September 7, 2011

TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

William T Fujioka, Chief Executive Officer

FROM: Dean C. Logan, Registrar-Recorder/County Clerk

VSAP Quarterly Report- 3rd Quarter 2011

The following is the third quarterly update report of 2011. These reports are provided to inform your Board and the public on the progress of the Voting Systems Assessment Project (VSAP). This series of quarterly reports is in response to the motion adopted by your Board on September 7, 2010.

During this reporting period, the VSAP continued to work towards the goals of the second phase of the project, which are to gather and analyze additional data, engage the community, and build partnerships with the ultimate goal of implementing a voting system that meets the needs of current and future Los Angeles County voters. During this period, the project's activities have revolved around two major areas:

- o Voting System Principles
- o Research

Voting System Principles

To ensure that a new voting system for Los Angeles County meets the diverse needs of current and future Los Angeles County voters, the department worked closely with the VSAP Advisory Committee to establish a set of general principles to help guide the acquisition or development and implementation of the new system (Attachment 1). The

specific goal of these principles is to articulate the importance of: voter access to and interface with the voting system; voting system security and audit ability; and the operational requirements for transporting, setting up, and operating the voting system.

The voting system principles were developed over a series of four meetings. Through group exercises and discussions among the VSAP Advisory Committee and with RR/CC staff, a set of fourteen principles were developed. They were adopted by consensus on August 24, 2011. These principles will guide the acquisition and development of a new voting system for the County as structural requirements for a new system are developed. In these principles, Committee members established and communicated a set of core values that will help the County establish a voting system that promotes fairness, accessibility and transparency.

VSAP Advisory Committee meetings are streamed live, as well as video archived on: http://www.livestream.com/larrcc6.

Research

In order to begin to shape the next steps for the VSAP, the RR/CC formed an internal team composed of key staff members representing various divisions within the department. This internal project team has begun to research some key issues affecting voting systems acquisition and development. The issues the internal team has started researching are:

1. Acquisition/Development Models
2. Funding
3. Regulatory Environment/Certification Process
4. Existing and Emerging Voting Systems

The internal project team gathered information by collaborating with partners, interviewing issue experts, and reviewing documents of previous County acquisitions. The findings of the acquisition/development model assessment and dedicated funding analysis were presented at the VSAP Advisory Committee meeting on August 24, 2011 (Attachment 2). Findings of the other assessments will be presented next quarter.

1. Acquisition/Development Models

The internal team assessed five acquisition/development models that the County may use to attain a new voting system. These models are 1) commercial off-the-shelf acquisition, 2) in house development, 3) public/private partnership, 4) public/academic institution or non-profit partnership and 5) joint-ownership (public/public development.) As a part of this assessment, the internal team explored instances in which the County has employed each one of these models and drew some key considerations for assessing the model best suited for the acquisition or development of a new county voting system consistent with the principles adopted by the VSAP Advisory Committee.

2. Funding

The internal team found that there are two dedicated sources of funding for acquiring voting systems. These sources are funding allocated to the County by the Help America Vote Act (HAVA) and the Voting Modernization Bond Act of 2002. The team's analysis included an assessment of the funds available and the process available to access them. Additional research will be conducted to further clarify the use of these funds for research and development.

3. Regulatory Environment/Certification Process

The department collaborated with a research team of graduate students from UCLA Luskin School of Public Affairs to conduct research on regulations governing voting systems testing and certification process and its impact on Los Angeles County's goal to implement a new voting system. The UCLA research team presented their findings to the department in a report which the department will analyze and present for discussion at the next quarterly meeting of the VSAP Advisory Committee.

4. Existing and Emerging Voting Systems Models

The voting systems analysis is currently being conducted and findings will be presented next quarter.

Stay Connected

More information regarding the Voting System Assessment Project (VSAP) is available to the public online at www.lavote.net/voter/vsap and on the project's Facebook page. The pages on our website and on Facebook are frequently updated with news and information and are a great way to stay connected with the progress of the project between quarterly reports. We strongly encourage public input throughout the process and look forward to continuing to work with your board on this critical project. If you have any questions please contact Monica Flores, VSAP Project Assistant at (562) 462-2991 or via email at mflores@rrcc.lacounty.gov.

Attachments

General Voting System Principles
Los Angeles County

Adopted on
August 24, 2011

1. The voting system must provide for transparency. The processes and transactions associated with how the system is set up, run, and stored should be easy for the public to understand and verify. This should include making hardware components available for inspection, and source code to the extent that the manner of doing so would not jeopardize system security or availability.

2. The voting system must be scalable. The system must provide sufficient technical and physical capacity to accommodate large and complex ballot styles, growing language needs, extremely large numbers of precincts and consolidation of elections with local districts and municipalities.

3. The voting system must be flexible. It must provide the ability to adapt to different election types, environments, and changing regulatory requirements, without the need to replace the entire system or to undertake costly system modifications that potentially compromise security.

4. The voting system must instill public trust by having the ability to produce a physical and tangible record of a voter's ballot to verify the ballot was marked as intended before it is cast and to ensure auditability of the system. It must demonstrate to voters, candidates, and the general public that all votes are counted as cast.

5. The voting system must have integrity and be accountable to voters and follow existing regulations. System features must protect against fraud and tampering. It should also be easy to audit and produce useful, accessible data to verify vote counts and monitor system performance.

6. The voting system must offer a variety of options to cast a vote to ensure that a single/fixed method of voting does not prove to be a barrier and source of disenfranchisement for any group of voters. The system should allow for variety in the location, time, and equipment used to cast a ballot.

7. The voting system must guarantee a private and independent voting experience for all voters, including voters with a full range of types of disabilities and voters with limited English proficiency. Voting system features must allow the voter to select the language, adjust display features, alternate ballot formats (e.g. Audio Ballot), and method of controlling the marking tool, allowing voters to cast a ballot independently.

8. The voting system must be easy for all voters to use, in particular, for voters with a full range of types of disabilities and voters with limited English proficiency. The system must support plain language and be intuitive, user-friendly, and accessible to all, in order to minimize and easily identify voter errors. It should also provide all voters the ability to easily correct any errors that appear on their ballot prior to casting their ballot.

9. The voting system should be easy and reliable for election workers to use, set-up, breakdown, and explain.

10. The voting system must be portable. It should be lightweight and compact enough for transportation, set up, and efficient storage. A portable system could include features such as hand grips, handles, straps, and wheels that make transporting and maneuvering the voting system easy.

11. The voting system must include features for safe and secure storage. It should include features such as locks and security seals to protect the integrity of the machine while in the custody of election workers or in storage with election officials.

12. The voting system must have minimal and/or flexible power and connectivity requirements. It should not require such an extensive amount of power and connectivity that it limits locations where the voting system can be deployed.

13. The voting system must have minimal requirements for system boot/programming at polling sites and/or vote centers. It must also provide intuitive and quick fix troubleshooting solutions to empower election workers on Election Day. It should be easy to set up for operation by election workers at polling sites and/or vote centers.

14. The voting system must be cost-effective. Costs considered should include procurement, operating, and maintenance costs as well as consideration of expected system/equipment lifespan.

DEAN C. LOGAN
Los Angeles County
Registrar-Recorder/County Clerk
12400 Imperial Highway
Norwalk, CA 90650

Acquiring a New Voting System:
Staff Assessment of Acquisition/Development Models

Voting Systems Assessment Project

Overview

- ## Acquisition/Development Models
  - Commercial Off-The-Shelf Acquisition
  - In-House Development
  - Public/Private Partnership
  - Public/Academic Institution or Non-Profit Partnership
  - Joint Ownership (Public/Public)

- ## Contract Development
  - RFP
  - Selection and Negotiation
  - Board Approval
  - Timeline

- ## Considerations

- ## Dedicated Funding
  - Proposition 41
  - Help America Vote Act (HAVA)

Acquisition/Development Models

The RR/CC is assessing various models for the acquisition/development of a modernized voting system. Models being assessed are:

- Commercial Off-The-Shelf
- In-House Development
- Public/Private Partnership
- Public/Academic Institution or Non-Profit Partnership
- Joint Ownership (Public/Public)

Acquisition/Development Models

Commercial Off-The-Shelf

- Developed by vendor
- No customization or substantive modifications
- Hardware/software traditionally propriety to vendor

In-House Development

- Developed by departmental staff
- Vendor involvement limited to hardware acquisition
- Hardware/software propriety to County
- County seeks federal and state approval independently

Acquisition/Development Models

Public/Private Partnership

- Developed by departmental staff and outside vendor
- Hardware/software propriety to the County
- County seeks federal and state approval independently

Public/Academic Institution or Non-Profit Partnership

- Developed by departmental staff
- Vendor involvement limited to hardware acquisition
- Hardware/software propriety to County or may be public domain
- County seeks federal and state approval independently

Joint Ownership (Public/Public)

- County partners with other public entities (such as another county) to develop or procure a system using pooled resources
- Co-owners share the cost of acquiring and maintaining the system, including upgrades or enhancements

Commercial Off-The-Shelf Acquisitions in LA County

- Precinct Ballot Reader (PBR) and Audio Ballot Booth (ABB) Acquisition
  - Hardware/software purchase of HAVA-compliant components
  - Vendor responsible for Federal and State approval
  - Proprietary software
  - Dedicated counsel and technical consultants

- Electronic Countywide Accounting and Purchasing System (eCAPS)
  - Software license requiring extensive customization
  - Modifications exclusive to LA County at additional expense

In-House Development in LA County

- Joint Enterprise Development Interface (JEDI)
    - Software
    - No vendor solution due to LA County recording volumes
    - Cost restrictions for vendor solutions
    - Outlining deliverables/specifications
    - Dedicated technical staffing
    - County determines enhancement roll-outs

In-House Development in LA County

- Countywide Address Management System (CAMS)
  - Software
  - Multi-departmental project to develop a geographic information system for maintaining street addresses in a central and standardized shared data repository
  - Improved inter-departmental work flow and data quality control, greater agency participation, data sharing and standardization
  - Data updated at the local level—over time will product the authoritative source of LA County street centerline and addressing information
  - Improved data sharing and standardization reduced redundant data storage and maintenance activities resulting in significant cost savings to the County
  - No vendor licensed data or software, thus no limiting of ability to share software functionality and data with cities and agencies partnering with County

Public/Private Partnership in LA County

- Treasurer and Tax Collector- Public Administrator
  - Software
  - Vendor and County did not reach agreement after negotiation process

- Department of Public Social Services – Los Angeles Eligibility, Automated Determination, Evaluation and Reporting (LEADER System)
  - Proprietary Software
  - Lengthy solicitation process (6 years) including multiple addendums issued, proposal evaluations, contractor protests and funding issues
  - Collaboration with California Health and Human Services, Federal Health and Human Services and the US Department of Agriculture
  - Dedicated planning and monitoring consultants

Public/Academic Institution
or Non-Profit Partnership in LA County

- LA County and University of California (USC) – Medical School Operating Agreement
  - USC provides hospital staff for $120 million per year

Joint Ownership (Public/Public) in LA County

- SECURE
  - Partnership with Orange, Riverside, and San Diego counties in the acquisition of an Electronic Recording Delivery System with private contractor
  - Owner counties own the software
  - Changes and enhancements to system require approval from the Owner counties
  - System allows the delivery of digitized documents for recording and return electronically
  - Contractor developed software is limited and requires customization

Contract Development

Contract Model

- Request for Proposal (RFP):
  - Develop the Statement of Work (SOW)
  - Develop RFP and Sample Agreement
  - Approvals
    - Internal (Project Management and Executive staff)
    - External (County Counsel, CIO, Risk Management, etc.)

Releasing the RFP

- Upload to County website, publish in newspapers, email prospective proposers
- Bidders Conference
- Proposal submission
- Proposal evaluations

Contractor Selection and Negotiation

- Identify most responsive and responsible proposer
- Notify contractor of selection and begin negotiation

Contract Development

Final Reviews

- Reviews
  - Internal (Project Management and Executive staff)
  - External (County Counsel, CIO, Risk Management, etc.)
  - Selected contractor review and sign-off

Board Approval

- Operations Cluster
- Board filing, Agenda and approval

Kick-off

- Start-up meeting (contractor, operations and technical staff, management, executive staff and other interested parties)

Contract Development Timeline

- Solicitation Development (RFP, Statement of Work including technical and maintenance requirements, and Sample Agreement)
  - Eight (8) months

- Solicitation Review, Approvals, and Release of RFP
  - Three (3) months

- Proposal Development, Submission, and Evaluation (including contractor appeals and protests)
  - Four (4) months

- Contract Negotiations with selected contractor
  - Two (2) months

- Final Contract Review and Approvals (including Board approval)
  - Three (3) months

Considerations

- County proprietary hardware and software to reduce system limitations and costs

- Dedicated staff from other County Departments and outside vendors available to offer full-time assistance in their respective area of expertise
    - County Counsel
    - Project Managers (ITSMA Agreements, etc.)

- Subject matter expert counsel to lead contract negotiations and execution

- Use of RFP solicitation model to help outline party's ability to comply with County needs

- If the County decides to develop its own system, utilize a partnership model.

Dedicated Funding

Proposition 41 (Prop 41)

– Voting Modernization Bond Act of 2002 for updating voting systems managed by the Voting Modernization Board (VMB)

– VMB created by Prop 41 considers and approves applications for all purchases

– VMB allocated $49.6 million to LA County

– Department currently has a balance of approximately $49 million (3:1 match)

– Fund currently frozen

Dedicated Funding

Help America Vote Act Section 301 (HAVA 301)

- Signed by the President in 2002 to fund election system improvements

- SOS allocated $49.6 million to LA County

- Department currently has a balance of approximately $28.9 million

- Current contract expires 12/31/11; however, possible extension through December 2015

- Research and/or development not currently addressed (possible EAC advisory sought)