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STATE OF CALIFORNIA  
SECRETARY OF STATE  
VOTING MODERNIZATION BOARD

1500 11th Street  
Sacramento CA 95814

Board Meeting  
Transcript of Proceedings  
Wednesday, July 20, 2017  
10:37 a.m.

Brittany Flores, CSR 13460

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APPEARANCES

Voting Modernization Board:

Mr. Stephen Kaufman, Chairman

Ms. June Lagmay

Mr. Gabriel Sandoval

S.O.S STAFF:

Mr. Robbie Anderson

Ms. Jana Lean

Ms. Katherine Montgomery

Ms. NaKasha Robinson

Mr. James Schwab

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PROCEEDINGS:

CHAIRMAN KAUFMAN: Okay. We're going to call, call the meeting to order. The meeting of the Voting Modernization Board, our first meeting in almost two years, and I'm happy to see all of you sitting in front of us from the Secretary of State's Office and pleased to see my fellow board members, June and Gabe, to my right. Thank you all for being here. Pleasure making this effort.

So, Katherine, do you want to formally call the roll.

MS. MONTGOMERY: Stephen Kaufman.

CHAIRMAN KAUFMAN: Here.

MS. MONTGOMERY: June Lagmay.

MS. LAGMAY: Present.

MS. MONTGOMERY: Gabe Sandoval.

MR. SANDOVAL: Present.

CHAIRMAN KAUFMAN: Okay. We have a quorum. We will proceed. We are missing, unfortunately, Terry Holliman, and hopefully, she will join us for the next one.

This is the portion where we call for public comment. Seeing that the only member of the public who is really here is my nine-year-old daughter.



1 order now. I see James Schwab has joined us, and I see  
2 you have some time constraints. So we're going to go  
3 out of order, and we're going to do Agenda Item 6 first,  
4 and then we'll get to Item 5 after. So we have a staff  
5 report on related issues, pending legislation that may  
6 impact the board and voting education equipment status.

7 So, James, are you going --

8 MS. MONTGOMERY: I was just going to read  
9 into the record real quick from -- I was just going to  
10 read into the record AB 668. Not all of it. Just the  
11 highlights from Mr. Chesin's analysis just so we're all  
12 on the same page. Or would you rather just --

13 CHAIRMAN KAUFMAN: No. That'd be great.  
14 Let's do that and then we can have discussion.

15 MS. MONTGOMERY: Okay. Okay. So this is  
16 body -- Voting Modernization Bond Act of 2018. So --

17 CHAIRMAN KAUFMAN: And I'm sorry. Not to  
18 interrupt.

19 MS. MONTGOMERY: Sure.

20 CHAIRMAN KAUFMAN: Not to disrupt what you  
21 are about to do, in doing it, can you just put it in the  
22 context of where we have come from and what it provides  
23 and the -- this is going to -- I know the memo talks  
24 about what the current law is --

25 MS. MONTGOMERY: Uh-huh.

1 CHAIRMAN KAUFMAN: What this will --

2 MS. MONTGOMERY: Absolutely. So I'll start  
3 with existing law.

4 CHAIRMAN KAUFMAN: You don't have to read it  
5 verbatim.

6 MS. MONTGOMERY: Oh, I do.

7 Okay. Requires the Secretary of State to adopt  
8 regulations governing the use of the voting systems,  
9 electronic poll books, ballot-on-demand systems, and  
10 remote accessible vote-by-mail or VBM systems.

11 Prohibits a jurisdiction from using a voting  
12 system, electronic poll book, ballot-on-demand system,  
13 or remote accessible VBM system in an election unless it  
14 has been previously approved by the SOS as specified.

15 Three, requires the SOS to adopt regulations  
16 establishing guidelines based on best practices for  
17 security measures for the use of VBM ballot drop boxes  
18 as specified.

19 Four, establishes the Voting Modernization Bond  
20 Act of 2002, which authorized the issuance of -- and  
21 sale of bonds not to exceed \$200 million for the purpose  
22 of assisting counties in the purchase of updating voting  
23 systems.

24 Creates the Voting Modernization Board,  
25 consisting of three members selected by the governor and

1 two members selected by the SOS, and makes it  
2 responsible for administering the fund that contains the  
3 proceeds of the bond issues pursuant to the VMBA and  
4 also creates the Voting Modernization Finance Committee  
5 consisting of a controller, the director of finance, and  
6 the treasurer, for the purposes of authorizing the  
7 issuance and sale pursuant, pursuant to the State  
8 General Obligation Bond Law of the bonds.

9 Permits counties, pursuant to the California  
10 Voter's Choice Act, to conduct elections in which every  
11 voter is mailed a ballot, and vote centers and ballot  
12 drop-off locations are available prior to and on  
13 Election Day in lieu of operating polling place for an  
14 election subject to specified conditions.

15 CHAIRMAN KAUFMAN: So that's where we're at  
16 now.

17 MS. MONTGOMERY: That's where we're at  
18 currently. Now, this bill, AB 668, and the authors are  
19 Assembly persons Gonzalez and Fletcher, would:

20 Number one, enact the Voting Modernization Bond  
21 Act of 2018, which allows the sales of up to 450 million  
22 in general obligation bonds to fund improvements to  
23 voting systems contingent on the approval of voters at  
24 the June 2018 statewide direct primary election.

25 Number two, provides that counties may apply for

1 funds if it has agreed to pay expenses for any of the  
2 voting equipment listed below and counties to pay on the  
3 date the voters approve the bond. Counties that choose  
4 to conduct elections under the CVCA may receive \$3 from  
5 the Fund for every \$1 they pay. While counties that do  
6 not only -- while counties that do not, only receive \$2  
7 for every \$1 they spend. Counties may use funds for any  
8 of the following: Voting systems certified or  
9 conditionally approved by the SOS that do not use  
10 pre-scored punch card ballots, electronic poll books  
11 certified by the SOS, ballot-on-demand systems certified  
12 by the SOS, remote accessible vote-by-mail systems  
13 certified or conditionally approved by the SOS,  
14 vote-by-mail drop boxes that comply with regulations  
15 promulgated by the SOS, technology to facilitate  
16 electronic connection between polling places, vote  
17 centers, and the office of county elections official or  
18 the Secretary of State's Office, and vote-by-mail ballot  
19 sorted and processed equipment.

20 Three, provides the county may also use funds to  
21 contract and pay for research and development of new  
22 voting systems not certified by the SOS if it uses  
23 nonproprietary software and firmware to disclosed source  
24 code except for off-the-shelf unmodified commercial  
25 software and firmware. B, manufacture of the minimum

1 number of voting systems units reasonably necessary to  
2 test and seek certification for conditional approval or  
3 testing and demonstrating the capability of the system  
4 or part of the system in a pilot program.

5 Four, requires that any voting system paid for  
6 with bond funds must produce a paper version or  
7 representation of the voted ballot or of all the ballots  
8 cast on units of that system at the time the voter votes  
9 or when the polls close if it does not require the voter  
10 to directly mark on the ballot. The paper copy shall  
11 not be given to the voter but is instead retained by the  
12 election official.

13 Five, provides that the legislature may alter  
14 county eligibility requirements, amounts of matching  
15 funds, or allowable use of the bond funds by a  
16 two-thirds vote if the change is consistent with  
17 portions of the act.

18 And the last one, makes other technical and  
19 conforming changes to existing law in order to carry out  
20 provisions of this bill.

21 I could go into some further background if you'd  
22 like, or we can move on to asking James questions.

23 CHAIRMAN KAUFMAN: I mean, if there's  
24 anything you thought was going to be helpful to us --

25 MS. MONTGOMERY: Um --

1           CHAIRMAN KAUFMAN:  -- by all means.  But  
2 otherwise, we'll turn to James.

3           MS. MONTGOMERY:  Yeah.  As the Voting  
4 Modernization Board, you're aware of most of the  
5 background, so I think James --

6           CHAIRMAN KAUFMAN:  I guess I did have one  
7 threshold question for either of you given that we  
8 talked about the lifespan of this, this board.

9           Is there any provision in the new measure that  
10 this board or some other board is going to be dealing  
11 with the allocation of funds when and if the voters pass  
12 this, or is that something that will be done by  
13 regulation or other guidelines passed by the Secretary  
14 of State?

15          MR. SCHWAB:  So AB 668 is based off the  
16 legislation created by Prop 41.

17          CHAIRMAN KAUFMAN:  Okay.

18          MR. SCHWAB:  So I think the initial idea  
19 is that we would still continue this.

20          CHAIRMAN KAUFMAN:  So it's basically adding  
21 to the pot of money, providing a new round that can be  
22 used for purposes that were set forth in the original  
23 act and additional purposes that are now set forth.

24          MS. LEAN:  That's correct, but under AB 668,  
25 we would have to work with the governor to establish

1 state plan for the project so that it would incorporate  
2 what those additional resources could be spent on  
3 for the new voting technology. So it was anticipated it  
4 would be the same board even though we're down a  
5 member -- make sure we have full -- complement. But  
6 yes, that's what was anticipated by -- its an amendment  
7 to the existing law.

8 CHAIRMAN KAUFMAN: Okay. Just wanted to  
9 make sure this was going to take me through my  
10 retirement.

11 MS. MONTGOMERY: Guaranteed.

12 MR. SCHWAB: I will say, though, you know AB  
13 668 is, sort of, the, I guess, last-ditch effort on our  
14 end to try to get the State to fund voting systems, and  
15 we have been working, you know, close to three years now  
16 with finance and legislature to just get in preparation  
17 without any success. So this is a route we worked with  
18 the author of the bill on to push. I, honestly, don't  
19 know if the final version that gets to the governor's  
20 desk will be a bond act or an appropriation. So that's  
21 still on the table, that discussion. And we're open to  
22 both. You know, we understand the concerns about bond  
23 debt and also the, the time the board's been in  
24 existence and we'd rather, an appropriation. It's  
25 easier, it's cheaper, and it's more direct. So I can go

1 into the details of the bill and more of where it's at  
2 but I think we all understand that -- the need counties  
3 have for more funding, the lack of any movement at the  
4 Federal level to have HAVA two or re-up HAVA.

5           The, the amount we have in here, the \$40 million,  
6 if you look at it, it's, kind of, a combination of what  
7 HAVA gave us and with what Prop 41 gave us with a, a  
8 little more -- because GAVA was more for allowable uses,  
9 the drop boxes, the equipment for, for vote centers and  
10 to facilitate same-day registration and ballots on  
11 demand. But the total amount is based on every county  
12 maintaining their current polling place model. We  
13 understand and we hope that more counties will adopt the  
14 Senate Bill 450 in the California Voter's Choice Act in  
15 2018 and beyond, which actually would bring the total  
16 cost down.

17           You know, so depends on the county but, you know,  
18 roughly, 50, 60 percent, 40 percent, depending on what  
19 the county can't bring the cost of the capital outlay  
20 down. I think in Orange County, which did their  
21 estimate, it brought the cost of buying the equipment  
22 down by about half.

23           MS. LAGMAY: Half.

24           MR. SCHWAB: Yeah. But the problem is --  
25 and this is where the uncertainty lies. And going back

1 to Orange County, Orange County and Neil Kelly were the,  
2 the lead on crafting the California Voter's Choice Act.  
3 And, you know, his voice, his ideas helped get that  
4 thing passed. And he went to his board to get their  
5 approval to adopt the model about a month ago, and  
6 without discussion, they just buried the item. The  
7 Secretary sent a letter to the board, which was -- you  
8 know, it's out there in the public -- and just, kind of,  
9 accusing the board of -- political reasons of denying  
10 the motion, that even discussing this new model. So we  
11 had assumed that some of these bigger counties like  
12 Orange County and other counties would be adopting  
13 Senate Bill 450, which would bring the overall cost down  
14 of replacing them, but now that's, that's uncertain.

15 So that's, sort of, where we're at in terms of  
16 the cost and, and, and, sort of, the logic of how we got  
17 to that number, and I'll answer any questions you guys  
18 have.

19 CHAIRMAN KAUFMAN: Let me just ask one  
20 question, and then I'll turn to you guys just to follow  
21 up.

22 Under Senate Bill 450, doesn't the county, by  
23 2020, have to adopt -- or no? It's still -- I think  
24 it's still opt-in.

25 MR. SCHWAB: Correct.

1           CHAIRMAN KAUFMAN: And the ones that are not  
2 in the initial group of the counties -- 14 counties --  
3 that are operating under this pilot program, right, for  
4 2018?

5           MR. SCHWAB: Right.

6           CHAIRMAN KAUFMAN: 2020, there's no  
7 mandatory kick-in? It's still all just a opt-in?

8           MR. SCHWAB: Correct. I would still  
9 contemplate that every county, there's a slightly  
10 different space in terms of where they want to go, new  
11 equipment, or their readiness to move with a model. But  
12 the idea was that we had created a model that the  
13 counties would want to adopt.

14          CHAIRMAN KAUFMAN: Uh-huh.

15          MR. SCHWAB: And we understand that we'll  
16 be, probably, tweaking it. You know, no legislation is  
17 perfect as much as we want it to be. We'll be tweaking  
18 it a lot in the future years to make it more flexible  
19 for the smaller counties and for even bigger counties  
20 that are interested in moving forward.

21          MS. LAGMAY: I have a quick question. In  
22 the writing of the Bill, AB 668, beyond essentially  
23 extending the current -- the current bond fund refunding  
24 it and -- are, are there any other provisions that were  
25 written in the bill besides the one that I see plain, in

1 front of me, that funds can be used for research and  
2 development that are new, that are different or updated  
3 from the old bill that -- I want to know which  
4 subsection are new besides 3-A.

5 MR. SCHWAB: Yeah. So there's the open  
6 source items that are in here. There's the expanded  
7 allowable uses for what the, the funds can be used for,  
8 and I think everything else was taken just out of the,  
9 the legislation act -- created Prop 41.

10 MS. LAGMAY: Could you tell me the, the  
11 letter and number of that section.

12 MR. SCHWAB: So it's -- the open source  
13 discussion is on page three of the bill.

14 MS. LAGMAY: Okay. So it's not in the  
15 summary.

16 CHAIRMAN KAUFMAN: Do you mean what number  
17 on your summary?

18 MS. LAGMAY: Yeah, yeah.

19 CHAIRMAN KAUFMAN: I don't know if June has  
20 it -- oh.

21 On the analysis?

22 MS. LAGMAY: Yes.

23 CHAIRMAN KAUFMAN: I think June is referring  
24 to the memo that we received. It's a summary of the  
25 bill compared --

1 MR. SCHWAB: Got it.

2 CHAIRMAN KAUFMAN: And I think she's  
3 referring to the number of the item on page two.

4 MR. SCHWAB: So --

5 CHAIRMAN KAUFMAN: I don't know if you want  
6 to direct it in relation to the --

7 MR. SCHWAB: Got it. So Item 2, which is on  
8 page two of the analysis, is different from --

9 MS. LAGMAY: Okay.

10 MR. SCHWAB: -- the original in terms of the  
11 matching.

12 MS. LAGMAY: Ah, okay.

13 MR. SCHWAB: The legislature wanted to have  
14 a different match for counties that adopted Senate Bill  
15 450 versus those that stayed with the status quo, and  
16 then the allowable uses beneath that are expanded  
17 compared to the, the original Prop 41.

18 MS. LAGMAY: Okay. So 2 and 3 both.

19 MR. SCHWAB: Correct.

20 MS. LAGMAY: Thank you.

21 MR. SANDOVAL: And this is addressed to the  
22 issue that LA County raised last week. I wanted to make  
23 sure that was -- because it's being used as a argument,  
24 why it would not be moving forward because they're still  
25 funds that are being left on the table, and so I wanted

1 to make sure that's something that's being addressed in  
2 this particular bill

3 MR. SCHWAB: Yeah. So the, the LA County  
4 issue is the open source language.

5 MR. SANDOVAL: Okay.

6 MR. SCHWAB: Let me see. What page is it  
7 in?

8 MR. SANDOVAL: It's 3-A.

9 CHAIRMAN KAUFMAN: 3-A.

10 MR. SCHWAB: 3-A.

11 MS. LAGMAY: Any more questions?

12 CHAIRMAN KAUFMAN: Gabe, did you have any  
13 more questions?

14 MR. SANDOVAL: What, what are your thoughts  
15 on whether or not this bill is going to be moved  
16 forward? You did mention that it is your last ditch  
17 effort. Can you explain a little bit about what you  
18 mean by that.

19 MR. SCHWAB: So, you know, we would make the  
20 case since -- you know, we first heard about this  
21 secretary when we were still in the Senate back in 2014  
22 when the President's -- President Obama's bipartisan  
23 commission on the election administration said that's  
24 the most dire warning they have heard from election  
25 officials across the country was the need to replace

1 voting systems. Since then, we have been in discussion  
2 to get the appropriations with the idea that we probably  
3 could get them, some counties, going in 2018. It's too  
4 late. The counties don't have enough time to, to get  
5 new voting systems for 2018. So now we're looking at  
6 2020. So we, we need to get the funding moving into the  
7 counties in the next year and a half, two years in order  
8 to get it in place for 2002.

9 And I could simply put it on the June ballot. It  
10 gets passed. That's just -- fits right into the time  
11 frame. And so counties are desperate for new funding.  
12 You know, counties, themselves, are more of budget  
13 burden put on them by the State in different areas and  
14 so they're not flush with cash. And the State needs to  
15 pay their, their share. We benefit -- the State  
16 benefits from all the elections, and so we should be  
17 paying into it. So if we don't get funding soon, I  
18 don't know what counties are going to do to replace  
19 equipment for 2020 and beyond.

20 CHAIRMAN KAUFMAN: So let's talk about where  
21 this is at. So you mentioned that it could take a  
22 different shape as it winds its way through the process.

23 MR. SCHWAB: Yeah.

24 CHAIRMAN KAUFMAN: If it changes from a  
25 bond -- a bond, bond obligation to an appropriation, it

1 wouldn't have to go to the people or a vote, right?

2 MR. SCHWAB: Yeah.

3 CHAIRMAN KAUFMAN: It would just be signed  
4 by the governor and done.

5 MR. SCHWAB: Right. Exactly.

6 CHAIRMAN KAUFMAN: It looks like the bill  
7 already passed the assembly, but it's still pending in  
8 the Senate?

9 MR. SCHWAB: Yeah. It's in the Senate  
10 Appropriations Committee.

11 CHAIRMAN KAUFMAN: So would those changes --  
12 those changes can be dealt with in that -- is that where  
13 this essentially takes place now, is the discussion  
14 or --

15 MR. SCHWAB: Correct. The legislature goes  
16 on recess Friday.

17 CHAIRMAN KAUFMAN: Right.

18 MR. SCHWAB: And they reconvene, you know,  
19 four weeks from there. So we hope during these four  
20 weeks, we can negotiate, sort of, the final version of  
21 what's most suitable for the governor. I wish -- if I  
22 had a crystal ball about what he would sign and wouldn't  
23 sign, I'd probably make a lot more money. But, you  
24 know, we just want to get in the best shape possible to  
25 see what --

1           CHAIRMAN KAUFMAN: Okay. And it looks to me  
2 from the summary that the only opposition to this is,  
3 kind of, on the form of the tax or obligation of the  
4 people. No one's opposed to the -- let's say -- the  
5 merits or the substance of the actual legislation,  
6 correct?

7           MR. SCHWAB: The opposition we have gotten  
8 is -- yeah -- just how we're going to -- bond act, which  
9 we understand those concerns. There's also testimony in  
10 committee about folks that just want to require open  
11 source technology only. Or a lighter version of that is  
12 to create a specific fund just for open source, which  
13 would cover the certification cost. The Secretary said  
14 that he doesn't believe it's our role to tip the scale  
15 on one technology over another. Just provide counties  
16 with the funding and whatever route they want to go, as  
17 long as it's tested and certified by our office. But to  
18 say -- to favor open source over another type, we're  
19 not -- we don't support that.

20           MS. LAGMAY: Mr. Schwab, you mentioned that  
21 all indications show that we're not going to get any  
22 federal support. There won't be a HAVA part two, as you  
23 say. So we haven't been together in a meeting since,  
24 obviously, 2015. Can you summarize very quickly and  
25 simply what the response there has been from DC on

1 continuing funds for this, if any.

2 MR. SCHWAB: Zero. The National Association  
3 of Secretary of State, which is a bipartisan group --  
4 it's actually dominated by republicans. There's only 12  
5 democratic secretaries of state -- they're all in  
6 support of new funding. I think they have been in  
7 discussion with Congress, and there's been no movement.  
8 In fact, this -- the only movement they have made in  
9 terms of the election space with Congress was in a  
10 recent appropriations bill to de-fund the Election  
11 Systems Commission.

12 MS. LAGMAY: That's right.

13 MR. SCHWAB: That is the only move -- is to  
14 actually take away resources for elections and not put  
15 it toward that and just knowing the state of what's  
16 going on, I don't have much hope for legislation.

17 MR. SANDOVAL: And you feel some form of  
18 this measure is going to be executed whether it's placed  
19 into the bond, on a ballot, or whether it's straight  
20 appropriation?

21 MR. SCHWAB: I would lean towards more  
22 confident than not just because of, of the need. I  
23 think the public is acutely aware of the need for the  
24 strength in our elections. It's on people's minds  
25 today, and we'd be making the case to the legislature,

1 and it's, it's, it's been working. I mean, more people  
2 are asking questions of, of us and the Secretary and  
3 what can we do to secure elections in the future and  
4 this is step one. This is across-the-board  
5 recommendation from, from think tank experts across the  
6 US. We got to replace voting systems first if we want  
7 to secure our elections.

8 CHAIRMAN KAUFMAN: Okay. Thank you, James.

9 MR. SCHWAB: Appreciate it. Thank you for  
10 taking me out of order.

11 MR. SANDOVAL: Our pleasure.

12 CHAIRMAN KAUFMAN: Okay. So do we just want  
13 to finish up the Item Number 6 with a brief summary of,  
14 kind of, the status of certification efforts or status  
15 of voting equipment in California?

16 MS. MONTGOMERY: Yeah. Take our last agenda  
17 item and do that one now and then go to Nevada? Is that  
18 what you mean?

19 CHAIRMAN KAUFMAN: Yeah. It's all under --

20 MS. MONTGOMERY: That makes sense.

21 CHAIRMAN KAUFMAN: We're talking about  
22 voting equipment and progress or lack thereof.

23 MS. MONTGOMERY: Okay. In 2007, Secretary  
24 of State, Debra Bowen, conducted a top-to-bottom review  
25 of many of the voting systems certified for use in

1 California. Following the top-to-bottom review on  
2 August 3rd, 2007, Secretary Bowen strengthened the  
3 security requirements and use conditions for certain  
4 systems. As a result of the top-to-bottom review and  
5 subsequent decertification of voting systems, no new  
6 voting systems were approved for use in California  
7 between 2008 and early 2015.

8 Under the direction of Secretary Padilla, the  
9 pace of approvals of both voting systems and voting  
10 equipment in the State of California is picking up.  
11 Excuse me.

12 In 2015 alone, two voting systems were approved  
13 for use in California specifically since the last  
14 meeting of the Voting Modernization Board in August of  
15 2015. One of the two voting systems mentioned  
16 previously, the ES&S unit 3.4.1.0, has been approved for  
17 use in California.

18 There are currently eight different applications  
19 related to E-poll books under review. Additionally,  
20 there are currently two voting systems and three remote  
21 vote-by-mail systems undergoing various phases of the  
22 testing progress in California.

23 The passage of SB 450, California Voter's Choice  
24 Act, last year has introduced something new into the  
25 election landscape in California. Vote centers, ballot

1 drop-off locations, drop boxes for ballots, and every  
2 voter will receive a ballot in the mail. As a result,  
3 the interest in voting systems and voting equipment,  
4 such as E-poll books, remote

5 Vote-By-Mail systems, VBM drop boxes, and  
6 ballot-on-demand, or BOD, printers has increased as  
7 county election officials prepare to embrace a new model  
8 of voting in California.

9 Under the Voter's Choice Act and beginning in  
10 2018, 14 counties are allowed to conduct elections under  
11 the Voters Choice Act model -- excuse me -- Calaveras,  
12 Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis  
13 Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter,  
14 and Tuolumne. All other counties will be allowed to  
15 conduct Voter's Choice Act elections beginning in 2020.

16 In addition to the changes brought on by the  
17 Voter's Choice Act, another legislative directive,  
18 Conditional Voter Registration, or CVR, has recently  
19 taken effect. CVR allows for a registrant to cast a  
20 conditional provisional ballot when the registrant  
21 delivers to the county elections office a properly  
22 executed affidavit of registration during the period 14,  
23 14 days prior to an election through and including  
24 Election Day. As Nevada and other counties have pointed  
25 out, this greatly complicates the task of estimating how

1 many ballots and at what time to report.

2 As we discussed in relation to Nevada County --  
3 or as we will discuss, project documentation plan, CVR  
4 make BOD printers a very attractive option. California  
5 currently has four certified BOD systems, two made by  
6 ES&S, one from Hart InterCivic, Incorporated, and one  
7 from Runbeck Election Services, Incorporated.

8 It is our opinion that the Voting Modernization  
9 Board can expect to see a marked increase in the number  
10 of counties submitting project documentation plans and  
11 requesting to come before the board to request  
12 reimbursement for the purchase of voting equipment.

13 CHAIRMAN KAUFMAN: Thank you. I had a  
14 couple follow-up questions, and then I'll turn to my  
15 fellow board members.

16 I mean, you make reference to a number of voting  
17 systems here and I was just wondering -- so what is the  
18 ES&S Unity 3.4.1.0? I mean, what kind of systems are we  
19 talking about and, and E-Poll books.

20 MS. MONTGOMERY: Okay. Well, we have  
21 NaKasha Robinson. She's with the Office of Voting  
22 Systems Technology Assessment, and she can answer these  
23 questions.

24 MS. ROBINSON: Good morning, Board.

25 CHAIRMAN KAUFMAN: Good morning.

1 MR. SANDOVAL: Good morning.

2 MS. LAGMAY: Good morning.

3 MS. ROBINSON: So -- answer your first  
4 question, ES&S's Unity 3.4.1.0 system is a complete  
5 end-to-end election system, which includes systems be  
6 used inside of the polling places as well as election  
7 management system at the election's headquarter office  
8 to tabulate ballots.

9 CHAIRMAN KAUFMAN: So, so what kind of  
10 ballot is a voter casting when they're using that system  
11 instead of polling --

12 MS. ROBINSON: Paper ballots.

13 CHAIRMAN KAUFMAN: Paper --

14 MS. ROBINSON: Yes.

15 CHAIRMAN KAUFMAN: Optical -- is it an  
16 optical scanning system?

17 MS. ROBINSON: Yes. Yes. Yes. They can  
18 use ballot-marking systems to actually mark the ballots.  
19 The ballots are then printed out and then placed into  
20 the -- sorry -- the ballot drop box for tabulation later  
21 on.

22 CHAIRMAN KAUFMAN: And then the E -- I keep  
23 seeing this referred to as --

24 MS. ROBINSON: Electronic. So electronic  
25 poll books are essentially digital solutions to replace

1 traditional source.

2 CHAIRMAN KAUFMAN: Ah, so when people are  
3 signing in --

4 MS. ROBINSON: Yes.

5 CHAIRMAN KAUFMAN: -- at the polling place,  
6 there's a digital --

7 MS. ROBINSON: Yes.

8 CHAIRMAN KAUFMAN: -- function as opposed  
9 to the --

10 MS. ROBINSON: The paper.

11 CHAIRMAN KAUFMAN: -- with the -- and the  
12 address --

13 MS. ROBINSON: Yeah.

14 CHAIRMAN KAUFMAN: All right. June, Gabe,  
15 any follow-up questions?

16 MS. LAGMAY: Um, so this, this Voter's  
17 Choice Act to -- just to be clear, since I'm a little  
18 behind the times here, it is permissive not obligatory,  
19 correct, for any county to decide to go this method?

20 MS. MONTGOMERY: That's correct.

21 MS. LAGMAY: And Nevada, whose budget we're  
22 looking at later today, is, is permitted to go sooner,  
23 in 2018, than LA County, which is permitted in 2020.

24 MS. MONTGOMERY: Correct. And then Nevada  
25 is one of the 14.

1 MS. LAGMAY: Thank you.

2 CHAIRMAN KAUFMAN: How were the 14 decided?  
3 I know James said that, that Orange County was taking  
4 the lead, but was it a function of Secretary of State's  
5 Office or the responses of the legislation deciding what  
6 counties it would work for or was there a desire  
7 expressed by certain counties to participate early on?

8 MS. LEAN: There was a desire. So  
9 basically, there was a survey done of counties who'd be  
10 interested in the before model. As we're going through,  
11 crafting the legislation, these were the ones that were  
12 most interested in being a part of that crafting  
13 legislation and their willingness to move forward. So  
14 it is optional. It would require them to change the way  
15 that they were voting in their county and how to --  
16 basically, they're going to have to sell it to their  
17 voters on why it's a good thing and why the Voting  
18 Choice Act is what is needed for their county. So it  
19 wasn't going to be forced upon any of the counties. It  
20 is optional. So there's no budget appropriation for  
21 them. So it's not a state mandate. One of the reasons  
22 why it's an optional adoption. And yeah, it was the  
23 counties that were willing to, and so they were willing  
24 to go forward and the first pilot counties to move  
25 forward.

1 MS. LAGMAY: Would you say, generally,  
2 because they're smaller, less populated counties?

3 MS. LEAN: Not necessarily. I think these  
4 were the counties who looked around and they saw the  
5 percentage of their voters that were voting by mail  
6 already.

7 MS. LAGMAY: Uh-huh

8 MS. LEAN: So -- and the voters from the  
9 county are used to getting the ballot in the mail.  
10 There are a small percentage of their voters actually  
11 showing up on Election Day. So these are the, the  
12 counties that have moved forward. We did ask them if  
13 there would be a certain percentage, as we're going  
14 through drafting the legislation, who would be willing  
15 to go forward. If you have, like, LA County, less than  
16 half -- way less than half of your population voting by  
17 mail, that's why they have a little carve out. So they  
18 are allowed to go in 2020, but their positions are a  
19 little bit different. And then all of the other  
20 counties are moving forward in 2018. So it did have  
21 something to do with their current percentage of  
22 permanent voters.

23 CHAIRMAN KAUFMAN: You know, that triggers  
24 something in my mind, and I should have asked James when  
25 he was here, but you mentioned LA County, obviously, a

1 different animal. Under the new legislation, the funds  
2 that are being allocated, basically reward counties who  
3 are going to a CBR system by giving them a three to one  
4 match instead of a two to one match, but is the old  
5 existing funding that's, for example, still sitting  
6 there for LA County, that's still going to be subject to  
7 the old three in one match?

8 MS. LEAN: Correct.

9 CHAIRMAN KAUFMAN: Calculation.

10 MS. LEAN: Correct.

11 CHAIRMAN KAUFMAN: Okay.

12 MS. LEAN: So -- and actually, under SB --  
13 or AB 668, there are completely different funds. So the  
14 2002 bond fund is its own fund. The 2018, if it's  
15 passed, will be its own fund. And so because of the  
16 differences in the type of the equipment that can be  
17 purchased -- so they're two separate funds.

18 CHAIRMAN KAUFMAN: Okay. Thank you.

19 Gabe, do you have any questions?

20 MS. LAGMAY: Oh, refresh my memory. The  
21 bond funds from the 2002 election, do they have an  
22 expiration date?

23 MS. LEAN: There's no expiration date but  
24 one bond -- ten years. We haven't had to sell any  
25 bonds --

1 MS. LAGMAY: So it's entirely conceivable  
2 that we could still be paying out of version one while  
3 we are paying out of version two?

4 MS. LEAN: It's very conceivable, yes.

5 MS. LAGMAY: Thank you.

6 MR. SANDOVAL: Do you recall any of the  
7 arguments that were made against the act, any policy  
8 arguments?

9 MS. LEAN: Well, some of the policy  
10 arguments were that, you know, voters were used to the  
11 polling places, models that we have been using for many  
12 years. I think some of the arguments against is that if  
13 everyone gets a vote-by-mail ballot, potentially, that  
14 could interfere with voters who don't currently vote by  
15 mail and don't have access -- necessarily, easy  
16 access -- to a vote center because vote centers are  
17 going to be established in different locations. There's  
18 14 different mechanisms that have to be considered where  
19 they can place them. So as they were negotiating the  
20 bill, they had to think about not just where is  
21 convenient necessarily for the ROV, the Registrar Of  
22 Voters, but what's convenient for -- one other big  
23 argument against it was that voters with accessibility  
24 needs feel like they might have a harder time to have  
25 some barriers to voting if they were required to vote by

1 mail. They're not going to be required to vote by mail  
2 because the vote centers will be open for 11 days not  
3 just for the 13 hours on Election Day. However, it will  
4 be a longer path and travel for them to get there.

5 So NaKasha is going to talk a little bit more  
6 about the remote accessible vote-by-mail systems and  
7 will allow for voters with disabilities to cast a  
8 vote-by-mail ballot electronically on their home screen,  
9 which they'll mail it in.

10 MR. SANDOVAL: Thank you.

11 MS. LEAN: And that was what was negotiated.

12 MR. SANDOVAL: Thank you.

13 MS. ROBINSON: So as Jana just mentioned, we  
14 are also in the process of reviewing and testing remote  
15 accessible vote-by-mail systems. And as she just  
16 explained, those systems will allow, essentially, a  
17 voter to obtain a ballot electronically, mark it, print  
18 it, and submit it in a traditional vote-by-mail manner  
19 as they would with the traditional vote-by-mail ballot.

20 Currently, we have three systems that we are  
21 actively testing. One is from Democracy Live, another  
22 from Dim Tech, and another from Five Cedars Group. We  
23 initially had five applicants. The remaining two were  
24 from Bogum and Prime Three. And that's -- both of those  
25 requested -- they have asked that we put their

1 applications on hold while they continue to develop  
2 their solutions.

3 MR. SANDOVAL: Thank you.

4 CHAIRMAN KAUFMAN: Thank you.

5 Okay. Thank you all for bringing us up to speed.  
6 I would make one request of the staff that as AB 668  
7 winds its way through the process, that whether we have  
8 another meeting scheduled or not, if you could make us  
9 aware of its progress --

10 MS. LEAN: Absolutely.

11 CHAIRMAN KAUFMAN: -- or outcome, that would  
12 be extremely helpful.

13 MS. LEAN: We will do that.

14 CHAIRMAN KAUFMAN: Thank you.

15 All right. Now, let us go back in time to Agenda  
16 Item 5, which is the project documentation plan review  
17 and funding award approval for Nevada County.

18 And, Katherine, if you want to provide us with  
19 the staff summary. I don't know that you need to go  
20 through every gory detail of the memo, but if you could  
21 give us some highlights, I can assume that we have all  
22 read it.

23 MS. MONTGOMERY: Sure. Okay. So -- and we  
24 do have Sandy Sjoberg with us today all the way from  
25 Nevada County if we have any questions.

1 MR. SANDOVAL: Welcome.

2 MS. MONTGOMERY: Okay. So in 2002, the  
3 Voting Modernization Board awarded Nevada County funds  
4 that helped the county to upgrade to the Hart Optical  
5 Scan/DRE voting system. Phase two of Nevada County's  
6 modernization efforts began in 2007. At that time, the  
7 county purchased an optical scan precinct and central  
8 count system as well as e-slat units from Hart  
9 InterCivic, Incorporated using a combination of federal,  
10 state, and county funds.

11 Since 2001, the number of voters requesting  
12 vote-by-mail ballots has more than tripled. Of the  
13 county's 68,000-plus voters, 77.6 percent have requested  
14 permanent vote-by-mail status with a possible additional  
15 five percent, depending on the election, residing in an  
16 all-mail ballot precinct.

17 Nevada County maintains that the purchase of a  
18 ballot-on-demand system will help it keep up with the  
19 increasing number of vote-by-mail voters in its county.

20 Nevada County anticipates that the ES&S Balotar  
21 will continue to improve the process by which they  
22 provide daily vote-by-mail and over-the-counter ballot  
23 requests. Every election requires a different set of  
24 ballots, known as ballot types, which vary according to  
25 the combination of federal, state, and county and local

1 district offices that are up for election as well as any  
2 measures that have qualified for the ballot. During an  
3 election year, Nevada County can have up to 25 different  
4 ballot types.

5 The county must provide a sufficient number of  
6 ballots for each voter along with enough overage of each  
7 ballot type to allow for newly registered voters,  
8 provisional voters, and spoiled or replacement ballots.  
9 The number of ballots ordered must also take into  
10 account expected voter turnout for a given election.

11 Additionally, now that VoteCal -- the statewide  
12 voter registration -- is the system of record. In  
13 California, Conditional Voter Registration, as we have  
14 discussed, takes effect. With CVR, voters can now  
15 register up until the close of polls on Election Day,  
16 greatly complicates the task of estimating how many  
17 ballots and in what type to order.

18 Nevada County believes that -- Nevada County  
19 believes the ballot-on-demand printers will allow the  
20 County to reduce somewhere between 25 and 45 percent,  
21 greatly minimize ballot spoilage, and help manage the  
22 issues that have been created by Conditional Voters  
23 Registration.

24 Let's see. Nevada County's efforts to modernize  
25 the way they handle both the increasing number of VBM

1 voters and the impending same-day registration of voters  
2 while saving an estimated \$6,962 in taxpayer money by  
3 using ballot-on-demand printers can certainly be seen as  
4 in line with the spirit of the Voting Modernization Bond  
5 Act of 2002.

6 Nevada County reports that the Balotar is easy to  
7 use even by individuals who are, quote, nontechnical.  
8 This will greatly simplify the training Nevada County  
9 provides to its poll workers or if Nevada County does  
10 expand its operation to include vote centers as provided  
11 for in SB 450 to additional county employees or  
12 temporary workers who will staff the vote systems --  
13 sorry -- staff the vote centers.

14 The Balotar printer system has been approved by  
15 the Secretary of State's Office for use in California  
16 since August of 2012.

17 Please note that the staff proposed funding award  
18 is based upon allowable reimbursement under Proposition  
19 41 for voting equipment hardware and software only. The  
20 ballot sheet processing fees listed in the Nevada  
21 County's contract with ES&S would not be covered as a  
22 reimbursable claim under Proposition 41.

23 Also, while recommending the approval of funding  
24 for the purchase of two ballot-on-demand printers, we  
25 would like to make it clear to the county -- make it

1 clear to the county that the cost for ink or paper for  
2 the ballot-on-demand printers is not reimbursable under  
3 Proposition 41.

4 Nevada County will only receive VMB payments once  
5 it has submitted detailed invoices for its voting  
6 equipment.

7 It is our recommendation that Nevada County's  
8 phase two project documentation plan be approved and a  
9 funding award letter be issued in the amount of \$9,888.

10 CHAIRMAN KAUFMAN: Thank you. And let me --  
11 let me welcome Ms. Sjoberg to this meeting. And I just  
12 want to say it's a -- as you have heard reference here,  
13 it's been two years since this commission has met, and  
14 there's nothing we like more than being able to give out  
15 money to help make voting easier for people and to make  
16 elections easier to administer for election officials.

17 So we're pleased to see you're here and, and  
18 happy to be considering this, this funding request. I  
19 don't know if you had anything you wanted to say off the  
20 bat or whether we would just fire away with whatever  
21 question we had.

22 MS. SJOBERG: You could just fire away with  
23 whatever questions you had.

24 CHAIRMAN KAUFMAN: I had a couple to start.  
25 First off, I wanted to understand just a little better,

1 all these, these new voting systems are being -- and  
2 equipment is being thrown around by -- and I read all of  
3 the things that the system does but I wanted to  
4 understand just a little bit better how it actually  
5 functions. And as I'm understanding it, if I'm a voter  
6 and I show up at the -- at your office, at the clerk's  
7 office, or the registrar's office and I want to register  
8 to vote or I want to request a vote-by-mail ballot, this  
9 is the printing system that essentially will draw my  
10 ballot type or whatever from your central system and be  
11 able to spit out my vote-by-mail ballot right then and  
12 there; is that correct?

13 MS. SJOBERG: That is correct. So  
14 basically, you come up to our counter. We would check  
15 you in on our election management system. And it's  
16 triggered from -- our election management system sends a  
17 message right to the ballot-on-demand to send -- to  
18 print you out the correct ballot type for your  
19 address -- for your precinct. So there -- or you can  
20 actually take your vote-by-mail ballot with you or you  
21 have the option of staying in your office and voting  
22 your ballot right then. So those are two options it  
23 provides for, and it's made it a lot easier, a lot  
24 faster for the voters to get checked in and checked out.

25 CHAIRMAN KAUFMAN: And, obviously, voting in

1 Nevada County is a lot different than voting in Los  
2 Angeles County, where I'm from, but the allocation here  
3 is for two printers, correct?

4 MS. SJOBERG: The system came with two  
5 printers. So we bought -- we went out to an RFP and --  
6 company submitted their RFP. ES&S's ballot, our system,  
7 came with a computer system and two printers, which  
8 we -- were less expensive than other vendors were asking  
9 for. And so we thought that was a great thing because  
10 if one printer goes down, we still have an optional  
11 other printer that can pick up and continue to work  
12 without getting tech support there right at that moment.

13 CHAIRMAN KAUFMAN: Okay. But at this point,  
14 it's still a function of these ballots being issued out  
15 of your office. It's not like one printer is in one  
16 location --

17 MS. SJOBERG: Correct.

18 CHAIRMAN KAUFMAN: -- and the other is your  
19 office.

20 MS. SJOBERG: Correct. The printers sit  
21 underneath our counter we have in our office, where  
22 voters can come in and sit down, where we're sitting  
23 down and the voter's sitting down. So it's a one-to-one  
24 eye contact. Their printers are underneath our counter,  
25 and we get to stay there working with our voters the

1 whole time.

2 CHAIRMAN KAUFMAN: So as opposed to your  
3 former system of having to -- I think -- as the  
4 materials in here suggest, order from your printer  
5 however many ballots you think it's going to take to  
6 satisfy all your mail-in requests for vote-by-mail  
7 ballot, you can now not order as much, at least  
8 initially, and deal with requests as they come in by  
9 having this printer spit out either for people who  
10 request by mail or by people who walk in and actually  
11 request the ballot in their amendment.

12 MS. SJOBERG: Correct. So in the past  
13 system, the way we used to do it in past, we order over  
14 and above, estimating always, and always having a waste  
15 that would have to be destroyed after the election. And  
16 we'd order those from our printers or from our printers  
17 that would ship the ballots up. So then you have the  
18 shipping cost, and you have all this additional cost,  
19 employee time to go through and verify that all the  
20 ballots are accurate, and the inventory and so forth and  
21 so on. And those would get stored in its own locked  
22 room. So when a voter would come in and request a  
23 vote-by-mail ballot or vote there in our office, we  
24 would have to actually look up the voter's ballot type,  
25 go back to our locked room, look for the ballot, find

1 it, come back, do -- grab another employee to have them  
2 verify that the ballot type that we grabbed out of our  
3 secret room was the correct ballot type before we issued  
4 it to the voter. Taking more time away from getting  
5 people in and out and getting them on their way to  
6 voting. So that's how the system was done then. Now we  
7 don't have that extra locked room to store all these  
8 extra ballots and we don't have to destroy ballots at  
9 the end of the election because there's, there's only  
10 ballot paper that can be used for the next election.

11 CHAIRMAN KAUFMAN: And presumably, this  
12 also, kind of, saves, you know, those people who might  
13 wait too long to send in a vote-by-mail request then  
14 can't get the ballots back to them in time. So now  
15 it's --

16 MS. SJOBERG: Correct.

17 CHAIRMAN KAUFMAN: -- issued immediately.  
18 Yes?

19 MS. SJOBERG: Correct. So we, we actually  
20 set up our office in November as a vote center model for  
21 early voting -- is how we set it up. And we actually  
22 had our, our electronic voting equipment out and we had  
23 our scanner set out. We have a voting room that people  
24 can go into and vote. So it worked really well. So  
25 people were able to come in. CVR is going to be

1 wonderful, because they can come in, do their  
2 registration. We can get them in the system, determine  
3 which type of ballot type they're going to vote, give  
4 them that ballot, and then check the Secretary of  
5 State -- check, check our Cal voter and make sure that  
6 it's -- they haven't issued another ballot in another  
7 location and process it.

8 CHAIRMAN KAUFMAN: Great.

9 June, do you have any questions?

10 MS. LAGMAY: If it was written in the report  
11 and I overlooked it, I apologize, but can you clarify  
12 for me, will Nevada County do the voting centers option  
13 model in 2018, or that's still to be seen?

14 MS. SJOBERG: We're in the midst of  
15 developing our project plan. Our intent and our, our  
16 intent currently is to proceed forward and go live with  
17 the vote center model of SB 450 in 2018, June.

18 MS. LAGMAY: Not that you have to.

19 MS. SJOBERG: Not that we have to. Our  
20 situation is different than Orange County's situation,  
21 whereas, our elected official, he's elected not  
22 appointed, so he doesn't have to have our board's  
23 approval to proceed. So we're going about it a little  
24 different. We're looking forward to it. We're pulling  
25 our community in right now and starting to develop our

1 plan, and then we'll do an open informational resolution  
2 to our board and our public once the plan has been  
3 developed.

4 MS. LAGMAY: Very good luck to you.

5 CHAIRMAN KAUFMAN: Gabe, any questions?

6 MR. SANDOVAL: Good.

7 CHAIRMAN KAUFMAN: Okay. Thank you,  
8 Ms. Sjoberg.

9 MS. SJOBERG: Thank you.

10 CHAIRMAN KAUFMAN: Okay. So with that, do  
11 we have a motion to approve the funding award request of  
12 Nevada County in the amount of \$9,888?

13 MR. SANDOVAL: So move.

14 MS. LAGMAY: Second.

15 CHAIRMAN KAUFMAN: Mr. Sandoval moved.

16 MS. LAGMAY: June Lagmay seconds.

17 CHAIRMAN KAUFMAN: Seconds.

18 Why don't you just pull up the vote on this one.

19 MS. MONTGOMERY: Stephen Kaufman.

20 CHAIRMAN KAUFMAN: Aye.

21 MS. MONTGOMERY: June Lagmay.

22 MS. LAGMAY: Aye.

23 MS. MONTGOMERY: Gabriel Sandoval.

24 MR. SANDOVAL: Aye.

25 CHAIRMAN KAUFMAN: Great. Congratulations,

1 Nevada County.

2 MS. SJOBERG: Thank you.

3 CHAIRMAN KAUFMAN: Okay. Do we have any  
4 other business to bring before this esteemed board  
5 today?

6 MS. MONTGOMERY: We do not.

7 CHAIRMAN KAUFMAN: Again, I just want to say  
8 how happy I am to see everybody. Hopefully, we can do  
9 this more often for good reasons that we hope will come  
10 our way.

11 Do we have a motion to adjourn these proceedings?

12 MS. LAGMAY: Before we do, can I have a  
13 second. The Voting Commission that's been established  
14 in Washington DC -- I know it's peripheral to what we're  
15 doing here, but is there a way that we could get  
16 periodic updates on a, more or less, formal level on how  
17 that's coming along instead of what we get, you know,  
18 through the general news media? Is that something that  
19 staff could give us a little bit more formal structure  
20 as it -- as it impacts California?

21 MS. MONTGOMERY: Sure. We could do that for  
22 you.

23 MS. LAGMAY: Okay. Thank you very much.

24 CHAIRMAN KAUFMAN: Okay. Do we have a  
25 motion to adjourn? Who wants to make it?

1 MS. LAGMAY: I'll do it. I move to adjourn.

2 CHAIRMAN KAUFMAN: I'll second since  
3 Gabe's -- second.

4 All in favor.

5 MS. LAGMAY: Aye.

6 MR. SANDOVAL: Aye.

7 CHAIRMAN KAUFMAN: Okay. With that, our  
8 meeting is concluded.

9

10 (Whereupon the proceedings adjourned at 11:28 a.m.)

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1 I, Brittany Flores, a Certified Shorthand Reporter of  
2 the State of California, duly authorized to administer  
3 oaths, do hereby certify:

4 That the foregoing proceedings were taken before me  
5 at the time and place herein set forth; that a record of  
6 the proceedings was made by me using machine shorthand  
7 which was thereafter transcribed under my direction;  
8 that the foregoing transcript is a true record of the  
9 testimony given.

10 I further certify I am neither financially interested  
11 in the action nor a relative or employee of any attorney  
12 of party to this action.

13 IN WITNESS WHEREOF, I have this date subscribed my  
14 name.

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16 Dated:

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Brittany Flores CSR 13460

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