Mark Medina	Anthony Botelho	Robert Rivas	Jerry Muenzer	Jaime De La Cruz
District No. 1	District No. 2	District No. 3	District No. 4	District No. 5
	Vice - Chair			Chair

Item Number: 19.

MEETING DATE: 1/23/2018

DEPARTMENT: COUNTY CLERK-AUDITOR-RECORDER ELECTIONS

DEPT HEAD/DIRECTOR: Joe Paul Gonzalez

AGENDA ITEM PREPARER: Angela Curro

SBC DEPT FILE NUMBER: 285

SUBJECT:

COUNTY CLERK-AUDITOR-RECORDER-ELECTIONS - J. P. GONZALEZ
Request approval of and authorization for the Chair to sign a lease/managed services agreement with Dominion Voting Systems, Inc. for the term of January 23, 2018 through December 31, 2025, for an amount not to exceed $79,949.80 per fiscal year, plus applicable sales tax, for an advanced technology, certified voting system with election support and services.
SBC FILE NUMBER: 285

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

San Benito County's current voting system was purchased from Sequoia Voting Systems in 2005 after the punch-card system was decertified in response to national concerns raised during the 2000 Presidential Election. The funding for that purchase (approximately $650,000) derived from a combination of the Help America Vote Act (HAVA), California's voter approved Proposition 41 and matching General Fund monies.

In 2007, Secretary of State Debra Bowen decertified, and then conditionally recertified, the 2005 hardware and software of the Sequoia Voting System. At present, San Benito County still uses the Sequoia Voting System (now owned by Dominion Voting). The majority of San Benito County citizens vote-by-mail on a paper ballot that is tabulated with an Optech scanner (400C) at our Central Count Location

at the Hall of Recorders (old courthouse). In addition, each voting location is supplied with one federally mandated accessible Edge II touch screen voting Direct Recording Equipment (DRE) machine.

During the 2014 and 2016 election cycles there were equipment failures with either the Optech scanner(s) and/or the Edge II touch screen machines. Several of the Edge II touch screen machines and activators have been decommissioned for several years and are unable to be repaired. Due to the increasing reliability issues associated with this aging voting equipment, and changes in technology and voting laws, it was recommended that the County develop a plan for replacing the voting system prior to the 2018 election cycle.

During the FY-2017/18 budget negotiations, the Department of Elections and Administration worked together to request additional funding for the replacement of the outdated Sequoia Voting System. The Board of Supervisors approved said funding for a new voting system with the adoption of the FY-2017/18 Department of Elections Budget.

Although a competitive process is not required for the purchase of Election Supplies (San Benito County Code §5.09.010, subd. (B)), including voting system hardware and software, the Elections Department sent a request for quotation to three (3) new voting system vendors (Dominion, ES&S, and Hart) on July 26, 2017. The County received quotes from all three vendors, however, at the time the quotes were received, only Dominion's voting system has been fully certified by the Secretary of State - ES&S and Hart are yet to be certified. As of last month, the ES&S voting system was certified. The Hart voting system is not scheduled to be certified until April 2018, at the earliest.

The Department of Elections then conducted a Voter Forum with the same three vendors on August 3, 2017. Approximately 100+ community members participated in the forum and provided feedback from the voter's perspective. Analysis of the Voter Forum Surveys showed that participants ranked Dominion's voting system as their preference (#1). Additionally, the Department of Elections team members evaluated each system end-to-end for operational efficiencies.

The Department of Elections compared the following features of the Dominion Voting System and the ES&S Voting System:

Commercial Off the Shelf:
- Dominion uses almost entirely off the shelf equipment which means that replacing units is cheaper and easier. In some cases we could simply order a replacement from Best Buy.
- ES&S is almost entirely vendor specific equipment which means more costly to replace, and only one location for support

Accessible Voting:
- Dominion
  - uses a 21" tablet with touch screen voting, tied to a printer which once voted, prints the selections on a standard 8 ½ x 11 piece of paper.
  - No special costs for paper, very unlikely chance of paper jams
  - Size and number of regular ballots does not matter
- ES&S
  - Automark requires that a pre-printed actual ballot be used.
  - The Automark is slow to print and has a known history of paper jams.
  - Printing is slow.
  - Ballot sizes are limited, smaller than that of Dominion, causing the possibility of more cards per voter using the ES&S system, which means more cost to the election.

Adjudication (A process of utilizing the scanned image to identify the voter intent when a voter crosses out one vote and makes a second choice. Scanners see this as 2 votes, thus not counting any vote for the contest. Traditionally this required determining what the voter's intent is, duplicating the ballot (with only the intended choice marked) and rescanning it. Costly due to time and printed ballot usage.):
- Dominion
  - Offers Adjudication where the adjudicator simply marks on the screen, the voter's intent
  - Complete history of these adjudications is appended on the digital ballot image. Complete visible transparency
- ES&S
  - Offers Adjudication by way of showing the image and then the adjudicator has to go to a different panel and mark the correct intended choice. Greater chance of user errors.
  - History of the adjudications is kept in a separate location and not easily seen by the observer.

Digital Image (The future intent is that the digital image becomes the official record of the votes cast. Having digital images allow observers to filter and see only those contests, candidates, precincts or other, that they want to see. Transparency is enhanced by allowing the observer to view without actually touching the original ballots.):
- Dominion – Image is easy to read, with the audit of how everything was read directly on the image.
- ES&S – Image was 25% less clear than that of Dominion, much more difficult to read, with no audit of how votes were read visible to the observer

Forward Vision:
- Dominion
  - planned upgrades in the works, with at least 2 new versions of the software already in the certification pipeline
  - Remote Accessible Voting which is a requirement that all counties will be forced to have in the near future. Dominion has the capability being certified at this time
- ES&S
  - Were just certified, with no reported new versions in the certification pipeline
  - No option for Remote Accessible Voting, which would require us to create a contract with a 3rd party for this functionality

After extensive review of the Voter Forum results, Elections Department team member evaluations, comparison between the system features, and taking into account the certification status of the voting system, the Department of Elections staff and the County Clerk-Auditor-Recorder have determined the purchase of voting system hardware and software is exempt from the competitive process (SBCC §5.09.010) and recommend the Dominion Voting System's ImageCast as the voting system of choice.

BUDGETED:

Yes

SBC BUDGET LINE ITEM NUMBER:

101.20.1115.1000.619.250 & 302

CURRENT FY COST:

$79,950

STAFF RECOMMENDATION:

Authorize the Board Chair to execute the lease/managed services agreement with Dominion Voting Systems, Inc., for the provision of New Voting System in an amount not to exceed $79,950 per FY, plus applicable sales tax.

ADDITIONAL PERSONNEL: No

BOARD ACTION RESULTS:

Approved per staff recommendation. (5/0 vote)

ATTACHMENTS:

Description	Upload Date	Type
Dominion contract	1/19/2018	Standard Contract

REVIEWERS:

Department	Reviewer	Action	Date
County Clerk-Auditor-Recorder-Elections	Gonzalez, Joe Paul	Approved	12/29/2017 - 12:26 PM
County Clerk-Auditor-Recorder-Elections	Valdez, Louie	Approved	1/18/2018 - 5:59 PM
County Administration Office	Valdez, Louie	Approved	1/18/2018 - 5:59 PM