



COUNTY OF LOS ANGELES

REGISTRAR-RECORDER/COUNTY CLERK

12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024

CONNOR B. McCORMACK
Registrar-Recorder/County Clerk

April 19, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**NEXT STEP IN PHASED APPROACH TO
NEW VOTING SYSTEM IMPLEMENTATION**

(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

Authorize and endorse the release of a Request for Proposal (RFP) by the Registrar-Recorder/County Clerk (RR/CC) for the purchase of equipment needed to enhance InkaVote to comply with the Help America Vote Act.

PURPOSE/JUSTIFICATION OF PROPOSED ACTION:

The Help America Vote Act (HAVA) federally mandates that certain voting system standards must be met for all federal elections after January 1, 2006.¹ The following principal mandates will require enhancement to InkaVote using approximately \$20-25 million in available Federal and State funds:

1. A means of “second chance” voting. That is, voters must be alerted if they cast a ballot that contains an overvote(s) defined as voting for more candidates than is permitted for each contest; and
2. A means for the disabled, including blind and visually impaired voters, to vote privately and independently at each polling place.

¹ For full text of these provisions, see Attachment 1.

In keeping with your Board's decision in August 2002 to phase-in purchase of new voting systems the Registrar-Recorder/County Clerk (RR/CC) is prepared to release a Request for Proposal (RFP) for an enhancement to bring InkaVote into legal compliance with HAVA requirements in time to conduct the next scheduled federal election, the June 6, 2006 Primary Election. Following receipt of RFP responses, it is anticipated that a contract for purchase will be docketed for your Board's consideration prior to the end of July 2005.

The conditions described over a year ago in a memo co-signed by the CAO and RR/CC to your Board² remain essentially the same. There are still no state-certified direct record electronic (DRE) voting systems currently available to purchase for use in the June 6, 2006 Primary Election. Additionally, revised standards for DRE systems remain under development by the U.S. Election Assistance Commission, the agency charged by federal law with development and dissemination of such standards.

Options

As shown on the attached chart entitled "Current Voting System/Options for HAVA Compliance"³ the County's options include choosing to either:

1. Add precinct-based, audio-enabled voting equipment containing "second chance voting" capability at each of the County's 4,500+ voting locations to upgrade the current InkaVote system to HAVA compliance; or
2. Purchase and install a DRE voting system for use at all 4,500+ voting locations.

For the past two years the RR/CC has been working with the Chief Administrative Officer, County Counsel, the Chief Information Officer, the Director of Internal Services and other key department heads through an advisory task force⁴ to formulate a recommended course of action to your Board. This task force provides a broad-based perspective of County experience in large-scale new system implementations and valuable advice on change-management issues in light of continuing changes in State and Federal voting system requirements. This task force remains unanimous in its recommendation to continue the Board's policy of a phased implementation of new voting systems with the next phase involving procurement of an enhancement to the current InkaVote system to reach HAVA-compliance by the 2006 deadline. Implementation of this system is anticipated to require an enhanced election equipment warehouse facility. We are working with the Chief Administrative Office toward determining the best approach to meet the needs for new equipment storage.

² Attachment 2, February 17, 2004 memo "Update: New Voting System(s) Implementation"

³ Attachment 3, Current Voting System / Options for HAVA Compliance

⁴ See Attachment 4 for minutes of the most recent Task Force meeting.

Continuing the phase-in approach by upgrading InkaVote is the recommended alternative at this time for the following major reasons:

1. Electronic/touchscreen voting is embroiled in nationwide controversy. Growing negative public perception of DREs was reflected in the Field Poll of Nov. 1, 2004 that reported 35 percent of California's registered voters are not confident that electronic votes are recorded accurately.
2. DRE voting equipment vendors are in the process of re-designing electronic voting systems to meet the new California legal requirement for such systems to produce an "Accessible Voter Verified Paper Audit Trail" (AVVPAT) by 2006. However, this process is far from completed. Only one DRE vendor has a California-certified DRE with AVVPAT, and that system is incomplete as it is specifically not certified for use in a California Primary Election. Releasing an RFP for a DRE system into such an uncertain, untested and non-competitive environment would entail high risk.
3. The InkaVote system is paper-based, providing voters with a tangible ballot. InkaVote is familiar to the County's voters as over 5 million ballots were cast on the system in the 2003-2004 election cycle. Augmenting the system to HAVA compliance entails far less training for poll workers and voters alike.
4. Enhancement of the InkaVote system will provide the ability to announce earlier election night results by means of wireless transmission of unofficial results from the County's 4,500+ voting locations to the central tabulation facility in Norwalk for immediate release to the public and campaigns.
5. Enhancing the InkaVote system to HAVA-compliance will serve the voters who cast their ballots on election day. The InkaVote system will remain unchanged for Absentee/By Mail voters. Additionally, the goal is to continue offering the County's voters the option of casting a ballot in advance of election day using DRE equipment at designated early voting locations in conjunction with major elections as the County has done since November 2000. However, continuing to provide this option will require retrofitting the County's existing DREs to meet the State's AVVPAT requirement. Given the RR/CC's small inventory of 171 DREs, this retrofit is anticipated to be viable prior to the June 2006 Primary Election assuming that State certification of AVVPAT-equipped DREs occurs prior to that time.
6. The \$20-25 million anticipated cost of enhancing the InkaVote system to HAVA compliance is significantly less than the estimated cost of \$115+ million to purchase DREs for a countywide installation.

Implementation of Strategic Plan Goals

This request supports the County's Strategic Plan as follows:

Goal No. 1: Service Excellence: Provide the public with easy access to quality information and services that are both beneficial and responsive. Adding the two mandated functions to the existing InkaVote system will result in enhanced customer service to all voters who will benefit from the opportunity to have their ballots reviewed for errors by precinct-based equipment prior to casting their votes. Additionally, voters who are blind or visually impaired will have the option of using an audio ballot at their precinct voting location.

Goal No. 4: Fiscal Responsibility: Manage effectively the resources we have. Use of existing State and Federal funding for this purchase will allow the County to comply with new Federal law while still reserving the bulk of such funding to preserve the County's option to purchase electronic voting equipment for all precincts in the future, after such equipment has attained state certification, is fully tested and its viability is assured.

FISCAL IMPACT/FINANCING

Appropriation and revenue for this project have been included in the FY 04-05 budget. No County funds will be required for this purchase. Sufficient Federal and State funds are currently available to purchase the proposed HAVA-compliant InkaVote enhancement equipment due to a combination of State Proposition 41 funds and Federal HAVA funds. The cost of enhancing the InkaVote system to HAVA compliance is estimated at approximately \$20-25 million.

IMPACT ON CURRENT SERVICES

This purchase represents a service enhancement that will provide additional features for the voting public and faster release of unofficial results on election night.

Respectfully submitted,

CONNOR B. McCORMACK
Registrar-Recorder/County Clerk

c: Chief Administrative Officer
Executive Officer, Board of Supervisors
Chief Information Officer
County Counsel
Director, Internal Services Department

Excerpt from

ATTACHMENT 1

HELP AMERICA VOTE ACT OF 2002

[[Page 116 STAT. 1666]]

Public Law 107-252
107th Congress

TITLE III--UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND
ADMINISTRATION REQUIREMENTS

Subtitle A--Requirements

SEC. 301. <<NOTE: 42 USC 15481.>> VOTING SYSTEMS STANDARDS.

(a) Requirements.--Each voting system used in an election for Federal office shall meet the following requirements:

(1) In general.--

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall--

(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than one candidate for a single office--

(I) notify the voter that the voter has selected more than one candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by--

[[Page 116 STAT. 1705]]

(i) establishing a voter education program

specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) Audit capacity.--

(A) In general.--The voting system shall produce a record with an audit capacity for such system.

(B) Manual audit capacity.--

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

(3) Accessibility for individuals with disabilities.--The voting system shall--

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).



COUNTY OF LOS ANGELES

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12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024/ (562) 462-2716

CONNOR B. McCORMACK
REGISTRAR-RECORDER/COUNTY CLERK

February 17, 2004

TO: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: Conny B. McCormack, Registrar-Recorder/County Clerk *CBC*
David Janssen, Chief Administrative Officer *D. Janssen*

UPDATE: NEW VOTING SYSTEM(S) IMPLEMENTATION

Overview

The recent announcement by Secretary of State (SOS) Kevin Shelley mandating an as yet unspecified voter-verified paper audit trail (VVPAT) as a required component of all electronic touchscreen voting systems in California as of 2005 impacts the County's voting system transition plans. This memo provides background information on your Board's action in August 2002 regarding acquiring and implementing new voting system technology in phases to replace the punch card voting system and the timeline that was subsequently established to meet that goal. That timeline contemplated release of a request for proposal (RFP) no later than February 2004 in order to fully convert to an electronic voting system by the 2006 Primary Election.

We recommend continuation of your decision to transition to new voting system technology in multiple phases. However, because there are no electronic voting systems as yet developed, federally tested or state certified that produce a VVPAT, writing system specifications for release of an RFP for acquisition of a fully compliant electronic voting system countywide is not feasible or advisable at this time. We recommend expanding the approach to new voting system(s) implementation by adding another phase as described herein to assure compliance with several new federal Help America Vote Act (HAVA) requirements that become effective in 2006.

The established plan to utilize the County's InkaVote optical scan paper-based voting system to conduct the March and November 2004 elections is not

impacted. As described in the Registrar's December 30, 2003 memo to your Board, InkaVote was successfully launched at the November 4, 2003 Election. The recommended approach at this time is to acquire enhancements to the InkaVote system that would bring it into HAVA compliance by January 1, 2006.

Background

1. Why implement new voting systems?

Los Angeles and eight other California counties are legally required to discontinue the use of punch card voting systems and replace such systems by the March 2004 Primary Election. This requirement stems from the September 2001 action by then California Secretary of State Bill Jones de-certifying further use of the punch card system and a March 2002 ruling by the Los Angeles federal district court that set the March 2004 deadline for implementing a replacement system.

2. What direction has your Board given to implement new system(s)?

In response to the punch card system de-certification, at the August 22, 2002 meeting your Board made the decision to implement new voting systems in multiple phases. This approach was chosen due to several factors including 1) insufficient time and funding to purchase and implement an electronic touchscreen voting system countywide by the March 2004 election (at an estimated cost of \$100+ million); 2) the rapidly evolving state of electronic voting technology; 3) the desire to learn from the experiences of other counties converting to electronic systems, and 4) the unique challenges of new system implementation in a County with four million voters, 5,000 voting precincts and the requirement to translate the ballot into seven languages. Consequently, the phased-in approach called for purchase and installation of an optical scan paper-based voting system, InkaVote, for use during an interim two year period (November 2003-November 2005), followed by countywide electronic voting system implementation by 2006. Thereafter, InkaVote would continue to be used for absentee voting by mail. Acquiring the InkaVote system cost approximately \$3 million.

In recognition that planning and successfully implementing two new voting systems in a two year period would require cooperation and assistance from multiple county departments, in March 2003 a "2 in 2" Task Force was established as a County consulting team to work with the Registrar-Recorder/County Clerk (RR/CC) to achieve this goal. Task Force members include the CAO, CIO, County Counsel, ISD Interim Director, DHR Director, DPSS Director and the Los Angeles City Clerk.

3. How has the Secretary of State's VVPAT mandate impacted the County's electronic voting system implementation plans?

Following the SOS announcement of the VVPAT requirement on November 21, 2003, the County's "2-in-2" Task Force (described above) met in December 2003 to discuss the ramifications and to develop recommendations to present to your Board. The unanimous consensus of the Task Force was that release of an RFP for countywide acquisition of electronic voting equipment is not a prudent course at this time due to the following obstacles:

- No technology currently exists to satisfy the Secretary's mandate to produce individual voter transcripts as contemplated by the VVPAT directive.
- The new requirement for a VVPAT sounds like a minor addition ("print a receipt") but in reality adds a host of complexities. No governmental jurisdiction has attempted this kind of system installation to date. Such equipment is still theoretical, untested and lacks required federal and state certification.
- The SOS mandate for VVPAT caused the City Clerk of Los Angeles to withdraw that City's intention to partner with the County in the financial and logistical acquisition and implementation of an electronic voting system until clarity of standards emerges. The City plans to use InkaVote to conduct municipal elections for the foreseeable future. The goal remains for the City and County to use the same voting system to eliminate voter and pollworker confusion.

4. What are the recommendations for revision to the timeline of phasing-in new system(s) implementation?

The "2 in 2" Task Force is recommending the following revisions to the County's approach to new voting system acquisition:

Phase I included the goal of conducting touchscreen voting at multiple locations in conjunction with the "early" voting period prior to each major countywide election. Since the November 2000 General Election, touchscreen early voting has been conducted with very positive feedback from voters. During the October 2003 Recall election, 42,000 of the County's 2.2 million total votes were cast on the touchscreen system during the early voting period at 12 locations. Also, in partnership with six cities throughout the County, the RR/CC successfully introduced touchscreen voting to all voters at all precincts in those cities on election day, March 4, 2003. For the March 2004 Primary Election your Board has approved 16 locations for early voting which will take place daily February 18-27, 2004.

Phase II involved meeting the mandate to replace the punch card system with an interim paper-based optical scan system. A small ballot optical scan voting system, InkaVote, was determined to be the most appropriate choice due primarily to its similarity to the familiar punch card system and low acquisition and operating cost. Approximately 40,000 InkaVote devices were manufactured throughout 2003. The existing inventory of ballot card readers was modified to tally InkaVote ballots. InkaVote was successfully launched at the November 4, 2003 Uniform District Elections at which 184,000 voters cast ballots. Voter feedback was positive. The March 2004 Primary Election will represent the first countywide use of InkaVote.

Phase III involves implementing a voting system that complies with new federal HAVA requirements by the November 2005 Election. HAVA requires that by January 1, 2006 a voting system must be in place that 1) allows voters who are blind or visually impaired to cast a ballot independently at every voting precinct in the County, and 2) has the capability to advise all voters if they mistakenly marked more than one voting selection in a contest (an "overvote"). New optical scanning equipment (i.e. precinct level ballot tabulators with an audio component for blind voters) is currently undergoing federal testing that would enable InkaVote and all other optical scan paper-based voting systems to meet the new federal requirements. Additionally, this enhancement would greatly speed up ballot counting and announcement of unofficial election results due to the ability of the equipment to encrypt and transmit election data by phone modem to the RR/CC's Norwalk headquarters. Such an enhanced paper-based system would provide an alternative to electronic systems with paper audit trails at substantially reduced cost (approximately \$20 million compared with an estimated \$110 million for acquisition of an electronic system with VVPAT capability). Federal and State certification of such HAVA-compliant optical scan voting system enhancements is anticipated by late 2004.

Phase IV involves continuing the pursuit of the goal to implement a fully tested electronic touchscreen voting system that would be fully compliant with state and federal requirements after development, testing, certification and successful installation of such systems in other counties.

6. How will the County pay for voting system acquisitions/enhancements?

The course charted by your Board in August 2002 to acquire new voting systems in phases was estimated to cost approximately \$107 million including \$100+ million for electronic touchscreen voting equipment and several million to purchase the InkaVote interim optical scan system. The cost of acquiring the InkaVote system, which was completed at the end of 2003, was approximately \$3 million.

Preliminary estimates indicate that connecting a sophisticated printer to each electronic voting device to produce the SOS-required VVPAT will add approximately 10%-15% to the acquisition cost of an electronic system. If that estimate is borne out, the cost would be between \$110 - \$115 million and would also entail greater ongoing costs for each election to purchase paper for the required printer component. Conversely, the proposed enhancement to the InkaVote system to bring it into HAVA compliance and with capabilities to produce speedier election night results (as described above) is estimated to cost approximately \$18-20 million.

State Proposition 41 funds

In 2002 voters approved Proposition 41, the Voting Modernization Bond Act. It authorized issuance of \$200 million for counties to purchase modern voting equipment and to replace punch card systems (3:1 State/County match). It established the Voting Modernization Board (VMB) to allocate these funds. Los Angeles County's reserved share of these funds is \$49.6 million. The County filed our initial plan to phase-in new voting system acquisition in late 2002 and that plan was formally accepted by the VMB. That same year the VMB established a deadline of January 2005 for counties to apply for funding with the understanding that the original allotment per county of remaining funds would be reserved for those counties' subsequent phases once their initial applications for Phase 1 funds were submitted and approved.

The County's application for Phase 1 funding, for reimbursement of our small inventory of touchscreen voting equipment purchased in 2002 for use during the early voting period in advance of major elections, was placed on the VMB's February 9, 2004 agenda. At that meeting the VMB approved the completion of the County's Phase 1 project. Consequently, a check in the amount of \$639,071.25 will be issued soon to reimburse (at 3:1 ratio) the County's expenses incurred to purchase that touchscreen equipment. Plans call for submitting our invoices for reimbursement of Phase II InkaVote voting system expenses later this year. Additionally, at the February 9th meeting the VMB learned that the majority of California counties have yet to apply for Proposition 41 funds and that seven counties are now planning phased-in implementations of new voting systems. They voted to defer discussion of extending the timeline for submitting initial funding applications and reviewing counties' phased-in plans to a subsequent meeting of the VMB.

Federal Help American Vote Act (HAVA) funds

It is still unknown how much HAVA funding will eventually flow from the Federal government through the SOS to the Counties. There are several components of HAVA funds including 1) "punch card buyout funds" that are formula based for the sole use by counties that utilized punch card equipment in the November

2000 General Election, and 2) upon receipt from the federal government, other HAVA funds that will be allocated by the SOS after determining how these funds meet multiple Federal requirements of HAVA. Of these two sources of HAVA funds, only the punch card buyout monies have been sent from the federal government to the SOS.

On November 4, 2003 your Board approved a Resolution applying to the SOS for the County's share - \$15.8 million – of California's allotment of punch card buyout funds. On January 26, 2004 the RR/CC received additional paperwork from the SOS to finalize the application process for these funds which we completed and submitted to that office at the end of January. These punch card buyout funds, together with a portion of either additional HAVA funds or Proposition 41 funds would be sufficient to purchase the InkaVote system upgrade which is estimated to cost approximately \$18-20 million.

Conclusion

In light of the recent SOS mandate to require printers to be attached to all electronic touchscreen voting systems in the State to produce a VVPAT by 2005, it is recommended that your Board postpone the previously planned release of an RFP to acquire a new electronic touchscreen voting system at this time. Currently no electronic voting systems have been developed, tested or certified through federal and state approval processes that produce a VVPAT and no standards or procedures have been promulgated. A decision to slow down acquisition of an electronic touchscreen voting system countywide in no way affects the March and November 2004 elections. The County can use its certified optical scan system, InkaVote, to bridge the gap between the punch card system and the goal of installing a fully electronic voting system in the future when there is less uncertainty and the cost of compliant systems funding has been fully identified.

Due to the above mentioned HAVA requirements, we plan to pursue enhancement of the InkaVote system as described herein. We will keep you advised of developments.

c: "2 in 2" Task Force:

David E. Janssen, CAO

Jon W. Fullinwider, CIO

Dave Lambertson, Acting Director, ISD

Lloyd W. Pellman, County Counsel

Michael J. Henry, Director, DHR

Bryce Yokomizo, Director, DPSS

J. Michael Carey, City Clerk, City of Los Angeles

LA County's Current Voting Systems
<i>Polling Place & Absentee:</i>
InkaVote Optical Scan
<p>Optical scan using standard 312-position ballot cards in a "punch card" style voting device with special marking pen.</p> <ul style="list-style-type: none"> Does NOT meet 2006 HAVA requirements. State AVVPAT* requirement is not applicable.
<i>Early Voting:</i>
Diebold DRE (Touchscreen)
<p>Fully electronic voting system. Voters choose by touching screen.</p> <ul style="list-style-type: none"> Provides ballot in multiple languages Allows unassisted voting by visually impaired Meets HAVA 2006 requirements Does not provide required AVVPAT*.

2006 requirements:

- ✓ Blind and visually impaired voters must be able to vote unassisted.
- ✓ All voters must be alerted to overvotes.
- ✓ DRE's must be retrofitted with AVVPAT*.

Options for HAVA Compliance
<i>1. Add component to InkaVote for HAVA compliance. Continue phased approach by offering touchscreen at Early Voting locations.</i>
<p>Benefits:</p> <ul style="list-style-type: none"> Much lower cost than DRE's: \$20 million to \$25 million which is currently available in a combination of State and Federal funds. Continues phased-in approach with full electronic voting as ultimate goal. Minimal disruption to current voting procedures for 25,000+ pollworkers and four million voters. AVVPAT* requirement is not applicable. <p>Risks:</p> <ul style="list-style-type: none"> State certification not yet attained but is pending and anticipated by time of contract execution.
<i>2. Pursue full DRE implementation at all 4,500+ voting locations.</i>
<p>Benefits:</p> <ul style="list-style-type: none"> Fully HAVA compliant. Exceeds legal requirements for non-English speaking voters. <p>Risks:</p> <ul style="list-style-type: none"> Much more costly. Initial cost: \$115+ million. Significantly higher ongoing costs for maintenance, training, etc. No AVVPAT* yet exists to meet 2006 State requirement for DRE's. <ul style="list-style-type: none"> - Unrealistic timeline for countywide implementation process. - Unknown additional cost of retrofitting DRE's with AVVPAT*. - Releasing RFP for DRE's with AVVPAT* entails high risk as no such certified systems exist. Complete paradigm shift for voters and pollworkers in a poisoned atmosphere.

* Accessible Voter-Verified Paper Audit Trail



COUNTY OF LOS ANGELES

REGISTRAR-RECORDER/COUNTY CLERK

12400 IMPERIAL HWY. – P.O. BOX 1024, NORWALK, CALIFORNIA 90651-1024/(562) 462-2716

CONNOR B. McCORMACK
REGISTRAR-
RECORDER/COUNTY

ATTACHMENT 4

MINUTES: “2-IN-2” TASK FORCE MEETING - DECEMBER 3, 2004

Background

The consensus of the Board in prior discussions about the future of voting systems has been a directive to move incrementally toward an ultimate goal of fully electronic voting in the County. Events of the past year have moved this task from *difficult to impossible* in the short term; long-term implementation prospects are still clouded with uncertainty.

Voter-Verified Paper Audit Trail (VVPAT) & Its Impact on Voting Systems' Availability in California

In 2003 the California Secretary of State imposed a mandate on California counties that all future purchases of Direct Record Electronic (DRE) equipment include a Voter Verified Paper Audit Trail (VVPAT). As the County cannot afford to take unnecessary risks in a purchase of this magnitude, good stewardship of public funds dictates that release of an RFP for electronic voting equipment project must wait until VVPAT systems with full federal and state certification become available. As of today, no such systems exist.

Legal Requirements - Federal

Help America Vote Act (HAVA) requirements for jurisdictions that administer Federal elections include mandates that by 2006 voting systems must include:

- The ability of voters with visual impairments to vote unassisted
- The ability to notify voters of errors and an opportunity to correct errors (“second-chance voting”)

State Requirement

As mentioned above, DRE systems purchased henceforward in California must include a Voter Verified Paper Audit Trail.

Options

1. Release an RFP for countywide DRE equipment

2. Release an RFP for an upgrade to existing InkaVote system that meets 2006 Federal requirements
3. Pursue a waiver or deadline extension of the 2006 Federal requirements

Task Force Consensus

Because of the void in certified equipment, the Task Force unanimously agreed that Option #1 appears to be the least viable at this time. Discussion centered on minimizing risk to the County. Task Force members shared direct experiences of prior large-scale technical implementations in the County

Options #2 and #3 are not mutually exclusive and could be pursued on a concurrent timetable.

Mr. Lambertson and Mr. Fortner will provide support through ISD and County Counsel staff of the RFP process as the RR/CC pursues an InkaVote upgrade to meet 2006 HAVA requirements.

"2-in-2" Task Force Members in attendance:

David E. Janssen, Chief Administrative Officer
Jon W. Fullinwider, Chief Information Officer
Dave Lambertson, Internal Services Department
Raymond G. Fortner, County Counsel
Michael J. Henry, Department of Human Resources
Bryce Yokomizo, Department of Public Social Services
Frank Martinez, City of Los Angeles
Conny B. McCormack, Registrar-Recorder/County Clerk