

BEFORE THE VOTING MODERNIZATION BOARD

STATE OF CALIFORNIA

JOHN A. PÉREZ, CHAIRMAN

Voting Modernization Board)
Board Meeting)
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TRANSCRIPT OF PROCEEDINGS, taken at the Secretary of State Building Auditorium, 1500 11th Street, First Floor, Sacramento, California, commencing at 11:10 a.m., on Wednesday, July 16, 2008, heard before STEPHEN J. KAUFMAN, Acting Chairperson.

A P P E A R A N C E S:

BOARD MEMBERS:

1. Mr. Stephen J. Kaufman, Acting Chairperson
2. Mr. Michael Bustamante
3. Mr. John A. Pérez, Chairperson (via teleconference)
4. Mr. Tal Finney (via teleconference)

STAFF:

1. Ms. Jana M. Lean, Staff Consultant
2. Ms. Katherine Montgomery, Executive Secretary
3. Mr. Robbie Anderson, Elections Counsel
4. Mr. Lowell Finley, Deputy Secretary of State, Voting Systems Technology and Policy
5. Mr. Ryan Macias, OVSTA Staff

COUNTIES:

1. Ms. Theresa Thompson, Fresno County
2. Mr. Anthony Yrigollen, Fresno County
3. Mr. Gregory Diaz, Nevada County

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Sacramento, California, Wednesday, July 16, 2008

11:10 a.m.

P R O C E E D I N G S

ACTING CHAIRPERSON KAUFMAN: Ok, Katherine is in place. I think we are now ready to call this meeting to order.

KATHERINE MONTGOMERY: John Pérez?

JOHN PÉREZ: Here.

KATHERINE MONTGOMERY: Stephen Kaufman?

STEPHEN KAUFMAN: Here.

KATHERINE MONTGOMERY: Michael Bustamante?

MICHAEL BUSTAMANTE: Here.

KATHERINE MONTGOMERY: Tal Finney?

TAL FINNEY: Present.

ACTING CHAIRPERSON KAUFMAN: Ok, thank you all for your patience. I don't have any cards so I assume there is no public comment.

JANA LEAN: That's correct.

ACTING CHAIRPERSON KAUFMAN: Ok, so we'll move on to the next item, which is the adoption of the January 16, 2008, action and meeting minutes. Do we have a motion to approve the minutes?

JOHN PÉREZ: So moved.

TAL FINNEY: Second.

ACTING CHAIRPERSON KAUFMAN: John Pérez moves, Tal Finney seconds. All in favor of approving the minutes?

MICHAEL BUSTAMANTE: Aye.

JOHN PÉREZ: Aye.

1 TAL FINNEY: Aye.

2 ACTING CHAIRPERSON KAUFMAN: So moved. Ok, we have two project
3 documentation plans on our agenda for today and the first one
4 involves Fresno County. It is a Phase II Documentation Plan
5 and Jana, do you want to take us through the proposal?

6 JANA LEAN: Yes. Fresno County is moving forward with their
7 Phase II Project Documentation Plan and staff is recommending a
8 funding award of \$272,339.04. They are requiring some
9 additional AccuVote Optical Scan Memory Cards, two scanners, a
10 couple of printers, a Dell computer, and some additional Opex
11 Mail Machines to help with their absentee voting, I'm sorry,
12 vote-by-mail, it's been changed, vote-by-mail system.

13 Fresno County has secured this Phase II voting equipment and
14 this equipment was implemented during the June 3, 2008,
15 Statewide Direct Primary Election.

16 Their Phase II Project Documentation Plan meets the
17 requirements for completeness under Proposition 41.

18 Sacra, I'm sorry, Fresno County will be augmenting their
19 existing Premier Elections Solution Optical Scan Voting System
20 with additional voting equipment components to assist with the
21 increase of voters in their county who are choosing to vote-by-
22 mail. Fresno County has asserted that the number of vote-by-
23 mail voters continues to grow and it is imperative that they
24 modernize the processing and preparation of counting their
25 significant segment of their voters.

26 Fresno County had several amendments to their original Premier
27 contract. The first amendment to their contract with Premier
28 was to accept delivery of 500 AccuVote TSX units from San Diego

1 County in lieu of 500 new units. The other three amendments
2 allowed Fresno to purchase additional scanners, printers and
3 servers to assist with their vote-by-mail ballots.

4 The County will be able to use their new scanning equipment to
5 scan signatures to verify their voters' signatures on their
6 vote-by-mail ballots.

7 Fresno County has also purchased an Opex Corporation Mail
8 Matrix and Extractor to use in conjunction with their AccuVote
9 Optical Scan vote-by-mail voting system. This equipment will be
10 used to automate the sorting process of the returned vote-by-
11 mail ballots by precinct and provide secure storage of the
12 vote-by-mail ballots through the canvass process.

13 Fresno County will only receive the VMB payments once it has
14 submitted detailed invoices for its voting equipment.

15 Please note that the staff-proposed funding award is based on
16 allowable reimbursement under Proposition 41 for voting
17 equipment hardware and software only. The annual maintenance
18 fees and service line items listed in Fresno County's contract
19 with Opex would not be covered as a reimbursable claim under
20 Proposition 41.

21 It is our staff recommendation that Fresno County's Phase II
22 Project Documentation Plan be approved and a funding award
23 letter be issued in the amount of \$272,339.04.

24 We do have representatives here from Fresno County if you have
25 any questions.

26 ACTING CHAIRPERSON KAUFMAN: Ok. Would the representatives
27 from Fresno County like to make any statements to support this
28 submission?

1 THERESA THOMPSON: [Indiscernable.]

2 ACTING CHAIRPERSON KAUFMAN: And can you just identify
3 yourselves?

4 THERESA THOMPSON: Yes, I'm Theresa Thompson.

5 ANTHONY YRIGOLLEN: And I'm Anthony Yrigollen.

6 ACTING CHAIRPERSON KAUFMAN: We have Theresa Thompson and
7 Anthony Yrigollen from Fresno County here today. Do any of my
8 colleagues have any questions of either Jana or representatives
9 of Fresno County?

10 JOHN PÉREZ: I have no questions.

11 ACTING CHAIRPERSON KAUFMAN: I just have one question from afar
12 because I see you implemented these new systems in the June 3rd
13 election and I just wanted to find out from you how they
14 operated and if they increased your efficiencies and how they
15 helped the system in June. Maybe you should just speak to the
16 "mike" so everyone on the phone can hear you. Sorry to make
17 you get up.

18 THERESA THOMPSON: That's ok.

19 ACTING CHAIRPERSON KAUFMAN: Just curious.

20 THERESA THOMPSON: Theresa Thompson, Principle Staff Analyst
21 with the County of Fresno. We did implement, particularly, the
22 Opex Mail Matrix was first used for the June election and we
23 found it to be a tremendous time saver. The vote-by-mail
24 ballots for our county more than doubled in the last two
25 elections so we realized early on that we were going to have a
26 problem if we continued to try to sort by precinct with the
27 existing methods that we were using. So, we rolled it out in
28 June. We did daily sorts with the system and sometimes, you

1 know, the machine only needed to run for roughly an hour or
2 two, but had it been something that we were doing using just
3 labor, it was a very labor-intensive process, and the new
4 equipment just stream-lined it immensely. So, we're looking
5 forward to using it in November when turnout, hopefully, will
6 be much greater and really put it to the test. So that, in
7 particular, was a payoff immediately.

8 ACTING CHAIRPERSON KAUFMAN: Good. We like to hear success
9 stories every once in awhile.

10 MICHAEL BUSTAMANTE: What is your percent of vote-by-mail
11 numbers in Fresno County?

12 THERESA THOMPSON: It's nearly 50%, is it not?

13 JANA LEAN: Yes.

14 THERESA THOMPSON: I think it's 47%.

15 MICHAEL BUSTAMANTE: And did you find also that you were able
16 to streamline reporting of the total ballots for Fresno?

17 THERESA THOMPSON: The reporting process was much cleaner. We
18 had a lot more flexibility in the types and the way we gather
19 the information. We didn't find ourselves doing redundant
20 counts and we were able to also reduce the number of extra
21 help, employees that we hired for that particular process, and
22 just the flexibility to generate information quickly and
23 accurately was a big benefit.

24 MICHAEL BUSTAMANTE: That's fantastic.

25 JOHN PÉREZ: Great.

26 MICHAEL BUSTAMANTE: Congratulations.

27 ACTING CHAIRPERSON KAUFMAN: Thank you. And we have a motion
28 to...

1 JOHN PÉREZ: Actually, Mr. Kaufman, I have a question if I may,
2 just out of curiosity. In the November election in 2006 in a
3 couple of counties I saw some inconsistency. Well actually, I
4 saw consistency, which is problematic in the number of machines
5 put in different polling locations not accounting for different
6 rates of vote-by-mail, and if I could, maybe, if a
7 representative from Fresno can tell us what they expect voter
8 turn-out to be like in November in their county, what they're
9 preparing for anyway, and whether they anticipate long lines,
10 or whether they anticipate their systems to be able to
11 accommodate people relatively quickly?

12 ACTING CHAIRPERSON KAUFMAN: Just give them a minute to get
13 back up to the microphone.

14 THERESA THOMPSON: Thank you. I believe the last estimate that
15 was given to me by our county clerk, Victor Salazar, was in the
16 high 70's as far as our predicted turnout for November. We
17 don't expect long lines at the polls. We do have two different
18 voting systems that are available for the public to utilize and
19 we did expect that the vote-by-mail percentages to go up, to
20 continue to go up, so at this point we don't expect long lines
21 at the polls for November.

22 JOHN PÉREZ: Thank you.

23 ACTING CHAIRPERSON KAUFMAN: Any other questions?

24 MICHAEL BUSTAMANTE: I'll move for the staff recommendation.

25 TAL FINNEY: Second.

26 ACTING CHAIRPERSON KAUFMAN: Ok.

27 KATHERINE MONTGOMERY: John Pérez?

28 JOHN PÉREZ: Yes, aye.

1 KATHERINE MONTGOMERY: Stephen Kaufman?

2 STEPHEN KAUFMAN: Aye.

3 KATHERINE MONTGOMERY: Michael Bustamante?

4 MICHAEL BUSTAMANTE: Aye.

5 KATHERINE MONTGOMERY: Tal Finney?

6 TAL FINNEY: Aye.

7 ACTING CHAIRPERSON KAUFMAN: Ok, congratulations.

8 THERESA THOMPSON: Thank you.

9 ACTING CHAIRPERSON KAUFMAN: All right, next up is Nevada
10 County and this is a change to a project documentation plan
11 that we approved back in November, I believe?

12 JANA LEAN: Correct.

13 ACTING CHAIRPERSON KAUFMAN: And for your benefit on the phone,
14 guys, there was an amended staff report that was sent around
15 this morning that Jana circulated, so I don't know if you had a
16 chance to pull that up but that's the one we're operating off
17 of.

18 JANA LEAN: Correct. It was emailed this morning to everyone.

19 ACTING CHAIRPERSON KAUFMAN: Ok, Jana.

20 JANA LEAN: Ok. Nevada County has come forward to change their
21 approved project documentation plan. At the November 19, 2007
22 meeting of the Voting Modernization Board, the Board approved
23 Nevada County's project documentation plan and awarded
24 \$866,400, this is off, but, sorry.

25 ACTING CHAIRPERSON KAUFMAN: There's an extra decimal.

26 JANA LEAN: There's an extra zero. Ok, so \$866,431.28 in
27 funding for the reimbursement of the County's purchase of the
28 Hart Intercivic Voting System.

1 Nevada County has submitted invoices and received payments of
2 \$703,015.91 to fund this system.

3 At the time that Nevada County's plan was approved, the
4 software utility named InFusion was not approved for use by the
5 Secretary of State. In December of 2007 the Secretary of State
6 authorized the use of the InFusion data translation program as
7 part of the Hart Inner Civic Voting System. Nevada County is
8 requesting funding for the software utility.

9 Nevada County is also requesting funding for the purchase of an
10 additional software license, of Tally, to accommodate the need
11 for the eastern part of their county.

12 Additionally, in an effort to assist with the growing number of
13 vote-by-mail voters in their county, Nevada County has
14 purchased a VoteRemote signature verification unit to help with
15 the verification of voter signatures on vote-by-mail ballots.
16 This new equipment will augment their existing vote-by-mail
17 optical scan system. Nevada County is requesting the VMB to
18 approve the change to their existing plan to include this
19 funding for this additional voting system software and vote-by-
20 mail signature verification equipment.

21 Please note that staff proposed funding award is based upon
22 allowable reimbursement under Proposition 41 for voting
23 equipment hardware and software only. The training support
24 line item listed in Premier's acquisition paperwork and the
25 envelope printer listed in Nevada County's change to their
26 approved plan would not be covered as a reimbursable claim
27 under Proposition 41.

28

1 It is our staff recommendation that Nevada County's change to
2 their approved project documentation plan be approved and a new
3 funding award be issued in the amount of \$743,603.41.

4 We do have a representative here from Nevada.

5 ACTING CHAIRPERSON KAUFMAN: Ok, and just to clarify for the
6 record, the amount listed there, \$743,603.41 reflects the prior
7 award that was approved in November plus the amounts that are
8 being requested here because this is a change from the prior
9 award letter that was issued essentially.

10 JANA LEAN: Correct.

11 ACTING CHAIRPERSON KAUFMAN: Correct. Ok, sir what is your
12 name?

13 GREGORY DIAZ: Gregory Diaz, County Clerk Recorder and
14 Registrar, Nevada County.

15 ACTING CHAIRPERSON KAUFMAN: Mr. Diaz, is there anything you
16 would like to add and address the Board in support of the
17 change to your project documentation plan?

18 GREGORY DIAZ: Yes. Gregory Diaz, Nevada County Clerk
19 Recorder-Registrar. Much of the explanation here, I think, is
20 self-explanatory. I'd like to fill in a couple of gaps. The
21 tally system for eastern county is actually located in Truckee.
22 With the February election, I felt there were some safety
23 concerns going over the hill on a nice cold February night, so
24 this is something that has really helped and helped the speed
25 of returns as well as satisfying some of my safety concerns.
26 The VoteRemote, I'd like to take every opportunity I can, and I
27 have, including writing a letter to the Secretary of State, but
28 we're up to close to 55% now with our vote-by-mail voters. I

1 anticipate we're going to be close to 60% in November for vote-
2 by-mail. Any legislation that comes about, I'd like Nevada
3 County to be considered as a pilot county to be a vote-by-mail
4 county. It makes a lot of sense in a lot of ways. So, just
5 filling in the gaps, this is real important to us. If we get
6 close to 60%, the VoteRemote Unit probably takes the place of
7 maybe five full-time employees in terms of signature
8 verification so it's really a true time saver. And I'd like to
9 entertain any questions.

10 ACTING CHAIRPERSON KAUFMAN: Thank you. Mr. Bustamante, any
11 questions?

12 MICHAEL BUSTAMANTE: Not for me.

13 ACTING CHAIRPERSON KAUFMAN: Gentlemen on the phone, questions
14 for Mr. Diaz?

15 JOHN PÉREZ: No thank you.

16 TAL FINNEY: No thank you.

17 ACTING CHAIRPERSON KAUFMAN: With that, do we have a motion to
18 approve the change in the project documentation plan?

19 JOHN PÉREZ: So moved.

20 ACTING CHAIRPERSON KAUFMAN: John Pérez moves.

21 TAL FINNEY: I'll second.

22 ACTING CHAIRPERSON KAUFMAN: Tie goes to

23 MICHAEL BUSTAMANTE: Mr. Finney.

24 ACTING CHAIRPERSON KAUFMAN: Mr. Finney, since he's not here
25 today. Katherine, do you want to take the roll?

26 KATHERINE MONTGOMERY: John Pérez?

27 JOHN PÉREZ: Aye.

28 KATHERINE MONTGOMERY: Stephen Kaufman?

1 STEPHEN KAUFMAN: Aye.

2 KATHERINE MONTGOMERY: Michael Bustamante?

3 MICHAEL BUSTAMANTE: Aye.

4 KATHERINE MONTGOMERY: Tal Finney?

5 TAL FINNEY: Aye.

6 ACTING CHAIRPERSON KAUFMAN: Ok, congratulations Mr. Diaz.

7 Thank you. Ok, we don't have anything formal on the agenda but
8 I wanted to ask Jana if you could at least give us a snapshot
9 of the next six months or so, take us through the end of the
10 year in terms of what we anticipate.

11 JANA LEAN: Ok, I...

12 ACTING CHAIRPERSON KAUFMAN: I mean before this Board or in
13 your office that we might have to consider given that our
14 meetings are few and far between these days.

15 JANA LEAN: The next meeting is tentatively scheduled for
16 November 12 in Los Angeles. I have got word from a few
17 counties that they may be interested in submitting a plan, but
18 it's kind of unlikely due to that's really close to the
19 election so I will let you know if we need to hold that meeting
20 in Los Angeles.

21 JOHN PÉREZ: Did I hear that as November 12?

22 JANA LEAN: That's correct. That's the next regularly
23 scheduled meeting.

24 ACTING CHAIRPERSON KAUFMAN: Ok.

25 JANA LEAN: I did want to let you know that the Pool Money
26 Investment Board met today and they renewed our loan for
27 \$92,370,000.00. That went with no problem. We do a renewal
28 every year. Just wanted to give you status on that.

1 I don't have any formal report that I can give you on who's
2 going to move forward. There have been a couple of rumblings
3 that there are a few counties that would like to spend some
4 more of their money on some vote-by-mail systems, to augment
5 their vote-by-mail systems, but I don't have anything formal in
6 writing at this time.

7 ACTING CHAIRPERSON KAUFMAN: Ok. Similar to what we saw today?

8 JANA LEAN: Correct.

9 ACTING CHAIRPERSON KAUFMAN: All right. Anybody have questions
10 of staff? Ok, with that I think the meeting of the Voting
11 Modernization Board is adjourned. Thank you all for attending.

12 JANA LEAN: Thank you.

13 TAL FINNEY: Thank you.

14 MICHAEL BUSTAMANTE: See you guys.

15 JOHN PÉREZ: Thank you.

16 ACTING CHAIRPERSON KAUFMAN: Bye.

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