

1 STATE OF CALIFORNIA  
2 SECRETARY OF STATE  
3 VOTING MODERNIZATION BOARD MEETING  
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7 SECRETARY OF STATE  
8 AUDITORIUM  
9 1500 11th STREET  
10 SACRAMENTO, CALIFORNIA  
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13 THURSDAY, FEBRUARY 24, 2011  
14 10:08 A.M.  
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22 Reported by Jacqueline Toliver, CSR #4808  
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APPEARANCES

Board Members: Stephen Kaufman, Vice Chairman  
voted to Chairman

Carl Guardino  
(Appearing Telephonically)

Michael Bustamante  
Voted to Vice Chairman  
(Appearing Telephonically)

Chief of Elections  
voted to Executive  
Officer: Jana M. Lean

Executive Assistant  
voted to Staff  
Consultant: Katherine Montgomery

Executive Assistant: Stacey Jarrett

Also Present: Robbie Anderson

Ryan Macias

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AGENDA

I. Call to Order.

II. Roll Call and Declaration of Quorum.

III. Public Comment:

Judy Alter (Please see the attached website.  
Her letter is under "Written Testimony by Judy Alter."  
<http://www.sos.ca.gov/elections/vma/documents.html>)

IV. Adoption of February 3, 2010, Actions and Meeting Minutes.

V. Project Documentation Plan Review and Funding Award Approval:

Staff Report for approval of funding award.

(A) Ventura County - Phase 2: Presentation by Mark Lunn, Ventura County Clerk Recorder/Registrar of Voters, accompanied by Tracy Saucedo, Assistant Registrar of Voters.

VI. Voting Modernization Board Staffing:

Staff Report.

VII. Other Business:

Staff Report.

Testimony by Dean C. Logan, Registrar/County Clerk for County of Los Angeles.

VIII. Adjournment.

1 THURSDAY, FEBRUARY 24, 2011, 10:08 A.M.

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3 VICE CHAIRMAN KAUFMAN: All right. Let's call  
4 this meeting to order. Call the Voting Modernization  
5 Board meeting to order. What now? Ten years running?  
6 And here we are.

7 MR. BUSTAMANTE: Three governors. Four  
8 Secretaries of State?

9 MS. LEAN: At least three, four.

10 VICE CHAIRMAN KAUFMAN: All right. Why don't  
11 we call the roll.

12 MS. JARRETT: Stephen Kaufman?

13 VICE CHAIRMAN KAUFMAN: Here.

14 MS. JARRETT: Michael Bustamante?

15 MR. BUSTAMANTE: Here.

16 MS. JARRETT: Tal Finney?

17 (No response.)

18 MS. JARRETT: Mr. Guardino?

19 MR. GUARDINO: Here.

20 VICE CHAIRMAN KAUFMAN: Great. We have a  
21 quorum. And since our last meeting, our former Chair,  
22 now speaker, John Pérez, is no longer with us on the  
23 Commission, so we have an open slot that hopefully will  
24 get filled at some point. Hopefully the Governor will  
25 realize that this Board actually exists; it's still in

1 existence and needs another member.

2           So in the absence of Mr. Pérez, I, as Vice  
3 Chair will serve as the Chair for this meeting today.

4           Do we have any public comment with respect to  
5 items that are not on the agenda?

6           MS. JUDY ALTER: Can we wait until the end?

7           VICE CHAIRMAN KAUFMAN: Well, we're seeking  
8 public comment now for items not on the agenda. If you  
9 have anything that you want to address, now would be  
10 the time.

11           MS. JUDY ALTER: I'd like to offer it in  
12 writing.

13           VICE CHAIRMAN KAUFMAN: Excuse me?

14           MS. JUDY ALTER: I have it in writing. I'll  
15 submit it to you.

16           VICE CHAIRMAN KAUFMAN: Okay. We'll be happy  
17 to accept that.

18           MS. JUDY ALTER: Thank you.

19           VICE CHAIRMAN KAUFMAN: Then with that, the  
20 first item on the agenda is the adoption of the  
21 February 3rd, 2010, Actions and Meeting Minutes. I  
22 guess that's the last time that this Board met a year  
23 ago. Those minutes have been distributed.

24           Do we have a motion to approve?

25           MR. GUARDINO: Yes, Mr. Chair. I'll move them.

1 VICE CHAIRMAN KAUFMAN: Mr. Bustamante moves.

2 I'll second.

3 All in favor of approving the minutes?

4 MR. GUARDINO: Aye.

5 VICE CHAIRMAN KAUFMAN: Aye.

6 MR. BUSTAMANTE: Aye.

7 VICE CHAIRMAN KAUFMAN: Since someone is here,

8 I guess we should roll call it.

9 MS. JARRETT: Mr. Kaufman?

10 VICE CHAIRMAN KAUFMAN: Aye.

11 MS. JARRETT: Mr. Bustamante?

12 MR. BUSTAMANTE: Aye.

13 MS. JARRETT: Mr. Guardino?

14 MR. GUARDINO: Aye.

15 VICE CHAIRMAN KAUFMAN: Okay. The minutes are

16 adopted. All right. Then the next thing on the

17 agenda, Item No. V, is the Project Documentation Plan

18 Review and Funding Award Approval for Ventura County

19 which is Phase 2 for Ventura County. Do we have a

20 staff report on that?

21 MS. MONTGOMERY: Yes, we do.

22 VICE CHAIRMAN KAUFMAN: Katherine?

23 MS. MONTGOMERY: Ventura County has submitted a

24 Project Documentation Plan for Phase 2. They are

25 requesting funding of \$523,093.57 from the remaining

1 funds of \$1,109,507.64. Ventura County has purchased  
2 both an APEX VBM verification and sorting system and an  
3 Opex MPE 7.5 ballot extraction system. Ventura County  
4 has secured the Phase 2 equipment, and this new  
5 equipment was implemented during the general election  
6 in November 2010. Ventura County has fully implemented  
7 the use of this new voting equipment.

8 Ventura County's Phase 2 Project Documentation  
9 Plan meets the requirements for completeness.

10 Ventura County has augmented their existing  
11 Sequoia Optech Insight optical scan voting equipment  
12 with the Bowe, Bell & Howell automated vote-by-mail  
13 sorting and ballot extraction system.

14 The number of vote-by-mail voters has expanded  
15 significantly in Ventura County since 2004. Nearly  
16 half of all ballots cast in the November 2010 General  
17 Election were cast using vote-by-mail ballots. The  
18 county believes that given the increase in the number  
19 of vote-by-mail ballots it is imperative to modernize  
20 their vote-by-mail ballot counting processes. The new  
21 equipment will allow for in-line signature capture,  
22 ballot extraction, and sorting and will streamline the  
23 overall vote-by-mail ballot processing. This new  
24 automated system will be used to automate the sorting  
25 process and processing of the returned vote-by-mail

1 ballots and provide a secure storage of vote-by-mail  
2 ballots through the canvass process.

3 Ventura County has projected that the  
4 implementation of this system will save the county an  
5 estimated 2,160 staff hours in major elections and  
6 significantly increase the accuracy in preparing the  
7 ballots for tabulation by decreasing the potential for  
8 error.

9 The Bowe, Bell & Howell automated vote-by-mail  
10 verification and sorting and ballot extraction systems  
11 are a third-party combination of hardware and software  
12 to support the County's voting system and does not  
13 itself require certification as a voting system for use  
14 in California.

15 Ventura County will only receive VMB payments  
16 once it has submitted detailed invoices for its voting  
17 equipment. Please note the staff-proposed funding  
18 award is based upon allowable reimbursement under  
19 Proposition 41 for voting equipment hardware and  
20 software only. The extended service maintenance line  
21 items listed in the Ventura County contract with Bowe,  
22 Bell & Howell Company would not be covered as a  
23 reimbursable claim under Proposition 41.

24 It is our recommendation that Ventura County's  
25 Phase 2 Project Documentation Plan be approved and a



1 Funding Award Letter be issued in the amount of  
2 \$523,093.57.

3 VICE CHAIRMAN KAUFMAN: Do either of the two of  
4 you on the phone have any questions of staff regarding  
5 the report?

6 MR. BUSTAMANTE: No, Mr. Chair.

7 MR. GUARDINO: No, I don't have any.

8 This is the same system that Sonoma County  
9 used, correct?

10 MS. LEAN: Correct. This is one of the pieces  
11 of equipment. They've got an extra one with the ballot  
12 extraction system; but yes, this is very similar to  
13 what Sonoma purchased.

14 VICE CHAIRMAN KAUFMAN: And this does not use  
15 up all of Ventura County's potential allocation,  
16 correct?

17 MS. LEAN: Right.

18 VICE CHAIRMAN KAUFMAN: We have representatives  
19 from Ventura County here. Would you like to address  
20 the Board? Is this a live mic?

21 MS. MONTGOMERY: Yes.

22 You can come up to the podium.

23 MR. LUNN: Good morning. I'm Mark Lunn,  
24 Ventura County Court Recorder/Registrar of Voters.  
25 With me this morning is Tracy Saucedo, the Assistant

1 Registrar of Voters. We're happy to be here this  
2 morning, and we appreciate your staff report.

3 VICE CHAIRMAN KAUFMAN: Good morning to both of  
4 you.

5 MR. LUNN: I just want to report that we  
6 implemented these machines the first time in November  
7 past election and both machines worked exceptionally  
8 well. It was our first time through, so we did save --  
9 we saved a lot of hours. Not as many as we will in the  
10 future once we're able to see how the machine works,  
11 but it worked very successfully. In that election in  
12 November, we had over 62 percent turnout and 137,000  
13 vote-by-mail ballots were processed using both of those  
14 machines. Pretty significant test the first time  
15 around. It worked exceptionally well.

16 And, of course, in the past election we only  
17 had about 22,000 registered votes that were a small  
18 piece of the state senatorial district that we  
19 conducted. And at that time we processed about 3,000  
20 votes by mail on both systems and things worked really  
21 well. We're really happy that we made that  
22 acquisition.

23 Initially processed before I took office in  
24 July of last year, but I'm certainly glad that Tracy  
25 and her counterparts had the foresight to put these

1 things through.

2 We appreciate your consideration this morning.

3 VICE CHAIRMAN KAUFMAN: Just so I understand  
4 it, I've seen a lot of vote canvasses taking place.  
5 Are these the machines -- is this the machine that  
6 essentially automatically reads the signatures and  
7 verifies the absentee vote-by-mail ballot and then  
8 it's based on the image that's on the voter  
9 registration record?

10 MR. LUNN: Right. One of the two machines does  
11 that, and it did fulfill that purpose for us this time.  
12 And, of course, the other machine is the extractor.  
13 And that saves a lot of time being able to cut those  
14 ballots open and extract the ballots from the envelope.

15 VICE CHAIRMAN KAUFMAN: Those are pretty  
16 remarkable systems. The image -- what is it? I don't  
17 know what the technical name of it is, but the image  
18 captures the voter registration.

19 Gentleman, do you have any questions for  
20 Ventura County?

21 MR. BUSTAMANTE: No, Mr. Chairman.

22 MR. GUARDINO: I don't know either. And I move  
23 the staff report.

24 VICE CHAIRMAN KAUFMAN: Okay. Do we have a  
25 second?

1 MR. BUSTAMANTE: Second.

2 VICE CHAIRMAN KAUFMAN: All right. Let's do a  
3 vote.

4 MS. JARRETT: Mr. Kaufman?

5 VICE CHAIRMAN KAUFMAN: Aye.

6 MS. JARRETT: Mr. Bustamante?

7 MR. BUSTAMANTE: Aye.

8 MS. JARRETT: Mr. Guardino?

9 MR. GUARDINO: Aye.

10 VICE CHAIRMAN KAUFMAN: Congratulations to you.  
11 You have some more money for your systems, and some  
12 money after that.

13 MR. LUNN: Thank you very much. We appreciate  
14 it.

15 VICE CHAIRMAN KAUFMAN: We'll look forward to  
16 the next update.

17 MR. LUNN: Thank you.

18 VICE CHAIRMAN KAUFMAN: You're welcome.

19 Okay. The next item on the agenda is the  
20 staffing and officers for this Board. As I mentioned,  
21 the former Chair is no longer with us. I'm currently  
22 the Vice Chair, and so we have a nomination process for  
23 a new Board Chair, a new Vice Chair, and also for  
24 Executive Officer and Staff Consultant that are  
25 provided by the Secretary of State's office to the

1 Board.

2 Jana, just so I have all the positions  
3 correctly, you were --

4 MS. LEAN: The Staff Consultant.

5 VICE CHAIRMAN KAUFMAN: And you have been  
6 acting as Executive Officer? Or I guess we're at that  
7 point where we have to do that.

8 MS. LEAN: Right.

9 VICE CHAIRMAN KAUFMAN: And Katherine, who has  
10 been serving as the -- technically the --

11 MS. MONTGOMERY: Executive Assistant.

12 VICE CHAIRMAN KAUFMAN: -- Executive Assistant  
13 to the Staff Consultant is sitting here as potential  
14 appointee for Staff Consultant. So we have Board,  
15 Chair, Vice Chair, Executive Officer, and Staff  
16 Consultant. Why don't we start at the top.

17 MS. MONTGOMERY: I do have some things to read  
18 in the record regarding the Board Chair and Vice Chair.

19 VICE CHAIRMAN KAUFMAN: Okay.

20 MS. MONTGOMERY: At the first meeting of the  
21 Voting Modernization Board held way back on June 6,  
22 2002, John Pérez was nominated as Chair of the Board.

23 In the spring of 2010, John Pérez stepped down  
24 as both a member and the Chair of the Voting  
25 Modernization Board.

1           As put forth in the Voting Modernization Board  
2 Policies and Procedures Manual, the Chair is nominated  
3 by at least one other member of the Board and elected  
4 by at least three members of the Board. The Chair  
5 presides at all meetings of the Board until the  
6 business of the Board is completed, the Chair is  
7 removed, or voluntarily terminates. A Vice Chair is  
8 also nominated and elected. The Vice Chair is the  
9 presiding officer in the absence of the Chair.

10           With that said, in order to sign the Ventura  
11 County's Final Award Letter, the Board needs to select  
12 a new Chair. In the event the Board chooses the  
13 current Vice Chair to be the new Chair, the Board will  
14 also need to choose a new Vice Chair.

15           Would any Board members like to make a  
16 nomination?

17           MR. GUARDINO: I move that we elevate our Vice  
18 Chair to Chair.

19           MR. BUSTAMANTE: I would second that.

20           VICE CHAIRMAN KAUFMAN: Let's call a vote on  
21 that. Since they're not sitting here, go down the  
22 order.

23           MS. JARRETT: Mr. Guardino?

24           MR. GUARDINO: Aye.

25           MS. JARRETT: Mr. Bustamante?

1 MR. BUSTAMANTE: Aye.

2 VICE CHAIRMAN KAUFMAN: And Mr. Kaufman. I  
3 will cast the vote for myself. And I gladly accept the  
4 honor of being Chair of this worthy Board.

5 (Laughter.)

6 MR. GUARDINO: Well done. I would second and  
7 move that we move Mr. Bustamante for Vice Chair.

8 CHAIRMAN KAUFMAN: And I'll second that.

9 MS. JARRETT: Mr. Guardino?

10 MR. GUARDINO: Aye.

11 MS. JARRETT: Mr. Kaufman?

12 CHAIRMAN KAUFMAN: Aye.

13 MS. JARRETT: And Mr. Bustamante?

14 MR. BUSTAMANTE: With no shame, Aye.

15 CHAIRMAN KAUFMAN: Okay. The next step -- are  
16 you going to do it?

17 MS. MONTGOMERY: I do have a little something  
18 to say about the SOS.

19 At the first meeting of the Voting  
20 Modernization Board, the Board approved its operating  
21 structure, policies and procedures, and a Memorandum of  
22 Understanding, an MOU, with the Secretary of State for  
23 administrative support services. The MOU provides for  
24 the Secretary of State to designate a staff member to  
25 serve as Executive Officer to the Board to assist the

1 VMB in carrying out its duties.

2 At the August 15th, 2007, meeting of the VMB,  
3 the Board appointed former Chief of Elections Cathy  
4 Mitchell as the Executive Officer to the Board. As the  
5 executive officer, Ms. Mitchell acted as the SOS policy  
6 advisor to the Board and was responsible for executing  
7 any and all documentation on behalf of the Board  
8 necessary to accomplish the loan application process,  
9 bond programs, and the processing of payment requests  
10 from the counties.

11 On March 31st, 2010, Ms. Mitchell retired from  
12 the Secretary of State's Election Division.  
13 Ms. Mitchell's retirement necessitates the appointment  
14 of a new Executive Officer to fulfill the above-listed  
15 duties.

16 As you know, Jana Lean became the new Chief of  
17 Elections on May 5th, 2010. So it is the staff  
18 recommendation that we appoint the new Chief of  
19 Elections, Jana Lean, as the new Voting Modernization  
20 Board Executive Officer. With Jana taking on the role  
21 of Executive Officer, that would make me, Katherine,  
22 the new Staff Consultant, and Stacey Jarrett the new  
23 Executive Assistant.

24 Do you gentlemen have any questions?

25 VICE CHAIRMAN BUSTAMANTE: No questions.



1           CHAIRMAN KAUFMAN: No questions on my end,  
2 other than to compliment both of you for the work you  
3 have done for this Board over the years. And I know  
4 that your leadership will help the Secretary of State's  
5 Office in the elections division for years to come. So  
6 congratulations on that. I haven't had a chance to  
7 personally congratulate you.

8           VICE CHAIRMAN BUSTAMANTE: Nor have I.  
9 Katherine and Jana, thank you so much for all of these  
10 years of service and dedication. You've made this very  
11 easy for us to be able to work here and, you know,  
12 congratulations to you on your elevation.

13           MS. LEAN: Thank you.

14           CHAIRMAN KAUFMAN: She's elevating. She's  
15 essentially above the table.

16           (Laughter.)

17           VICE CHAIRMAN BUSTAMANTE: How would you like  
18 to proceed, Mr. Chair?

19           CHAIRMAN KAUFMAN: Why don't you -- is there  
20 any reason we can't do these both at once?

21           MS. LEAN: No.

22           CHAIRMAN KAUFMAN: Why don't we do a nomination  
23 for both of these offices at once.

24           Vice Chairman Bustamante?

25           VICE CHAIRMAN BUSTAMANTE: Yes. I

1 wholeheartedly would nominate Jana and Katherine to  
2 those staff positions.

3 MR. GUARDINO: I second the motion.

4 MS. JARRETT: Mr. Kaufman?

5 CHAIRMAN KAUFMAN: Aye.

6 MS. JARRETT: Vice Chairman Bustamante?

7 VICE CHAIRMAN BUSTAMANTE: Aye.

8 MS. JARRETT: Mr. Guardino?

9 MR. GUARDINO: Aye.

10 CHAIRMAN KAUFMAN: Okay. We have our team in  
11 place going forward. Thank you all.

12 All right. Other business.

13 Katherine, Do you have a report for us on that?

14 MS. MONTGOMERY: Yes, I do.

15 Due to staffing changes, which we've just  
16 discussed, the counties have not been surveyed  
17 regarding the possibility of establishing a deadline  
18 for the use of any unspent formula allocations and the  
19 possibility of conducting a second funding round using  
20 those unspent allocations.

21 If the Board would like to continue looking  
22 into the subjects discussed at the last meeting, I can  
23 work with Mr. Kaufman on developing a survey and having  
24 them approach the counties.

25 CHAIRMAN KAUFMAN: Yeah. And let me just

1 comment on this. We at our last meeting a year ago  
2 discussed the issue of second round of funding. And  
3 because of the changes that have taken place with this  
4 Board and the relative inactivity, nothing has really  
5 taken place on that front.

6 At our last meeting, there was a discussion,  
7 and I'll ask either of you to comment on this.

8 There was a discussion about some potential  
9 limit to the funding that may be available to this  
10 Board based on the fact that bonds had to be issued  
11 within a ten-year period. There was, I guess, a little  
12 ambiguity with respect to whether there was any limit  
13 on how long we could give out funding, but it is  
14 necessarily tied to the issuance of bonds, as I  
15 understand it, which does have a limitation.

16 So, you know, I don't know if it's you, Jana,  
17 or Robbie or Ryan who want to address this, but can you  
18 just reiterate those issues for us?

19 MS. LEAN: We did look at that. Robbie took a  
20 look at the actual proposition to see what the timeline  
21 was for sale of bonds. And -- I'm sorry, I don't  
22 recall that.

23 MR. ANDERSON: It didn't seem like there was a  
24 time frame for selling, but once it was sold, it had to  
25 be repaid within ten years.

1 MS. LEAN: That sounds correct.

2 CHAIRMAN KAUFMAN: In going back over the  
3 minutes from the last meeting, there seemed to be a  
4 concern that there was a 10-year limit on the selling.  
5 So you're saying that appears not to be the case?

6 MS. LEAN: That appears not to be the case. We  
7 did take a look at it. And they've changed the funding  
8 structure, so the Pool Money Investment Board no longer  
9 does upfront loans. We sell bonds as we need them. So  
10 the whole funding structure for the Voting  
11 Modernization Board has shifted.

12 So we, instead of having money that we get  
13 loaned to us, we just say when we need the money and  
14 they sell the bond. So we no longer have to pay a  
15 bunch of fees or interest on the loan. So it will take  
16 a few more months lead time in order to get on the next  
17 agenda for a bond to be sold. It will take a little  
18 longer to get the funds.

19 CHAIRMAN KAUFMAN: So we have to anticipate  
20 people applying for funding and then be able to get  
21 that funding to meet their expectations when they do  
22 actually apply for funding?

23 MS. LEAN: Correct. So with the largest county  
24 still out there, Los Angeles, \$49 million out there,  
25 once they have selected a new voting system, we'll need

1 to work closely with them because we'll have to have a  
2 little bit more lead time in order to get access to  
3 that funding.

4 CHAIRMAN KAUFMAN: Well, I know Mr. Logan is  
5 here and wanted to, you know, advise the Board and let  
6 us know what activity has been taking place in L.A.  
7 County regarding the potential voting system. And  
8 unless either of you gentleman on the phone had more  
9 questions of Jana or staff, maybe it makes sense to  
10 have him to address the Board and then we can talk  
11 about whether we might want to place this as another  
12 agenda item on the future Board agenda.

13 Do you two have anything more of staff on this  
14 issue? Are you there?

15 VICE CHAIRMAN BUSTAMANTE: Not I. I'd love to  
16 hear L.A. County's comment on it.

17 CHAIRMAN KAUFMAN: All right.

18 Do you want to come up to the podium and let us  
19 know what is going on in L.A. County?

20 VICE CHAIRMAN BUSTAMANTE: If you could talk  
21 rather loudly. It is hard to hear the gentleman from  
22 Ventura County.

23 CHAIRMAN KAUFMAN: Does it make more sense to  
24 have you sit up here? No need to rest on formality.

25 MR. DEAN C. LOGAN: Well, good morning, and

1    thank you Chair Kaufman and members of the  
2    Modernization Board for the opportunity to be here this  
3    morning.

4            Again, I'm Dean Logan. I'm the Los Angeles  
5    County Registrar-Recorder County Clerk. And I really  
6    wanted to be here this morning, mainly just to address  
7    some of the very issues that you've been speaking  
8    about.

9            I know that the Board has been in existence for  
10   a long period of time, and there's been a lot of  
11   discussion about that, references to that this morning.  
12   And I know that there is interest or inquiries about  
13   the unspent funding that's governed by this Board.  
14   We're seeing similar questions being raised at the  
15   federal level with regard to the money allocated by the  
16   federal government and the Help America Vote Act.

17           And so I wanted the opportunity to comment just  
18   to make you aware and to be very clear on the record  
19   that Los Angeles County, as the largest and most  
20   diverse election jurisdiction in the United States, one  
21   with a voter population that's larger than that of 38  
22   of the 50 states, that we do very much have a need to  
23   modernize our voting system in Los Angeles County. And  
24   we are immersed in an effort to identify the best way  
25   to do that, but we are constrained to doing that by a

1 number of variables.

2 And, again, I've submitted some written  
3 testimony. I won't go through all of it today, but do  
4 want to encourage you to put this on the agenda for a  
5 future meeting so that we can keep you informed of the  
6 efforts that are taking place.

7 As I said, we're constrained in our ability to  
8 implement a new voting system or even to identify a new  
9 voting system by several variables. The two most  
10 significant for Los Angeles County are the size and  
11 complexity of our jurisdiction. As I said, we serve  
12 over 4.5, or close to 4.5 million registered voters.  
13 We have a vast range of multiple races, ethnicities,  
14 national origin groups, age groups, and socio-economic  
15 backgrounds that have to be met.

16 We provide election services to over 500 other  
17 political districts in the county, ranging from --  
18 well, from the federal to the state to municipal and  
19 special districts. And we serve voters in six  
20 different languages other than English in compliance  
21 with the Voting Rights Act.

22 So those complexities put us in a position  
23 where there is not an existing commercial voting system  
24 that is approved or available for purchasing and  
25 implementation in the State of California or in the

1 United States that would be able to meet the volume  
2 needs and the complexities of Los Angeles County. So  
3 that's our first constraints. Obviously a big issue.

4 We don't believe that it's reasonable to  
5 consider a commercial off-the-shelf system for a  
6 jurisdiction like Los Angeles County, so we recognize  
7 that any solution that we're going to undertake is  
8 going to require significant customization and  
9 development and may involve the introduction of new  
10 systems and new technology that haven't been seen in  
11 the elections environment before.

12 And while that's particularly an issue for L.A.  
13 County, I think it's going to be an issue for many  
14 jurisdictions moving forward in the future. Even those  
15 jurisdictions who have already in the course of the  
16 life of this Board modernized their voting systems are  
17 going to find themselves in the position to have to go  
18 through another set of modernization, and they're going  
19 to face some of those same issues.

20 The next variable or constraint on our process  
21 is the Stagnant Voting Systems market. Even if a  
22 system existed today that would meet the needs of Los  
23 Angeles County, the regulatory environment under which  
24 that system would need to be tested and certified, both  
25 at the federal and state level, is neither clearly



1 defined in terms of a standard by which the system will  
2 be held to, and also the time frame for getting it  
3 certified and being able to implement it is extremely  
4 lengthy. Right now it would be a minimum, I think --  
5 and this is being generous, I think -- of two years for  
6 a new system to enter the market and to go through that  
7 process. And, again, that's the process as it exists  
8 today. The standards for something that enters the  
9 system three, six months, or a year down the road,  
10 those standards are not yet defined.

11           So the time frame and the cost constraints of a  
12 new system entry into the process is a further  
13 constraint and one that L.A. County is hoping to  
14 address through a regulatory assessment and hoping to  
15 work with both the Secretary of State and the United  
16 States Elections Assistant Commission to try and work  
17 in partnership to address the fact that the largest  
18 jurisdiction election district in the country is going  
19 to at some point face the very real situation that our  
20 current voting system has exceeded this capacity and we  
21 have to make some movement.

22           So the third variable I'll bring up is the  
23 variable of voter confidence. We are very committed in  
24 Los Angeles County. The core of our current voting  
25 system has existed for a period of over 30 years, and

1 we know that we're going to make a sizable public  
2 investment in whatever direction we go in the future.  
3 We want to be sure that that's a system that the voters  
4 we serve today and the voters that will be using this  
5 system in the future have confidence in that system;  
6 that we can present them with a system that is fair,  
7 accessible, and transparent; that they can have  
8 confidence that their votes are being counted as  
9 intended and in a secure and accurate manner.

10           So we have developed and implemented what we've  
11 titled a "Voting Systems Assessment Project." It's an  
12 unprecedented practice premised on a collaborative  
13 approach to bring together citizens, state holders,  
14 even young people who we believe represent the future  
15 voters who will use whatever system we end up moving  
16 to, and engaging them in town hall meetings,  
17 commercial-style focus groups, and those types of  
18 events in order to define the principles and standards  
19 by which we will hold ourselves to in the selection,  
20 acquisition, and/or development of a new voting system.

21           So, again, mainly I wanted to come today to  
22 make you aware of that effort. Along with my  
23 testimony, I will submit to you some project plans and  
24 reports that we made to the Board of Supervisors in Los  
25 Angeles County so you can be familiar with the

1 background on that. But I think it's a critical need  
2 and, as I said, not only are we aware of the questions  
3 being asked about the Prop 41 funding but in the last  
4 month there's been a bill introduced in the U.S.  
5 Congress to dissolve the United States Elections  
6 Assistance Commission.

7           There's a lot of discussion about the unspent  
8 federal money. And so both of those -- I guess the  
9 best terminology would be they become a fourth  
10 constraint to the burden that we face in Los Angeles  
11 County. So I wanted to be on the record with regard to  
12 that and just encourage this Board that your relevance  
13 and the importance of this process, this funding and  
14 this over-site is -- although it's been a long run,  
15 it's still very relevant and very important to us  
16 moving forward.

17           And so from L.A. County's standpoint,  
18 preserving the funding that's already allocated for Los  
19 Angeles County, recognizing the reasons why that money  
20 has not been spent yet, that we want to make sure that  
21 we maximize that and we use it in a prudent fashion.  
22 We need your support to preserve that funding and,  
23 quite possibly, your support to work through some  
24 regulatory issues in the future in order to serve the  
25 voters of Los Angeles County.

1           And I think in doing that that we can also set  
2   a model or process for systems acquisition or  
3   development in the voting systems area that can then be  
4   used by other jurisdictions who I think you will find  
5   very quickly will be facing the need to yet again  
6   upgrade their voting system.

7           I appreciate the opportunity to make those  
8   comments, and I'll be happy to respond to any questions  
9   today, or any questions that any of you have.

10          CHAIRMAN KAUFMAN: Thank you, Mr. Logan. I  
11   have just a couple of things.

12          First of all, I just want to say that it's been  
13   the intent of this Board since the beginning to  
14   preserve those funds for Los Angeles County as long as  
15   possible to make sure that the largest voting  
16   jurisdiction in the country is able to find a voting  
17   system that best meets the needs of the voters of Los  
18   Angeles County.

19          It's certainly not our goal to imperil those  
20   funds. And we recognize that circumstances have  
21   changed as we've worked our way through the last ten  
22   years or so in terms of voting systems and the  
23   certification process and the thinking that, you know,  
24   goes behind the voting equipment.

25          We seem to have gone -- you know, there was

1 this immediate lurch towards electronic voting, and  
2 then there was a step back from that, and now we seem  
3 to be in some kind of -- I don't know -- foreign land  
4 where we're searching for something in uncharted  
5 territory. So, you know, we fully appreciate that.

6 By the same token, I think we have some  
7 obligation to at least try and figure out what the  
8 landscape is out there for others who may have jumped  
9 ahead in 2003 and 2004 in purchasing their equipment  
10 and now may be rethinking things. We talked about this  
11 at our last meeting, you know, potentially at least  
12 trying to survey other counties out there just to see  
13 where they're at. I mean, it may not even be an issue.  
14 And I think we should do that.

15 I think we should try and get a handle on  
16 whether we're going to see requests from other counties  
17 at any time in the near future that may seek additional  
18 funds other than funds that have been allocated to them  
19 but not used. We're talking about non -- we're talking  
20 about now, you know, reaching another pool of money.

21 But I did read the report to the Board of  
22 Supervisors that you submitted, and if I'm reading it  
23 correctly, it sounds like even, you know, under that  
24 plan you're really not looking to -- you're looking to  
25 maybe decide on a system by the end of 2012, or at

1 least that was the projection, and maybe not even  
2 implement the system until 2015?

3 MR. LOGAN: Right. I think that's currently  
4 the time frame we're looking at. Obviously, we're in  
5 an environment of constant change. We have a  
6 legislative issue with regard to the implementation of  
7 Prop 14 and the new top two primaries that actually put  
8 further pressure on our existing voting system. So  
9 we're hoping to be able to address that; otherwise,  
10 that may accelerate things in some regard.

11 And, again, that time frame is premised on the  
12 best assessment of the current regulatory environment,  
13 again with the assumption that we believe we're going  
14 to be coming in with a system that has not yet been  
15 through the certification and testing process. And so  
16 there's a number of issues and time constraints that  
17 are going to be involved.

18 CHAIRMAN KAUFMAN: And that two-year estimate  
19 that you stated for certification, is that dealing with  
20 both the federal and state component of that?

21 MR. LOGAN: I believe that the two-year time  
22 frame is really simply getting through the federal  
23 process. And I think once approved at the federal  
24 level, then the state process kicks in.

25 CHAIRMAN KAUFMAN: Okay. We're not looking to

1 hold you to anything here, but under kind of the  
2 general plan that you laid out to the Board of  
3 Supervisors, at what -- 2012 you select the system,  
4 implement it by 2015. If that holds, at what point in  
5 the process would your purchase of the system take  
6 place such that we would have to provide funding under  
7 that projected time frame? Do you have a sense of  
8 that?

9 MR. LOGAN: It's difficult to project that,  
10 again because I anticipate that we will very likely be  
11 taking a different course than has been taken before.  
12 So I think some of that regulatory process is going to  
13 have to be revised along the way. For example, the  
14 current federal certification and testing process  
15 contemplates a complete in system that's already been  
16 developed, and it can't start the testing process until  
17 it's a full package.

18 It also only contemplates a commercial-style  
19 development for acquisition process. So if we were to  
20 go down a road, if we end up in a process that's a  
21 public/private partnership or some sort of internal  
22 development, which are possibilities for L.A. County,  
23 then we're going to have to work with regulatory  
24 agencies to determine a path for that type of  
25 development that doesn't exist today.

1           And I would hope what we advocate for is a  
2   process that would allow for some of that testing and  
3   certification to happen throughout the development  
4   process so if we have to go back a step and correct  
5   something that we don't have to start all over again.  
6   I think we're just not going to be able to do that.  
7   Eventually, as I say, the time is going to run out on  
8   the current voting system. And that's going to have to  
9   be leveraged in those discussions.

10           Based on the time frame in the report that we  
11   provided to the Board of Supervisors, I think we  
12   potentially will be in a better position to project  
13   that time frame sometime this summer after some of our  
14   additional research and data has been finished.

15           CHAIRMAN KAUFMAN: Okay. That latter point  
16   might be helpful in us figuring out when we want to  
17   have this discussion, further discussion.

18           Gentlemen on the phone, do you have any  
19   questions of Mr. Logan?

20           MR. GUARDINO: I don't.

21           VICE CHAIRMAN BUSTAMANTE: Well, I would just  
22   say this. This is Michael. I have to say a couple of  
23   things.

24           One, I think this is extraordinarily  
25   frustrating. With all due respect, Mr. Logan, I think



1 your testimony is remarkably similar to your  
2 predecessor that we heard six years ago. And I've got  
3 to tell you, I'm extremely troubled with the report  
4 that you've provided that suggests that, as you put it,  
5 your current equipment could be obsolete as soon as  
6 June 2012.

7 I mean, I understand, you know, the  
8 complexities of what you're dealing with, but I also am  
9 very concerned about the integrity of voting in Los  
10 Angeles County. I would hate to see a situation where  
11 the federal funds are no longer available to you and  
12 that funds that are currently available to you under  
13 Prop 41 somehow are encumbered or not available and the  
14 voters of Los Angeles County suffer as a result of  
15 that.

16 I'm stunned that you suggested there's no  
17 technology out there that would meet L.A. County's  
18 requirements.

19 MR. LOGAN: Well, can I just clarify that  
20 point? I want to be clear that I'm not saying that I  
21 believe those technologies don't exist. I'm saying  
22 that within the current voting system's framework in  
23 terms of what's certified and tested and available for  
24 purchase, it's a very limited market. And none of  
25 those systems have the capacity to address the volume

1 and the complexities of Los Angeles County, and none of  
2 those commercial vendors are in the process of  
3 developing anything that meets that need. That's why I  
4 think we have to look at a different model.

5 VICE CHAIRMAN BUSTAMANTE: And how many vendors  
6 have you gone up to and asked that, about developing  
7 something for you?

8 MR. LOGAN: We have not formally --

9 VICE CHAIRMAN BUSTAMANTE: Or even informally?

10 MR. LOGAN: Well, informally I talk regularly  
11 with every one of the current vendors in the market. I  
12 think there are four or five that have viable systems  
13 that have been federally certified and have been  
14 through the testing and certification here in the State  
15 of California.

16 VICE CHAIRMAN BUSTAMANTE: I think your pursuit  
17 of one is troubling. You know, your report outlined  
18 the fact that, you know, you are concerned about your  
19 equipment becoming obsolete, and the notion that you  
20 would bypass that June 2012 deadline, if you will, or  
21 milestone, and consider equipment to somewhere in the  
22 neighborhood of 2015 or later is just extremely  
23 troubling. And literally, you know, the voters of Los  
24 Angeles cast their vote.

25 I mean, what is it going to take to get Los

1 Angeles County to move? Because I just -- we heard  
2 this from your predecessor, I don't know, four years  
3 ago, six years ago, that you were working on something;  
4 and it's 2011 and you're still working on something.  
5 And basically your report to the Board said we're going  
6 to still work on something until 2015. And I just --

7 MR. LOGAN: Well, no, the report doesn't say  
8 we're going to work on something in 2015. It projects  
9 that as a date for implementing. The solution that was  
10 being worked on six years ago and that predates me is a  
11 system that's no longer viable. It's a system that --  
12 the development had to be canceled based on the results  
13 that we talked about and reviewed conducted by the  
14 Secretary of State's Office, and the vision and the  
15 design of that system is no longer -- would no longer  
16 be compliant with the regulatory environment that we  
17 operate under.

18 L.A. County is moving and has been moving. We  
19 have updated our voting system in order to meet the  
20 needs of L.A. County voters throughout this entire  
21 process. But, you know, absent clearly defined  
22 standards, it's difficult to put out an RFP or even to  
23 seek a development project when there aren't clear  
24 standards to which to develop to.

25 CHAIRMAN KAUFMAN: Let me just jump in here. I

1 don't mean to put you on the spot because this was  
2 before your arrival on the scene, but had the County  
3 purchased that system that was being considered six  
4 years ago, do you have any sense of what that would  
5 have cost the county to buy a system that's now  
6 obsolete?

7 MR. LOGAN: I don't know that off the top of my  
8 head. I can get you that figure.

9 VICE CHAIRMAN BUSTAMANTE: Well, Mr. Chair, I  
10 mean, the previous registrar-reporter did offer, you  
11 know, technology that -- part of what she had suggested  
12 was very similar to what this registrar-recorder is  
13 saying, and that is there isn't the technology out  
14 there to meet L.A. County's needs, so I'm not aware of  
15 any technology that they had considered at the time  
16 that may now be considered obsolete.

17 I mean, there are -- almost every county in the  
18 State of California has done something to enhance  
19 modernization of voting equipment because everyone knew  
20 that there was a serious problem with that. And it's  
21 remarkable that problem continues to exist in Los  
22 Angeles County.

23 MR. LOGAN: And, again, I would state that L.A.  
24 County has also done that. We did implement the  
25 Inka-Vote Plus system in order to be compliant with the

1 Help America Vote Act. And that system is in use today  
2 and continues to be viable, and we believe can and will  
3 meet our needs until a new system is put in place.

4 There was a development project for a complete system  
5 modernization in place that was canceled as a result of  
6 the very issues that I previously mentioned.

7 CHAIRMAN KAUFMAN: And let me just clarify so  
8 the record is clear. L.A. County, as Mr. Logan said,  
9 did implement a new system. They just did not come to  
10 this Board seeking funding for the implementation of  
11 that system, while others have.

12 Anything further?

13 VICE CHAIRMAN BUSTAMANTE: Not for me.

14 CHAIRMAN KAUFMAN: Okay. Thank you for coming  
15 and letting us know where things stand in Los Angeles.

16 MR. LOGAN: Thank you.

17 CHAIRMAN KAUFMAN: I'll throw this out to my  
18 other Board members for comment, but I do think we have  
19 to have, you know, a further discussion about this.  
20 And given that Mr. Logan said that -- and we can only  
21 hope, but given that he said, you know, at some point  
22 over the summer there may be some more clarity on the  
23 direction they may be going, you know, I would suggest  
24 that staff proceed along the lines that we had  
25 discussed previously, with perhaps doing some kind of

1 informal survey to figure out where other counties are  
2 so we can see whether there is really an issue here in  
3 what we're even talking about and perhaps schedule that  
4 meeting, you know, a few months down the road.

5 I know we have some other counties, or at least  
6 one other county, that has indicated that it's about  
7 ready to submit a plan. Is that correct?

8 MS. MONTGOMERY: Calaveras, I believe you said,  
9 Ryan, this morning that they met with their Board of  
10 Supervisors?

11 MR. ANDERSON: They met with their Board of  
12 Supervisors last night, and my understanding was their  
13 board approved it.

14 MS. MONTGOMERY: So that makes Calaveras ready.  
15 Humboldt is working on it.

16 CHAIRMAN KAUFMAN: Vice Chairman Bustamante,  
17 any thoughts on trying to at least formalize our  
18 process for thinking on this issue?

19 VICE CHAIRMAN BUSTAMANTE: Sure. I think it  
20 would be good to sit town and have a conversation on  
21 how best to proceed. I don't know that -- well, I'll  
22 further check.

23 CHAIRMAN KAUFMAN: Mr. Guardino?

24 MR. GUARDINO: No, sir.

25 CHAIRMAN KAUFMAN: All right. Well, I'll work

1 with the staff to figure out timing for another time  
2 when we want to do this again and when it might make  
3 sense to agendize that item.

4 Okay. Anything else on other business?

5 MS. MONTGOMERY: No, sir.

6 VICE CHAIRMAN BUSTAMANTE: Not I.

7 CHAIRMAN KAUFMAN: All right. Then I'll take a  
8 motion to adjourn.

9 MR. GUARDINO: So moved.

10 VICE CHAIRMAN BUSTAMANTE: Second.

11 CHAIRMAN KAUFMAN: All in favor?

12 Aye.

13 I'll assume the two of you are an Aye.

14 VICE CHAIRMAN BUSTAMANTE: Here, here.

15 MR. GUARDINO: Yes.

16 VICE CHAIRMAN BUSTAMANTE: Thank you, everyone.

17 CHAIRMAN KAUFMAN: Okay. This meeting is  
18 adjourned.

19 (The meeting adjourned at 10:55 a.m.)

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REPORTER'S CERTIFICATE

I, Jacqueline Toliver, a Certified Shorthand Reporter for the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, a duly qualified Certified Shorthand Reporter, and thereafter transcribed into typewritten form by means of computer-aided transcription.

I further certify that I am not of counsel or attorney for any of the parties to said hearing or in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March 2011.

JACQUELINE TOLIVER  
Certified Shorthand Reporter  
License No. 4808