

SOS – CACEO Conference Call
Wednesday, January 20, 2010
10:00 a.m. to 10:30 a.m.

Madera County took role.

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

Evan Goldberg welcomed everybody to the conference. He is sitting in for Secretary of State Debra Bowen. CACEO President Rebecca Martinez felt the phone conference should be held, even though Secretary Bowen would not be able to attend.

Item 1 - Informational Hearing on Voting Systems Development – Evan stated this item was first mentioned in October by Secretary Bowen. It was discussed again on the November call. The Hearing has been set for February 8th, 2010 in Sacramento.

Item 2 – ES&S Purchase of Premier – Evan acknowledged there was an article in the New York Post last week that says the US Department of Justice will file a law suit at the end of this month to try and block or undo the ES&S purchase of Premier. The article referenced in addition to US department of Justice, fourteen additional States that have opened an investigation regarding the purchase. New York Senator Chuck Schumer says he wants to hold hearings on this issue. Secretary Bowen, in a response to Senator Schumer, sent a letter not taking a position on the purchase, but laid out some of the history ES&S has in California. ES&S has told Secretary of State's office they will not be bringing the Assure 1.2 package for review prior to the November Election.

Item 3 – Special Elections – Evan stated Assembly District 72 Election has been concluded in Orange County. There are two other Elections that have been set. One is SB37 in Riverside, which was called after Thanksgiving. The Primary is set for April 13th, and if there is a runoff, the General Election will be held on June 8. The other is Los Angeles County, Assembly District 43, which will also be April 13th, Primary and

June 8, General Election, if necessary. The only other Election is Senate District 15 which involves five Counties. Legislature has until February 21st to act. February 16th is the last day for the Governor to call a Special Election if he wants to have the same April, June set-up.

Gail Pellerin said she is concerned about the state reimbursement for languages and what is the chance of that being reinstated to cover these Special Elections in 2010?

Evan understands that the CACEO Legislative Committee has a proposal that they will be putting forward and Secretary of State's office will help where they can.

Item 4 – Poll Worker Training Standards – Evan affirmed the Training Standards were sent out to everybody on June 8. There is a working group involving ten Counties, Jana Lean and Robbie Anderson. This is a redraft of the 2006 standards to make them clear and to incorporate some of the laws that have been enacted since that point. This is still in draft form and any or all comments are welcome. They have asked for comments to be back by January 25th because they would like to have the standards complete by the first of February.

Item 5 - Polling Place Accessibility Guidelines – Evan thanks everybody that has provided comments on the guidelines and the survey tool. Thanks again to Gail who has graciously sent Jamie Young to Sacramento to work with them and the Department of Rehabilitation to improve the survey tool. The guidelines and the tool are simply designed to make it easier for Registrars to comply with Federal and State Laws. Secretary of State's office hopes to have these complete by the next call.

Item 6 - Five Voter Requirement - Evan stated this affects the Premier and Sequoia Counties only. Secretary Bowen added conditions for the use of this system. One of the conditions is, if one voter uses the DRE in a polling place, the election workers had to ensure that four additional voters used the DRE as well. The intent is to safeguard voter privacy but Secretary Bowen and staff worried about the unintended consequences that presented themselves. The five voter rule has been removed from the approval documents.

Item 7 - HAVA State Plan – Evan announced the next and they think it will be the final State Plan Advisory Committee meeting will be a week from today, in Sacramento. The Draft Plan was sent to the members of the Advisory Committee. After feed back is presented from the Advisory Committee and a draft is complete, it will go to all Registrars and public for 30 days, which is required by the EAC. Evan does not feel there is a lot of controversy over the plan although there may be a philosophical disagreement. Some members of the Advisory Committee would like this to be a broader document that advocates for state policy changes that do not relate to HAVA. This is something Secretary Bowen does not want to do. The Secretary wants the plan to be related to HAVA and the money from HAVA.

Gail confirmed with Chris Reynolds that it is okay that she posted the document on CACEO.

Item 8 - Voting System Upgrade Contacts – Evan reported Secretary Bowen is going to extend the contracts for another two years. They were going to expire at the end of this year but will be extended for two years through December 31, 2012. There are thirty-six Counties that have balances in their account. If you are unsure of your balances Chris Reynolds or Kaye Kauffman are the contact people. Chris and Kaye will be in touch with the Counties that have balances to finalize their paperwork.

Item 9 - New Federal MOVE Act - Evan stated he knows this is something they have been promising but everybody should have it by the end of the week, which will be a CCROV, that looks at the requirements of the MOVE Act and how they compare it to California State Law. Because the EAC has determined faxing materials qualifies as electronic transmission which is referenced at length with the MOVE Act. Evan believes there will only be one or two areas where adjustments are necessary. One is to ensure military and overseas voters can find out if their ballots arrived on time and are eligible to be counted. The second change is the Federal measure requires election officials to allow UOKAVA voters to request voter registration and absentee ballot applications by mail or electronically for general, special, primary and runoff elections for Federal office. California Law already allows them to request this material for general elections. Federal Law expands it to Special, Primary and runoff Elections. Secretary of State's office is also updating their military and overseas voter web pages. This should happen by the middle of February. Feedback is welcome.

Item 10 – Precinct Posting Requirements – Other Languages – Evan reported Counties that are not covered by language requirements of the BRA, under the law in a gubernatorial election year; the Secretary of State has to determine in which precincts more than 3% of the voting age residents lack sufficient skills in English to vote without a system. In those precincts facsimile ballots are required to be posted in relevant languages. Evan reported Secretary of State contracted with UC Berkley's Institute for governmental studies and they will have the information at the end of this month.

Item 11 – Initiative Petition Signatures – Evan stated this was discussed in November. There is not a lot of new information. Verafirma talked to the Legislative Committee on Friday. The Secretary of State's office has heard that one of the Marijuana initiatives is using this technology to collect signatures for the petition and intends on turning them into at least one County.

Lindsey McWilliams from Solano County, asked if a county accepts Verafirma petitions, is the Secretary of State going to take a position on this?

Evan stated Secretary Bowen questions whether this technology meets the personally affixed language in EC 100 and is debating when to weigh in on this matter.

Evan explained Verafirma is a company in the Silicon Valley and has developed a technology that is used on an iphone, and possibly a couple of others. So, instead of people gathering signatures on a petition on a clipboard they can hand an iphone to a potential voter and say read this and sign and affix your address with your index finger on the phone. Then the firm can go back to their office and print them or transmit them to your office electronically. The company believes it complies with state law.

Item 12 – Questions - Barbara Dunmore from Riverside County, asked when the Five Voter Requirement was removed from the approval documents?

Evan replied it was in the last two or three weeks. He will get the exact date for her. They amended the language once in October, which some people found more confusing so Secretary Bowen took the language out.

A CCROV was sent on December 31, 2009 removing the Five Voter Requirement.

There are documents with the amended changes on the SOS website.

Barbara also asked for clarification regarding the posting and if they are still required to print out the results or manually transcribe the results from the DRE and post them outside the polling place?

Evan clarified that the approval document simply removed the requirement that you ensure five people vote on it and the county is still free to impose such a requirement if it wishes, but the requirement in the approval document is what no longer exists.

Respectfully, submitted

Neal A. Kelley
CACEO Secretary

The next call is scheduled for Wednesday, February 17, 2010 at 10:00 a.m.