APPEARANCES

PANEL MEMBERS

Mr. John A. Pérez, Chairperson, via telephone
Mr. Stephen Kaufman, Acting Chairperson
Mr. Michael Bustamante
Mr. Tal Finney
Mr. Carl Guardino, via telephone

STAFF

Mr. Michael Kanotz, Staff Counsel
Ms. Susan Lapsley, Office of Voting Systems Technical Assessment
Ms. Jana Lean, Staff Consultant
Ms. Katherine Montgomery, Executive Assistant

ALSO PRESENT

Ms. Billie Alvarez, Santa Barbara County
Mr. Philip Chantri, Santa Clara County
Ms. Kathleen Moran, Colusa County

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INDEX

I. Call to Order                                      1
II. Roll Call and Declaration of Quorum                1
III. Public Comment
IV. Adoption of January 18, 2006 Actions & Meeting Minutes 1
V. Project Documentation Package Review and Funding Award Approval: Receive staff report for approval of funding awards. (A) Colusa County 2 (B) Santa Barbara County 7
VI. Staff Report on Related Issues: Receive staff report on the following issues: (A) Report on County Quarterly Status 14
VII. Other Business 27
VIII. Adjournment 31
IX. Reporter's Certificate 32

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PROCEEDINGS

ACTING CHAIRPERSON KAUFMAN: Okay. Well, it sounds as if we have a quorum, unless Carl is throwing his voice and imitating Michael as well.

So, Kathleen, do you want to take roll?

EXECUTIVE ASSISTANT MONTGOMERY: John Pérez?

Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Here.

EXECUTIVE ASSISTANT MONTGOMERY: Mike Bustamante?

BOARD MEMBER BUSTAMANTE: Here.

EXECUTIVE ASSISTANT MONTGOMERY: Tal Finney?

Carl Guardino?

BOARD MEMBER GUARDINO: Here. Present.

ACTING CHAIRPERSON KAUFMAN: Okay. We have a quorum, some in voice only. So why don't we begin.

Do we have any public comment? I haven't received any cards.

STAFF CONSULTANT LEAN: No, sir.

ACTING CHAIRPERSON KAUFMAN: Then let's get to Item 4 on the agenda, which is the adoption of the January 18, 2006, action and meeting minutes. Do I have motion from either of the gentlemen on the phone to approve the minutes?

BOARD MEMBER BUSTAMANTE: I'll move.

ACTING CHAIRPERSON KAUFMAN: Michael Bustamante
moves.

Carl, do you second?

BOARD MEMBER GUARDINO: Yeah.

ACTING CHAIRPERSON KAUFMAN: We have a second.

All in favor of approving the minutes say aye.

(Ayes)

ACTING CHAIRPERSON KAUFMAN: Unanimous vote on that. That was easy. Okay.

Let's go to the Item 5, which is the project documentation package review and funding award approvals.

And we have two counties that are before us this morning, Colusa County and Santa Barbara County.

Jana, you want to begin by providing the staff report on Colusa County?

STAFF CONSULTANT LEAN: Colusa County is moving forward with the Phase 1 Project Documentation Plan. Staff recommends funding award of $92,625. They're purchasing the ES&S Model 100 precinct ballot scanners, 20 units. Colusa County has secured the Phase 1 voting system equipment, and this equipment was implemented completely during the November 2005 special election. Phase 1 voting system was implemented, and the county anticipates implementing their Phase 2 voting equipment, the AutoMARK Voter Assist Terminals, during the June 6, 2006, primary election. The accessible voter verified
paper audit trail requirement does not apply to Colusa
County Phase 1 Project Documentation Plan, as the system
is a paper-based optical scan system.

Colusa County Phase 1 Project Documentation Plan
meets the requirements for completeness. The ES&S model
100 optical scan units being used by Colusa County are
certified for use in California. During the October 2003
recall election, Colusa County entered into a contract to
rent ES&S central count optical scan voting equipment to
take the place of their Datavote punch card voting system
to assist with reducing the cost due to the extraordinary
number of candidates on the ballot and recall election.
The optical scan voting equipment was well received by
their voters, and as such, the County rented the central
count optical scan system again for the March 2004 and the
November 2004 elections.

Based upon the successful use of the optical scan
voting system, Colusa County entered into a contract with
ES&S to purchase 20 ES&S Model 100 precinct based optical
scan units, and these units were used for the first time
during the November 2005 special election.

Colusa County's Phase 1 project documentation
plan does not fully address the new state and federal
requirements for accessibility. However, the ES&S Model
100 does offer a voter verified ballot and alerts voters
if they've overvoted their ballot. To fully comply with
the state and federal law, Colusa County plans to
incorporate a Phase 2 into their overall plan and intends
to purchase one AutoMARK Voter Assist Terminal for each
location.

Colusa County will only receive VMP payments once
they have submitted detailed invoices for their certified
evoting equipment. Please note the staff proposed funding
award states upon allowable reimbursement of Proposition
41 for the voting equipment hardware and software only.
The election support services and ES&S voter registration
software licensing fees line items listed in Colusa
County's contract with ES&S would not be covered as
reimbursable claims under Proposition 41.

It is the staff recommendation that Colusa
County's Phase 1 Project Documentation Plan be approved
and funding award letter be issued in amount of $92,625.
Any questions?

ACTING CHAIRPERSON KAUFMAN: Thanks, Jana.
Do either of you gentlemen have questions for
Jana?
BOARD MEMBER GUARDINO: I do not.
BOARD MEMBER BUSTAMANTE: Nor do I.
ACTING CHAIRPERSON KAUFMAN: Do we have a
representative from Colusa County here this morning?
MS. MORAN: Yes. I'm Kathleen Moran, and I'm County Clerk and Registrar of Voters for Colusa County.

ACTING CHAIRPERSON KAUFMAN: Ms. Moran, do you want to step up to the microphone -- or actually should we have her come up here? If you wouldn't mind coming up to the table so that my fellow Board members can hear what you have to say.

MS. MORAN: Thank you.

I've read the staff recommendation, and it is based on the application that we've presented. It's a summary of that. And I'm in agreement with the recommendation, and I'm hoping the project will be funded as requested.

ACTING CHAIRPERSON KAUFMAN: Ms. Moran, have you already entered negotiations for the purchase of the AutoMARK?

MS. MORAN: Yes.

ACTING CHAIRPERSON KAUFMAN: Is there a contract in place, or are you just awaiting certification or --

MS. MORAN: No. We have an add-on sales agreement to the -- this agreements for the Model 100. So we have it negotiated and have a contract that is not signed yet, but we do have it sitting there.

ACTING CHAIRPERSON KAUFMAN: Just so I understand completely, and I know the same applies to Santa Barbara
County, but the AutoMARK system is a, for lack, it's kind
of a hybrid. There's a paper ballot that's generated, but
it's done through essentially a touch screen device.

MS. MORAN: It's simply a marking system. It's a
marking device that produces a paper ballot that's then
fed through the optical scan.

ACTING CHAIRPERSON KAUFMAN: Mr. Bustamante,
Mr. Guardino, do you have any questions for Mr. Moran?

BOARD MEMBER BUSTAMANTE: Yeah, I have one, and
it goes to Phase 2 and the issue of, you know, being able
to -- meeting the accessibility requirements. When does
the county intend on meeting those accessibility
requirements in Phase 2?

MS. MORAN: That requirement is intended to be in
place for the June primary.

BOARD MEMBER BUSTAMANTE: Oh, that soon?

MS. MORAN: Yes.

BOARD MEMBER BUSTAMANTE: Oh, I see. So you
intend to come back to us for the remaining allocation?

MS. MORAN: Yes, I do.

BOARD MEMBER BUSTAMANTE: I see.

MS. MORAN: Hopefully at the next meeting or
subsequent meeting.

BOARD MEMBER BUSTAMANTE: I see. Okay. No more
questions.
ACTING CHAIRPERSON KAUFMAN: Mr. Guardino?
BOARD MEMBER GUARDINO: Nope.

ACTING CHAIRPERSON KAUFMAN: Okay. Okay. Then do we have a motion to approve the staff recommendation for Colusa County's Phase 1 Project Documentation Plan in the amount of $92,625?
BOARD MEMBER BUSTAMANTE: Yeah, I so move.
BOARD MEMBER GUARDINO: I second that.

CHAIRPERSON PÉREZ: We have a motion by Mr. Bustamante and a second by Mr. Guardino.

Roll.
EXECUTIVE ASSISTANT MONTGOMERY: Stephen Kaufman?
ACTING CHAIRPERSON KAUFMAN: Aye.
EXECUTIVE ASSISTANT MONTGOMERY: Mike Bustamante?
BOARD MEMBER BUSTAMANTE: Aye.
EXECUTIVE ASSISTANT MONTGOMERY: Carl Guardino?
BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Okay.

Congratulations to Colusa County.

MS. MORAN: Thank you very much.

ACTING CHAIRPERSON KAUFMAN: We'll look forward to seeing you again sometime before June.

Let's go to Santa Barbara County.

STAFF CONSULTANT LEAN: Santa Barbara County is moving forward with their Phase 2 Project Documentation
Plan. Staff recommends an allocation of $720,924.75.

Santa Barbara County is purchasing the ES&S AutoMARK Voter Assist Terminals, 200 units.

ACTING CHAIRPERSON KAUFMAN: If I may, timely as always, Mr. Finney has arrived.

BOARD MEMBER FINNEY: I've arrived. Good thing. Are we quorumed?

ACTING CHAIRPERSON KAUFMAN: We have had a quorum. We have Mr. Bustamante and Mr. Guardino on the phone. No thanks to you, we have a quorum.

BOARD MEMBER FINNEY: I had to walk here from Mr. Bustamante's office.

ACTING CHAIRPERSON KAUFMAN: Jana was just providing us with the report on Santa Barbara County, and I apologize for interrupting.

STAFF CONSULTANT LEAN: Let's start that one more time. Santa Barbara County has submitted a plan for their Phase 2 Project Documentation. They are purchasing the ES&S AutoMARK Voter Assist Terminals, 200 units. Santa Barbara County anticipates receiving the AutoMARK units this month in February 2006. And the county plans to use the AutoMARK units for the first time at the June 6, 2006, primary election. Santa Barbara County anticipates their Phase 2 project completion date will be upon certification of the June 6, 2006, primary. The accessible voter
verified paper audit trail requirement does not apply to Santa Barbara County's Phase 2 Project Plan as the system is a paper based optical scan system. Santa Barbara County's Phase 2 Project Documentation Plan meets the requirement for completeness. The ES&S AutoMARK Voter Assist Terminals are certified for use in California. At the January 15th, 2003, meeting of the Voting Modernization Board, the Board approved Santa Barbara County's Phase 1 Project Documentation Plan and awarded funding for reimbursement for the County's purchase of the Diebold AccuVote Optical Scan Precinct Ballot Tabulator Voting Equipment.

Santa Barbara County plans to accomplish their voting system modernization through a three-phase implementation plan. The county believes this three-phase implementation plan is a reasonable one for their county. Using this approach, the county has been able to introduce optical scan technology to voters who vote at the polls and those who vote by absentee ballot. Santa Barbara County believes the deployment of the Phase 2 Voter Assist Terminals Optical Scan Units will bring the county into compliance with the Help America Vote Act and state accessibility requirements.

Santa Barbara County plans to conduct a voter education and outreach program for voters in their county.
with a special emphasis on voters with disabilities on how
to use the new AutoMARK voting equipment. The county
plans to incorporate pertinent information on the new
AutoMARK unit in their poll worker and field supervisor
training curriculum. The county also plans to provide
poll workers and voters with surveys to evaluate the
AutoMARK units.

Santa Barbara County will only receive VMB
payments once they have submitted detailed invoices for
their certified voting equipment. Please note that the
staff proposed funding award is based upon available
expenses under Prop. 41 for the voting equipment hardware
and software only. The election support services and
installation line items listed in Santa Barbara County's
contract with ES&S would not be covered as reimbursable
claims under Proposition 41.

It is our recommendation that the Santa Barbara
County Phase 2 Project Documentation Plan be approved and
a funding award letter be issued in the amount of
$720,924.75.

Any questions?

ACTING CHAIRPERSON KAUFMAN: I have one question,
Jana, just about the attachments, the allocation formula.
I got confused when I got to the section entitled, "Phase
2 Non-Allowable Expenses," and that made reference under
that to Phase 1.

STAFF CONSULTANT LEAN: That's a typo on my part.

ACTING CHAIRPERSON KAUFMAN: It wasn't just me?

STAFF CONSULTANT LEAN: No. It was a typo.

ACTING CHAIRPERSON KAUFMAN: So are all the references there to Phase 1 supposed to be Phase 2?

STAFF CONSULTANT LEAN: That's correct, sir.

ACTING CHAIRPERSON KAUFMAN: And this is how you got to -- this is how you parsed out the allowable and non-allowable costs on the Phase 2 funding requests by Santa Barbara County?

STAFF CONSULTANT LEAN: That's correct.

BOARD MEMBER FINNEY: Mr. Chairman, since I was absent, is that how they did it for Colusa as well?

ACTING CHAIRPERSON KAUFMAN: There was not a --

BOARD MEMBER FINNEY: Not a chart like this, but I mean as far as --

STAFF CONSULTANT LEAN: Yes, there was a chart attached to Colusa's.

BOARD MEMBER FINNEY: I'm just asking because you approved it, but that's how we're getting around the issue that's been at hand the past several meetings?

ACTING CHAIRPERSON KAUFMAN: There is no issue regarding conditional certification for Colusa or for Santa Barbara on this particular equipment. Because we're
talking about optical scan equipment and not the DRE equipment. So that issue is not on the table today thankfully.

Mr. Finney, do you have any questions for Jana?

BOARD MEMBER FINNEY: Nope.

ACTING CHAIRPERSON KAUFMAN: Mr. Bustamante, any questions for Jana or staff?

BOARD MEMBER BUSTAMANTE: No, not for me.

ACTING CHAIRPERSON KAUFMAN: Carl?

BOARD MEMBER GUARDINO: No.

ACTING CHAIRPERSON KAUFMAN: Do we have a representative of Santa Barbara?

MS. ALVAREZ: Billie Alvarez from Santa Barbara County.

ACTING CHAIRPERSON KAUFMAN: Lilly Alvarez is here from Santa Barbara County. Ms. Alvarez, would you like to come up? And I guess we have another chair here at the table.

Good morning, Mr. Chair.

CHAIRPERSON PÉREZ: Good morning. Sorry for the delay in coming on. I had poor cell phone coverage.

ACTING CHAIRPERSON KAUFMAN: Just to bring you up to the speed, we are in the middle of reviewing Santa Barbara County's application, and we have already approved Colusa County. And we have Lilly Alvarez --
MS. ALVAREZ: Billie.

ACTING CHAIRPERSON KAUFMAN: Billie Alvarez from Santa Barbara County has joined us up here to provide us with her comments.

MS. ALVAREZ: Good morning. And the comment I have once again is a summary of what was submitted, and Santa Barbara agrees with the recommendation.

ACTING CHAIRPERSON KAUFMAN: Mr. Chair, I know you just jumped in, but do you have any questions for Santa Barbara County regarding their Phase 2 Project Documentation Plan?

Maybe he's in bad cell phone coverage.

Tal, any questions for Santa Barbara County?

BOARD MEMBER FINNEY: I feel good about it.

ACTING CHAIRPERSON KAUFMAN: Mr. Bustamante, any questions or comments?

BOARD MEMBER BUSTAMANTE: No, sir.

ACTING CHAIRPERSON KAUFMAN: And Mr. Guardino?

BOARD MEMBER GUARDINO: No.

ACTING CHAIRPERSON KAUFMAN: Okay. Then in that case, the Chair will entertain a motion to approve the staff recommendation that Santa Barbara County's Phase 2 Documentation Plan be approved, and the funding award letter be issued in the amount of $720,924.75.

BOARD MEMBER FINNEY: I'll move it.
CHAIRPERSON PÉREZ: I'll second.

ACTING CHAIRPERSON KAUFMAN: We have a motion by Mr. Finney. And I'm sorry, was that Mr. Guardino?

CHAIRPERSON PÉREZ: No. That was John.

ACTING CHAIRPERSON KAUFMAN: Now we know he's back.

Any further discussion on the issue? Okay.

Let's take a vote.

EXECUTIVE ASSISTANT MONTGOMERY: John Pérez?

CHAIRPERSON PÉREZ: Aye.

EXECUTIVE ASSISTANT MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE ASSISTANT MONTGOMERY: Mike Bustamante?

BOARD MEMBER BUSTAMANTE: Aye.

EXECUTIVE ASSISTANT MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE ASSISTANT MONTGOMERY: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Congratulations.

MS. ALVAREZ: Thank you very much.

ACTING CHAIRPERSON KAUFMAN: That's it for the project documentation packages for today.

And, Jana, we're going to go to the next item, which is the staff report on the quarterly status reports that have been submitted by all the counties. But maybe
as we segue into that, you can just comment on the
remaining issue from our last meeting in terms of the
three counties that received conditional approval. And if
you could just give us a little public status report on
the submission that was made with respect to that voting
system.

STAFF CONSULTANT LEAN: That was regarding
Sutter, Tulare, and Yuba County. Sequoia actually did
move forward. They brought their complete package to the
Secretary of State's Office, and they actually did
complete federal testing. So they fulfilled their
requirements that were placed upon those counties' funding
awards so that was listed. John Pérez actually signed off
letters letting the counties know that the condition no
longer stands for their funding awards.

ACTING CHAIRPERSON KAUFMAN: Very good. It's
nice to hear we're actually moving forward on one instead
of still in a holding pattern.

CHAIRPERSON PÉREZ: I have a question. Is a
representative of Sequoia in the room today?

STAFF CONSULTANT LEAN: I don't believe so, sir.

MR. CHANTRI: There's a Sequoia County here.

Santa Clara County is here. We use Sequoia.

ACTING CHAIRPERSON KAUFMAN: Did you hear that,
John?
CHAIRPERSON PÉREZ: No, I did not.

ACTING CHAIRPERSON KAUFMAN: There's no representative from the county here. There is a county here, Santa Clara County, that uses the Sequoia system.

CHAIRPERSON PÉREZ: I don't want to direct my comments at the county.

ACTING CHAIRPERSON KAUFMAN: I think you should just stay in your seat over there.

Okay. As you may all know, we adopted a quarterly status report to be provided by counties who had not yet submitted Project Documentation Plans by the end of January.

STAFF CONSULTANT LEAN: That's correct.

ACTING CHAIRPERSON KAUFMAN: And the staff has received those reports. And, Jana, if you can give us a report on the report.

STAFF CONSULTANT LEAN: We also requested that counties who are doing their modernization phases to submit where they are and when they're going to move forward for their second phase. So as you're aware, in your packets there was responses from all of the counties. Everyone did respond. There was a few late submissions, but they're all there in your package.

For the first quarter, we consider that January through March of 2006. We have counties -- if you want to
take a look at the breakout report. I thought I would just go over it really briefly. It looks like approximately 13 counties plan to come forward between March and April of this year. And seven other counties indicated they plan to come forward upon certification of additional voting systems, with ten of course with the unknown, because they don’t know what they want to do yet. But that’s the brief overview of this. If you have any specific questions on a county, I would be more than happy to go through, because this is a condensed version of what they submitted. But you got copies of everything they submitted in your package.

We do have a representative here from the Office of Voting Systems Technology Assessment. I’ve been trying to get that acronym down for a while.

ACTING CHAIRPERSON KAUFMAN: What is the acronym?

STAFF CONSULTANT LEAN: OVSTA.

Susan Lapsley is here to answer any questions on certification, because I know you will have questions on certification and where the status is. So she will be more than happy to answer those questions.

But do you have any questions of me on the county submittals?

ACTING CHAIRPERSON KAUFMAN: Yeah. Before we turn to Susan, I guess I was going through and trying to
make sense of where all the counties are at. And it seemed to me that there was one county -- I hate to start pointing out slackers, but Lake County seemed to be kind of neither planning to submit anything nor really making any movement towards submitting anything. And I wondered if we knew anything further about Lake.

STAFF CONSULTANT LEAN: Well, they only have two staff members in their entire Voter Registration -- or sorry -- Registrar of Voters Office. They're also the clerk and the assessor. So they don't really have staff. I have been in contact with their office. And as soon as I think -- they've been waiting for other small counties to move forward and kind of piggyback on what they're going to do. So they are looking at the systems. They just haven't gone out with an RFP. They are moving forward, even though it doesn't really appear to be in their report.

ACTING CHAIRPERSON KAUFMAN: Okay. Is it fair to say then everybody else is either in the RFP process or they are awaiting certification or, you know, figuring out a further phase on top of what they've already done?

STAFF CONSULTANT LEAN: That's correct.

ACTING CHAIRPERSON KAUFMAN: Any other questions of Jana before we turn to Susan?

Mr. Finney, did you have any questions?
BOARD MEMBER FINNEY: No.

STAFF CONSULTANT LEAN: I have one more comment.

There is three counties who will be coming back -- even though they completed their plans, they will be coming back in front of the Board. That's San Diego, San Joaquin, and Kern. They purchased the Diebold DSX units. So they're going to have to come back in front of the Board to be heard in order to get reimbursement on those systems.

ACTING CHAIRPERSON KAUFMAN: That's the system that was decertified?

STAFF CONSULTANT LEAN: That's correct. They had to amend their contract. As is required by the Board, any time, there is an amendment to the contract, they have to come back in front of the Board. Those weren't listed in the 30. There's actually probably 33 counties we'll see again in the next -- almost everyone plans to implement it by June 2006. And if they all come forward, the next three months will be incredibly busy.

ACTING CHAIRPERSON KAUFMAN: We'll plan on long meetings those months.

Rather than have everyone jump in at once, John, any questions for Jana?

CHAIRPERSON PÉREZ: No. But I just want to thank Jana. And I want to thank the counties for being
responsive and timely in responding with all this

ACTING CHAIRPERSON KAUFMAN: Thank you for

Acting Chairperson Kaufman: Thank you for

Mr. Bustamante.

Board Member Bustamante: No, I don't have any

comment. I'm just really happy that we got such a good

response back.

ACTING CHAIRPERSON KAUFMAN: Carl?

ACTING CHAIRPERSON KAUFMAN: Carl?

Board Member Guardino: No. Thank you.

ACTING CHAIRPERSON KAUFMAN: Then maybe we can

have Susan give us an update. I'll pose the question that

I know all of us want to ask. That is what is the status

of certification of the Diebold? The Diebold system that

seems to keep going from month to month, and we keep

hearing they're about to be certified. But we know

there's still this software problem waiting to use in the

primary elections. So maybe you can -- if you want to

come up to the desk. And if you can start with that one

off the bat and give us any other insight into the various

systems that are awaiting certification, that would be

helpful.

MS. LAPSLEY: First of all, I'd like to say thank

you for letting me join you. Bruce McDonald is in the

field currently testing as we speak. He's had a very

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tough last month and a half trying to get these systems tested and through.

CHAIRPERSON PÉREZ: Can I ask you to step a little closer to the speaker phone?

MS. LAPSLEY: Is that better?

CHAIRPERSON PÉREZ: Yes. Much better.

MS. LAPSLEY: Thank you.

Bruce McDonald has been out in the field testing trying to get all these systems through our process.

Your first question as to Diebold, yesterday afternoon our office did receive our State Reviewers Report. We are going through the internal review right now of it. We still have a couple of technical questions that need to be answered by reviewers. So that's our current status as far as the State Reviewer goes.

We have not received any information from the federal ITA. You may or may not be aware that Secretary McPherson sent a letter to the ITA I think probably about a week and a half ago now asking for an update on the status. That was transferred to ITA December 20th I think asking for them to review the Accu basic code. At this point, we still haven't gotten any response from them, although I've heard they are looking at some time next week. We've been hearing sometime next week for quite a while.
So that being said, as soon as we are able to review and get the questions answered on the technical aspects, we'll be able to give a report to the Secretary and make a determination. So that covers Diebold generally where the status is.

ACTING CHAIRPERSON KAUFMAN: So we still need a good ahead from the federal government before you can complete -- the state can complete its approval process?

MS. LAPSLEY: At some point ideally, yes. They anticipate that they will be done next week, and that's what we're relying on, that representation.

But internally we are looking at the report and answering -- trying to get answers to the technical aspects -- technical questions that they brought up.

I'll go on with the other ones. What I prefer to do is, if you guys don't mind, go through each system. And at the end of it if you have questions on the various systems, we can go from there.

With respect to Sequoia, Sequoia completed federal testing on January 30th. The state examination began on February 6th. We are concluding this week the volume testing. Everyone may or may not be aware Sequoia has a big piece that's being certified. It's their Edge I has in their application Edge I, Edge II, their WinEDS.

So all in all, we're conducting a volume test...
this week in Alameda. That's 250 machines that are going through the volume testing. It's a large load and a load procedure, but it's taking up -- so everyone can conceptualize how much space and manpower that takes, it's about 250 machines that are at the fairgrounds and we take up two buildings there to be able to go through the whole volume testing of it.

This volume testing should conclude at the end of this week. This is one system that will be demonstrated for the election officials on February 17th in our office -- actually probably in this room or in the multi-purpose room. Then it's currently noticed for public hearing on March 1st.

For Hart InterCivic, we did the state examination on February 1st and concluded on the 3rd. Volume testing is currently scheduled for the 20th through the 22nd in Orange County. It also is scheduled to be demonstrated to election officials on the 17th here. And it is also noticed for a public hearing on March 1st.

ES&S's Unity Model, 100 Model, AutoMARK, and iVotronic application, they indicated that -- ES&S has indicated they're not going to be bringing forward the iVotronic in the states. The other parts of the application, they're still undergoing federal testing. They're not even complete with that yet. They will be
1 bringing at a later date. Meaning, they'll bring the
2 Unity Model 100 upgrades and markup rates. They
3 represented to us probably the end of the month by the
4 time they finish federal testing.
5
6 For the ES&S InkaVote plus, federal examination
7 was successfully completed on January 13th. We completed
8 the state examination on the 27th down in Carlsbad. This
9 is another system that will be available for election
10 officials to view on the 17th, and it is also noticed for
11 public hearing on March 1st.
12
13 Populex, there's some other ones that haven't
14 received as much focus and aren't your main vendors. But
15 Populex is another one that we have an application on.
16 There was a problem with Populex because they had a unique
17 identifier on their ballot. We've gone to them and asked
18 them to remove the unique identifier because it violates
19 state law. They indicated they can, too, but in order to
20 do that we're going to go back and that have reviewed by
21 the federal IT.
22
23 BOARD MEMBER BUSTAMANTE: Can you back up what
24 about that violating state law? Can you walk me through
25 that for a second?
26
27 MS. LAPSLEY: There's a -- and I apologize. I
28 don't have my Elections Code with me. There's a specific
29 provision that says no ballot should have a unique
30
31
BOARD MEMBER BUSTAMANTE: That's what it is.

MS. LAPSLEY: So we based upon that just said, okay, can you remove that? And like I said, they said yes. And they have to go back to the ITA because it does involve a change to the system.

And that concludes the application we have, or we think. We'll have it in the office. If there's any questions on the various systems, I'd be happy to take them, and answer them to the extent that I can.

ACTING CHAIRPERSON KAUFMAN: Thanks for the qualification.

I just had a question. It sounds like pretty much all of them are lined up for public hearing on March 1st. So once that's concluded, what's the time frame and the process for --

MS. LAPSLEY: The public comment period ends on March 8th. It goes a week after. And at that time we'll be able to make a recommendation to the Secretary on whether or not to certify.

ACTING CHAIRPERSON KAUFMAN: Okay. So it sounds like probably not until our April meeting we could expect to see certifications of these particular systems realistically.

STAFF CONSULTANT LEAN: On the other business, I
was going to discuss potentially moving back the March meeting and moving back the April meeting to see if we can give the counties more time to submit packages. Because if we hold it on the 15th, there'll probably be quite a few -- just anticipating they get certified, they'll be quite a few counties that will not have time to submit plans. That's why I sent the e-mail out to all the members asking if they can look at their schedules.

ACTING CHAIRPERSON KAUFMAN: Okay. Mr. Finney, do you have any questions of Susan?

BOARD MEMBER FINNEY: Nope. Very helpful getting the dates that you gave us.

ACTING CHAIRPERSON KAUFMAN: Mr. Pérez?

CHAIRPERSON PÉREZ: I'm fine.

BOARD MEMBER BUSTAMANTE: Fine as well.

BOARD MEMBER GUARDINO: No comment.

CHAIRPERSON PÉREZ: Well, thank you for the update. We appreciate it. We're hoping one day we're no longer going to need the conditional certification update of Diebold.

Okay. Then --

BOARD MEMBER GUARDINO: As I mentioned earlier, I have to jump off at 11:15. Would you like me to call back in on my cell phone?

ACTING CHAIRPERSON KAUFMAN: Well, we're moving
through this pretty quickly. And I think other than some
meeting scheduling, we're close to finished.

BOARD MEMBER GUARDINO: I'm going to sign off,
thank you.

ACTING CHAIRPERSON KAUFMAN: Thanks, Carl.

Unless there's any further comments on the quarterly status then or the update on certification,
Jana, what was the thinking on the meetings schedule?

STAFF CONSULTANT LEAN: Well, I was wondering if -- I asked you guys to take a look at your schedules.
I was hoping we would perhaps move the March meeting that's scheduled for March 15th back to maybe the last week of March. This will give -- since we do have a three-week review period, we have to get anything, any additional information from the counties, this will give the counties a bit more time to submit a plan to us.

BOARD MEMBER FINNEY: It would be a Wednesday, or when would it be?

STAFF CONSULTANT LEAN: I wanted to see when you could make it. It doesn't have to be set on a Wednesday. Whatever date we can come out from today with John and Michael, and you here what's open.

ACTING CHAIRPERSON KAUFMAN: Are we looking at the week of March 20 or 27th?

STAFF CONSULTANT LEAN: 27th. There's nothing
scheduled for this room that week, so I was wondering --
we're open.

ACTING CHAIRPERSON KAUFMAN:  Looks on my schedule
like Tuesday, Wednesday, Thursday.

CHAIRPERSON PÉREZ:  I'm free Monday and possibly
Tuesday. The rest of the week starting Tuesday evening
I'm in Washington, D.C.

BOARD MEMBER FINNEY:  I can do Tuesday the 28th
in the morning.

BOARD MEMBER BUSTAMANTE:  Mr. Chair, since I'm
the only one who's up here in Sacramento, do you want to
maybe do the meeting in Los Angeles?

CHAIRPERSON PÉREZ:  That would be phenomenal.

STAFF CONSULTANT LEAN:  I was considering that.

And we have -- John Perez and I have talked about that.

For the March meeting since we do know so many are coming
forward, and most of them are Northern California
counties, I would think keep the March meeting here in
Sacramento. But for the April meeting, we can look into
moving the April date, the dates and location, down to
Los Angeles. Would that work for --

ACTING CHAIRPERSON KAUFMAN:  Yeah. Let's do
that, pending some kind of guesswork about who's going to
be submitting, because I hate to inconvenience the
counties. But if it's all other things being equal, yeah.
STAFF CONSULTANT LEAN: We have to notice it ten
days out, so we'll know who we have. If they're all
Southern California counties, I'd say yes we'll scramble
and get a location.

BOARD MEMBER FINNEY: Tuesday morning works for
me.

CHAIRPERSON PÉREZ: Question for Mr. Finney. Is
there any possibility you can do Monday, the 27th?

BOARD MEMBER FINNEY: It's going to be very
difficult.

BOARD MEMBER BUSTAMANTE: I can do it.

BOARD MEMBER FINNEY: I can do late afternoon. I
have a lunch meeting I can't get out of in Los Angeles.
But I can call in, if necessary. If it goes late --

STAFF CONSULTANT LEAN: As long as we have a
quorum.

ACTING CHAIRPERSON KAUFMAN: I can do the Monday
too.

CHAIRPERSON PÉREZ: It would just make it a
little easier for me. I wouldn't have to change my flight
to D.C. on Tuesday afternoon.

BOARD MEMBER FINNEY: Could we start earlier?

ACTING CHAIRPERSON KAUFMAN: If need be, we could
start at 10:00.

BOARD MEMBER FINNEY: 9:30 or 10:00.

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ACTING CHAIRPERSON KAUFMAN: I think 9:30 is going to be tough to get up here, but 10:00.

STAFF CONSULTANT LEAN: We can definitely move it to 10:00.

BOARD MEMBER FINNEY: I was here this morning at 8:00.

ACTING CHAIRPERSON KAUFMAN: Good for you.

STAFF CONSULTANT LEAN: Sir, you weren't here in the meeting.

BOARD MEMBER FINNEY: That's Busi's fault.

STAFF CONSULTANT LEAN: So do we have a consensus on March 27th?

ACTING CHAIRPERSON KAUFMAN: Sounds like it.

STAFF CONSULTANT LEAN: I will go ahead and make sure that the counties are aware of the change so they know they have a little bit more time to submit plans.

BOARD MEMBER FINNEY: Can we do 10:00? Like Carl wants to go off and --

STAFF CONSULTANT LEAN: 10:00 a.m., March 27th is our next VMB meeting. I'll discuss it over e-mail with all of you when the April meeting would be.

ACTING CHAIRPERSON KAUFMAN: Okay. That sounds fine. Okay.

Any other business, anybody? Okay. Well, then with that, I will take a motion to adjourn.
CHAIRPERSON PÉREZ: So moved.

BOARD MEMBER BUSTAMANTE: Second.

ACTING CHAIRPERSON KAUFMAN: All in favor?

(Ayes)

ACTING CHAIRPERSON KAUFMAN: Thank you, everybody.

(Thereupon the Voting Modernization Board meeting adjourned at 11:20 a.m.)
CERTIFICATE OF REPORTER

I, TIFFANY C. KRAFT, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, Tiffany C. Kraft, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February, 2006.

TIFFANY C. KRAFT, CSR, RPR
Certified Shorthand Reporter
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