BOARD MEETING
STATE OF CALIFORNIA
SECRETARY OF STATE
VOTING MODERNIZATION BOARD

COMMUNITY REDEVELOPMENT AGENCY OF LOS ANGELES
354 SOUTH SPRING STREET
6TH FLOOR BOARD ROOM
LOS ANGELES, CALIFORNIA

WEDNESDAY, MAY 16, 2007
11:15 A.M.

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

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
APPEARANCES

BOARD MEMBERS
John A. Pérez, Chairperson
Stephen Kaufman, Vice Chairperson
Michael Bustamante (via teleconference)

STAFF
Mr. Michael Kanotz, Elections Counsel (via teleconference)
Ms. Jana M. Lean, Staff Consultant
Ms. Katherine Montgomery, Executive Secretary

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
CHAIRPERSON PÉREZ: I would like to call to order
the May 16 meeting of the Voting Modernization Board.
If we could please call the roll.
EXECUTIVE SECRETARY MONTGOMERY: John Perez?
CHAIRPERSON PÉREZ: Here.
EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?
VICE CHAIRPERSON KAUFMAN: Here.
EXECUTIVE SECRETARY MONTGOMERY: Michael Bustamante?
MEMBER BUSTAMANTE: Here.
CHAIRPERSON PÉREZ: Mr. Finney and Mr. Guardino are not able to join us this morning.
We do have a quorum.
Next item for us is Item 3, Public Comment. I don't see any cards, so --
VICE CHAIRPERSON KAUFMAN: I don't see any public.
(Laughter.)
CHAIRPERSON PÉREZ: I don't see any public.
It's nice to know that the concern for the integrity for the voting systems has reached its height.
Next is Item 4, Adoption of the March 21st, 2007, Actions and Meeting Minutes.
Mr. Bustamante and Mr. Kaufman, have you reviewed these?
VICE CHAIRPERSON KAUFMAN: Yes, and I will move approval of the action items --

MEMBER BUSTAMANTE: I will second.

VICE CHAIRPERSON KAUFMAN: -- and minutes.

CHAIRPERSON PÉREZ: Moved and seconded.

All in favor, say "aye."

(Ayes.)

CHAIRPERSON PÉREZ: No opposed. The action carries.

Next, Item 5, Project Documentation Plan Review and Funding Award. First is 5(A), Lassen County, Phase 3. Ms. Lean, would you like to walk us through that?

STAFF CONSULTANT LEAN: Lassen County has submitted their project documentation of their Phase 3 to utilize the remainder of their allocation, which is $20,631.97.

They are going to buy five additional Diebold AccuVote Optical Scan Precinct Ballot Tabulators.

Lassen County anticipates receiving these AccuVote OS units in September 2007, and will use this equipment for the first time in the February 2008 Presidential Primary.

The Voter Verified Paper Audit Trail doesn't apply to Lassen County's Phase 3 Project Documentation Plan, as the system is a paper-based optical scan voting system.
Lassen County's Phase 3 Project Documentation Plan meets the requirements for completeness. And the Diebold AccuVote optical scan units are certified for use in California.

At the July 16th, 2003, meeting of the Voting Modernization Board, the Board approved Lassen County Phase 1 Project Documentation Plan and awarded funding in the amount of $105,635.48.

On January 17th, 2007, the Voting Modernization Board approved Lassen County's Phase 2 Project Documentation Plan and awarded the County $81,528.66. Lassen County received this funding for reimbursement of their 15 AccuVote-TSx with the AccuView Printer Module and 15 AccuVote optical scan ballot tabulators.

Lassen County's Phase 3 Project Documentation Plan will utilize the balance of their initial Voting Modernization Board formula allocation. The County will be upgrading their absentee voting system by augmenting their existing number of optical scan units and replacing voting booths and related components.

Lassen County will only receive Voting Modernization Board payments once it has submitted detailed invoices for its certified voting equipment.

And it should be noted that there are some costs that are listed in their plan that would not be
reimbursable under Proposition 41.

It is our recommendation that Lassen County's Phase 3 Project Documentation Plan be awarded, and a funding award letter be issued in the amount of $20,631.97.

CHAIRPERSON PÉREZ: Any questions, Mr. Bustamante?
MEMBER BUSTAMANTE: None for me.
CHAIRPERSON PÉREZ: Mr. Kaufman?
VICE CHAIRPERSON KAUFMAN: None.
CHAIRPERSON PÉREZ: Would either of you like to make a motion?
VICE CHAIRPERSON KAUFMAN: Sure. I will move adoption of the staff recommendation for Lassen County.
CHAIRPERSON PÉREZ: Mr. Bustamante?
MEMBER BUSTAMANTE: I will second it.
CHAIRPERSON PÉREZ: Kaufman moves. Perez second. Would you please call the roll?
EXECUTIVE SECRETARY MONTGOMERY: John Perez?
CHAIRPERSON PÉREZ: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?
VICE CHAIRPERSON KAUFMAN: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Michael Bustamante?
MEMBER BUSTAMANTE: Aye.
CHAIRPERSON PÉREZ: Very good. Next, Contra Costa
STAFF CONSULTANT LEAN: Contra Costa County is submitting a change to their Phase 2 Project Documentation Plan. They would like to utilize the remainder of their allocation, which was $9,316.74. They got an approval from the Board at the May 25th, 2006, meeting for their Phase 2. And part of that Phase 2 was to purchase a Pitney Bowes Relia-Vote system, which is the component to their absentee system.

However, the projections that they did in their plan didn't include some of the original costs that they were basing their -- I'm sorry. The quote didn't include actual costs of the unit and shipping and handling and sales tax.

So Contra Costa County is requesting that the Voting Modernization Board approve the change to their existing Phase 2 plan to include the funding for their total amount of their actual costs associated with the Relia-Vote, up to the entire remaining formula allocation available to the County for their Phase 2 plan.

So it is our recommendation that the Contra Costa County's change to their approved Phase 2 Project Documentation Plan be approved, and a new funding award be -- funding award letter be issued in the amount of $2,027,472.99.
CHAIRPERSON PÉREZ: Very good.

Any questions?

VICE CHAIRPERSON KAUFMAN: I just had a question for clarification. I was trying to do the math.

So are we essentially -- we're -- we already approved this once. We are just approving it in the higher amount, and the higher amount is just another $9,000?

STAFF CONSULTANT LEAN: Correct.

VICE CHAIRPERSON KAUFMAN: No further questions.

CHAIRPERSON PÉREZ: Mr. Bustamante, any questions? I will take that as a no.

MEMBER BUSTAMANTE: No.

VICE CHAIRPERSON KAUFMAN: I will move adoption of the staff recommendation for the funding award letter to be issued to Contra Costa County.

MEMBER BUSTAMANTE: I will second that.

CHAIRPERSON PÉREZ: Mr. Kaufman moves. Mr. Bustamante seconds.

Would you call the roll?

EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

CHAIRPERSON PÉREZ: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

VICE CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Michael
Bustamante?

MEMBER BUSTAMANTE: Aye.

CHAIRPERSON PÉREZ: No objections. That passes.

Next, Humboldt County.

STAFF CONSULTANT LEAN: Humboldt County is in a similar situation. They have submitted a change to their Project Documentation Plan. Their actual funding award request will go up about $6,569.39.

At the January 17th, 2006, meeting, the Voting Modernization Board approved Humboldt County's Project Documentation Plan and awarded funding for reimbursement of the purchase of 80 Hart eSlate DRE machines and associated components.

Humboldt County's Project Documentation -- project costs identified in their original plan contained an error in the calculations of the equipment hardware costs to be paid using the funds and those costs associated with the County's required match. The original cost did not include the amount the County would be charged for the state's e-waste recycling fee. The additional costs amount to the $6,569.39.

Humboldt County is requesting the Voting Modernization Board approve the change to their existing Project Documentation Plan to include the funding for the total amount required to pay on their new voting
It is our staff recommendation that Humboldt County's change to their approved Project Documentation Plan be approved and a new funding award letter be issued in the amount of $472,397.62.

CHAIRPERSON PÉREZ: Any questions?
VICE CHAIRPERSON KAUFMAN: None for me.
CHAIRPERSON PÉREZ: Is there a motion?
VICE CHAIRPERSON KAUFMAN: I will move adoption of the staff recommendation.
MEMBER BUSTAMANTE: I will second that.
CHAIRPERSON PÉREZ: Very good.
Mr. Kaufman moves. Mr. Bustamante seconds.
If you could call the roll.
EXECUTIVE SECRETARY MONTGOMERY: John Pérez?
CHAIRPERSON PÉREZ: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?
VICE CHAIRPERSON KAUFMAN: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Michael Bustamante?
MEMBER BUSTAMANTE: Aye.
CHAIRPERSON PÉREZ: Very good.
That's approved. Lastly, we have Tehama County.
STAFF CONSULTANT LEAN: Tehama county has submitted a plan to use the Voter Verified Paper Audit
Trail retrofit process, and they have changed their Project Documentation Plan.

They will be upgrading their AVC Edge machines with the VeriVote, 191 units. They are requesting the VVPAT retrofit funding of $192,630.89.

At the February 9th, 2004, meeting of the Voting Modernization Board, the Board approved Tehama County's Project Documentation Plan and awarded funding for the reimbursement of the County's purchase of 148 Sequoia AVC Edge DRE units and one Sequoia Optech 400C Central Count Optical Scan unit. The County used this equipment as their March 2nd, 2004, Primary Election.

Tehama County began modernizing its voting equipment before the state's requirement for the VVPAT requirements were enacted. Consequently, the County was required to retrofit all of the Sequoia AVC Edge DRE machines to include a VVPAT printer. These newly equipped machines were successfully implemented countywide during the June 6, 2006, Primary Election.

Tehama County is requesting that the Board allow the County to return funds received from the VMB in order to qualify for retroactive reimbursement from HAVA for its purchase of a HAVA Section 301 compliant voting system, and concurrently requests funding from the Voting Modernization Board to fund its VVPAT retrofit costs.
Tehama County would be required to refund the allowable retrofit costs of $192,630.89 to the Voting Modernization Fund, from the County's general fund, before the County would be eligible for any VMB funding for VVPAT retrofit or any retroactive reimbursements from HAVA Section 301.

Once the refund for the retrofit costs has been received and deposited back into the Voting Modernization Fund and confirmation of that deposit has been received from the State Controller's Office, the VMB would notify Tehama County and the Secretary of State's HAVA coordinator that the deposit has been completed.

The VMB could then amend the original funding award letter issued to Tehama County to explicitly state that the Voting Modernization Board will allocate $192,630.89 in funding, returned by the County to the Voting Modernization Fund, for the purpose of reimbursement of a Voter Verified Paper Audit Trail retrofit costs.

Tehama County would then be required to submit to the Voting Modernization Board an acknowledgment letter certifying that the new funds would be used in accordance with the Voting Modernization Bond Act of 2002. Tehama County could currently submit a Payment Request Form with required documentation to receive reimbursement for the
VVPAT retrofit costs.

It is our recommendation that Tehama County's change to their approved Project Documentation Plan be approved, contingent upon receipt of the funds as outlined above.

Once confirmation of the deposited funds is obtained, the VMB staff will notify the chair of the Board, and an amendment to the original February 9th, 2004, funding award letter may be issued in the amount of $192,630.89 to fund the allowable VVPAT retrofit costs only.

CHAIRPERSON PÉREZ: Any questions?

VICE CHAIRPERSON KAUFMAN: This is entirely consistent with similar matters we've done in the past.

STAFF CONSULTANT LEAN: Correct. Orange, Napa, and Shasta just received their check on Tuesday.

CHAIRPERSON PÉREZ: I just have one question.

What's the significance of the word "Brit" in the Tehama County seal?

STAFF CONSULTANT LEAN: No idea. We can call Tehama County if you would like.

VICE CHAIRPERSON KAUFMAN: I didn't even know Tehama is pronounced "Tehama."

CHAIRPERSON PÉREZ: It is Tehama.

STAFF CONSULTANT LEAN: Tehama.
CHAIRPERSON PÉREZ: Mr. Bustamante?
MEMBER BUSTAMANTE: What's that?
CHAIRPERSON PÉREZ: Any questions?
MEMBER BUSTAMANTE: No.
CHAIRPERSON PÉREZ: And do you know what the word
"Brit" signifies in the Tehama County seal?
MEMBER BUSTAMANTE: Do I know what?
CHAIRPERSON PÉREZ: There's a word "Brit" in the
middle of the Tehama County -- it is "Brit," isn't it --
VICE CHAIRPERSON KAUFMAN: At least it's B-R-I-T.
CHAIRPERSON PÉREZ: -- in the Tehama County seal.
And I'm trying to figure out the significance of it.
But I guess we'll have to take action without
knowing the answer to that.
MEMBER BUSTAMANTE: There you go.
CHAIRPERSON PÉREZ: Any motions?
MEMBER BUSTAMANTE: I will move the staff report
recommendation.
VICE CHAIRPERSON KAUFMAN: I will second.
CHAIRPERSON PÉREZ: Mr. Bustamante moves.
Mr. Kaufman seconds.
And would you call the roll?
EXECUTIVE SECRETARY MONTGOMERY: John Pérez?
CHAIRPERSON PÉREZ: Aye.
EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?
VICE CHAIRPERSON KAUFMAN: Aye.

EXECUTIVE SECRETARY MONTGOMERY: Michael Bustamante?

MEMBER BUSTAMANTE: Aye.

CHAIRPERSON PÉREZ: The item passes.

And we move forward. We have nothing else on our agenda. Is there anything else we need to consider?

STAFF CONSULTANT LEAN: Not on the record. We do have something to discuss --

THE REPORTER: Are we off the record?

CHAIRPERSON PÉREZ: No, we'll stay on the record.

STAFF CONSULTANT LEAN: Los Angeles County, at the last March meeting, submitted a letter to the Board, and the Board wanted to respond to the Board of Supervisors' letter. Michael Kanotz drafted a response and it was sent out via e-mail to the chair and the vice chair. In your packets, in your binders, you have a copy of the draft that was prepared by Michael Kanotz, and also the letter that was originally submitted by the Los Angeles County Board of Supervisors.

We had anticipated going over this if you wanted to today, or we can meet online --

CHAIRPERSON PÉREZ: Well, do folks feel comfortable just allowing me to send a letter similar to the one that's in the draft, given any other minor edits
that I may do for content?

VICE CHAIRPERSON KAUFMAN: Yeah, I just think -- I
e-mailed Jana about this a week or so ago. I think you
and I may have overlooked this in our incoming e-mail.

CHAIRPERSON PÉREZ: Yes.

VICE CHAIRPERSON KAUFMAN: But we need to get
something out to them as soon as possible, so we should
make those edits. Or you should redraft the letter as
soon as possible so we can respond. Otherwise, our
response isn't going to be much of a response.

CHAIRPERSON PÉREZ: You okay with that,
Mr. Bustamante?

MEMBER BUSTAMANTE: I agree with that. I'm
comfortable with you going ahead and doing it.

CHAIRPERSON PÉREZ: Okay. Then there will be
nothing else before us.

We stand adjourned.

MEMBER BUSTAMANTE: Excellent.

CHAIRPERSON PÉREZ: Thank you, both.

(The Voting Modernization Board meeting
adjourned at 11:29 a.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 Voting Modernization Board meeting 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 25th day of May, 2007.

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

PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345