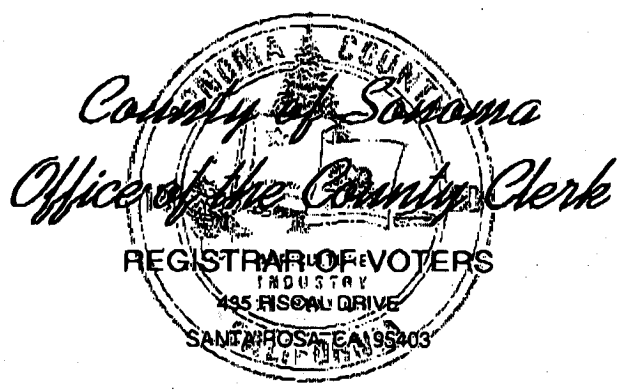


EEVE T. LEWIS
COUNTY CLERK
REGISTRAR OF VOTERS
EX-OFFICIO CLERK BOARD OF SUPERVISORS



P.O. BOX 11485
SANTA ROSA, CA 95406-1485
(707) 565-6800
(800) 750-VOTE
TDD (707) 565-8888
FAX (707) 565-8843

February 15, 2005

Voting Modernization Board
Attn: John A. Perez, Chair
c/o Secretary of State's Office
Elections Division
1500 11th Street
Sacramento, CA 95814

Dear Chairman Perez:

I wish to address the agenda items concerning the possible extension or elimination of the current July 1, 2005, deadline for counties to submit Project Documentation Plans to qualify for Proposition 41 Voting Modernization Funds; the requirement that counties which have yet to submit such plans do detailed status reports; and the possible redistribution of funds in additional funding rounds.

As you have witnessed over the past two years and we, as election administrators, have experienced, the world of election administration is undergoing constant change. As an election administrator for over 32 years, I have seen radical changes in technology, election law, practice and procedure. I have every reason to believe this evolution will continue.

As we are also acutely aware, only one HAVA-compliant voting system has been certified (conditionally) for use in California, and that system could not be used to conduct a primary election. However, I sincerely believe election system vendors are diligently working to provide newer and better products to meet the ever-changing needs of California's voters.

At the time Proposition 41 was placed on the ballot, only 11,000 voters in Sonoma County were permanent absentee voters. By election day in March 2002, that number had grown to roughly 45,000 and today over 100,000 voters in Sonoma County have permanent absentee voter status. This increase in the number of absentee voters drastically changes the manner in which elections are conducted. It also has a direct impact on the type of voting system that will meet the needs of Sonoma County voters. Direct recording electronic devices are not compatible with the absentee voting process. With the exception of Mark-A-Vote, our current voting system, optical scan voting systems on the market today were designed with precinct count in mind. As a result, central tabulation of the increased number of absentee ballots is a lengthy and arduous process. Also, due to the size and weight of optical scan ballots, return postage can cost voters far more than the optical scan tab card system Sonoma County currently uses. As much as I may wish to modernize my voting system, I do not yet see a voting system on the horizon that better meets the needs of Sonoma County voters.

Mr. John Perez, Chair
Modernization Board

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To further complicate matters, last month, "grandfathered" voting systems were placed before the Voting Systems and Procedures Panel for consideration as to whether such systems should be required to be federally qualified now or in the future. The Mark-A-Vote voting system is a "grandfathered" system, as it predates federal qualification requirements. The vendor that designed and markets the system does not make a significant amount of money from the system, and the customer base does not support seeking federal qualification, And, as recently as last week, counties received updated figures from the Secretary of State's Office indicating that there will be considerably more funds available to meet the Section 301 requirements of HAVA. In light of this emerging information, I believe the application deadline for Voting Modernization Funds should be eliminated. If counties are able to fund the HAVA requirements through Section 301 funds, it makes no sense to impose an artificial deadline for modernizing voting systems when a significantly limited number of systems exist for purchase.

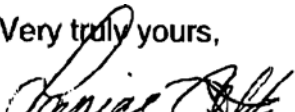
In March 2002, Sonoma County was one of only 15 counties to pass Proposition 41. I don't believe the voters of this county had any idea there were no new voting systems to purchase, and I sincerely believe they would not want us to rush to purchase a new voting system that does not meet our needs. However, they have indicated their desire to establish funding for the modernization of our voting equipment when a suitable system is available for purchase.

A formula was devised and adopted to allocate Voting Modernization Funds. Some counties have spent their pro-rata share of the funds and now wish to access funds allocated to other counties, with the justification that the AVVPAT was not a requirement at the time their systems were purchased. This justification defies logic. Had the AVVPAT been required at the time of purchase, these counties would not have received additional funding, so why should they receive funding that has rightfully been allocated to other counties based on the agreed upon formula?

I see nothing in Proposition 41 placing a deadline on the modernization of systems. Every county will need to update its voting equipment at some point in the not too distant future. Each county's allocation of funds should be held for its own use at such time as a system upgrade is necessary. While I have no issue with providing the Voting Modernization Board a status report on a regular basis, I do not believe Sonoma County's share of the funds should be reallocated. Sonoma County's voters voted in favor of modernization, and I believe our pro-rata share of the funds should be held until such time as a new voting system that meets our needs is qualified and certified for use in California.

Thank you for the consideration of the issues I have presented. If you have any questions, please contact me at 707-565-6814.

Very truly yours,



Janice Atkinson

Assistant Registrar of Voters
County of Sonoma