

SOS-CACEO Conference Call
December 19, 2007 10:00am

Attendance:

Alameda	Orange
Amador	Placer
Butte	Plumas
Colusa	Riverside
Contra Costa	Sacramento
El Dorado	San Bernardino
Fresno	San Diego
Glenn	San Francisco
Humboldt	San Joaquin
Imperial	San Luis Obispo
Inyo	Santa Clara
Kern	Santa Cruz
Kings	Shasta
Lassen	Solano
Madera	Stanislaus
Marin	Sutter
Mariposa	Tehama
Mendocino	Trinity
Merced	Tulare
Monterey	Tuolumne
Napa	Ventura
	Yuba

Secretary of State Debra Bowen:

HAVA Contract Update The county 301 contracts for voting systems and the 261 contracts for polling place accessibility or EAID are still being finalized. On the 301 contracts, 28 of the 42 contracts that we expect have been fully executed, 6 are going through a review either at the Department of General Services or at this office, and 8 still have not been submitted by counties. As for the 261 contrasts, 19 of the 36 are fully executed, 3 are under review either at DGS or here, and 14 have not been submitted by the counties.

I want to remind you that until you have a fully executed contract we cannot reimburse you for any costs you have incurred. While there's no deadline for getting the contracts done, we can't reimburse for any expenditures made prior to the contract being completed.

I know that Chris Reynolds is still waiting to hear from a few counties on what exactly they spent on voting system equipment so that we can get EAC guidance on whether counties will be able to use HAVA funds to defray costs they incurred to comply with the certification and re-certification requirements. We still have no official guidance from the EAC on whether HAVA money can be used on electronic poll books or to comply with certain aspects of the Top to Bottom Review. As I mentioned to you last month,

the EAC has verbally told us that using HAVA money to buy the air gap equipment that many counties will use is permissible, but we are still waiting to get that in writing.

VoteCal As you all know the VoteCal RFP was released last Thursday, 26 counties took part in the conference call with Chris Reynolds, Bruce McDonnald, Lee Kirschner, and other Secretary of State staff. I hope that staff was able to answer questions that you had at that time, I'm sure that as you read through it there will be more issues that you want to discuss. You'll remember that this is a confidential bidding process, so there will be certain things we can't discuss because we don't want to anything to potentially be construed as potentially giving one potential bidder an advantage over another. We want to protect the integrity of the bidding process, so we don't delay our award of the bid.

Bruce McDonnald is working with the Regional Chairs to set up more detailed meetings around the state, I'm certain if they will be before the end of the year or early next year; probably both. If you get calls from people who are interested in bidding I would suggest that you do exactly what we are doing, which is to refer those calls to the State Department of General Services. The procurement specialist who is handling our RFP is Rhonda Smith, her number, and I'll put this out on elec_net so you don't have to remember it, is 916-375-4502. When we get a question here we refer it to Rhonda Smith at DGS, and again, that's because we want to make sure we have a clean procurement process and we eliminate any possibility that we have a successful protest or a need for a do-over.

Polling Place Observation Plans We talked about the Polling Place Observation Plans a couple of months ago. This office will send observers, Secretary of State employees, to 31 or 32 counties on Election day. I'd like to thank those counties who provided feedback on the polling place checklist that the observers will use as a part of this project. We had some counties suggest that we send observers to observe both Election Day preparation and post-election procedures. As much as I'd like to do that, we don't have the resources to make it possible at this time. But we will be sending observers to local poll worker training classes, and the observers will be in the county for the entire Election Day, including poll opening and poll closing at polling places. We'll also be stopping by your Election Headquarters to review the ballot intake process. The purpose of the polling place or Election Day observation is help gather information about Election Day procedures to see problems there might be, what obstacles you face for smooth administration of HAVA and other requirements. And to observe and pass along best practices that other counties would like to be able to emulate. We have already contacted the counties where we will send observers, we picked a mix of urban and rural counties, and mix of voting systems, and took into account what counties have not had Election Day observers until recently.

Election Observer Panel Plans So far I have only received two Election Observer Panel Plans from counties, the early birds are El Dorado and Shasta, thank you El Dorado and Shasta, we look forward to getting them from the other counties. I hope to

post these online both to let the public know what to expect when they go to the polls and to let the counties learn from one another.

Midnight Voter Registration As you all know, the E-15 voter registration deadline for the February 5th Presidential Primary is January 22. And as previous Secretaries have done I will be putting together some kind of midnight registration effort, and I hope you will consider doing something similar in your counties. Like you, I certainly would prefer if it people would register far in advance of E-15, E-60 would have been nice, but I'm encouraging people to do that wherever I go, and we're highlighting that message in all of our outreach, but I still think it's important to highlight the last day, because after that day people who want to vote in the Presidential Primary will be out of luck, they won't be able to cast a ballot.

Voter Registration Card For those of you who attended the New Law Session already have this information, but to quickly summarize what is happening with the voter registration card, the members of the working group are: Kim Alexander who is the president and founder of the California Voter Foundation; Tony Bernhardt, who is the former Recorder/Registrar of Voters in Yolo County; Roslyn Gold, who is the Senior Director of Policy Research and Advocacy for the National Association of Latino Elected and Appointed Officials; Ephraim Escobedo, who recently left NALEAO to take a new position for the Los Angeles County's Registrar's Office; and Maria Midland, who is a language and translation specialist with Transcent. That was an alphabetical list. The working group's goal is to spend the next few weeks and months developing options for modifying the content and style of California's voter registration card so that the card is easier to use both for voters and election officials. The group held its first meeting in November, it is now in the process of developing a first set of options for simplifying the language and making the form easier to use, while at the same time keeping the card size and basic layout intact. I will be circulating to you any proposed changes for your comment and review before they are adopted.

My staff is now in the process of meeting with each of the county vendors who provide voter registration card scanning and database services so that we can make sure that any potential changes not interfere with county's ability to machine scan the voter registration cards. We will not have even a draft until we have been able to confirm that the scanning process as it currently occurs can continue unimpeded with a newly designed card.

The working group will meet again in early January. I welcome your input into this process. I look forward to having a card that's easier for everyone to use, generates fewer questions to elections officials about the requirements, and I just hope it streamlines the registration process.

Pending Voting System Certifications There are no new voting system certification applications. The only system currently being tested is ES&S' new Unity AutoMark product. The functional testing, the volume testing and the disability testing are completed. The source code testing is continuing. The Red Team testing has been

pout on hold because the independent testing authority sent us some incorrect firmware for the system. I expect the Red Team testing will resume right after the first of the year. That means it will probably be mid- to late-January at the earliest before all of the testing is completed and all of the reports are written.

ES&S A200 Issues As you know, I filed a lawsuit against ES&S for selling AutoMark ballot marking devices that contained unauthorized hardware changes in five California counties. San Francisco has also filed a lawsuit against ES&S as one of the five counties and additionally because ES&S has refused to reimburse the county for the costs it incurred in complying with the voting system use conditions that have been imposed. Both cases are moving forward, and tomorrow is the deadline for ES&S to file a response in the action that I filed. Four of the five counties - Marin, Merced, Solano and Colusa – requested one time approval to use the ES&S AutoMark A200 Ballot Marking Device in the February 5, 2008 Presidential Primary Election. On December 6th I granted administrative approval for those four counties to use the A200 with the ES&S Unity version 2.4.3 voting system under specific conditions. The approval letter and the specific conditions have gone to each of the counties and are also posted on the Secretary of State's web site under Voting Systems.

Referenda & Water Bond Update The latest on the four gaming referenda is that all three of the suits challenging the validity of the referenda have been rejected by the Third District Court of Appeals. On Friday the plaintiffs in one of the cases, the case that alleges that the referendum is not valid because signatures were not gathered and certified within 90 days, decided to take the case to the Supreme Court. The method that they used does not have a timeline, so we have no way of knowing how quickly the court might act.

As for the water bond, although there has never been an official announcement that it has been abandoned with regard to the February ballot, I think it's safe to assume that the Legislature and the Governor are no longer pursuing the option of adding a water bond to the February ballot.

□ Questions - ***SUMMARIZED***

Barbara Dunmore, Riverside: Are you going to send out an Election Observer Panel Plan template, as past Secretary of State's have, for us to model ours after?

DB: I just need to do some homework to see what has been sent out by prior Secretary's, as it is not clear here at the table, and get back to you. I think we are using the same term to describe different documents, and we will attempt to get back to you all today.

Cathy Darling, Shasta: I just wanted to give credit to both Santa Cruz and Santa Clara counties whose plans I used as a model for ours.

Marsha Wharff, Mendocino: Just as a matter of history, the Election Observer Panel Plan used to mean a group of folks who were invited back year after year for observation; if that was to change we would all need to know.

Elaine Ginnold, Marin: We have gotten a request from activists who have asked us to do a hand count audit at the polls; we believe that there is no provision in the law to do this, and we'd like to get some guidance from the Secretary of State for this.

DB: It is up to the county, the law is silent on this issue.

DB: We'll be organizing the VoteCal road show as soon as possible, more information to come. Having your input now will be very important to how the ultimate contract is structured.

Barbara Dunmore, Riverside: I wonder if there's any update to the two empty mailing tubes that arrived in San Diego County, and what is the risk now that the software is out in the public.

DB: We were just updated that the tubes were tracked to the West Sacramento, law enforcement is investigating. Because FedEx weighs each package at each stop, so we will know, eventually, where it was lost. As far as risk, we have asked Premier, and we'll be doing a separate analysis.

Steve Weir, Contra Costa: Quick question about midnight madness, we want to encourage you to talk up midnight madness on E-29, because it gets folks their best franchise.

DB: I can encourage people to register today, and early, but I don't have the authority to change the deadline. I hope that when we get the VoteCal system up we can get folks moved using the national change of address system, etc.

Laurie Cassidy, Butte: Are you planning on bringing in a lot of extra help to get the cards sorted and sent out to our offices?

DB: Yes.

Laurie Cassidy: Also, I met with a West Sacramento Post Office representative told me yesterday that they would like a format change, somehow the size of the card or the fold, they require a lot of manual handling.

DB: Thank you for bringing it up, I have not received this kind of feedback from the PO folks I have met with, but I will follow up.

Next Call

The next call will be scheduled for Wednesday, January 16, at 10:00 a.m.