

BOARD MEETING  
STATE OF CALIFORNIA  
VOTING MODERNIZATION BOARD

OFFICE OF THE SECRETARY OF STATE  
1500 11TH STREET  
1ST FLOOR AUDITORIUM  
SACRAMENTO, CALIFORNIA

WEDNESDAY, SEPTEMBER 20, 2006

1:00 P.M.

KATHRYN S. KENYON, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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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1 PROCEEDINGS

2 ACTING CHAIRPERSON KAUFMAN: Let's call the  
3 meeting to order.

4 And you want to take the roll?

5 EXECUTIVE SECRETARY MONTGOMERY: John Pérez.

6 CHAIRPERSON PÉREZ: Here.

7 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

8 ACTING CHAIRPERSON KAUFMAN: Here.

9 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

10 BOARD MEMBER FINNEY: Present.

11 EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino.

12 BOARD MEMBER GUARDINO: Present.

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

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

17 Do we have any public comment cards?

18 STAFF CONSULTANT LEAN: No, sir.

19 ACTING CHAIRPERSON KAUFMAN: Okay. No public  
20 comment.

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

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

25 BOARD MEMBER FINNEY: I will move.

1 CHAIRPERSON PÉREZ: Second.

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

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

6 EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

7 CHAIRPERSON PÉREZ: Aye.

8 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

9 ACTING CHAIRPERSON KAUFMAN: Aye.

10 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

11 BOARD MEMBER FINNEY: Aye.

12 EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

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

15 BOARD MEMBER FINNEY: Carl?

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

18 ACTING CHAIRPERSON KAUFMAN: Yeah. All right.  
19 Abstention.

20 Minutes are approved.

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

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

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

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

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

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

8 THE REPORTER: Can you use your microphone,  
9 please.

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

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

22 The HART eSlate units being purchased by Lake  
23 County includes the Verified Ballot Option, the VBO,  
24 printers which are a Voter Verified Paper Audit Trail  
25 component.

1           Lake County's Project Documentation Plan meets the  
2 requirements for completeness, and the eSlate and the  
3 corresponding components are certified for use in  
4 California.

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

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

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

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

25           Sorry, I lost my place.

1           The "InFusion" voting -- voting software listed in  
2 Lake County's contract with Hart InterCivic has not yet  
3 gained state certification and is therefore not eligible  
4 for reimbursement under Proposition 41.

5           Lake County will only use VMB payments once it has  
6 submitted detailed invoices for its certified equipment.  
7 Please note that the staff-proposed Funding Award is based  
8 upon allowable reimbursement under Prop 41 for voting  
9 equipment hardware and software only. Professional  
10 services, the extended licenses, the support fees items  
11 listed in Lake County's contract with Hart would not be  
12 covered as reimbursable claims under Proposition 41.

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

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

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

23           First of all, what is a Judge Booth Controller?

24           STAFF CONSULTANT LEAN: We do have our Voting  
25 Systems expert here, Bruce McDannold, and he can explain



1 the system.

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

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

9 ACTING CHAIRPERSON KAUFMAN: Central unit in each  
10 precinct?

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

22 When the voter goes to the eSlate, they put in the  
23 code to activate that particular eSlate. When they  
24 finalize their ballots, their results are automatically  
25 downloaded immediately to the JBC. So at the closing of

1 the polls, the JBC actually does the tabulation, not the  
2 individual DREs.

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

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

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

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

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

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

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

24 BOARD MEMBER FINNEY: Where do they enter the code  
25 into?

1           OVSTA DIRECTOR McDANNOLD: Directly into the  
2 eSlate device.

3           BOARD MEMBER FINNEY: I have used these before.

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

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

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

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

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

24           ACTING CHAIRPERSON KAUFMAN: But once they go  
25 through that, the information is sent to this central

1 tabulation system.

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

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

7 OVSTA DIRECTOR McDANNOLD: In the event of -- if  
8 there are precincts subjected to a recount or the  
9 1 percent manual audit, it would be the individual paper  
10 trails off of the individual DRE devices, the eSlates.

11 And those would all theoretically add up to the  
12 accumulated total in the JBC. It's actually for  
13 redundancy, which is probably more information than you  
14 want to know. There is a memory that stores the ballot  
15 images on the JBC in a redundant path for backup and  
16 recovery should anything happen in the JBC record.

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

19 ACTING CHAIRPERSON KAUFMAN: Whoever may be  
20 listening?

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

22 ACTING CHAIRPERSON KAUFMAN: Not to monopolize  
23 this, but again, this is something that runs consistently  
24 through these other two. So we might as well get it out  
25 of the way.

1 I was also not -- I'm not up to speed on the  
2 Secretary of State's October 5, 2005, directive, and I was  
3 a little, I guess, surprised by the fact that counties  
4 that have two different systems in place are apparently  
5 being required to merge those systems in one sort of  
6 tabulation?

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

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

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

25 ACTING CHAIRPERSON KAUFMAN: I had never seen this

1 before in any of our prior packets. And I'm just a little  
2 confused, because it seems to me, when we approved Phase 1  
3 and Phase 2 of programs before, for various counties, many  
4 have had an optical scan system in place, and they are  
5 merging that with a -- some form of electronics device,  
6 you know, one in each polling place to take care of  
7 disability issues, or what have you, to meet federal  
8 requirements.

9 And I don't recall --

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

16 This is a new use of a system that's never been  
17 tested to verify or evaluate it. And in this case of this  
18 particular blend of a system, there is no direct interface  
19 between the two systems to test. But what we required  
20 were use procedures that explained how they were going  
21 to -- how they were going to define the election between  
22 the two systems when the ballots were voted. Since  
23 ballots voted on the DRE could not be read by the DFM  
24 system, it required a physical and manual remake of the  
25 ballots onto the DFM system.

1           The Secretary of State was interested and wanted  
2 to see procedures that protected the anonymity of the vote  
3 and guaranteed the accuracy of the vote in that  
4 translation. We require that these counties doing this  
5 particular blend put forth use procedures on how they were  
6 going to accomplish this before we were going to approve  
7 the use of the system.

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

15           OVSTA DIRECTOR McDANNOLD: Exactly.

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

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

22           OVSTA DIRECTOR McDANNOLD: In the case of the  
23 example, you said, in the Sequoia system, the Central  
24 Election Management System is capable of reading the  
25 memory cards and uploading results from the DRE devices,

1 the Edge, as well as the memory cards from the precinct  
2 tabulators.

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

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

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

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

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

25 ACTING CHAIRPERSON KAUFMAN: Right. Well, but



1 there would be delays in the election night.

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

6 OVSTA DIRECTOR McDANNOLD: That's correct.

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

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

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

18 BOARD MEMBER FINNEY: No additional questions.

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

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

24 OVSTA DIRECTOR McDANNOLD: Yes, the Secretary of  
25 State's Office reviewed their proposed procedures,

1 reviewed those, and approved the blended use based on  
2 those procedures.

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

5 ACTING CHAIRPERSON KAUFMAN: Mr. Pérez, any  
6 questions?

7 CHAIRPERSON PÉREZ: No questions. Thank you.

8 ACTING CHAIRPERSON KAUFMAN: Mr. Guardino?

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

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

14 CHAIRPERSON PÉREZ: This is John Pérez.

15 I so move.

16 BOARD MEMBER GUARDINO: I will second that.

17 That is Carl Guardino.

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

20 Do you want to take the roll.

21 EXECUTIVE SECRETARY MONTGOMERY: Yes.

22 John Pérez?

23 CHAIRPERSON PÉREZ: Aye.

24 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

25 ACTING CHAIRPERSON KAUFMAN: Aye.

1 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

2 BOARD MEMBER FINNEY: Aye.

3 EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

4 BOARD MEMBER GUARDINO: Aye.

5 ACTING CHAIRPERSON KAUFMAN: Okay. Lake County is  
6 approved.

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

9 STAFF CONSULTANT LEAN: Let us move on to Madera  
10 County. Madera County is also purchasing the Hart System.

11 The County is requesting and staff is recommending  
12 funding of \$466,361.32.

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

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

23 The eSlate units being purchased by Madera include  
24 the Verified Ballot Option Printers which are a Voter  
25 Verified Paper Audit Trail component.

1 Madera County's Project Documentation Plan meets  
2 the requirements for completeness, and the eSlate and  
3 corresponding components are certified for use in  
4 California.

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

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

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

22 Madera County's principal goal, while modernizing  
23 their voting equipment, was to retain a paper-based  
24 system, since over 59 percent of their voters vote by  
25 absentee ballot.

1           The County believes that supplementing their  
2 existing Mark-A-Vote system is cost-effective and will  
3 accommodate the growing absentee ballot trend.

4           The Hart eSlate system will allow voters who are  
5 visually impaired or blind to go unassisted at polls and  
6 will provide additional language options. The Infusion  
7 Voting Software listed in Madera County's contract with  
8 Hart has not yet gained certification in California, and  
9 is therefore not eligible for reimbursement under  
10 Proposition 41.

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

14           Please note, staff-proposed Funding Award is based  
15 upon allowable reimbursements under Proposition 41 voting  
16 equipment hardware and software only.

17           The professional services and extended warranty  
18 items listed in the Madera County contract with Hart would  
19 not be covered as a reimbursement claim under Proposition  
20 41.

21           It is our staff recommendation that Madera  
22 County's Documentation Plan be approved and a Funding  
23 Award letter be issued in the amount of \$466,361.32.

24           ACTING CHAIRPERSON KAUFMAN: Tal, do you have any  
25 questions.

1 BOARD MEMBER FINNEY: I don't on this one.

2 ACTING CHAIRPERSON KAUFMAN: John, any questions?

3 CHAIRPERSON PÉREZ: No questions.

4 ACTING CHAIRPERSON KAUFMAN: Okay. Carl?

5 BOARD MEMBER GUARDINO: No, thank you, sir.

6 ACTING CHAIRPERSON KAUFMAN: Okay. Do we have

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

8 Do we have --

9 CHAIRPERSON PÉREZ: (Unintelligible.)

10 THE REPORTER: What did he say?

11 ACTING CHAIRPERSON KAUFMAN: He --

12 BOARD MEMBER GUARDINO: I'm happy to second this

13 motion.

14 ACTING CHAIRPERSON KAUFMAN: He moved to approve.

15 Seconded by Carl Guardino.

16 And John said that he was voting to approve it and

17 he was saying goodbye on that one.

18 Let's take a roll call vote.

19 BOARD MEMBER GUARDINO: My second -- my second

20 includes me staying.

21 ACTING CHAIRPERSON KAUFMAN: Okay.

22 EXECUTIVE SECRETARY MONTGOMERY: Okay.

23 John Pérez?

24 ACTING CHAIRPERSON KAUFMAN: He already moved.

25 EXECUTIVE SECRETARY MONTGOMERY: Okay.

1 Stephen Kaufman?

2 ACTING CHAIRPERSON KAUFMAN: Aye.

3 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

4 BOARD MEMBER FINNEY: Aye.

5 EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

6 BOARD MEMBER GUARDINO: Aye.

7 ACTING CHAIRPERSON KAUFMAN: Okay.

8 Madera County is approved 4-nothing.

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

11 Four -- four votes nothing.

12 STAFF CONSULTANT LEAN: Oh.

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

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

17 BOARD MEMBER FINNEY: So we still have a quorum.

18 ACTING CHAIRPERSON KAUFMAN: -- four votes to  
19 zero.

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

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

24 STAFF CONSULTANT LEAN: Next, we have Mariposa  
25 County.

1           They are coming forward with their Phase 2 Project  
2 Documentation Plan. They have \$46,947.06 left in their  
3 allocation.

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

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

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

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

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

21           At the January 15, 2003 meeting of the Voting  
22 Modernization Board, the Board approved Mariposa County's  
23 Phase 1 Project Documentation Plan and awarded funding in  
24 the amount of \$98,644.12; The county received  
25 reimbursement for the purchase of 16 Sequoia Optech Eagle



1 III-P precinct-based optical scan units.

2 Mariposa County has converted from the Sequoia  
3 Optech Eagle III-P precinct-based optical scan voting  
4 system purchased under their Phase 1 and is now fully  
5 converted to all Direct Recording Electronic (DRE) units  
6 for their polling places and optical scan units for  
7 absentee and vote-by-mail ballots. Mariposa County  
8 implemented their new AVC Edge II DRE voting units during  
9 the November 8, 2005 Special Statewide Election.

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

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

17 It is our staff recommendation that Mariposa  
18 County's Phase 2 Project Documentation Plan be approved  
19 and a Funding Award letter be issued in the amount of  
20 \$46,947.06.

21 ACTING CHAIRPERSON KAUFMAN: Thank you Jana.

22 Is there any representative from Mariposa County?

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

25 ACTING CHAIRPERSON KAUFMAN: I was amiss in asking

1 if anyone was here from Madera County.

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

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

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

16 ACTING CHAIRPERSON KAUFMAN: Thank you Bruce.

17 Tal, any questions?

18 BOARD MEMBER FINNEY: No questions on this one.

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

22 BOARD MEMBER FINNEY: I think he dropped off.

23 ACTING CHAIRPERSON KAUFMAN: I guess not.

24 Carl, any questions?

25 BOARD MEMBER GUARDINO: No questions. And I think

1 he was going. I think he made that clear on this item.

2 ACTING CHAIRPERSON KAUFMAN: Okay.

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

5 BOARD MEMBER FINNEY: I will motion. I will move,  
6 I mean.

7 ACTING CHAIRPERSON KAUFMAN: Carl, second?

8 BOARD MEMBER GUARDINO: Yes.

9 ACTING CHAIRPERSON KAUFMAN: All right.

10 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

11 ACTING CHAIRPERSON KAUFMAN: Aye.

12 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

13 BOARD MEMBER FINNEY: Aye.

14 EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

15 BOARD MEMBER GUARDINO: Aye.

16 ACTING CHAIRPERSON KAUFMAN: Okay.

17 Congratulations to Mariposa County.

18 Next on the list is San Mateo County.

19 Jana?

20 STAFF CONSULTANT LEAN: San Mateo County is  
21 purchasing the Hart Intercivic eSlate DRE units. Staff is  
22 recommending funding for \$4,569,941.98, which is their  
23 full VMB allocation.

24 They are purchasing 2,100 eSlate units; 225 Judge  
25 Booth Controller units; 2,100 verified -- sorry.

1           ACTING CHAIRPERSON KAUFMAN: VBO.

2           STAFF CONSULTANT LEAN: VBO printers; and 225  
3 Disabled Access Unit upgrades.

4           San Mateo County anticipates receiving its new  
5 voting equipment between late-August 2006 and mid-October  
6 2006. The County plans to begin using this equipment in  
7 the November 7, 2006, general election.

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

11           San Mateo County's Project Documentation Package  
12 meets the requirements for completeness. The eSlate and  
13 corresponding components are certified for use in  
14 California.

15           San Mateo County began comprehensively researching  
16 a replacement to their optical scan voting system in 2004.  
17 San Mateo County will be converting from the ES&S Optech  
18 III-P Eagle optical scan voting system. The County will  
19 be fully converting to DRE technology and will be using  
20 only DRE units for polling places in all future elections.  
21 During the June 6, 2006, Primary Election, the County  
22 successfully conducted a limited deployment of 28 leased  
23 eSlate units at nine regional early voting centers, and  
24 the eSlate units were very well received by the voters who  
25 used them.

1           San Mateo County plans to deploy the new e-Slate  
2 DREs at all 472 polling places so that there will be one  
3 fully accessible unit at each polling site during the  
4 November 7, 2006, General Election.

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

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

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

21           San Mateo County will only receive VMB payments  
22 once it has submitted detailed invoices for its certified  
23 voting equipment. Please note that the staff-proposed  
24 Funding Award is based upon allowable reimbursement under  
25 Proposition 41 for voting equipment hardware and software

1 only. The professional services and optional extended  
2 warranty line items listed in the San Mateo County  
3 contract with Hart InterCivic would not be covered as a  
4 reimbursable claim under Proposition 41.

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

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

10 ACTING CHAIRPERSON KAUFMAN: Okay.

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

14 MR. TOM: Yes. Thank you very much.

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

17 ACTING CHAIRPERSON KAUFMAN: Thank you for coming.

18 MR. TOM: Thank you.

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

24 And I appreciate the Board for considering our  
25 application.

1           ACTING CHAIRPERSON KAUFMAN: Okay.

2           Tal, do you have any questions?

3           BOARD MEMBER FINNEY: No, I don't.

4           ACTING CHAIRPERSON KAUFMAN: Okay.

5           Carl?

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

7           ACTING CHAIRPERSON KAUFMAN: Okay. Well, then,

8 with that, do we have a motion to approve the staff

9 recommendation?

10          BOARD MEMBER FINNEY: If Carl wants to move this

11 one?

12          BOARD MEMBER GUARDINO: I would be happy to.

13          I move staff's recommendation.

14          BOARD MEMBER FINNEY: Okay. I will second it.

15          ACTING CHAIRPERSON KAUFMAN: Okay. Great.

16          EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

17          ACTING CHAIRPERSON KAUFMAN: Aye.

18          EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

19          BOARD MEMBER FINNEY: Aye.

20          EXECUTIVE SECRETARY MONTGOMERY: Carl Guardino?

21          BOARD MEMBER GUARDINO: Aye.

22          ACTING CHAIRPERSON KAUFMAN: Great.

23          Congratulations, San Mateo County.

24          Good luck with your new equipment.

25          Let's move on to Sonoma County.

1           STAFF CONSULTANT LEAN: Sonoma County is also  
2 purchasing the Hart eSlate units.

3           Staff is recommending a Funding Award of  
4 \$2,880,074.40, which will leave them with the remaining  
5 allocation, \$389 -- sorry. 389,699.45.

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

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

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

16           Sonoma County's Project Documentation Plan meets  
17 the requirements for completeness, and the eSlates and  
18 corresponding components are certified for use in  
19 California.

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



1 units will bring the County into compliance with the Help  
2 America Vote Act and the state accessibility requirements.

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

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

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

13 Sonoma County's initial phase in modernizing their  
14 voting equipment will allow the County to maintain their  
15 paper-based optical scan system to assist in accommodating  
16 their ever-growing absentee voter population while  
17 adhering to state and federal accessibility requirements.  
18 Sonoma County had over 70% of its ballots cast via  
19 absentee ballot in the June 2006 Primary.

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

25 Sonoma County's project plan explicitly states

1 that it is the county's desire and intention that the  
2 remaining Proposition 41 allocation continue to be  
3 available to Sonoma County for future voting system  
4 modernization plans.

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

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

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

19 STAFF CONSULTANT LEAN: Yes, we do.

20 Would you please introduce yourself.

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

25 ACTING CHAIRPERSON KAUFMAN: Thank you.

1 Mr. Finney, did you have any questions?

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

5 So I would like to make this motion.

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

9 I will be right back.

10 ACTING CHAIRPERSON KAUFMAN: Okay. You just have.

11 BOARD MEMBER GUARDINO: Thank you.

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

15 EXECUTIVE SECRETARY MONTGOMERY: Yes.

16 Stephen Kaufman?

17 ACTING CHAIRPERSON KAUFMAN: Aye.

18 EXECUTIVE SECRETARY MONTGOMERY: Tal Finney?

19 BOARD MEMBER FINNEY: Aye.

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

22 BOARD MEMBER FINNEY: Congratulations.

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

1           Okay. Let us move on to Item No. 6 on our agenda,  
2 which is a change to the approved project documentation  
3 plan for the City and County of San Francisco.

4           Carl, are you still on the line?

5           BOARD MEMBER FINNEY: He stepped away for a bit.

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

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

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

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

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

21           San Francisco County is requesting the voting  
22 Modernization Board to approve the change to their  
23 existing Phase 2 Project Documentation Plan to include the  
24 funding for the total amount of sales tax required to be  
25 paid on their new voting equipment.

1           So it is our staff recommendation, the San  
2 Francisco's change to their approved Phase 2 Project  
3 Documentation Plan be approved and a new Funding Award  
4 letter be issued in the amount of \$2,615,503.93.

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

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

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

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

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

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

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

24          We've always paid sales tax before?

25          STAFF CONSULTANT LEAN: That's correct.

1           ACTING CHAIRPERSON KAUFMAN:  Okay.

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

3           BOARD MEMBER FINNEY:  Just the one you asked.

4           ACTING CHAIRPERSON KAUFMAN:  Okay.  Thank you.

5           Carl?

6           Not back yet.

7           Why don't we do this --

8           BOARD MEMBER GUARDINO:  No questions.

9           ACTING CHAIRPERSON KAUFMAN:  Okay.  You are back.

10          BOARD MEMBER GUARDINO:  Yes, I am.

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

13          BOARD MEMBER GUARDINO:  I will second that motion.

14          EXECUTIVE SECRETARY MONTGOMERY:  Stephen Kaufman?

15          ACTING CHAIRPERSON KAUFMAN:  Aye.

16          EXECUTIVE SECRETARY MONTGOMERY:  Tal Finney?

17          BOARD MEMBER FINNEY:  Aye.

18          EXECUTIVE SECRETARY MONTGOMERY:  Carl Guardino.

19          BOARD MEMBER GUARDINO:  Aye.

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

23                 Let us move to Item 7 on our agenda, which is the  
24 quarterly status report on counties, the list of who's on  
25 board and who's not.

1           Jana, can you give us a brief summary of where we  
2 stand with really the ones that haven't submitted anything  
3 yet.

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

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

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

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

25           ACTING CHAIRPERSON KAUFMAN: And to be clear,

1 Modoc and Trinity, you have been in touch with them; they  
2 just haven't submitted anything yet.

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

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

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

16 ACTING CHAIRPERSON KAUFMAN: Okay.

17 Tal, do you have any questions?

18 BOARD MEMBER FINNEY: No questions.

19 ACTING CHAIRPERSON KAUFMAN: Carl?

20 BOARD MEMBER GUARDINO: No questions.

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



1 it's an important issue.

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

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

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

14 October 18th, it is.

15 Okay. Anything else from the staff to add?

16 STAFF CONSULTANT LEAN: The only thing I wanted to  
17 let you know is that the Pool Money Investment Board, our  
18 loan renewal was approved this morning for \$92,379,000.  
19 And I just wanted to give you a little status that to  
20 date, the Board has approved the Project Documentation  
21 Plan for 40 counties, and it totaled approximately  
22 \$126 million and we have distributed over \$97 million.

23 ACTING CHAIRPERSON KAUFMAN: That's great.

24 STAFF CONSULTANT LEAN: That's it for now.

25 ACTING CHAIRPERSON KAUFMAN: Okay.

1 Thank you, Jana.

2 With that, do we have a motion to adjourn?

3 BOARD MEMBER FINNEY: I will make the motion.

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

6 All in favor of adjourning?

7 BOARD MEMBER GUARDINO: Adjourn.

8 ACTING CHAIRPERSON KAUFMAN: Okay.

9 Thank you, everybody.

10 (Thereupon the Board Meeting of the Voting  
11 Modernization Board adjourned at 2:02 p.m.)

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## 1 CERTIFICATE OF REPORTER

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

4 That I am a disinterested person herein; that the  
5 foregoing Board Meeting on the Voting Modernization Board  
6 was reported in shorthand by me, Kathryn S. Kenyon, a  
7 Certified Shorthand Reporter of the State of California,  
8 and thereafter transcribed into typewriting.

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

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

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KATHRYN S. KENYON, CSR

23

Certified Shorthand Reporter

24

License No. 13061

25