

BOARD MEETING
STATE OF CALIFORNIA
SECRETARY OF STATE
VOTING MODERNIZATION BOARD

COMMUNITY REDEVELOPMENT AGENCY OF LOS ANGELES
354 SOUTH SPRING STREET
6TH FLOOR BOARD ROOM
LOS ANGELES, CALIFORNIA

WEDNESDAY, MAY 16, 2007
11:15 A.M.

KATHRYN S. KENYON, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

John A. Pérez, Chairperson

Stephen Kaufman, Vice Chairperson

Michael Bustamante (via teleconference)

STAFF

Mr. Michael Kanotz, Elections Counsel (via teleconference)

Ms. Jana M. Lean, Staff Consultant

Ms. Katherine Montgomery, Executive Secretary

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1 PROCEEDINGS

2 CHAIRPERSON PÉREZ: I would like to call to order
3 the May 16 meeting of the Voting Modernization Board.

4 If we could please call the roll.

5 EXECUTIVE SECRETARY MONTGOMERY: John Perez?

6 CHAIRPERSON PÉREZ: Here.

7 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

8 VICE CHAIRPERSON KAUFMAN: Here.

9 EXECUTIVE SECRETARY MONTGOMERY: Michael
10 Bustamante?

11 MEMBER BUSTAMANTE: Here.

12 CHAIRPERSON PÉREZ: Mr. Finney and Mr. Guardino
13 are not able to join us this morning.

14 We do have a quorum.

15 Next item for us is Item 3, Public Comment. I
16 don't see any cards, so --

17 VICE CHAIRPERSON KAUFMAN: I don't see any public.

18 (Laughter.)

19 CHAIRPERSON PÉREZ: I don't see any public.

20 It's nice to know that the concern for the
21 integrity for the voting systems has reached its height.

22 Next is Item 4, Adoption of the March 21st, 2007,
23 Actions and Meeting Minutes.

24 Mr. Bustamante and Mr. Kaufman, have you reviewed
25 these?

1 VICE CHAIRPERSON KAUFMAN: Yes, and I will move
2 approval of the action items --

3 MEMBER BUSTAMANTE: I will second.

4 VICE CHAIRPERSON KAUFMAN: -- and minutes.

5 CHAIRPERSON PÉREZ: Moved and seconded.

6 All in favor, say "aye."

7 (Ayes.)

8 CHAIRPERSON PÉREZ: No opposed. The action
9 carries.

10 Next, Item 5, Project Documentation Plan Review
11 and Funding Award. First is 5(A), Lassen County, Phase 3.

12 Ms. Lean, would you like to walk us through that?

13 STAFF CONSULTANT LEAN: Lassen County has
14 submitted their project documentation of their Phase 3 to
15 utilize the remainder of their allocation, which is
16 \$20,631.97.

17 They are going to buy five additional Diebold
18 AccuVote Optical Scan Precinct Ballot Tabulators.

19 Lassen County anticipates receiving these AccuVote
20 OS units in September 2007, and will use this equipment
21 for the first time in the February 2008 Presidential
22 Primary.

23 The Voter Verified Paper Audit Trail doesn't apply
24 to Lassen County's Phase 3 Project Documentation Plan, as
25 the system is a paper-based optical scan voting system.

1 Lassen County's Phase 3 Project Documentation Plan
2 meets the requirements for completeness. And the Diebold
3 AccuVote optical scan units are certified for use in
4 California.

5 At the July 16th, 2003, meeting of the Voting
6 Modernization Board, the Board approved Lassen County
7 Phase 1 Project Documentation Plan and awarded funding in
8 the amount of \$105,635.48.

9 On January 17th, 2007, the Voting Modernization
10 Board approved Lassen County's Phase 2 Project
11 Documentation Plan and awarded the County \$81,528.66.
12 Lassen County received this funding for reimbursement of
13 their 15 AccuVote-TSx with the AccuView Printer Module and
14 15 AccuVote optical scan ballot tabulators.

15 Lassen County's Phase 3 Project Documentation Plan
16 will utilize the balance of their initial Voting
17 Modernization Board formula allocation. The County will
18 be upgrading their absentee voting system by augmenting
19 their existing number of optical scan units and replacing
20 voting booths and related components.

21 Lassen County will only receive Voting
22 Modernization Board payments once it has submitted
23 detailed invoices for its certified voting equipment.

24 And it should be noted that there are some costs
25 that are listed in their plan that would not be

1 reimbursable under Proposition 41.

2 It is our recommendation that Lassen County's
3 Phase 3 Project Documentation Plan be awarded, and a
4 funding award letter be issued in the amount of
5 \$20,631.97.

6 CHAIRPERSON PÉREZ: Any questions, Mr. Bustamante?

7 MEMBER BUSTAMANTE: None for me.

8 CHAIRPERSON PÉREZ: Mr. Kaufman?

9 VICE CHAIRPERSON KAUFMAN: None.

10 CHAIRPERSON PÉREZ: Would either of you like to
11 make a motion?

12 VICE CHAIRPERSON KAUFMAN: Sure. I will move
13 adoption of the staff recommendation for Lassen County.

14 CHAIRPERSON PÉREZ: Mr. Bustamante?

15 MEMBER BUSTAMANTE: I will second it.

16 CHAIRPERSON PÉREZ: Kaufman moves. Perez second.
17 Would you please call the roll?

18 EXECUTIVE SECRETARY MONTGOMERY: John Perez?

19 CHAIRPERSON PÉREZ: Aye.

20 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

21 VICE CHAIRPERSON KAUFMAN: Aye.

22 EXECUTIVE SECRETARY MONTGOMERY: Michael
23 Bustamante?

24 MEMBER BUSTAMANTE: Aye.

25 CHAIRPERSON PÉREZ: Very good. Next, Contra Costa

1 County.

2 STAFF CONSULTANT LEAN: Contra Costa County is
3 submitting a change to their Phase 2 Project Documentation
4 Plan. They would like to utilize the remainder of their
5 allocation, which was \$9,316.74. They got an approval
6 from the Board at the May 25th, 2006, meeting for their
7 Phase 2. And part of that Phase 2 was to purchase a
8 Pitney Bowes Relia-Vote system, which is the component to
9 their absentee system.

10 However, the projections that they did in their
11 plan didn't include some of the original costs that they
12 were basing their -- I'm sorry. The quote didn't include
13 actual costs of the unit and shipping and handling and
14 sales tax.

15 So Contra Costa County is requesting that the
16 Voting Modernization Board approve the change to their
17 existing Phase 2 plan to include the funding for their
18 total amount of their actual costs associated with the
19 Relia-Vote, up to the entire remaining formula allocation
20 available to the County for their Phase 2 plan.

21 So it is our recommendation that the Contra Costa
22 County's change to their approved Phase 2 Project
23 Documentation Plan be approved, and a new funding award
24 be -- funding award letter be issued in the amount of
25 \$2,027,472.99.

1 CHAIRPERSON PÉREZ: Very good.

2 Any questions?

3 VICE CHAIRPERSON KAUFMAN: I just had a question
4 for clarification. I was trying to do the math.

5 So are we essentially -- we're -- we already
6 approved this once. We are just approving it in the
7 higher amount, and the higher amount is just another
8 \$9,000?

9 STAFF CONSULTANT LEAN: Correct.

10 VICE CHAIRPERSON KAUFMAN: No further questions.

11 CHAIRPERSON PÉREZ: Mr. Bustamante, any questions?
12 I will take that as a no.

13 MEMBER BUSTAMANTE: No.

14 VICE CHAIRPERSON KAUFMAN: I will move adoption of
15 the staff recommendation for the funding award letter to
16 be issued to Contra Costa County.

17 MEMBER BUSTAMANTE: I will second that.

18 CHAIRPERSON PÉREZ: Mr. Kaufman moves.

19 Mr. Bustamante seconds.

20 Would you call the roll?

21 EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

22 CHAIRPERSON PÉREZ: Aye.

23 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

24 VICE CHAIRPERSON KAUFMAN: Aye.

25 EXECUTIVE SECRETARY MONTGOMERY: Michael

1 Bustamante?

2 MEMBER BUSTAMANTE: Aye.

3 CHAIRPERSON PÉREZ: No objections. That passes.

4 Next, Humboldt County.

5 STAFF CONSULTANT LEAN: Humboldt County is in a
6 similar situation. They have submitted a change to their
7 Project Documentation Plan. Their actual funding award
8 request will go up about \$6,569.39.

9 At the January 17th, 2006, meeting, the Voting
10 Modernization Board approved Humboldt County's Project
11 Documentation Plan and awarded funding for reimbursement
12 of the purchase of 80 Hart eSlate DRE machines and
13 associated components.

14 Humboldt County's Project Documentation -- project
15 costs identified in their original plan contained an error
16 in the calculations of the equipment hardware costs to be
17 paid using the funds and those costs associated with the
18 County's required match. The original cost did not
19 include the amount the County would be charged for the
20 state's e-waste recycling fee. The additional costs
21 amount to the \$6,569.39.

22 Humboldt County is requesting the Voting
23 Modernization Board approve the change to their existing
24 Project Documentation Plan to include the funding for the
25 total amount required to pay on their new voting

1 equipment.

2 It is our staff recommendation that Humboldt
3 County's change to their approved Project Documentation
4 Plan be approved and a new funding award letter be issued
5 in the amount of \$472,397.62.

6 CHAIRPERSON PÉREZ: Any questions?

7 VICE CHAIRPERSON KAUFMAN: None for me.

8 CHAIRPERSON PÉREZ: Is there a motion?

9 VICE CHAIRPERSON KAUFMAN: I will move adoption of
10 the staff recommendation.

11 MEMBER BUSTAMANTE: I will second that.

12 CHAIRPERSON PÉREZ: Very good.

13 Mr. Kaufman moves. Mr. Bustamante seconds.

14 If you could call the roll.

15 EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

16 CHAIRPERSON PÉREZ: Aye.

17 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

18 VICE CHAIRPERSON KAUFMAN: Aye.

19 EXECUTIVE SECRETARY MONTGOMERY: Michael

20 Bustamante?

21 MEMBER BUSTAMANTE: Aye.

22 CHAIRPERSON PÉREZ: Very good.

23 That's approved. Lastly, we have Tehama County.

24 STAFF CONSULTANT LEAN: Tehama county has
25 submitted a plan to use the Voter Verified Paper Audit

1 Trail retrofit process, and they have changed their
2 Project Documentation Plan.

3 They will be upgrading their AVC Edge machines
4 with the VeriVote, 191 units. They are requesting the
5 VVPAT retrofit funding of \$192,630.89.

6 At the February 9th, 2004, meeting of the Voting
7 Modernization Board, the Board approved Tehama County's
8 Project Documentation Plan and awarded funding for the
9 reimbursement of the County's purchase of 148 Sequoia AVC
10 Edge DRE units and one Sequoia Optech 400C Central Count
11 Optical Scan unit. The County used this equipment as
12 their March 2nd, 2004, Primary Election.

13 Tehama County began modernizing its voting
14 equipment before the state's requirement for the VVPAT
15 requirements were enacted. Consequently, the County was
16 required to retrofit all of the Sequoia AVC Edge DRE
17 machines to include a VVPAT printer. These newly equipped
18 machines were successfully implemented countywide during
19 the June 6, 2006, Primary Election.

20 Tehama County is requesting that the Board allow
21 the County to return funds received from the VMB in order
22 to qualify for retroactive reimbursement from HAVA for its
23 purchase of a HAVA Section 301 compliant voting system,
24 and concurrently requests funding from the Voting
25 Modernization Board to fund its VVPAT retrofit costs.

1 Tehama County would be required to refund the
2 allowable retrofit costs of \$192,630.89 to the Voting
3 Modernization Fund, from the County's general fund, before
4 the County would be eligible for any VMB funding for VVPAT
5 retrofit or any retroactive reimbursements from HAVA
6 Section 301.

7 Once the refund for the retrofit costs has been
8 received and deposited back into the Voting Modernization
9 Fund and confirmation of that deposit has been received
10 from the State Controller's Office, the VMB would notify
11 Tehama County and the Secretary of State's HAVA
12 coordinator that the deposit has been completed.

13 The VMB could then amend the original funding
14 award letter issued to Tehama County to explicitly state
15 that the Voting Modernization Board will allocate
16 \$192,630.89 in funding, returned by the County to the
17 Voting Modernization Fund, for the purpose of
18 reimbursement of a Voter Verified Paper Audit Trail
19 retrofit costs.

20 Tehama County would then be required to submit to
21 the Voting Modernization Board an acknowledgment letter
22 certifying that the new funds would be used in accordance
23 with the Voting Modernization Bond Act of 2002. Tehama
24 County could currently submit a Payment Request Form with
25 required documentation to receive reimbursement for the

1 VVPAT retrofit costs.

2 It is our recommendation that Tehama County's
3 change to their approved Project Documentation Plan be
4 approved, contingent upon receipt of the funds as outlined
5 above.

6 Once confirmation of the deposited funds is
7 obtained, the VMB staff will notify the chair of the
8 Board, and an amendment to the original February 9th,
9 2004, funding award letter may be issued in the amount of
10 \$192,630.89 to fund the allowable VVPAT retrofit costs
11 only.

12 CHAIRPERSON PÉREZ: Any questions?

13 VICE CHAIRPERSON KAUFMAN: This is entirely
14 consistent with similar matters we've done in the past.

15 STAFF CONSULTANT LEAN: Correct. Orange, Napa,
16 and Shasta just received their check on Tuesday.

17 CHAIRPERSON PÉREZ: I just have one question.
18 What's the significance of the word "Brit" in the Tehama
19 County seal?

20 STAFF CONSULTANT LEAN: No idea. We can call
21 Tehama County if you would like.

22 VICE CHAIRPERSON KAUFMAN: I didn't even know
23 Tehama is pronounced "Tehama."

24 CHAIRPERSON PÉREZ: It is Tehama.

25 STAFF CONSULTANT LEAN: Tehama.

1 CHAIRPERSON PÉREZ: Mr. Bustamante?

2 MEMBER BUSTAMANTE: What's that?

3 CHAIRPERSON PÉREZ: Any questions?

4 MEMBER BUSTAMANTE: No.

5 CHAIRPERSON PÉREZ: And do you know what the word

6 "Brit" signifies in the Tehama County seal?

7 MEMBER BUSTAMANTE: Do I know what?

8 CHAIRPERSON PÉREZ: There's a word "Brit" in the

9 middle of the Tehama County -- it is "Brit," isn't it --

10 VICE CHAIRPERSON KAUFMAN: At least it's B-R-I-T.

11 CHAIRPERSON PÉREZ: -- in the Tehama County seal.

12 And I'm trying to figure out the significance of it.

13 But I guess we'll have to take action without

14 knowing the answer to that.

15 MEMBER BUSTAMANTE: There you go.

16 CHAIRPERSON PÉREZ: Any motions?

17 MEMBER BUSTAMANTE: I will move the staff report

18 recommendation.

19 VICE CHAIRPERSON KAUFMAN: I will second.

20 CHAIRPERSON PÉREZ: Mr. Bustamante moves.

21 Mr. Kaufman seconds.

22 And would you call the roll?

23 EXECUTIVE SECRETARY MONTGOMERY: John Pérez?

24 CHAIRPERSON PÉREZ: Aye.

25 EXECUTIVE SECRETARY MONTGOMERY: Stephen Kaufman?

1 VICE CHAIRPERSON KAUFMAN: Aye.

2 EXECUTIVE SECRETARY MONTGOMERY: Michael

3 Bustamante?

4 MEMBER BUSTAMANTE: Aye.

5 CHAIRPERSON PÉREZ: The item passes.

6 And we move forward. We have nothing else on our
7 agenda. Is there anything else we need to consider?

8 STAFF CONSULTANT LEAN: Not on the record. We do
9 have something to discuss --

10 THE REPORTER: Are we off the record?

11 CHAIRPERSON PÉREZ: No, we'll stay on the record.

12 STAFF CONSULTANT LEAN: Los Angeles County, at the
13 last March meeting, submitted a letter to the Board, and
14 the Board wanted to respond to the Board of Supervisors'
15 letter. Michael Kanotz drafted a response and it was sent
16 out via e-mail to the chair and the vice chair. In your
17 packets, in your binders, you have a copy of the draft
18 that was prepared by Michael Kanotz, and also the letter
19 that was originally submitted by the Los Angeles County
20 Board of Supervisors.

21 We had anticipated going over this if you wanted
22 to today, or we can meet online --

23 CHAIRPERSON PÉREZ: Well, do folks feel
24 comfortable just allowing me to send a letter similar to
25 the one that's in the draft, given any other minor edits

1 that I may do for content?

2 VICE CHAIRPERSON KAUFMAN: Yeah, I just think -- I
3 e-mailed Jana about this a week or so ago. I think you
4 and I may have overlooked this in our incoming e-mail.

5 CHAIRPERSON PÉREZ: Yes.

6 VICE CHAIRPERSON KAUFMAN: But we need to get
7 something out to them as soon as possible, so we should
8 make those edits. Or you should redraft the letter as
9 soon as possible so we can respond. Otherwise, our
10 response isn't going to be much of a response.

11 CHAIRPERSON PÉREZ: You okay with that,
12 Mr. Bustamante?

13 MEMBER BUSTAMANTE: I agree with that. I'm
14 comfortable with you going ahead and doing it.

15 CHAIRPERSON PÉREZ: Okay. Then there will be
16 nothing else before us.

17 We stand adjourned.

18 MEMBER BUSTAMANTE: Excellent.

19 CHAIRPERSON PÉREZ: Thank you, both.

20 (The Voting Modernization Board meeting
21 adjourned at 11:29 a.m.)

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand Reporter
3 of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the
5 foregoing Voting Modernization Board meeting was reported
6 in shorthand by me, Kathryn S. Kenyon, a Certified
7 Shorthand Reporter of the State of California, and
8 thereafter transcribed into typewriting.

9 I further certify that I am not of counsel or
10 attorney for any of the parties to said meeting nor in any
11 way interested in the outcome of said meeting.

12 IN WITNESS WHEREOF, I have hereunto set my hand
13 this 25th day of May, 2007.

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19
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21
22 KATHRYN S. KENYON, CSR
23 Certified Shorthand Reporter
24 License No. 13061
25