



# County of Santa Cruz

## COUNTY CLERK / ELECTIONS

701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4078  
831-454-2060 TOLL-FREE: 866-282-5900 FAX: 831-454-2445 TDD: 831-454-2123  
E-MAIL: [gail.pellerin@co.santa-cruz.ca.us](mailto:gail.pellerin@co.santa-cruz.ca.us)  
Web Sites: [www.sccoclerk.com](http://www.sccoclerk.com) & [www.votescount.com](http://www.votescount.com)

GAIL L. PELLERIN, COUNTY CLERK

July 20, 2005

John A. Perez, Chair  
Voting Modernization Board  
c/o Elections Division, Secretary of State's Office  
1500 11<sup>th</sup> St., 5<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Perez,

I am writing in regards to two issues:

1. Support of allowing counties to use Help America Vote Act (HAVA) Section 301 funds to meet their local match to obtain Proposition 41 bond money; and
2. Support of allowing counties to submit a phased in project documentation package that outlines expenditure of Proposition 41 funds over a specified period of time.

Your board supported the use of HAVA Section 102 funds to be used toward the local match required by Proposition 41, and I urge your board to adopt the same policy in regards to HAVA Section 301 funds. Santa Cruz County was not eligible for the Section 102 funds and has passed a county budget based on the ability to use our HAVA Section 301 funds as our local match to receive Proposition 41 funds. Certainly, a decision to allow this would be consistent with past decisions of your board.

In addition, Santa Cruz County is moving ahead with plans to prepare a project documentation package and submit it to your board for consideration prior to the December 31, 2005 deadline. Unfortunately, we continue in an environment where the mandates are advancing faster than the technology. As you know, as of this writing there continues to be only one voting system that has received conditional state certification and two more systems that may receive full or conditional certification in the near future. In any event, by the time the December 31, 2005 deadline arrives, it is unlikely if there will be more than 3 systems that have received the state certifications necessary for purchase. Therefore, county election officials are in the position of making recommendations to spend millions of dollars on voting systems that may not meet the needs of our voters.

VMB letter  
July 19, 2005  
Page 2

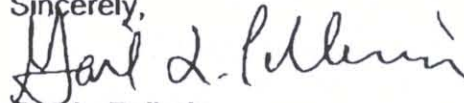
Attempts to extend the January 1, 2006 HAVA deadline have been unsuccessful; however, I do think it's possible for counties to implement voting system changes in phases. The first phase being introduction of an accessible voting unit, and the second phase with replacement of a central count paper-based system with a more modern precinct based electronic or optical scan system that offers more options and protections for voters.

Forcing counties to spend their entire allocation of Proposition 41 funds by December 31, 2005 is fiscally imprudent in today's environment where there remain few voting systems available for purchase. Moreover, the laws regarding requirements of these systems and voting system standards continue to change and alter the configuration of these systems.

For counties like Santa Cruz County, who uses the optical scan central count system known as Mark-A-Vote, our options are few and unsettling. While we are moving forward with meeting these challenges, we ask your board for flexibility as we prepare and submit a plan for expenditure of the \$1.6 million allocated to Santa Cruz County. We are certain we will need each cent allocated to our county, but we are not prepared to spend it all by December 31, 2005. I strongly urge your board to take action to allow counties to submit a phased in project documentation package by December 31, 2005 outlining future year plans for voting modernization and voting system procurement.

If I can provide any additional information, please do not hesitate to contact me at 831-454-2419.

Sincerely,



Gail L. Pellerin  
County Clerk