BEFORE THE VOTING MODERNIZATION BOARD
STATE OF CALIFORNIA
JOHN A. PÉREZ, CHAIRMAN

Voting Modernization Board
Board Meeting

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.
APPEARANCES:

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.

PROCEDINGS

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.
TAL FINNEY: Aye.

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

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

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

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

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

Fresno County had several amendments to their original Premier contract. The first amendment to their contract with Premier was to accept delivery of 500 AccuVote TSX units from San Diego
County in lieu of 500 new units. The other three amendments allowed Fresno to purchase additional scanners, printers and servers to assist with their vote-by-mail ballots.

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

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

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

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

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

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

ACTING CHAIRPERSON KAUFMAN: Ok. Would the representatives from Fresno County like to make any statements to support this submission?
THERESA THOMPSON: [Indiscernable.]

ACTING CHAIRPERSON KAUFMAN: And can you just identify yourselves?

THERESA THOMPSON: Yes, I’m Theresa Thompson.

ANTHONY YRIGOLLEN: And I’m Anthony Yrigollen.

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

JOHN PÉREZ: I have no questions.

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

THERESA THOMPSON: That’s ok.

ACTING CHAIRPERSON KAUFMAN: Just curious.

THERESA THOMPSON: Theresa Thompson, Principle Staff Analyst with the County of Fresno. We did implement, particularly, the Opex Mail Matrix was first used for the June election and we found it to be a tremendous time saver. The vote-by-mail ballots for our county more than doubled in the last two elections so we realized early on that we were going to have a problem if we continued to try to sort by precinct with the existing methods that we were using. So, we rolled it out in June. We did daily sorts with the system and sometimes, you
know, the machine only needed to run for roughly an hour or
two, but had it been something that we were doing using just
labor, it was a very labor-intensive process, and the new
equipment just stream-lined it immensely. So, we’re looking
forward to using it in November when turnout, hopefully, will
be much greater and really put it to the test. So that, in
particular, was a payoff immediately.

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

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

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

JANA LEAN: Yes.

THERESA THOMPSON: I think it’s 47%.

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

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

MICHAEL BUSTAMANTE: That’s fantastic.

JOHN PÉREZ: Great.

MICHAEL BUSTAMANTE: Congratulations.

ACTING CHAIRPERSON KAUFMAN: Thank you. And we have a motion
to...
JOHN PÉREZ: Actually, Mr. Kaufman, I have a question if I may, just out of curiosity. In the November election in 2006 in a couple of counties I saw some inconsistency. Well actually, I saw consistency, which is problematic in the number of machines put in different polling locations not accounting for different rates of vote-by-mail, and if I could, maybe, if a representative from Fresno can tell us what they expect voter turn-out to be like in November in their county, what they’re preparing for anyway, and whether they anticipate long lines, or whether they anticipate their systems to be able to accommodate people relatively quickly?

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

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

JOHN PÉREZ: Thank you.

ACTING CHAIRPERSON KAUFMAN: Any other questions?

MICHAEL BUSTAMANTE: I’ll move for the staff recommendation.

TAL FINNEY: Second.

ACTING CHAIRPERSON KAUFMAN: Ok.

KATHERINE MONTGOMERY: John Pérez?

JOHN PÉREZ: Yes, aye.
KATHERINE MONTGOMERY: Stephen Kaufman?
STEPHEN KAUFMAN: Aye.
KATHERINE MONTGOMERY: Michael Bustamante?
MICHAEL BUSTAMANTE: Aye.
KATHERINE MONTGOMERY: Tal Finney?
TAL FINNEY: Aye.
ACTING CHAIRPERSON KAUFMAN: Ok, congratulations.
THERESA THOMPSON: Thank you.
ACTING CHAIRPERSON KAUFMAN: All right, next up is Nevada County and this is a change to a project documentation plan that we approved back in November, I believe?
JANA LEAN: Correct.
ACTING CHAIRPERSON KAUFMAN: And for your benefit on the phone, guys, there was an amended staff report that was sent around this morning that Jana circulated, so I don’t know if you had a chance to pull that up but that’s the one we’re operating off of.
JANA LEAN: Correct. It was emailed this morning to everyone.
ACTING CHAIRPERSON KAUFMAN: Ok, Jana.
JANA LEAN: Ok. Nevada County has come forward to change their approved project documentation plan. At the November 19, 2007 meeting of the Voting Modernization Board, the Board approved Nevada County’s project documentation plan and awarded $866,400, this is off, but, sorry.
ACTING CHAIRPERSON KAUFMAN: There’s an extra decimal.
JANA LEAN: There’s an extra zero. Ok, so $866,431.28 in funding for the reimbursement of the County’s purchase of the Hart Intercivic Voting System.
Nevada County has submitted invoices and received payments of $703,015.91 to fund this system.

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

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

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

Please note that staff proposed funding award is based upon allowable reimbursement under Proposition 41 for voting equipment hardware and software only. The training support line item listed in Premier’s acquisition paperwork and the envelope printer listed in Nevada County’s change to their approved plan would not be covered as a reimbursable claim under Proposition 41.
It is our staff recommendation that Nevada County’s change to their approved project documentation plan be approved and a new funding award be issued in the amount of $743,603.41.

We do have a representative here from Nevada.

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

JANA LEAN: Correct.

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

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

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

GREGORY DIAZ: Yes. Gregory Diaz, Nevada County Clerk Recorder-Registrar. Much of the explanation here, I think, is self-explanatory. I’d like to fill in a couple of gaps. The tally system for eastern county is actually located in Truckee. With the February election, I felt there were some safety concerns going over the hill on a nice cold February night, so this is something that has really helped and helped the speed of returns as well as satisfying some of my safety concerns. The VoteRemote, I’d like to take every opportunity I can, and I have, including writing a letter to the Secretary of State, but we’re up to close to 55% now with our vote-by-mail voters. I
anticipate we’re going to be close to 60% in November for vote-by-mail. Any legislation that comes about, I’d like Nevada County to be considered as a pilot county to be a vote-by-mail county. It makes a lot of sense in a lot of ways. So, just filling in the gaps, this is real important to us. If we get close to 60%, the VoteRemote Unit probably takes the place of maybe five full-time employees in terms of signature verification so it’s really a true time saver. And I’d like to entertain any questions.

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

MICHAEL BUSTAMANTE: Not for me.

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

JOHN PÉREZ: No thank you.

TAL FINNEY: No thank you.

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

JOHN PÉREZ: So moved.

ACTING CHAIRPERSON KAUFMAN: John Pérez moves.

TAL FINNEY: I’ll second.

ACTING CHAIRPERSON KAUFMAN: Tie goes to

MICHAEL BUSTAMANTE: Mr. Finney.

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

KATHERINE MONTGOMERY: John Pérez?

JOHN PÉREZ: Aye.

KATHERINE MONTGOMERY: Stephen Kaufman?
STEPHEN KAUFMAN: Aye.

KATHERINE MONTGOMERY: Michael Bustamante?

MICHAEL BUSTAMANTE: Aye.

KATHERINE MONTGOMERY: Tal Finney?

TAL FINNEY: Aye.

ACTING CHAIRPERSON KAUFMAN: Ok, congratulations Mr. Diaz.

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

JANA LEAN: Ok, I…

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

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

JOHN PÉREZ: Did I hear that as November 12?

JANA LEAN: That’s correct. That’s the next regularly scheduled meeting.

ACTING CHAIRPERSON KAUFMAN: Ok.

JANA LEAN: I did want to let you know that the Pool Money Investment Board met today and they renewed our loan for $92,370,000.00. That went with no problem. We do a renewal every year. Just wanted to give you status on that.
I don’t have any formal report that I can give you on who’s going to move forward. There have been a couple of rumblings that there are a few counties that would like to spend some more of their money on some vote-by-mail systems, to augment their vote-by-mail systems, but I don’t have anything formal in writing at this time.

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

JANA LEAN: Correct.

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

JANA LEAN: Thank you.

TAL FINNEY: Thank you.

MICHAEL BUSTAMANTE: See you guys.

JOHN PÉREZ: Thank you.

ACTING CHAIRPERSON KAUFMAN: Bye.