APPEARANCES

BOARD MEMBERS
Mr. John A. Pérez, Chairperson (via teleconference)
Mr. Stephen Kaufman, Vice Chairperson
Mr. Tal Finney
Mr. Carl Guardino (via teleconference)

STAFF
Mr. Michael Kanotz, Staff Counsel
Ms. Susan Lapsley
Ms. Jana Lean, Staff Consultant
Ms. Evelyn Mendez

ALSO PRESENT
Mr. Glenn Spencer, Kern County

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345
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PETERS SHORTHAND REPORTING CORPORATION  (916) 362-2345
VICE CHAIRPERSON KAUFMAN: So I'm going to call the meeting to order, and ask our substitute person to call the roll.

MS. MENDEZ: John Pérez?

VICE CHAIRPERSON KAUFMAN: Not yet present.

MS. MENDEZ: Stephen Kaufman?

VICE CHAIRPERSON KAUFMAN: Here.

MS. MENDEZ: Michael Bustamante?

Tal Finney?

BOARD MEMBER FINNEY: Present.

MS. MENDEZ: Carl Guardino?

BOARD MEMBER GUARDINO: Here.

VICE CHAIRPERSON KAUFMAN: Okay. The first item up is public comment. And I understand that we do not have any cards that were submitted. So let's move to Item number 4, which is adoption of the May 25, 2006 Actions and Meeting Minutes. And do I have a motion to approve the minutes and action items?

Anyone?

Tal.

BOARD MEMBER FINNEY: Sure.

VICE CHAIRPERSON KAUFMAN: Okay, Mr. Finney moves. And, Carl, do we have --

BOARD MEMBER GUARDINO: I'll second.
VICE CHAIRPERSON KAUFMAN: Okay. And all in favor of approving the minutes say aye?

(Ayes.)

VICE CHAIRPERSON KAUFMAN: No opposition, and we'll adopt the minutes.

Okay. Now, let's get to the first item of business, the project documentation plan. And we have one from Imperial County. So, Jana if you could give us a staff report on that.

STAFF CONSULTANT LEAN: Imperial County was unable to attend today. If we have any questions, they are available by phone and we can give them a call. They've submitted a plan to move forward to purchase the AVC Edge, 330 units with the VeriVote Printer, 420 units. And also the Optech 400-C Optical Scan, one unit. Imperial County has secured its new voting system, and the system was used for the first time during the November 2005 special --

VICE CHAIRPERSON KAUFMAN: Okay, John Pérez is now present. John, we have covered the minutes. Jana is beginning to read the Imperial County project documentation plan. And we have Carl Guardino on the phone and Tal and myself sitting here.

CHAIRPERSON PÉREZ: Thank you. Sorry I'm a few minutes late getting on.
VICE CHAIRPERSON KAUFMAN: That's okay. And with your approval, I've been running the meeting.

CHAIRPERSON PÉREZ: I appreciate that. Please proceed.

STAFF CONSULTANT LEAN: I'll continue with Imperial county's project documentation plan. Imperial county secured its new voting system and they used it for the first time in the November 2005 special statewide election. The system that they're using, the AVC Edge DRE's they purchased includes a Voter Verified Paper Audit Trail. Imperial County's project documentation plan meets the requirements for completeness. And the AVC Edge DRE, the VeriVote, the Optech 400-C are certified for use in California.

Imperial county converted from a Datavote punch card voting system. And they considered only upgrading to DRE equipment for their polling places and optical scan for their absentee as they considered it easier for implementation, and they would believe that this would bring them into compliance with the Help America Vote Agent.

With the implementation of this new system during the special statewide election, the county was provided with an opportunity for the elections staff and their voters to experience a full use of all the components of...
the new voting system prior to the June 6th Primary.

Imperial conducted a public relations program in both English and Spanish to prepare their voters for the new system and provided their poll workers with evaluation forms to give them feedback on the new equipment. And the equipment was received well by the county.

Imperial County will only receive VMB payments once they've submitted detailed information for its certified voting equipment.

It is the staff recommendation that Imperial County's project documentation plan be approved and a Funding Award letter be issued in their full allocation of $653,218.33.

VICE CHAIRPERSON KAUFMAN: Thanks. This seems to be a pretty straightforward matter. For those of you on the phone, Imperial County is not here today, but --

BOARD MEMBER FINNEY: It was a long drive and long flight.

VICE CHAIRPERSON KAUFMAN: That's right. Does anybody have any questions for staff on this beginning with you, John?

CHAIRPERSON PÉREZ: No questions.

VICE CHAIRPERSON KAUFMAN: Tal?

BOARD MEMBER FINNEY: No questions.

VICE CHAIRPERSON KAUFMAN: Carl?
BOARD MEMBER GUARDINO: No.

VICE CHAIRPERSON KAUFMAN: Okay. Then does somebody want to move --

CHAIRPERSON PÉREZ: I move approval.

BOARD MEMBER FINNEY: And I'll second.

VICE CHAIRPERSON KAUFMAN: There's a motion to approve the staff recommendation.

Take the roll.

MS. MENDEZ: John Pérez?

BOARD MEMBER FINNEY: John?

CHAIRPERSON PÉREZ: Yes, aye.

MS. MENDEZ: Stephen Kaufman?

VICE CHAIRPERSON KAUFMAN: Aye.

MS. MENDEZ: Tal Finney?

BOARD MEMBER FINNEY: Aye.

MS. MENDEZ: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

VICE CHAIRPERSON KAUFMAN: Okay. The motion passes 4 to nothing. Imperial County will get a Funding Award letter.

BOARD MEMBER FINNEY: Congratulations Imperial County.

VICE CHAIRPERSON KAUFMAN: Next, Item number 6, Kern County. We have a project documentation that represents a change from the original project.
STAFF CONSULTANT LEAN: That is correct. Kern County is coming forward to make a change to the original approved project documentation plan. They have purchased the Diebold AccuVote-TSX with the printers. They have purchased 1,350 units with the Optech -- or sorry with the Optical Scan Central Count, 6 units.

At the December 17th, 2002 meeting of the VMB, the Board approved Kern County's project documentation plan and awarded funding for the reimbursement of the County's purchase of the Diebold TS units and the AccuVote Optical Scan units. The County used this equipment in the March 2004 Presidential Primary Election. Kern County's entire VMB formula allocation equated to $3,401,866.46.

Kern County submitted paid invoices and received reimbursement for their AccuVote-TS units totaling in the amount of $1,123,581.48 of its initial VMB funding award. On March 30th, 2004 Kern County amended their contract with Diebold to purchase the AccuVote-TSx units. On April 30th, 2004, the prior Secretary of State issued orders decertifying the use of all DRE voting equipment in California and specifically banned the use of the AccuVote-TSx. Hardware and firmware voting equipment.

After the decertification, Kern County amended their county with Diebold a second time to supply the
County with non-DRE voting equipment at no cost to the County for all future elections until December 31st, 2006 or until the new DRE units were recertified. On February 17th, 2006 the current Secretary of State certified for use in California the Diebold AccuVote-TSx with the printer, and the AccuVote Optical Scan central count optical count ballot tabulators and other related voting system components.

Kern County used the newly certified AccuVote-TSx with the printers and the AccuVote Optical Scan central count optical scan ballot tabulators for the first time during the June 6th, 2006 Gubernatorial Primary election.

Kern County is requesting that the Voting Modernization Board approve the change to their existing project documentation plan, which incorporates the amendments to their contract and the receipt of the newly certified AccuVote-TSx units and related hardware and software.

It is our staff recommendation that Kern County's change to their approved project documentation plan be approved and a subsequent Funding Award letter be issued in the amount of $2,278,284.98.

VICE CHAIRPERSON KAUFMAN: Okay.

STAFF CONSULTANT LEAN: We do have a representative here from Kern County, Glenn Spencer, if
you have any questions.

VICE CHAIRPERSON KAUFMAN: Okay. Well, we'll have Mr. Spencer come up just for a minute. I wanted to ask 1 or 2 questions of you, Jana.

First of all, I was a little confused when I read this, but I think there's a typo in the staff report.

STAFF CONSULTANT LEAN: Yes.

VICE CHAIRPERSON KAUFMAN: So in the first paragraph, so we authorized the purchase of the TS system?

STAFF CONSULTANT LEAN: That's correct.

VICE CHAIRPERSON KAUFMAN: And the funds were spent on the TS system.

STAFF CONSULTANT LEAN: Correct.

VICE CHAIRPERSON KAUFMAN: Now the funding award that's being requested is the remaining balance of what we originally authorized for the new system?

STAFF CONSULTANT LEAN: Correct.

VICE CHAIRPERSON KAUFMAN: And, Mr. Spencer, is the original system at this point then scrapped or is this an add-on to the original system?

MR. SPENCER: We actually received the TSx unit -- both of the units we actually received. And, at that time, we did not realize that that required a change to the plan. That was an upgraded unit that Diebold had supplied us with.
And then the second amendment we had was to attach the -- to obtain the VVPAT printers for all 1,350 machines. And this was all at no extra cost to the County.

VICE CHAIRPERSON KAUFMAN: So the initial award that we provided was essentially a payment against the overall amount that you ended up spending on all the TSx units?

MR. SPENCER: Correct.

VICE CHAIRPERSON KAUFMAN: Tal, did you have any questions?

BOARD MEMBER FINNEY: No questions.

VICE CHAIRPERSON KAUFMAN: John, any questions?

CHAIRPERSON PÉREZ: I'm okay.

VICE CHAIRPERSON KAUFMAN: Carl?

BOARD MEMBER GUARDINO: None here.

VICE CHAIRPERSON KAUFMAN: Okay. Mr. Spencer, did you have anything else you wanted to add for us?

MR. SPENCER: No, I don't.

VICE CHAIRPERSON KAUFMAN: Just out of curiosity, you said that you used the system in the June election, what was the feedback like from voters?

MR. SPENCER: Actually, the system worked very well. I will say that we did have one problem, but it didn't really involve the units themselves. It was with
the Voter Access Cards and a misunderstanding with the vendor. And some of the older Voter Access Cards were not cleared out prior to the start of the election. And we were under the understanding that they didn't need to be cleared. We thought they'd already been cleared out.

And that was a little bit of a problem in getting the system up and running in several areas in the morning, but that was taken care of very quickly. In fact, your office has already even looked in to that and issuing a report. But that was handled very well and very quickly. And, actually, the system worked like it should, as we found out in hindsight, that a card used in the prior election has to be specifically cleared out. And it will not be able to be used in the current election until it's been cleared out ahead of time, and that's exactly what happened.

VICE CHAIRPERSON KAUFMAN: And you're talking about the card that the voter uses to insert in the terminal?

MR. SPENCER: Correct. So we had -- fortunately, we had enough of the newer cards that were working fine.

VICE CHAIRPERSON KAUFMAN: How do the old cards get cleared out? They get basically run through something that just pulls information out?

MR. SPENCER: Correct. Nothing in the
documentation we had from the vendor had indicated that.
In fact, that was just an unanticipated problem that no
one, including the vendor, had foreseen. And now that we
now about it, we'll make sure they're all cleared out in
the next election.

But the equipment worked fine and people were
very pleased in being able to use it. And we thought it
was a very successfully election from that angle.

VICE CHAIRPERSON KAUFMAN: Good.

MS. LAPSLEY: Can I just -- this is Susan
Lapsley. Can I just add something in anecdotally. The
Secretary of State's Office did do a report. We went down
there and spoke to several people. In all, we spoke to
about a hundred people plus.

One of the main comments that we did get from
people is that when they showed up to the polls and they
were presented with this is what the issue is, you can
vote on paper, but these machines aren't going to up and
running for, you know, an hour or so. We know what the
issue is and we're taking care of it. Most of the
people -- a great portion of the people said, "I want to
vote on these machines. I've been waiting for these
machines. I want to vote on them. And I'll come back."
And it was over and over and over again that's what we
heard. So just from our perspective, that answers, I
think more directly how people reacted to the machines.

BOARD MEMBER GUARDINO: I don't know how it is for others, but it's really cutting out here and I can't hear anything.

VICE CHAIRPERSON KAUFMAN: I'll summarize what Susan said. She said that following the elections the Secretary of State's Office went to Kern County to interview folks who had experience with the new equipment and the problem on election day. And that most voters were very excited about using the new touch screen system. And, in fact, when they showed up and the machines weren't ready, most of them chose to come back later in the day and vote on the machines rather than vote by paper.

BOARD MEMBER GUARDINO: Okay. Thank you for summarizing.

MR. SPENCER: And that is correct. That is our impression, too, from our people.

BOARD MEMBER FINNEY: That's music to the guys from the silicon valleys' ears, you know.

(Laughter.)

VICE CHAIRPERSON KAUFMAN: Well, that's good. We always like hearing positive voting stories.

So very good.

Okay. Does somebody want to --

BOARD MEMBER FINNEY: I'll move approval of the
VICE CHAIRPERSON KAUFMAN: Do we have a second?

CHAIRPERSON PÉREZ: I'll second.

VICE CHAIRPERSON KAUFMAN: Second from the Chair or John.

Okay, do you want to call the Roll?

MS. MENDEZ: John Pérez?

CHAIRPERSON PÉREZ: Aye.

MS. MENDEZ: Stephen Kaufman?

VICE CHAIRPERSON KAUFMAN: Aye.

MS. MENDEZ: Tal Finney?

BOARD MEMBER FINNEY: Aye.

MS. MENDEZ: Carl Guardino?

BOARD MEMBER GUARDINO: Aye.

VICE CHAIRPERSON KAUFMAN: Okay.

Congratulations, Kern

MR. SPENCER: Thank you very much.

VICE CHAIRPERSON KAUFMAN: Okay.

Next, we have Item 7 which is a staff report on the quarterly status reports provided by counties who have not yet received full funding awards.

Go ahead and summarize for us, Jana.

STAFF CONSULTANT LEAN: This item was moved from the last meeting to this meeting. I'm just going to give you a brief overview. You have it in your packets. These
are the responses from the remaining 22 counties, now 21 counties. Ten counties are still remaining to submit the project documentation plans. We have Humboldt, Lake, Madera, Merced, Modoc, Nevada, San Mateo, Sonoma, Trinity and Yolo. With those 10 counties, 6 of them plan to come forward in the next quarter between July and August and September.

There's 2 counties that are unknown at this time when they're going to come forward, but we'll keep an eye on them. We'll ask them again for the third quarter and see where they're at. Eleven counties will be submitting their plans for their next phase. Seven plan to come before the end of the year and 4 are unknown at this time.

We have one county, San Joaquin, who will be submitting a change to the project documentation plan. They will also be coming forward to get reimbursement for the TSx units that now has been recertified.

VICE CHAIRPERSON KAUFMAN: Very similar to what we just saw.

STAFF CONSULTANT LEAN: Very similar to Kern and to San Diego that came forward last time. So we will go ahead and send out the third quarter requests for the counties probably the beginning of July and have that ready for the August meeting.

VICE CHAIRPERSON KAUFMAN: Okay. And I noticed
in going through the list that you mentioned that a couple
of them, Merced and Modoc: Merced obviously has taken
steps to implement new equipment. Modoc is troublesome in
the sense that they're apparently nonresponsive. Is there
any more information for us on Modoc.

STAFF CONSULTANT LEAN: I have personally talked
to Modoc, and they have a very small office. And I'm not
trying to make excuses for them, but they do not know what
they're doing at this time. I do know that the Secretary
of State's Office staff has been in contact with them to
make sure that they become compliant under HAVA, for the
accessibility.

So they will move forward. What they're going to
do is still unknown to them and unknown to us, but we will
continue to have conversations with them.

VICE CHAIRPERSON KAUFMAN: So we're at least in
communication with them.

STAFF CONSULTANT LEAN: Yes.

VICE CHAIRPERSON KAUFMAN: Okay. Thanks, Jana.

Does anybody have any questions on the staff
report?

Okay. Well then with that, I think we're done
for the day.

STAFF CONSULTANT LEAN: I'd like to mention is
the July meeting is July 19th. We will not be able to
hold it in Los Angeles. Staff is just going to be under too many deadlines for that time. But we can look in to holding the August meeting in Los Angeles if that's still a request by the Board?

And I will notify everyone if we find a place to hold it in Los Angeles.

CHAIRPERSON PÉREZ: What date are we looking at in August in, Jana?

STAFF CONSULTANT LEAN: It would be August -- I'm sorry, let me look that up -- 16th.

CHAIRPERSON PÉREZ: I have the 15th.

STAFF CONSULTANT LEAN: That's correct, it's a Wednesday.

CHAIRPERSON PÉREZ: Okay, I ma -- well, let me just raise this issue now about would there be any possibility of having that meeting on August 15th instead of the 16th? I just found out my travel plans for August have changed, and I'm leaving to Israel on the 16th.

STAFF CONSULTANT LEAN: Okay. Well, how about I'll send Emails around to everybody and see what's good for them.

VICE CHAIRPERSON KAUFMAN: Yeah, I may have a problem with the 15th, unless it's in LA?

CHAIRPERSON PÉREZ: Yeah. If it's in LA on the 15th, that will be great. But if you could just maybe
1 poll what the possibility is, that would be great.
2  STAFF CONSULTANT LEAN: I will do that before I
3 send out a notice.
4  VICE CHAIRPERSON KAUFMAN: But the bottom line is
5 the July 19th meeting is a go, but it will be up instead
6 of LA.
7  STAFF CONSULTANT LEAN: That's correct.
8  CHAIRPERSON PÉREZ: And I apologize that I wasn't
9 able to be there in person today. And I thank you, Mr.
10 Kaufman, for chairing the meeting.
11  VICE CHAIRPERSON KAUFMAN: You are welcome. Not
12 a problem. You were missed, however.
13  CHAIRPERSON PÉREZ: Well, I'm raising money for
14 battered women and children today. So hopefully, I made
15 the right decision.
16  VICE CHAIRPERSON KAUFMAN: It sounds like it.
17  BOARD MEMBER GUARDINO: Good job.
18  VICE CHAIRPERSON KAUFMAN: With that --
19  BOARD MEMBER FINNEY: Move to adjourn.
20  VICE CHAIRPERSON KAUFMAN: -- we have a motion to
21 adjourn. I'll just second and assume we have a consensus
22 on that everybody, unless I hear otherwise.
23  BOARD MEMBER GUARDINO: Just a reminder that you
24 don't need a motion to adjourn.
25  (Laughter.)
VICE CHAIRPERSON KAUFMAN: I know.

BOARD MEMBER GUARDINO: Thank you.

BOARD MEMBER FINNEY: Thank you.

(Thereupon the Voting Modernization Board meeting adjourned at 10:56 a.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing Secretary of State's, Voting Modernization Board meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of June, 2006.

JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063

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