

STATE OF CALIFORNIA
SECRETARY OF STATE'S OFFICE

In the Matter of:) Docket No.
)
)
)
)
 Voting Modernization Board)
 Board Meeting)
 _____)

VOTING MODERNIZATION BOARD (VMB)

SECRETARY OF STATE BUILDING

MP ROOM
1500 11TH STREET

SACRAMENTO, CALIFORNIA

FRIDAY, NOVEMBER 15, 2019

10:36 A.M.

Reported by: GIGI LASTRA, CER

APPEARANCES

VMB BOARD MEMBERS:

Stephen Kaufman, Chair
June Awano Lagmay
Gabriel Sandoval
Jill LaVine

VMB STAFF PRESENT:

Stacey Jarrett
Jana Lean
Robbie Anderson
Jordan Kaku

PRESENTERS:

Robbie Anderson
Jordan Kaku
Joanna Southard
Kelly Sanders
Rodney Rodriguez

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

2 NOVEMBER 15, 2019

10:36 A.M.

3 CHAIR KAUFMAN: It is 10:36 and I am calling this
4 meeting of the Voting Modernization Board to order.

5 Let's do roll call. Stacey. Actually, let me just
6 before we get to roll call, let me just -- we'll get it to in
7 a second.

8 But for the record, I just want to welcome our newest
9 board member Jill LaVine who is joining us for her first VMB
10 this morning and has been freshly sworn in and ready to go.
11 So on behalf of our fellow board members, want to welcome you
12 here this morning.

13 MS. LAVINE: Thank you.

14 CHAIR KAUFMAN: And now you can call the roll
15 including Jill.

16 MS. JARRETT: All right. June Awano Lagmay.

17 MS. AWANO LAGMAY: Present.

18 MS. JARRETT: Gabriel Sandoval.

19 MR. SANDOVAL: Present.

20 MS. JARRETT: Jill LaVine.

21 MS. LAVINE: Present.

22 MS. JARRETT: Steve Kaufman.

23 CHAIR KAUFMAN: Here.

24 MS. JARRETT: Teri Holoman who is not here today.

25 CHAIR KAUFMAN: All right. Do we have any public

1 comment on matters that are not part of the agenda? I don't
2 think we have any public who would want to make public
3 comment.

4 So we will just move ahead to Item 4 which is
5 adoption of the September 25th 2019 action items and meeting
6 minutes. I turn to my fellow board members.

7 Do we have any motion or any comments with respect to
8 the minutes or the action items?

9 MR. SANDOVAL: I do have some nonsubstantive edits to
10 the minutes that I would like to have addressed.

11 CHAIR KAUFMAN: Okay.

12 MS. AWANO LAGMAY: And I, too, have a single
13 administrative typo that needs to be corrected.

14 CHAIR KAUFMAN: Okay. So rather than run through all
15 of those items, being that they're technical administrative,
16 can we just get a motion to approve the minutes subject to
17 whatever technical administrative changes may be submitted
18 through the staff, the staff can take care of that?

19 MS. AWANO LAGMAY: So moved.

20 MR. SANDOVAL: Moved.

21 CHAIR KAUFMAN: So I'm going to call June first and
22 Gabe second.

23 All in favor adopting the motion, say aye.

24 MS. AWADO LAGMAY: Aye.

25 MR. SANDOVAL: Aye.

1 CHAIR KAUFMAN: Any opposed?

2 MS. LAVINE: I'm not opposed, but I'm going to just
3 step back since I wasn't here last time.

4 CHAIR KAUFMAN: Yeah. So we'll just have one -- not
5 a recusal.

6 MS. LAVINE: Abstention.

7 CHAIR KAUFMAN: Abstention. Thank you.

8 Okay. All right. Let's get to the items on our
9 agenda. So we have -- and for the benefit of our new board
10 member, we have a few action items that we have asked -- or
11 standing items that we've asked the staff to report back to
12 us on as we perceive through this period before the 2020
13 election. There are things going with respect to the state's
14 voting systems that we've asked the staff to give us ongoing
15 reports on.

16 So I will turn to staff to give us the reports on
17 standing items.

18 MS. KAKU: Good morning.

19 UNKNOWN SPEAKER: Good morning.

20 MS. KAKU: NaKasha Robinson couldn't be here this
21 morning so I'm just going to read what she provided us. It
22 has not been updated since I sent it to you guys last week.

23 CHAIR KAUFMAN: Good morning (indiscernible).

24 MR. RODRIGUEZ: Good morning.

25 MS. KAKU: So the new certified system is the

1 Dominion Voting System's Democracy Suite 5.10 and the
2 election system software is EVS 6.0.4.2. They're currently
3 testing Los Angeles County's VSAP Tally Version 2.0 Superior
4 and Telecommunication Penetration Customer. And the Hart
5 InterCivic Verity 3.1 -- 3.10. The testing is completed and
6 there will be a public hearing on December 16th. So I request
7 for conditional approval for extension of use. Fifty-three
8 counties have or are in the process of implementing a CVSS
9 certified voting system. And the remaining five counties are
10 in the various stages of procuring CVSS certified voting
11 system or have submitted a request for extension.

12 So upcoming key dates, August 27th through
13 February 27th, 2020, elections scheduled six months from
14 August 27th, 2019 shall not be affected by this action.
15 Therefore, federal, state, county, municipal, district, or
16 school elections scheduled from August 27th, 2019 through
17 February 27th, 2020, may continue to use voting systems not
18 customer certified through CVSS.

19 Beginning February 28th, 2020, voting systems not
20 tested and certified to CVSS may no longer be used except for
21 those jurisdictions that have received a conditional approval
22 for extension of use by the Secretary of State
23 (indiscernible).

24 If there are any questions, I can take them down and
25 give them to NaKasha and she can respond.

1 CHAIR KAUFMAN: Okay. I had a couple of questions.
2 Maybe you guys can answer these, maybe we need to wait for
3 NaKasha.

4 But on the certified systems, can you guys just --
5 can somebody provide just a little bit of background or
6 description on what those systems are? There's the Dominion
7 Voting System Democracy Suite and the Election VSS -- what's
8 the EVS 6.0.4.2.

9 Can you just illuminate us a little bit on what
10 was -- what was newly certified? Is anybody able to respond
11 to that or do we need to wait for NaKasha?

12 MS. LEAN: I think it would be better to wait to get
13 a precise. I do know that the Dominion Voting System is the
14 new version of what was already approved. So what came
15 forward for I believe it was (indiscernible) looking forward
16 to use the Dominion system, it's the brand new updated
17 version of that.

18 And for the Election ES&S, EVS 6.0.4.2, that is one
19 that's been in the works for a while. It's their -- it's an
20 update to their existing ES&S system that's been out in use
21 for the counties for several years. And there are several
22 other counties who have not moved forward yet or are in the
23 process of moving forward are -- we're waiting for this
24 voting system to be certified before they move forward.

25 So I know a few of those five counties that are

1 meeting are looking to buy that system.

2 CHAIR KAUFMAN: So I mean, what kind of system, is it
3 some kind of touchscreen system or is it a --

4 MS. LEAN: It is very similar to I believe what you
5 had a chance to review in the testing lab --

6 CHAIR KAUFMAN: Yes.

7 MS. LEAN: -- of the Dominion System. So it's a
8 ballot marking device with components that can do ballot on
9 demand. So there's different components, but she can speak
10 to a lot more the technical that I can.

11 CHAIR KAUFMAN: Okay. I was just wondering generally
12 what kind of system was. I think you probably covered that.

13 MS. LEAN: They're very similar. I mean, I may
14 (indiscernible) when you say that, but they're very similar.
15 There are components to where you can mark the device and
16 feed its optical scan right in -- they have -- there's two
17 different ways of doing it, right, and I think that she can
18 explain those in a lot more technical way.

19 But the new ESS and the Dominion system are very
20 similar in functionality.

21 CHAIR KAUFMAN: Okay. And you mentioned the five
22 counties. That was going to be one of my other questions.
23 Who are the five counties that got extensions and are waiting
24 to --

25 MS. LEAN: I don't have the list in front of me --

1 CHAIR KAUFMAN: -- move in that direction?

2 MS. LEAN: -- but I do know that -- that was -- Los
3 Angeles is one of them. And so I believe Orange, there's a
4 totally another system, too, that they were going to continue
5 to use in the March elections that they are waiting to move
6 forward (indiscernible). Those are the two that I know about
7 (indiscernible) county, so those are the ones I paid
8 attention to. So the other three, I do not have the list in
9 front of me.

10 CHAIR KAUFMAN: Okay. Fellow commissioners, any
11 questions of the staff on the report?

12 MS. AWANO LAGMAY: No questions.

13 MR. SANDOVAL: No questions.

14 CHAIR KAUFMAN: And so that took care of I guess A
15 and B. And --

16 MS. AWANO LAGMAY: No. The B is --

17 CHAIR KAUFMAN: Did it not care of B? Okay?

18 MS. AWANO LAGMAY: -- LA specific.

19 MS. KAKU: Actually, we --

20 CHAIR KAUFMAN: I mean, LA is mentioned here.

21 MS. AWANO LAGMAY: Oh.

22 MS. KAKU: Yes. We do have an update. Joanna
23 Southard is going to be providing --

24 CHAIR KAUFMAN: Okay.

25 MS. SOUTHARD: Good morning.

1 CHAIR KAUFMAN: Good morning.

2 MS. SOUTHARD: Again, I'm Joanna Southard, the
3 assistant chief, Elections from the Secretary of State's
4 Office.

5 As Jordan mentioned, LA County's Voting Systems for
6 All People, the VSAP, Tally Version 2.0 is security
7 telecommunication penetration system. Let me give you a
8 background of what they've been doing to get their system
9 ready for voters.

10 So LA conducted a two-day mock election
11 September 28th and 29th. It was their first large-scale
12 countywide event to promote and educate the public on the
13 voting experience. Members of the Secretary of State's
14 office as well as other county elections officials
15 (indiscernible) our Chair observed multiple center locations.
16 We just missed you at the city. They have 50 vote center
17 sites around county with 1,000 of the VSAP ballot marking
18 devices. And they had over 6,000 members of the public cast
19 nonelection ballots. They had items such as the best parking
20 in LA, the worst LA freeway, all sorts of things on their
21 mock election ballots.

22 CHAIR KAUFMAN: Yes, it was a very controversial
23 election.

24 MS. SOUTHARD: Oh, yes. So the mock election allowed
25 and did give the public an idea what to expect from the vote

1 centers, ballot marking devices, or equal (indiscernible)
2 interactive sample ballot, and allowed county election staff
3 to observe how members of the public interacted with their
4 new system, their (indiscernible) processes, procedures. And
5 as a result, they've been able to address and incorporate
6 various changes, including changes to the ballot marking
7 device navigation and vote centers set up for to voters.

8 So in addition, they solved -- they held several
9 internal working group sessions to obtain feedback from the
10 vote center staff to see how it went.

11 In addition, beginning on October 3rd, they began a
12 four-month initiative providing 10 demonstration centers that
13 rotate throughout the county which again allows the voters to
14 interact with their new system. And they had a demonstration
15 ballot similar to what will be experienced in March 2020
16 primary election.

17 Also on November 5th, they conducted a limited pilot
18 in 15 jurisdictions to educate them on the new model and test
19 the new hardware and (indiscernible) components in a live
20 election, not just a mock election. So members of the
21 Secretary of State staff observed there as well. They
22 visited each of the 40 places that had the VSAP equipment and
23 would be providing their feedback to LA County. Overall,
24 reported that there some very positive (indiscernible) in the
25 equipment.

1 CHAIR KAUFMAN: Questions?

2 MR. SANDOVAL: Any issues of concern that you
3 witnessed or were identified through this exercise?

4 MS. SOUTHARD: So I did not participate in the -- the
5 pilot. I did participate in the mock election. I thought
6 they had a lot of positive responses from voters. It's very
7 slick, good-looking system. And so I -- I didn't see any
8 overall issues.

9 MR. SANDOVAL: Or did you hear from anyone or any
10 follow up on that?

11 MS. LEAN: So I did. I was one of the staff members
12 and I went to see it, serve it (indiscernible).

13 MR. SANDOVAL: Okay.

14 MS. LEAN: So I think that the voters that actually
15 used the systems at the supporting point basis, the ones who
16 actually got to -- decided to use the new system, it was --
17 they were interested in the new system, they thought it
18 worked relatively well.

19 The one thing I see that they'll have to do some
20 additional training on their poll workers and we know that
21 they've already taken this feedback is to train them to
22 explain to voters that the ballot needs to be left on the
23 actual device and pushed back in. That was the one thing
24 that I observed that voters are used to taking the ballots
25 and putting it in the ballot box. And you can take it and

1 observe it and read it to make sure your -- that the votes
2 are correct, but you need to place it back into the systems
3 and it sucks it -- sucks it, is a very technical term --
4 sucks it right back in the ballot box. Right.

5 So that was the one thing that I think I observed
6 that would be really helpful to add to the poll worker
7 training and to add some additional signage. And that be
8 effective of this year. And then they're working on it the
9 next few months.

10 MR. SANDOVAL: Thank you.

11 MS. AWANO LAGMAY: And I just wanted to say that I
12 had the pleasure of attending the mock election in Little
13 Tokyo Los Angeles and was impressed by the quality of the
14 county registrar, the staff who participated in the mock
15 demonstrated. And I, too, was a little confused about having
16 to give up the ballot, but put it in once and then put it in
17 twice. But, you know, once that was smoothed out, then
18 everything went well.

19 So I think a little bit more attention there will go
20 a long way. But it was a great demonstration.

21 CHAIR KAUFMAN: Any other comments, commissioners?

22 I'll just say I also, yes, as Joanna mentioned, I did
23 the mock election at the zoo among the lions and tigers and
24 bears. So I got to experience the system as well. And I
25 should just add for my fellow commissioners to the extent you

1 are interested and available, my office is going to be
2 hosting a demonstration, a presentation by Dean Logan next
3 Thursday with the equipment. We've invited some clients,
4 folks we work with to attend and get a direct introduction to
5 the new system. So I'll be seeing it in action again next
6 Thursday, and happy to share whatever insights come out of
7 that meeting.

8 Okay. Thank you, Joanna.

9 So our next standing report is just an update on the
10 status of counties with remaining VMB funds.

11 And who's doing that? Jordan?

12 MS. KAKU: Yes. So I submitted one (indiscernible)
13 showing all of the counties, even the ones that had new
14 (indiscernible) funds in addition to the one that separates
15 the counties who have (indiscernible) their entire voting
16 system and counties who have not submitted off this list. I
17 did not indicate any counties with plans that are coming
18 forward anytime soon just because we don't have a set for
19 2020.

20 We do have some who are interested in coming soon.
21 Nevada being one because they tried to come this time. But
22 they talk about that. Otherwise, there are some counties
23 that plan to come forward in 2020.

24 CHAIR KAUFMAN: In early 2020?

25 MS. KAKU: Depends on the dates.

1 CHAIR KAUFMAN: Yeah. We saw the proposed schedule.
2 So.

3 MS. KAKU: Yeah, I did put a copy in your binders as
4 well.

5 CHAIR KAUFMAN: Yeah. I presume we're going to be
6 getting pretty close to the election for assemblyman. But
7 it's better to set them now than set them later in the
8 agenda. But I mean do we sense that there are going to be --
9 so we know that Nevada was going to come this month and they
10 didn't. Do we sense that there are going to be other
11 counties with a sense of urgency looking to get before our
12 board before the March election?

13 MS. KAKU: I haven't been contacted by too many other
14 than I think it was Santa Barbara had planned on coming this
15 month. I haven't heard back from them. And I think
16 (indiscernible) was planning on coming. Otherwise -- I think
17 that's about it for now that have actually said that they
18 wanted to come forward.

19 CHAIR KAUFMAN: Okay.

20 MS. KAKU: I do know that purchasing the system right
21 now we have (indiscernible). So we'll just be waiting to
22 hear from them.

23 MS. LEAN: So the good news is that Madera did
24 finally get their check. So they're very happy they got
25 their money.

1 CHAIR KAUFMAN: Good.

2 MS. LEAN: Los Angeles County's funds that they came
3 forward and received authorization for, all that paperwork is
4 with our State Controller's Office. So we'll let you know in
5 the next meeting that they received theirs also. And they're
6 waiting very anxiously for that money.

7 I don't know about the counties moving forward, that
8 is 34 days before the election. We actually got majority put
9 in the election dates next to it. That's what the PE and the
10 GE means.

11 CHAIR KAUFMAN: Yes.

12 MS. LEAN: So that is what's helpful for us not only
13 for our staffing needs and responsibilities but also for the
14 counties to try to make a time frame that they could
15 potentially come knowing that they have to get everything in
16 to us so we can go back and forth with any questions,
17 approximately 30 days before the meeting.

18 So this is really, really, really tight time frames.
19 I don't know, it's my guess, that maybe one will come in
20 January but everyone's going to be incredibly busy with the
21 March elections so that's why we established these proposed
22 dates to try to look around when we thought counties would be
23 interested to come forward and it would fit within this
24 staff's workload.

25 CHAIR KAUFMAN: Okay. We can take the calendar up at

1 the end of the (indiscernible).

2 Okay. Any other questions of staff regarding the --
3 a date on (indiscernible).

4 MS. AWANO LAGMAY: A quick question mentioned to you,
5 Mr. Chair. I wanted to ask staff, did San Luis Obispo get
6 their money that we approved at the last meeting in
7 September?

8 MS. LEAN: They have not submitted any in request
9 yet, so they have not received any funds.

10 MS. AWANO LAGMAY: Okay. Which is why the money is
11 still in the account.

12 MS. LEAN: Right.

13 MS. AWANO LAGMAY: Okay. Thank you.

14 CHAIR KAUFMAN: Okay. Thank you, Jordan.

15 All right. Now we have a couple of staff reports
16 memos that hopefully everybody saw that was circulated in
17 final form this morning from Robbie Anderson.

18 The first one is a memorandum that we asked for at
19 the last meeting. As those in attendance will recall, we had
20 received an oral report from Robbie Anderson discussing the
21 language of Elections Code Section 19254(c)(3). There had
22 been a prior memo on the subject relating to the
23 authorization of the VMB to -- to award funding requests to
24 counties who have requested fund money previously. There was
25 an issue regarding that.

1 We received an oral report from Robbie at the last
2 meeting and requested that he reduce that to writing. And
3 this is now the written product that reflects the report that
4 we received at the last meeting.

5 So I think that we can just, you know, set this
6 memorandum as a codification, if you will, of what was
7 presented orally unless there's any further questions on that
8 subject of Robbie.

9 MS. AWANO LAGMAY: No, no questions. I do understand
10 that the three counties that this affected Alameda, Modoc,
11 and San Diego, the problem resolved itself. But that as you
12 say in your last line, should circumstances change, the issue
13 will be presented in the future.

14 Thank you very much.

15 CHAIR KAUFMAN: Any other comments?

16 Okay. Robbie, did you have anything further you
17 wanted to say or add with respect to this memorandum?

18 MR. ANDERSON: No, sir.

19 CHAIR KAUFMAN: Okay. So with that, I don't think we
20 need a motion to accept the memo. I think we just accept it
21 and if now documents apply.

22 Okay. Then we have a second piece of art that Robbie
23 prepared. This one is a staff report that was requested at
24 the last meeting. Mr. Sandoval requested and the board asked
25 for a staff to provide a report on expansion, (indiscernible)

1 expansion versus replacement. There's been ample
2 conversation regarding the board's ability to refund or
3 reimbursement counties for the cost of expanding a system.
4 But we understand that under the code as adopted by voters,
5 we are not allowed to issue reimbursement to replace a system
6 that's already been paid for once by the board. And there
7 was some question about what -- what that means, how those
8 distinctions were made. And so we now have a staff report on
9 that issue.

10 And Robbie, if you'd like to kind of walk us through
11 this report, I think that would be helpful.

12 MR. ANDERSON: Sure. So the question that was
13 presented here for this report is how expansion of a system
14 differs from replacement of a system or the replacement in a
15 specific component of a voting system.

16 The second sentence of Elections Code Section
17 19254(c)(3) clearly provides reimbursement to a county for
18 expansion of their system. That provision reads as follows:
19 Applications for expansion in an existing system or
20 components related to a previously certified or conditionally
21 approved provision shall be accepted.

22 However, as pertinent here, that provision is limited
23 by the claim beginning in the first sentence which reads as
24 follows: The county has not previously requested fund money
25 for the purchase of a new voting system.

1 So we know the intent of the Bond Act 2002 was to
2 provide reimbursement to the counties for the purchase of new
3 voting equipment but this is limited that previous
4 reimbursements made by the VMB to the particular county.

5 So first we have an example of a possible
6 reimbursable expansion. So an example is County X is
7 reimbursement for 13 X, Y, Z Ballot on Demand printers back
8 in 2016. County X has determined that they need 12
9 additional X, Y, Z Ballot on Demand printers to meet the need
10 of their voters. So they'll be seeking reimbursement from
11 the VMB for these additional printers under Section 19254(c)
12 (3) as an expansion of their system.

13 On the other hand, we have County Y who is reimbursed
14 for 17 X, Y, Z Ballot on Demand printers in 2015 but the
15 county determined that it prefers the A, B, C Ballot on
16 Demand printers and purchases 17 of those. In this case, the
17 county did not come before the board for reimbursement for
18 the ABC printers because the county is already being
19 reimbursed for the same exact equipment. This reimbursement
20 is barred by Section 19254(c) (3) which refers to a county who
21 has previously requested fund money for a new voting system.

22 This example differs from the one above because
23 County X purchased more of the same equipment, but County Y
24 purchased different model of the same equipment that was
25 previously funded by the VMB.

1 So items that would constitute an expansion of an
2 existing system, expenses to which are reimbursable by the
3 VMB would E-poll votes, Ballot on Demand printers, remote
4 accessible vote by mail systems, ballots orders, and ballot
5 marking devices as long as they are simply adding to a system
6 that was previously funded.

7 VMB does not have the authority, expressed or
8 implied, to provide reimbursement for a new voting system to
9 replace a system for which a county has previously requested
10 funding.

11 Section 19252(f) of the code defines voting system as
12 any voting -- any voting machine, voting device, or vote
13 tabulating device that does not use prescored punched card
14 ballots. In addition, Section 361, which is not part of the
15 Act, defines voting machines as any electronic device
16 including but not limited to a precinct optical scanner and a
17 direct recording voting system into which a voter may enter
18 his or her votes in which by means of an electronic
19 tabulation or generation of printouts or other tangible human
20 readable records furnishes a total of the number of votes
21 cast for each candidate and for or against each measure.

22 In addition, Section 358, which is also not part of
23 the Act defines a vote tabulating device as any piece of
24 equipment other than a voting machine that compiles a total
25 of votes cast by means of ballot card sorting, ballot card

1 reading, paper ballot scanning, electronic data processing,
2 or a combination of that having voted.

3 So reviewing all three of these sections as a whole,
4 it is apparent that the voting system is made up of several
5 different components. So while Section 19254(c)(3) precludes
6 the VMB from reimbursing a county that has already requested
7 funding for a new voting system, a county that has only
8 received reimbursement for certain components is not
9 precluded from receiving reimbursement for other components
10 that make up the whole system. Thus, we read Section
11 19254(c)(3), that's prohibiting the VMB from reimbursing the
12 county from replacing an entire voting system for which the
13 county has requested fund money and any individual components
14 for which the county previously requested fund money.

15 The VMB staff here, we tried to read all the statutes
16 in the most liberal way that would lead to reimbursement for
17 replacement piece of voting equipment. That is just not
18 possible under the constraints provided in the Elections Code
19 that were enacted nearly 18 years ago.

20 So in summation, the VMB may authorize reimbursement
21 for an expansion to a county's voting system but not for
22 replacement of equipment for which reimbursement was
23 previously made by the VMB.

24 CHAIR KAUFMAN: Okay. And I should just add that
25 I -- in the context of staff preparing this report, we did

1 have a conversation, I did participate in the meeting staff.
2 I guess I would just like to emphasize on the record that
3 staff and I spent a fair amount of time scratching our heads
4 trying to figure out a way to read these statutes that would
5 allow more leeway for this board to be able to provide
6 funding to certain counties that may have locked in to a
7 system years ago not knowing what was ahead of them. And now
8 seeking to come back and, you know, replace those systems
9 with something that is now more state of the art, if you
10 will.

11 And you'll recall, this is the situation we had with
12 San Luis Obispo --

13 MS. AWANO LAGMAY: Okay.

14 CHAIR KAUFMAN: -- last month. You know. And
15 unfortunately, it just seems like we'd be strained a little
16 too far to just ignore the language and statute which seems
17 pretty clear and does not provide us with a lot of leeway to
18 do with we might like to do but we're somewhat constrained
19 from doing.

20 And of course part of the problem is nobody
21 anticipated when this statute was enacted in 2002 that almost
22 18 years later, as Robbie says in his memo, you know, we'd be
23 talking about the third generation, I think, of loading
24 equipment, you know, that's now, being implemented.

25 So, you know, I think unless changes are made

1 somewhere down the line, folks are going to have look
2 elsewhere for making those type of changes. Elsewhere other
3 than the VMB for funding of those particular types of
4 expenses. There are still plenty of things that this board
5 can, you know, award funding for, including as discussed in
6 the memo, components that expand the system rather than
7 trying to replace a system for which the board is already
8 awarded funding.

9 So that's -- that's a little more emphasis on these
10 points and to give you a little bit of background on it.

11 MR. ANDERSON: If I can just add, you know, while the
12 VMB is restricted on these types of reimbursements, the
13 counties do have access to two separate pots of money for
14 these expenses so they're not out of pocket.

15 CHAIR KAUFMAN: Okay. And that's what, one being
16 federal and one being the additional state fund?

17 MR. ANDERSON: There's two additional state funding
18 grants, one from '18 and one this year.

19 CHAIR KAUFMAN: Okay. So there's actually two state
20 pools of money.

21 MR. ANDERSON: Yeah. And those are pretty broad for
22 what to be -- what they can be used for.

23 CHAIR KAUFMAN: Go ahead, Gabe.

24 MR. SANDOVAL: I want to thank the Chair and the
25 staff for all the time they worked on this.

1 I'm wondering in your research and with the issues,
2 one of the questions that was raised or issues that was
3 raised by San Luis Obispo is that they in fact did not gain
4 funds for a new system but just enhancing for accessibility
5 for those individuals grant disabilities and as a result they
6 never made the request. And I was wondering could that fund
7 for accessibility fall in a component of the system as
8 opposed to request for a new system? I wanted to get a sense
9 from that particular area, what your thoughts are.

10 MR. ANDERSON: I think that would be a valid
11 expansion just so long as the VMB hadn't previously
12 reimbursed for that equipment.

13 MR. SANDOVAL: Okay. And it's your estimation that
14 what the county asked for previously was a new system as
15 opposed to a component to make it accessible to those
16 individuals with disabilities?

17 MR. ANDERSON: Yes.

18 MR. SANDOVAL: And why is that?

19 MR. ANDERSON: Well, they had -- they requested --
20 the first phase was they purchased certain type of accessible
21 system and they were reimbursed. And then when they came
22 back for the award in September, it was to be reimbursed for
23 basically the same equipment. Not the same thing they
24 bought, but a different version of the same equipment. If
25 that makes sense.

1 MR. SANDOVAL: Well, it makes sense. It's a very
2 interesting, unique system.

3 MR. ANDERSON: Yes.

4 MR. SANDOVAL: Because you had an existing system,
5 you needed to make it accessible to individuals with
6 disabilities. And the argument is that -- and maybe the laws
7 just aren't clear on that and you've obviously looked into
8 the issue.

9 But it seemed like it was a very unique situation for
10 San Luis Obispo and generally fall into a new system but is
11 it really a component request that would be an expansion.

12 CHAIR KAUFMAN: I think that's the difficulty with
13 that. You know, you'll see when we talk about Humboldt
14 today. I think the first phase that they would seek
15 reimbursement for was to do a limited, you know, provide
16 accessible voting equipment, voting place. So that was kind
17 of the first component that they built on since. And
18 unfortunately, I think -- I keep picking on San Luis Obispo.
19 But, you know, maybe they had foresight or that, you know,
20 they're unlucky but I mean, I think they -- they built that
21 all together when they purchased their equipment initially,
22 so they've already received funding for that, you know, and
23 you can't kind of separate out from whatever else they
24 (indiscernible).

25 MS. AWANO LAGMAY: So Mr. Chair, we'd also like to

1 thank you very much and staff very much for putting the
2 thought -- your thoughtfulness to the (indiscernible).

3 Two quick questions. San Luis Obispo has been
4 informed of -- of this -- of the memo and you have shared
5 that with them or you will share that with them?

6 CHAIR KAUFMAN: We will.

7 MS. AWANO LAGMAY: And the second thing is, feel very
8 badly for San Luis Obispo but as we ascertained at the last
9 meeting, it is such a unique situation and let's not repeat
10 it or experience by any other county. And I'm just hoping
11 that it could be used for a learning experience for any
12 counties in the future that if they find themselves headed
13 toward this same situation, that they have some sort of
14 outreach or access to information to understand that -- that
15 it won't be a surprise to them that -- that this unfortunate
16 denial was made to San Luis Obispo and therefore precedent
17 having been set that it's happening with them too.

18 Did you see where I'm going with this? Yeah, that
19 they -- if this seems to be developing with any other county,
20 that they have adequate notification that this type of issue
21 was looked at and a decision was rendered.

22 Okay. Thank you.

23 CHAIR KAUFMAN: Okay. Any further questions?

24 Commissioner LaVine, I know you're new to this,
25 you're probably trying to absorb this all.

1 MS. LAVINE: Uh-huh.

2 CHAIR KAUFMAN: And so I don't know if you have any
3 questions --

4 MS. LAVINE: No, I read through the --

5 CHAIR KAUFAN: -- in the original nature.

6 MS. LAVINE: -- minutes from the last meeting and
7 through all these reports. Thank you.

8 CHAIR KAUFMAN: And I know that we all got these
9 memos, final versions of memos this morning. I don't know
10 whether any additional thought is needed. I mean, we had a
11 discussion on this. Again, I don't know if we actually need
12 to vote on adopting this as a policy. I mean, it's in the
13 statute itself, it's clarifying the statute itself, so I
14 think the memo speaks for itself unless we have any direction
15 of staff to pursue any other issues on this.

16 Is everybody comfortable with that?

17 MS. AWANO LAGMAY: It would seem to me, Mr. Chair,
18 that to close it properly, we should adopt the report to
19 close the issue. Otherwise, it leaves it open. I just -- I
20 just think we should adopt the report.

21 CHAIR KAUFMAN: Okay. Do you want to make a motion
22 to that, then?

23 MS. AWANO LAGMAY: Yeah. I move that we adopt the
24 staff report of November 15th dealing with the clarification
25 of expansion versus replacement.

1 CHAIR KAUFMAN: Do I have a second?

2 MS. LAVINE: I'll second that.

3 CHAIR KAUFMAN: Okay. Why don't we take a vote --
4 Stacey, why don't you call the roll on this.

5 MS. JARRETT: June Awano Lagmay.

6 MS. LAGMAY: Oh, aye to adopt.

7 MS. JARRETT: Gabriel Sandoval.

8 MR. SANDOVAL: Aye.

9 MS. JARRETT: Jill LaVine.

10 MS. LAVINE: Aye.

11 MS. JARRETT: Steve Kaufman.

12 CHAIR KAUFMAN: Aye.

13 Okay. Thank you all.

14 MR. SANDOVAL: Thank you.

15 CHAIR KAUFMAN: Thank you, Robbie.

16 MR. ANDERSON: You're welcome.

17 MS. LEAN: Sorry. I have one clarifying question.

18 On the first memo -- this is an -- it was a
19 clarification that the staff report put it in writing for the
20 first one. It was a clarification of election of Section
21 19254(c)(3). Is that something else we would like to adopt?

22 CHAIR KAUFMAN: You know, we had talked about just
23 taking the report, but -- but, sure, we might as well just
24 adopt it so that we have it on record.

25 So let's do that again. So let's go back to

1 Item 6 -- 6a on the agenda, it's the Memorandum for Robbie
2 Anderson regarding certification of elections --
3 clarification -- I've got -- Jana and I both have --

4 MS. LEAN: Yeah.

5 CHAIR KAUFMAN: -- vision problems.

6 Clarification of Election Code Section 19254(c)(3).

7 Is there a motion to adopt (indiscernible).

8 MS. AWANO LAGMAY: I move to adopt -- I move to
9 adopt.

10 MR. SANDOVAL: Second.

11 CHAIR KAUFMAN: Okay. We have a motion from
12 Commissioner Lagmay and second from Commissioner Sandoval.

13 Let's just do a vote -- do a roll on this too. We
14 need to give Stacey something to do.

15 MS. JARRETT: All right. June Awano Lagmay.

16 MS. AWANO LAGMAY: Aye.

17 MS. JARRETT: Gabriel Sandoval.

18 MR. SANDOVAL: Aye.

19 MS. JARRETT: Jill LaVine.

20 MS. LAVINE: Aye.

21 MS. JARRETT: And Steven Kaufman.

22 CHAIR KAUFMAN: Aye.

23 All right. Now we're on the record on it.

24 Okay. Let's go to the fun part. Item 7, Project
25 Documentation Plan and Review and Planning Award Approval for

1 Humboldt County.

2 MS. KAKU: Okay. So today we have Humboldt County

3 here for the Phase 3 of their voting modernization.

4 Initially they were out approving for \$986,404.95 for their

5 Phase 1. We will have awarded \$472,897.62 for their Phase 2.

6 We will have awarded \$313,882.48 with a remaining of

7 \$199,813.85.

8 This time they're coming forward for their Phase 3

9 and the total system cost is \$259,259.47. They are asking

10 for \$133,000 -- \$133,922 and they have asked if we would

11 cover that and they paid \$125,000. So a 49, 51 percent

12 difference.

13 So if -- that is our recommended amount. And if that

14 is approved, they will have a remaining \$65,000. So the --

15 the hardware that they purchased for this third phase is

16 called the Elevate Ballot Scanner and Signature Recognition,

17 and it's by Fluence Automation. And so they have secured the

18 equipment and will implement it for the March 2020 election.

19 And that's going to be considered based (indiscernible)

20 completed.

21 So their Project Documentation Plan does meet the

22 requirements for completeness. And for their -- so for their

23 Phase 1 of election modernization, they purchased the Hart

24 (indiscernible) Accessible Units as submitted earlier to

25 comply with all the standards. For Phase 2 when they came

1 back, they purchased their DFM Associates Election Management
2 System and (indiscernible) Hart eScan Optical system for this
3 phase. As I mentioned, they purchased the Fluence Automation
4 Ballot scanner in order to modernize their vote by mail
5 process.

6 So currently, over 60 percent of the county's voters
7 are permanent vote by mail voters and the county's
8 considering a switch to the VCA model which would increase
9 the amount of VBM ballots. So this is basically just trying
10 to meet a business need for them.

11 So prior to purchasing the machine, the county's
12 process was completely manual which was neither cost
13 effective nor efficient for their workload. So this
14 processing equipment will be used to sort, scan, and process
15 incoming ballot envelopes at a high speed while capturing and
16 verifying signatures. Additionally, it will interface with
17 their EMS to upload information, generate reports, and track
18 the status of scanned envelopes. It's this all-in-one all-
19 inclusive system for them. So incorporating this advancement
20 with all of these functions will considerably support their
21 county with processing ballots quickly without forfeiting
22 accuracy.

23 They anticipate reducing VBM-related labor cost by an
24 estimated 60 percent each election year in addition to
25 increasing efficiency hearing the auditing and tracking

1 process. They will only receive -- oh, excuse me. They're
2 not requesting the total remaining funds but they do intend
3 to come back later to purchase equipment to help them
4 transfer to the VC model. So we do anticipate seeing
5 Humboldt at least one more time for that \$65,000.

6 So Humboldt County will only receive VMB payments
7 once they've submitted all detailed invoices for this
8 processing equipment. And please note that the staff
9 proposed spending award is based upon allowing reimbursement
10 under Proposition 41 for the Voting Technology Components.
11 The extended service maintenance line items listed in their
12 contract with Fluence Automation would not be covered as a
13 reimbursable payment for Prop 41. A chart of nonallowable
14 expenses is on the next page just outlining this information.

15 So it is our staff recommendation that they receive
16 for their Phase 3 project, \$132,922.

17 CHAIR KAUFMAN: And before we turn to Humboldt
18 County, does anyone have any questions for staff on the staff
19 report?

20 Okay. With that, are you Ms. Sanders?

21 MS. SANDERS: I am.

22 CHAIR KAUFMAN: Okay. We'd like to welcome Kelly
23 Sanders from the recorder registrar of voters for Humboldt
24 County up to the microphone. And if there's anything you'd
25 like to add beyond what staff just covered, we'd love to hear

1 from you.

2 MS. SANDERS: Well, thank you. Thank you very much.
3 And thank you for your consideration here today.

4 As Jordan said, this would substantially increase our
5 productivity and our efficiency in the office and would add
6 another component of efficiency in our workload. It would
7 also help us to produce results sooner to the public.

8 I know it's always hard for a small office. I have a
9 staff of six, and we hire probably 14 extra help -- staff
10 people to help us process just the vote by mail ballots. And
11 it takes us, I mean, the entire canvass period to get that
12 done. So the continued increase of vote by mail requests and
13 our consideration of going to a vote center county, this
14 would substantially help us.

15 So if you have any questions of me, I'm happy to
16 answer.

17 CHAIR KAUFMAN: I have one question.

18 MS. SANDERS: Sure.

19 CHAIR KAUFMAN: As one who has spent way too much
20 time in the office of registrars after elections watching
21 vote by mail ballots being processed, am I to understand that
22 this -- this system that you're getting -- I've seen
23 different models.

24 MS. SANDERS: Uh-huh.

25 CHAIR KAUFMAN: Is this one of the models where

1 literally the -- the computer itself matches the signature on
2 the vote by mail ballot with the registration signature and
3 it generate -- it basically looks for lines that match up and
4 tells you if there are more than a certain number that don't
5 line up?

6 MS. SANDERS: Yes, it does have that signature
7 recognition software. It scans up to 18,000 return vote by
8 mail envelopes per hour. Not that we would ever have -- we
9 would save up that many, but it captures the signature or if
10 it doesn't have a signature, a signature that doesn't match,
11 it will sort those out into a bin so we can retrieve those
12 quickly and get letters out to the voters so they have the
13 opportunity to correct that so we can count their ballot.

14 We still plan to verify the signatures even though
15 we're using the automatic signature recognition. This will
16 be our first time using it, and we just feel that for the
17 first time, anyway, that we would really like to verify all
18 the signatures ourselves.

19 CHAIR KAUFMAN: Oh really?

20 MS. SANDERS: It'll bring them up on our system,
21 interface with our Election Management System and it'll bring
22 four signatures up side by side on the computer screens. So
23 that allows us to leave our ballots in our secure area rather
24 than our workers bringing them out to their desks and
25 scanning the ballots at their desks. So they'll remain in

1 our secure area so that will increase the security as well.

2 CHAIR KAUFMAN: But that's just an initial phase that
3 you're going to go through on this first election just to be
4 able to assist --

5 MS. SANDERS: It is. We want to get a feel to it.
6 Feel for it before we do that.

7 CHAIR KAUFMAN: Does the purchase of this ultimately
8 is to avoid having to spend personal --

9 MS. SANDERS: It is.

10 CHAIR KAUFMAN: -- time doing that?

11 MS. SANDERS: It is.

12 CHAIR KAUFMAN: And then in the future, you will only
13 have -- you will only have staff manually reviewing
14 signatures that get put in that category of not matching for
15 some reason --

16 MS. SANDERS: Correct.

17 CHAIR KAUFMAN: -- based upon the computer profile
18 which then people can manually look at and make
19 determinations on it, contact voters about.

20 MS. SANDERS: That's correct. And I believe you can
21 set the level of confidence of the system. And that's one of
22 the things that we'll be looking at to see where we want that
23 level of confidence for the future on the signature
24 recognition.

25 CHAIR KAUFMAN: Right. Okay.

1 MS. AWANO LAGMAY: No questions.

2 CHAIR KAUFMAN: Others? Questions?

3 MR. SANDOVAL: Do you know what other counties are
4 using this system?

5 MS. SANDERS: There's quite a few. The ones I can
6 think of off the top of my head are Sonoma County, Solano.
7 Let's see, I know there -- I know there are many others, I'm
8 not thinking of -- there are several systems out there, but I
9 know that Sonoma County and Solano definitely use the Fluence
10 Elevate System.

11 CHAIR KAUFMAN: Anybody else?

12 Okay. Thank you, Ms. Sanders.

13 MS. SANDERS: Okay. Thank you very much.

14 MR. SANDOVAL: Thank you.

15 CHAIR KAUFMAN: Okay. Do we want to have a motion to
16 approve the recommended funding award request for Humboldt
17 County?

18 MR. SANDOVAL: So moved.

19 CHAIR KAUFMAN: Let's state the amount for the
20 record.

21 The recommendation is for issuance of a funding award
22 letter in the amount of \$133,922.

23 MR. SANDOVAL: So moved.

24 CHAIR KAUFMAN: So moved. Mr. Sandoval moves.

25 Do we have a second?

1 MS. LAVINE: I would like to second. I'll second.

2 CHAIR KAUFMAN: Seems worth showing up today.

3 All right, all in favor of the motion, say aye.

4 MS. AWANO LAGMAY: Aye.

5 MS. LAVINE: Aye.

6 MR. SANDOVAL: Aye.

7 CHAIR KAUFMAN: Any opposed? No abstentions?

8 Okay.

9 MS. SANDERS: Thank you very much.

10 CHAIR KAUFMAN: We have awarded Humboldt County

11 \$133,922 and hopefully it goes to (indiscernible).

12 MS. SANDERS: Thank you very much.

13 CHAIR KAUFMAN: And I'll sign the funding award

14 letter following this meeting.

15 Okay. Other business. I know we have a schedule to

16 go over. So let's talk about that, we referred to it earlier

17 in the meeting. We had some proposed dates for 2020, this is

18 our last scheduled meeting for Calendar Year 2019.

19 And I think the (indiscernible) who knows what our

20 schedule will hold for us as we head into 2020. But

21 January 29th seems to be the only kind of iffy proposition at

22 this point. I have something on my calendar for later that

23 day but I'm not going to let that get in the way that if --

24 if counties need to come before this board before March 3rd, I

25 want to make sure they have an opportunity to do so. So I

1 think we do need to have something on schedule before then
2 that doesn't run too close to the election. And I presuming
3 the state as a result of your calculations in that regard --

4 MS. LEAN: We were looking at every potential date
5 that could happen and this is the one date that we all could
6 land on that isn't a deadline date for the counties or for
7 us. So that was where we come up with the date.

8 I would suggest to the board that we set this as
9 tentative and if there's somebody that comes forward, we'll
10 let you know. If not, we will not hold a meeting in January.
11 That would be my suggestion for the entire year.

12 We could revisit but we -- we scoured through the --
13 our election calendars, our critical events calendars, and
14 everything related to the elections for the counties,
15 (indiscernible) and this is what we've come up with as the
16 best possible. Hopefully this is -- will work for everybody.
17 But take a look and come back. I would suggest if you're
18 okay with it, we can put it as tentative now and notify the
19 counties, then we can get some good feedback on which ones
20 will be coming forward.

21 CHAIR KAUFMAN: Yeah. As I said, I've got something
22 later that day but I can work around that so I don't want
23 that to hold up the process.

24 I don't know if anybody else has some big blocks on
25 their calendar that these dates won't foul up at this point

1 but.

2 MS. AWANO LAGMAY: These are fine with me.

3 CHAIR KAUFMAN: Okay. We can be as flexible as we
4 need to be. But let's adapt this as a tentative calendar for
5 now going forward.

6 MS. LEAN: We will definitely be informing the
7 counties of this potential schedule.

8 CHAIR KAUFMAN: All right. Any other business that
9 we need to discuss today?

10 MS. LEAN: No, sir.

11 CHAIR KAUFMAN: Okay. Then I'll take a motion to
12 adjourn this meeting. Anybody?

13 MS. AWANO LAGMAY: I move to adjourn.

14 CHAIR KAUFMAN: Thank you, June.

15 MS. AWANO LAGMAY: You're welcome, Mr. Chair.

16 CHAIR KAUFMAN: Gabe will second?

17 MR. SANDOVAL: Second.

18 CHAIR KAUFMAN: All in favor of adjourning, say aye.

19 MS. AWANO LAGMAY: Aye.

20 MS. LAVINE: Aye.

21 CHAIR KAUFMAN: Aye.

22 Okay. This meeting is adjourned. Thank you,
23 everybody.

24 ///

25 ///

1 MS. AWANO LAGMAY: Thank you.

2 MR. SANDOVAL: Thank you.

3 (Thereupon, the hearing was adjourned at 11:29 a.m.)

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