

CALIFORNIA SECRETARY OF STATE'S OFFICE
VOTING MODERNIZATION BOARD

In the Matter of:)
)
)
Voting Modernization Board)
Board Meeting)
_____)

VOTING MODERNIZATION BOARD
STEPHEN KAUFMAN, CHAIR
JUNE AWANO LAGMAY
GABRIEL SANDOVAL

SECRETARY OF STATE BUILDING

MP ROOM
1500 11TH STREET

SACRAMENTO, CALIFORNIA

FRIDAY, MAY 31, 2019

10:01 A.M.

Reported by: PETER PETTY

APPEARANCES

VMB MEMBERS:

Stephen Kaufman, Chair
June Awano Lagmay
Gabriel Sandoval

VMB STAFF:

Arman Hirose-Afshari
Jana Lean
Stacey Jarrett
Robbie Anderson
NaKeshia Robinson

PRESENTERS:

Dean C. Logan, County of Los Angeles
Brandi Orth, County of Fresno

PUBLIC COMMENT:

Kim Alexander, California Voter Foundation

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1 P R O C E E D I N G S

2 May 31, 2019 10:01 A.M.

3 MR. KAUFMAN: All right. We're going to call this
4 meeting to order. Welcome, everybody to the meeting of the
5 Voting Modernization Board. It is Friday, May 31st, 10:00
6 a.m., and we are all here from our trip up from Burbank this
7 morning. And so, why don't we go ahead and call roll.

8 MS. JARRETT: Stephen Kaufman.

9 MR. KAUFMAN: Here.

10 MS. JARRETT: June Awano Lagmay.

11 MS. LAGMAY: Present.

12 MS. JARRETT: Gabriel Sandoval.

13 MR. SANDOVAL: Present.

14 MR. KAUFMAN: Okay. Thank you. Good morning,
15 everybody. Thank you for those of you who are here in
16 attendance.

17 Do we have any public comment to begin our
18 proceedings?

19 MS. ALEXANDER: Yes.

20 MR. KAUFMAN: Kim Alexander.

21 MS. ALEXANDER: Good morning.

22 MR. KAUFMAN: Good morning.

23 MS. ALEXANDER: Kim Alexander with the California
24 Voter Foundation. Thank you for having this meeting today
25 and for all the hard work the staff and the counties are

1 doing to upgrade their voting equipment. We know it's a lot
2 to do at once and really appreciate that it's happening and
3 that there's more funding coming from -- hopefully in the
4 next budget from the Governor that we'll provide even more
5 resources for the counties to get the job done.

6 I just want to flag again the issue I brought forth
7 at the last hearing which is the desire for many folks to
8 have access to the publicly-owned source code that Los
9 Angeles County has developed for its voting system.

10 I know that there are some hurdles that have to be
11 overcome for that to happen, but that represents a huge
12 public investment potentially in a different approach to
13 acquiring and developing voting systems.

14 And so, we're very eager to have that and I hope that
15 in future staff reports before this board agrees to award
16 additional funds to L.A., that you will include some --
17 something on the record that will give the public some idea
18 of what the timeline will be for making that source code
19 public -- publicly available to other developers. And also,
20 what hurdles need to be overcome so we all know what we have
21 to do to get to that desired goal.

22 Thank you.

23 MR. KAUFMAN: Okay. Thank you. Okay. The next item
24 on our agenda is the adoption of the March 15, 2019 action
25 items and meeting minutes. Do we have a motion to approve

1 the minutes?

2 MS. LAGMAY: I found no errors or misinformation. So
3 I move adoption of the minutes from March 15th, 2019.

4 MR. SANDOVAL: Second.

5 MR. KAUFMAN: Great. We have a first and second.
6 All in favor?

7 MR. SANDOVAL: Aye.

8 MS. LAGMAY: Aye.

9 MR. KAUFMAN: Okay. No opposition. We can move on
10 from that one. And now let's get to a couple of reports that
11 we discussed at our last meeting on March 15th, a couple of
12 kind of standing items that we will receive reports from as
13 the year progresses.

14 And the first one is a report on the impact of the
15 Secretary of State Notice of Withdrawal of Certification and
16 Conditional Approval of Voting Systems. Do we have an update
17 from staff on those proceedings and how matters are winding
18 its way through the -- their way through the Secretary of
19 State's Office?

20 MS. ROBINSON: Yes. Good morning members of the
21 board and guests. I am NaKasha Robinson with the Secretary
22 of State's Office and the report on the status of Notice of
23 Withdrawal of Certification and Conditional Approval of
24 Voting Systems.

25 Currently our office has under review four various

1 voting systems. One from Dominion Voting Systems, Democracy
2 Suite 5.10, the County of Los Angeles' VSAP Tally Version 2.0
3 or Voting Solutions for All People, Election Systems &
4 Softwares, EVS 6.0.4.2, and Hart InterCivic's Verity 3.1.

5 Since the last meeting, we have some updated numbers
6 on the request for conditional approval for extension of use
7 and where each of the counties stand.

8 As of today, 26 counties have implemented a CVSS
9 certified voting system. Our office received a request for
10 extension on or before April 5th, 2019 from the following 13
11 counties: Amador, Calaveras, Humboldt, Lassen, Los Angeles,
12 Modoc, Orange, San Bernardino, San Joaquin, San Mateo, Santa
13 Barbara, Stanislaus, and Yolo.

14 Nine of the counties made requests as contingency
15 plan should there be any delays to move to a CVSS certified
16 system. Two were asked for clarifying information and the
17 final two were asked to resubmit their request with
18 additional information. The remaining 19 counties are in
19 various stages of procuring a CVSS certified voting system.

20 Some upcoming key dates: August 27, 2019 the
21 withdrawal goes in to effect. However, between August 27th,
22 2019 and February 27th, 2020, election scheduled six months
23 from August 27th shall not be affected by this action.

24 Therefore, any federal, state and county, municipal,
25 district, or school election schedule between August 27th,

1 2019 until February 27th, 2020, may continue to use voting
2 systems not tested and certified to CVSS.

3 Effective February 28th, 2020, voting systems not
4 tested and certified to CVSS may no longer be used except for
5 those jurisdictions that have received a conditional approval
6 for extension of use by the Secretary of State's Office.
7 That concludes my report.

8 MR. KAUFMAN: Okay. Couple questions. On the 13
9 extensions that have been received, you said that there were
10 two that requested -- was it that the Secretary of State
11 requested --

12 MS. ROBINSON: Yes.

13 MR. KAUFMAN: -- clarification of them?

14 MS. ROBINSON: Yes. The Secretary of State requested
15 clarification from those two counties. So in essence we just
16 requested that they provide additional information to support
17 their request.

18 MR. KAUFMAN: Their request for an extension?

19 MS. ROBINSON: Yes.

20 MR. KAUFMAN: Okay. So there were nine you said that
21 basically submitted as a contingency in the event that their
22 proposed system or upgrade does not get certified presumably.

23 MS. ROBINSON: Presumably and/or they are in the
24 procurement process but should, you know, delays happen that
25 they are protected just in case.

1 MR. KAUFMAN: Okay. So there's two that applied for
2 an extension, you're trying to clarify why they applied for an
3 extension.

4 MS. ROBINSON: Not necessarily why they applied, they
5 did not supply enough information for us to make a decision
6 regarding their extension.

7 MR. KAUFMAN: Okay. And then you said there were two
8 others -- there was -- I didn't quite get that --

9 MS. ROBINSON: So okay.

10 MR. KAUFMAN: -- there were two others that there was
11 additional information that was requested?

12 MS. ROBINSON: Let me go over the numbers for you
13 once more.

14 MR. KAUFMAN: Okay.

15 MS. ROBINSON: So 13 requests were received for
16 request for extension. Of the 13, nine did so as a
17 contingency plan. There were two that we requested
18 additional clarifying information from so that brings us to
19 11. And then the final two were asked to resubmit their
20 request for extension with additional information so that
21 brings us to 13.

22 MR. KAUFMAN: Okay. What was the issue with those
23 other two?

24 MS. ROBINSON: Which -- the final two?

25 MR. KAUFMAN: The final two that were asked to

1 resubmit.

2 MS. ROBINSON: They were asked to resubmit because
3 there was not enough information within the request to make a
4 determination to grant the extension or not.

5 MR. KAUFMAN: Okay. Gabe, any questions?

6 MR. SANDOVAL: I'm trying to get a sense, just follow
7 up. Is there a distinction between the first two that there
8 is some effort to seek clarification and the last two that
9 you're seeking information generally?

10 MS. ROBINSON: Yes.

11 MR. SANDOVAL: Can you provide some clarity on that?

12 MS. ROBINSON: Sure. Yeah. So the first two
13 essentially was to just clarify some dates that they had
14 listed, and since we requested that information both have
15 updated us and we -- the responses have been satisfactory.

16 The final two, again, we asked that they resubmit
17 their request entirely in a different format providing enough
18 information for us to reasonable make a determination as to
19 whether or not to grant their request for extension.

20 To date we have received one revised request for
21 extension from one of the counties and we're still awaiting
22 the other.

23 MR. SANDOVAL: Thank you.

24 MR. KAUFMAN: And I'm sorry, and are these four that
25 are kind of having a back and forth, are they on our list of

1 counties who have not submitted all phases and used up all
2 their VMB funding, this list of 16 if you will?

3 I'm just wondering where they are in the process.

4 MS. ROBINSON: Yes. At least one of those counties
5 is listed there.

6 MR. KAUFMAN: Okay. So they're folks we may be
7 seeing down the road.

8 MS. ROBINSON: Yeah.

9 MR. KAUFMAN: Okay. June, did you have any
10 questions?

11 MS. LAGMAY: One just occurred to me. Of the 19 that
12 are in various stages of getting a certification,
13 subjectively are there any that raise a red flag that gives
14 you some worry that, you know, are they on track, they need
15 more nudging than others, anything that, you know, raises a
16 red flag for you?

17 MS. ROBINSON: I would not necessarily classify it as
18 a red flag. There are definingly some who need a wee bit
19 more nudging --

20 MS. LAGMAY: Uh-huh.

21 MS. ROBINSON: -- than others. We have had a few
22 counties that have actively been communicating with us,
23 letting us know that they have been having some difficulty
24 whether with the procurement process and/or making vendor
25 contact, if you will, to procure CVSS certified voting

1 system. So we're actively working with both the county and
2 the vendors to make sure that that transition happens as
3 smoothly as possible.

4 MS. LAGMAY: So you keep that communication -

5 MS. ROBINSON: Yes, absolutely.

6 MS. LAGMAY: -- open. Have you moved, have you
7 moved.

8 MS. ROBINSON: Absolutely.

9 MS. LAGMAY: Okay, thank you. That's all.

10 MR. KAUFMAN: Okay. What's the next event that is
11 scheduled to happen in that process?

12 MS. ROBINSON: So in the process -- so the next event
13 that is scheduled to happen regarding upcoming key dates. So
14 essentially the withdrawal does go into effect on April 27th,
15 but as I mentioned earlier per elections code counties will
16 have six -- essentially a six-month grace period to continue
17 using those systems up until February 27th of 2020.

18 MR. KAUFMAN: Okay. I guess what I was getting at
19 was -- are there more testing or certification dates that are
20 currently --

21 MS. ROBINSON: Oh, yes.

22 MR. KAUFMAN: -- planned that we should know about
23 that are upcoming in the next, you know, between now and
24 August.

25 MS. ROBINSON: So we are actively testing three of

1 the systems I mentioned earlier, Dominion Voting Systems,
2 Democracy Suite 5.10, the County of L.A.'s VSAP Tally Version
3 2.0, and Election Systems & Softwares, EVS 6.0.4.2. Hart
4 InterCivic's Verity 3.1, we received that application roughly
5 about three weeks ago. So it's still in the infant stages of
6 navigating the testing and certification process.

7 I can give you rough estimates of when we estimate to
8 be completed with testing. With the first three systems, we
9 estimate testing to be done -- I'm sorry, with the first two,
10 Dominion System and Election Systems & Software System, we
11 anticipate testing be wrapped up on both of those systems by
12 late summer, early fall. With the County of L.A. system, we
13 expect to wrap up testing on that one sometime mid to late
14 fall.

15 MR. KAUFMAN: Okay. Thanks, NaKasha.

16 MS. ROBINSON: Okay. You're welcome.

17 MR. KAUFMAN: All right. Next, we have -- we kind of
18 just heard a little bit of it, update on the status of L.A.
19 County's VSAP implementation. And we have Dean Logan, the
20 Registrar Recorder from the County of Los Angeles, here with
21 us today. Good morning, Dean.

22 MR. LOGAN: Good morning.

23 MR. KAUFMAN: Thanks.

24 MR. LOGAN: Thank you. Thank you for the opportunity
25 to be here and to give you an update when -- when we were

1 here last, I gave a fairly comprehensive update on the Voting
2 Solutions for All People Initiative in L.A. County. So today
3 I'm just going to touch on a few high points.

4 Things are moving along well. As you heard, our
5 certification application has been submitted and testing has
6 started. So we have a good working relationship with the
7 Secretary of State's Office and their testing authority on
8 their ongoing meetings and schedule that's being established
9 on that. So everything seems to be aligned timewise and all
10 the documentation for that has been submitted. So that is in
11 good shape.

12 The manufacturing of the hardware and the code freeze
13 on the software for the system are both on track with the
14 schedule that I presented here last time as well. So we
15 expect to be receiving test units from our manufacturing
16 vendor within the next month which will aid with the
17 Secretary of State's testing but we will also, as I mentioned
18 last time we will also be doing third-party testing of that
19 equipment as well. So next time I come I should be able to
20 report to you on some of the results of that testing.

21 There was a feature story on NBC Nightly News in
22 early May on the project in LA County and then that was
23 followed up by a segment this week about -- that relates to
24 the California certification issue that you were just
25 discussing. So we are getting a lot of coverage both here in

1 the State of California but nationally on the model. I think
2 the particular interest there is the element of public
3 ownership and the open source nature of our system. So I'll
4 talk about -- a little bit of that before I conclude my
5 remarks.

6 But upcoming things we also, we're approved I think
7 this happened after our last meeting. We were approved by
8 the Secretary of State to -- under the provisions of Senate
9 Bill 360 to conduct a pilot, a small pilot use of the
10 equipment -- components of the new system during the November
11 2019 election. So that is a provision in the law that allows
12 for a limited pilot prior to certification. That is mainly,
13 I would make the distinction between efforts to educate the
14 public and show the new model of the solution which is an
15 ongoing effort. And that the pilot is really more about our
16 ability to test in the real time environment the hardware or
17 the e-poll book components in a live election.

18 So while we will be doing that in November in a
19 limited capacity, we'll be doing that in the traditional
20 polling place model. We won't be doing that in the Vote
21 Center Model that will take place in March 2020 when the full
22 system is implemented.

23 A couple of notes to respond to Kim Alexander's
24 public comment. I appreciate the interest in the sharing of
25 the solution and that is one of the benefits and one of the

1 goals of L.A. County's project is to do this because it's
2 publicly owned, is to expand the market and make components
3 of our system available and applicable to other
4 jurisdictions.

5 Couple of things that I think are important to note
6 on that. One is we first have now, especially now that the
7 Legacy System's have been decertified, in California, our
8 first and foremost obligation is to get this implemented and
9 do it right in L.A. County. So that obviously is the focus
10 of our resources and our time.

11 However, because it is the first publicly owned
12 voting system that it -- I will say will be certified in
13 California, and because there is interest in that, we
14 definitely have that in our project plan. I have established
15 and sent invitations to a group of stakeholders and people
16 with expertise in this area to establish an open tech working
17 group that will look at that, look at issues of the licensing
18 of the open source software, look at a government structure
19 for the publication and the sharing of that software in the
20 context of the security layer that's necessary in the
21 elections environment and also, layered against the process
22 for certification of voting systems in California.

23 So that works ongoing. I don't have a specific
24 timeline on that. I will say, I think it's important in the
25 context of this meeting to say, I don't believe that there is

1 any obligation on L.A. County's part linked to the funding
2 from Prop 41 that's allocated to L.A. County associated with
3 the sharing of that software. I mean, I think our use of
4 that Prop 41 funding is to provide a replacement voting
5 system for L.A. County.

6 So I'm happy to continue to report on that. I just
7 want to be clear on the record that I don't think there's a
8 linkage to that in terms of funding allocation going forward.

9 Beyond that -- so that's the stuff that's specific to
10 the voting system project in L.A. County. Obviously, there
11 is a parallel effort in our project that -- to implement the
12 voter's choice act elements of that which is moving to the
13 Vote Center Model in the L.A. County, specific Vote Center
14 Model that was passed in the Voter's Choice Act.

15 So to that end we are mid-way through a second round
16 of community meetings where we are meeting in geographic
17 areas throughout L.A. County to both educate the public about
18 the new model and the new system, but also to get there
19 feedback on best locations and issues of accessibility and
20 kind of the environment in which voters would prefer to see
21 this implemented in.

22 Those meetings are going extremely well. I would say
23 on average we have between 40 and 60 attendees at each of
24 those meeting. They are robust discussions and I think that
25 that process is playing out very well for us.

1 Similarly, we have teams going out to -- we have over
2 2,000 potential Vote Center locations that have been
3 identified through these community meetings and we are in
4 process now of sending teams to assess those for meeting
5 accessibility requirements and also meeting the electrical
6 requirements that will be necessary for those Vote Centers.

7 So as those -- that's kind of happening on a rolling
8 bases as we complete those processes. We're also obtaining
9 letters of commitment from those facilities so that we can
10 lock those facilities down for the March and November 2020
11 elections.

12 And I guess, final thing I will mention -- well,
13 maybe two final things I'll mention. One is that in addition
14 to the pilot that I talked about already, we will conduct a
15 mock election -- a two-day mock election in September over a
16 weekend where we will open 50 Vote Center sites with the new
17 equipment, and we will have a -- use that as an opportunity
18 to educate the public about the new process and to
19 demonstrate what that new voting experience will be like in
20 L.A. County.

21 We have an ambitious goal in that over the two days
22 we hope to engage over 100,000 people in L.A. County in that
23 process so efforts are in place to do that now and we will
24 certainly be sure that your board is informed of that and
25 given the opportunity to attend and participate that -- in

1 that as well.

2 Following that from the conclusion of the mock
3 election at the end of September through the end this
4 calendar year, we will then have a traveling demonstration
5 center that will go throughout the County of L.A. to
6 community meetings and locations and set up to allow voters
7 to come in and see what this is like and get familiar with
8 prior to the March election.

9 So a lot of activity going on. I think you're going
10 to see, because you're all in the L.A. area, you're going to
11 see increased media attention on this. We're excited about
12 it and especially the new development with the fact that our
13 Legacy voting system, and I think that this is important to
14 be on the record too that if you recall one of the main
15 drivers of this project, over a decade ago, was following an
16 assessment that determined there was not a system available
17 on the market that was certified for use in California that
18 could meet the needs in L.A. County. There was nothing that
19 had the capacity for our jurisdiction, given the size of the
20 jurisdiction, the diversity of the jurisdiction, and the
21 needs of our voters. That's what started this process.

22 Now we layered on that -- we now have that Legacy
23 system that we've been using in the interim process is now no
24 longer certified as you heard in the staff report. And two
25 factors that I think -- I don't want to be overly sensitive

1 on this but I think two factors that ought to be on the
2 record given the dialog that just took place about whether or
3 not counties are being nudged or moving fast enough. I just
4 want to be sure that everybody knows that that notification
5 of the decertification happened within the year of the March
6 2020 presidential primary and the procurement of a voting
7 system is not a simple process and is a time-consuming
8 process. Additionally, when we started this process the
9 presidential primary was in June so our project plan lost two
10 months of time in that process too.

11 So I don't say that as a complaint, I say that as
12 context that speaking for L.A. County and also speaking for
13 my colleagues around the state who are in similar situations
14 where they face the need to replace their Legacy voting
15 systems and desire to do that, that they are on fast track to
16 do that. And so there's a lot of coordination and
17 cooperation going on across the state. Thank you.

18 MR. KAUFMAN: Thank you, Mr. Logan. I have just a
19 couple quick follow-up questions. When is this September
20 mock election? Do you have those dates?

21 MR. LOGAN: I believe it's September 28th and 29th.
22 It's a weekend so if those are Saturday and Sunday, those are
23 the right dates.

24 MR. KAUFMAN: Okay. Close enough. And with respect
25 to the pilot project in the November elections, how many

1 municipalities in L.A. County have November elections? I'm
2 aware of a couple. But.

3 MR. LOGAN: Yeah, great question. We actually won't
4 know the final number of jurisdictions that are in that
5 election until 88 days prior to that election. Because of
6 the election consolidation, most cities in L.A. County have
7 now consolidated in even your -- it's a very small number of
8 jurisdictions. Right now, it looks like about a dozen
9 jurisdictions probably eight or nine of those which are
10 cities polling their municipal election.

11 So under the provisions of the pilot we will work
12 with those jurisdictions to decide where we are going to
13 conduct the pilot and there are very specific requirements in
14 the law in terms of the -- a limit on the number of pieces of
15 equipment that can be used in that and also the auditing
16 requirements. There's a requirement for a risk limiting
17 audit and/or I guess one form of a risk limiting audit would
18 be just simply to hand count all the ballots in that
19 particular pilot as well.

20 So there are provisions to ensure the integrity of
21 the election despite that it's being done in advance of
22 certification.

23 MR. KAUFMAN: Does the county run all of those
24 elections in November or?

25 MR. LOGAN: Yes.

1 MR. KAUFMAN: I mean, apart from the pilot program?
2 The county handles all -- is at this point is handling all of
3 those municipal elections.

4 MR. LOGAN: That's correct. All of the elections in
5 L.A. County for November will be conducted by our.

6 MR. KAUFMAN: Okay. So it's possible that some will
7 be -- well it's not possible it will happen that some of them
8 will be conducted on the Legacy system and some of them will
9 be conducted on the new system?

10 MR. LOGAN: Absolutely, and it's even possible and I
11 think in fact probable that even where we are using, you
12 know, the new equipment there will be some of the votes cast
13 on the Legacy system and some cast on the new equipment.

14 MR. KAUFMAN: But you will treat a polling place as a
15 Vote Center would be treated essentially? You're not going
16 to have two -- would you have voting two weeks in advance at
17 the polling places?

18 MR. LOGAN: No. No, this will be -- the pilot will
19 take place on election day --

20 MR. KAUFMAN: In those.

21 MR. LOGAN: -- in a selection of polling places.

22 MR. KAUFMAN: Okay. Thanks. Anybody else?

23 MS. LAGMAY: I have an observation. I was -- I'm
24 excited for your community outreach meetings. I got the
25 letter in the mail of one in my area in Monrovia, California

1 on June 6th at the Second Baptist Church so I do intend to
2 drop in on that.

3 At these meetings have you sensed a pattern of what
4 the most positive feedback comments have been as well as the
5 most negative ones? Are they kind of pooling into two basic
6 areas?

7 MR. LOGAN: Yeah. As I was talking to my colleague
8 from Fresno County about that at the beginning of the
9 meeting. There's definitely a pattern at these meetings. I
10 think that they -- not surprising that the draw to these
11 meetings are people who are engaged and passionate about the
12 elections process. So while the focus of these meetings, at
13 least in L.A. County, are really about the Vote Center
14 placement project, identifying good locations for the Vote
15 Centers, it's not unusual for people to show up with other
16 questions about the elections process. Again, not surprising
17 given what we read daily in the news about the elections
18 process. So we have found that we need to be really clear in
19 our communication about the purpose of the meeting and
20 covering that issue and then allowing for additional dialog.

21 So some of the issues that come up are things that
22 are legislative issues so there are a lot of questions about
23 voter identification and the legal requirements for voter
24 eligibility there's quite a bit of dialog on that.

25 Specific to the Vote Center model, to your point

1 about what are the more -- the most positive feedback we're
2 getting, I think is the recognition of the extended voting
3 period of moving away from a single day of voting and
4 providing the opportunity for people to have the flexibility
5 to go to the Vote Center of their choice rather than being
6 limited to a particular location.

7 And the last one which I particularly enjoy is a
8 little bit of inside baseball but it's also not surprising
9 that a lot of poll workers come to these meetings and they
10 have two things that they're interested in. One, are we
11 still going to employ poll workers? And two, when they learn
12 about the data that shows that the provisional ballots drop
13 significantly as a result of this model, their support for
14 this model goes up substantially.

15 MS. LAGMAY: Very interesting. Very interesting.
16 Thank you.

17 MR. KAUFMAN: Gabe, anything?

18 MR. SANDOVAL: Good.

19 MR. KAUFMAN: Okay.

20 MR. LOGAN: Thank you.

21 MR. KAUFMAN: Thank you, Mr. Logan we'll see you
22 again in a couple minutes.

23 All right. Let's go to item six on our agenda which
24 is the Staff Report on Future Reimbursement Requests. An
25 item that will become even more important as the year goes on

1 and we start to see some of the folks who are now gearing up.
2 So Robbie.

3 MR. ANDERSON: Good morning, everybody. My name is
4 Robbie Anderson, I'm the staff attorney to the VMB and I'm
5 going to do the report on the memorandum that was issued on
6 May 28th which is Guidance on Future Reimbursement Requests.
7 And the purpose of the memo was to provide guidance to the
8 VMB by clarifying which county expenditures are authorized
9 for reimbursement under Elections Code Section 19254(c)(3).
10 Numerous counties have inquired as to whether particular
11 expenditures would be considered reimbursable from the funds
12 administered by the board.

13 Specifically, there are three questions in the memo:
14 1) can a county that has previously been reimbursed by the
15 VMB for a new voting system be reimbursed for the purchase of
16 another new voting system, 2) can a county that has been
17 reimbursed by the VMB for a new voting system be reimbursed
18 for the purchase of voting equipment to expand their existing
19 system, and 3) can a county that has been reimbursed by the
20 VMB for a specific piece of voting equipment be reimbursed
21 for the purchase of a replacement of that same equipment?

22 And in addition, we will identify some examples of
23 equipment that would expand an existing system or would be
24 deemed a component that would be subject to reimbursement by
25 the VMB.

1 Since the inception of the VMB, 34 counties have used
2 their entire allocated VMB funds to purchase new voting
3 systems and voting equipment. 16 counties have not been
4 reimbursed by the VMB for a new voting system. These 16
5 counties can come forward at any time for reimbursement for a
6 new voting system. The remaining 8 counties have been
7 reimbursed by the VMB for a new voting system but still have
8 remaining VMB funds from their original formula allocation.
9 And those 8 counties that we're focusing on in the memo are:
10 Calaveras, El Dorado, Humboldt, Mendocino, Nevada, Solano,
11 Tulare, and Ventura.

12 Voting systems and related technologies have evolved
13 significantly since the establishment of the VMB in 2002.
14 The Secretary of State has received questions from counties
15 that previously have been reimbursed by the VMB for a new
16 voting system. And specifically, they have inquired as to
17 whether they can request their remaining funds for new voting
18 technology that will expand the functionality and
19 capabilities of their existing voting system.

20 And as we discussed earlier, the Secretary of State
21 has ordered the withdrawal of certification and conditional
22 approval of certain older voting systems that did not meet
23 California voting system standards.

24 In the effort to purchase new systems or expand the
25 capabilities of their current systems to meet California's

1 certification requirements, the Secretary of State
2 anticipates that those 8 counties will seek reimbursement
3 from the VMB to help pay for their new voting technology.

4 So due to these factors, the intent is to provide a
5 recommendation to the VMB on how the remaining funds can be
6 used to reimburse counties for purchases of voting equipment
7 that will expand their existing voting system.

8 Section 19254(c) (3) provides the following as one of
9 the elements that VMB must contemplate prior to authorizing
10 reimbursement to a county. So (c) (3) states: The County has
11 not previously requested fund money for the purchase of a new
12 voting system. Applications for expansion of an existing
13 system or components related to a previously certified or
14 conditionally approved application shall be accepted.

15 That section does not expressly define the reference
16 to expansion of existing system or components. So we looked
17 at the language of the statute and so the language expansion
18 of an existing system is clear and then it relates to an
19 existing voting system.

20 Section 19254(a) broadly refers to issuing bonds for
21 the purpose of updating voting systems. So if a county has a
22 voting system in place and additional equipment is available
23 to enhance the efficiency of the system and/or to provide
24 additional services to the voters throughout that equipment,
25 Section 19254(c) (3) provides the VMB with the authority to

1 reimburse a county who purchases that equipment.

2 The purpose of Proposition 41 was to assist counties
3 in the purchase of modern voting equipment. And is likely
4 that the legislature chose to include the terms expansion of
5 an existing voting system knowing that at the time some
6 counties had recently purchased a voting system that may need
7 financial assistance for the purchasing of additional
8 equipment that would enhance efficiency in voter services.
9 The included language provides the VMB with the authority to
10 determine which expenses could be properly be reimbursed.

11 So getting back to the three questions. So the first
12 question, can a county that previously had been reimbursed by
13 the VMB for a new voting system be reimbursed for the
14 purchase of another new system? That answer is no, under
15 Elections Code Section 19254(c)(3).

16 And question two which is most pertinent here today,
17 can a county that has been reimbursed by the VMB for a new
18 voting system be reimbursed for the purchase of voting
19 equipment to expand their existing system? And the answer to
20 that is yes. Section 192545(c)(3) does not provide any
21 express limitation for the reimbursement of an expansion of
22 an existing voting system to a county who has already been
23 reimbursed for a new voting system. If a piece of voting
24 equipment is a reasonable expansion, of the county's overall
25 voting system solution, reimbursement is proper.

1 And the third question regarding whether or not a
2 county can -- who has been reimbursed for a specific piece of
3 equipment be reimbursed for the purchase of a replacement of
4 that same equipment? The answer to that is no. For example,
5 if county X was reimbursed for a ballot sorter in 2012, but
6 that sorter no longer functions properly, the VMB may not
7 authorize reimbursement for that new ballot sorter.

8 And so now we get into the compon -- voting systems'
9 expansion and components. And voting systems typically
10 consist of the following: client workstation or server, a
11 stand-alone workstation, a precinct scanner for tabulation,
12 central scanner for tabulation, election management system
13 software which can have many functions such as ballot layout
14 or election programming, tabulation software, ballot marking
15 devices, adjudication software, ballot on demand workstation
16 and printer, and external supporting peripherals that are not
17 subject to certification, which include keyboards, mice,
18 printers, network switch, various cables, accessibility
19 devises such as sip and puff, jelly switches, or other
20 external controls, carrying cases for polling place
21 equipment, ballot boxes, accessibility tables, and printer or
22 ink cartridges. The item listed just now in their entirety
23 or combination of make up a voting system.

24 But in addition to those items, in the electronic
25 poll book or e-poll book and Remote Accessible Vote by Mail

1 System or RAVBM are components that work with the county's
2 overall voting solution. An e-poll book is required for
3 counties who conduct elections using Vote Centers and all
4 counties are required to offer RAVBM, voting for voters with
5 disabilities, and military or overseas voters.

6 Both of these pieces of voting technology should be
7 considered by the VMB as an expansion of an existing voting
8 system that is reimbursable.

9 The Secretary of State's Office has certified e-poll
10 books and RAVBM systems for use in California.

11 Back in 2014, the VMB authorized reimbursement to a
12 county for an automated vote by mail sorting scanning system
13 and ballot on demand printers. Although neither of these
14 items were certified by the Secretary of State's Office, the
15 VMB considered these items a valid expansion to the counties
16 overall voting system solution. And found the expansion to
17 be in line with the spirit of the Voting Modernization Bond
18 Act of 2002.

19 And the -- so it should be noted that while
20 reimbursement to the counties by the board is limited, the
21 voting system replacement funds provided in last year's state
22 budget is very broad.

23 Newly enacted Elections Code Sections 19400 and 19402
24 allow counties to use their allocated funds for a variety of
25 items and services that cannot be reimbursed by the VMB.

1 So in conclusion, it is our recommendation that the
2 VMB consider approving any future expansion requests for
3 reimbursements for voting technology and/or equipment as part
4 of the county's overall voting system solution because such
5 reimbursement does not go beyond the scope and intent of the
6 bond measure approved by the voters of California and is in
7 line with the spirit of the VMB Act of 2002.

8 MR. KAUFMAN: Thank you, Robbie. I have a few
9 questions.

10 MR. ANDERSON: Okay.

11 MR. KAUFMAN: And I want to really take some time on
12 this issue because I think we need to be really clear moving
13 forward about what we're able to do and what we may not be
14 able to do.

15 So there have been county -- a number of counties and
16 some who are here today who have implemented systems in
17 phases and we have awarded funding for one phase of a system
18 and then down the -- for example, polling place system, and
19 then down the road we've awarded funding for a vote by mail
20 system. And that has all, I guess, either falls in the
21 category of one entire system that's being approved in phases
22 or perhaps an enhancement of something that we've done
23 previously. Is that the -- basically the logic that
24 underlies --

25 MR. ANDERSON: Yes.

1 MR. KAUFMAN: -- that methodology? But if we were to
2 -- or if we did award funding five years ago to a county to
3 implement a vote by mail system, and they now have a better
4 vote by mail system that they want to implement, if they're
5 replacing that equipment essentially, we're not authorized to
6 do that?

7 MR. ANDERSON: No. That was the question three, we
8 think that's in line with purchasing a new voting system.
9 You've already been reimbursed for it. The intent was to,
10 you know, provide funds for new equipment not replacement
11 equipment.

12 MR. KAUFMAN: But it's --

13 MS. LAGMAY: Newer.

14 MR. KAUFMAN: Yeah, I mean, if it's a new way of
15 dealing with an old issue, is that viewed as a replacement?

16 MR. ANDERSON: We would have to look at the old
17 system compon -- you know, components of what it did and then
18 look at the new equipment and see if it's different or if it
19 expands. So we would have to look at that individually.

20 MR. KAUFMAN: I mean, if we have a situation where
21 there's a, I don't know, some kind of tabulator that
22 provides, I don't know, new functions when tabulating the
23 votes but it's, I don't know, how do you say this? I guess
24 the question is that replacing something that was there
25 before or is it a new type of, you know, mechanism that's

1 going to provide an enhancement and added functionality to a
2 system?

3 MS. LEAN: So that is the discretion of the board to
4 determine that. However, we think that it's pretty clear in
5 the Voting Modernization Bond Act that they do put that
6 specifically that you shall not be reimbursed for a second
7 system essentially, right?

8 And so I think the thought pattern of the staff is
9 that if you were purchased for that specific equipment
10 before, that under the bond act it wouldn't be able to be
11 authorized.

12 MR. KAUFMAN: Okay. As distinguished from the
13 scenario that I described which is, you came to us before for
14 a polling place system and now we're reviewing the next phase
15 of your submission which is for a vote by mail system.

16 MS. LEAN: So there are 16 counties that can come
17 forward who have had a phase before. They've come forward
18 for one part -- one part of the voting system not the
19 complete package.

20 MR. KAUFMAN: Right.

21 MS. LEAN: And so that's how we distinguished it in
22 the staff report. So if a county came forward just for
23 accessible units which quite a few counties did back --
24 starting in 2002, right.

25 MR. KAUFMAN: Yes, I remember.

1 MS. LEAN: Do you remember that? And so they came
2 forward with that but they didn't replace their entire system
3 which is what Fresno County's here today. Because they
4 replaced a portion of their system but not their entire
5 system. So we feel --

6 MR. KAUFMAN: And to be clear, they came to us then
7 because they needed to meet a certain federal requirement.
8 So it was this little piece of what they were adding on to
9 whatever they had at the time.

10 MS. LEAN: Correct. Correct. And as you know over
11 the years there's been many different secretaries and many
12 different certification statuses. So there -- it depends on
13 what year you're in and what Secretary you have on what is
14 certified and what is not certified for use.

15 So there's been a lot of expansion from the board and
16 I know you've been around from the beginning and thank you
17 June and Gabriel for being here now because we do appreciate
18 this. But with this -- I think what we want to come forward
19 with for the staff report and the reason why we put this
20 together is we do see a need that counties absolutely need
21 access to funding. But we do want to go within the spirit of
22 the law and so that's why we're here giving a recommendation
23 to make sure we're within that spirit and not going beyond
24 it.

25 MR. KAUFMAN: Yeah. I can assure you speaking on

1 behalf of my fellow boards members that we do want to go
2 within the spirit of law. That should first and foremost
3 guide our actions here as much as we want to be helpful and
4 give away money to counties who are trying to do the right
5 thing, we do have to do things within the parameter of the
6 statutes that give us the ability to be here.

7 But we are -- the reality is we are going to have
8 funds at the end of the day, we think, on the table, you
9 know, once folks have kind of come through here for their
10 first bite of the apple. It seems or at least the premise
11 always was that there would be funding on the table that will
12 have to be reallocated.

13 So, yeah, I think these issues will become
14 increasingly important as people are kind of looking for that
15 remaining funding and we're looking to figure out a way to
16 give it out.

17 I did -- and then I'll turn to my fellow board
18 members, I did want to ask not to pick on Alameda, but given
19 that I just had read your memo and then I read the Alameda
20 request which is to replace their prior system, how do we
21 reconcile that with what you just presented us as the mandate
22 of the statute? And does their settlement in the fact that
23 they're kind of tapping into money that was theirs and then
24 kind of taken back change that scenario?

25 MS. LEAN: So it's a -- in our opinion it's a little

1 bit of different scenario. So we're going to get into that
2 staff report in a moment. Unfortunately, Alameda County is
3 not here today. The person who was planning to be here is
4 their assistant registrar, she had a little bit of an
5 emergency procedure she had to go so she was unable to be
6 here today.

7 However, so Alameda County in that settlement
8 agreements, if we can go back in time a little bit, they --
9 they're one of the first counties to get reimbursed from the
10 Voting Modernization Board back in December of 2002. They
11 came forward because they bought a system. Turns out the
12 whole lawsuit that was discussed a little bit in the staff
13 report was -- there was a vendor who sold them a piece of
14 equipment that wasn't in fact certified. So what happened
15 was, they did purchase that they ended up not being able to
16 use it completely because it was not certified, they had to
17 come back and get it certified.

18 So through this whole agreement, there was a small
19 portion of money that needed to be reimbursed back to the
20 Voting Modernization Board because of that. So once they got
21 certification, it was fine they could use the equipment. But
22 with going through this whole lawsuit that went on for many,
23 many years it was determined that those funds should be
24 returned back to the Voting Modernization Board. So
25 specifically, for the equipment that they didn't get

1 reimbursed for.

2 So we think it's a little bit of a different scenario
3 than this analysis but it could be deemed the same, I mean,
4 it is a judgment call.

5 MR. KAUFMAN: And I was a little bit confused by it
6 and again I don't want to jump ahead too much to Alameda but
7 it's a topical point here in the context of the memo. And I
8 want to clarify, there was a lawsuit that resulted in a
9 refund because that system wasn't certified although the
10 report seemed to suggest that -- was it the same system that
11 was in place or another system that was in place that was
12 kind of aging and now required replacement?

13 MS. LEAN: So their original system if I go back, I
14 believe that was the Sequoia system. If I --

15 MR. KAUFMAN: Yes.

16 MS. LEAN: -- I got to go way back in my memory.

17 MR. KAUFMAN: Well, that was what was in the staff
18 memo.

19 MS. LEAN: Okay. Well, I didn't write the staff
20 report but, thank you. So if we go back then, that equipment
21 didn't necessarily fulfill all the requirements of HAVA.

22 So they did come forward and say, hey we got to get a
23 new system, so they came forward with that new system.

24 However, one of the components that was in the system that
25 they bought by Diebold, had, I believe, ranked choice voting

1 attached to it that wasn't in fact certified at that time,
2 but they purchased it and it was going to be placed into use
3 even though it wasn't certified by the Secretary of State's
4 Office. Which is something that under all Secretary of
5 State's has been an absolute requirement.

6 So it started this whole long, very long process of
7 them having to - one, I believe the vendor had to give them
8 back money for the equipment, they had to go back and get it
9 certified, then they could use it. So it was a whole long
10 process, it was quite a few years ago but they did get funds
11 and it's in its own separate account in the Voting
12 Modernization Fund just for that specific purpose. So I
13 believe that was the thought pattern in the staff report is
14 because it was allocated directly to them in it's own
15 separate fund that was reimbursed that they would still be
16 authorized to have that money.

17 MR. KAUFMAN: Even though it's for a newer system?

18 MS. LEAN: For a newer system, correct, sir.

19 MR. KAUFMAN: And Robbie, do you have a -- any
20 thoughts you want to add on that given that you were the
21 author of your memo?

22 MR. ANDERSON: No, as Jana said, you know, that they
23 basically they gave the funds back to the VMB so they were
24 really never reimbursed for the new system. So now they're
25 coming forward for a new system I think that's okay because

1 they weren't previously reimbursed for a complete new system.

2 MR. KAUFMAN: I don't want to be -- I don't want to
3 over lawyer this but we have had issues in the past when
4 we've done things that may be questionable on the statute and
5 I did note with interest that the statute doesn't actually
6 say, that a county has been reimbursed for the purchase of a
7 voting system. But it says, the county has not previously
8 requested fund money for the purchase of a new voting system.

9 So I'm just throwing it out there how this fits into
10 that. I don't want us walking out on a tightrope at all if
11 we think it's going to present an issue. So and I'm
12 completely understanding and appreciative of this situation
13 with Alameda but I want to make sure we're doing things
14 within the parameters of the statute.

15 So we can revisit it when we get to Alameda or we can
16 take another look at that but I just want to be sure we're,
17 you know, on strong grounds if we do this. And I understand
18 it's a unique situation, they gave money back that we gave
19 them in the first place so it should be kind of, you know,
20 opportunity to start over again but I'm just looking at the
21 language.

22 MS. LAGMAY: Mr. Chair, are you addressing the fact
23 of protecting the actions of the board in case there is a
24 challenge from another county that says, well you gave it to
25 them.

1 MR. KAUFMAN: Another county or otherwise I just want
2 to make sure that we're, you know, --

3 MS. LAGMAY: Defensible.

4 MR. KAUFMAN: -- taking appropriate actions that are
5 defensible --

6 MS. LAGMAY: Defensible.

7 MR. KAUFMAN: -- under the statute.

8 MS. LAGMAY: Got it.

9 MR. SANDOVAL: I agree with my colleagues. There has
10 to be some clarity as to whether or not this is within
11 parameters of the law as drafted and there is obviously an
12 intent to be within the spirit of the law but that is
13 insufficient if there's a challenge. Where within the spirit
14 of the law it is also supported by legislative history in a
15 way that we feel comfortable about what direction we're
16 taking. We are here to be responsible and also ensure that
17 whatever we do, even though we're all focused on insuring
18 that voting machines are modernized throughout the state, but
19 that we do that within the law.

20 MS. LEAN: Understood. So with that in mind it's
21 kind of -- it's the next report. We can hold that over to
22 the next meeting if you'd like, so we can do some more
23 clarification on that.

24 MR. KAUFMAN: Yeah. I think that might be a good
25 idea particularly since Alameda's not even here. Does this,

1 I mean, it's not -- I know we have other meetings that are on
2 calendar we're trying to keep this process moving
3 particularly at a time when counties are trying to get their
4 systems in place and prepared for March. But are we
5 imperiling anything at this point or they're pretty well in
6 place one way or the other?

7 MS. LEAN: Well, I think we should have a complete
8 clarity for the board to make a decision so we'll hold it
9 over.

10 MR. KAUFMAN: Yeah. I think that's the right thing
11 to do. Are there other questions that my fellow board
12 members have of staff regarding the memo putting aside the
13 Alameda issue?

14 MS. LAGMAY: Yeah. What I took away from this is
15 that there's no such thing as buyer's remorse on the use of
16 the VMB funds. And the second thing is, I totally agree with
17 my fellow board members that we want to stay within the
18 parameters of the law -- the challenge in the background
19 however though is technology is evolving so darn fast,
20 exponentially fast, and what you put into place on -- in
21 January is completely overwritten by February. So I just
22 want to bring that to the front of our minds that that's the
23 challenge that we're facing here -- part of it.

24 MR. SANDOVAL: And in terms of the memorandum it
25 seems as if the last section that you address is what could

1 be perceived as part of the expansion and not necessarily run
2 afoul of how this money can be used. Has there been any
3 concerns raised externally suggesting that this perhaps would
4 still be problematic from outside groups or any other
5 individuals?

6 MR. ANDERSON: Not that I'm aware of.

7 MR. SANDOVAL: Okay. And then another question that
8 I have is, what is the shelf life of a voting system just as
9 a general matter? Because it seems that there's multiple
10 upgrades or ever-changing evolving items of concern or
11 efficiencies or whatever the case may be. So just as a
12 general educational request, what is the shelf life of a
13 voting system these days?

14 MS. LAGMAY: Maybe Dean could answer that.

15 MR. SANDOVAL: Or anybody.

16 MS. ROBINSON: I'm not sure that there's a right or
17 wrong answer to that. Right now, we know what the Legacy
18 systems, I mean, most folks are operating on roughly 15- to
19 20-plus-year-old technology. And as -- remember June
20 mentioned earlier, you know, you put something in place today
21 tomorrow it's obsolete so essentially as long as the thing
22 can keep on ticking it, you know, you can use it unless other
23 actions determine otherwise.

24 MR. KAUFMAN: And let me just interject. I don't
25 think anybody anticipated when the statute was written that

1 we'd be sitting here 18 day -- 18 years later still
2 contemplating applications for funding. So this whole notion
3 of not replacing an existing system when you think of how
4 many iterations we've gone through and how many different
5 certification requirements have come and gone in the years
6 since, you know, personally speaking I'd be happy to award
7 funding that a county still has sitting on the table for
8 replacement system if that's what they need to do or want to
9 do at this point.

10 But we're kind of bound by what we're authorized to
11 do and I think that's what we're talking about here. But, I
12 mean, it's almost inconceivable that any of the counties
13 haven't updated their systems or changed their systems in the
14 last, almost couple decades since this statute passed for
15 reasons not entirely within their control.

16 MR. SANDOVAL: Right.

17 MR. KAUFMAN: So, we empathize with all of you
18 counties out there that are trying to do the right thing. We
19 just want to make sure we're going at it in the way that
20 we're permitted to do it.

21 MR. SANDOVAL: Agreed.

22 MR. KAUFMAN: All right. We will -- we will have
23 further conversation about this and Robbie, perhaps you and I
24 can have an offline conversation at some point --

25 MR. ROBINSON: Sure.

1 MR. KAUFMAN: -- as well. But, yeah, we'll table
2 Alameda and take a look at that issue particularly.

3 Okay. Thank you for your memo -

4 MS. LEAN: I have one -

5 MR. KAUFMAN: -- by the way, thank you -

6 MS. LEAN: -- one more -

7 MR. KAUFMAN: for your work on that.

8 MR. SANDOVAL: Yeah, thank you.

9 MR. ROBINSON: You're welcome.

10 MS. LAGMAY: Mr. Chair --

11 MS. LEAN: So would you like this to be brought to
12 the next meeting so that we can talk about it and perhaps we
13 can take a look at it and perhaps have a vote on what we --
14 what you guys would think would be appropriate?

15 MR. KAUFMAN: On the policy itself as opposed to its
16 application to a particular county?

17 MS. LEAN: Yes, sir.

18 MR. KAUFMAN: Yeah, I mean, I did note -- I know you
19 guys were, I mean, I assume you're looking for us to adopt
20 this rationale, I mean, it looks like you're -- there's a
21 recommendation that we follow this, I don't know where --
22 this is an interpretation of what the statute provides. So I
23 don't know if there is something for us to actually adopt.

24 MS. LAGMAY: Mr. Chairman, we could note and file the
25 memo that we noted and understood its meaning but that is not

1 an adoption of its recommendation. And if things change,
2 then we could adopt something further down the line.

3 MR. KAUFMAN: Yeah. Well, we could but hold -- let
4 me just, I mean, are -- you are looking for us to adopt the
5 recommendation?

6 MS. LEAN: That would be --

7 MR. KAUFMAN: As a policy?

8 MS. LEAN: -- that would be preferable if it's
9 possible here today. I do know there are a few counties who,
10 based on this interpretation, will be moving forward and
11 bringing a project documentation plan to the board. So it
12 would be helpful to have at least a guidance for those
13 counties who submit a plan to know if that's something within
14 the spirit of the law and be something that would potentially
15 be agreed upon by the board.

16 MR. KAUFMAN: I'll start. I guess, I'll be honest
17 here, I'm a little -- I don't know if I'm speaking for
18 everybody but, we've had a little bit of time to read this
19 and absorb this but I don't know that I've had an opportunity
20 to really contemplate all the different scenarios that this
21 might effect and to feel comfortable adopting it today
22 without giving it a little bit more thought particularly
23 given our conversation here this morning.

24 So that's my starting point, then I'll let my fellow
25 commissioners express their opinions on that.

1 MS. LAGMAY: I'm willing to defer on this. I would
2 also like some, if possible, some examples of some counties
3 that would be wanting to use the funds and what for so I can
4 wrap my mind about the concrete things. So I support the
5 decision to defer this at least one meeting.

6 MR. KAUFMAN: Well, there's not a decision yet. I
7 expressed my opinion.

8 MS. LAGMAY: The decision -- Oh.

9 MR. KAUFMAN: If we decide that it's not, then we
10 have a decision but.

11 Gabe, thoughts? I was trying to note, our next
12 meeting -- I don't think it's scheduled -- is it July or
13 August?

14 MS. LEAN: It's not scheduled until August but I do
15 know we have quite a few counties who are -- one of the 16
16 and then --

17 MR. KAUFMAN: Yeah.

18 MS. LEAN: -- one of the 8 that are looking forward
19 to coming forward to the board. I believe June was off the
20 table, not you June, just the month of June, was off the
21 table.

22 MR. KAUFMAN: June is off.

23 MS. LEAN: But we can try to figure out a date in
24 maybe early July or can keep the August date. We can do that
25 at the end of the meeting. Sorry, I just wanted to make sure

1 that we did have one already established for August.

2 MR. KAUFMAN: Yeah. I just, I don't want to jump the
3 gun with Gabe talking but I think we need to get clarity to
4 the counties so that they can come before us and get their
5 plans submitted. But I also think we need to be comfortable
6 before we vote on a policy that, I don't know if all of us
7 are completely comfortable with yet. So.

8 MR. SANDOVAL: So several things, one is it would be
9 important to find out on what bases these particular counties
10 are relying on this memorandum. So if it's on question one
11 or two, or is it three, or is it four, which is it that they
12 are relying on, right?

13 MS. LEAN: Question number two, sir.

14 MR. SANDOVAL: Okay, question number two. And then
15 there is also, I think it's important for me and I think my
16 colleagues to get a better understanding of the legality of
17 the interpretation that has been made particularly with
18 regard to the last element and also the questions have been
19 raised with regard to Alameda County.

20 And then also, understanding who else has reviewed
21 this particular public policy in a way that ensures that if
22 in fact there's concerns raised and we end up in court, does
23 the Attorney General, who's going to defend us also feel that
24 there's no problem with regard to this particular policy?

25 MS. LEAN: We did not run this legal interpretation

1 by the Attorney General.

2 MR. SANDOVAL: Not the Attorney General, of course,
3 the attorney general's office.

4 MS. LEAN: Understood. That's kind of what I meant.
5 But --

6 MR. SANDOVAL: That's not what you said.

7 MS. LEAN: That's true, sir. But we have run this
8 through quite a few of our attorneys here and through our
9 chief counsel. Yes.

10 MR. KAUFMAN: Let me ask you this, I'm -- my issue is
11 the issue I was kind of raising effected number one, I don't
12 know if number one, is a wide-ranging issue or if it's really
13 just kind of the Alameda situation. Or -- I guess, one and
14 three technically.

15 But if it's number two that's the focus of our
16 attention or the focus of our concern, I'm wondering if we
17 might come up with something today if we're all comfortable
18 with that second category which, honestly to me seemed to be
19 the kind of easiest category. And do something today to, you
20 know, provide some guidance on number two -- or adopt number
21 two as a recommendation and then kind of take some more
22 information with respect to question number one and question
23 number three and come back on that.

24 MS. LAGMAY: I'm agreeable to that, to bifurcate the
25 issue.

1 MR. KAUFMAN: Does that get us where we need to go in
2 terms of moving the ball forward?

3 MS. LEAN: Yes, sir.

4 MR. KAUFMAN: Okay. So if we have some general
5 consensus on that, does someone want to make a motion?

6 MS. LAGMAY: You want to do it?

7 MR. SANDOVAL: Go ahead.

8 MS. LAGMAY: All right. So I move that the second
9 questioned named in the memo dated May 28th, 2019, that is,
10 can a county that has been reimbursed by the VMB for a new
11 voting system be reimbursed for the purchase of voting
12 equipment to expand their existing system, that we - and that
13 the answer to that is a positive yes, that we adopt that as
14 policy of this board in considering applications from
15 counties in the future specific to expansion of existing
16 systems only, at this point.

17 Do I have a second?

18 MR. KAUFMAN: Can I just ask you if you -- well, I
19 was a little bit concerned about your word only at the end.

20 MS. LAGMAY: At this time. Just leave it out.

21 MR. KAUFMAN: Can I ask for clari - okay, I was -

22 MS. LAGMAY: Yes.

23 MR. KAUFMAN: -- just going to ask for clarification.
24 I just -- I don't want to say -- you're saying that that's
25 the only thing that we're considering at this time, but I

1 don't want to make it exclusionary for folks who may be
2 coming --

3 MS. LAGMAY: I understand. Okay.

4 MR. KAUFMAN: -- before the [indiscernible].

5 MS. LAGMAY: So since we're simply putting an item
6 forward, let's delete the latter part of that sentence and
7 just say, for the -- for expansion of their existing system
8 period.

9 MR. KAUFMAN: Do we need to repeat that for the
10 record? Or why don't I take a crack at it.

11 We are considering a motion that the Voting
12 Modernization Board will adopt a policy that says that a
13 county coming before the board can -- the county coming
14 before the board that has been reimbursed by the VMB for a
15 new voting system before can be reimbursed for the purchase
16 of voting equipment to expand their existing system. Period.

17 MS. LAGMAY: That's fine.

18 MR. KAUFMAN: Is that a good way of phrasing it?

19 MR. SANDOVAL: Yes, it's acceptable.

20 MR. KAUFMAN: Do you have --

21 MS. LAGMAY: Robbie, does that sound palatable to
22 you?

23 MR. ANDERSON: Yes.

24 MS. LAGMAY: Okay.

25 MR. KAUFMAN: Gabe, do you want to second that?

1 MR. SANDOVAL: Second.

2 MR. KAUFMAN: Okay. Now, we can vote on it. Any
3 further discussion?

4 MS. LAGMAY: No.

5 MR. KAUFMAN: Okay. You want to call for a vote?

6 MS. JARRETT: Stephen Kaufman.

7 MR. KAUFMAN: Aye.

8 MS. JARRETT: June Awano Lagmay.

9 MS. LAGMAY: Aye.

10 MS. JARRETT: And Gabriel Sandoval.

11 MR. SANDOVAL: Aye.

12 MR. KAUFMAN: Okay. And then we are going to agree,
13 I think, in line with what June was saying. We've accepted
14 and heard the staff presentation and memo on the kind of
15 larger issue, more global issue, of Guidance on Future
16 Reimbursement Requests and we've -- we're going to direct
17 staff to continue to look at the two other pieces of that
18 that are still on the table, namely questions number one and
19 number three, and come back to us with further report at our
20 next meeting. Good?

21 MS. LAGMAY: Very good.

22 MR. KAUFMAN: Okay.

23 UNIDENTIFIED SPEAKER: Yes, sir. Thank you.

24 MR. KAUFMAN: Okeydokey. We didn't even know it was
25 an issue before he gave us the thing telling us it was an

1 issue. Okay.

2 All right. Now comes the fun portion of the program
3 where we get to give away money.

4 We are at item number seven which is Project
5 Documentation Plan and Review -- Plan Review and Funding
6 Award Approvals. Per our just completed conversation, we are
7 going to defer and take off the calendar the Alameda County
8 request and place them on calendar for the next board meeting
9 which we will do our best to make happen promptly whether it
10 be the August meeting or a meeting we can schedule in July.

11 And then next up is Fresno County. I know we have
12 folks from Fresno County here with us today. Why don't we
13 take the staff report on the Fresno County Project
14 Documentation Plan and then the folks from Fresno can proceed
15 to the mic and add whatever you'd like to add. Okay?

16 MR. HIROSE-AFSHARI: Good morning.

17 MR. KAUFMAN: Good morning.

18 MR. HIROSE-AFSHARI: So this is Fresno County's Phase
19 3 Project Documentation Plan staff report summary. Fresno
20 County's Phase 3 staff recommended funding award amount is
21 \$1,436,475.08. Fresno's Phase 3 county's estimated total
22 system cost is \$2,898,404.46. Fresno's vendor is Dominion
23 Voting Systems and their equipment is the ImageCast System.
24 What is composed of hardware including ImageCast Central
25 Scanners, and software including Democracy Suite Software.

1 Fresno County's Phase 3 Project Documentation Plan
2 meets the requirements for completeness. The ImageCast
3 Voting System and corresponding components are certified for
4 use in California. Fresno County will be replacing its
5 existing optical scan voting system with an entirely new and
6 modernized voting system from Dominion Voting Systems. This
7 will mark its first significant change in voting technology
8 in over twenty years. While Fresno County received Phase 1
9 funding from this board in 2006 and Phase 2 funding in 2008,
10 these funds were awarded for the augmentation of the existing
11 Diebold Optical Scan voting system and did not change the
12 core function or capabilities of the existing system. With
13 procurement of the ImageCast Voting System, Fresno County
14 will be able to successfully transition from a polling place
15 model to a Vote Center Model, as set forth under the
16 requirements of the Voter's Choice Act.

17 Fresno County began their search for a completely new
18 voting system as a result of the significant increase in
19 maintenance and repair costs, as well as the Secretary of
20 State's recent decertification of voting systems not tested
21 and certified to California Voting System Standards. As a
22 result, the procurement of a new voting system was required,
23 and Fresno County released a Request for Proposal, or RFP, in
24 August 2018 to vendors offering state-certified software and
25 hardware. In early 2019, Fresno County's Voter Accessibility

1 Committee determined that the ImageCast system provided an
2 accessible, easy to approach and comprehensive system capable
3 to meet the diverse needs of its voters. Fresno County plans
4 to undertake a public outreach program to introduce the new
5 voting system to its voters and solicit feedback. The county
6 will hold demonstrations at over 60 community events to
7 promote the new voting system and provide opportunities for
8 hands-on engagement.

9 For the March 3, 2020 presidential primary, Fresno
10 County will operate a minimum of 46 voter centers throughout
11 the county. At each Vote Center, three ImageCast X
12 touchscreen ballot marking devices, two mobile ballot
13 printing kits, and one ImageCast on-site tabulator will be
14 deployed to improve the in-person voting experience. These
15 units will provide on-demand ballots for any voter in the
16 county in addition to enhanced electronic ballot marking
17 options.

18 Fresno County has also purchased Election Management
19 software, which will improve efficiency and flexibility of
20 their ballot layout, as well as the speed of election
21 officials to aggregate and accurately report election
22 results. Fresno County asserts that its new adjudication
23 software will improve the efficiency of the post-election
24 processes and increase public transparency.

25 Fresno County will only receive VMB payments once it

1 has submitted detailed invoices for its certified voting
2 equipment. Please note that the staff-proposed funding award
3 is based upon allowable reimbursement under Proposition 41
4 for voting equipment hardware and software only. The
5 warranties, implementation support, and service charges
6 listed in the Fresno County contract with Dominion voting
7 Systems are not covered as reimbursable claims under
8 Proposition 41.

9 MR. KAUFMAN: Thank you, Arman.

10 June, do you have any questions of Arman before I
11 call up Fresno?

12 MS. LAGMAY: I have a favor to ask simply and how the
13 staff report is just structured. It would help me a lot if
14 you started out with the -- when you do the little graph on
15 the top, start out with the original asking amount -- I'm
16 sorry, the amount allocated by the VBM funds and then the
17 amount awarded in the first allocation and then the amount
18 being asked now, the current allocation, and then the amount
19 remaining. Because trying to make it rectify with Robbie's
20 excellent table on the back of his report was kind of
21 confusing to me. So it would allow me to get a long view of
22 the project from the beginning instead of seeing it
23 mid-stream at, you know, Phase 3.

24 If the Chair doesn't mind.

25 MR. KAUFMAN: No, I think that's a great

1 recommendation.

2 MS. LAGMAY: And also, if you could add one more
3 field of the -- you have it down here, the vendor or the
4 voting system that's -- would -- I would actually ask is in
5 the future if there is a graph made, such as the one that
6 Robbie had on the back of his report, that very well laid out
7 the original allocation amount and the amount remaining,
8 maybe another field of the vendor or voting system so that at
9 a glance we could see how they're kind of lining up.

10 MS. LEAN: Can I ask a little clarity on that? So
11 for the vendor that was previously purchased, how about we
12 work with you to make sure we get exactly what you want for
13 the next meeting.

14 MS. LAGMAY: Yeah. And I don't want to make it like
15 footnotes and then like a huge, I know it can get complex but
16 or leave it blank if it's still in process, when something is
17 like concrete enough to be named it can be entered but it
18 would just -- mostly what would help me is following the
19 money from the beginning to the current more than anything.

20 MS. LEAN: Understood.

21 MS. LAGMAY: Okay. Thank you.

22 MS. LEAN: I think I got what you want and we'll make
23 sure to send you a draft and you can give us an idea. We'll
24 put together an example.

25 MS. LAGMAY: I asked for --

1 MR. KAUFMAN: That will be great.

2 MS. LAGMAY: Okay.

3 MS. LEAN: Thank you.

4 MR. KAUFMAN: I think I followed the money piece of
5 it, I'm not sure I understood exactly what you wanted with
6 the vendors but we'll work on the draft and make sure if
7 follows for everybody.

8 Okay. We have some folks from Fresno. Please come
9 up to the podium and introduce yourself. And thank you for
10 making the trip over here today.

11 MS. ORTH: It was a lovely drive down this morning.
12 Good morning, Commissioners. Thank you for having us. I'm
13 Brandi Orth, the Fresno County Clerk Registrar of Voters.

14 MR. KAUFMAN: Good morning.

15 MS. ORTH: And before you today is our application
16 for reimbursement funding for a new voting system from the
17 Prop 41 funds. I can attest that we are still using the same
18 voting system from 20 years ago. We originally purchased the
19 Optical Scan system that was originally named the Global
20 System in 1999. It has gone -- that company and the purchase
21 of that product has gone over various names over the years
22 and the current company who is responsible for maintaining
23 the equipment is Dominion.

24 After a competitive bid, it was a coincidence that
25 Dominion happened to be the newest vendor also. And as Arman

1 listed for you all of the new technology and the new parts of
2 the system and everything that we are going to be purchasing.
3 We're really excited that our board of supervisors in March
4 agreed and approved us going to the Vote Center Model for
5 March of 2020. This is the equipment that will make that
6 possible.

7 We hope that it has a lot of advantages for not only
8 administration side but a great service to the voters with
9 the technology that's going to be out there. And so when you
10 talk about a shelf life I think sometimes that also refers to
11 funding available for counties. And so we certainly have got
12 our money's worth out of our current voting system and we're
13 anxiously awaiting the arrival of the new equipment which
14 actually should be coming in about a month or so.

15 And so if there's, I'm happy to answer any questions
16 that you may have of me.

17 MR. KAUFMAN: I have just kind of a couple of
18 technical questions. I'm just curious and wanting to
19 understand how the system -- it all works and it all fits
20 together. So I was noting that in each Vote Center you're
21 going to have three touchscreen ballot marking devices. So
22 these are the devices that people push the button for their
23 votes.

24 MS. ORTH: Correct.

25 MR. KAUFMAN: To cast their votes. But then there's

1 two mobile printing ballot kits. So how do those interrelate
2 with the three touch --

3 MS. ORTH: It's pretty cool.

4 MR. KAUFMAN: Okay.

5 MS. ORTH: Okay. So in the Vote Center Model what
6 will happen is the voter will come in and we will have an
7 electronic roster, that's not part of our application, and we
8 will be able to ascertain if they have voted anywhere in the
9 state as of that moment. We can then go ahead and process
10 them through. They may either ask for a paper ballot which
11 is the mobile ballot printers. We're having two because, you
12 know, we're all about redundancy and making sure everything
13 works all the time. So they will be precincted from their
14 record and we will be able -- for the first time ever to
15 print off their exact ballot.

16 In Fresno County in November of '18, we had over 263
17 versions of the ballot and that you know when someone votes
18 provisionally they're in the wrong place and they really
19 don't get their specific ballot. So they may lose the
20 opportunity to vote on races that they're eligible for. So
21 they're going to get their real ballot.

22 They also have the opportunity, as well as our
23 accessible voters, to go to the ballot marking device. It's
24 not a tabulator, it's a ballot marking device, which is
25 required to have three of these in the Vote Center with an

1 uninterrupted power supply to them. And from what we're
2 learning from other counties who have already used this
3 equipment, a lot of voters like it. It's like a cell phone
4 on steroids kind of thing a big long screen, and it's a touch
5 screen thing. And so you will make your choices and then it
6 will print out what you voted on, and then we will also have
7 a ballot tabulator on top of a ballot box in each of the Vote
8 Centers where the voter then will put their paper ballot in.
9 And if they have not voted on anything, it will kick it back
10 to them and ask the voter for sure is that what you wanted or
11 an overvote and there's just so many additional services with
12 the equipment and then the ballot will drop into the ballot
13 box.

14 MR. KAUFMAN: Okay.

15 MS. ORTH: So a lot of different names and a lot of
16 different features.

17 MR. KAUFMAN: Yeah. I was a little confused by it.
18 But so the ballot -- the tabulators have their own printer
19 that prints those ballots out that people cast on the
20 tabulator and the two ballot printing -- what you call the
21 ImageCast, no, the two mobile printing ballot kits, those are
22 just spitting out the ballots -- printing out the ballots
23 that people then complete by hand. And they both go in to
24 the one single -

25 MS. ORTH: Correct.

1 MR. KAUFMAN: -- tabulating box.

2 MS. ORTH: Correct. So a voter could choose either
3 way.

4 MR. KAUFMAN: Either one, right.

5 MS. ORTH: Exactly.

6 MR. KAUFMAN: That's great.

7 June, any questions?

8 MS. LAGMAY: No questions.

9 MR. KAUFMAN: Gabe?

10 MR. SANDOVAL: Can you speak a little bit about the
11 training that's being provided to those who are going to be
12 responsible for making sure the new system operates smoothly
13 on site?

14 MS. ORTH: Well, we just had our first kickoff
15 meeting with the vendor and so we're learning all of those
16 and we're setting those to schedules. And so we will have I
17 think it's about eight different module components of us
18 getting trained and our staff, and then that will roll out to
19 a very different kind of precinct officer training at the
20 appropriate time.

21 When we train now under the poll model, they have a
22 two-hour training class and a handbook and we hope that they
23 use the handbook to do the right thing. Because of the
24 technology that's going to be out there now, the training
25 will become more of -- almost like a clerical training where

1 you're on the computer, you're working through the screens,
2 you're really learning a lot more about the process. And so
3 we believe that because of the increase training, our
4 precinct officers will be better trained than they are today.
5 And so we'll have all of that.

6 We will also have tremendous IT support, not only
7 from my employees but from the county IT is partners with
8 Fresno County. We're very lucky to have them. And they're
9 going to be in the Vote Centers making sure the equipment is
10 working, testing it and doing all of those things to have a
11 really successful election day.

12 MR. SANDOVAL: Great. Thank you.

13 MR. KAUFMAN: Just one more question. What kind of
14 sites have you selected for your Vote Centers?

15 MS. ORTH: Well, we're in the process right now. We
16 have not officially selected anything yet. Kind of similar
17 to L.A. County, it's a long process. We've had several of
18 our community meetings already. We've had our VAC Committee
19 that we've had for several years that's already had two
20 meetings this year and its -- we're getting a lot of
21 response, a lot of inclusion of folks. We also have a LAC,
22 the language committee, and they've been very active. And
23 we've had two of those meetings already.

24 And we created a Vote Center Act Advisory Committee
25 and we've had two meetings of those, we meet monthly. And

1 we've had over 70 people at each of those meetings
2 representing a huge cross section of the electorate which is
3 really exciting. And they're very interested. Sometimes we
4 get a little off topic in our discussion also. But what
5 we're doing is, as you know, we have to create an election
6 administration plan and a huge outreach component. We have
7 our unofficial draft that we've shared with our committee
8 members right now. And we've gotten some feedback on it and
9 then we'll have the first official draft we hope to at our
10 June meeting and we'll start the public process of going
11 through that.

12 What we've already done also is, as you know there
13 are 14 considerations for siting a Vote Center and you are to
14 use census data in order to geographically kind of allocate
15 where those centers should go. My staff has already done
16 that work and we've shared those maps. They're on our
17 website. We've also worked with our master polling place
18 list and are working to identify those facilities that are
19 physically capable of hosting a Vote Center. And for Fresno
20 County right now, we have to provide 46. Probably by the
21 time we get to the 88th day that number's going to up a little
22 bit.

23 But so we're -- we already have a draft map online of
24 the locations that we believe are great candidates for Vote
25 Centers. We'll be working with our advisory committee and

1 that's what I'm hoping with their help through the summer we
2 solidify those choices. Also, we'll use that group to help
3 us locate our 31 drop boxes throughout the county.

4 And so we got a lot going on right now. And we're
5 very excited to engage the public and put things on our
6 website and we're very appreciative of Secretary of State's
7 staff who I think we may bother them a little bit too much
8 sometimes, but they're always very kind to us and always help
9 us get through the process. So we're really excited for what
10 is about to happen.

11 MR. KAUFMAN: Great. Thank you.

12 MS. LAGMAY: Thank you.

13 MR. KAUFMAN: Well thank you for sharing that.
14 Appreciate your presentation and all the efforts that Fresno
15 County is going through to implement our new system.

16 MS. ORTH: Thank you.

17 MR. KAUFMAN: Thanks, Ms. Orth.

18 Okay. Do we have a motion to approve Fresno County's
19 Phase 3 Project Documentation Plan and issue of Funding Award
20 Letter in the amount of \$1,436,475.08?

21 MS. LAGMAY: Was that the motion?

22 MR. KAUFMAN: Well, I was hoping somebody would make
23 it, but I was suggesting that could be the motion.

24 MS. LAGMAY: I move that the --

25 MR. KAUFMAN: You can just say so moved.

1 MS. LAGMAY: Precisely, so moved.

2 MR. SANDOVAL: Second.

3 MS. LAGMAY: As iterated by the Chair.

4 MR. KAUFMAN: Okay. You want to read it -- you want
5 to do it just for formality sake?

6 We can do it. All in favor?

7 MS. LAGMAY: Aye.

8 MR. KAUFMAN: Aye.

9 MR. SANDOVAL: Aye.

10 Any opposed? Okay. The ayes have it.

11 Congratulations Fresno.

12 All right. Next on our agenda Los Angeles County
13 Phase 2.

14 Mr. Logan, why don't we start with the staff report
15 again.

16 MR. HIROSE-AFSHARI: Okay So this is Los Angeles
17 County's Phase 2 Project Documentation Package Staff Report
18 and I'll try to provide more detail after the allocation
19 amounts, as you requested.

20 So today L.A. County is remaining VMB approved
21 allocation amount is \$49,026,236.33. Today they come before
22 the board to request an amount of \$2,803,990.25 this would
23 make their new allocation amount, if approved, to
24 \$46,222,246.08.

25 L.A. County's vendor is Digital Foundry Inc. and

1 Runbeck Election Services. Their system is the V-S-A-P or
2 VSAP Vote-by-Mail Tally 1.0 System which is composed of
3 hardware including the IBML Imagetrac Scanner Version 6400,
4 and software which included VSAP Vote-by-Mail Tally 1.0
5 System.

6 Los Angeles County's Phase 2 Project Documentation
7 Plan appears to meet the requirements for completeness. The
8 VSAP Vote-by-Mail Tally 1.0 System and corresponding
9 components are certified for use by Los Angeles County.

10 The VSAP project was launched by Los Angeles County
11 in 2009 in response to growing voting system needs and unique
12 challenges as a result of the increasing voting population
13 and complexity of election administration. The county
14 asserts that the previous voting system did not offer the
15 technical nor functional elasticity necessary to accommodate
16 the growing demands of the electorate's diversity and size.
17 As such, Registrar-Recorder/County Clerk of L.A. sought to
18 create a new comprehensive system that could fulfill the
19 goals of increased accuracy, transparency, security, with a
20 human-centered focus.

21 Los Angeles County has adopted a multi-phased
22 approach to modernizing its voting system. Phase 1 funding
23 was awarded to Los Angeles County for 171 AccuVote TS Diebold
24 units in 2004. This current plan today represents a request
25 for reimbursement of the first phase of its VSAP system.

1 This initial phase consists of the implementation of a new
2 vote-by-mail tally system. This includes a redesigned
3 vote-by-mail ballot, a modernized tally system, and a
4 certified ballot on-demand system. These components were
5 fully implemented during the November 2018 General Election.

6 Los Angeles County contracted with two vendors to
7 acquire the components of the first phase of the VSAP. Los
8 Angeles County contracted with Digital Foundry for services
9 that included development, manufacturing, and testing of
10 software which directly lead to the completion and
11 acquisition of the certified VSAP Vote-by-Mail 1.0 System.
12 In addition, L.A. County purchased Runbeck Election Services
13 Sentio Lite Ballot Printing System which is a ballot on
14 demand system.

15 Los Angeles County established two formal advisory
16 committees to promote insight and expertise of the
17 implementation of the VSAP system. The VSAP Advisory
18 Committee is composed of 24 members including community
19 leaders from language minority groups, voters with
20 disabilities, and various ethnic communities to advise L. A.
21 County on the creation and implementation of the process.
22 The County also established the VSAP Technical Advisory
23 committee to provide oversight on the testing and
24 implementation on the new software and hardware components.
25 Los Angeles County contends that the new vote-by-mail ballot

1 and ballot on-demand equipment garnered positive responses
2 both in public demonstrations in the community and on
3 election day.

4 Los Angeles County will only receive VMB payments
5 once they have submitted detailed invoices for its certified
6 voting equipment and software. Please note that the
7 staff-proposed funding award is based upon allowable
8 reimbursement under Proposition 41 for voting equipment
9 hardware and software only. Planning and report documents are
10 not required as components of the software package and
11 therefore are not allowable for reimbursement under
12 Proposition 41. However, other funding mechanisms are
13 available to the county to seek reimbursement of these items.

14 That concludes my report.

15 MR. KAUFMAN: Thank you, Arman. Mr. Logan, would you
16 like to join us again?

17 MR. LOGAN: Good morning. Still morning, right?

18 MR. KAUFMAN: Still morning.

19 MR. LOGAN: Good morning. Again, Dean Logan,
20 Registrar Recorder County Clerk for County of Los Angeles.

21 MR. KAUFMAN: Good morning.

22 MR. LOGAN: Thank you for consideration of this
23 request and thank you to Secretary of State staff for their
24 work and coordination with our office in the submission of
25 this request. I don't have anything specifically to talk

1 about in terms of the recommended allocation but in light of
2 the earlier conversation about policy and the nature of the
3 Los Angeles County voting solutions for all people project, I
4 think it's important to put a couple of things on record and
5 to seek your -- or to make a recommendation to your board on
6 how you might help guide us in the future.

7 So trying to think of where to start here. So I
8 think what -- it's not represented in the staff report is
9 that the request for reimbursement that we submitted was
10 actually a larger amount and included components that were
11 not in this request. So we submitted a request for
12 reimbursement in the amount of \$3,523 -- \$3,523,464 so
13 there's a differential there about \$719,000 that's not
14 included.

15 In addition to that, we had at least entertained
16 discussion about an additional expense of \$130,524 which was
17 the cost to L.A. County for the certification of Tally
18 Version 1.0. We were advised by the Secretary of State's
19 Office that certification costs were not allowable under Prop
20 41 and we withdrew that from our original request.

21 So let me address those two separately and then offer
22 what I hope is a recommendation of how we might move forward
23 because these are complicated issues and not necessarily
24 issues that need to be resolved today.

25 On the \$719,474 differential of what we submitted for

1 reimbursement and what was not included in the staff report,
2 again, in light of the conversation, Mr. Chair, that you
3 brought up I just want -- I want to be sure that we have a
4 correct understanding that if that is viewed now as we have
5 submitted a request for that, if that means that we no longer
6 have the opportunity to come forth and provide justification
7 or argumentation of why we think that that should be
8 reimbursable under Prop 41, then I would ask that you take
9 action today to adopt the staff recommendation but to defer
10 action on the remainder of that request, the \$719,474 so that
11 remains on the table. My concern would be if you didn't do
12 that that it could be defined as we had previously made
13 request for that. That's my first request.

14 And I guess, I should say that, again, while we did
15 not anticipate making full arguments about this today I think
16 we do have a difference of opinion in the staff report that
17 while planning and report documents are not required for the
18 purchase of software they are required in order to get a
19 voting system certified in the State of California. And we
20 are unique in L.A. County in that L.A. County's voting system
21 is a publicly-owned system so it's not there -- there wasn't
22 one fixed price that we purchased this system for. We
23 purchased consulting services to build the software. We
24 bought off-the-shelf commercially available hardware and we
25 paid for integration services for that and that is what

1 became the certified voting system that's before you today.
2 So our belief is that the -- those elements that are not
3 included in the staff recommendation had we gone with a
4 commercial vendor solution those costs would have been
5 incorporated in to the price of the system and would have
6 been reimbursed under Prop 41. And so we think that warrants
7 further discussion and review.

8 Similarly, same point on the certification costs. So
9 again, I don't think we have the problem of requesting
10 submission again on those because we didn't submit those
11 based on the discussion, we took that amount out. However,
12 we believe, again, that for commercial systems that when
13 you're awarding reimbursement for those systems embedded in
14 the price -- in the cost of those systems is what those
15 vendors paid to get those systems certified in California,
16 and we don't believe that it's appropriate for a
17 Publicly-owned system to be interpreted differently from
18 that. That is a cost -- in order to get reimbursed for a
19 system it has to be certified. So that is a legitimate cost
20 for the acquisition and purchase of the system. And in fact
21 I would argue that the ballot on demand equipment that's
22 included in the staff recommendation is a commercial system
23 that was certified by the Secretary of State and I would
24 argue that in the price of that system was the cost for
25 Runbeck Election Systems to get that certified in California,

1 at least in part. Probably also true in the previous award
2 that you just approved today for a system purchase from
3 Dominion Election System.

4 So again, these are complicated issues. They're
5 further complicated because this is the first time we've gone
6 down the road of a publicly-owned system. But a lot has been
7 said today about the spirit of the law in Proposition 41
8 which I believe that, I think there's general agreement, that
9 that -- the intent was to replace voting systems in
10 California with modernized equipment that did not have the
11 faults and the vulnerabilities that the Legacy Punch Card
12 Systems had.

13 In L.A. County's case, there wasn't a solution out
14 there to do that so we extended the life of our Legacy System
15 and we embarked on this process to build and manufacture and
16 certify a publicly-owned voting system. Now today we're on a
17 timeline where that has to be done because the Legacy System
18 has now -- is no longer certified.

19 So while I appreciate the point that's made that
20 there are other funding mechanisms for those costs, the total
21 cost of this voting system will exceed the balance of our
22 Voting Modernization Board allocation -- allocation from Prop
23 41 and will, we believe, exceed the amount allocated in the
24 state budget. So the interpretation and the decision not to
25 allow reimbursement of that increases the cost to Los Angeles

1 County.

2 So, again, I'm -- what I'm asking today is that we
3 defer that for further discussion. We understand it's a
4 complicated issue. We understand there's history with
5 interpretation of Prop 41 that we have to look at carefully
6 both for your board's protection, for the Secretary's
7 protection, and quite frankly for Los Angeles County's
8 protection. But we don't feel that that's been fully
9 exhausted at this point and we don't want to be penalized for
10 having requested it and then having it denied.

11 MR. KAUFMAN: Thank you. Let me ask you a couple of
12 questions. First of all, I am not unsympathetic to the
13 notion that the county has been required to incur costs
14 because of the nature of its project that others have
15 probably born but they haven't been let's say as visible as
16 those costs are when you've incurred them because of the way
17 they break down. I think you're probably right. Some of
18 these costs get incorporated into the cost of buying a
19 particular product and so they're not characterized other
20 way. And I truly believe that we should treat counties
21 equally in terms of what they get reimbursed for.

22 So, but, you know, what I think and what my board
23 members think doesn't necessarily matter if the statute
24 doesn't provide for one thing or another and I'm not
25 suggesting that the statute prohibits those costs. I'm just

1 saying we need to be mindful of that issue. So that's what
2 we're struggling with but -- and just to clarify again, you
3 said you did not submit -- you haven't submitted the
4 certification costs in this round that doesn't --

5 MR. LOGAN: That's right. Not the certification cost
6 for the tally system.

7 MR. KAUFMAN: For the tally system. That's not to
8 say that you won't do so with respect to the larger --

9 MR. LOGAN: Correct.

10 MR. KAUFMAN: -- Vote Center system.

11 MR. LOGAN: And I think that actually -- we can kick
12 that can down the road, I mean, we will go through
13 certification of the full voting solutions. As we've heard,
14 the certification is pending for the full solution and this
15 issue will come up again at that time. So we could either
16 incorporate that in when we make that request and come in and
17 argue the authority at that point. But I just wanted to at
18 least get it on record.

19 MR. KAUFMAN: Right. But what -- but the \$750,000,
20 \$700,000, again, what makes up that amount again, --

21 MR. LOGAN: So that's -

22 MR. KAUFMAN: -- the differential is?

23 MR. LOGAN: It's \$719,474 and it refers to 13
24 deliverables that were included in our submission to the
25 staff that were not put forward for -- in their staff

1 recommendation to your board. Based on the interpretation
2 that they were not --

3 MR. KAUFMAN: Right. But the deliverable -- can you
4 give us a few examples?

5 MR. LOGAN: Yeah. So there are things related to the
6 development of and manufacturing of software. So, I mean,
7 to -- if you're developing a new program, you have to have a
8 project plan, you have to project management, you have to do
9 various forms of testing and documentation, and again those
10 are documents that actually when we apply for certification
11 that we have to provide. But those are -- I don't want to
12 speak for staff, I think those were interpreted to be
13 research and development costs and planning costs rather than
14 acquisition costs. I think our argument and again if you
15 defer it, I will probably come back with more detailed
16 opinion. I'd like to have -- I'd like on our end to do some
17 more analysis on that because we believe that they're
18 fundamental to the acquisition of the system. They are
19 system costs.

20 MR. KAUFMAN: Okay. I know you're thinking through
21 this on the fly to just given what's occurred here today.
22 But are you -- you're suggesting, just so I understand it,
23 you're suggesting that we approve the Project Documentation
24 Plan but defer an amount -- defer an award on an amount?

25 MR. LOGAN: Yeah. Well that amount is not before you

1 today. The only reason I --

2 MR. KAUFMAN: Well, I --

3 MR. LOGAN: -- I was not intending to bring that up.
4 I brought that up in light of your comments, Mr. Chair, about
5 the wording in the Proposition that says that if you have
6 made a request for those funds. So I don't -- maybe that's
7 an interpretation of the request was made to staff, staff
8 didn't included it in the recommendation to you. So I don't
9 know whether that meets the definition of that we submitted a
10 request or not. And that's the clarity I'm seeking, that's
11 the only clarity I'm seeking today. I'm not asking you to
12 fund the \$719,000.

13 MS. LAGMAY: Uh-huh.

14 MR. LOGAN: I just want to leave it on the table for
15 further.

16 MR. KAUFMAN: Understood and we don't want to do
17 anything to prejudice you in the future.

18 MS. LAGMAY: What does Robbie say?

19 MR. KAUFMAN: And we get that so we'll ask staff if
20 they have an opinion but I just wanted to be clear on what
21 you were asking and we'll try and figure out how we navigate
22 that.

23 Are there other -- well, I guess we can ask.

24 MS. LAGMAY: Yes. Ask Robbie first.

25 MR. KAUFMAN: Do you have any thoughts on that issue?

1 MR. ANDERSON: We'll have to look at it. I just --

2 MS. LEAN: Okay. So staff -- the staff

3 recommendation for the 2.8 million did come from what we

4 considered as allowable costs under Proposition 41. We are

5 very cautious about research and development especially

6 what --

7 MR. KAUFMAN: We understand.

8 MS. LEAN: -- in the last go around. So we went

9 through each and every one of their invoices and

10 deliverables. So we had NaKesha here as our technical expert

11 go through everything with us to make sure that we were

12 within the bounds of software. Right? And hardware. So

13 that was the staff recommendation costs that we put forward

14 to you for the recommendation and if there's further

15 discussion to go with that, I think we're open to it. It's

16 just within being very cautious of dealing with the research

17 and development costs association we did not included that as

18 a recommendation.

19 MR. KAUFMAN: And I think we understand that, and I

20 think Mr. Logan understands that. I think the issue on the

21 table is just given the prior conversation which me being the

22 lawyer I think I probably opened the door to but it needs to

23 be said. You know, I just want to make sure whatever we --

24 we can have that conversation and we can continue to, you

25 know, talk about it in this forum or elsewhere but I think

1 the point is just making sure nothing we do prejudices their
2 ability. If we do decide at some point that those type of
3 costs fall into this category versus that category, is not
4 precluding the county from getting that award down the road.

5 MS. LEAN: So it could be interpreted based on the
6 staff report that's come forward and what we think is
7 allowable costs, that's the amount. So if it was, let's look
8 at that a little bit more for a legal interpretation whether
9 or not they consider that as a submission to the board.

10 MR. KAUFMAN: Yeah, yeah, because the language again
11 was requesting money for the purchase of a new -- of a voting
12 system. So but I'm just thinking, I mean, one of the ways we
13 could do it is we could approve the Project Documentation --
14 well, I don't know if it does any good to approve it and
15 leave the amount open. I mean, that doesn't get you your
16 money.

17 MR. LOGAN: Yeah. Actually, because we -- in our
18 case this is money that's already been spent.

19 MR. KAUFMAN: Yeah.

20 MR. LOGAN: We've already submitted the invoices.
21 We -- our preferences would be that you move forward with the
22 approval of the staff recommendation of the 2.8 million.
23 Again, just to put a placeholder on the deliverables that --
24 and again how you interpret that and how you want to word
25 that --

1 MR. KAUFMAN: Right. We can make a note. Yeah.
2 Okay. I think I have a good -- an idea about that.

3 MS. LEAN: I would recommend that also to move
4 forward with the staff recommendation. Just to make it
5 really clear that payment request form with the invoices
6 would need to be submitted again once they get the Funding
7 Award Letter from the board, from the Chair, and acknowledge
8 that funding award.

9 MR. KAUFMAN: Sure.

10 MS. LAGMAY: Yeah. I think the key word is
11 acknowledge if we could make that.

12 MR. KAUFMAN: Acknowledge that there might be
13 additional --

14 MS. LAGMAY: Yes. Precisely.

15 MR. KAUFMAN: -- additional funding requested for
16 this project.

17 MR. SANDOVAL: As part of the same request.

18 MR. KAUFMAN: As part of the same request or
19 something like that.

20 MS. LEAN: We're breaking new ground so there's a lot
21 of --

22 MS. LAGMAY: I have a --

23 MR. KAUFMAN: Go ahead.

24 MS. LAGMAY: -- Dean, a couple questions on dollar
25 figures. Okay. So you originally asked for 3.5

1 MR. LOGAN: Correct.

2 MS. LAGMAY: And it got knocked down to 2.8. Now,
3 all your Foundry invoices add up to 3.695 instead of 3.523.
4 Okay. All your Foundry invoices add up to 3.695, you didn't
5 ask for 3.695, you asked for 3.523, it -- was that having to
6 do with the certification?

7 MR. LOGAN: I would have to check on that to tell you
8 what that specific differential --

9 MS. LAGMAY: Because all your invoices add up to
10 3.695, and you're certainly not getting that today but you
11 only asked for 3.523.

12 MR. LOGAN: Right. And in a lot of those numbers are
13 similar I think that is somewhat confusing because that's
14 just the Digital Foundry invoices, correct?

15 MS. LAGMAY: Yes. For the contract with --

16 MR. LOGAN: Right. So then there's an addition to
17 that in the approved funding or recommendation are the cost
18 for Runbeck Election Services so my assumption and I would
19 have to go back and double check this is that we made --
20 independently made determinations that there were portions of
21 those invoices that either we were covering in the local
22 match or --

23 MS. LAGMAY: Oh, I see.

24 MR. LOGAN: -- that -- yeah.

25 MS. LAGMAY: Oh, I see. Okay. So that's stuff I

1 would have never laid eyes on.

2 MR. LOGAN: Right.

3 MS. LAGMAY: Yeah. Okay. And then all these sundry
4 invoices from Imagetrac, 63 pages worth and 84 pages from
5 L.A. County peripheral, are -- is the money your asking for
6 today going to be paying toward those or --

7 MR. LOGAN: Yes. So that's --

8 MS. LAGMAY: I mean, there's no way for me to know
9 what money is paying for what invoices.

10 MR. LOGAN: Yeah. So the Imagetrac Scanners are the
11 actual hardware, the tally scanners, the commercial
12 off-the-shelf scanners that are used by the tally system, the
13 four units and the associated operating system that go with
14 those. L.A. County has already paid for those so a portion
15 of the rei -- of the 2.8 reimbursement is --

16 MS. LAGMAY: Okay.

17 MR. LOGAN: -- that cost minus the local match.

18 MS. LAGMAY: All right. And last question, just want
19 to be absolutely sure, the amount you are asking for is
20 \$2,803,990.25. Only be --

21 MR. LOGAN: That's the recommendation that's before
22 you today. We support that recommendation with the caveat
23 that that we may come back with additional expenses related
24 to this particular phase of the project.

25 MS. LAGMAY: Okay. That's all for the moment. Thank

1 you.

2 MR. KAUFMAN: Gabe, any questions?

3 MR. SANDOVAL: No questions.

4 MR. KAUFMAN: Okay. I think you can sit down and
5 we'll have a little conversation here. Is every -- is -- I'm
6 going to -- I'll kind of propose some language here -- see if
7 there's anyone one wants to make a motion or if you want to
8 discuss it.

9 But I would propose a motion in which the board
10 approves L.A. County's Phase 2 Project Documentation Plan and
11 issue a Funding Award Letter in the amount of \$2,803,990.25
12 with the understanding that L.A. County may submit requests
13 for additional funding for this phase of the project in the
14 future. Happy to have a conversation about it or you can.

15 MS. LAGMAY: Maybe a little clarification about
16 funding that would have been submitted if not for the initial
17 opinion of staff -- or something, you know, I mean, that
18 would have otherwise been included in this package.
19 Something like that.

20 MR. KAUFMAN: Yeah. We could say request for
21 additional funding for this phase of the project, something
22 like that.

23 MS. LAGMAY: That might --

24 MR. KAUFMAN: Exists, like currently exists or that
25 otherwise have been.

1 MS. LAGMAY: Otherwise would have been included as
2 part of this request and maybe --

3 MR. KAUFMAN: I don't know about otherwise included
4 as part of this request but I wonder if we could say
5 existing.

6 MS. LAGMAY: Funds for -

7 MR. KAUFMAN: Just trying nuances here. Are we all
8 on kind of board with this conceptually?

9 MR. SANDOVAL: Yes.

10 MS. LAGMAY: Yes, we are. Can the City Attorney come
11 up with wording?

12 MR. KAUFMAN: So let's just come up with the magic
13 words. Request for -- we could say request for reimbursement
14 of existing costs for this phase of the project that were not
15 previously submitted.

16 MS. LAGMAY: Here's another way -- or that we --

17 MR. SANDOVAL: Upon further direction from staff. So
18 it's --

19 MR. LOGAN: Mr. Chair, can I --

20 MR. KAUFMAN: Sure.

21 MR. LOGAN: -- offer a suggestion?

22 MR. KAUFMAN: Yes. You may.

23 MR. LOGAN: Perhaps something to the effect of
24 including reconsideration of costs evaluated in the staff
25 report but not included in the recommendation.

1 MR. SANDOVAL: Concurrently submitted or.

2 MR. KAUFMAN: You said including reconsideration of
3 costs included in the staff report? Included in the
4 submissions?

5 MR. LOGAN: No.

6 MS. LAGMAY: No. In the County's report.

7 MR. LOGAN: In the decision.

8 MR. KAUFMAN: In the County's report.

9 MR. LOGAN: But not included in the staff
10 recommendation.

11 MR. SANDOVAL: I think that works.

12 MR. KAUFMAN: I just a little it's -- I like it
13 conceptionally. I wonder about the word reconsideration --

14 MS. LAGMAY: Think it's consideration?

15 MR. KAUFMAN: -- maybe it's just, maybe it's just
16 consideration.

17 MR. SANDOVAL: Consideration.

18 MS. LAGMAY: Yeah, okay.

19 MR. KAUFMAN: Yeah.

20 MR. SANDOVAL: Further consideration.

21 MR. KAUFMAN: Further consideration. All right.
22 Let's try this again, see if we can get it out. This would
23 be a motion to recommend that Los Angeles -- that approval --
24 I'm sorry, a motion to recommend approval of Los Angeles
25 County's Phase 2 Project Documentation Plan --

1 MS. LAGMAY: In the amount.

2 MR. KAUFMAN: Yeah, and issuance of a Funding Award
3 Letter in the amount of \$2,803,990.25 with the understanding
4 that L.A. County may request --

5 MS. LAGMAY: Reimbursements of certain charges
6 mentioned in their staff report but not included in their --

7 MR. KAUFMAN: Well, I liked his including
8 consideration -- hold on. Yeah. L.A. County may request
9 additional -- is somebody over there writing this down by the
10 way? Hopefully. L.A. County may request additional funding
11 for this phase of the project including consideration of --
12 that's too many includings, sorry.

13 MR. SANDOVAL: I think.

14 MR. KAUFMAN: Go ahead. I'm probably making it more
15 complicated than it needs to be.

16 MR. SANDOVAL: Yeah. I think he, Dean Logan,
17 mentioned they've already submitted their request.

18 MR. KAUFMAN: Right.

19 MR. SANDOVAL: But it was in part of the --

20 MS. LAGMAY: Recommendation.

21 MR. SANDOVAL: Recommendation by staff.

22 MR. KAUFMAN: Right. It's consideration of costs and
23 we said including, including.

24 MR. SANDOVAL: So they've done what they needed to
25 do.

1 MR. KAUFMAN: It's included in the county's
2 submission.

3 MS. LAGMAY: Yes, yes.

4 MR. SANDOVAL: Correct.

5 MR. KAUFMAN: But not included --

6 MR. SANDOVAL: In the recommendation.

7 MR. KAUFMAN: -- in the staff's recommendation.

8 MR. SANDOVAL: So it falls on us.

9 MR. KAUFMAN: Yeah.

10 MR. SANDOVAL: For further consideration.

11 MR. KAUFMAN: Right. So let's just go with a comma
12 after the amount and say including consideration of costs
13 included in the County's submission but not included in the
14 staff --

15 MS. LAGMAY: Staff recommendation.

16 MR. KAUFMAN: -- report -- recommendation to the
17 board.

18 MS. LAGMAY: Okay. We'll use that, okay?

19 MR. KAUFMAN: Clear as mud, right?

20 Do we need to somehow read that back again or are
21 we -- do we have any sense of clarity?

22 UNIDENTIFIED SPEAKER: Re-word that.

23 MR. KAUFMAN: I'll try this again.

24 MR. SANDOVAL: One more for the record, please.

25 MR. KAUFMAN: And I know there's a lot of includeds

1 but I don't care at this point as long as we all understand
2 what it says. So the motion -- all right, this is a
3 motion -- somebody should write this down while I say it.

4 A motion to approve Los Angeles County's Phase 2
5 Project Documentation Plan and issue a Funding Award Letter
6 in the amount of \$2,803,990.25 including consideration of
7 costs included in the County's submission but not included in
8 the staff's recommendation to the board -- or the staff
9 report to the board.

10 MR. SANDOVAL: Let me -- let me see that.

11 MR. KAUFMAN: You're not going to be able to read
12 this. Did somebody write it down so we could read it back?
13 Did it make sense?

14 MS. ALEXANDER: You had it better before.

15 MR. SANDOVAL: Yeah.

16 MS. ALEXANDER: You had it before.

17 MR. KAUFMAN: Yeah. I think we still need the with
18 the understanding piece.

19 MS. ALEXANDER: Understanding that L.A. may request
20 additional funding from the state of the project including an
21 original submission.

22 MS. LAGMAY: Yes.

23 MS. ALEXANDER: [inaudible]

24 MS. LAGMAY: That's it.

25 MR. KAUFMAN: There, Kim got it.

1 MS. LAGMAY: Needed a City Clerk.

2 MS. ALEXANDER: Do you want me to say it again?

3 MR. KAUFMAN: Yeah.

4 MS. ALEXANDER: The rest of it was with
5 understanding, -- with the understanding that Los Angeles may
6 request additional funding for this phase of the project
7 included in its original submission, but not included in the
8 staff's recommendation.

9 MR. SANDOVAL: I would change its slight to say may
10 receive. Because to say may request makes it seem like it's
11 making another request. So I would make that amendment, may
12 receive.

13 MR. KAUFMAN: You don't have to make an amendment
14 because she's not even a member of the board.

15 MR. SANDOVAL: I'm using it in the vernacular not in
16 a --

17 UNIDENTIFIED SPEAKER: Well she got it.

18 MR. KAUFMAN: Yeah.

19 MR. SANDOVAL: Yeah. That's that makes -- with that
20 little tweak, that will be great.

21 MR. KAUFMAN: I agree. Does somebody want to move?

22 MR. SANDOVAL: I move.

23 MS. LAGMAY: I second.

24 MR. KAUFMAN: We'll take a vote. So I just -- I'm
25 just concerned do we have a record of that in the minutes?

1 Did you get that? Okay. I just want to make sure we have it
2 in writing somewhere. Thank you.

3 Thank you for your assistance, Kim.

4 All right. Let's vote on this. All in favor of the
5 motion, say aye.

6 MS. LAGMAY: Aye.

7 MR. SANDOVAL: Aye.

8 MR. KAUFMAN: All opposed. We're good. Dean, you
9 get your money and you have our caveats and --

10 MR. LOGAN: I'll be back.

11 MR. KAUFMAN: -- reservation -

12 MS. LAGMAY: Yes?

13 MR. KAUFMAN: -- reservation of rights for future
14 consideration.

15 MS. LEAN: So sir, we'll go ahead and include that
16 language in the Funding Award Letter.

17 MR. KAUFMAN: Yeah.

18 MS. LEAN: Okay.

19 MR. KAUFMAN: Let's do that.

20 Okay. Do we have any other business? It seems like
21 we have a few things ahead of us. While we're on other
22 business should we talk about a July meeting or given what we
23 did are we okay waiting till August? Should we try and do a
24 July meeting if it's even feasible given everybody's
25 schedule.

1 MS. LAGMAY: I think it would depend what Alameda
2 says.

3 MR. KAUFMAN: Yeah. Do you have any sense of that,
4 Jana?

5 MS. LEAN: I do not. I'll have to get a hold of them
6 and find out.

7 MR. KAUFMAN: Okay. For what it's worth, I'm
8 unavailable those first two weeks but could be available
9 sometime in the second two weeks of July given, you know,
10 different days here and there but.

11 MR. SANDOVAL: Same here.

12 MS. LAGMAY: For the record, I'm gone the whole
13 second half of July.

14 MR. KAUFMAN: Great. I think we just answered our
15 question. But I don't know.

16 UNIDENTIFIED SPEAKER: August 9.

17 MS. LEAN: So August it is. So I think the next
18 meeting that is scheduled is Friday, August 9th.

19 MR. KAUFMAN: All right. We'll live with that. You
20 report back -- will you check with Alameda and tell us if
21 there's any urgencies and then we'll deal with that if we
22 have to try and deal with that?

23 MS. LEAN: Absolutely, sir.

24 MR. KAUFMAN: We'll do phone calls from afar or
25 whatever if we have to. Okay.

1 Anything else we need to talk about before we adjourn
2 for the day? Okay. With that I'll take a motion to adjourn.

3 MS. LAGMAY: I move that we adjourn, Mr. Chair.

4 MR. KAUFMAN: Okay. And I know we have a second from
5 Gabe.

6 MR. SANDOVAL: Second.

7 MR. KAUFMAN: And we're all in favor of that so we
8 are adjourned for the day.

9 MR. SANDOVAL: Yes.

10 MR. KAUFMAN: Thank you all for your participation
11 today.

12 MR. SANDOVAL: Thank you.

13 (Thereupon, the Hearing was adjourned at 1:57 p.m.)

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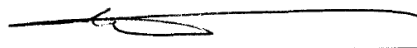
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of June, 2019.



PETER PETTY
CER**D-493
Notary Public

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of June, 2019.



Jill Jacoby
Certified Transcriber
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