



John A. Pérez, Chair  
Stephen Kaufman, Vice Chair

Michael Bustamante  
Tal Finney  
Carl Guardino

# Voting Modernization Board

## Modernizing Voting Equipment in California

### VOTING MODERNIZATION BOARD Board Meeting Minutes

Wednesday, February 19, 2003  
Secretary of State Building

- I. CALL TO ORDER – 10:25 am
- II. Chairman John A. Pérez announced that immediately preceding the meeting, Secretary of State Kevin Shelley swore-in Carl Guardino to serve as a new Voting Modernization Board member.

- III. ROLL CALL AND DECLARATION OF QUORUM

Present: John A. Pérez, Stephen Kaufman, Carl Guardino  
Absent: Michael Bustamante, Tal Finney

- IV. PUBLIC COMMENT: None.

- V. ADOPTION OF JANUARY 15, 2003 MEETING MINUTES

**A motion was made by Stephen Kaufman and seconded by Carl Guardino to adopt the meeting minutes of the January 15, 2003 meeting. The minutes were unanimously approved as submitted.**

- VI. AMENDED APPLICATIONS FOR FUNDING CONSIDERATION:  
Jana Lean presented a staff report to the Board. Three counties, Calaveras, San Luis Obispo and Tulare, amended their applications to request their full formula allocation amount and Trinity County chose not to submit an amended application for their full formula allocation due to the insignificance of the amount.

**M/S Kaufman/Guardino to accept the amended applications for Calaveras, San Luis Obispo & Tulare Counties.**

**All in favor. Motion passes.**

VII. FINAL OPPORTUNITY FOR INITIAL APPLICATIONS FOR FUNDING CONSIDERATION:

Jana Lean presented a staff report to the Board. Staff contacted the seven counties that did not apply for funding and they all indicated that they would like to apply for the full allocation formula amount now. Out of the seven counties that did not apply for funding initially, five county representatives attended the meeting to address the Board on their intent to apply for Proposition 41 funding. Ms. Lean explained that at the July 17, 2002 meeting the VMB came up with the formula allocations for the counties. The formula was released to counties on July 24, 2002. The counties were reminded three times of the September 3, 2002 deadline to apply for funding: August 9, 2002, August 26, 2002 and again on August 30, 2002. The main reasons counties gave to staff for not applying for funding were: the counties were confused of the process so they did not apply, and that at the time of the deadline AB 2525 and the Help America Vote Act, which require at least one DRE or touch screen voting system in each precinct, were not passed yet. Now that these seven counties have different requirements, they are requesting funding from the Board. Pérez stated that this is consistent with the counties that applied for less. The Board wants to be responsive to the new requirements that were not in place at the time of the September 3, 2002 deadline.

Reports from County Representatives:

- A. Amador County submitted a letter in advance of the meeting and representative George Allen, deputy Registrar of Voters, addressed the Board. Mr. Allen stated the county initially was not interested in upgrading their system. They already spent a half million dollars in 1992 to upgrade their system and some of the current systems are almost identical to their optical scan system. However, due to the new requirements of the state and federal legislation that came out in October, now they would like to upgrade with a proposal to put one DRE in each precinct and supplement the optical scans. Mr. Allen stated the only reason for applying for funding at this time is because of the new requirements.
- B. Del Norte County did not send a letter or a representative to the meeting. The VMB staff received an informal note indicating that they were interested in applying for funding. Staff tried repeatedly to contact the county representative but received no further response.
- C. Mono County submitted a letter in advance of the meeting and representative Renn Nolan, the County Clerk and Registrar of Voters, addressed the Board. Ms. Nolan stated that in September of 2000 Mono County purchased a new optical scan voting system and when her county received the applications and correspondence regarding Proposition 41 funding she thought they could not apply for funding because they had already purchased their system. Ms. Nolan said Secretary of State staff informed her that since she had already paid in full for the optical scan system and was not making payments that they could not apply for funds. Ms. Nolan stated that Mono county is very remote and when the new legislation passed making it mandatory to have touch screens or something similar, they were delighted that the VMB is opened up the application process one last time for the initial funding. Mono County plans to supplement their optical scan system with DREs and will try to consolidate some of their 13 precincts. Board member Carl Guardino voiced his concern about the consolidation of precincts and asked if it would be a hardship on the voters. Ms. Nolan indicated it would not.
- D. Sierra County submitted a written report to the Board on their intent to apply for funding, no representative was present due to the low staffing in their county office.

- E. Sonoma County submitted a letter and an application in advance of the meeting and representative Janice Atkinson, Assistant Registrar of Voters, addressed the Board. Ms. Atkinson stated that Sonoma County switched to an optical scan voting system in 1993 and did not think they needed another new system, therefore did not apply for funding. However, due to the new requirements of the state and federal Legislation that came out in October, now they would like to upgrade with a proposal to put one DRE in each precinct for accessibility and continue to use the optical scans for the rest of their voters. Ms. Atkinson stated the only reason for applying for funding at this time is because of the new requirements. Since Sonoma County has a very high absentee voter turnout she doesn't know how much money she will need at this time. They have over 450 precincts and 14,000 to 48,000 absentee voters.

*10:49 am – Board Member Bustamante arrived.*

- F. Stanislaus County submitted a letter in advance of the meeting and representative Lee Lundrigan, the Clerk Recorder and Registrar of Voters, addressed the Board. Ms. Lundrigan told the Board her county applied for funding by the September third deadline and at the time did not have a specific vendor. She misunderstood the instructions of the application process and staff informed the Board that they denied the application submitted because it was incomplete. Stanislaus County is now re-applying due to the new federal requirements.

Chairman Pérez was concerned that in the memo submitted to the Board, Stanislaus County does not commit to converting to a new voting system at all. Ms. Lundrigan stated that she has not gone to Board of Supervisors yet for approval.

- G. Ventura County submitted a letter and an application in advance of the meeting and representative Bruce Bradley addressed the Board. Mr. Bradley informed the members that their Board of Supervisors has not given a Board resolution at this time, but is on the agenda for the next Board of Supervisors meeting. He misunderstood the application process and thought they had to have a vendor selected by the September deadline so they chose not to apply initially. Now, they would like to apply for their full formula allocation amount. Mr. Bradley stated his concerns that the whole process keeps changing with the vendors and new technology and the many new companies just starting up. He's hesitant that the vendor they pick might not be around in a couple years. Therefore, they have not committed to any particular system at this time. Mr. Bradley was also concerned that Ventura County would not be able to put in the county match due to the budget crisis. They have used Datavote since 1966.

Chairman Pérez suggested an option available to counties is to finance the system. Mr. Bradley plans to wait until after the March 2004 election to select a vendor to see how both the counties that converted and the vendors handled the election.

Chairman Pérez opened up the discussion about Sierra and Del Norte counties and requested an update from staff why there were no representatives present to address the Board, as requested. John Mott-Smith stated that not sending a representative is not a measure of disinterest but acknowledgement of the small staffs in small counties. Sierra County sent a letter and has a resolution passed by their county Board of Supervisors. Pérez and the Board were pleased that they took the time to go to their Board. Jana Lean said Vicki Frazier, the County Clerk/Recorder for Del Norte County sent a fax, but no formal letter. Staff tried contacting Ms. Frazier several times but she had been out sick and did not return calls. The initial fax received said she would like us to hold the funds and is interested in applying.

The Board discussed several options and concluded on giving the counties eight weeks, until April 16, 2003, to submit board resolutions and applications for funding. Those will be acted on at the April meeting. The Board decided to treat all 7 counties the same. If a county fails to meet deadline, they will not receive another extension. The Board also changed the April meeting date. Chairman Pérez, however, was not in favor of the change due to a conflict on his calendar for Secretary's Day on April 23, 2003.

**M/S Bustamante/Kaufman to change the scheduled April 16, 2003 meeting to April 23, 2003. Voting Aye: Bustamante, Kaufman, Guardino. Voting No: Pérez. Abstention: none  
Motion passes.**

**M/S Guardino/Kaufman in regard to the seven counties who did not apply for Proposition 41 funding by the September 3, 2002 deadline to adopt the date of April 16, 2003 to submit their completed application and approved resolutions from their Board of Supervisors. Voting Aye: Pérez, Guardino, Kaufman, Bustamante. Voting No: none  
Motion passes.**

VIII. ADJOURNMENT

**There being no further business or public comment to come before the Board, a motion was made by Stephen Kaufman and seconded by Michael Bustamante to adjourn the meeting at 11:20 am.**

*Minutes submitted by Debbie Parsons*