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SECRETARY OF STATE
HAVA STATE PLAN ADVISORY COMMITTEE

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

Who just joined us?

MS. ACTON: Hi, this is Ana Acton.

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

Hi. Who, just joined us?

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

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

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

MR. REYNOLDS: And so as I said, we're just starting back into Section Two on the priorities template, which is page 3. And there is a desire to have a better description of the county expenditure of $195 million allocated via the voting system upgrade contracts. That -- I had that as a question mark under a Title III requirement because the State Plan does -- an
update requires that you explain what happened since the last time you provided a State Plan or update. So that would be included. It is not a Title III requirement, but we can certainly make our best effort to provide that information to people.

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

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

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

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

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

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

MR. REYNOLDS: Hi, Neal.

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

MR. REYNOLDS: Okay. So is there anything that anyone would like to add by way of more hands-on voting system training for poll workers?

We are looking at updating some poll worker training guidelines. And I mean, it could be an element of that. It seems as though counties are working on that, and we do have a best practices
page. We could try to encourage counties to follow through on that and to continue with that effort. But is there anything else that anyone would want to add?

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

MR. REYNOLDS: Yes.

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

MR. REYNOLDS: And by way of -- there has been some of that EAID money that has not been allocated to the vote ramp program because we sensed that there would be some benefit and some
need, frankly, to have a statewide efforts around accessibility. And potentially there is something that could be done using that source of funding. But I don't know whether that would be something that would be included in the State Plan since it is 261 funds instead of 251 funds.

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

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

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

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

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

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

MR. KELLEY: Does that also apply or would that apply to outreach events that may not be
considered training where these poll workers are
getting a chance to have hands-on experience, in
other words, they're not going through a training
class?

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

So if a county was choosing to deploy a
paper-based system, an optical scan system, and
they had a precinct-based reader, I think the
thought was it is not as necessary there because
you have the overvote protection through the
precinct-based reader. But if you had a
centralized tabulation and you have a paper-based
system, HAVA does provide explicitly for a voter
education program around protection against
overvoting -- explaining to someone how to avoid an
overvote and in the case that they want to try to
correct their ballot and still submit a ballot on
which they've made an incorrect choice, if you
will, a way to correct that ballot. And some
counties we have seen have done that with written
material that they have provided in the
vote-by-mail materials that they send out and then
also at polling places as well.

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

MS. BAZYN: Chris?

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

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

But I think that what the EAC was thinking -- and this is a guess. Maybe I shouldn't even venture a guess. But that the EAC was thinking, well, you have an initial investment, you create your program, and then you have a program. So you use that program. And rather than acknowledging that, well, the program initially is going to be more intensive because people are new to this and, again, you are going to have new poll workers and the equipment and the rules frankly are more complex. And they're getting more complex every election cycle. So there is a need for a continued education program.
And HAVA seems to imply that too. As I said, it tried to talk about the fact that under Section 305 -- or is it 304? -- that it refers to the Title III requirements as minimum requirements. That was at least part of my argument, and the fact that the State Plan requires that you explain how you are going to have election official and training and voter education. Nonetheless, the EAC rendered its guidance.

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

There is only one more than mention to make with respect to this other than to say if there are suggestions that people have about certain things that they would like to see, I don't want to try to -- I'm not trying to limit the discussion about these items, and I would like to hear from people about them. But I want to tell you the reality that I think I'm facing at this point.
But the only other thing to add at this point is that we do have a best practices web page. And on the template I provided a link there. And the counties have been participating. We don't have something from every county up there, but we are continuing to try to work with the counties to post whatever information they think would be helpful to their colleagues and provide for kind of a best practice web page.

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

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

MR. REYNOLDS: Okay.

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

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

MR. LEE: Okay. Perfect.

Just for the benefit of everyone on the call, one thing I suggested was that the agreements that the SOS has with counties, the contracts, it looks like they require that the counties submit to the SOS their poll worker training and voter education program. So one suggestion there is for the SOS to seek the input of various stakeholders.
of those plans. Another thing that I suggested was
that for the Secretary of State's Election Day
Observation Program it might be helpful to get
input from various stakeholders on the scope of
that program and also specific items that the
election day observers look out for.

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

Now that the funding has been restricted,
I'm not so sure that we're going to be getting any
plans from anybody because it doesn't -- there is
no requirement to do so. But we could talk about
whether there is something that can be done around
the issue of getting -- as a performance measure
going materials from the counties about what
their poll worker training programs look like, what
kind of outreach, they're doing, so on and so
forth. And when it comes to our Election Day
Observation Program, I think that that is certainly
a great idea personally -- again, I'm not speaking for the Secretary of State here yet -- but to get input on what that observation program should look like and also to get input I believe on the poll worker training guidelines that are being worked on.

MR. LEE: Okay.

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

MS. JOHNSON: When do you want them?

MR. REYNOLDS: I'm not sure exactly what the time line is for the update of the poll worker training guidelines. And I will try to get some information and get that out to the group. Does
anybody here have any --

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

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

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

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

MS. JOHNSON: Okay. Great.

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

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

MR. REYNOLDS: Probably be a good idea to mention the fact that there were poll worker training guidelines that were issued kind of as
HAVA was being implemented and that those were being updated and -- yeah.

MS. JOHNSON: Thanks.

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

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

MR. REYNOLDS: I would do my best to try to characterize what appeared to have happened. But again I can't speak with intimate knowledge on
what the thinking may have been.

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

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

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

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

However, the latter point that you
mentioned about why it was that the request for
funding changed or that the program was terminated,
again I'm not sure that I could speak with
authority about Kevin Shelley had a program and it
was discontinued because there was controversy. I
don't know. All I have is a letter from the
Shelley administration to the groups that had
applied for funding saying the legislature has
chosen -- I believe it was something about the legislature has chosen not to fund this program or the funding authority for the program has lapsed but we're thinking about it for the future. And that's about all I have in my possession to document what may have happened or what the thinking may have been.

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

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

The next item was the adopting item No. 3 from the 2003 Plan, which is again on page 20, where the previous plan had talked about considering establishing an election academy. When
I arrived here in May of 2005, I did get a call in
June I think it was from somebody from the UC
system. And they were inquiring about interests in
that. I didn't really have an answer for that
person at that point except it did not appear as
though there were more steps taken toward
establishing a "election academy" and I don't know
what they had in mind.

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

So the training of elections officials,
there were some grants that were provided by the
Shelley administration leading up to the November
2004 election, and there were also these CALPEAC
classes, and then there was the HAVA compliance
manual that was put together by this office in 2005
or 2006. And so we do have those tools that have
been used. But that's where we are with respect to establishing an election academy. It wasn't done.

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

Who just joined?

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

Again, the poll worker training guidelines do provide, I believe, for some of those -- at least some of those items if not all of those items. And we could again work with groups about seeing what you think should be in those updated training guidelines with respect to those issues. But with respect to time -- these kinds of requirements to HAVA funding, again the funding is limited or not available. And so in terms of a HAVA requirement, there might be something put in there about the poll worker training guidelines.
The next item was to list in the State Plan the voting materials that were produced in languages other than English. We do have materials that were provided in some multiple languages. We provide for the voter information guide in multiple languages. We also had some voting materials that were produced in multiple languages. And I'm not sure whether it was all eight languages or whether it was Spanish and English or --

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

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

MS. O'DONOGHUE: And also the Voter Bill of Rights poster that's posted at the polling
places, those are also done in all of the languages. So it is a list.

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

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

MS. JOHNSON: So HAVA is only requiring
that the materials be at the polling site? So this has no --

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

Neal, can you speak for Orange County at least?

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

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

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

MR. REYNOLDS: Are the voting materials that you provide under HAVA, like the sample ballot
and so on and so forth, provided to the voters in multiple languages?

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

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

I did look around for some cost information. And we did produce a DVD in American Sign Language. It was a 16-page brochure. And that was about $6.00 each for the DVDs that were produced. There was another 16-page brochure that was done in braille, and that was about $8.00 each. But timing apparently on the voter information guide to produce it in braille is difficult because people can have lawsuits up to the last minute and things are changing and so on and so forth. And
they haven't been able to figure out a way to get
enough lead time on a final voter information guide
to get it in braille.

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

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

So this is kind of cost factor that we're
talking about when we talk about providing
information in alternative formats, wherever they
might be provided. So I just wanted to make people
aware of that and try to get a better understanding
of ideas about alternative formats and/or thoughts about or explanation, if anyone has one, about what was originally desired or contemplated when this was discussed.

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

MS. BAZYN: I agree with her. I think that if you have one of each type of thing, that would be adequate because you aren't going to get that many people interested that it should be
available. Most of those items would be reusable
at elections like the voting rights and that kind
of thing. It would just be if there are special
instructions that would have to be done and
provided too.

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

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

Anyway, the point would be that yes, we
would be limited to those things that are in HAVA.
We couldn't begin to tell people that they need
to -- or that we would provide any assistance or
have any best practices around -- well, we might
have best practice around other things, but what
we're talking about here are those things that are
listed in HAVA -- the sample ballot, the hours of
the polling place, so on and so forth.

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

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

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

Providing additional information about the
distribution of materials to CBOs. Chris Carson
just provided me with some information about what
the League of Women Voters have done around HAVA.
And I believe that the Secretary of State's office
provided some assistance for some of that stuff, the smart voter web page and the easy voter guide in particular.

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

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

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

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

Okay. On Section Four there is a desire for the deployment of more than one DRE per polling place. And I think that some of the comment letters that we had received referred to a feel, an
aura, around the current policy as separate but unequal. And I just want to let people know that -- and again, I can't speak for the Secretary of State yet. But there was a very strong concern about security issues as you are well aware from reading the State Plan. And I'll take as much blame for that as anyone because our TTBR, the top to bottom review, was fresh in my mind when I was writing the draft that you have.

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

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

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

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

Is there anything anybody wanted to add?

MS. BAZYN: I wanted to mention that HAVA in cases like you mentioned the Hart and also like in Los Angeles County we had the audio ballot, has there been thought about some of those could have
more than one? Because I encountered it on three occasions myself and others have encountered it where they have gone and the audio has not been working. And I understand those systems are expensive. But if they find out that one isn't working, they should automatically have someone send out another unit.

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

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

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

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

MR. REYNOLDS: Correct.

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

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

MR. KELLEY: A good practice, Chris, is that you have got these roving teens out there they can replace. As opposed to having to be required to get two out there and you had to do 100 percent
on both, you only have to do that if you have an issue. That is how we do it.

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

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

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

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

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

MR. REYNOLDS: And I think that is where we run into the concern the secretary has about -- it is not a trade-off I don't think. And again I can't speak for the Secretary. But I don't believe it is a trade-off of accessibility versus security
in the Secretary's eyes because that 100 percent manual tally provides you for that security.

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

And some of them are pretty basic and pretty easy to understand, even for a person like me. For instance, the most recent one that I'm aware of is the Premier system has an audit log that you can erase by accident, the zero deck, if you will. And if there are votes on that zero deck, then you have lost your -- now, you have your VVPAT as your backup for that, and you can capture those votes. But that wasn't even the biggest concern. The biggest concern turned out to be that there were a lack of audit log recordings of things that could be done to the system. In other words, people could go in and change the results of an election, and there would be no audit log that showed you that that had happened. That was my understanding.
Now, Premier is working on making that fix. But the Secretary of State is now undertaking a review of the audit log functionality for a number of systems. So these things keep coming up. And I think the concern is still fresh in the mind of the Secretary with respect to concerns about DRE also.

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

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

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

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

MS. FENG: Okay.

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

MS. FENG: In a good way.

MR. KELLEY: Right. I appreciate that.

MS. JOHNSON: I think that -- I don't
think it totally got across what I was trying to
ger across to you. I think that framing it as at
"least one DRE" isn't as positive as "we encourage
people to have more than one DRE to make more
accessible voting systems available." I don't
think that's focused on the security thing as more
focused on -- I know the "at least" thing is in
HAVA. But for those of us with disabilities, we
like to think that accessible equipment can be
usable by all people. And so it is just a
different way of saying it so that it is more
encouraging to have more than one and not
prescriptive that we require you to have more than
one. But just that "it is a better practice to
have as many of these as you possibly can" sort of
thing. Does that make sense?

MR. REYNOLDS: Yes, I think so.

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

And also just with when you were talking
about alternative format and the idea of using
these systems possibly as a means of making some of
the materials at polling places such as maybe a
sample ballot accessible, only having one in a
polling place could be problematic if someone wants to read a sample ballot and someone else wants to actually vote.

MR. REYNOLDS: Right.

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

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

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

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

    MS. CARSON: Yes.

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

    MS. CARSON: I'll answer that, Margaret.
We're talking in terms of can you get -- can you
use public transportation? Is it placed to be --
you know, best serve the community? Is there
reasonable parking? All that kind of thing.

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

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

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

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

MS. FENG: Yes.

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

MS. FENG: I guess what I'm thinking is
that there is two places that this goes into. One
is obviously the plan where to the extent that funds can be spent on this type of thing, then we're trying to implement places that -- or implement it in such a way that places that are more accessible are identified. But the other places in the evaluation component as a way of -- whatever. You know. I guess through an audit or a report or a review that we set some standards in the State.

MR. REYNOLDS: And we are right now in the process of updating our poll worker -- polling place accessibility guidelines, as a matter of fact. And we've gone through a vetting process with county elections officials and the VAAC. And I think other people have been through the VAAC. And the counties have been looking at those accessibility experts, and so on and so forth, or people who might be consultants to counties or their own in-house talent, if you will. And we are now getting close to the point I think where we will be releasing those -- I can't say how soon. I think it is within several weeks probably -- but releasing a final draft of the polling place accessibility guidelines. They haven't been updated since 2001.
So we did a contract with the Department of Rehabilitation Disability Access Section. And we're finalizing those. We'll get those out for review and comment before they get finalized. And then we're also working on a checklist for counties to use to survey polling places. And then we're going to do some training on how to --

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

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

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

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

MR. REYNOLDS: Okay. And speaking of evaluation, Section 8 is about performance measures. And what I have received so far, and certainly interested in hearing people give me more information about this, auditing state and county websites, voting materials, and voter assistance
efforts for accessibility for voters with disabilities and voters with language needs.

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

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

MS. JOHNSON: I guess in looking at Section 8, I mean, that was to adopt performance goals and measures to determine success and success of the units of local government in carrying out the plan. So to the extent that the website's
voting material from voter assistance efforts
relate to that, then I think we were just looking
for some way to know that the Secretary of State
had a plan to look at that.

MR. REYNOLDS: Okay.

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

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

Same thing comes with respect to audit of state and county complaint procedures for the number of complaints, substance, the resolution, the timeliness of reporting and long-term policy changes resulting therefrom. I think at the last meeting -- we had kind of got onto this section a little bit at the last meeting, and I think there was some reference both at the initial meeting and at that meeting. And I think from Kathay I
remember about that 1-800 report, I'll call it. And so some kind of analysis on what we were hearing and what, if anything, needed to be done about things and the fact that things were being addressed or resolved.

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

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

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

I provided it in something of a less than analytic form because I just wanted to provide as much raw data as I can in case people had things
they wanted to look at. But I'm thinking that it really comes down to how many provisional votes were cast, how many were counted, how many were rejected, and then what are we taking about by reason of the reason for casting a provisional ballot and the reason for rejecting a provisional ballot, and are there things that can be done to address both of those categories to limit the number of provisional ballots that need to be cast and to limit the rejection rate of provisional ballots.

Now, in some respects reducing the number of people who cast a provisional ballot is a balancing act because the last thing you want to do is to discourage anyone, a poll worker, from giving someone a provisional ballot. That's their right under HAVA. And if they fall into the right category, which is they are either not on the roster or there is no indication that they have yet surrendered their absentee ballot and they're at the polling place and want to vote, those are the two reasons why they should be getting a provisional ballot. And if they fall in one of those categories, the person should be giving them a provisional ballot.
On the other hand, we want to make sure that our voter registration process is working in a way that is not preventing people from getting on the rolls. So that one is a bit of a balancing act. But the rejection rate -- if there are some things that can be done by way of the signatures don't match, that could be because somebody has, you know, gotten older -- they registered 20 years ago and signatures change over time -- or they forgot to sign the envelope, that would be something that maybe there should be a reminder about. So those kinds of things I'm thinking are the kinds of things that people were thinking about.

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

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

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

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

MR. KELLEY: We don't do that.

MR. REYNOLDS: So that conforms. Now, I don't know whether, at some level here at the Secretary of State's office with the interim solution that we have, we have any more cross-reference for that. But I will go check, and
I will get back to you with a better answer, Malaki.

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

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

MR. REYNOLDS: And I believe --

MR. AMEN: Who is this, Kathay?

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

And as I said, the UC Berkeley folks are the keepers. It has been agreed upon by the legislature that the UC Berkeley folks be the keepers of the database that gets used for redistricting.

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

MR. AMEN: Okay.

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

MR. REYNOLDS: Yes, please.

MS. GOLD: If we were to provide more specific information about the types of standards for language assistance and the types of things that we thought should be assessed -- if you would rather use assess rather than audit -- for example, for websites and voting materials, if we were to provide a little more specificity about the types of things that it would be great to have the SOS offices assess and monitor, do you think you would have the capability to give us a little better sense of what the cost would be?
MR. REYNOLDS: Yes, that would be extremely helpful. And I'm not sure I could. But I can certainly come up with a methodology that would probably be defensible. And I would have some people I could rely upon here. But sometimes these things are more difficult than they appear.

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

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

MS. GOLD: Like I said, Eugene and I are going to have an offline discussion about what it
would take to put that together for you.

MR. REYNOLDS: Great.

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

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

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

So yeah, as far as I can tell, no, there is no documentation that there was any effort made
to develop performance measures.

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

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

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

For instance, we have done poll worker training observation. We have done polling place observation. We have -- yeah, the poll worker training survey, but there is other things that we have done. There is the survey we do for the counties to make sure they're doing a preaccess system for the provisional voter who wants to find out if their ballot was counted and if not, why not. We do a survey of counties with respect to types of voting systems they're going to use to
make sure they're employing the voting systems they should be. We have the one percent manual tally reports. We have the Post Election Manual Tally Program.

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

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

So I'm not exactly sure where we'll be when it is time to submit the State Plan to the EAC. But there are some things that will be mentioned in the update that you will see. They're not finalized yet. But again, there will be more
in the plan. But that's what was in there for the
time being.

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

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

MS. JOHNSON: I understand that.

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

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

But if there was a mechanism for us to survey through the VAAC and the groups that are represented on the VAAC and whoever could join that contention, if will you, and ask the question of the membership, have you gotten out to vote? And why haven't you gotten out to vote? And have you tried to go to a polling place to vote? And did you find -- how was the experience? Was the polling place accessible? Were the poll workers helpful in providing assistance? Did you find the voting unit comprehensible in terms of use? And how long did it take you to vote? And whatever. So that all those kinds of things would be indicative of how well the system, if you will, is responding to the needs of voters with
disabilities. That would be something I think that would be very valuable.

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

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

And we can know from anecdotal information which I think is valid in many respects. But anecdotally and from personal experiences from people, which I guess is anecdotal -- but to get at least a flavor for what is out there and what is needed. And we can make some suppositions about some things. But to gather information in a statistical way and to be able to analyze it I think would really go a long way toward validating
that what we're doing is right or is needed and we
have scarce resources and so on and so forth.

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

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

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

MR. REYNOLDS: And then we're looking at
other components of this is -- well, like surveying
the counties. How many polling places are
accessible? How many need mitigation? There is a
balance that you want to make something easy for
the counties to use. You want them to report
honestly what the results might be because, let's
face it, there is a desire to make your county look
good. Let me try to put it more tactfully. There
is a desire to have everyone be aware of how much
your county is doing, how hard it is working to
achieve what we all agree are the goals.

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

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

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

MR. REYNOLDS: Well, I'm not sure I
understand what the goal might be at this point.
But I would say it is probably both at this point.
Best practices, if counties are going above and beyond in doing things and if they have the resources to do them or if they have a board of supervisors that is supportive of that, and so on and so forth, that's one thing that has to be considered.

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

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

MR. REYNOLDS: Right. And that is the most difficult thing to try to figure out when it comes to performance measures. How do you measure someone's -- how do you measure the effectiveness
of your electoral system? The voter who goes to
the polling place, is in and out in a couple of
minutes, and their candidate and measures all win
is going to be a happy voter. So is that what
you're trying to measure? Or are we really trying
to measure that they could get there, they could
cast the ballot, they could understand the ballot,
they think that their ballot was cast properly and
that it was counted correctly, and so on and so
forth? Or at the very least that the poll workers
were helpful and friendly. Whatever those measures
might be. It is a qualitative thing in some
respects, and it is difficult. You would really
like to ask quantitative data, but it's not.

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

The other thing that you might want to
measure isn't just what the counties are doing.
Because I think every county registrar I talked to and everybody that has been implementing everything and submitting their proposals and so forth, they're trying to do a lot. But how well are the poll workers implementing that? And maybe part of the measure is to ask the county, what are you doing to encourage your poll workers in implementing these accessibility rules?

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

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

MR. REYNOLDS: And that's exactly what we were talking about was to see it through the VAAC contingent and they can survey the members. But you are right. The question also becomes, what is the ultimate measure? Is it people getting to the polls? Or is it whoever gets to the polls, what
their experience is? But then if the experience is
good for those who do get to the polls, why aren't
more people getting to the polls? And maybe the
barrier is really outreach and education as opposed
to --

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

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

MR. REYNOLDS: And whatever feedback can
be provided. This is going to be at least -- the
way I look at it, it will be several -- I don't
know how people look at this. But fortunately or
unfortunately, it will be a several weeks more at
least process between me being able to take the
input, trying to put a draft together, getting feedback, and so on and so forth. So I think there will be time for VAAC meetings and for consultation with others.

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

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

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

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

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

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

Again, I can't speak for the Secretary of
State yet. But that's kind of what I was thinking.

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

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

MS. GOLD: Works for me.

MS. ACTON: Sounds good.

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

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

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

(Brief recess taken.)

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

And on the line I have confirmed Rosalind Gold; Kathryn Reedy from Orange County; Eugene Lee; Chris Carson; and Efrain Escobedo from Los Angeles County. And as I mentioned earlier, Karin
MacDonald will not be able to attend. Becky Martinez has joined us, the registrar from Madera County and the president of the California Association of Clerks and Election Officials. And Malaki Amen and Sharon Bacon had joined us from NAACP, but I don't think they're back on the line yet.

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

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

All right. I was just mentioning that the comment was to make the complaint form accessible for the Secretary of State's main page. And we are in the process right now of undergoing a web governance discussion. And part of that discussion
is organization content for the website. So I will
be talking with people in that effort about what we
can do about the complaint form and where it is
located on the main -- or on the Secretary of
State's website to maybe sure that it is
prominently featured, as prominently as it needs to
be.

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

We want people to know that there is a
form available for them to provide us with written
complaints or comments. And we do want to make
sure that we get them all. There are some
conditions -- and I'll mention one of them in just
a couple of minutes -- with respect to filing a
HAVA complaint that are a part of HAVA. But I
guess we will do our best to make sure that people
understand that there is a complaint form and --
whether the decision is made that there should be a
HAVA complaint form and another complaint form
separate from that one or whether they continue to
be combined -- that we make it clear to people that
there are -- this is a HAVA complaint form and a
general complaint form, if you will.

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

MS. JOHNSON: I think this was my comment.

I know I made this comment, and I don't think it
was to have a court procedure instead of a complaint process. It is just that normally when you file an administrative complaint, after you exhaust kind of the administrative complaint process and you are not satisfied with the outcome of the administrative complaint process, normally you can file a writ appealing that decision. So nowhere in your processes does it say that if you are not happy with the outcome of this complaint that you can, you know, appeal it.

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

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

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

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

MS. JOHNSON: I don't practice anymore. I'm in lobbying now. And I'm remembering from my
writ days of --

MR. REYNOLDS: But --

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

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

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

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

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

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

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

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

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

Commit to a timely response and resolution of complaints. There is a requirement under HAVA -- and it is explained in the complaint
procedure -- that there is a 90-day time factor for
the State to resolve the complaint unless the
complainant agrees to an extension of time. And if
there is not an ability to resolve within that 90
days, then it goes to arbitration I think.

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

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

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

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

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

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

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

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

If there is a HAVA complaint that's going to be filed, it is going to be filed with the Secretary of State. If it is filed with the county, then it's been filed in the wrong place. And I think that there may be some things we can do by way of performance measures to work with the counties in terms of what are you hearing around election day, how are you responding to things. And then there is always the avenue of complaining
to the State through our process, both general
complaints and for HAVA.

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

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

MS. JOHNSON: Maybe it is as simple as
just saying if you need accommodation for your
disability to do this, call this number or --
MR. REYNOLDS: Let us know what those accommodations are and so on and so forth.

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

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

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

MS. BAZYN: That's a good idea.

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

So if people have suggestions for us -- I think one of the suggestions was make sure that
people can access something off your main page and follow -- and I don't know if they referred to it this way, but I have heard it referred to in this way -- they can follow the scent of information to where they need to get to. And provide it in the appropriate language with the appropriate character. So there is a character-based language. So again, it is a web governance thing, and I will be talking with people about that. But just as with the other suggestions to provide input, if anyone has specific suggestions other than, for instance, the ones I mentioned which is make it available on the main page and make it easy to use in terms of following the scent of information and making sure you get to the information you need, if there is more to it than that, if people have specific suggestions or they just want to say, you know what, go take a look at this website, this does a really good job, then I'm wide open to that as well.

So the final one around the complaint process was that notarization of a complaint is accessibly difficult or it prohibits some people or at least discourages some people from filing a complaint. And HAVA itself says that the complaint
is to be notarized. So that is one of those things where I'll have to talk to the lawyers. Because if we see a complaint that comes in and it is notarized and they say it is a HAVA complaint but it turns out not to be a HAVA complaint, that doesn't mean we're going to ignore it. And I similarly do not believe that as a practical matter we would not take a HAVA complaint and ignore it if it wasn't notarized.

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

MS. JOHNSON: I think unfortunately if HAVA says it has to be notarized, it has to be notarized. But I don't know if there are ways to make this easier for people somehow or to -- you know, it is comforting to know that even if it is not notarized you still look at it and maybe go back to the person and say, hey, you need to notarize this before we can do something with it or
MR. REYNOLDS: I don't even know if we would do that to tell you the truth. I don't think we would stand on ceremony. To tell you the truth, we haven't received a lot of HAVA complaints. And most of those --

MS. JOHNSON: It could be the notarization requirements.

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

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

MS. FENG: Chris, I wonder if -- if it is the SOS's policy to accept complaints even if they're not notarized, then I wonder if maybe the solution to this -- which is not some part of a HAVA plan question. But on your website when you have a form for people to submit for complaints, that you just take off the statement that a notary -- notarization is required because it
isn't. Whether in practice or at least in State policy it is not. So if you take that off, then people will submit it.

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

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

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

MS. JOHNSON: You're allowed to deviate from federal law. It is usually a state can only
put in more protections for people. And I don't know if you would interpret not requiring notarization as giving more protection. So that would be something I would research more and your lawyers would probably want to research.

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

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

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

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

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

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

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

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

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

MR. LEE: I was envisioning here that there would be an advisory committee that the Secretary of State could consult with for purposes of managing the plan as described here in Section Eleven but also as described in the other parts of the plan. So for example, I think I mentioned at
the beginning of the call, I think it would be good to consider whether the Secretary of State could consult with this advisory committee on its election day troubleshooting -- election day observations for example.

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

MR. REYNOLDS: Okay.

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

MR. REYNOLDS: The VAAC is comprised of three elections officials -- Elaine Ginnold from Marin County, Gail Pellerin from Santa Cruz County, and Tim McNamara from L.A. County -- and Margaret Johnson, who is part of this advisory committee; Ana Acton, also a member of this advisory committee; Ardis Bazyn, a member of this advisory committee; Maria Monte de Rey, who represents the
deaf community -- who am I forgetting?

MS. O'DONOGHUE: HollYnn.

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

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

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

MR. REYNOLDS: Okay.

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

MS. JOHNSON: I also think this sort of thing would be an avenue to get input in terms of
if there are issues that come up or things that the Secretary of State may want to be aware of and possibly work on in some way. It is just a way to have a dialogue with the community around voting issues.

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

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

There is a number of issues that we're working on that people may be interested in but aren't necessarily directly related to HAVA. For instance, there is NVRA work that's going on, there was an informal working group put together on a voter registration card redesign, and there was the post election manual tally group that I
mentioned -- or the regulations that I mentioned, there was a working group on that. There are other things that we may be working on.

And we do consult with the VAAC on a variety of issues, including the Polling Place Accessibility Guidelines. They'll be consulted on the checklist that we come up with to survey polling places. They'll be consulted about the training program. They give us feedback on the Voluntary Voting System Guidelines that are promulgated by the Election Assistance Commission.

And as you heard during the course of this meeting, there is a number of other items that will be on their agenda soon. So it is those kinds of things.

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

With that, I think we have gone through all the issues that were on the priorities template, but I may have left something out or there may be something new that someone wants to add. The reason that there is extra space on this
template and a "submitted by" line is because if
people think of things and they want to provide
that input, then they can use this template, if you
will, to capture some of those thoughts and provide
them later as they think of them. But I also want
to provide this opportunity right now for people to
offer anything that I may have missed,
mischaracterized, or just occurred to them.

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

I'm going to be working over the next
several weeks on redrafting the State Plan based on
what I have heard from you but also based on what feedback I hear from the Secretary of State. And so I'll be getting that out for your further consideration and editing, and we'll go from there because I do expect we should have one more meeting. And I'm hoping that this could be a meeting that will be convenient for everyone so that we can sit down and look at a screen possibly and go through a kind of a page-by-page, if it is necessary, approach to this. Tweak some language here, tweak some language there. So does that work?

MS. ACTON: Yes.

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

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

MR. REYNOLDS: Okay. I don't know what form the State Plan is going to take. The Shelley administration did a very nice glossy State Plan. I'm not so sure that we're going to take exactly the same approach. It will be substance over format. And I'm not saying that the Shelley
administration plan didn't have content or
substance. Don't take it that way. It is just
that I'm not sure that we won't try to do this in a
way that's a little more low-budget.

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

MR. REYNOLDS: Yes. Absolutely.

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

MR. REYNOLDS: There you go.

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

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

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

MR. LEE: Before we get off the call, I
wanted to ask the other committee members if they
would be open to a conference call before the
meeting with the Secretary of State staff. I think
it might be useful for committee members to talk
about the new draft of the plan and perhaps to try
to build a consensus around what changes might need
to be made before having the face-to-face meeting
with the Secretary of State staff.

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

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

MR. REYNOLDS: Absolutely.

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

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

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

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

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

MS. GOLD: Sounds good.

MR. LEE: If it is okay with folks, then
what I'll do is, once Chris sends out the revised
draft, I'll circulate an email among committee
members to see what date and time might work for a
call before the face-to-face meeting.

    MS. JOHNSON: Sounds good.

    MS. GOLD: We appreciate it, Eugene.

    MR. LEE: Sure.

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

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