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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CHAIR KAUFMAN: It is 10:36 and I am calling this meeting of the Voting Modernization Board to order. Let’s do roll call. Stacey. Actually, let me just before we get to roll call, let me just -- we’ll get it to in a second.

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

MS. LAVINE: Thank you.

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

MS. JARRETT: All right. June Awano Lagmay.

MS. AWANO LAGMAY: Present.

MS. JARRETT: Gabriel Sandoval.

MR. SANDOVAL: Present.

MS. JARRETT: Jill LaVine.

MS. LAVINE: Present.

MS. JARRETT: Steve Kaufman.

CHAIR KAUFMAN: Here.

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

CHAIR KAUFMAN: All right. Do we have any public
comment on matters that are not part of the agenda? I don’t think we have any public who would want to make public comment.

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

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

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

CHAIR KAUFMAN: Okay.

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

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

MS. AWANO LAGMAY: So moved.

MR. SANDOVAL: Moved.

CHAIR KAUFMAN: So I’m going to call June first and Gabe second.

All in favor adopting the motion, say aye.

MS. AWADO LAGMAY: Aye.

MR. SANDOVAL: Aye.
CHAIR KAUFMAN: Any opposed?

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

CHAIR KAUFMAN: Yeah. So we’ll just have one -- not a recusal.

MS. LAVINE: Abstention.

CHAIR KAUFMAN: Abstention. Thank you.

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

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

MS. KAKU: Good morning.

UNKNOWN SPEAKER: Good morning.

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

CHAIR KAUFMAN: Good morning (indiscernible).

MR. RODRIGUEZ: Good morning.

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

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

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

If there are any questions, I can take them down and give them to NaKesha and she can respond.
CHAIR KAUFMAN: Okay. I had a couple of questions. Maybe you guys can answer these, maybe we need to wait for NaKesha.

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

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

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

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

So I know a few of those five counties that are
meeting are looking to buy that system.

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

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

    CHAIR KAUFMAN: Yes.

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

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

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

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

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

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

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CHAIR KAUFMAN: -- move in that direction?

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

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

MS. AWANO LAGMAY: No questions.

MR. SANDOVAL: No questions.

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

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

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

MS. AWANO LAGMAY: -- LA specific.

MS. KAKU: Actually, we --

CHAIR KAUFMAN: I mean, LA is mentioned here.

MS. AWANO LAGMAY: Oh.

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

CHAIR KAUFMAN: Okay.

MS. SOUTHARD: Good morning.
CHAIR KAUFMAN: Good morning.

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

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

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

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

MS. SOUTHARD: Oh, yes. So the mock election allowed and did give the public an idea what to expect from the vote.
centers, ballot marking devices, or equal (indiscernible) interactive sample ballot, and allowed county election staff to observe how members of the public interacted with their new system, their (indiscernible) processes, procedures. And as a result, they’ve been able to address and incorporate various changes, including changes to the ballot marking device navigation and vote centers set up for to voters.

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

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

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

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

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

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

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

MR. SANDOVAL: Okay.

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

The one thing I see that they’ll have to do some additional training on their poll workers and we know that they’ve already taken this feedback is to train them to explain to voters that the ballot needs to be left on the actual device and pushed back in. That was the one thing that I observed that voters are used to taking the ballots and putting it in the ballot box. And you can take it and
observe it and read it to make sure your -- that the votes
are correct, but you need to place it back into the systems
and it sucks it -- sucks it, is a very technical term --
sucks it right back in the ballot box. Right.

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

MR. SANDOVAL: Thank you.

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

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

CHAIR KAUFMAN: Any other comments, commissioners?

I’ll just say I also, yes, as Joanna mentioned, I did
the mock election at the zoo among the lions and tigers and
bears. So I got to experience the system as well. And I
should just add for my fellow commissioners to the extent you
are interested and available, my office is going to be
hosting a demonstration, a presentation by Dean Logan next
Thursday with the equipment. We’ve invited some clients,
folks we work with to attend and get a direct introduction to
the new system. So I’ll be seeing it in action again next
Thursday, and happy to share whatever insights come out of
that meeting.

Okay. Thank you, Joanna.

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

And who’s doing that? Jordan?

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

We do have some who are interested in coming soon.

Nevada being one because they tried to come this time. But
they talk about that. Otherwise, there are some counties
that plan to come forward in 2020.

CHAIR KAUFMAN: In early 2020?

MS. KAKU: Depends on the dates.
CHAIR KAUFMAN: Yeah. We saw the proposed schedule.

So.

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

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

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

CHAIR KAUFMAN: Okay.

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

MS. LEAN: So the good news is that Madera did finally get their check. So they’re very happy they got their money.
CHAIR KAUFMAN: Good.

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

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

CHAIR KAUFMAN: Yes.

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

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

CHAIR KAUFMAN: Okay. We can take the calendar up at
Okay. Any other questions of staff regarding the -- a date on (indiscernible).

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

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

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

MS. LEAN: Right.

MS. AWANO LAGMAY: Okay. Thank you.

CHAIR KAUFMAN: Okay. Thank you, Jordan.

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

The first one is a memorandum that we asked for at the last meeting. As those in attendance will recall, we had received an oral report from Robbie Anderson discussing the language of Elections Code Section 19254(c)(3). There had been a prior memo on the subject relating to the authorization of the VMB to -- to award funding requests to counties who have requested fund money previously. There was an issue regarding that.
We received an oral report from Robbie at the last meeting and requested that he reduce that to writing. And this is now the written product that reflects the report that we received at the last meeting.

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

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

Thank you very much.

CHAIR KAUFMAN: Any other comments?

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

MR. ANDERSON: No, sir.

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

Okay. Then we have a second piece of art that Robbie prepared. This one is a staff report that was requested at the last meeting. Mr. Sandoval requested and the board asked for a staff to provide a report on expansion, (indiscernible)
expansion versus replacement. There’s been ample conversation regarding the board’s ability to refund or reimbursement counties for the cost of expanding a system. But we understand that under the code as adopted by voters, we are not allowed to issue reimbursement to replace a system that’s already been paid for once by the board. And there was some question about what -- what that means, how those distinctions were made. And so we now have a staff report on that issue.

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

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

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

However, as pertinent here, that provision is limited by the claim beginning in the first sentence which reads as follows: The county has not previously requested fund money for the purchase of a new voting system.
So we know the intent of the Bond Act 2002 was to provide reimbursement to the counties for the purchase of new voting equipment but this is limited that previous reimbursements made by the VMB to the particular county.

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

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

This example differs from the one above because County X purchased more of the same equipment, but County Y purchased different model of the same equipment that was previously funded by the VMB.
So items that would constitute an expansion of an existing system, expenses to which are reimbursable by the VMB would E-poll votes, Ballot on Demand printers, remote accessible vote by mail systems, ballots orders, and ballot marking devices as long as they are simply adding to a system that was previously funded.

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

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

In addition, Section 358, which is also not part of the Act defines a vote tabulating device as any piece of equipment other than a voting machine that compiles a total of votes cast by means of ballot card sorting, ballot card
reading, paper ballot scanning, electronic data processing, or a combination of that having voted.

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

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

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

CHAIR KAUFMAN: Okay. And I should just add that I -- in the context of staff preparing this report, we did
have a conversation, I did participate in the meeting staff. I guess I would just like to emphasize on the record that staff and I spent a fair amount of time scratching our heads trying to figure out a way to read these statutes that would allow more leeway for this board to be able to provide funding to certain counties that may have locked in to a system years ago not knowing what was ahead of them. And now seeking to come back and, you know, replace those systems with something that is now more state of the art, if you will.

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

MS. AWANO LAGMAY: Okay.

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

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

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

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

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

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

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

CHAIR KAUFMAN: Okay. So there’s actually two state
pools of money.

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

CHAIR KAUFMAN: Go ahead, Gabe.

MR. SANDOVAL: I want to thank the Chair and the
staff for all the time they worked on this.
I’m wondering in your research and with the issues, one of the questions that was raised or issues that was raised by San Luis Obispo is that they in fact did not gain funds for a new system but just enhancing for accessibility for those individuals grant disabilities and as a result they never made the request. And I was wondering could that fund for accessibility fall in a component of the system as opposed to request for a new system? I wanted to get a sense from that particular area, what your thoughts are.

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

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

MR. ANDERSON: Yes.

MR. SANDOVAL: And why is that?

MR. ANDERSON: Well, they had -- they requested -- the first phase was they purchased certain type of accessible system and they were reimbursed. And then when they came back for the award in September, it was to be reimbursed for basically the same equipment. Not the same thing they bought, but a different version of the same equipment. If that makes sense.
MR. SANDOVAL: Well, it makes sense. It’s a very interesting, unique system.

MR. ANDERSON: Yes.

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

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

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

MS. AWANO LAGMAY: So Mr. Chair, we’d also like to
thank you very much and staff very much for putting the
thought -- your thoughtfulness to the (indiscernible).

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

CHAIR KAUFMAN: We will.

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

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

Okay. Thank you.

CHAIR KAUFMAN: Okay. Any further questions?

Commissioner LaVine, I know you’re new to this,
you’re probably trying to absorb this all.
MS. LAVINE: Uh-huh.

CHAIR KAUFMAN: And so I don’t know if you have any questions --

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

CHAIR KAUFAN: -- in the original nature.

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

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

Is everybody comfortable with that?

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

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

MS. AWANO LAGMAY: Yeah. I move that we adopt the staff report of November 15th dealing with the clarification of expansion versus replacement.
CHAIR KAUFMAN: Do I have a second?

MS. LAVINE: I’ll second that.

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

MS. JARRETT: June Awano Lagmay.

MS. LAGMAY: Oh, aye to adopt.

MS. JARRETT: Gabriel Sandoval.

MR. SANDOVAL: Aye.

MS. JARRETT: Jill LaVine.

MS. LAVINE: Aye.

MS. JARRETT: Steve Kaufman.

CHAIR KAUFMAN: Aye.

Okay. Thank you all.

MR. SANDOVAL: Thank you.

CHAIR KAUFMAN: Thank you, Robbie.

MR. ANDERSON: You’re welcome.

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

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

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

So let’s do that again. So let’s go back to
Item 6 -- 6a on the agenda, it’s the Memorandum for Robbie Anderson regarding certification of elections -- clarification -- I’ve got -- Jana and I both have --

MS. LEAN: Yeah.

CHAIR KAUFMAN: -- vision problems.

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

Is there a motion to adopt (indiscernible).

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

MR. SANDOVAL: Second.

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

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

MS. JARRETT: All right. June Awano Lagmay.

MS. AWANO LAGMAY: Aye.

MS. JARRETT: Gabriel Sandoval.

MR. SANDOVAL: Aye.

MS. JARRETT: Jill LaVine.

MS. LAVINE: Aye.

MS. JARRETT: And Steven Kaufman.

CHAIR KAUFMAN: Aye.

All right. Now we’re on the record on it.

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

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476
Humboldt County.

MS. KAKU: Okay. So today we have Humboldt County here for the Phase 3 of their voting modernization. Initially they were out approving for $986,404.95 for their Phase 1. We will have awarded $472,897.62 for their Phase 2. We will have awarded $313,882.48 with a remaining of $199,813.85.

This time they’re coming forward for their Phase 3 and the total system cost is $259,259.47. They are asking for $133,000 -- $133,922 and they have asked if we would cover that and they paid $125,000. So a 49, 51 percent difference.

So if -- that is our recommended amount. And if that is approved, they will have a remaining $65,000. So the -- the hardware that they purchased for this third phase is called the Elevate Ballot Scanner and Signature Recognition, and it’s by Fluence Automation. And so they have secured the equipment and will implement it for the March 2020 election. And that’s going to be considered based (indiscernible) completed.

So their Project Documentation Plan does meet the requirements for completeness. And for their -- so for their Phase 1 of election modernization, they purchased the Hart (indiscernible) Accessible Units as submitted earlier to comply with all the standards. For Phase 2 when they came
back, they purchased their DFM Associates Election Management System and (indiscernible) Hart eScan Optical system for this phase. As I mentioned, they purchased the Fluence Automation Ballot scanner in order to modernize their vote by mail process.

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

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

They anticipate reducing VBM-related labor cost by an estimated 60 percent each election year in addition to increasing efficiency hearing the auditing and tracking
process. They will only receive -- oh, excuse me. They’re not requesting the total remaining funds but they do intend to come back later to purchase equipment to help them transfer to the VC model. So we do anticipate seeing Humboldt at least one more time for that $65,000.

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

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

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

Okay. With that, are you Ms. Sanders?

MS. SANDERS: I am.

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

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

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

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

So if you have any questions of me, I’m happy to answer.

CHAIR KAUFMAN: I have one question.

MS. SANDERS: Sure.

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

MS. SANDERS: Uh-huh.

CHAIR KAUFMAN: Is this one of the models where
literally the -- the computer itself matches the signature on
the vote by mail ballot with the registration signature and
it generate -- it basically looks for lines that match up and
tells you if there are more than a certain number that don’t
line up?

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

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

CHAIR KAUFMAN: Oh really?

MS. SANDERS: It’ll bring them up on our system,
interface with our Election Management System and it’ll bring
four signatures up side by side on the computer screens. So
that allows us to leave our ballots in our secure area rather
than our workers bringing them out to their desks and
scanning the ballots at their desks. So they’ll remain in
our secure area so that will increase the security as well.

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

MS. SANDERS: It is. We want to get a feel to it.

Feel for it before we do that.

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

MS. SANDERS: It is.

CHAIR KAUFMAN: -- time doing that?

MS. SANDERS: It is.

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

MS. SANDERS: Correct.

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

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

CHAIR KAUFMAN: Right. Okay.
MS. AWANO LAGMAY: No questions.

CHAIR KAUFMAN: Others? Questions?

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

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

CHAIR KAUFMAN: Anybody else?

Okay. Thank you, Ms. Sanders.

MS. SANDERS: Okay. Thank you very much.

MR. SANDOVAL: Thank you.

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

MR. SANDOVAL: So moved.

CHAIR KAUFMAN: Let’s state the amount for the record.

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

MR. SANDOVAL: So moved.

CHAIR KAUFMAN: So moved. Mr. Sandoval moves.

Do we have a second?
MS. LAVINE: I would like to second. I’ll second.

CHAIR KAUFMAN: Seems worth showing up today.

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

MS. AWANO LAGMAY: Aye.

MS. LAVINE: Aye.

MR. SANDOVAL: Aye.

CHAIR KAUFMAN: Any opposed? No abstentions?

Okay.

MS. SANDERS: Thank you very much.

CHAIR KAUFMAN: We have awarded Humboldt County $133,922 and hopefully it goes to (indiscernible).

MS. SANDERS: Thank you very much.

CHAIR KAUFMAN: And I’ll sign the funding award letter following this meeting.

Okay. Other business. I know we have a schedule to go over. So let’s talk about that, we referred to it earlier in the meeting. We had some proposed dates for 2020, this is our last scheduled meeting for Calendar Year 2019.

And I think the (indiscernible) who knows what our schedule will hold for us as we head into 2020. But January 29th seems to be the only kind of iffy proposition at this point. I have something on my calendar for later that day but I’m not going to let that get in the way that if -- if counties need to come before this board before March 3rd, I want to make sure they have an opportunity to do so. So I
think we do need to have something on schedule before then
that doesn’t run too close to the election. And I presuming
the state as a result of your calculations in that regard --

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

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

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

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

I don’t know if anybody else has some big blocks on
their calendar that these dates won’t foul up at this point
but.

MS. AWANO LAGMAY: These are fine with me.

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

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

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

MS. LEAN: No, sir.

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

MS. AWANO LAGMAY: I move to adjourn.

CHAIR KAUFMAN: Thank you, June.

MS. AWANO LAGMAY: You’re welcome, Mr. Chair.

CHAIR KAUFMAN: Gabe will second?

MR. SANDOVAL: Second.

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

MS. AWANO LAGMAY: Aye.

MS. LAVINE: Aye.

CHAIR KAUFMAN: Aye.

Okay. This meeting is adjourned. Thank you, everybody.
MS. AWANO LAGMAY: Thank you.

MR. SANDOVAL: Thank you.

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

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