

Tulare County

Project Documentation Package Staff Report

Summary

Tulare County	Amounts
VMB Approved Allocation Amount	\$1,749,911.00
Staff Recommended Funding Award Amount	\$1,389,047.14
Staff Recommended 3:1 Matching Amount	\$463,015.71
Estimated Total System Cost	\$2,331,047.85
Remaining Allocation Amount	\$360,863.86
Remaining 3:1 Matching Amount	\$120,287.96

Voting System:

Hardware:

Precinct System:

Optech Insight Precinct Ballot Counters (Optical Scan) version HPX 1.40, APX 2.06 CPX 1.12 – 115 Units

AVC Edge II DRE (Touch Screen) version 4.3.320 – 126 Units

VeriVote (DRE Printers) – 160 Units

Absentee System:

Optech 400-C Ballot Counters (Optical Scan) version 1.10.5 – 2 Units

Software:

WinEDS version 3.0134

EMS/AERO version 3.54.1

Vendor:

Sequoia Voting Systems, Inc.

Acquisition Schedule:

Tulare County's plan indicates an expectation to begin receiving their new voting equipment in January 2006 and delivery to be completed by the end of March 2006. The actual delivery terms of their vendor contract are more ambiguous. The contract language estimates delivery date "at or

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about 5 months” from the date of the contract, with a caveat on delivery of two potentially different Optech Insight model versions. The county plans to begin using this equipment in the June 6, 2006 Primary Election.

Project Completion Date:

Tulare County indicates that their project completion date will be upon certification of the June 6, 2006 Primary Election.

Voter Verifiable Paper Audit Trail (VVPAT):

The AVC Edge II DRE units being purchased by Tulare County include the VeriVote printer, which is a VVPAT component.

Staff Report:

Tulare County’s Project Documentation Package meets all of the requirements for completeness. The Sequoia AVC Edge II DRE units, the VeriVote printers, the Optech Insight units, and the Optech 400-C units are certified for use in California.

The software used to run the AVC Edge units currently has a “condition” on the certification for its use, as the software cannot be used in a primary election. This condition is expected to be resolved prior to the June 6, 2006 Primary Election; however, no application has yet been received by the Secretary of State’s Office to accomplish that. Unless such an application is brought forward by the vendor before the end of January, it appears unlikely that the Sequoia AVC Edge II DRE units with the VeriVote printers would be certified for use during the June 6, 2006 Primary Election.

Tulare County will be converting from the Diebold AccuVote optical scan voting system. Tulare County believes that the deployment of one DRE unit and one optical scan unit in all polling places will bring the county into full compliance with the requirements of the Help America Vote Act (HAVA). The DRE units will provide access to those voters with disabilities and will also satisfy the second-chance voting requirements by not allowing over-votes and identifying under-votes to each voter. Tulare County plans to conduct a rigorous public relations program to educate the voters on both the new optical scan ballots and the DRE’s. During the implementation of the new voting system, the county plans to provide evaluation forms for the elections staff, poll workers and voters to complete in order to gather feedback.

Tulare County’s vendor contract contains a provision that allows for the receipt of two different models of the Optech Insight optical scan voting equipment contingent upon the vendor gaining certification on the newest version of the Optech Insight with an LCD component. The ambiguity of the delivery terms appears to be tied to this provision. It appears that if, at the time of delivery of the equipment, the Optech Insight with the LCD component is certified for use in California, this equipment will be delivered to Tulare County. However, because Elections Code section 19234(b) requires Voting Modernization Fund moneys to be expended only for certified voting systems, the currently-certified Optech Insight optical scan equipment identified in Tulare County’s Project

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Documentation Plan (without the LCD component) is the only version of this equipment that the Voting Modernization Board may approve for reimbursement at this time.

The funding award must be based upon allowable reimbursement under Proposition 41 for voting equipment hardware and software only. The installation, training, outreach, and extended warranty costs listed in the Tulare County plan would not be covered as a reimbursable claim under Proposition 41. These non-allowable expenses equate to approximately \$475,000 of the county's overall voting system cost. As the contract between Tulare County and Sequoia Voting Systems is written at this time, Tulare County may not be eligible to receive their entire VMB Approved Allocation Amount taking into account the county's required 3 to 1 match.

Tulare County will only receive VMB payments once they have submitted invoices for their certified voting equipment.

Staff Recommendation:

It is our recommendation that Tulare County's Project Documentation Plan be approved with the condition that this approval extends to equipment currently certified for use in California. If upon its certification, Tulare County wishes to instead purchase the Optech Insight with the LCD component, the county may submit an amendment to this application for consideration by the board. Therefore, we recommend a Funding Award letter be issued for allowable expenses only in the amount of \$1,389,047.14.

Tulare County VMB Formula Allocation	Amounts
VMB Approved Allocation Amount	\$ 1,749,911.00
County 3:1 Matching Amount	\$ 583,303.67

Allocation Under Prop 41 Excluding Non-Allowable Expense

Non-Allowable Expenses

Installation, Training and Outreach	\$ 75,000.00
Total Extended Warranties	\$ 403,985.00
Total Non-Allowable Expenses	\$ 478,985.00

Estimated Total System Cost	\$ 2,331,047.85
Total Non-Allowable Expenses	\$ 478,985.00
Total Allowable Expenses	\$ 1,852,062.85

Recommended Funding Award (75% of Allowable Expenses)	\$ 1,389,047.14
Match (25% of Allowable Expense Match Amount)	\$ 463,015.71
Total Allowable Expenses	\$ 1,852,062.85

Remaining VMB Approved Allocation Amount	\$ 360,863.86
Remaining 3:1 County Required Matching Amount	\$ 120,287.96