APPEARANCES

BOARD MEMBERS
Mr. Stephen J. Kaufman, Acting Chairperson
Mr. John A. Pérez, Chairperson (via teleconference)
Mr. Tal Finney
Mr. Carl Guardino (via teleconference)

STAFF
Mr. Bruce McDannold, OVSTA Director
Mr. Michael Kanotz, Elections Counsel
Ms. Jana M. Lean, Staff Consultant
Ms. Katherine Montgomery, Executive Secretary

ALSO PRESENT
Mr. David Tom, San Mateo County
Ms. Elizabeth Acosta, Sonoma County
Mr. John Arntz, San Francisco County

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
ACTING CHAIRPERSON KAUFMAN: Let's call the meeting to order.

And you want to take the roll?

EXECUTIVE SECRETARY MONTGOMERY: John Pérez.

CHAIRPERSON PÉREZ: Here.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Here.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Present.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino.

BOARD MEMBER GUARDINO: Present.

ACTING CHAIRPERSON KAUFMAN: Okay. The meeting of the Voting Modernization Board is in order.

Our Chair is on the phone, and I will serve as the acting chair for this particular meeting.

Do we have any public comment cards?

STAFF CONSULTANT LEAN: No, sir.

ACTING CHAIRPERSON KAUFMAN: Okay. No public comment.

With that, let's go to the adoption of the August 9, 2006, Actions and Meeting Minutes.

If all the Board members have reviewed the minutes, do we have a motion to approve them?

BOARD MEMBER FINNEY: I will move.
CHAIRPERSON PÉREZ: Second.

ACTING CHAIRPERSON KAUFMAN: Moved by Mr. Finney; seconded by Mr. Pérez.

All in favor -- we should probably take roll since you're not here.

EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

CHAIRPERSON PÉREZ: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

ACTING CHAIRPERSON KAUFMAN: Carl, do you approve the minutes?

BOARD MEMBER FINNEY: Carl?

BOARD MEMBER GUARDINO: Let's count that as an abstention.

ACTING CHAIRPERSON KAUFMAN: Yeah. All right.

Abstention.

Minutes are approved.

BOARD MEMBER GUARDINO: Sorry, I had to take you off mute.

ACTING CHAIRPERSON KAUFMAN: So I think we now have a 4-nothing vote; a non-controversial subject.

Let's shift to Item 5 on the agenda, which is the

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project documentation plans that have been submitted. We have five different project documentation plans, so let's deal with those one at a time.

And Jana, if you could start by providing us with the staff report on Lake County.

STAFF CONSULTANT LEAN: Lake County is requesting and staff is recommending --

THE REPORTER: Can you use your microphone, please.

STAFF CONSULTANT LEAN: We're going to Lake County. The County has requested and staff is recommending funding of $321,309.02. They're purchasing the Hart eSlate DRE units, 50 units; the Judge Booth Controllers, 50 units; the Verified Ballot Option, which is the printer, 50 units; and 50 Disabled Accessible Unit upgrades.

Lake County received and used 22 of the eSlate DRE units during the June 6, 2006, primary election and anticipates receiving the remaining 28 eSlate units by mid-September of 2006. The County plans to use all 50 units in the November 7, 2006, general election.

The HART eSlate units being purchased by Lake County includes the Verified Ballot Option, the VBO, printers which are a Voter Verified Paper Audit Trail component.
Lake County's Project Documentation Plan meets the requirements for completeness, and the eSlate and the corresponding components are certified for use in California.

Lake has implemented a blended voting system. Lake will be continuing to use its existing Mark-A-Vote optical scan voting equipment and will augment this equipment with a placement of one eSlate DRE unit in every polling place in the County.

Lake County believes that the deployment of eSlate DRE units will bring the county into compliance with the Help America Vote Act and state accessibility requirements.

Lake County will be required October 5, 2005, directive requiring -- regarding requirements for voting systems. The County plans to duplicate, onto a Mark-A-Vote duplicate ballot, all the votes cast on the eSlate machines using the Disabled Access Units printouts as the ballot image in order for all ballots to be counted by one single tally system.

Lake County plans to conduct expanded outreach programs to the disabled community to educate and familiarize their voters on the use of eSlate DRE equipment.

Sorry, I lost my place.
The "InFusion" voting -- voting software listed in Lake County's contract with Hart InterCivic has not yet gained state certification and is therefore not eligible for reimbursement under Proposition 41.

Lake County will only use VMB payments once it has submitted detailed invoices for its certified equipment.

Please note that the staff-proposed Funding Award is based upon allowable reimbursement under Prop 41 for voting equipment hardware and software only. Professional services, the extended licenses, the support fees items listed in Lake County's contract with Hart would not be covered as reimbursable claims under Proposition 41.

It is our staff recommendation that Lake County's Project Documentation Plan be approved and a Funding Award issued in the amount of $321,390.02.

Lake County was unavailable to be here today, but if we have any questions, they are available by phone.

ACTING CHAIRPERSON KAUFMAN: I actually had a couple of questions that are applicable to this one. And I guess are also applicable to Madera and Sonoma. And they are really just a matter of understanding, how this all fits together.

First of all, what is a Judge Booth Controller?

STAFF CONSULTANT LEAN: We do have our Voting Systems expert here, Bruce McDannold, and he can explain
the system.

ACTING CHAIRPERSON KAUFMAN: Okay. Bruce, the Judge Booth Controller?

OVSTA DIRECTOR McDANNOLD: Yeah, the architecture of the Hart system and particularly their eSlate DREs, those are not free-standing units; they are actually connected by cable to a central unit called the Judge's Booth Controller.

ACTING CHAIRPERSON KAUFMAN: Central unit in each precinct?

OVSTA DIRECTOR McDANNOLD: In each polling place. So in a polling place, there is a JBC or Judge's Booth Controller that is used when the voter comes up, to activate -- instead of the other systems, you may be familiar with a little plastic card that contains the voter information. In the case of the Hart system, you enter the voting information, the ballot style, into the JBC. That issues a little printed tape with a four-digit code. It also sends a signal down to the wire to the actual eSlate devices to say, you're now active to recognize this particular code and this ballot style.

When the voter goes to the eSlate, they put in the code to activate that particular eSlate. When they finalize their ballots, their results are automatically downloaded immediately to the JBC. So at the closing of
the polls, the JBC actually does the tabulation, not the
individual DREs.

BOARD MEMBER FINNEY: So can I ask really quick,
so this four-digit code you're referring to, is that
something that the voter ultimately has to put in?

OVSTA DIRECTOR McDANNOLD: Yes, that's their
activation code. They input it onto the eSlate to
activate it and pull up their style. It's just a randomly
generated four-digit code.

BOARD MEMBER FINNEY: Because I've tried all of
these things, and I'm trying to remember if I did that.

ACTING CHAIRPERSON KAUFMAN: But that's given to
them by the --

OVSTA DIRECTOR McDANNOLD: By the poll worker who
is -- whereas, with the other systems, you're probably
more familiar with it. You get a little white SmartCard.
In this case, you're handed a little slip of paper with a
four-digit code.

BOARD MEMBER FINNEY: And at the conclusion of
that voting, they enter that?

OVSTA DIRECTOR McDANNOLD: They enter that code
number in to activate the eSlate device and pull up their
ballot style.

BOARD MEMBER FINNEY: Where do they enter the code
into?
OVSTA DIRECTOR McDANNOLD: Directly into the
eSlate device.

BOARD MEMBER FINNEY: I have used these before.

OVSTA DIRECTOR McDANNOLD: The eSlate, again, is a
little bit different than the other DREs in that it's not
a touch screen; there's a little wheel dial that you turn
to select your choice and then a button, that's like the
enter button, to pick and validate the choice you've
highlighted.

So it does not actually record and tabulate the
votes directly on the DRE device because it's connected at
its JBC. All the votes on any -- on the various eSlates
in the polling place are actually recorded on that JBC.

BOARD MEMBER FINNEY: So your other question was
the --

ACTING CHAIRPERSON KAUFMAN: That's right. So the
printer then, or the paper audit trail, is that on the
individual --

OVSTA DIRECTOR McDANNOLD: The printers are
specific to the individual eSlates, and the voter actually
verifies the printed output on the eSlate as they would
with any other DREs. So those are specific to the
individual machines.

ACTING CHAIRPERSON KAUFMAN: But once they go
through that, the information is sent to this central
tabulation system.

OVSTA DIRECTOR McDANNOLD: Recorded on the central tabulation controlling device.

ACTING CHAIRPERSON KAUFMAN: So in the case of an audit, does the paper audit trail come from the individual machine or from this?

OVSTA DIRECTOR McDANNOLD: In the event of -- if there are precincts subjected to a recount or the 1 percent manual audit, it would be the individual paper trails off of the individual DRE devices, the eSlates. And those would all theoretically add up to the accumulated total in the JBC. It's actually for redundancy, which is probably more information than you want to know. There is a memory that stores the ballot images on the JBC in a redundant path for backup and recovery should anything happen in the JBC record.

BOARD MEMBER FINNEY: Did you hear all that, you guys?

ACTING CHAIRPERSON KAUFMAN: Whoever may be listening?

BOARD MEMBER GUARDINO: Yes, I could. Thank you.

ACTING CHAIRPERSON KAUFMAN: Not to monopolize this, but again, this is something that runs consistently through these other two. So we might as well get it out of the way.
I was also not -- I'm not up to speed on the Secretary of State's October 5, 2005, directive, and I was a little, I guess, surprised by the fact that counties that have two different systems in place are apparently being required to merge those systems in one sort of tabulation?

OVSTA DIRECTOR McDANNOLD: The Secretary of State issued ten directives in October 2005. Among those was a requirement that voting systems need to be federally certified or federally qualified. And another directive was that counties could not just combine voting systems or certified components of disparate voting systems, together, to function as a new voting system.

So they can only combine two different voting systems together if the interface between the two systems was limited to aggregated vote totals or ballot definitions. So if they are doing any other combination of components of two different systems as they are in this case, then in fact, they are a new system that needs to be evaluated and tested as such.

For instance, the evaluation and certification testing we did of the Hart system did not have the provisions for using it with another system in this manner.

ACTING CHAIRPERSON KAUFMAN: I had never seen this
before in any of our prior packets. And I'm just a little confused, because it seems to me, when we approved Phase 1 and Phase 2 of programs before, for various counties, many have had an optical scan system in place, and they are merging that with a -- some form of electronics device, you know, one in each polling place to take care of disability issues, or what have you, to meet federal requirements.

And I don't recall --

OVSTA DIRECTOR McDANNOLD: Certainly, typically in those instances, what you're dealing with is, for instance, the Sequoia DRE 1 device in each polling place together with the Sequoia Optical Scan System, when we do the state certification testing, we test them all together.

This is a new use of a system that's never been tested to verify or evaluate it. And in this case of this particular blend of a system, there is no direct interface between the two systems to test. But what we required were use procedures that explained how they were going to -- how they were going to define the election between the two systems when the ballots were voted. Since ballots voted on the DRE could not be read by the DFM system, it required a physical and manual remake of the ballots onto the DFM system.
The Secretary of State was interested and wanted to see procedures that protected the anonymity of the vote and guaranteed the accuracy of the vote in that translation. We require that these counties doing this particular blend put forth use procedures on how they were going to accomplish this before we were going to approve the use of the system.

ACTING CHAIRPERSON KAUFMAN: So as we've seen, or as I've seen, in conducting recounts in the past or witness vote -- when there's damaged ballots, for example, and they remake those ballots, the same type of system is going to take place here with essentially the printed Voter Verified Paper Audit Trail as a template for remaking a ballot and then running --

OVSTA DIRECTOR McDANNOLD: Exactly.

ACTING CHAIRPERSON KAUFMAN: And I guess I'm still not clear.

Are you telling me, then, that in a, for example, Sequoia jurisdiction that's using a Sequoia Optical Scan System and a Sequoia DRE, that the counters can count ballots that are cast either way?

OVSTA DIRECTOR McDANNOLD: In the case of the example, you said, in the Sequoia system, the Central Election Management System is capable of reading the memory cards and uploading results from the DRE devices,
the Edge, as well as the memory cards from the precinct tabulators.

The system was designed to do just that, and we tested it in that configuration during our examination.

ACTING CHAIRPERSON KAUFMAN: So otherwise, in this instance, you have two central counting machines coming up with two different figures and then having to put them together on paper, essentially, and you're --

OVSTA DIRECTOR McDANNOLED: And that was -- that was certainly another alternative. If the counties were capable of, given the limited number of ballots cast on the DREs, they felt, from the procedures, that it would be more efficient, given the limited number of ballots to remake those and instead and tabulate them as if they were DFM ballots.

ACTING CHAIRPERSON KAUFMAN: So this suggests there will be increased delays in these counties on election night totals, because there will be more ballots that have to be --

OVSTA DIRECTOR McDANNOLED: Actually, the procedures that were approved for the June 2006 primary called -- these limited ballots were not actually tabulated on election night, but were tabulated and added in during the initial --

ACTING CHAIRPERSON KAUFMAN: Right. Well, but
there would be delays in the election night.

There would be more ballots than otherwise expected that don't get counted on election night, but would be counted during some subsequent part of the official vote canvas --

OVSTA DIRECTOR McDANNOLD: That's correct.

ACTING CHAIRPERSON KAUFMAN: I wasn't meaning to insinuate that they would be delayed beyond the official canvas, but certainly beyond election night.

STAFF CONSULTANT LEAN: Lake County did point out in their Project Documentation Plan that only a handful of will actually use these units during the tests that they did in June. So weren't -- no one knows the future, per se, but they don't anticipate a great deal of use.

ACTING CHAIRPERSON KAUFMAN: Okay. Now that I've taken up all the questions, Tal, do you have any additional questions?

BOARD MEMBER FINNEY: No additional questions.

I'm assuming they put together what may need to see -- sorry.

I'm assuming they put together what you needed to see to be comfortable with the blend, however you defined it.

OVSTA DIRECTOR McDANNOLD: Yes, the Secretary of State's Office reviewed their proposed procedures,
reviewed those, and approved the blended use based on
those procedures.

BOARD MEMBER FINNEY: That's the only question I
have.

ACTING CHAIRPERSON KAUFMAN: Mr. Pérez, any
questions?

CHAIRPERSON PÉREZ: No questions. Thank you.

ACTING CHAIRPERSON KAUFMAN: Mr. Guardino?

BOARD MEMBER GUARDINO: No, no questions. Thank
you.

ACTING CHAIRPERSON KAUFMAN: Okay. Then do we
have a motion to approve the staff recommendation for Lake
County?

CHAIRPERSON PÉREZ: This is John Pérez.

I so move.

BOARD MEMBER GUARDINO: I will second that.

That is Carl Guardino.

ACTING CHAIRPERSON KAUFMAN: Okay. We have a
motion. We have a second.

Do you want to take the roll.

EXECUTIVE SECRETARY MONTGOMERY: Yes.

John Pérez?

CHAIRPERSON PÉREZ: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Okay. Lake County is approved.

Do you have the Funding Award letters that I will be signing?

STAFF CONSULTANT LEAN: Let us move on to Madera County. Madera County is also purchasing the Hart System. The County is requesting and staff is recommending funding of $466,361.32.

This will leave their County with the remaining balance of 175,733.53. They are purchasing a hundred of the HART eSlate DRE units; 50 of the Judge Booth Controllers; a hundred Verified Ballot Option Printers; and a hundred Disabled Access Unit upgrades.

Madera County received and used 60 eSlate units during the June 6, 2006, primary election and anticipates receiving the remaining 40 eSlate units during September of 2006. The County expects to deploy all of the eSlate units during the November 7, 2006, general election.

The eSlate units being purchased by Madera include the Verified Ballot Option Printers which are a Voter Verified Paper Audit Trail component.
Madera County's Project Documentation Plan meets the requirements for completeness, and the eSlate and corresponding components are certified for use in California.

Madera County has implemented a blended voting system. Madera will continue to use the existing Mark-A-Vote optical scan voting equipment and will supplement the voting system with a placement of one eSlate DRE unit in every polling place.

Madera County believes that the deployment of the eSlate DRE units will bring the county into compliance with the Help America Vote Act and state accessibility requirements.

Madera County will also be required to conform with Secretary of State's October 5, 2005, directive, and the County plans to duplicate the Mark-A-Vote ballots -- excuse me. The County plans to duplicate onto the Mark-A-Vote duplicate ballots all votes cast on the eSlate machines using the Disabled Access Unit printout as the ballot image, and thereby enabling all voters -- all votes to be counted on a single tally system.

Madera County's principal goal, while modernizing their voting equipment, was to retain a paper-based system, since over 59 percent of their voters vote by absentee ballot.
The County believes that supplementing their existing Mark-A-Vote system is cost-effective and will accommodate the growing absentee ballot trend. The Hart eSlate system will allow voters who are visually impaired or blind to go unassisted at polls and will provide additional language options. The Infusion Voting Software listed in Madera County's contract with Hart has not yet gained certification in California, and is therefore not eligible for reimbursement under Proposition 41.

Madera County will only receive VMB payments when it has submitted detail for the certified voting equipment.

Please note, staff-proposed Funding Award is based upon allowable reimbursements under Proposition 41 voting equipment hardware and software only. The professional services and extended warranty items listed in the Madera County contract with Hart would not be covered as a reimbursement claim under Proposition 41.

It is our staff recommendation that Madera County's Documentation Plan be approved and a Funding Award letter be issued in the amount of $466,361.32.
BOARD MEMBER FINNEY: I don't on this one.

ACTING CHAIRPERSON KAUFMAN: John, any questions?

CHAIRPERSON PÉREZ: No questions.

ACTING CHAIRPERSON KAUFMAN: Okay. Carl?

BOARD MEMBER GUARDINO: No, thank you, sir.

ACTING CHAIRPERSON KAUFMAN: Okay. Do we have

a -- I exhausted my questions in the previous one.

Do we have --

CHAIRPERSON PÉREZ: (Unintelligible.)

THE REPORTER: What did he say?

ACTING CHAIRPERSON KAUFMAN: He --

BOARD MEMBER GUARDINO: I'm happy to second this

motion.

ACTING CHAIRPERSON KAUFMAN: He moved to approve.

Seconded by Carl Guardino.

And John said that he was voting to approve it and

he was saying goodbye on that one.

Let's take a roll call vote.

BOARD MEMBER GUARDINO: My second -- my second

includes me staying.

ACTING CHAIRPERSON KAUFMAN: Okay.

EXECUTIVE SECRETARY MONTGOMERY: Okay.

John Pérez?

ACTING CHAIRPERSON KAUFMAN: He already moved.

EXECUTIVE SECRETARY MONTGOMERY: Okay.
Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Okay.

Madera County is approved 4-nothing.

And let us move on to Mariposa County, which has a Phase 2 Project Documentation Plan.

Four -- four votes nothing.

STAFF CONSULTANT LEAN: Oh.

BOARD MEMBER FINNEY: The chairman voted and then did he drop off the call?

ACTING CHAIRPERSON KAUFMAN: I believe so. They were approved for the amount requested --

BOARD MEMBER FINNEY: So we still have a quorum.

ACTING CHAIRPERSON KAUFMAN: -- four votes to zero.

STAFF CONSULTANT LEAN: Yes, sir, we have a quorum.

ACTING CHAIRPERSON KAUFMAN: We just had a little misunderstanding there. That's all.

STAFF CONSULTANT LEAN: Next, we have Mariposa County.
They are coming forward with their Phase 2 Project Documentation Plan. They have $46,947.06 left in their allocation.

They are purchasing the Sequoia AVC Edge II, 50 units; and the Verivote Printer, 66 units; they are also purchasing the Optech Insight Ballot Tabulator and Optical Scan --

THE REPORTER: Excuse me, can you slow down, please. You speed up when you're reading.

STAFF CONSULTANT LEAN: Mariposa County has secured its new voting equipment, and this new equipment was used for the first time during the November 2005 special statewide election.

The AVC Edge II DRE units purchased by Mariposa County include the VeriVote printers and a Voter Verified Paper Audit Trail component.

Mariposa County's Phase 2 Project Documentation Plan meets the requirements for completeness. The Sequoia AVC Edge II DRE, the VeriVote printers, and the Optech Insight units are certified for use in California.

At the January 15, 2003 meeting of the Voting Modernization Board, the Board approved Mariposa County’s Phase 1 Project Documentation Plan and awarded funding in the amount of $98,644.12; The county received reimbursement for the purchase of 16 Sequoia Optech Eagle
Mariposa County has converted from the Sequoia Optech Eagle III-P precinct-based optical scan voting system purchased under their Phase 1 and is now fully converted to all Direct Recording Electronic (DRE) units for their polling places and optical scan units for absentee and vote-by-mail ballots. Mariposa County implemented their new AVC Edge II DRE voting units during the November 8, 2005 Special Statewide Election.

Mariposa County believes that the deployment of DRE units in all polling places will bring the County into full compliance with the requirements of the Help America Vote Act.

Mariposa will only receive VMB payments once it has submitted detailed invoices for its certified voting equipment.

It is our staff recommendation that Mariposa County’s Phase 2 Project Documentation Plan be approved and a Funding Award letter be issued in the amount of $46,947.06.

ACTING CHAIRPERSON KAUFMAN: Thank you Jana.

Is there any representative from Mariposa County?

STAFF CONSULTANT LEAN: They are not here. I do have their cell phones if you need to get a hold of them.

ACTING CHAIRPERSON KAUFMAN: I was amiss in asking
if anyone was here from Madera County.

STAFF CONSULTANT LEAN: I don't believe so; I do also have their contact information.

ACTING CHAIRPERSON KAUFMAN: And just so I'm clear, again, this, unlike the other ones, even though they are going to implement direct recording electronics devices in the polling places and have optical scan units for absentee ballots, because this is all the Sequoia voting system that uses a method of counting the votes compatible to both, we don't have that blended voting system.

OVSTA DIRECTOR McDANNOLD: This would not be a blended voting system. This is, in fact, a system that was tested and certified as a complete system of all these components.

ACTING CHAIRPERSON KAUFMAN: Thank you Bruce. Tal, any questions?

BOARD MEMBER FINNEY: No questions on this one.

ACTING CHAIRPERSON KAUFMAN: Mr. Chair, are you still on the phone? We're not sure if you're coming or going.

BOARD MEMBER FINNEY: I think he dropped off.

ACTING CHAIRPERSON KAUFMAN: I guess not.

Carl, any questions?

BOARD MEMBER GUARDINO: No questions. And I think
he was going. I think he made that clear on this item.

                            ACTING CHAIRPERSON KAUFMAN: Okay.

                            All right. So do we have a motion to approve
Mariposa County's Phase 2 Project Documentation Plan?

                            BOARD MEMBER FINNEY: I will motion. I will move,

                            I mean.

                            ACTING CHAIRPERSON KAUFMAN: Carl, second?

                            BOARD MEMBER GUARDINO: Yes.

                            ACTING CHAIRPERSON KAUFMAN: All right.

                            EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

                            ACTING CHAIRPERSON KAUFMAN: Aye.

                            EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

                            BOARD MEMBER FINNEY: Aye.

                            EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

                            BOARD MEMBER GUARDINO: Aye.

                            ACTING CHAIRPERSON KAUFMAN: Okay.

                            Congratulations to Mariposa County.

                            Next on the list is San Mateo County.

                            Jana?

                            STAFF CONSULTANT LEAN: San Mateo County is

purchasing the Hart Intercivic eSlate DRE units. Staff is

recommending funding for $4,569,941.98, which is their

full VMB allocation.

                            They are purchasing 2,100 eSlate units; 225 Judge

Booth Controller units; 2,100 verified -- sorry.
ACTING CHAIRPERSON KAUFMAN: VBO.

STAFF CONSULTANT LEAN: VBO printers; and 225

Disabled Access Unit upgrades.

San Mateo County anticipates receiving its new
voting equipment between late-August 2006 and mid-October
2006. The County plans to begin using this equipment in
the November 7, 2006, general election.

The Hart eSlate units being purchased by San Mateo
County include the Verified Ballot Option Printers, which
is a Voter Verified Paper Audit Trail component.

San Mateo County’s Project Documentation Package
meets the requirements for completeness. The eSlate and
corresponding components are certified for use in
California.

San Mateo County began comprehensively researching
a replacement to their optical scan voting system in 2004.
San Mateo County will be converting from the ES&S Optech
III-P Eagle optical scan voting system. The County will
be fully converting to DRE technology and will be using
only DRE units for polling places in all future elections.
During the June 6, 2006, Primary Election, the County
successfully conducted a limited deployment of 28 leased
eSlate units at nine regional early voting centers, and
the eSlate units were very well received by the voters who
used them.
San Mateo County plans to deploy the new e-Slate DREs at all 472 polling places so that there will be one fully accessible unit at each polling site during the November 7, 2006, General Election.

The County also plans to deploy a small number of eSlate units at two early voting centers. San Mateo County believes that the deployment of DRE units in all polling places will bring the county into full compliance with the requirements of the Help America Vote Act.

The County plans to increase the number of poll workers per polling location, and the poll worker training will be enhanced to stress the importance of understanding how to operate and troubleshoot the systems to facilitate the county’s voters’ comfort and confidence in using the new voting system.

Please note that any costs associated with the eRegistry voter management system software listed under system software expense will not be allowable for reimbursement under Proposition 41, as the software is not currently certified for use in California.

San Mateo County will only receive VMB payments once it has submitted detailed invoices for its certified voting equipment. Please note that the staff-proposed Funding Award is based upon allowable reimbursement under Proposition 41 for voting equipment hardware and software.
only. The professional services and optional extended warranty line items listed in the San Mateo County contract with Hart InterCivic would not be covered as a reimbursable claim under Proposition 41.

It is our recommendation that San Mateo County’s Project Documentation Plan be approved and a Funding Award letter be issued in the amount of $4,569,941.98.

I do believe we have a representative from San Mateo here.

ACTING CHAIRPERSON KAUFMAN: Okay.

Sir, why don't you come up to the podium if there is anything else you would like to add to the staff report. And if you could please introduce yourself.

MR. TOM: Yes. Thank you very much.

My name is David Tom. I'm the elections manager for the County of San Mateo.

ACTING CHAIRPERSON KAUFMAN: Thank you for coming.

MR. TOM: Thank you.

I just want to make a correction. Please be clear that we are purchasing 525 of the JBCs and also 525 of the DAU units that are disabled -- disabled assistance devices. But it's written on the report. So I just want to make that clear.

And I appreciate the Board for considering our application.
ACTING CHAIRPERSON KAUFMAN: Okay.

Tal, do you have any questions?

BOARD MEMBER FINNEY: No, I don't.

ACTING CHAIRPERSON KAUFMAN: Okay. Carl?

BOARD MEMBER GUARDINO: No, I don't. Thank you.

ACTING CHAIRPERSON KAUFMAN: Okay. Well, then, with that, do we have a motion to approve the staff recommendation?

BOARD MEMBER FINNEY: If Carl wants to move this one?

BOARD MEMBER GUARDINO: I would be happy to.

I move staff's recommendation.

BOARD MEMBER FINNEY: Okay. I will second it.

ACTING CHAIRPERSON KAUFMAN: Okay. Great.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Great.

Congratulations, San Mateo County.

Good luck with your new equipment.

Let's move on to Sonoma County.
STAFF CONSULTANT LEAN: Sonoma County is also purchasing the Hart eSlate units.

Staff is recommending a Funding Award of $2,880,074.40, which will leave them with the remaining allocation, $389 -- sorry. 389,699.45.

They are purchasing 700 of the eSlate units; 350 of the Judge Booth Controllers; 700 of the VBO printers; and 700 of the Disabled Access Unit upgrades.

Sonoma County received and used 350 eSlate units during the June 6, 2006 Primary Election and anticipates receiving the remaining 350 eSlate units prior to the November 7, 2006 General Election.

The Hart eSlate units being purchased by Sonoma County include the VBO printers, which are a Voter Verified Paper Audit Trail component.

Sonoma County’s Project Documentation Plan meets the requirements for completeness, and the eSlates and corresponding components are certified for use in California.

Sonoma County has implemented a blended system. Sonoma County will continue to use its existing Mark-A-Vote optical scan voting equipment and will supplement the voting system with the placement of one eSlate DRE unit in every polling place in the county.

Sonoma County believes that the deployment of eSlate DRE
units will bring the County into compliance with the Help America Vote Act and the state accessibility requirements.

While Sonoma County has up to 350 polling places in a major election, the County is purchasing the additional 350 eSlate units to allow for testing, programming, precinct officer training, and equipment delivery when there are back-to-back elections.

Sonoma County will be required to conform to the Secretary of State’s October 5, 2005, directive regarding requirements for voting systems.

The County plans to duplicate onto Mark-A-Vote duplicate ballots all votes cast on the eSlate machines.

Sonoma County’s initial phase in modernizing their voting equipment will allow the County to maintain their paper-based optical scan system to assist in accommodating their ever-growing absentee voter population while adhering to state and federal accessibility requirements.

Sonoma County had over 70% of its ballots cast via absentee ballot in the June 2006 Primary.

Sonoma County is currently developing a comprehensive voter outreach plan to target voters with disabilities and a plan to educate all voters in the county about the availability and use of the new eSlate DRE equipment.

Sonoma County’s project plan explicitly states
that it is the county’s desire and intention that the remaining Proposition 41 allocation continue to be available to Sonoma County for future voting system modernization plans.

Sonoma County will only receive VMB payments once it has submitted detailed invoices for its certified voting equipment. Please note that the staff-proposed Funding Award is based upon allowable reimbursement under Proposition 41 for voting equipment hardware and software only. The professional services, initial annual fee, and optional extended warranty line items listed in the Sonoma County contract with Hart InterCivic would not be covered as a reimbursable claim under Proposition 41.

It is our recommendation that Sonoma County’s Project Documentation Plan be approved and a Funding Award letter be issued in the amount of $2,880,074.40.

ACTING CHAIRPERSON KAUFMAN: Do we have a representative from Sonoma County here?

STAFF CONSULTANT LEAN: Yes, we do.

Would you please introduce yourself.

MS. ACOSTA: I'm Elizabeth Acosta. I'm the elections manager at Sonoma County. And with me today is also Celia Peterson. She's our accounting manager, so if you have questions, we're available.

ACTING CHAIRPERSON KAUFMAN: Thank you.
Mr. Finney, did you have any questions?

BOARD MEMBER FINNEY: Just a statement that your absentee count is amazing. Very impressive. I used to work up there.

So I would like to make this motion.

BOARD MEMBER GUARDINO: I'm going to second the motion, and then I have to step away for a second. So I second this as well as vote.

I will be right back.

ACTING CHAIRPERSON KAUFMAN: Okay. You just have.

BOARD MEMBER GUARDINO: Thank you.

ACTING CHAIRPERSON KAUFMAN: Katherine, do you want to take the roll call, recognizing that Mr. Guardino has already voted?

EXECUTIVE SECRETARY MONTGOMERY: Yes.

Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

ACTING CHAIRPERSON KAUFMAN: And an "aye" for Mr. Guardino.

BOARD MEMBER FINNEY: Congratulations.

ACTING CHAIRPERSON KAUFMAN: We are approving -- congratulations to Sonoma. And congratulations to Tal, since he used to work there.

BOARD MEMBER GUARDINO: Thank you.

ACTING CHAIRPERSON KAUFMAN: Katherine, do you want to take the roll call, recognizing that Mr. Guardino has already voted?

EXECUTIVE SECRETARY MONTGOMERY: Yes.

Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

ACTING CHAIRPERSON KAUFMAN: And an "aye" for Mr. Guardino.

BOARD MEMBER FINNEY: Congratulations.

ACTING CHAIRPERSON KAUFMAN: We are approving -- congratulations to Sonoma. And congratulations to Tal, since he used to work there.
Okay. Let us move on to Item No. 6 on our agenda, which is a change to the approved project documentation plan for the City and County of San Francisco.

Carl, are you still on the line?

BOARD MEMBER FINNEY: He stepped away for a bit.

ACTING CHAIRPERSON KAUFMAN: Let's go forward with the staff report, and hopefully we'll have a quorum to vote.

STAFF CONSULTANT LEAN: The City and County of San Francisco is coming back to the Board.

They purchased the ES&S AutoMARK Voter Assist Terminals, 565 units.

At the May 25, 2006, meeting of the Board, the Board approved San Francisco County's Phase 2 Project Documentation Plan and awarded funding for the reimbursement of the County's purchase of these units.

However, San Francisco County's project cost did not include the amount that they would be charged for state and local sales taxes. The additional costs for sales taxes amounts to $297,077.37.

San Francisco County is requesting the voting Modernization Board to approve the change to their existing Phase 2 Project Documentation Plan to include the funding for the total amount of sales tax required to be paid on their new voting equipment.
So it is our staff recommendation, the San Francisco's change to their approved Phase 2 Project Documentation Plan be approved and a new Funding Award letter be issued in the amount of $2,615,503.93.

ACTING CHAIRPERSON KAUFMAN: Carl, are you back with us?

Is there anyone from San Francisco here to comment on this?

Yes. Mr. Arntz, I understand, you are present.

MR. ARNTZ: John Arntz, elections in San Francisco.

The reason we have to come back with the sales tax is when the Board of Supervisors in San Francisco passed the resolution authorizing the Department to receive the grant funding, they just did the cost of the equipment; they didn't come up with the sales tax.

And so according to our rules, in the city, we cannot just get the tax money without coming back here with a resolution. That's why we have to come back for this.

ACTING CHAIRPERSON KAUFMAN: Okay. And Jana, just to clarify something, there's certainly nothing unusual about this other than it's being done in two pieces.

We've always paid sales tax before?

STAFF CONSULTANT LEAN: That's correct.
ACTING CHAIRPERSON KAUFMAN: Okay.

Tal, did you have any questions of Mr. Arntz?

BOARD MEMBER FINNEY: Just the one you asked.

ACTING CHAIRPERSON KAUFMAN: Okay. Thank you.

Carl?

Not back yet.

Why don't we do this --

BOARD MEMBER GUARDINO: No questions.

ACTING CHAIRPERSON KAUFMAN: Okay. You are back.

BOARD MEMBER GUARDINO: Yes, I am.

BOARD MEMBER FINNEY: I will move approval of the staff recommendation.

BOARD MEMBER GUARDINO: I will second that motion.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

ACTING CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

BOARD MEMBER FINNEY: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino.

BOARD MEMBER GUARDINO: Aye.

ACTING CHAIRPERSON KAUFMAN: Okay. You should now be completely taken care of, San Francisco. So congratulations again.

Let us move to Item 7 on our agenda, which is the quarterly status report on counties, the list of who's on board and who's not.
Jana, can you give us a brief summary of where we stand with really the ones that haven't submitted anything yet.

STAFF CONSULTANT LEAN: Okay. So we actually asked for the quarterly status to go through the July through the end of the year. There is still six counties that are pending submission of a plan, and of those six, there's a few that still have some holes. We have been in contact with all of the counties, and they are moving forward to be compliant with HAVA for the November 2006 election. So we do recommend moving forward.

We have seven counties who are in the phase, and so those counties will continue to come forward to the Board.

We did have a request, and we plan to agendize it at the next meeting. There were two letters that were submitted on behalf of the counties -- one was Humboldt County and one was Lassen County -- requesting an extension to the deadline, again.

This will be the fifth extension from the Board, so that's something that we need to bring up at the next meeting. I just want to make you aware of that and give you a status of everyone are in their modernization status.

ACTING CHAIRPERSON KAUFMAN: And to be clear,
Modoc and Trinity, you have been in touch with them; they just haven't submitted anything yet.

STAFF CONSULTANT LEAN: Modoc County, I have been in touch with them, and they have not submitted their plan yet or their quarterly report.

Trinity County did submit information, and it's in your packet. However, what they submitted was basically what they submitted last time. They haven't updated it, and basically what the information said was they are waiting for the Diebold DREs to be certified, which they already are.

So I know that they are moving forward. They just didn't fully submit the information that we requested. They were contacted, but I have not received any additional information from them.

ACTING CHAIRPERSON KAUFMAN: Okay.

Tal, do you have any questions?

BOARD MEMBER FINNEY: No questions.

ACTING CHAIRPERSON KAUFMAN: Carl?

BOARD MEMBER GUARDINO: No questions.

ACTING CHAIRPERSON KAUFMAN: Okay. I guess I would just urge everyone here and those who aren't that if we are going to have an agenda item to consider an extension of the deadline, that I'd hope that we could get all of the members on Board for that meeting. Because
it's an important issue.

STAFF CONSULTANT LEAN: Our next meeting is actually October 18 at 10:30. The notice has gone out to the counties that the Project Documentation Plan are due next week, the 27th, on Wednesday.

I do know, I have been in contact with Napa County who plans to come forward with their VVPAT funding, like the Orange County and Yolo County is to come in front of Board. I want to make sure that you gentleman have that on your calendar, if the extension or the deadline does come up, we definitely need to have a full Board here.

ACTING CHAIRPERSON KAUFMAN: Okay. October 18th, there it is. I've got it on my calendar.

October 18th, it is.

Okay. Anything else from the staff to add?

STAFF CONSULTANT LEAN: The only thing I wanted to let you know is that the Pool Money Investment Board, our loan renewal was approved this morning for $92,379,000.

And I just wanted to give you a little status that to date, the Board has approved the Project Documentation Plan for 40 counties, and it totaled approximately $126 million and we have distributed over $97 million.

ACTING CHAIRPERSON KAUFMAN: That's great.

STAFF CONSULTANT LEAN: That's it for now.

ACTING CHAIRPERSON KAUFMAN: Okay.
Thank you, Jana.

With that, do we have a motion to adjourn?

BOARD MEMBER FINNEY: I will make the motion.

ACTING CHAIRPERSON KAUFMAN: I will second it for the sake of moving forward.

All in favor of adjourning?

BOARD MEMBER GUARDINO: Adjourn.

ACTING CHAIRPERSON KAUFMAN: Okay.

Thank you, everybody.

(Thereupon the Board Meeting of the Voting Modernization Board adjourned at 2:02 p.m.)
CERTIFICATE OF REPORTER

I, KATHRYN S. KENYON, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Board Meeting on the Voting Modernization Board was reported in shorthand by me, Kathryn S. Kenyon, 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 meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October, 2006.

KATHRYN S. KENYON, CSR
Certified Shorthand Reporter
License No. 13061

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