

VMB and the Status of Voting Equipment

In 2007, Secretary of State Debra Bowen conducted a top-to-bottom review of many of the voting systems certified for use in California. Following the top-to-bottom review, on August 3, 2007, Secretary Bowen strengthened the security requirements and use conditions for certain systems. As a result of the top-to-bottom review (and subsequent decertification of voting systems) no new voting systems were approved for use in California between 2008 and early 2015.

Under the direction of Secretary Padilla, the pace of approvals of both voting systems and voting equipment in the state of California is picking up. In 2015 alone, two voting systems were approved for use in California. Specifically, since the last meeting of the Voting Modernization Board (VMB) in August of 2015, one of the two voting systems mentioned previously, the ES&S Unity 3.4.1.0 has been approved for use in California.

There are currently eight different applications related to EPollBooks under review. Additionally, there are currently two voting systems and three remote accessible vote-by-mail systems undergoing various phases of the testing process in California.

The passage of SB 450 (California Voter's Choice Act) last year has introduced something new in to the elections landscape of California: Vote centers, ballot drop off locations, drop boxes for ballots, and every voter will receive a ballot in the mail. As a result, the interest in voting systems and voting equipment such as ePollBooks, remote accessible vote-by-mail (VBM) systems, VBM drop boxes, and ballot on demand (BOD) printers has increased as county elections officials prepare to embrace a new model of voting in California.

Under the Voter's Choice Act and beginning in 2018, 14 counties are allowed to conduct elections under the Voter's Choice Act model: Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne. All other counties would be allowed to conduct Voter's Choice Act elections beginning in 2020.

In addition to the changes brought on by the Voter's Choice Act, another legislative directive, conditional voter registration (CVR) (Chapter 497, Statutes of 2012) has recently taken effect. CVR allows for a registrant to cast a conditional provisional ballot when the registrant delivers to the county elections office a properly executed affidavit of registration during the period 14 days prior to an election through and including Election Day. As Nevada and other counties have pointed out, this greatly complicates the task of estimating how many ballots, and of what type, to order. As we've discussed in relation to Nevada County's project documentation plan, CVR makes BOD printers a very attractive option. California currently has four certified BOD systems, two made by ES&S, one from Hart InterCivic, Inc., and one from Runbeck Election Services, Inc.

It is our opinion that the Voting Modernization Board can expect to see a marked increase in the number of counties submitting Project Documentation Plans and requesting to come before the Board to request reimbursement for the purchase of voting equipment.