  
18       And you have to be asking people other than the  
19       counties to get those clues.

20              MR. REYNOLDS: And that's exactly what we  
21       were talking about was to see it through the VAAC  
22       contingent and they can survey the members. But  
23       you are right. The question also becomes, what is  
24       the ultimate measure? Is it people getting to the  
25       polls? Or is it whoever gets to the polls, what

1 their experience is? But then if the experience is  
2 good for those who do get to the polls, why aren't  
3 more people getting to the polls? And maybe the  
4 barrier is really outreach and education as opposed  
5 to --

6 MS. JOHNSON: Right. That's more of what  
7 I was trying to say. When we look at this, if we  
8 get too locked into just is it accessible and don't  
9 broaden the scope of what we're thinking about --  
10 again depending on what the ultimate kind of  
11 measure is that we want -- or the goal. The goal  
12 is to get more people voting. And I think we have  
13 to kind of expand it. If the goal is simply to  
14 find out if counties are complying with the access  
15 stuff, then that's a different kind of outcome or  
16 way of looking at it.

17 And I think it would be a great thing to  
18 put on the VAAC agenda so that we can kind of talk  
19 through that a little bit and think it through.

20 MR. REYNOLDS: And whatever feedback can  
21 be provided. This is going to be at least -- the  
22 way I look at it, it will be several -- I don't  
23 know how people look at this. But fortunately or  
24 unfortunately, it will be a several weeks more at  
25 least process between me being able to take the

1 input, trying to put a draft together, getting  
2 feedback, and so on and so forth. So I think there  
3 will be time for VAAC meetings and for consultation  
4 with others.

5 And I don't want to try to propose when we  
6 might be able to have that final face-to-face  
7 meeting yet. I would like to see how the process  
8 is going to unfold. So I appreciate your patience  
9 thus far, and I hope you can have a little more  
10 forbearance for me. And I think we can get there.

11 MS. JOHNSON: For this section were you  
12 actually thinking of including your performance  
13 goals and measures or simply kind of outlining the  
14 broad brush of what you are planning to do and then  
15 make that more specific later?

16 MR. REYNOLDS: And I think I'm -- what I'm  
17 suggesting is I can do a combination of things. I  
18 can say unlike the draft that you now could look  
19 at -- if you went back and looked at it now, you  
20 would see pretty much that it says, well, we do  
21 some things, but not much was done at the prior  
22 administration and, darn it, not much has been done  
23 here. It is going to have more than that. Because  
24 in thinking it through I realized I'm really  
25 shortchanging what the Secretary of State has done



1       thus far.

2                   So I'm going to include other things that  
3       aren't in there right now like the one percent  
4       manual tally, the post election manual tally; the  
5       incident reports that have to come in about  
6       election day incidents with respect to voting  
7       systems and so on and so forth. So I'm going to  
8       include those as performance measures in there. So  
9       there would be more.

10                   However, there are some other things that  
11       I think should be included of the type that we're  
12       talking about now. But we may only be able to get  
13       to the point where we're talking in some detail, I  
14       hope, about the specific kind of program you would  
15       use around addressing something like this,  
16       evaluation of whatever and these are the standards  
17       that could be used.

18                   And we're going to work with Michael  
19       Alvarez and Karin MacDonald and other members of  
20       the State Plan Advisory Committee on finalizing the  
21       plans to measure these and this is where we're at  
22       right now and put that in the plan. So it is both,  
23       what are we doing now, and what do we hope to do?  
24       I'm thinking along those lines.

25                   Again, I can't speak for the Secretary of

1 State yet. But that's kind of what I was thinking.

2 Does anybody want to take a break at 3:00,  
3 go for another 10 minutes and take a 15 or 20  
4 minute break and then come back? Because I think  
5 we're making pretty good progress here.

6 I'm getting a high sign here. Is that  
7 okay with people on the phone?

8 MS. GOLD: Works for me.

9 MS. ACTON: Sounds good.

10 MR. REYNOLDS: So we got another ten  
11 minutes here. Oh, are we going to go now?

12 MR. KELLEY: Why don't we take a break  
13 now?

14 MR. REYNOLDS: Please be back no later  
15 than 3:10, but you really have until 3:15. Thank  
16 you.

17 (Brief recess taken.)

18 MR. REYNOLDS: Folks that are back here at  
19 Sacramento: Chris Reynolds, Debbie O'Donoghue,  
20 Jane Howell, Laura Baumann, Margaret Johnson, Kaye  
21 Kaufman, and our transcriber.

22 And on the line I have confirmed Rosalind  
23 Gold; Kathryn Reedy from Orange County; Eugene Lee;  
24 Chris Carson; and Efrain Escobedo from Los Angeles  
25 County. And as I mentioned earlier, Karin

1 MacDonalld will not be able to attend. Becky  
2 Martinez has joined us, the registrar from Madera  
3 County and the president of the California  
4 Association of Clerks and Election Officials. And  
5 Malaki Amen and Sharon Bacon had joined us from  
6 NAACP, but I don't think they're back on the line  
7 yet.

8           So with that -- and we can catch other  
9 people up as they join -- I'm going to get back  
10 into Section Nine of the priorities template. And  
11 we have only got three more sections to go before  
12 we kind of open it up for the final comments and  
13 then wrap-up.

14           So Section Nine had to do with the  
15 complaint process. And California does have an  
16 administrative complaint process in place per HAVA.  
17 And the comments that we received so far were to  
18 make the complaint accessible from the Secretary of  
19 State main page. We are in the process right  
20 now -- who just joined?

21           All right. I was just mentioning that the  
22 comment was to make the complaint form accessible  
23 for the Secretary of State's main page. And we are  
24 in the process right now of undergoing a web  
25 governance discussion. And part of that discussion

1 is organization content for the website. So I will  
2 be talking with people in that effort about what we  
3 can do about the complaint form and where it is  
4 located on the main -- or on the Secretary of  
5 State's website to maybe sure that it is  
6 prominently featured, as prominently as it needs to  
7 be.

8 We also have identify the complaint form  
9 as both a HAVA form and a general complaint form.  
10 This is one of those things that was difficult for  
11 the Secretary of State's office because we did at  
12 one point have both a separate HAVA complaint form  
13 and a state complaint form, if you will. And  
14 people got the two issues confused sometimes. And  
15 it is half a dozen of one, six of the other in some  
16 respects.

17 We want people to know that there is a  
18 form available for them to provide us with written  
19 complaints or comments. And we do want to make  
20 sure that we get them all. There are some  
21 conditions -- and I'll mention one of them in just  
22 a couple of minutes -- with respect to filing a  
23 HAVA complaint that are a part of HAVA. But I  
24 guess we will do our best to make sure that people  
25 understand that there is a complaint form and --

1       whether the decision is made that there should be a  
2       HAVA complaint form and another complaint form  
3       separate from that one or whether they continue to  
4       be combined -- that we make it clear to people that  
5       there are -- this is a HAVA complaint form and a  
6       general complaint form, if you will.

7                 Include information in the complaint  
8       procedure about appealing any decision to a court.  
9       The requirements for HAVA in terms of a complaint  
10      are for there to be an administrative complaint  
11      procedure.  And I think that part of the reason  
12      that this may have been provided as a part of HAVA  
13      was because it is expensive and time-consuming and  
14      difficult to go to court when you have a concern  
15      about the elections process.  And that may  
16      discourage people from complaining, if you will, or  
17      from going through some unidentified or unspecified  
18      process for complaining.  And that HAVA provided  
19      this outlet to both provide feedback and to provide  
20      people for another avenue other than court for  
21      which you are required to have some resources and  
22      some understanding and some knowledge and so on and  
23      so forth.  So --

24                 MS. JOHNSON:  I think this was my comment.  
25      I know I made this comment, and I don't think it

1 was to have a court procedure instead of a  
2 complaint process. It is just that normally when  
3 you file an administrative complaint, after you  
4 exhaust kind of the administrative complaint  
5 process and you are not satisfied with the outcome  
6 of the administrative complaint process, normally  
7 you can file a writ appealing that decision. So  
8 nowhere in your processes does it say that if you  
9 are not happy with the outcome of this complaint  
10 that you can, you know, appeal it.

11 Now, maybe you don't want anybody to be  
12 able to appeal it, but --

13 MR. REYNOLDS: It is not for us to prevent  
14 someone from appealing. In addition to that --

15 MS. JOHNSON: It is just that your process  
16 doesn't say anything about that if you are not  
17 happy with the outcome you can appeal. And  
18 oftentimes people give information on what the  
19 statute of limitations would be on doing that.

20 MR. REYNOLDS: I see. I'll bring that to  
21 the lawyers. The other complicating factor -- and  
22 I'm not a lawyer. So you have a distinct advantage  
23 here.

24 MS. JOHNSON: I don't practice anymore.  
25 I'm in lobbying now. And I'm remembering from my

1 writ days of --

2 MR. REYNOLDS: But --

3 MS. JOHNSON: And we do a lot of  
4 administrative law. So we're accustomed to  
5 appealing administrative decisions. And that's my  
6 experience in administrative processes.

7 MR. REYNOLDS: The only thing that I --  
8 and again, as a nonlawyer I'm going to take  
9 advantage of that for right now. I don't know the  
10 answer to the question, since the U.S. Department  
11 of Justice is the enforcement authority for HAVA,  
12 whether putting in the HAVA complaint form that you  
13 have the ability to appeal to a court is  
14 misleading. It may give somebody false hope or be  
15 actually inaccurate. Because I think that --

16 MS. JOHNSON: I don't think you want to  
17 include it if a person cannot appeal somewhere. I  
18 think the more information that you can give people  
19 in complaint procedures -- like if you are not  
20 happy with this, there is no appeal; or you have to  
21 go to federal court; or -- I don't know.

22 Just sometimes I feel like just making  
23 sure people understand kind of what the next step  
24 is if they aren't satisfied with the administrative  
25 process. And maybe that isn't an appeal to state

1 court. Or I don't know.

2 MR. REYNOLDS: I'll talk to the lawyers  
3 about it. Because like I say, the only hang-up  
4 that I think exists is the U.S. DOJ is the  
5 enforcement authority for HAVA under Section 401.  
6 And I think there is a court decision that says --  
7 has opined that or rendered a decision that that's  
8 exclusive. There is no citizen right to -- for  
9 standing under HAVA.

10 MS. JOHNSON: But I think there has been  
11 another case recently that said something  
12 different.

13 MR. REYNOLDS: I'll talk to our lawyers.

14 MS. JOHNSON: But this is probably an  
15 aside thing. I wanted to clarify because you were  
16 characterizing it in a way I don't think it was  
17 what I meant.

18 MR. REYNOLDS: And that's one of the  
19 reasons why I need you guys here to help me not do  
20 that. So thank you, and I will talk to the lawyers  
21 about that. And I won't put our lawyer on the spot  
22 right now about it.

23 Commit to a timely response and resolution  
24 of complaints. There is a requirement under  
25 HAVA -- and it is explained in the complaint



1 procedure -- that there is a 90-day time factor for  
2 the State to resolve the complaint unless the  
3 complainant agrees to an extension of time. And if  
4 there is not an ability to resolve within that 90  
5 days, then it goes to arbitration I think.

6 MS. JOHNSON: It says the hearing officer  
7 in this.

8 MR. REYNOLDS: But there is a provision of  
9 HAVA that says you can take it another step if it  
10 doesn't get resolved by the State within the 90-day  
11 time limit.

12 MS. JOHNSON: I'm just reading this thing.

13 MR. REYNOLDS: It should be in there. Did  
14 they write it?

15 "A final determination must be within 90  
16 days of filing the complaint. An appropriate  
17 remedy must be provided if a violation is found.  
18 In any case.... If a determination is not made  
19 within 90 days, then the complainant is referred to  
20 a neutral hearing officer who must" --

21 I guess I referred to it as arbitration,  
22 but that's what I meant. If the Secretary of State  
23 can't get to it, then there has to be a neutral  
24 hearing officer who will then hear the complaint.

25 MS. JOHNSON: Yes.

1                   MR. REYNOLDS: Okay. So that is what HAVA  
2 provides for. And I just wanted to make sure  
3 people understood that there is that element of  
4 time to the response and that people have a certain  
5 amount of time from the occurrence, I think, or its  
6 becoming aware of the occurrence of the concern  
7 that rises to a complaint that they have to make  
8 the complaint.

9                   Monitor the county complaint responses.  
10 This one I do want to let people know that, even  
11 though we have HAVA, there is a body of state law,  
12 and we have, you know, authority provided for in  
13 the Elections Code and elsewhere with respect to  
14 complaints and responses. And we can try to work  
15 with the counties, but they don't have the same  
16 kind of HAVA complaint.

17                   If there is a HAVA complaint that's going  
18 to be filed, it is going to be filed with the  
19 Secretary of State. If it is filed with the  
20 county, then it's been filed in the wrong place.  
21 And I think that there may be some things we can do  
22 by way of performance measures to work with the  
23 counties in terms of what are you hearing around  
24 election day, how are you responding to things.  
25 And then there is always the avenue of complaining

1 to the State through our process, both general  
2 complaints and for HAVA.

3 So this is one of those ones that I will  
4 see what might be said about it internally and from  
5 the counties' perspective. But if there is anyone  
6 who can flesh this one out for me a little bit  
7 more? And maybe I have condensed it or made it too  
8 concise to really understand it. Is there anything  
9 more that anyone wanted to add on that?

10 Okay. Review the complaint procedure for  
11 accessibility and provide reasonable accommodations  
12 in submitting a complaint, participating in any  
13 hearing, and accessing the toll-free complaint  
14 hotline. So we want to make sure that these  
15 processes are accessible including reasonable  
16 accommodation in submitting a complaint. And  
17 again, I will talk to the lawyers about how to  
18 accommodate for making sure people understand  
19 that -- because I don't believe that filing a  
20 complaint -- there has always got to be some kind  
21 of reasonable accommodation. I think that's  
22 probably just an overarching.

23 MS. JOHNSON: Maybe it is as simple as  
24 just saying if you need accommodation for your  
25 disability to do this, call this number or --

1                   MR. REYNOLDS: Let us know what those  
2 accommodations are and so on and so forth.

3                   MS. JOHNSON: The other thing is you could  
4 kick that over to the VAAC if you want to look at  
5 it and come back with some recommendations.

6                   MR. REYNOLDS: Yes, that would be helpful  
7 as well.

8                   MS. O'DONOGHUE: On some of the public  
9 hearing notices that we -- that the operations  
10 technology, when they do that here, they have a  
11 little blurb at the bottom of their hearing agenda.  
12 So we can look at that. But definitely add that to  
13 the VAAC discussion.

14                   MS. BAZYN: That's a good idea.

15                   MR. REYNOLDS: Similarly we had a comment  
16 to review the Secretary of State's website for  
17 usability for those with alternative language needs  
18 and -- or language other than English needs. And  
19 again, we are in the web governance process. And  
20 I'll be talking with people about -- we're  
21 generally trying to undertake the issues of  
22 usability and user friendliness, however it is best  
23 characterized.

24                   So if people have suggestions for us -- I  
25 think one of the suggestions was make sure that

1 people can access something off your main page and  
2 follow -- and I don't know if they referred to it  
3 this way, but I have heard it referred to in this  
4 way -- they can follow the scent of information to  
5 where they need to get to. And provide it in the  
6 appropriate language with the appropriate  
7 character. So there is a character-based language.

8           So again, it is a web governance thing,  
9 and I will be talking with people about that. But  
10 just as with the other suggestions to provide  
11 input, if anyone has specific suggestions other  
12 than, for instance, the ones I mentioned which is  
13 make it available on the main page and make it easy  
14 to use in terms of following the scent of  
15 information and making sure you get to the  
16 information you need, if there is more to it than  
17 that, if people have specific suggestions or they  
18 just want to say, you know what, go take a look at  
19 this website, this does a really good job, then I'm  
20 wide open to that as well.

21           So the final one around the complaint  
22 process was that notarization of a complaint is  
23 accessibly difficult or it prohibits some people or  
24 at least discourages some people from filing a  
25 complaint. And HAVA itself says that the complaint

1 is to be notarized. So that is one of those things  
2 where I'll have to talk to the lawyers. Because if  
3 we see a complaint that comes in and it is  
4 notarized and they say it is a HAVA complaint but  
5 it turns out not to be a HAVA complaint, that  
6 doesn't mean we're going to ignore it. And I  
7 similarly do not believe that as a practical matter  
8 we would not take a HAVA complaint and ignore it if  
9 it wasn't notarized.

10 But the law does -- HAVA does say that the  
11 complaint is supposed to be notarized. And I don't  
12 know the congressional intent behind that. But I  
13 just wanted to make people aware of that to see if  
14 there is anything in talking to the lawyers and  
15 others they would say, no, no, no, it has to be  
16 this way because the law says it has to be this  
17 way. I just wanted to make people aware of that.

18 MS. JOHNSON: I think unfortunately if  
19 HAVA says it has to be notarized, it has to be  
20 notarized. But I don't know if there are ways to  
21 make this easier for people somehow or to -- you  
22 know, it is comforting to know that even if it is  
23 not notarized you still look at it and maybe go  
24 back to the person and say, hey, you need to  
25 notarize this before we can do something with it or

1 something.

2 MR. REYNOLDS: I don't even know if we  
3 would do that to tell you the truth. I don't think  
4 we would stand on ceremony. To tell you the truth,  
5 we haven't received a lot of HAVA complaints. And  
6 most of those --

7 MS. JOHNSON: It could be the notarization  
8 requirements.

9 MR. REYNOLDS: The ones that we have  
10 received many times have been not HAVA complaints.  
11 I can't think -- it is less than a handful of times  
12 where we have actually had to follow up with  
13 anything.

14 MS. JOHNSON: And I don't know if there  
15 is a way to get around that. And I don't know if  
16 other people on the call think it is a barrier for  
17 their community procedures.

18 MS. FENG: Chris, I wonder if -- if it is  
19 the SOS's policy to accept complaints even if  
20 they're not notarized, then I wonder if maybe the  
21 solution to this -- which is not some part of a  
22 HAVA plan question. But on your website when you  
23 have a form for people to submit for complaints,  
24 that you just take off the statement that a  
25 notary -- notarization is required because it

1       isn't.  Whether in practice or at least in State  
2       policy it is not.  So if you take that off, then  
3       people will submit it.

4               And if at some subsequent point it turns  
5       out that it is a HAVA complaint that needs to be  
6       followed up in greater detail, you can always go  
7       back to the complainant and say, okay, can we work  
8       out something where you get this notarized or  
9       something like that.  But at least for the online  
10      complaint process, it seems like the simplest  
11      solution would be to take off the statement that  
12      notarization is required.

13              MS. JOHNSON:  And you can still leave a  
14      place for notarization.  But if you don't say that  
15      it is required, then ---

16              MR. REYNOLDS:  I don't want to overpromise  
17      anything.  So I will take that under advisement,  
18      and I will talk with folks about it and see where  
19      it goes.  And of course, you'll be seeing the final  
20      product.  And so if there is a change there -- oh,  
21      but if it is not included in the plan.  So anyway,  
22      I'll be giving you some more information about  
23      that.

24              MS. JOHNSON:  You're allowed to deviate  
25      from federal law.  It is usually a state can only



1 put in more protections for people. And I don't  
2 know if you would interpret not requiring  
3 notarization as giving more protection. So that  
4 would be something I would research more and your  
5 lawyers would probably want to research.

6 MR. REYNOLDS: So with that, I think I'll  
7 move on to Section Ten. There is just three  
8 comments really left, unless I have forgotten  
9 something. And I certainly want to hear.

10 The next comment is on Section Ten. And  
11 it had to do with the fact that the previous voting  
12 system approval process was seen to be more open  
13 and interactive and we needed to commit to a more  
14 public process as part of the voting system  
15 approval process.

16 Again there was a suggestion that there  
17 be -- I think it was referred to as a road show,  
18 try to bring the voting systems out into the  
19 communities and have people get a chance to look at  
20 them there. There is a concern about whether that  
21 would work logistically, especially with the  
22 security of a top to bottom review which we're  
23 still using the security protocols and so on and so  
24 forth.

25 But there used to be an open house

1 process, and it was here in Sacramento. So I'm  
2 talking with people about providing for that open  
3 house again. And there might be other instances  
4 where something might be more easy to do. Maybe  
5 the local jurisdictions would do something. But  
6 again I'm -- in terms of the State's commitment, I  
7 just need to talk to people about that some more.  
8 And I guess the open house sounds like something  
9 that could work. But again it wouldn't be a road  
10 show.

11 Provide a greater description of Title I  
12 expenditures in which entities received funding and  
13 how the funds were generally spent. That's a part  
14 of the State Plan requirement, and so I'll need to  
15 do a better job of that.

16 So if anybody wants to add anything though  
17 in particular that they're interested around that  
18 issue, please let me know now or later.

19 Okay. The one from Section Eleven, the  
20 Secretary of State should commit to an ongoing  
21 consultation with elections officials, interested  
22 parties, and the State Plan Advisory Committee as a  
23 part of managing the State Plan. I'm not exactly  
24 sure how best to characterize something like that.

25 We do have -- we do have the VAAC that's

1       been reinstituted. We have the consultation, if  
2       you will, with elections officials via a monthly  
3       conference call that the Secretary conducts. And  
4       we are available for people to get in touch with us  
5       if there are issues or initiatives or anything of  
6       that sort that they're interested in. And there  
7       was a mention of pulling back together the advisory  
8       committee for the VoteCal Project which has been  
9       kept in the form of the progress they've made, but  
10      we haven't had a face-to-face meeting with them in  
11      some time. And it seems as though there might be  
12      an avenue there that people were interested in  
13      exploring about getting that group together with  
14      the folks who were working at VoteCal and having  
15      some interaction.

16                So other than those avenues which are  
17      already available, I guess I'm kind of interested  
18      in hearing what people were thinking about with  
19      respect to this kind of consultation.

20                MR. LEE: I was envisioning here that  
21      there would be an advisory committee that the  
22      Secretary of State could consult with for purposes  
23      of managing the plan as described here in Section  
24      Eleven but also as described in the other parts of  
25      the plan. So for example, I think I mentioned at

1 the beginning of the call, I think it would be good  
2 to consider whether the Secretary of State could  
3 consult with this advisory committee on its  
4 election day troubleshooting -- election day  
5 observations for example.

6 So in the markup that I provided at the  
7 beginning of the year, I tried to indicate in the  
8 various sections of the State Plan where I thought  
9 it would be appropriate to have some language  
10 around the Secretary of State consulting with this  
11 advisory committee.

12 MR. REYNOLDS: Okay.

13 MR. LEE: I would be curious to know what  
14 the makeup is of the V-A-C, how broad it is and  
15 generally speaking what kind of issues the members  
16 of the committee generally focus on. I guess I am  
17 wondering if that Committee is broad enough.

18 MR. REYNOLDS: The VAAC is comprised of  
19 three elections officials -- Elaine Ginnold from  
20 Marin County, Gail Pellerin from Santa Cruz County,  
21 and Tim McNamara from L.A. County -- and Margaret  
22 Johnson, who is part of this advisory committee;  
23 Ana Acton, also a member of this advisory  
24 committee; Ardis Bazyn, a member of this advisory  
25 committee; Maria Monte de Rey, who represents the

1 deaf community -- who am I forgetting?

2 MS. O'DONOGHUE: HolLynn.

3 MR. REYNOLDS: HolLynn D'lil, who is an  
4 accessibility consultant and expert. And anybody  
5 else? I think that's -- I may be forgetting one  
6 person.

7 But that's the makeup of the Voting  
8 Accessibility Advisory Committee, or the VAAC.

9 MS. GOLD: I do see a value added of  
10 having, you know, a committee structure to talk  
11 about not only the consultations that Eugene  
12 mentioned, but also in the course of us getting  
13 ready to move forward to update the plan, you  
14 provided us with a lot of useful information about  
15 the progress that the Secretary of State's office  
16 has made in different areas. And that information  
17 doesn't get to us in any kind of systematic way.  
18 And I think that's another thing that this  
19 committee could do.

20 MR. REYNOLDS: Okay.

21 MS. GOLD: Which is to keep us apprised  
22 of the progress that's being made in respect to  
23 carrying out the various aspects of the plan.

24 MS. JOHNSON: I also think this sort of  
25 thing would be an avenue to get input in terms of

1 if there are issues that come up or things that the  
2 Secretary of State may want to be aware of and  
3 possibly work on in some way. It is just a way to  
4 have a dialogue with the community around voting  
5 issues.

6 MR. REYNOLDS: Okay. If it is a larger  
7 group of stakeholders to stay in touch with, maybe  
8 it is not just exclusively about HAVA. Maybe it  
9 is -- but there could be any variety of issues I  
10 suppose that could come up.

11 Now, but I do also want people to know  
12 that the staff that you have here with you today is  
13 available at any time if you have issues that you  
14 want to bring up. And there are other Secretary of  
15 State staff that we might refer you to. If it is a  
16 legislative initiative, if it is a program issue,  
17 just any number of people who might become involved  
18 in some ways.

19 There is a number of issues that we're  
20 working on that people may be interested in but  
21 aren't necessarily directly related to HAVA. For  
22 instance, there is NVRA work that's going on, there  
23 was an informal working group put together on a  
24 voter registration card redesign, and there was the  
25 post election manual tally group that I

1 mentioned -- or the regulations that I mentioned,  
2 there was a working group on that. There are other  
3 things that we may be working on.

4           And we do consult with the VAAC on a  
5 variety of issues, including the Polling Place  
6 Accessibility Guidelines. They'll be consulted on  
7 the checklist that we come up with to survey  
8 polling places. They'll be consulted about the  
9 training program. They give us feedback on the  
10 Voluntary Voting System Guidelines that are  
11 promulgated by the Election Assistance Commission.  
12 And as you heard during the course of this meeting,  
13 there is a number of other items that will be on  
14 their agenda soon. So it is those kinds of things.

15           But if people want to get in touch with  
16 the Secretary of State's office, absolutely  
17 consider myself or Debbie O'Donoghue or Kaye  
18 Kaufman as an avenue to bring up a topic. And we  
19 can take that issue to the appropriate person and  
20 see where you can go from there.

21           With that, I think we have gone through  
22 all the issues that were on the priorities  
23 template, but I may have left something out or  
24 there may be something new that someone wants to  
25 add. The reason that there is extra space on this

1       template and a "submitted by" line is because if  
2       people think of things and they want to provide  
3       that input, then they can use this template, if you  
4       will, to capture some of those thoughts and provide  
5       them later as they think of them. But I also want  
6       to provide this opportunity right now for people to  
7       offer anything that I may have missed,  
8       mischaracterized, or just occurred to them.

9               And with that, again if there is anything  
10       anyone wants to follow up with us on as a result of  
11       this, something that strikes them later that well,  
12       I don't know that Chris really got that right, even  
13       as you talked among each other and you -- because  
14       Rosalind mentioned that she and Eugene were going  
15       to get together and talk about some things, and  
16       Margaret has said she's going to talk about some  
17       things with Ana and with Ardis. And anything that  
18       comes up and you need clarification or you think I  
19       may have misconstrued something or you come across  
20       information that is contrary to what I have said,  
21       please help me out and let me know about it. And  
22       again, use this priorities template at your leisure  
23       to give me whatever you can.

24               I'm going to be working over the next  
25       several weeks on redrafting the State Plan based on



1       what I have heard from you but also based on what  
2       feedback I hear from the Secretary of State.  And  
3       so I'll be getting that out for your further  
4       consideration and editing, and we'll go from there  
5       because I do expect we should have one more  
6       meeting.  And I'm hoping that this could be a  
7       meeting that will be convenient for everyone so  
8       that we can sit down and look at a screen possibly  
9       and go through a kind of a page-by-page, if it is  
10      necessary, approach to this.  Tweak some language  
11      here, tweak some language there.  So does that  
12      work?

13                   MS. ACTON:  Yes.

14                   MR. REYNOLDS:  And Debbie was just  
15      reminding me.  I don't know if we're going need  
16      pictures of the advisory committee members.  We  
17      received bios from people.

18                   MS. JOHNSON:  Use that old one.  I look so  
19      young.

20                   MR. REYNOLDS:  Okay.  I don't know what  
21      form the State Plan is going to take.  The Shelley  
22      administration did a very nice glossy State Plan.  
23      I'm not so sure that we're going to take exactly  
24      the same approach.  It will be substance over  
25      format.  And I'm not saying that the Shelley

1 administration plan didn't have content or  
2 substance. Don't take it that way. It is just  
3 that I'm not sure that we won't try to do this in a  
4 way that's a little more low-budget.

5 MS. CARSON: I was going to say think of  
6 the budget.

7 MR. REYNOLDS: Yes. Absolutely.

8 MS. CARSON: It's not necessary spending  
9 money on people's picture.

10 MR. REYNOLDS: There you go.

11 MS. GOLD: Alternatively, if for some  
12 reason you decide that it is critical for you to  
13 have pictures in there, I would like an opportunity  
14 to update my photo.

15 MR. REYNOLDS: Okay. I'm thinking at this  
16 point we'll just forgo the pictures and just use  
17 the content that you provided to us. But we may  
18 also send that back out to you just for one last  
19 look in case anything has changed in the meantime  
20 on your bio that we have. So we got some work to  
21 do, but we'll be pursuing it.

22 And again, open-door policy. The phones  
23 are ready to be answered, and email is available.  
24 So let me know.

25 MR. LEE: Before we get off the call, I

1 wanted to ask the other committee members if they  
2 would be open to a conference call before the  
3 meeting with the Secretary of State staff. I think  
4 it might be useful for committee members to talk  
5 about the new draft of the plan and perhaps to try  
6 to build a consensus around what changes might need  
7 to be made before having the face-to-face meeting  
8 with the Secretary of State staff.

9 MS. KAUFMAN: Did you want us to host that  
10 meeting, Eugene? Or did you want one of the  
11 members to host it so that we weren't here at all?

12 MR. LEE: Well, I thought it might -- in  
13 terms of making the face-to-face meeting as  
14 productive as possible, I thought it might be  
15 useful for all the committee members to have a  
16 chance just among themselves to talk about the new  
17 draft.

18 MR. REYNOLDS: Absolutely.

19 MS. GOLD: I would be very open as well to  
20 participating in that process.

21 MR. REYNOLDS: And I am to supposed to  
22 capture a description of the process that gets  
23 used. So if you feel like it is important to  
24 include that in the description of the process,  
25 then let me know. Otherwise, I'll consider that

1 just State Plan members talking to each other about  
2 the State Plan.

3 MS. JOHNSON: I think for the first State  
4 Plan -- the one that was back here, the "My Vote  
5 Counts" -- that several of us use to get together  
6 in advance to run through some common issues and  
7 make sure we're on the same page or whatever. So I  
8 think we weren't doing that this time. And I  
9 actually think it would helpful if we were to do  
10 that. Kind of organize our thoughts so that the  
11 meeting would be --

12 MR. REYNOLDS: What I will try to do is  
13 get you, as soon as I can -- I think it is going to  
14 take me at least a couple of weeks, probably more  
15 like three or four, to make sure that I think I  
16 have all the material that I need and that I can  
17 cogitate on it and then I can write something. So  
18 three to four weeks and then you'll have the draft.  
19 And if that's the trigger for the discussion, then  
20 that's the time line that I'm looking at if that's  
21 okay.

22 MS. GOLD: Sounds good.

23 MR. LEE: If it is okay with folks, then  
24 what I'll do is, once Chris sends out the revised  
25 draft, I'll circulate an email among committee

1 members to see what date and time might work for a  
2 call before the face-to-face meeting.

3 MS. JOHNSON: Sounds good.

4 MS. GOLD: We appreciate it, Eugene.

5 MR. LEE: Sure.

6 MR. REYNOLDS: Thank you all very much. I  
7 appreciate your assistance with this. Good-bye.

8 (Meeting adjourned at is 3:50 P.M.)

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CERTIFICATE

I, GLINDA F. BANKS, CSR No. 11984, do  
hereby certify:

That the foregoing proceedings were taken  
down by me in shorthand at the time and place  
therein named and thereafter reduced to typewriting  
under my direction, and that the foregoing  
transcript is complete and accurate to the best of  
my knowledge.

Witness my hand this day of August 24,  
2009.

\_\_\_\_\_  
GLINDA F. BANKS  
CSR No. 11984