

SOS-CACEO Conference Call
Wednesday, April 21, 2010
10:00 a.m. to 10:30 a.m.

Cathy Darling took roll call.

Alameda	Mendocino	Santa Barbara
Amador	Merced	Santa Clara
Butte	Monterey	Santa Cruz
Calaveras	Napa	Shasta
Colusa	Nevada	Sierra
Contra Costa	Orange	Siskiyou
El Dorado	Placer	Solano
Fresno	Plumas	Sonoma
Glenn	Riverside	Stanislaus
Humboldt	Sacramento	Sutter
Inyo	San Benito	Tehama
Kings	San Bernardino	Tuolumne
Lake	San Diego	Ventura
Lassen	San Francisco	Yolo
Los Angeles	San Joaquin	Yuba
Madera	San Luis Obispo	
Mariposa	San Mateo	

Secretary Bowen welcomed everybody to the conference at E-minus 48 .

Item 1 VoteCal – The VoteCal team is continuing to work on the issues that came up during the Discovery Sessions. There has been a personnel change on the Catalyst side of the project. The lead architect was replaced with three other staff that had been working on the project in other capacities. This move will have schedule implications and Secretary Bowen will let everybody know after the issues have been worked through.

Item 2 State Plan Update - Secretary Bowen reported that she is ready to put the proposed revised update out for public comment. Under EAC rules the comment window needs to be open for thirty days. Due to everybody's schedules, Secretary Bowen will be waiting until after the June 8th Election to open the thirty day comment window. Secretary Bowen thanked Dean Logan, Neal Kelly and Rebecca Martinez, which are all on the State Plan Advisory Committee and provided a great deal of input.

Item 3 Ballot Label Translations – Secretary Bowen thanked everybody for patience with the Elections Division as it worked its way through the ballot label “translations nightmare”. The State was required by the State's Department of General Services to use a vendor they had not previously used. Secretary Bowen apologized for the situation and the headache it imposed for you and your

staff. As you kept getting replacement versions of the labels, only to be asked to not go to print because a corrected version of the labels would be forth coming. They finally used an emergency contract with the vendor they had used previously.

Jill from Sacramento asked who the vendor was so they do not use them.

Secretary Bowen stated it is public information and she will get the information to everybody.

Evan stated he would send out the name of the vendor via a CCROV.

Alameda County asked if they could offer their services in proofing the list.

Secretary Bowen responded sure it would be nice to have another set of eyes, but said it was more than a proofing problem.

Item 4 SD 15 – Secretary Bowen reported there are five Counties Monterey, San Luis Obispo, Santa Barbara, Santa Clara and Santa Cruz that will be affected if Abel Maldonado be confirmed as the State's Lieutenant Governor and resigns from his SD 15 seat. Secretary Bowen reported yesterday is the last day they could consolidate a Special Primary Election with the Regular Primary Election. If the confirmation resignation and calling of the special happen between now and May 5th the Governor will have no choice but to call two special elections. If it happens between May 6th and May 17th the Governor can set a run off election to coincide with the November 2nd General Election, which would require an August 31 Special Primary. Secretary Bowen believes that the latter is now with the Legislature and they are trying to get the Governor to agree. The deadline for the Legislature to act is May 17th and if neither house acts then Senator Maldonado becomes the Lieutenant Governor.

Item 5 Federal Voting Assistance Project (FVAP) Wizard – Secretary Bowen announced this is more than just a report and would like input on this. The FVAP Wizard is something that the Federal Voting Assistance Project is trying to develop to help State and Counties comply with and go beyond the Move Act requirement that military and overseas voters be given the opportunity to receive and cast a ballot electronically. The idea of the Wizard is an overseas voter can log into a computer pull up a precinct ballot with every contest on it, print it and send it back to your office for tallying. The FVAP has not specified how it will get access to the County ballots to provide them to voters and what type of security will be provided. There was a Webinar this morning and Chris Reynolds participated in it. There is Federal money available to get this project up and running for the November 2010 General Election, but on an ongoing basis it appears each State or County will be responsible for paying to operate the program. It is technically possible to set this up and run it until the funds evaporate but as a practical matter Secretary Bowen thinks running a voter

friendly program for one Election and then take it down for the next is not the best idea. If anybody wants to work on this issue or has a list of questions you want FVAP to address you can contact them directly or work through Chris Reynolds at Secretary of State's office.

Item 6 Electronic Signatures – Secretary Bowen reported there are a couple of updates on this. First she hopes everybody saw the court decision from Stanislaus County Court that found petition signatures on a phone or other electronic devices are not legal under the Election Code. Secretary Bowen thinks there will be a discussion regarding this issue because there are logistical issues that raise privacy concerns. It looks like the same issues are going to come up on voter registration cards. Secretary Bowen has teamed up with an advertising agency, Echo Interaction Group, to allow people to register to vote using the Apple iPad. This is going to make its debut next month and as she understands it will only be rolled out in the four states that all ready allow on line voter registration which is Arizona, Colorado, Oregon and Washington. California will eventually have on line voter registration but not until VoteCal is up and running. California does not have the mechanism to get a wet signature from the DMV.

Lee from Stanislaus asked if the signature you give DMV is wet.

Secretary Bowen said it complies with the law and is treated as a wet signature. Under the bill the Governor signs will allow California to use the DMV signature.

Item 7 eVoter Website –Secretary Bowen wants to mention this site because it may confuse poll workers and voters instead of helping them. It is a service that is designed for voters in California and Illinois and it is suppose to allow you to put your name and address in so you can pull up sample ballots to look at. There are a couple of issues with this. It does not make it clear that what the people are viewing is their sample ballot. Secretary Bowen feels that people will mistake it for their real ballot and will either mail it to you or bring it into their polling place or expect to be able to deposit it into a ballot box. Second, and a bigger problem, at least in June, is that it asks for a voter's party registration when they log on so they can print out the correct ballot for their party. Again Secretary Bowen can see a voter mailing what they think is a real ballot completed or expecting to be able to deposit it and a poll worker tells them as a registered libertarian they do not have a right to vote a green party ballot. This is a helpful tool but may be confusing. They have contacted the company that has put this site together and they will be asking for some changes to be made with some disclaimers to be added. Secretary Bowen asked if anybody has concerns to let her know.

Item 8 Washington State Felon Voting- This item is not on the agenda. Secretary Bowen stated she knows Registrars in at least three Counties as well as her staff in Elections are receiving Federal registration forms from people that

are still in prison for committing a felony. The registration forms are accompanied with a letter stating a court in Washington State gives the right to a person in prison to vote and the person submitting the form wants to register to vote here in California. What actually happened in the Washington State case is in January the Ninth Circuit Court of Appeals ruled there was racial discrimination in Washington State Justice System and taking away the right of a person in prison for a conviction of a felony was a violation of Federal Voting Rights Act. Subsequent to the ruling, the court issued a stay so that people that were in prison following a felony conviction are not permitted to register to vote in Washington State. The court decision does not apply in California for two reasons. First the decision has been stayed pending an appeal, so it is not in effect anywhere, not even in Washington State. But, more important even if there were no stays in effect or if the state has lifted the decision has no impact in California because the underlying case is on allegations of racial discrimination in Washington State Criminal Justice System and there has been no such violation in the California Justice System. As far as what to do with these cards, Secretary Bowen assumes you should check with your County Counsel because each County deals with the card in a different way. The overwhelming majority of letters in the Secretary of States office has received stated the fact the court has returned the right to vote and are now registering to vote. Of course no court has returned the right to vote to anyone. Secretary Bowen feels the people have been misinformed about the court decision and her inclination is to write them back and explain why they can not register rather than assuming they are attempting to commit a crime. They are working on a CCROV to provide some guidance and should have that out by the end of the week.

Questions – Cathy Darling from Shasta has a quick comment on the eVoter website. She knows the information they have for Shasta County as far as Candidates is not accurate and wonders if their other information is accurate.

Secretary Bowen said that is a good thing to know and if anybody else discovers that the information is not accurate please let them know.

Alice from Sacramento has spent some time surfing their website and they do not have their central committees on there and therefore does not have the cross over ballot on there. It is her understanding they called Counties for their information and for Sacramento County they sent them to their website and then they must have purchased precinct maps and they did not interact with them at all.

Secretary Bowen asked if anybody could check their Counties it would be great. Secretary Bowen said we can all look at this now or deal with it on Election day.

Respectfully submitted

**Neal Kelley
CACEO Secretary**