CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

Legislative Committee Meeting

Minutes – January 11, 2013

Sacramento, California

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| Attendee | County | Attendee | **County** |
| Deanna Kitamura | APALC – L.A. | Deborah Seiler | San Diego (retired) |
| Candy Lopez | Contra Costa | Michael Vu | San Diego |
| Steve Weir | Contra Costa | Tricia Webber | Santa Cruz |
| Linda Webster | El Dorado | Jaime Young | Santa Cruz |
| Kammi Foote | Inyo | Bart Broome | Secretary of State |
| Tim McNamara | Los Angeles | Jana Lean | Secretary of State |
| Rebecca Martinez | Madera | Ryan Macias | Secretary of State |
| Linda Tulett | Monterey | John Gardner | Solano |
| Xioneida Ruiz | Napa | Gloria Colter | Sonoma |
| Barry Brokow | Sacramento Advocates, Inc | Bill Rousseau | Sonoma |
| Roberta Kanelos | Sacramento | Aaron Rosa | Stanislaus |
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Deborah Seiler convened the meeting at 9 a.m. Introductions were made.

**Minutes from December 5, 2012**

Motion by Roberta Kanelos to approve December 5, 2012 minutes. Candy Lopez seconds motion. Motion carried.

# Barry Brokaw: CACEO Legislative Advocate

Mr. Brokaw:

* Gave a description of the composition of the Legislature based on the November General election. The Democratic Party has a 2/3 majority with 29 Senators and 55 Assembly Members. There will most likely be cascading special elections for Legislative seats later this year in addition to those special elections already scheduled. This will primarily be caused by Legislators seeking other Legislative seats or municipal offices.
* State Budget: The State Budget is balanced; due to Proposition 30 there is a projection of 9 billion dollars in new revenue through June 30. The State is in good shape and the Governor wants it to remain that way by being frugal as possible and paying debt down with the intent of producing surpluses. In general, the mood in Sacramento is cautiously optimistic which is in great contrast to the last several years. (Note: the new budget is 97 billion vs. 107 billion in 2004.)
* Election bills are still likely to be held in Appropriations Committee if there is significant cost associated with them.
* Election bills that will enable people to vote more easily are likely to move forward.
* CACEO is well respected and should continue to improve bills as they are introduced.

# Deanna Kitamura: Asian Pacific American Legal Center (APALC)

Ms. Kitamura introduced a bill concept that would (1) allow counties to recruit up to five lawful permanent residents (LPRs) as poll workers per precinct and (2) allow counties to appoint LPRs as deputy registrars.

Ms. Kitamura gave detailed reasons that this bill would be beneficial to election officials related to pollworker recruitment. Generally they were that Federal and State law require counties to provide language assistance at poll sites when certain racial/ethnic communities reach a threshold number. Experience has shown that recruiting these pollworkers is particularly challenging. The bill concept would potentially open up a large pool of pollworkers to address this challenge since current law limits poll worker opportunities to registered voters (who must be citizens).

Attendees had some concerns related to push back by those who may object to non-citizens handling ballots. Also, it appears that the bill would allow all pollworkers on a precinct board to be LPRs. Some attendees would prefer that at least some citizens staff each poll place.

Attendees were interested in following the bill concept as it progresses. Attendees voted to support the concept in general.

Motion by Tim McNamara to support the concept of the draft bill. Linda Tulett seconds. Motion carries. Contra Costa registered abstention indicating that it would prefer a majority of the board to be County citizens.

# Legislation

AB 19 (Ting) Elections: online voting

Position: Watch

Discussion: This bill would “declare the intent of the Legislature to enact legislation that would require the Secretary of State to implement a pilot program whereby a county may enable voters to vote via the Internet”.

Irene Ho from Assembly Member Ting’s office attended the meeting to give Mr. Ting’s perspective on online voting and, also, to hear from the attendees about their perspectives.

Ms. Ho was specifically interested in CACEO’s support of SB 908 from the 11-12 session. Would the association be interested in supporting a similar bill? Attendees answered that they:

* Felt the concept of such a bill was potentially a good idea as it potentially protected a vulnerable population. However, they were aware that such a bill would be controversial.
* Are getting marked ballots from military and overseas voters that have been e-mailed and it is frustrating to not be able to count them; some UOCAVA voters do not have access to a fax and some “faxes” are now internet based anyway.
* The bill concept if implemented may cause the number of “too late” UOCAVA ballots to come down.
* Using faxes – as currently required for California UOCAVA voters – to return ballots can be costly for voters.

Kammi Foote expressed an interest in exploring some kind of online voting as a pilot in Inyo County due to its large geographical size and rural nature which makes it difficult for voters to receive and submit ballots. (This is especially concerning considering the closure of USPS facilities.) She would be interested, for instance, in piloting a local, closed network.

Bart Broome, from the Secretary of State’s Office listed a number of internet security concerns in relation to the bill proposal.

We will continue to follow the bill closely.

***2013 CACEO Legislative Proposals:***

**Item 10,** Submitted by Steve Weir, Contra Costa County: Amends Elections Code Section 15343

Discussion: This proposal would set a low threshold for counting write-in ballots. This would eliminate counting write-in votes where the candidate has no chance of winning, thereby, eradicating wasteful hand/machine processing.

Some county or municipal voting systems do not have the ability to tally the number of write in votes – abstractly – in a voting positions to determine preliminary threshold numbers. Additionally, there was concern that there may be a lack of understanding of the problem which could such that the proposal may appear as election officials resisting a core duty to count cast votes.

Proposal withdrawn. The general intent of the proposal will be considered as future voting systems are discussed.

**Item 11,** Submitted by Dean Logan, Los Angeles County: Amend the language of Section 10402.5 (“Board of Supervisors May Deny Request to Consolidate Election”) of Part 3, Div. 10 of the California Elections Code.

Discussion: The proposal would enable counties to deny consolidation to jurisdictions if there is cause for concern related to the proper administration of an additional election. This proposal addresses two significant concepts:

Legal– Lawsuits and other forms of litigation may ensue should there be a conflict or difference of interpretation and application of California law (Elections Code, Government Code, Education Code, Water Code, Public Resources Code, Health and Safety Code, and Administrative Code of Regulations) between the County and requesting jurisdiction.

Financial– The inability of a jurisdiction to provide payment for election services could impact the elections official’s ability to provide payment to multiple vendors and suppliers, lead to breach of contract, and increase the cost of another geographically overlapping jurisdiction’s billing.

Last meeting, attendees requested to see more precise language in the proposed text of the statute. More precise language was included. Attendees suggested that there could still be a more precise focus on rejecting consolidation requests that would be in contravention to specific county duties such as registering voters, processing vote-by-mail requests, and tallying canvassing votes. Attendees did vote to support the concept in general, however.

Motion to accept concept as CACEO proposal **13-08** by Deborah Seiler with the caveat that the proposal be refined per the discussion. Steve Weir seconds motion. Motion carried.

**Item 11,** Submitted by Dean Logan, Los Angeles County: Amend the language of Section 8141.5 (“General Election Candidates”) of Div. 8, Chapter 9, Article 8 of the California Elections Code (EC).

Discussion: Currently, if a candidate is not opposed in a primary – except by a write-in candidate – the write-in candidate will be placed on the general election ballot no matter how many votes the write-in candidate receives. This has resulted in confusion to the electorate and candidates. This proposal would resolve that confusion by establishing a threshold of votes by which a write-in candidate would appear on the general election ballot. The “threshold” would establish that write-in candidates would advance to the general election ballots if they receive more than 10 percent of the total votes cast in the Primary election.

Motion to accept concept as CACEO proposal **13-09** by Steve Weir. Roberta K seconds motion. Motion carried.

**Item 12,** Submitted by Deborah Seiler, Retired: This proposal would provide a spot bill for suggestions made by the Petition Subcommittee.

Motion to accept concept as CACEO proposal **13-10** by Tim McNamara. Becky Martinez seconds motion. Motion carried.

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**Potential Secretary of State proposals:**

* Allow voter records to become public after 72 to 75 years.
* Drop requirement for voters who use a stamp instead of a signature to validate the stamp with the local election official.
* Allow students to pre-register to vote at age 17.

***Voters with Specific Needs Subcommittee (VWSN)***

* Thirty Counties have been notified by the SOS that they will likely be required to provide at least one more non-English language by the 2014 election cycle.
* VWSN members will be working on assistance for counties who have new language requirements in the near future.
* Tim McNamara and Eren Mendez will solicit assistance for VWSN subcommittee members to 1) review current language glossaries 2) plan for providing language assistance in general to counties.
* No news regarding progress in Poll Place Accessibility Checklist (PPAC) data storage in DIMS or DFM; Robis will demonstrate its electronic PPAC in Santa Cruz in the near future – they plan to do some field testing.
* VWSN members will strongly encourage DIMS and DFM vendors to enhance their product so that their system support a process that takes counties from the PPAC, linking related photos, analyzes data, runs reports on mitigations/etc, keeps appropriate contact information with facilities and facilitates election officer set up manuals or web services for pollworkers.
* Sonoma and El Dorado counties have adopted Access Plans
* Calls will be scheduled to work on a generic access plan. All jurisdictions will be encouraged to adopt the core generic points of the plan to gain uniformity in practice throughout the state. Poll place surveyors and policy leaders will be strongly encouraged to participate in the drafting calls.
* Los Angeles County's Draft Access Plan covers the review - by community groups - of any publically facing voter information including that contained in their website.
* Subommittee reviewed annual conference wish list/focus.
* Attendees shared their wish list with the Todd Wallace (of SOS( regarding what may be needed if there is next round of accessibility funding.

***HAVA/Voting System Subcommittee***

Susan Lapsley, Ryan Macias, and Irene Wei of the SOS gave status reports and answered questions on the Statewide Database, Voting Systems, the Voting Modernization Board, etc.

* Voting Modernization Board: no new plans submitted.
* Irene Wei gave update on VoteCAL. Contract award set for February. CGI is the likely vendor. They are local. They will include DFM and DIMS on their team and both vendors have key roles in the project. The Business Process Committee will be the composed of the same county staff for the prior version of the project with the addition of Butte. The vendor will need to do a new round of "discovery" meetings with counties. CGI has an off the shelf solution that they have used elsewhere with success. Pre-work from the prior version of the project will not be discarded,but will need to be reconfirmed with counties.
* First 10 minutes of future HAVA meetings will be opened to a conference call to allow VoteCAL updates to everyone.
* Susan Lapsley and Ryan Macias reported for OVSTA and on HAVA issues.
  + Ms. Lapsley also reported that Senator Padilla had requested a "procedural" audit of the SOS HAVA implementation for the last eight years. It will focus on seven items, but the scope is really HAVA and NVRA and they are unlikely to talk to counties. The audit is expected to last three months.
  + Todd Wallace is working with Jason Hayes on finalizing the EAC survey that is based on county election data.
  + Two national symposiums coming up: one is a NIST symposium on the future of voting on Feb 26-28 in Maryland; the other involves state election offices and officials involved in voting certification. It will be June 20-21 in Pennsylvania. It will address what will happen if the EAC does not continue to exist in its current form and how states will need to test and certify voting systems.
  + State ballot printing regulations were up for comment and comments closed on 1/11/13.
  + EAC VVSG were open for comment and comments were due back by 1/14/13.
  + Two systems have voting system applications in to the SOS. 1) Unity 3.4.0.0 which is 2002 VVSG compliant with 2005 modifications, but has one more requirement that will take another month to complete. That requirement relates to ensuring that the use of Chinese characters work properly in the system. 2) Relates to Dominion 4.0 and is pending.
  + Three Administrative Approvals are in for Dominion. They are being bundled together. Two address rank choice voting matters. The third addresses Insight Memory Pack issues.
  + HART has contacted the OVSTA regarding moving the operating system from Windows XP to Windows 7.
  + The Washington print facility for ES&S does not need to be recertified because it is only being impacted by change in staffing.

The meeting was adjourned by Deborah Seiler.

Respectfully submitted,

Tim McNamara

Thank you to Jaime Young for her assistance in compiling this month’s minutes.