

EL DORADO COUNTY



RECORDER-CLERK- REGISTRAR OF VOTERS

William E. Schultz

**Recorder-Clerk
Commissioner of Civil
Marriages**

360 Fair Lane
Placerville CA 95667

[www.co.el-
dorado.ca.us/countyclerk/](http://www.co.el-dorado.ca.us/countyclerk/)
Phone: 530.621.5490

JANE KOHLSTEDT
Assistant Recorder-Clerk

Registrar of Voters

2850 Fairlane Court

P.O. Box 678001

Placerville CA 95667-8001

www.co.el-dorado.ca.us/elections/

Phone: 530.621.7480 Fax: 530.626.5514

NORMA GRAY
Elections Supervisor

July 22, 2004

To: John A Perez, Chairman
Voting Modernization Board

From: William E. Schultz
Recorder-Clerk-Registrar of Voters
El Dorado County

Re: Project Documentation Submittal Deadline

Dear Chairman Perez,

I hereby respectfully request that the Voting Modernization Board consider extending the deadline for submitting "Project Documentation Plans" for California counties from January 1, 2005 to at least July 1, 2005.

Since I became the Registrar of Voters for El Dorado County on January 9, 2004, I have tried to come up to speed on all facets of the election process. However, the one item that I cannot seem to grasp is the requirement to submit a Project Documentation Plan when there has not been a list of certified vendors to send an RFP or an RFI to for modern voting equipment such as DRE equipment.

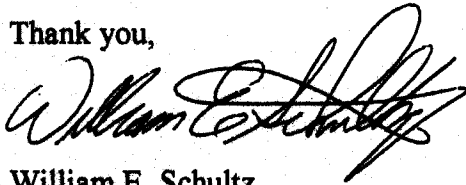
Recent communication from the Secretary of State's office indicates that some vendors are now certified or are about to become certified and will have the Accessible Voter Verified Paper Audit Trail available on (DRE) or electronic voting systems. If El Dorado County decided to pursue a DRE system it would be very difficult to implement a plan of action through the RFP, RFI process, with vendors just now being considered for certification, from what I understand. With the November Presidential Election close at hand, vendors and counties are gearing up for one of the larger elections for California and it would almost be a disservice to try and complete the Documentation Process by December 31, 2004.

The Secretary of State certainly knows the necessity of asking for an extension of deadlines considering the statewide voter registration database. In addition, the decision by the U.S.

District Court on July 7, 2004 only adds to the urgency of requesting an extension of time for filing a Project Documentation Plan while the Secretary of State and election system vendors strive to work out agreements for certification.

Again, I ask that your Board consider extending the deadline until at least July 1, 2005.

Thank you,

A handwritten signature in black ink, appearing to read "William E. Schultz". The signature is fluid and cursive, with a large initial "W" and "S".

William E. Schultz
Recorder-Clerk-Registrar



NEWS RELEASE

CALIFORNIA SECRETARY OF STATE KEVIN SHELLEY

KS04:045

FOR IMMEDIATE RELEASE
Wednesday, July 7, 2004

Contact: Carol Dahmen
Doug Stone
916-653-6575

U.S. District Court Rules in Favor of Secretary of State Shelley's Security Measures

SACRAMENTO, CA – A federal district court judge has ruled that Secretary of State Kevin Shelley's requirements for enhanced security measures on touchscreen machines are "designed to protect the voting rights of the state's citizens."

Judge Florence-Marie Cooper, of the United States District Court, Central District of California, wrote in her ruling, *Benavidez v. Shelley*, that the Secretary's "decision to decertify touchscreen voting machines and to withhold further certification until he is satisfied that manufacturers and counties have complied with specified conditions is a reasonable one. It is based on studies conducted and information gathered which convinced him [Shelley] that the voting public's right to vote is not adequately protected by the systems currently in place."

She wrote also that, "If any voting systems are deemed by the Secretary to be defective, obsolete, or otherwise unacceptable... the Secretary is, therefore not only authorized, but expressly directed, to withdraw his approval of any voting system to be defective or unacceptable."

"The Court has found that the actions we have taken to ensure the security and integrity of the November election are appropriate -- that they are, in fact, necessary," said Secretary Shelley. "Now is the time to leave the litigation and the acrimony behind, implement the added security measures we have called for, and run a secure, efficient election in November."

Judge Cooper's decision concerning the plaintiff's requests for a preliminary injunction and temporary restraining order has been added as an attachment.

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Attachment: Judge Cooper Ruling