In the Matter of:  

Voting Modernization Board  
Board Meeting  

VOTING MODERNIZATION BOARD (VMB)  

TELECONFERENCE MEETING ONLY  

FRIDAY, AUGUST 26, 2022  
10:02 A.M.  

Reported by:  Elise Hicks, CER
APPEARANCES

VMB BOARD MEMBERS:

Stephen Kaufman, Chair
June Awano Lagmay
Gabriel Sandoval

SOS VMB STAFF PRESENT:

Paula Ritter, Staff Consultant
Joan Hackeling, Staff Consultant
Jana Lean, Chief of Elections
Robbie Anderson, Elections Counsel
NaKesha Robinson, Office of Voting Systems Technology

PRESENTERS:

Brian Gegarian, San Joaquin County
Stephanie Duarte, Santa Clara County
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CHAIR KAUFMAN: Yeah, let’s go ahead and take roll and call the meeting to order.

MS. HACKELING: Stephen Kaufman?
CHAIR KAUFMAN: Present.

MS. HACKELING: June Awano Lagmay?
BOARD MEMBER AWANO LAGMAY: Present.

MS. HACKELING: Gabriel Sandoval?
BOARD MEMBER SANDOVAL: Present.

MS. HACKELING: Thank you.
CHAIR KAUFMAN: Okay, thank you, Joan.

All right, good morning everybody. We are here for the August 26, 2022 meeting of the Voting Modernization Board. Thank you all for attending.

As the next order of business let’s see if there’s any public comment. This is public comment for items that are not currently on the agenda. Staff, do we have any public comment requests?

MS. RITTER: We have not received any.
CHAIR KAUFMAN: Okay. I noted in one of the emails that went around there was an issue about Mono County, and their submission. Are they going to be commenting or is that going to be brought to our attention at some other point in the agenda or were they
planning on public comment?

    MS. RITTER: We recommended they address the Board under other business.

    CHAIR KAUFMAN: Okay, just wanted to make sure we’re giving them the opportunity.

    All righty, then let’s proceed to Item IV on the agenda, which is the adoption of the May 10, 2022 action items and meeting minutes.

    I guess I will turn to my fellow Board members to see if we have a motion to approve. I know June is always our watch dog on going through the minutes and ably identifying any issues. So, do we have a motion?

    BOARD MEMBER AWANO LAGMAY: I move that we adopt the minutes of May 10, 2022.

    BOARD MEMBER SANDOVAL: Second.

    CHAIR KAUFMAN: Great. We have a first, we have a second.

    All in favor of adoption of the May 10, 2022 action items and meeting minutes say aye.

    (Ayes)

    CHAIR KAUFMAN: Any opposed?

    Okay, we have a three/nothing vote in favor of adoption. Thank you.

    All right, then let’s turn to Item V on the agenda which are the allotments for San Joaquin and Santa Clara
Counties that were approved at our last Board meeting on May 10th. And I understand we have a correction about the actual amounts to be awarded to those counties.

So, if we can have the staff report on that?

MS. RITTER: Yes, good morning. This is Paula and I will be presenting the staff report on this.

At the May 10, 2022 meeting of the Voting Modernization Board, the Board was presented with a staff report that included a recommendation to approve additional funding round applications for San Joaquin County in the amount of $428,169, and for Santa Clara County in the amount of one thousand -- or, $1,532,032.92. And we issued application approval letters to those counties for those amounts.

Subsequently, we discovered that the calculation of the amounts approved contained an error in that both counties’ applications had unallowable amounts that were deducted from the VMB funding amount at 100 percent of the cost, rather than being deducted at 75 percent of the cost that’s reimbursable by the VMB.

Correcting the calculations would result in increasing San Joaquin’s approval amount by $2,400, to $435,569, and increasing Santa Clara’s approval amount by $18,520.81 to $1,550,553.74.

So, we would like to request that the Board approve
correcting these amounts and authorizing us to issue revised
application approval letters. One to San Joaquin in the
amount of $430,569 and one to Santa Clara in the amount of
$1,550,553.74.

All the other counties’ calculations were correct as they were originally presented. And then, we did provide
tables of the corrected calculations for reference on the
second page of the staff report.

If there’s any questions?

CHAIR KAUFMAN: Thank you. I had one question just
for clarification. These adjustments are taking place in the
additional funding round, so there are no limits or any issues
about them hitting any thresholds or exceeding any
thresholds, right?

MS. RITTER: That is correct.

CHAIR KAUFMAN: Okay. Fellow Board members, any
questions?

BOARD MEMBER AWANO LAGMAY: No. It’s a straight
forward correction of an administerial error, so I’m fine
with this.

BOARD MEMBER SANDOVAL: No questions.

CHAIR KAUFMAN: Okay, do we have a motion to approve?

BOARD MEMBER SANDOVAL: So moved.

BOARD MEMBER AWANO LAGMAY: Second.

CHAIR KAUFMAN: Okay. And just for clarity, Joan or
Paula, I don’t know who’s doing it, but do you want to take a vote?

MS. HACKELING: Sure. Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: And Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.

MS. HACKELING: Thank you.

CHAIR KAUFMAN: Okay. So, I’ll receive revised funding award letters?

MS. RITTER: Yes, that’s correct.

CHAIR KAUFMAN: Okay. Okay --

MS. RITTER: Actually --

CHAIR KAUFMAN: Sorry.

MS. RITTER: Sorry. They’ll actually be the application approval letters.

CHAIR KAUFMAN: The application -- oh, that’s right because the funding award -- this was just the applications phase and now we’re --

MS. RITTER: Not the initial.

CHAIR KAUFMAN: Okay. Now, we’re going to get to the approval after this. Got it. Okay.

All right, so now Item VI we have a change proposal from San Joaquin County. So, do you want to explain what’s
going on there?

MS. RITTER: I would be happy to do that. At the May 10th meeting the Board approved San Joaquin’s application for additional funding consideration for 320 ePollbooks. And that totaled $428,169. And then, we just corrected that amount to $430,569.

The actual cost of the ePollbooks ended up being significantly less than the amount that was presented in the approval application because the unit cost on the ePollbooks decreased from $1,640 per unit on the Phase 1 invoice to $430 per unit on the Phase 2 invoice that they received from the vendor.

So, this leaves the county with the remainder of $258,440.81 in unutilized funds. So, in order to utilize the remainder of the VMB allotment, the county identified additional equipment that’s necessary to improve their voting system technology and to keep up with the population growth that they’re experiencing in their county. It also allows them to efficiently process an increasing volume of vote-by-mail ballots.

The county submitted a change request seeking reimbursement for a ballot sorter and an upgrade to their ballot-on-demand system, in addition to the ePollbooks that were contained on their original application.

The total reimbursement amount on the change request

California Reporting, LLC
(510) 224-4476
is $670,772.04, which exceeds the amount of the approved
application by $240,203.04.

The county would like to add a ballot sorter as it
will allow for integrity and transparency when processing the
growing number of mail-in ballots that the county expects to
receive in the future, as it is likely that many voters
throughout the state will continue the adoption of vote-by-
mail as their primary voting choice.

And the county would also like to upgrade their
ballot-on-demand system because the system previously
utilized became obsolete due to unavailability of parts for
repairs. The upgraded system allows the county to automate
and streamline ballot production and distribution, and it
offers flexible options for on-demand ballot printing needs.

It also enables election staff to print the exact
number of ballots needed for each precinct of any allowable
ballots filed based on voter turnout, and this will increase
efficiency and reduce cost and waste.

Staff recommends that San Joaquin County’s change
request be approved and a revised additional funding award
approval letter issued to the county in the amount of
$670,772.04.

And again, this is still back at the application
phase. We haven’t gotten to the PDP phase yet.

CHAIR KAUFMAN: Okay, so thank you for saying that.
So again, just for clarification back in May we agreed to an amount for San Joaquin and other counties to submit final claims for an additional round of funding. This is just adjusting the amount that we are allowing them to submit an additional claim for. It doesn’t go against any allotment amount, other than the fact that it’s eating into whatever -- the excess is eating into whatever would be left in the VMB fund after these funding awards -- this funding award round. Correct?

MS. RITTER: That is correct.

CHAIR KAUFMAN: Am I clarifying or making it more confusing?

MS. RITTER: It all made sense to me, you’re absolutely correct.

CHAIR KAUFMAN: Okay, good. At least you and I are on the same page.

Okay, June, Gabriel, do you guys have any questions of staff on this?

BOARD MEMBER AWANO LAGMAY: No, I’m clear, but I just want to review the math. The error, the clerical error that we changed in the previous item, so that increased them $2,400. But we’re also asking to approve additional funding of $240,203 and that is to pay for the additional equipment, which they find now they can afford to buy because the ballot books were so inexpensive. Is that right?
MS. RITTER: Yes. Yeah, it’s the ePollbooks were less.

BOARD MEMBER AWANO LAGMAY: Right.

MS. RITTER: But the new equipment is more. So, the overall total is the 670.

BOARD MEMBER AWANO LAGMAY: Right, the overall total is 430, plus 240, which is the 670.

MS. RITTER: Correct.

BOARD MEMBER AWANO LAGMAY: And that’s the -- yeah, okay, got it. All right, no more -- no further questions, thank you.

BOARD MEMBER SANDOVAL: I have no questions.

CHAIR KAUFMAN: Okay. Then do we have a motion to approve?

BOARD MEMBER AWANO LAGMAY: I move to approve the change proposal from San Joaquin, which is Item VI on our agenda.

BOARD MEMBER SANDOVAL: And second.

CHAIR KAUFMAN: And again, Paula or Joan, do you want to take a vote?

MS. HACKELING: Yes, I will. Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: And Gabriel Sandoval?
BOARD MEMBER SANDOVAL: Aye.

CHAIR KAUFMAN: Okay. Okay, so now we’ve straightened out and figured out how much we’ve agreed the counties have in an additional round of funding.

Now, we will get to Item VII, which is the actual document plans, project documentation plans that have been submitted within those allocations to receive an award of funding. Correct?

MS. RITTER: Correct.

CHAIR KAUFMAN: Okay. Who’s presenting on that?

MS. RITTER: That will be Paula again.

CHAIR KAUFMAN: Okay, let’s hear it.

MS. RITTER: Okay, so --

CHAIR KAUFMAN: So, should we -- so, let’s take them one at a time. So, the first one up is Los Angeles County.

MS. RITTER: Yes, sir. Los Angeles County’s additional funding round project document plan meets the requirements for completeness. When the Secretary of State’s Office implemented VoteCal in 2016, the integration between the county’s EMS, election management system, and VoteCal had a significant impact on business processes and began to strain the capabilities of their EMS.

The county is seeking to implement a flexible -- flexible and scalable EMS that allows them to continue to
adjust to new regulations and continue to enhance services. The vision for this future state EMS is built around a solution that uses modern technology, is highly aligned to operational needs, and has the ability to streamline processes.

The EMS will support new voting administration models and will better integrate with other systems, such as VoteCal, and the county’s recently implemented Voting Solutions for All People System.

For the additional funding round, the county is seeking reimbursement for the replacement of an automated signature recognition solution, which includes hardware and software modifications. The ESR solution is the backbone of the process which facilitates the processing of vote-by-mail ballots.

The new ESR solution will increase the volume of ballots processed from 8,000 per hour to 40,000. It will also ensure the disposition of duplicate ballots and vote-by-mail ballots returned by voters who already voted at a vote center.

In addition, the new ESR solution will capture the entire envelope image, instead of just the signature area. This important upgrade allows staff to quickly identify ballots of voters that did not sign their ballot envelope in the correct signature area due to visual impairment. These
enhancements will increase processing speed and provide faster ballot status updates to voters, and confidence that their ballot was processed in a timely manner.

It is our recommendation that Los Angeles County’s additional funding round Project Documentation Plan be approved and a funding award letter be issued in the amount of $816,959.55.

And that concludes the Los Angeles staff report.

CHAIR KAUFMAN: Thank you, Paula.

Is there any representative from Los Angeles County with us today, that wishes to be heard on this matter?

BOARD MEMBER AWANO LAGMAY: Apparently not.

CHAIR KAUFMAN: Okay, apparently not.

I guess it’s, you know, my observation that with Los Angeles and some of the other counties it seems like the requests we’re getting are kind of a recognition and response to the fact that the counties are being asked to process and deal with significantly more vote-by-mail ballots than they could have imagined when we last heard from them. So, this is another way to increase efficiency and the processing of vote-by-mail ballots, which I’m sure we all are supportive of and can appreciate.

So, I see this as a positive and think it is a appropriate way for us to help spend our remaining dollars.

So, other comments or questions from fellow Board
members?

BOARD MEMBER AWANO LAGMAY: No questions.

BOARD MEMBER SANDOVAL: No questions.

CHAIR KAUFMAN: Okay. Well, with that, then, do we have a motion to approve Los Angeles County’s Project Documentation Plan Review and Funding Award request?

BOARD MEMBER AWANO LAGMAY: I move for approval of L.A. County’s Project Documentation Plan Review and Funding Award request.

BOARD MEMBER SANDOVAL: Second.

CHAIR KAUFMAN: Great. Joan, you want to take a roll call vote?

MS. HACKELING: Absolutely. Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: And Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.

CHAIR KAUFMAN: Okay. Great, we have a three/nothing vote.

Let us move on, then, to San Joaquin County.

MS. RITTER: That would be me again. Just one second. Before we go to San Joaquin, there actually is one thing that I wanted to call to the Board’s attention. And that is that at the February 9th Voting Modernization Board
meeting the Board set a deadline of December 7, 2022 for counties to submit payment requests for all the outstanding amounts awarded.

And L.A. confirmed with their vendor that the equipment they were ordering would be delivered no later than December 2022. But I don’t think there’s an exact date for that delivery. And it’s my understanding that the VMB can’t reimburse for items that haven’t been received.

So, we may have a payment request timeline like super, super squeaky tight, or maybe not even workable. And we need to take into consideration there may be some unforeseen supply chain issues, maybe even some administrative issues that could delay submission of a timely payment request.

And you’re going to see the same thing when we go through San Joaquin. They’ve got some equipment listed with acquisition dates in January and July of 2023 due to long lead times that are required by their vendors. And we really want to be able to pay out as much as possible to the counties, so we’re hoping at some point the Board may consider extending the payment request timelines.

CHAIR KAUFMAN: I think from my perspective we -- you know, if we’re talking about extending deadlines for awards we’ve already made, rather than kind of keeping -- you know, keeping deadlines open for submission, I think I’d be, you
know, receptive to that.

I guess I will want to hear from Robbie about, you know, whether that slows -- how much that slows down our timeline for doing anything else in terms of winding up the business of the Board. I mean it seems like there’s a few things that have to happen under the scenario that Robbie laid out in his staff report that will require us to remain in business, if you will, until things get wound down. But I don’t know if we have to have an exact amount or whether we have to have paid out or done anything in order to be able to trigger some of those events from happening.

So, maybe we can deal with that issue at the end.

And if you can remind us, Paula, to not overlook that once we consider Robbie’s presentation under Item, where are we, VIII on our agenda.

MS. RITTER: Sounds good. Okay.

Okay, so next up we have the staff report for San Joaquin County. San Joaquin County’s additional funding round project documentation package meets the requirements for completeness pending the receipt of signed vendor agreements.

And I will say, as a kind of a sidebar, that subsequent to the staff report being prepared San Joaquin did submit additional documents. So, I believe they have most of the signed vendor agreements, but there are still a couple
So, San Joaquin County has experienced growth over the past few election cycles, which increased the need for voting system technology upgrades, allowing the ability to maintain high voter satisfaction. Processing voters at polling locations, and vote-by-mail ballots, as well as having the ability to produce ballots on demand ensures the county will remain current with the most recent technologies that provide the ability to scale upwards.

As San Joaquin County prepares for the future, the strategy will be to increase efficiency and improve the overall voting experience for voters in the county. To be successful in the implementation of this strategy, technological advancements to the current hardware and software deployed within the County Registrar of Voters Office is mandatory.

For the additional funding round the county seeks reimbursement for ePollbooks, a ballot sorter, and ballot-on-demand equipment.

The benefit of having additional ePollbooks include increasing access to voters requiring accessibility assistance, mitigating long lines with fast and secure voter lookup capability, providing election office staff with election management and reporting tools, customizing workflow and reducing dependency on election office staffing.
The electronic poll books offer the ability to collect data on polling place activity related to issues affecting the voters' experience with the county's voting system equipment. This new equipment will also help determine the real-time status of vote-by-mail ballots issued to voters within the county, and assist with organizing and tracking the issuance of replacement ballots.

The ballot sorter provides increases in efficiency when handling high volumes at throughputs from 18,000 to 45,000 ballots per hour. The current throughput is approximately 7,000 per hour.

It also offers cost savings by consolidating manual multiple manual steps into fewer automated steps, which reduces the amount of temporary staffing required. These gains in efficiency will allow the county to reach their certification and election results reporting requirements more efficiently.

And the update to the ballot-on-demand system allows for necessary changes to components that were not previously available on their older system.

So, our recommendation is that the Board approve San Joaquin County's additional funding round Project Documentation Plan, and issue a conditional funding award letter in the amount of $680,772.04, with the understanding -- and again, this goes back to the timing of the receipt of some of the equipment -- with the understanding that the VMB
can only reimburse the county for equipment that’s been received by the payment request deadline, which sounds like it’s subject to change. The funds would be released upon the county’s submission of signed vendor agreements and vendor invoices.

And that concludes San Joaquin.

CHAIR KAUFMAN: Thank you, Paula.

Do we have any representatives of San Joaquin County that wish to be heard?

MR. GEGARIAN: Yeah, this is Brian with San Joaquin County. Just to add, we are awaiting the contract from our vendor for the poll pads, so we’re sort of on their timeline for this, and their acquisition schedule, you know, for when they can deliver the equipment. So, just putting that out there that it’s really -- you know, things are in motion and we want to make sure that we, you know, meet the deadline of the Board, but it’s really, you know, we’re at the mercy of our vendors for when they can deliver.

CHAIR KAUFMAN: Okay, thank you for that.

Fellow Board members, any questions of Brian from San Joaquin County?

BOARD MEMBER AWANO LAGMAY: No questions to San Joaquin. But quickly to staff, is December 7th the same deadline for L.A. County and San Joaquin?

MS. RITTER: That was the deadline established for
all counties.

BOARD MEMBER AWANO LAGMAY: Oh, for all counties. So, yeah, I understand, yeah, supply chain issues are impacting L.A. and San Joaquin both, so that’s something we will talk about later in the meeting. Okay, thank you.

BOARD MEMBER SANDOVAL: No questions.

CHAIR KAUFMAN: Okay, so then with that do we have a motion to approve San Joaquin County’s Project Documentation Plan?

BOARD MEMBER SANDOVAL: I move --

BOARD MEMBER AWANO LAGMAY: I move -- go ahead, Gabriel.

BOARD MEMBER SANDOVAL: Go ahead.

BOARD MEMBER AWANO LAGMAY: I move that the Documentation Plan Review and Funding Award approval item for San Joaquin County be approved. It is a conditional approval. It’s a conditional funding award.

BOARD MEMBER SANDOVAL: Second.

CHAIR KAUFMAN: Great. Joan?

MS. HACKELING: Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.
CHAIR KAUFMAN: Okay, thank you all. Congratulations to San Joaquin County.

And last on our list, Santa Clara County.

MS. RITTER: This is Paula again. I’ll be presenting the staff report for Santa Clara County.

Santa Clara County’s additional funding round project documentation package meets the requirements for completeness. In 2003, Santa Clara County implemented its initial voting modernization strategy with the purchase of the Sequoia ABC Edge-Touch Screen and Sequoia Optech 400 and C systems. The VMB reimbursed the county for these systems, which replaced their Poll Star punch card voting system.

The county has since replaced the Sequoia system with the Dominion Democracy Suite, Dominion Ballot On-demand and KNOWiNK Electronic poll books. The new systems were in place for the March 3, 2020 presidential primary election and allowed for conditional voter registration and voting at all vote centers, reducing the need for provisional voting and expediting post-election canvass processes.

The county’s implementation of the Voters Choice Act resulted in a dramatic increase in the number of vote-by-mail ballots cast. In the November 3, 2020 presidential election approximately 804,000 voters opted to vote by mail compared to 534,000 who voted by mail in the November 8, 2016 presidential election, which represents an increase of 50
percent.

In response to the county’s increasing vote-by-mail turnout, they reassessed their vote-by-mail processing equipment and determined they were using aged equipment which was prone to system failure and mechanical breakdown that could not be eliminated due to the age of the equipment.

For the additional funding round, the county seeks reimbursement for the expansion of its existing voting system to increase efficiency and eliminate the risks associated with using outdated equipment.

The county acquired 12 rapid extraction desks which were placed in service for the September 2021 recall election, and two mail sorting machines which were placed in service for the June 7, 2022 primary election. The rapid extraction desks removed laborious manual practices which allowed the county to reduce staffing requirements from dozens of extra help staff down to one operator.

The efficiency gained from the rapid extraction desks allowed staff to focus on other tasks critical to the timely completion of post-election canvassing procedures.

The mail sorting machines streamlined the process of vote-by-mail ballots by removing manual activities and allowing the county to run two sorters simultaneously.

The county also requests reimbursement for the acquisition of 150 Cradlepoint routers and 450 Smart UPS
devices which they placed in service for the November 3, 2020 presidential election. The county experienced brief connectivity issues at the center locations during the March 3, 2020 presidential primary election and acquired these devices to mitigate such occurrences from future elections. The devices optimize power supply and connectivity, mitigate downtime, and positively impact the overall experience for voters and vote center workers.

It is our recommendation that Santa Clara County’s additional funding round Project Documentation Plan be approved and a funding award letter be issued in the amount of $1,529,268.74.

And that concludes Santa Clara’s staff report.

CHAIR KAUFMAN: I was struck when reading this report that every election cycle, when folks get all up in arms about how long it takes for election officials to process vote-by-mail ballots that people don’t realize things as simple as opening ballot envelopes and removing ballots from ballot envelopes can be such a laborious and time-consuming process.

So, if folks really had an appreciation for what goes into the process, I think we’d probably hear some, you know, less noise about it.

But appreciate that Santa Clara is taking efforts to try and streamline and improve the process as much as they
Do we have a representative or representatives from Santa Clara with us this morning that wish to be heard?

MS. DUARTE: Good morning, this is Stephanie from Santa Clara County. We don’t have anything additional to add, other than we truly appreciate the additional funding round opportunity and the Voting Modernization Board’s efforts in supporting the modernization of our voting system technologies.

CHAIR KAUFMAN: Thank you. Thank you for doing all you can to improve your processes to adjust to new conditions.

Gabriel or June, any questions of Santa Clara County?

BOARD MEMBER SANDOVAL: No questions.

BOARD MEMBER AWANO LAGMAY: Nope, no questions.

CHAIR KAUFMAN: Okay. Any questions of staff?

BOARD MEMBER AWANO LAGMAY: No.

CHAIR KAUFMAN: Seeing none, do we have a motion with respect to the requests of Santa Clara County?

BOARD MEMBER AWANO LAGMAY: Go Gabriel.

BOARD MEMBER SANDOVAL: Move Santa Clara County’s additional funding round Project Documentation Plan be approved as recommended by the staff.

BOARD MEMBER AWANO LAGMAY: I second.

CHAIR KAUFMAN: Joan, do you want to take roll call?
MS. HACKELING: Absolutely. Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: And Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.

CHAIR KAUFMAN: Great. Thank you, Santa Clara County and congratulations on your additional funding award.

All right, now we will go to Item VIII on our agenda, which is a staff report on, sadly, the closing of the Voting Modernization Board and what our options are for the remaining funds that were authorized, but have not been allocated.

Robbie?

MR. ANDERSON: Yes, sir. Good morning, everybody.

So, staff was asked to look into the question as to whether or not the VMB can dissolve prior to issuing all the authorized debt that was provided for in Elections Code Section 19254(a). And the answer to that is the VMB can dissolve prior to extinguishing all of that debt. We would need legislative action for that, which we’ll get into.

But by way of background, so the Voting Modernization Board Act was passed back in March of 2002, when Stephen began his long career at the Chair. And so, it established the VMB to establish the distribution of $195 million in bond...
funds to elections officials to modernize voting systems in California.

In August of 2021, after 19 years of administering the funds, the VMB voted to implement a final deadline on December 20th, ’21 for counties to request reimbursement of any unspent amounts from each county’s original allotment. And after this final round of funding, any unawarded amounts will revert back to the Voting Modernization Fund to be distributed to the remaining counties.

And then, in February of this year the Board voted to offer an additional funding round that required counties to submit applications by April 6, ’22.

So that right now, if the current applications are approved by the VMB, approximately $8,787,870 in bond funds will remain.

And so, with Paula’s help, we reached out to the Treasurer’s Office to see how the process would work. And first, they provided an example for us to take a look at. So, in the 1988 General Election voters passed Proposition 82, which was known as the Water Conservation Law of 1988, and this Prop. 82 created a new statute under Water Code which authorized bonds in the total amount of $60 million.

And so that code section, Water Code 12879.7 is produced here. And again, it allows the authorization of up to $60 million in bonds to carry out the purposes of
But in 2020, the Legislature adopted AB 19 -- or, I’m sorry, AB 92, which was Chapter 18 of the Statutes of 2020, and that reduced the amount of authorized bond to $54,765,000. And the unissued amount that remained from the original 60 was $5,235,000, and that authorized bond amount was extinguished.

And then, for some insight in the process, we got two separate excerpts from Assembly Floor analysis and the Senate Floor analysis. And for the Assembly, their explanation was that it extinguishes old general obligation bonds that are no longer needed to reduce administration costs by reducing the amount of indebtedness authorized by the Earthquake, Safety, and Public Buildings Rehabilitation Bond back in 1990, and the Water Conservation Bond Law of 1988.

This provision is intended to relieve the need to administer minimal remaining balances that are not enough to support another project.

And a similar message from the Senate, which extinguishes the bonds, and it saves on ongoing administration to administer minimal remaining balances that are not enough to support another project.

And so, upon the passage of AB 92, that Code section referenced earlier, of Water Code 12879.7, which originally authorized $60 million, was reduced to the $54,765,000, and
the $5 million plus was extinguished. And so, basically, the
water -- the allowable bonds went down to zero because
they’ve already issued all of those.

And so, if the VMB wishes to follow that route and
close the -- and exhaust the VMB without exhausting all of
the authorized funds, the Board would need to order our
office to reach out to the State Treasurer’s Office and/or
the Department of Finance. So, we would request the office,
the Treasurer’s Office to review the VMB Act of 2002, and
also the State General Obligation Bond Law with the
Department of Finance and the Attorney General’s Office. And
that’s found in Section 19251.

And so, the Treasurer’s Office or Finance, they will
create a fact sheet which would include, but not limited to,
the amount of bonds that are unissued, which will be
extinguished, any outstanding commercial paper on when bonds
will be issued to refund outstanding commercial paper in the
amount of unused proceeds and distribution -- or, I’m sorry,
disposition.

And we’re just figuring the final step would likely
be a legislative action like for the Water Bond, and that’s
typically handled by the Department of Finance.

So, if the Board does wish to begin the process of
dissolving the VMB, the Board should make a motion to require
the SOS VMB staff to reach out to either the State
Treasurer’s Office or the Department of Finance to begin the
process of winding down the VMB.

And the end result would likely be an amendment to
Section 19254(A) of the Elections Code, which will reduce the
amount of authorized debt by the bonds that have already been
issued. And once that is complete, there would no longer be
any funds to authorize or any reimbursement, and the VMB
would be dissolved.

And we feel that once the legislative action has been
chaptered, we would likely need one last meeting just to move
to dissolve the Board.

CHAIR KAUFMAN: Thank you, Robbie.

MR. ANDERSON: You’re welcome.

CHAIR KAUFMAN: And so, the --

MR. ANDERSON: Oh, Stephen, you’re on mute.

CHAIR KAUFMAN: Yeah. Thank you, Robbie.

MR. ANDERSON: And so, the earlier question about the
holding off for the two counties that don’t have the
equipment yet, I would assume we would have to wait to begin
the process, so Finance and the Treasurer’s Office would know
the exact amount. But we can reach out to them to see if
there’s a way to, you know, start the process now knowing
there are, you know, some bonds that are -- some
reimbursement that will occur and, hopefully, the end of the
year, the first part of ’23.
CHAIR KAUFMAN: Yeah.

MR. ANDERSON: And we can see what they'd like to do and how it works. They might want to wait until it’s final, just so they have the final numbers, but we can check on that.

CHAIR KAUFMAN: Yeah, given the examples that you’ve provided, it looks like there would have to be a number in the final piece of legislation that, you know, specifically reduces the bond amount by that amount. And I would imagine we want to have a solid guarantee of the monies that we’ve actually paid out, less there be any mishaps at the end of the day.

So, I think it would be good for us, you know, at some point to have a timeline. I mean, frankly, whether it’s December 7th, or end of January 2023, I don’t think matters that much. But I think we need to get a realistic timeline of what we’re talking about as we look to dissolve the fund.

I guess I’d just like to reiterate for everybody’s benefit, as we’re looking to consider this action item and just in terms of how we got here, we’ve -- I know that the staff reached out to everybody, all the counties who had been awarded initial rounds of funding where there were funds remaining, unallocated funds remaining and reached out to all the counties to make sure that everybody knew that there was a deadline pending and coming to submit requests for funding.
around the initial round of funding. Those who responded, you know, had their awards considered. There were some folks that did not use up their full allocations.

We then went through a process of considering another round of funding. Staff again reached out to all of the counties to see who would be interested in an additional round of funding. And essentially, what we received back were requests from a handful of counties that were interested in receiving additional funding awards that were less than the amount that was available, which resulted in the funding awards that we made earlier today as kind of the last ones submitted.

So, you know, I don’t feel that we’ve cut off anybody who may have wanted to receive additional funds under the -- under the Act, which is why we are here today considering this action item.

So, thank you, Robbie, for your summary. It sounds like it is a doable process, but does require some precision on our part. So, I want to make sure that we’ve, you know, got our ducks in a row and given the counties every opportunity that they’ve had to receive this additional funding award, without getting too ridiculous in terms of how far we drag this out.

But I want to hear from my fellow Board members on any thoughts you may have on what we’ve been presented with.
BOARD MEMBER SANDOVAL: It makes sense --

BOARD MEMBER AWANO LAGMAY: I was --

CHAIR KAUFMAN: Sorry, go ahead, Gabriel.

BOARD MEMBER AWANO LAGMAY: Go ahead, Gabriel.

BOARD MEMBER SANDOVAL: Well, it makes sense, it’s clear. Thank you, Robbie, it’s a good approach to take. And I have no questions. It’s just a matter of assuring that the precision that Stephen was referring to is in place, but it’s a very clear process and it makes sense. Yeah, so thank you.

BOARD MEMBER AWANO LAGMAY: I just am requesting a staff clarification. So, as I understand it, we are seeking legislative action that would change the original amount of the bond fund of $195 million. And since we have $8.8 million, approximately, left to spend, the new total would be 186.2 approximately, we would be asking legislative action to rename the issuance of bond to 186.2. Do I have that correct.

MR. ANDERSON: Yes, June, that’s correct. So, whatever final --

BOARD MEMBER AWANO LAGMAY: Okay.

MR. ANDERSON: -- whatever we’ve expended, we would subtract that from the --

BOARD MEMBER AWANO LAGMAY: Okay. Then, my other -- my other question is, and please forgive me if I’m articulating this clumsily, the 195 that was originally
approved, that’s not an amount that’s actually sitting in a
pot somewhere. So, there isn’t 8.8 that would be, for
example, reverted back to the state’s general fund. When you
say extinguish, it isn’t money that goes back, it’s money
that is never pulled. Is that correct?

MR. ANDERSON: Right, so the bonds aren’t sold, and
so it would just extinguish the amount that could be sold.

BOARD MEMBER AWANO LAGMAY: Got it. So, there’s no
money going back, it’s an adjusted amount being pulled?

MR. ANDERSON: Correct.

BOARD MEMBER AWANO LAGMAY: Okay, thank you. That’s
all I needed to know, thank you.

CHAIR KAUFMAN: Good questions.

And Robbie, again, since this is a multi-step
process, I guess, you know, my question or my comment would
be that if we can begin a process that ultimately leads to,
you know, the introduction of legislation that requires a
precise result, then I would ask that we do whatever we can
to get the wheels in motion so that we’re not starting from
scratch after we wait for these, you know, final amounts to
be paid out and for the counties to be -- you know, deliver
their product.

In other words, I hope we’re not having this
correlation again in like mid-2024 or 2025, where we’re
still dragging along on this.
MR. ANDERSON: Yeah, we can reach out to the Treasurer’s Office and let them know that we’re going to -- we’d like to start the process of, you know, extinguishing that debt, but we’ve got X amount out there that will need paid, you know, the end of the year, first part of next year, and then we’ll be done. And just see, they might say no, you have to wait or they might -- maybe they’ll begin the process. So, we can reach out and see if we can get moving.

CHAIR KAUFMAN: Okay. It sounds like in any event, the legislation’s going to have to take place in the next session, after the first of the year.

MR. ANDERSON: Yeah. So, Finance handles that. And this was in a Budget Bill, so probably the same thing.

CHAIR KAUFMAN: Yeah. Okay.

MS. LEAN: I actually think it would be closer to the -- when the budget is passed, so we know that’s in the middle of the year, right. So, I was just trying to understand the timing.

And I want to make one clarification. So, the Voting Modernization Fund, so the Board and the Fund was established by that proposition. And the actual amounts of bond funds that were authorized was $200 million. But we were advised at the time that we would only be able to allocate $195 million.

BOARD MEMBER AWANO LAGMAY: I remember, okay.
MS. LEAN: Do you remember that. Yeah, okay.

BOARD MEMBER AWANO LAGMAY: I do remember that.

MS. LEAN: So, it’s actually $200 million that’s in the Bond Fund, but they told us right at the very beginning you have to leave $5 million that can be sold, and that’s just to handle the processing of the bonds, and selling of the bonds, and all of the -- all of the like internal State Treasurer processes, administrative stuff.

So, we didn’t get any money at the Secretary of State’s Office to administer the stuff, but they did in order to get all the Bond Fund sold.

Robbie, that --

CHAIR KAUFMAN: Huh, I did not recall that.

MS. LEAN: Yeah, just put that on the record, just so that we have that clarification.

BOARD MEMBER SANDOVAL: Thank you, Jana.

Okay, Robbie, I don’t know if it’s in your report or not, well, how long was the entire process for the analogy that you used from the beginning to the end, and legislation being signed, et cetera? Do you have a sense of that?

MR. ANDERSON: I don’t have that, no.

BOARD MEMBER SANDOVAL: Okay.

MR. ANDERSON: I can look back to the -- it might be in the bill analysis but --

BOARD MEMBER SANDOVAL: Okay.
MR. ANDERSON: -- I don’t -- I’m not sure.

BOARD MEMBER SANDOVAL: That would give us a good idea, maybe, about how long the process from beginning to end will last or take.

CHAIR KAUFMAN: Well, it sounds like as far as the end is concerned that we’re looking at, at the earliest, sometime mid next year. Because as we just mentioned, I mean the bills aren’t introduced again until the next legislative session, and then they need to be through that process.

MR. ANDERSON: Right.

CHAIR KAUFMAN: So, again, I just want to make sure that whatever we do, we don’t miss the window to kind of get this bill introduced in that -- you know, in that next session.

So, you know, for staff, if you can kind of just work on fleshing that out over the next, you know, couple months or so, so we can get a better handle on the process. And again, whether we can kind of start it now so that we hit it at the right moment, that would be great.

So, I guess before we get too far ahead of ourselves, can I get a motion from one of my fellow Board members along the lines suggested I guess in the third paragraph from the bottom of Robbie’s staff report regarding, you know, the efforts to begin winding down the VMB.

BOARD MEMBER AWANO LAGMAY: Okay, yes, I move that
the Board ask staff to reach out to the State Treasurer’s Office and/or the Department of Finance to begin the process of winding down the VMB, as recommended by the staff report dated August 23, 2022.

BOARD MEMBER SANDOVAL: Second.

CHAIR KAUFMAN: Joan, will you take a vote, please.

MS. HACKELING: Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.

CHAIR KAUFMAN: Okay. So, staff, you have your direction from the Board and let’s, again, just kind of keep in mind the moving parts on timing and such as you begin the process, and begin to talk with the Treasurer’s Office and/or Department of Finance, and/or, you know, both, so that we can, you know, get a handle on how this winds its way through the process.

MR. ANDERSON: Okay.

CHAIR KAUFMAN: And then along those lines, and per our earlier conversation, I guess I don’t -- I don’t have an objection, just given the marketplace, to extending our deadline for the counties that have been awarded their funding requests to receive delivery of the items that we’ve
agreed to pay for. Although, I think we need to put some
parameters around that.

I know that -- well, was it both of them that
suggested that January of 2023 was the project delivery time
frame, so both L.A. and San Joaquin?

MS. RITTER: Los Angeles had a delivery date of
December 2022, but we do need to allow time for processing
and putting together the payment request, and actually paying
it out.

San Joaquin had January 2023 for the ballot sorter,
which is the biggest dollar component piece of equipment in
their request. And then, the second phase of their
ePollbooks was projected for August of 2023. That’s $91,000
approximately.

MS. LEAN: I would have a suggestion, Mr. Kaufman --

CHAIR KAUFMAN: Yes?

MS. LEAN: -- for San Joaquin.

CHAIR KAUFMAN: Yeah.

MS. LEAN: So, what I would propose is that we look
at establishing some Board dates, meeting dates towards the
beginning of next year and we can revisit that if there’s a
deadline that looks reasonable, and ask San Joaquin to work
extensively with their vendor to secure the equipment,
assuming there’s going to be a much sooner deadline for
reimbursement. But that’s way into 2023 and I mean there’s
no guarantee for the legislation, but I think that would just
extend the process and the Board until after that would be
done.

CHAIR KAUFMAN: Yeah, like a whole other year. Yeah,
so thank you, Jana. And I’m wondering if we should put a
date of, you know, like January 31, 2023. Extend the date
now to January 31, 2023 to take a little pressure off of the
counties in terms of the deadline, but also that will provide
the counties with an opportunity to go to their vendors and
say, hey, we have this deadline so we need you to kind of,
you know, get things moving.

And then, we can revisit it again, you know, with a
meeting early next year.

BOARD MEMBER AWANO LAGMAY: That sounds reasonable to
me.

CHAIR KAUFMAN: Gabriel, any thoughts on that?

BOARD MEMBER AWANO LAGMAY: Is San Joaquin still
participating in this meeting? Do they have any comment to
make on this?

MR. GEGARIAN: Yes, San Joaquin is still here. This
is Brian. That sounds fine. It sounds like, you know, for the
January 3rd deadline we could reach back out to the vendor to confirm
their timeline. But what was presented to us from the vendor
was that, you know, the July, August mid-year time-frame for the
additional ePollbooks that are on the table.
BOARD MEMBER SANDOVAL: Was that an --

MR. GEGARIAN: So, we can just contact them and give you an update as soon as we learn anymore and just -- yeah, we can agree to that.

BOARD MEMBER SANDOVAL: The date that was given you by the vendor, was that an estimate?

MR. GEGARIAN: Yeah, that is an estimate.

BOARD MEMBER SANDOVAL: So, it could be November or December, too, is that correct?

MR. GEGARIAN: It was an estimate. I’m not sure if that was an estimate as far out as November, but as far -- we can again connect with them to --

BOARD MEMBER SANDOVAL: It could be November?

MR. GEGARIAN: Yeah, we’re over here. We believe we could -- it could be sooner, but that’s their -- maybe their ballpark safeguard for themselves, knowing what they know internally.

So, yeah, we can definitely connect with them to hopefully push it up in our favor, and the Board’s favor.

BOARD MEMBER AWANO LAGMAY: Be that as it may, if San Joaquin is amenable to what we’re discussing right now, and it gives them something to go to the vendor with and say, look, hey, you know, we have a deadline that we have to work against, what can you do, I’m amenable to proceeding with the Chair’s recommendation.
CHAIR KAUFMAN: Yeah, I mean, for the gentleman from San Joaquin, I’m sure you can appreciate where we’re at here. We certainly want to do everything we can to make sure you get the funding that you’re entitled to. On the other hand, keeping an entire government agency in business simply because we’re waiting for the delivery of a piece of equipment from one vendor seems to be getting, you know, a little bit far out there.

So, you know, we would appreciate whatever input you have as the process goes along, and any updates you have. And, you know, I think we’ll take a vote now but, you know, proceed as suggested, and we can always adjust as we need to, and particularly based on more information about the process of winding down the affairs of the Voting Modernization Board.

MR. GEGARIAN: Absolutely. Completely acknowledge that and we definitely can.

CHAIR KAUFMAN: Thank you. Thanks for your input.

So, with that do one of my fellow Board members want to make a motion about extending the deadline for counties to receive the voting equipment that we have awarded them reimbursement for?

BOARD MEMBER AWANO LAGMAY: I so move with the dates of that extension being January 31, 2023.

BOARD MEMBER SANDOVAL: Second.
CHAIR KAUFMAN: Great. And Joan, you want to take a vote?

MS. HACKELING: You bet. Stephen Kaufman?

CHAIR KAUFMAN: Aye.

MS. HACKELING: June Awano Lagmay?

BOARD MEMBER AWANO LAGMAY: Aye.

MS. HACKELING: And Gabriel Sandoval?

BOARD MEMBER SANDOVAL: Aye.

CHAIR KAUFMAN: Okay. Thank you to the staff for putting some thinking into that. And thanks to everybody for trying to work hard towards getting our business wrapped up.

Okay, the next item on the agenda is other business. And do we have anyone from Mono with us today, Mono County?

MS. RITTER: Scheereen, are you there? I don’t see her on the meeting. But there’s a couple phone numbers that I don’t know who they belong to.

CHAIR KAUFMAN: Well, if anyone from Mono County is plugged in and online, please speak up now so we can hear you or acknowledge your presence. Okay, it doesn’t seem like it.

MS. LEAN: Could we briefly go over the issue, just so that we can have it on the record?

CHAIR KAUFMAN: Yeah.

BOARD MEMBER AWANO LAGMAY: Yeah, I’m curious.

MS. LEAN: So, Paula, could you just give us what the issue is?
MS. RITTER: Mono was approved, was given an approval letter at the -- for the additional funding round they were given an approval letter, and they didn’t submit their PDP by the PDP submission deadline. And she asked if she could submit it a few days late.

And so, we had to wait until the Board meeting to get the Board to approve a late submission. It’s 2,000, it’s a little over -- it’s less than $3,000. It should be fairly simple.

But I guess the question is would the Board accept a late application?

BOARD MEMBER AWANO LAGMAY: And what was the deadline that they were supposed to submit by, please?

MS. RITTER: I believe it was July 15th.

CHAIR KAUFMAN: What --

MS. RITTER: And she had asked if she could submit it on July 18th, but so far we haven’t received anything.

BOARD MEMBER SANDOVAL: What was the reason why they missed the deadline? Did they give you the reason?

MS. RITTER: Resourcing, other work got in the way.

BOARD MEMBER SANDOVAL: I’m not inclined to award. Deadlines are set for a reason. And there’s no one present to discuss the issue and I’m not inclined to make that award, albeit small.

BOARD MEMBER AWANO LAGMAY: Today is the 26th and the
deadline was July 15th. And except for the one request that they made to extend to July 18th, which we could not approve because this Board did not have a meeting until now, but we have not heard anything. And in light of the fact that I agree that a deadline is in place for a reason, which is why we have deadlines, and everything else in election world, I am also so inclined not to -- not to approve.

And for clarification, according to the notes from the last meeting, the amount is $2,182.50.

CHAIR KAUFMAN: Yeah, I -- I don’t know, I guess how many times can you ask people to do what it is to help themselves, and they’re not here again today. So, I know it’s not that much. But as of right now, I don’t think we even have any other reason for other meetings until, you know, perhaps January of 2023.

Do we have any other meetings on the schedule this year? Do we have one in December?

MS. LEAN: You have one in October and December, so we might want to consider making some sort of conversation here, a motion to put those off until January, just so we have those documented.

CHAIR KAUFMAN: Yeah, I mean I don’t think we have any other reason to do a meeting before then. It seems like January would be appropriate for our -- given that we just set an end-of-January deadline to get an update on the status
of everything.

So, anyway, I guess my point is, you know, so we
don’t have any other meetings, really, scheduled for other
business at this point, so it doesn’t sound like there is a
impetus for extending, again, Mono County’s submission. So,
I think we’ll let that lie at this point.

And we should really just talk about setting another
meeting date for an update in January.

Is there any other reason from staff, that staff can
see why we’d want to have a meeting before that date?

MR. ANDERSON: I don’t see one.

CHAIR KAUFMAN: Okay. Not hearing one, staff, if you
can solicit an appropriate date from the, you know, Board
members after we’re out of this meeting, once you go through
your calendars, to try and pinpoint a good day in January
that would be great. And I think we’re good.

Any other comments, any other business we should be
considering while we’re all together?

BOARD MEMBER AWANO LAGMAY: I’m sorry, backing up a
little bit, what is the agenda item that we would be putting
on for our January, supposed January meeting?

CHAIR KAUFMAN: Well, we just extended the deadline
to January 31st, so if we need to consider extending that
deadline again, given whatever dynamics are in place --

BOARD MEMBER AWANO LAGMAY: Oh, I understand. I
remember now. Okay, thank you.

CHAIR KAUFMAN: Yeah, we should do that before the January 3rd deadline and then, hopefully, we can also have updates from Robbie and other staff about whether we’ve been able to move the ball forward in terms of the process for winding down the VMB.

BOARD MEMBER AWANO LAGMAY: Very good. Thank you.

BOARD MEMBER SANDOVAL: Okay.

CHAIR KAUFMAN: Okay? All right, with that do I have a motion to adjourn the meeting?

BOARD MEMBER AWANO LAGMAY: Go ahead, Gabe.

BOARD MEMBER SANDOVAL: I move to adjourn the meeting.

CHAIR KAUFMAN: Okay.

BOARD MEMBER AWANO LAGMAY: I second.

CHAIR KAUFMAN: All in favor of adjournment say aye.

(Ayes)

CHAIR KAUFMAN: Okay, this meeting is now adjourned.

(Thereupon, the hearing was adjourned at 11:07 a.m.)

--oOo--
CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 2022.

[Signature]

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