STATE OF CALIFORNIA
SECRETARY OF STATE
VOTING MODERNIZATION BOARD MEETING

SECRETARY OF STATE
AUDITORIUM
1500 11th STREET
SACRAMENTO, CALIFORNIA

THURSDAY, FEBRUARY 24, 2011
10:08 A.M.

Reported by Jacqueline Toliver, CSR #4808

CALIFORNIA REPORTING, LLC
52 LONGWOOD DRIVE
SAN RAFAEL, CA  94901
(415)457-4417
APPEARANCES

Board Members: Stephen Kaufman, Vice Chairman
voted to Chairman
Carl Guardino
(Apppearing Telephonically)
Michael Bustamante
Voted to Vice Chairman
(Apppearing Telephonically)

Chief of Elections
voted to Executive Officer: Jana M. Lean

Executive Assistant
voted to Staff Consultant: Katherine Montgomery

Executive Assistant: Stacey Jarrett

Also Present: Robbie Anderson
Ryan Macias
AGENDA

I. Call to Order.

II. Roll Call and Declaration of Quorum.

III. Public Comment:

   Judy Alter (Please see the attached website. Her letter is under "Written Testimony by Judy Alter." http://www.sos.ca.gov/elections/vma/documents.html)

IV. Adoption of February 3, 2010, Actions and Meeting Minutes.

V. Project Documentation Plan Review and Funding Award Approval:
   Staff Report for approval of funding award.

   (A) Ventura County - Phase 2: Presentation by Mark Lunn, Ventura County Clerk Recorder/Registrar of Voters, accompanied by Tracy Saucedo, Assistant Registrar of Voters.

VI. Voting Modernization Board Staffing:
   Staff Report.

VII. Other Business:
   Staff Report.

   Testimony by Dean C. Logan, Registrar/County Clerk for County of Los Angeles.

VIII. Adjournment.
THURSDAY, FEBRUARY 24, 2011, 10:08 A.M.

VICE CHAIRMAN KAUFMAN: All right. Let's call
this meeting to order. Call the Voting Modernization
Board meeting to order. What now? Ten years running?
And here we are.

MR. BUSTAMANTE: Three governors. Four
Secretaries of State?

MS. LEAN: At least three, four.

VICE CHAIRMAN KAUFMAN: All right. Why don't
we call the roll.

MS. JARRETT: Stephen Kaufman?

VICE CHAIRMAN KAUFMAN: Here.

MS. JARRETT: Michael Bustamante?

MR. BUSTAMANTE: Here.

MS. JARRETT: Tal Finney?

(No response.)

MS. JARRETT: Mr. Guardino?

MR. GUARDINO: Here.

VICE CHAIRMAN KAUFMAN: Great. We have a
quorum. And since our last meeting, our former Chair,
now speaker, John Pérez, is no longer with us on the
Commission, so we have an open slot that hopefully will
get filled at some point. Hopefully the Governor will
realize that this Board actually exists; it's still in
existence and needs another member.

So in the absence of Mr. Pérez, I, as Vice Chair will serve as the Chair for this meeting today.

Do we have any public comment with respect to items that are not on the agenda?

MS. JUDY ALTER: Can we wait until the end?

VICE CHAIRMAN KAUFMAN: Well, we're seeking public comment now for items not on the agenda. If you have anything that you want to address, now would be the time.

MS. JUDY ALTER: I'd like to offer it in writing.

VICE CHAIRMAN KAUFMAN: Excuse me?

MS. JUDY ALTER: I have it in writing. I'll submit it to you.

VICE CHAIRMAN KAUFMAN: Okay. We'll be happy to accept that.

MS. JUDY ALTER: Thank you.

VICE CHAIRMAN KAUFMAN: Then with that, the first item on the agenda is the adoption of the February 3rd, 2010, Actions and Meeting Minutes. I guess that's the last time that this Board met a year ago. Those minutes have been distributed.

Do we have a motion to approve?

MR. GUARDINO: Yes, Mr. Chair. I'll move them.
VICE CHAIRMAN KAUFMAN: Mr. Bustamante moves.
I'll second.
All in favor of approving the minutes?
MR. GUARDINO: Aye.
VICE CHAIRMAN KAUFMAN: Aye.
MR. BUSTAMANTE: Aye.
VICE CHAIRMAN KAUFMAN: Since someone is here, I guess we should roll call it.
MS. JARRETT: Mr. Kaufman?
VICE CHAIRMAN KAUFMAN: Aye.
MS. JARRETT: Mr. Bustamante?
MR. BUSTAMANTE: Aye.
MS. JARRETT: Mr. Guardino?
MR. GUARDINO: Aye.
VICE CHAIRMAN KAUFMAN: Okay. The minutes are adopted. All right. Then the next thing on the agenda, Item No. V, is the Project Documentation Plan Review and Funding Award Approval for Ventura County which is Phase 2 for Ventura County. Do we have a staff report on that?
MS. MONTGOMERY: Yes, we do.
VICE CHAIRMAN KAUFMAN: Katherine?
MS. MONTGOMERY: Ventura County has submitted a Project Documentation Plan for Phase 2. They are requesting funding of $523,093.57 from the remaining
funds of $1,109,507.64. Ventura County has purchased both an APEX VBM verification and sorting system and an Opex MPE 7.5 ballot extraction system. Ventura County has secured the Phase 2 equipment, and this new equipment was implemented during the general election in November 2010. Ventura County has fully implemented the use of this new voting equipment.

Ventura County's Phase 2 Project Documentation Plan meets the requirements for completeness.

Ventura County has augmented their existing Sequoia Optech Insight optical scan voting equipment with the Bowe, Bell & Howell automated vote-by-mail sorting and ballot extraction system.

The number of vote-by-mail voters has expanded significantly in Ventura County since 2004. Nearly half of all ballots cast in the November 2010 General Election were cast using vote-by-mail ballots. The county believes that given the increase in the number of vote-by-mail ballots it is imperative to modernize their vote-by-mail ballot counting processes. The new equipment will allow for in-line signature capture, ballot extraction, and sorting and will streamline the overall vote-by-mail ballot processing. This new automated system will be used to automate the sorting process and processing of the returned vote-by-mail
ballots and provide a secure storage of vote-by-mail ballots through the canvass process.

Ventura County has projected that the implementation of this system will save the county an estimated 2,160 staff hours in major elections and significantly increase the accuracy in preparing the ballots for tabulation by decreasing the potential for error.

The Bowe, Bell & Howell automated vote-by-mail verification and sorting and ballot extraction systems are a third-party combination of hardware and software to support the County's voting system and does not itself require certification as a voting system for use in California.

Ventura County will only receive VMB payments once it has submitted detailed invoices for its voting equipment. Please note the staff-proposed funding award is based upon allowable reimbursement under Proposition 41 for voting equipment hardware and software only. The extended service maintenance line items listed in the Ventura County contract with Bowe, Bell & Howell Company would not be covered as a reimbursable claim under Proposition 41.

It is our recommendation that Ventura County's Phase 2 Project Documentation Plan be approved and a
Funding Award Letter be issued in the amount of $523,093.57.

VICE CHAIRMAN KAUFMAN: Do either of the two of you on the phone have any questions of staff regarding the report?

MR. BUSTAMANTE: No, Mr. Chair.

MR. GUARDINO: No, I don't have any.

This is the same system that Sonoma County used, correct?

MS. LEAN: Correct. This is one of the pieces of equipment. They've got an extra one with the ballot extraction system; but yes, this is very similar to what Sonoma purchased.

VICE CHAIRMAN KAUFMAN: And this does not use up all of Ventura County's potential allocation, correct?

MS. LEAN: Right.

VICE CHAIRMAN KAUFMAN: We have representatives from Ventura County here. Would you like to address the Board? Is this a live mic?

MS. MONTGOMERY: Yes.

You can come up to the podium.

MR. LUNN: Good morning. I'm Mark Lunn, Ventura County Court Recorder/Registrar of Voters.

With me this morning is Tracy Saucedo, the Assistant
Registrar of Voters. We're happy to be here this morning, and we appreciate your staff report.

VICE CHAIRMAN KAUFMAN: Good morning to both of you.

MR. LUNN: I just want to report that we implemented these machines the first time in November past election and both machines worked exceptionally well. It was our first time through, so we did save -- we saved a lot of hours. Not as many as we will in the future once we're able to see how the machine works, but it worked very successfully. In that election in November, we had over 62 percent turnout and 137,000 vote-by-mail ballots were processed using both of those machines. Pretty significant test the first time around. It worked exceptionally well.

And, of course, in the past election we only had about 22,000 registered votes that were a small piece of the state senatorial district that we conducted. And at that time we processed about 3,000 votes by mail on both systems and things worked really well. We're really happy that we made that acquisition.

Initially processed before I took office in July of last year, but I'm certainly glad that Tracy and her counterparts had the foresight to put these
We appreciate your consideration this morning.

VICE CHAIRMAN KAUFMAN: Just so I understand it, I've seen a lot of vote canvasses taking place. Are these the machines -- is this the machine that essentially automatically reads the signatures and verifies the absentee vote-by-mail ballot and then it's based on the image that's on the voter registration record?

MR. LUNN: Right. One of the two machines does that, and it did fulfill that purpose for us this time. And, of course, the other machine is the extractor. And that saves a lot of time being able to cut those ballots open and extract the ballots from the envelope.

VICE CHAIRMAN KAUFMAN: Those are pretty remarkable systems. The image -- what is it? I don't know what the technical name of it is, but the image captures the voter registration.

Gentleman, do you have any questions for Ventura County?

MR. BUSTAMANTE: No, Mr. Chairman.

MR. GUARDINO: I don't know either. And I move the staff report.

VICE CHAIRMAN KAUFMAN: Okay. Do we have a second?
MR. BUSTAMANTE: Second.

VICE CHAIRMAN KAUFMAN: All right. Let's do a vote.

MS. JARRETT: Mr. Kaufman?

VICE CHAIRMAN KAUFMAN: Aye.

MS. JARRETT: Mr. Bustamante?

MR. BUSTAMANTE: Aye.

MS. JARRETT: Mr. Guardino?

MR. GUARDINO: Aye.

VICE CHAIRMAN KAUFMAN: Congratulations to you. You have some more money for your systems, and some money after that.

MR. LUNN: Thank you very much. We appreciate it.

VICE CHAIRMAN KAUFMAN: We'll look forward to the next update.

MR. LUNN: Thank you.

VICE CHAIRMAN KAUFMAN: You're welcome.

Okay. The next item on the agenda is the staffing and officers for this Board. As I mentioned, the former Chair is no longer with us. I'm currently the Vice Chair, and so we have a nomination process for a new Board Chair, a new Vice Chair, and also for Executive Officer and Staff Consultant that are provided by the Secretary of State's office to the
Jana, just so I have all the positions correctly, you were --

MS. LEAN: The Staff Consultant.

VICE CHAIRMAN KAUFMAN: And you have been acting as Executive Officer? Or I guess we're at that point where we have to do that.

MS. LEAN: Right.

VICE CHAIRMAN KAUFMAN: And Katherine, who has been serving as the -- technically the --

MS. MONTGOMERY: Executive Assistant.

VICE CHAIRMAN KAUFMAN: -- Executive Assistant to the Staff Consultant is sitting here as potential appointee for Staff Consultant. So we have Board, Chair, Vice Chair, Executive Officer, and Staff Consultant. Why don't we start at the top.

MS. MONTGOMERY: I do have some things to read in the record regarding the Board Chair and Vice Chair.

VICE CHAIRMAN KAUFMAN: Okay.

MS. MONTGOMERY: At the first meeting of the Voting Modernization Board held way back on June 6, 2002, John Pérez was nominated as Chair of the Board.

In the spring of 2010, John Pérez stepped down as both a member and the Chair of the Voting Modernization Board.
As put forth in the Voting Modernization Board Policies and Procedures Manual, the Chair is nominated by at least one other member of the Board and elected by at least three members of the Board. The Chair presides at all meetings of the Board until the business of the Board is completed, the Chair is removed, or voluntarily terminates. A Vice Chair is also nominated and elected. The Vice Chair is the presiding officer in the absence of the Chair.

With that said, in order to sign the Ventura County's Final Award Letter, the Board needs to select a new Chair. In the event the Board chooses the current Vice Chair to be the new Chair, the Board will also need to choose a new Vice Chair.

Would any Board members like to make a nomination?

MR. GUARDINO: I move that we elevate our Vice Chair to Chair.

MR. BUSTAMANTE: I would second that.

VICE CHAIRMAN KAUFMAN: Let's call a vote on that. Since they're not sitting here, go down the order.

MS. JARRETT: Mr. Guardino?

MR. GUARDINO: Aye.

MS. JARRETT: Mr. Bustamante?
MR. BUSTAMANTE: Aye.

VICE CHAIRMAN KAUFMAN: And Mr. Kaufman. I will cast the vote for myself. And I gladly accept the honor of being Chair of this worthy Board.

(Laughter.)

MR. GUARDINO: Well done. I would second and move that we move Mr. Bustamante for Vice Chair.

CHAIRMAN KAUFMAN: And I'll second that.

MS. JARRETT: Mr. Guardino?

MR. GUARDINO: Aye.

MS. JARRETT: Mr. Kaufman?

CHAIRMAN KAUFMAN: Aye.

MS. JARRETT: And Mr. Bustamante?

MR. BUSTAMANTE: With no shame, Aye.

CHAIRMAN KAUFMAN: Okay. The next step -- are you going to do it?

MS. MONTGOMERY: I do have a little something to say about the SOS.

At the first meeting of the Voting Modernization Board, the Board approved its operating structure, policies and procedures, and a Memorandum of Understanding, an MOU, with the Secretary of State for administrative support services. The MOU provides for the Secretary of State to designate a staff member to serve as Executive Officer to the Board to assist the
At the August 15th, 2007, meeting of the VMB, the Board appointed former Chief of Elections Cathy Mitchell as the Executive Officer to the Board. As the executive officer, Ms. Mitchell acted as the SOS policy advisor to the Board and was responsible for executing any and all documentation on behalf of the Board necessary to accomplish the loan application process, bond programs, and the processing of payment requests from the counties.

On March 31st, 2010, Ms. Mitchell retired from the Secretary of State's Election Division. Ms. Mitchell's retirement necessitates the appointment of a new Executive Officer to fulfill the above-listed duties.

As you know, Jana Lean became the new Chief of Elections on May 5th, 2010. So it is the staff recommendation that we appoint the new Chief of Elections, Jana Lean, as the new Voting Modernization Board Executive Officer. With Jana taking on the role of Executive Officer, that would make me, Katherine, the new Staff Consultant, and Stacey Jarrett the new Executive Assistant.

Do you gentlemen have any questions?

VICE CHAIRMAN BUSTAMANTE: No questions.
CHAIRMAN KAUFMAN: No questions on my end, other than to compliment both of you for the work you have done for this Board over the years. And I know that your leadership will help the Secretary of State's Office in the elections division for years to come. So congratulations on that. I haven't had a chance to personally congratulate you.

VICE CHAIRMAN BUSTAMANTE: Nor have I.

Katherine and Jana, thank you so much for all of these years of service and dedication. You've made this very easy for us to be able to work here and, you know, congratulations to you on your elevation.

MS. LEAN: Thank you.

CHAIRMAN KAUFMAN: She's elevating. She's essentially above the table.

(Laughter.)

VICE CHAIRMAN BUSTAMANTE: How would you like to proceed, Mr. Chair?

CHAIRMAN KAUFMAN: Why don't you -- is there any reason we can't do these both at once?

MS. LEAN: No.

CHAIRMAN KAUFMAN: Why don't we do a nomination for both of these offices at once.

Vice Chairman Bustamante?

VICE CHAIRMAN BUSTAMANTE: Yes. I
wholeheartedly would nominate Jana and Katherine to
those staff positions.

MR. GUARDINO:  I second the motion.

MS. JARRETT:  Mr. Kaufman?

CHAIRMAN KAUFMAN:  Aye.

MS. JARRETT:  Vice Chairman Bustamante?

VICE CHAIRMAN BUSTAMANTE:  Aye.

MS. JARRETT:  Mr. Guardino?

MR. GUARDINO:  Aye.

CHAIRMAN KAUFMAN:  Okay.  We have our team in
place going forward.  Thank you all.

All right.  Other business.

Katherine, Do you have a report for us on that?

MS. MONTGOMERY:  Yes,  I do.

Due to staffing changes, which we've just
discussed, the counties have not been surveyed
regarding the possibility of establishing a deadline
for the use of any unspent formula allocations and the
possibility of conducting a second funding round using
those unspent allocations.

If the Board would like to continue looking
into the subjects discussed at the last meeting, I can
work with Mr. Kaufman on developing a survey and having
them approach the counties.

CHAIRMAN KAUFMAN:  Yeah.  And let me just
comment on this. We at our last meeting a year ago discussed the issue of second round of funding. And because of the changes that have taken place with this Board and the relative inactivity, nothing has really taken place on that front.

At our last meeting, there was a discussion, and I'll ask either of you to comment on this.

There was a discussion about some potential limit to the funding that may be available to this Board based on the fact that bonds had to be issued within a ten-year period. There was, I guess, a little ambiguity with respect to whether there was any limit on how long we could give out funding, but it is necessarily tied to the issuance of bonds, as I understand it, which does have a limitation.

So, you know, I don't know if it's you, Jana, or Robbie or Ryan who want to address this, but can you just reiterate those issues for us?

MS. LEAN: We did look at that. Robbie took a look at the actual proposition to see what the timeline was for sale of bonds. And -- I'm sorry, I don't recall that.

MR. ANDERSON: It didn't seem like there was a time frame for selling, but once it was sold, it had to be repaid within ten years.
MS. LEAN: That sounds correct.

CHAIRMAN KAUFMAN: In going back over the minutes from the last meeting, there seemed to be a concern that there was a 10-year limit on the selling. So you're saying that appears not to be the case?

MS. LEAN: That appears not to be the case. We did take a look at it. And they've changed the funding structure, so the Pool Money Investment Board no longer does upfront loans. We sell bonds as we need them. So the whole funding structure for the Voting Modernization Board has shifted. So we, instead of having money that we get loaned to us, we just say when we need the money and they sell the bond. So we no longer have to pay a bunch of fees or interest on the loan. So it will take a few more months lead time in order to get on the next agenda for a bond to be sold. It will take a little longer to get the funds.

CHAIRMAN KAUFMAN: So we have to anticipate people applying for funding and then be able to get that funding to meet their expectations when they do actually apply for funding?

MS. LEAN: Correct. So with the largest county still out there, Los Angeles, $49 million out there, once they have selected a new voting system, we'll need
to work closely with them because we'll have to have a little bit more lead time in order to get access to that funding.

CHAIRMAN KAUFMAN: Well, I know Mr. Logan is here and wanted to, you know, advise the Board and let us know what activity has been taking place in L.A. County regarding the potential voting system. And unless either of you gentleman on the phone had more questions of Jana or staff, maybe it makes sense to have him to address the Board and then we can talk about whether we might want to place this as another agenda item on the future Board agenda.

Do you two have anything more of staff on this issue? Are you there?

VICE CHAIRMAN BUSTAMANTE: Not I. I'd love to hear L.A. County's comment on it.

CHAIRMAN KAUFMAN: All right.

Do you want to come up to the podium and let us know what is going on in L.A. County?

VICE CHAIRMAN BUSTAMANTE: If you could talk rather loudly. It is hard to hear the gentleman from Ventura County.

CHAIRMAN KAUFMAN: Does it make more sense to have you sit up here? No need to rest on formality.

MR. DEAN C. LOGAN: Well, good morning, and
thank you Chair Kaufman and members of the Modernization Board for the opportunity to be here this morning.

Again, I'm Dean Logan. I'm the Los Angeles County Registrar-Recorder County Clerk. And I really wanted to be here this morning, mainly just to address some of the very issues that you've been speaking about.

I know that the Board has been in existence for a long period of time, and there's been a lot of discussion about that, references to that this morning. And I know that there is interest or inquiries about the unspent funding that's governed by this Board. We're seeing similar questions being raised at the federal level with regard to the money allocated by the federal government and the Help America Vote Act.

And so I wanted the opportunity to comment just to make you aware and to be very clear on the record that Los Angeles County, as the largest and most diverse election jurisdiction in the United States, one with a voter population that's larger than that of 38 of the 50 states, that we do very much have a need to modernize our voting system in Los Angeles County. And we are immersed in an effort to identify the best way to do that, but we are constrained to doing that by a
number of variables.

And, again, I've submitted some written testimony. I won't go through all of it today, but do want to encourage you to put this on the agenda for a future meeting so that we can keep you informed of the efforts that are taking place.

As I said, we're constrained in our ability to implement a new voting system or even to identify a new voting system by several variables. The two most significant for Los Angeles County are the size and complexity of our jurisdiction. As I said, we serve over 4.5, or close to 4.5 million registered voters. We have a vast range of multiple races, ethnicities, national origin groups, age groups, and socio-economic backgrounds that have to be met.

We provide election services to over 500 other political districts in the county, ranging from -- well, from the federal to the state to municipal and special districts. And we serve voters in six different languages other than English in compliance with the Voting Rights Act.

So those complexities put us in a position where there is not an existing commercial voting system that is approved or available for purchasing and implementation in the State of California or in the
United States that would be able to meet the volume needs and the complexities of Los Angeles County. So that's our first constraints. Obviously a big issue. We don't believe that it's reasonable to consider a commercial off-the-shelf system for a jurisdiction like Los Angeles County, so we recognize that any solution that we're going to undertake is going to require significant customization and development and may involve the introduction of new systems and new technology that haven't been seen in the elections environment before.

And while that's particularly an issue for L.A. County, I think it's going to be an issue for many jurisdictions moving forward in the future. Even those jurisdictions who have already in the course of the life of this Board modernized their voting systems are going to find themselves in the position to have to go through another set of modernization, and they're going to face some of those same issues.

The next variable or constraint on our process is the Stagnant Voting Systems market. Even if a system existed today that would meet the needs of Los Angeles County, the regulatory environment under which that system would need to be tested and certified, both at the federal and state level, is neither clearly
defined in terms of a standard by which the system will be held to, and also the time frame for getting it certified and being able to implement it is extremely lengthy. Right now it would be a minimum, I think -- and this is being generous, I think -- of two years for a new system to enter the market and to go through that process. And, again, that's the process as it exists today. The standards for something that enters the system three, six months, or a year down the road, those standards are not yet defined.

So the time frame and the cost constraints of a new system entry into the process is a further constraint and one that L.A. County is hoping to address through a regulatory assessment and hoping to work with both the Secretary of State and the United States Elections Assistant Commission to try and work in partnership to address the fact that the largest jurisdiction election district in the country is going to at some point face the very real situation that our current voting system has exceeded this capacity and we have to make some movement.

So the third variable I'll bring up is the variable of voter confidence. We are very committed in Los Angeles County. The core of our current voting system has existed for a period of over 30 years, and
we know that we're going to make a sizable public investment in whatever direction we go in the future. We want to be sure that that's a system that the voters we serve today and the voters that will be using this system in the future have confidence in that system; that we can present them with a system that is fair, accessible, and transparent; that they can have confidence that their votes are being counted as intended and in a secure and accurate manner.

So we have developed and implemented what we've titled a "Voting Systems Assessment Project." It's an unprecedented practice premised on a collaborative approach to bring together citizens, state holders, even young people who we believe represent the future voters who will use whatever system we end up moving to, and engaging them in town hall meetings, commercial-style focus groups, and those types of events in order to define the principles and standards by which we will hold ourselves to in the selection, acquisition, and/or development of a new voting system.

So, again, mainly I wanted to come today to make you aware of that effort. Along with my testimony, I will submit to you some project plans and reports that we made to the Board of Supervisors in Los Angeles County so you can be familiar with the
background on that. But I think it's a critical need and, as I said, not only are we aware of the questions being asked about the Prop 41 funding but in the last month there's been a bill introduced in the U.S. Congress to dissolve the United States Elections Assistance Commission.

There's a lot of discussion about the unspent federal money. And so both of those -- I guess the best terminology would be they become a fourth constraint to the burden that we face in Los Angeles County. So I wanted to be on the record with regard to that and just encourage this Board that your relevance and the importance of this process, this funding and this over-site is -- although it's been a long run, it's still very relevant and very important to us moving forward.

And so from L.A. County's standpoint, preserving the funding that's already allocated for Los Angeles County, recognizing the reasons why that money has not been spent yet, that we want to make sure that we maximize that and we use it in a prudent fashion. We need your support to preserve that funding and, quite possibly, your support to work through some regulatory issues in the future in order to serve the voters of Los Angeles County.
And I think in doing that that we can also set a model or process for systems acquisition or development in the voting systems area that can then be used by other jurisdictions who I think you will find very quickly will be facing the need to yet again upgrade their voting system.

I appreciate the opportunity to make those comments, and I'll be happy to respond to any questions today, or any questions that any of you have.

CHAIRMAN KAUFMAN: Thank you, Mr. Logan. I have just a couple of things.

First of all, I just want to say that it's been the intent of this Board since the beginning to preserve those funds for Los Angeles County as long as possible to make sure that the largest voting jurisdiction in the country is able to find a voting system that best meets the needs of the voters of Los Angeles County.

It's certainly not our goal to imperil those funds. And we recognize that circumstances have changed as we've worked our way through the last ten years or so in terms of voting systems and the certification process and the thinking that, you know, goes behind the voting equipment.

We seem to have gone -- you know, there was
this immediate lurch towards electronic voting, and then there was a step back from that, and now we seem to be in some kind of -- I don't know -- foreign land where we're searching for something in uncharted territory. So, you know, we fully appreciate that.

By the same token, I think we have some obligation to at least try and figure out what the landscape is out there for others who may have jumped ahead in 2003 and 2004 in purchasing their equipment and now may be rethinking things. We talked about this at our last meeting, you know, potentially at least trying to survey other counties out there just to see where they're at. I mean, it may not even be an issue. And I think we should do that.

I think we should try and get a handle on whether we're going to see requests from other counties at any time in the near future that may seek additional funds other than funds that have been allocated to them but not used. We're talking about non -- we're talking about now, you know, reaching another pool of money.

But I did read the report to the Board of Supervisors that you submitted, and if I'm reading it correctly, it sounds like even, you know, under that plan you're really not looking to -- you're looking to maybe decide on a system by the end of 2012, or at
least that was the projection, and maybe not even
implement the system until 2015?

MR. LOGAN: Right. I think that's currently
the time frame we're looking at. Obviously, we're in
an environment of constant change. We have a
legislative issue with regard to the implementation of
Prop 14 and the new top two primaries that actually put
further pressure on our existing voting system. So
we're hoping to be able to address that; otherwise,
that may accelerate things in some regard.

And, again, that time frame is premised on the
best assessment of the current regulatory environment,
again with the assumption that we believe we're going
to be coming in with a system that has not yet been
through the certification and testing process. And so
there's a number of issues and time constraints that
are going to be involved.

CHAIRMAN KAUFMAN: And that two-year estimate
that you stated for certification, is that dealing with
both the federal and state component of that?

MR. LOGAN: I believe that the two-year time
frame is really simply getting through the federal
process. And I think once approved at the federal
level, then the state process kicks in.

CHAIRMAN KAUFMAN: Okay. We're not looking to
hold you to anything here, but under kind of the
general plan that you laid out to the Board of
Supervisors, at what -- 2012 you select the system,
implement it by 2015. If that holds, at what point in
the process would your purchase of the system take
place such that we would have to provide funding under
that projected time frame? Do you have a sense of
that?

MR. LOGAN: It's difficult to project that,
again because I anticipate that we will very likely be
taking a different course than has been taken before.
So I think some of that regulatory process is going to
have to be revised along the way. For example, the
current federal certification and testing process
contemplates a complete in system that's already been
developed, and it can't start the testing process until
it's a full package.

It also only contemplates a commercial-style
development for acquisition process. So if we were to
go down a road, if we end up in a process that's a
public/private partnership or some sort of internal
development, which are possibilities for L.A. County,
then we're going to have to work with regulatory
agencies to determine a path for that type of
development that doesn't exist today.
And I would hope what we advocate for is a process that would allow for some of that testing and certification to happen throughout the development process so if we have to go back a step and correct something that we don't have to start all over again. I think we're just not going to be able to do that. Eventually, as I say, the time is going to run out on the current voting system. And that's going to have to be leveraged in those discussions.

Based on the time frame in the report that we provided to the Board of Supervisors, I think we potentially will be in a better position to project that time frame sometime this summer after some of our additional research and data has been finished.

CHAIRMAN KAUFMAN: Okay. That latter point might be helpful in us figuring out when we want to have this discussion, further discussion.

Gentlemen on the phone, do you have any questions of Mr. Logan?

MR. GUARDINO: I don't.

VICE CHAIRMAN BUSTAMANTE: Well, I would just say this. This is Michael. I have to say a couple of things.

One, I think this is extraordinarily frustrating. With all due respect, Mr. Logan, I think
your testimony is remarkably similar to your predecessor that we heard six years ago. And I've got to tell you, I'm extremely troubled with the report that you've provided that suggests that, as you put it, your current equipment could be obsolete as soon as June 2012.

I mean, I understand, you know, the complexities of what you're dealing with, but I also am very concerned about the integrity of voting in Los Angeles County. I would hate to see a situation where the federal funds are no longer available to you and that funds that are currently available to you under Prop 41 somehow are encumbered or not available and the voters of Los Angeles County suffer as a result of that.

I'm stunned that you suggested there's no technology out there that would meet L.A. County's requirements.

MR. LOGAN: Well, can I just clarify that point? I want to be clear that I'm not saying that I believe those technologies don't exist. I'm saying that within the current voting system's framework in terms of what's certified and tested and available for purchase, it's a very limited market. And none of those systems have the capacity to address the volume
and the complexities of Los Angeles County, and none of those commercial vendors are in the process of developing anything that meets that need. That's why I think we have to look at a different model.

VICE CHAIRMAN BUSTAMANTE: And how many vendors have you gone up to and asked that, about developing something for you?

MR. LOGAN: We have not formally --

VICE CHAIRMAN BUSTAMANTE: Or even informally?

MR. LOGAN: Well, informally I talk regularly with every one of the current vendors in the market. I think there are four or five that have viable systems that have been federally certified and have been through the testing and certification here in the State of California.

VICE CHAIRMAN BUSTAMANTE: I think your pursuit of one is troubling. You know, your report outlined the fact that, you know, you are concerned about your equipment becoming obsolete, and the notion that you would bypass that June 2012 deadline, if you will, or milestone, and consider equipment to somewhere in the neighborhood of 2015 or later is just extremely troubling. And literally, you know, the voters of Los Angeles cast their vote.

I mean, what is it going to take to get Los
Angeles County to move? Because I just -- we heard
this from your predecessor, I don't know, four years
ago, six years ago, that you were working on something;
and it's 2011 and you're still working on something.
And basically your report to the Board said we're going
to still work on something until 2015. And I just --

MR. LOGAN: Well, no, the report doesn't say
we're going to work on something in 2015. It projects
that as a date for implementing. The solution that was
being worked on six years ago and that predates me is a
system that's no longer viable. It's a system that --
the development had to be canceled based on the results
that we talked about and reviewed conducted by the
Secretary of State's Office, and the vision and the
design of that system is no longer -- would no longer
be compliant with the regulatory environment that we
operate under.

L.A. County is moving and has been moving. We
have updated our voting system in order to meet the
needs of L.A. County voters throughout this entire
process. But, you know, absent clearly defined
standards, it's difficult to put out an RFP or even to
seek a development project when there aren't clear
standards to which to develop to.

CHAIRMAN KAUFMAN: Let me just jump in here. I
don't mean to put you on the spot because this was before your arrival on the scene, but had the County purchased that system that was being considered six years ago, do you have any sense of what that would have cost the county to buy a system that's now obsolete?

MR. LOGAN: I don't know that off the top of my head. I can get you that figure.

VICE CHAIRMAN BUSTAMANTE: Well, Mr. Chair, I mean, the previous registrar-reporter did offer, you know, technology that -- part of what she had suggested was very similar to what this registrar-recorder is saying, and that is there isn't the technology out there to meet L.A. County's needs, so I'm not aware of any technology that they had considered at the time that may now be considered obsolete.

I mean, there are -- almost every county in the State of California has done something to enhance modernization of voting equipment because everyone knew that there was a serious problem with that. And it's remarkable that problem continues to exist in Los Angeles County.

MR. LOGAN: And, again, I would state that L.A. County has also done that. We did implement the Inka-Vote Plus system in order to be compliant with the
Help America Vote Act. And that system is in use today and continues to be viable, and we believe can and will meet our needs until a new system is put in place.

There was a development project for a complete system modernization in place that was canceled as a result of the very issues that I previously mentioned.

CHAIRMAN KAUFMAN: And let me just clarify so the record is clear. L.A. County, as Mr. Logan said, did implement a new system. They just did not come to this Board seeking funding for the implementation of that system, while others have.

Anything further?

VICE CHAIRMAN BUSTAMANTE: Not for me.

CHAIRMAN KAUFMAN: Okay. Thank you for coming and letting us know where things stand in Los Angeles.

MR. LOGAN: Thank you.

CHAIRMAN KAUFMAN: I'll throw this out to my other Board members for comment, but I do think we have to have, you know, a further discussion about this. And given that Mr. Logan said that -- and we can only hope, but given that he said, you know, at some point over the summer there may be some more clarity on the direction they may be going, you know, I would suggest that staff proceed along the lines that we had discussed previously, with perhaps doing some kind of
informal survey to figure out where other counties are
so we can see whether there is really an issue here in
what we're even talking about and perhaps schedule that
meeting, you know, a few months down the road.

I know we have some other counties, or at least
one other county, that has indicated that it's about
ready to submit a plan. Is that correct?

MS. MONTGOMERY: Calaveras, I believe you said,
Ryan, this morning that they met with their Board of
Supervisors?

MR. ANDERSON: They met with their Board of
Supervisors last night, and my understanding was their
board approved it.

MS. MONTGOMERY: So that makes Calaveras ready.

Humboldt is working on it.

CHAIRMAN KAUFMAN: Vice Chairman Bustamante,
any thoughts on trying to at least formalize our
process for thinking on this issue?

VICE CHAIRMAN BUSTAMANTE: Sure. I think it
would be good to sit town and have a conversation on
how best to proceed. I don't know that -- well, I'll
further check.

CHAIRMAN KAUFMAN: Mr. Guardino?

MR. GUARDINO: No, sir.

CHAIRMAN KAUFMAN: All right. Well, I'll work
with the staff to figure out timing for another time
when we want to do this again and when it might make
sense to agendize that item.

Okay. Anything else on other business?

MS. MONTGOMERY: No, sir.

VICE CHAIRMAN BUSTAMANTE: Not I.

CHAIRMAN KAUFMAN: All right. Then I'll take a
motion to adjourn.

MR. GUARDINO: So moved.

VICE CHAIRMAN BUSTAMANTE: Second.

CHAIRMAN KAUFMAN: All in favor?

Aye.

I'll assume the two of you are an Aye.

VICE CHAIRMAN BUSTAMANTE: Here, here.

MR. GUARDINO: Yes.

VICE CHAIRMAN BUSTAMANTE: Thank you, everyone.

CHAIRMAN KAUFMAN: Okay. This meeting is
adjourned.

(The meeting adjourned at 10:55 a.m.)

--oOo--
REPORTER'S CERTIFICATE

I, Jacqueline Toliver, a Certified Shorthand Reporter for the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, a duly qualified Certified Shorthand Reporter, and thereafter transcribed into typewritten form by means of computer-aided transcription.

I further certify that I am not of counsel or attorney for any of the parties to said hearing or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March 2011.

JACQUELINE TOLIVER
Certified Shorthand Reporter
License No. 4808