

SOS – CACEO Conference Call
Wednesday, October 21, 2009
10:00 a.m. to 10:30 a.m.

CACEO President Rebecca Martinez took roll.

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| Alameda | Madera | San Joaquin |
| Alpine | Mariposa | Santa Barbara |
| Amador | Mendocino | Santa Clara |
| Butte | Merced | Shasta |
| Colusa | Monterey | Siskiyou |
| Contra Costa | Napa | Solano |
| El Dorado | Orange | Sonoma |
| Fresno | Placer | Stanislaus |
| Glenn | Plumas | Sutter |
| Humboldt | Riverside | Tehama |
| Inyo | Sacramento | Tulare |
| Kern | San Benito | Tuolumne |
| Lassen | San Bernardino | Yolo |
| Los Angeles | San Diego | |

Secretary of State Debra Bowen called the meeting to order and welcomed everybody.

Item 1, ES&S Purchase of Premier – Secretary Bowen reported she did not have a great deal of new information regarding the purchase of Premier. She said late last month Hart asked a New Jersey Judge to issue a temporary restraining order to prevent ES&S from completing the purchase. The Judge denied the request on September 29, but set a November 12 hearing date on the issue. New York Senator Charles Schumer has asked the United States Attorney General to review the purchase. Last Thursday, Senator Schumer put out a press release saying the Senate Rules Committee, which he chairs, will begin “a formal review of the potential problems posed by ES&S’s acquisition of Premier.”

Secretary Bowen said she was concerned about anti-trust due to the fact a large percentage of the market is now in the hands of one vendor and there is less competition and focus on service quality. This issue will be addressed on a Federal level and feels the Federal Government has more resources. Secretary Bowen feels it would be more productive to use the purchase as a spring board to look at the future of what voters may be presented with.

Item 2, Informational Hearing on Voting System Development - Secretary Bowen stated the hearing she is contemplating will look at trends nationally, what kinds of products are being developed in the private sector, look at the financing of the product and the cost in general and also the timing in potential new solutions in voting systems. Secretary Bowen would like to do this with CACEO

members because she feels they have as many or more questions as she does about these issues and she would like them to be participants. There is a draft agenda and Secretary Bowen has asked Rebecca Martinez for feedback. She is not certain of the dates but thinks it will be in the middle of November and the middle of December.

Item 3, Legislative Update – Secretary Bowen said they were very busy with Bills. She thanked everyone for working with her office on over one hundred Bills that had an impact on the Election Code. There are three Bills she would like to mention specifically.

The first is Assembly Woman Sandre Swanson’s AB 1440, which allows emergency workers to cast out of County Provisional Ballots if they are serving in a declared disaster area. It was signed into law.

The second is Assembly Woman Alyson Huber’s AB 1274, which would make the law consistent as to who could pick up and return a ballot on behalf of another voter. This bill was vetoed due to concerns of fraud.

The third is Assembly Woman Mariko Yamada’s AB 1228. Secretary Bowen is mentioning this because they often talk about giving Counties the ability to hold all mail Elections and discussion of enlarging the size of precincts or pulling the permanent VBM voters out of the precinct. This Bill would have allowed Yolo and Santa Clara Counties to conduct all mail Elections as long as there were no State or Federal races on the ballot and have one polling place in each City within the County open for two weeks prior to the Election. The Governor vetoed this bill saying “that the limit of one polling place per city would significantly increase the distance needed to travel to vote in person, this burden would fall on those that are less mobile, frequently the poor, disabled and the elderly and he can not support a measure that would make it more difficult for these individuals to exercise their right to vote.” Secretary Bowen pointed out this part of the message because it comes as a surprise to her and everyone. This means as they move forward with discussion regarding precinct size, there will be more work to do with the Governor’s office. There will be discussion in December about other Legislation, but those are the three Secretary Bowen wanted to highlight.

Item 4, Polling Place Accessibility Guidelines – Again, Secretary Bowen acknowledged the Counties that provided feedback on the Polling Place Accessibility Guidelines. The deadline for getting comments in is this Friday. The survey section of the guidelines should be finished next week. Secretary of State’s office is waiting for the Department of Rehabilitation to make some changes and then they will be sending a draft out to the Counties for review. These guidelines are not new laws or regulations and do not impose any new requirements. These collect all Federal and State guidelines that pertain to the siting of a Poll place. Some of the things in the guidelines are new, but that is

because the law has changed since the last guidelines were issued or the previous version of the guidelines were incomplete. The references to the Federal and State Laws were not included in the last version. They want a set of guidelines that have references to the guiding law. They are documenting the process in a more complete way.

Item 5, HAVA Accessibility Grant Funding – Secretary Bowen commented this last round of HAVA Accessibility Grants were originally planned for completion by November 15th, but it will actually be finished by the end of this week. Everybody that applied for a grant will receive a response. If you have any questions once you receive your letter call Debbie O’Donahue or the Contracts Unit and the numbers will be on your letters.

Item 6, VoteCal – Secretary Bowen reported the VoteCal team has been meeting with County Information Technology groups on a regional basis walking through some of the details associated with the projects and what some of the Counties responsibilities will be. Secretary Bowen realizes that many of the Counties have not been able to take part due to timing or travel issues. They will be setting up another meeting using WEBX, which is a hybrid conference call. This will allow any number of people on the call and they will be able to view presentation material on the internet and be ask questions on the phone. Secretary Bowen wants to make sure every County has an opportunity to participate. The vendor is Catalyst Consulting and they are still working on refining the project schedule. They are working with Rebecca Martinez to identify the County Staff who will participate in the discovery sessions, which may also be called the Joint Application Development.

Rebecca Martinez, Madera County says she does have the list of Counties/people that will be participating in the Discovery Sessions and should have that to Secretary of State’s office and to the CACEO Association today.

Dave Macdonald in Alameda County said they are preparing their first rank choice Election and does she know when they may receive Administrative Approval?

Lowell Finley, Deputy Secretary of State, answers that they do not have a date that he can provide, but he can say that with Dave MacDonald’s help and the help of the City officials and community group representatives that been involved in preparation for this, they do have all the information that they need about the planning and discussion regarding voter outreach and education for the first time use of rank choice voting in the Cities of Alameda County. They are close to being finished with their recommendation to Secretary Bowen. He cannot provide a date, but they are very close and will be ready before the original target date, which is the end of the calendar year.

Secretary Bowen stated that is the most frequently asked question she gets. She understands there is a lot of interest in this matter.

Juan from Fresno County asked about information on any new vendors with voting systems.

Evan Goldberg, Chief Deputy Secretary of State, responded that nobody has an application in. He said there have been several vendors coming in and discussing they are working on X, Y and Z and will be bringing them in, but at this time they have not seen anything.

Secretary Bowen said no, they do not have any applications or formal knowledge of who might bring what system to them or when, but they know there are some vendors who are working on the next generation. Secretary Bowen said that is part of why she wants to have a hearing.

Secretary Bowen thanked everyone for joining the call.

Respectfully submitted

Neal Kelley
CACEO Secretary