



Los Angeles County Registrar-Recorder/County Clerk

12400 IMPERIAL HIGHWAY | NORWALK, CALIFORNIA 90650 | www.lavote.net

To: VSAP Advisory Committee
RR/CC Internal VSAP Team

From: Monica Flores

Re: **VSAP Advisory Committee Meeting- September 28, 2011 Notes**

Summary

The Voting Systems Assessment Project Advisory Committee met for their sixth meeting on September 28, 2011, from 2-4pm. The meeting was held at the Registrar-Recorder/County Clerk office in Norwalk.

During this meeting the VSAP Advisory Committee

Meeting Notes

Welcome and Announcements

Chair, Virginia Mosqueda welcomed the group. She reminded the group that the meeting is being streamed live online as well as being recorded and asked everyone to keep the microphone close when speaking.

Dean Logan, RR/CC thanked everyone again for the adoption of principles.

Monica Flores, VSAP Project Coordinator, provided an update on principles. She announced that staff is working on finalizing the document and would try to release it the following day.

Meeting Notes Review and Approval

Virginia asked if there was a motion to approve meeting notes for the August 24, 2011 meeting. Maria de la Luz Garcia motioned to approve the notes. Margo Reeg second the motion and notes were approved.

"A History of Certification with the California Secretary of State" Presentation

Monica Flores introduced Kenneth Bennett and Max Messern with the RR/CC who would be presenting on LA County's history with the certification process, the current state of the regulatory environment, and how it affects the County's efforts to acquire a new voting system.

Kenneth provided an overview of LA County's history with the voting systems approval and certification process.

Dean emphasized the point made in Kenneth's presentation, that there has been no clear publication of the rules for system approval by the Secretary of State. He stated that the rules have been vague and the RR/CC is seeking the Committee's input to how to approach this process. Also, Dean reminded the group that while the County is trying to do something "out of the box," what the County has done is already out of the box.

Dean introduced Max Messern, who as a part of his Masters program at UCLA completed an evaluation of the regulatory environment.

"Building a Better Ballot Box: Improving the Regulation of Voting Systems in California"

Max provided an overview of the voting system approval and certification process. He explained how the system operates and how it may affect LA County's acquisition of a new voting system.

Committee members asked for clarification regarding the lack of written standards and what the implications of a jurisdiction utilizing a "non-certified" system to run an election.

Advisory Committee members suggested the Committee ask the SOS and election committees in the senate and house to present their next steps to the Committee. Members feel that the VSAP is a huge project, and will impact the whole state, therefore asking for their engagement is reasonable.

Questions also arose regarding the costs for the SOS to take on testing functions that are currently assumed by the EAC. In particular, if there is an estimate of what those costs would be. One member asked what the amount the Secretary of State spent on Top to Bottom Review (TTBR) was, as it might give us an estimate of the costs of the approval process. RR/CC agreed to research the costs of TTBR.

Roundtable/Open Discussion

Efrain Escobedo asked the group to provide feedback on the options provided by the UCLA presentation.

Members asked why the fourth recommendation presented by the UCLA report, which is to eliminate requirement to federally certify DREs and require State certification only of all systems, is preferred by the RR/CC. Dean clarified that the department has not endorsed any recommendation but simply stated that it is a feasible option. Max clarified that the recommendation was suggested by the UCLA group.

Members brought up the idea of presenting to the Secretary of State and State Representatives and Senators. Members encouraged the group to feel empowered and

not stuck in the existing conditions. According to the Committee, the uniqueness and size of the County, along with the pressing need to replace the existing system, puts us in a situation where we can seek relief. Members expressed support for the suggestion of presenting to state regulators, with the intent of presenting to Secretary of State and state legislators with what we want. To get support for what we want.

Dean stated that he believes that the presentation is a great recommendation, and one we'd like to follow through with but we need full support from the Committee to do so.

Committee members asked if the Secretary of State is aware of the VSAP and if they are in support of it. Dean responded by saying the Secretary of State's office is fully aware and very interested in the project but have kept an arms length. They have not been very engaged in the process.

Committee members also suggested that another route is dealing with the Secretary of State regarding the definition of a DRE, to see if that definition allows the RR/CC with flexibility. Are the rules any different if the DRE is developed by a County?

One member said the study clearly lays out that anything that requires federal certification is going to be difficult to deal with. The federal certification system seems not functional. It seems to be an insurmountable challenge given our timeline. Eliminating the federal certification process seems a good option. He recommended that the federal government allow the state certification to satisfy federal certification. Finally, he said in considering this option it is important to look at costs, as the Secretary of State might object saying they don't have resources for this option.

One Committee member said she'd like to see a more innovative approach to the traditional acquisition approach which has been limited by the relationship between the RR/CC and the Secretary of State. LA County should take the lead and come up with its own state of the art system and work with a "thank thank" to build legitimacy. It can be something so innovative that we can get lots of support for. The County should take a positive attitude and had clear vision of where we want to go. LA County should set its own agenda.

Members expressed that we will need to get clarification on the Certification process at some point in the process, and therefore we should seek to get the changes we need made to regulations to be done as soon as possible. Members expressed the need to get something in writing from the Secretary of State to encourage vendors to re-enter the market and make the process easier to navigate for us. They stated that with the current regulatory environment and its lack of clarity, we are "shooting in the dark." It is a great challenge that the process isn't codified. Members believe that we must consider at what point the Secretary of State's administrative authority becomes discretionary and how that will affect this process. We need to press the Secretary of State for written guidelines.

Efrain summarized the main points that came out of this discussion:

1. We may have to break this down in chunks. We may take specific winnable chunks first.
2. We need to start telling this story outside of this circle
3. We need to start telling people what we want

Roundtable/Open Discussion

Monica announced that in order to accommodate a panel discussion, the next meeting date, time, duration, and location will be changed. She will email the group with the new meeting details.

Monica also announced that since the UCLA report was released, Max Messern join the RR/CC VSAP team.

Conclusion

Virginia and Dean thanked the group for their great feedback.

Additional Information

You can find additional information regarding the VSAP Advisory Committee, including a video archive of this meeting, at www.lavote.net/voter/vsap.