



Los Angeles County Registrar-Recorder/County Clerk

Dean C. Logan
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Testimony to Assembly Committee on Elections and Redistricting Regarding: Senate Bill 360 Padilla

By
Dean C. Logan
Los Angeles County Registrar-Recorder/County Clerk
August 13, 2013

Good afternoon Chairman Fong, Vice Chair Donnelly, and honorable members of the committee. I would like to thank you for the opportunity to provide comments today in support of Senate Bill 360, introduced by the Honorable Senator Alex Padilla.

On behalf of Los Angeles County, I urge your support for this bill. We believe SB 360 will help spur new approaches to voting system development in an all but stagnant voting systems market in California, while also creating more agile systems and regulations that can more efficiently adapt to technology and legislative changes. The reforms sought by this legislation are an important step to improving the voting experience for voters in California and to helping to slow the precipitous decline in voter participation. For this reason, the County has spearheaded collaborative efforts working across organizational boundaries and generating open and transparent dialogue that has elicited wide reaching support and interest in SB 360.

Los Angeles County is the nation's largest and most diverse election jurisdiction. The County serves more registered voters than 42 of the 50 states, with more than 4.8 million registered voters comprised of multiple races/ethnicities, national origins, age groups, and socio-economic status. Currently, county elections are carried out across nearly 5,000 polling places, utilizing more than 300 different ballot styles and with language assistance provided in 11 languages in addition to English. While the County works hard to provide our electorate with fair, accessible, and transparent elections, our voting system has become a significant challenge. Our current voting system has reached the end of its lifespan. Despite system enhancements to comply with the Help America Vote Act of 2002 (HAVA), the County's voting system, at its core, is outdated, providing limited ballot capacity and voting options. Of greater concern is our tally system, which has been in place since 1968; some of its components still functioning on dated and increasingly unsustainable mainframe technology.

Voting system challenges are not unique to Los Angeles County; counties across the state also face voting system challenges. After implementing new systems through the HAVA and Proposition 41 Voting Modernization Funds, many counties have rolled back their systems, and in the process reduced access and voting options for many voters. Similar to Los Angeles County, many of our sister counties are anxious to see the approval and introduction of new voting solutions.

Los Angeles County is leading a new collaborative model of government that encourages the emergence of innovative and sustainable solutions. For the past three

years Los Angeles County has made significant efforts to evaluate its options for modernizing voting systems. Building bridges, not walls, we have engaged voters and a range of stakeholders to learn about voter needs. In collaboration with a variety of stakeholders, we adopted a set of guiding principles and set a course to develop and implement a voting system that preserves public ownership and provides greater access and options for voters.

Unfortunately, during this same time we have witnessed a stagnant voting systems market. Federally, approximately thirteen different voting system certification decisions have been granted to just four different systems (a number of the certifications granted have been for modifications to existing systems; systems insufficient to meet the needs of Los Angeles County). In California, no new voting systems have been approved for use since 2007. The current voting systems environment has not only failed to produce viable voting system options for Los Angeles County but, has proven to be inefficient in producing new and improved voting options for counties and voters alike. It is time to begin to take action and implement important reforms before it is too late and we find ourselves facing another 2000 Presidential election where voters were left to question whether outdated voting systems and ballot styles influenced the outcome of the election.

SB 360 seeks to take an important first step by reforming the state's voting systems approval process, giving the Secretary of State, as the Chief Election Official for the state, control of voting system standards and testing in an effort to spur a more agile,

robust, and efficient certification and approval process. The legislation would also promote greater use of non-proprietary software and risk-limiting audits, important to restoring the public's trust in the vote.

Currently, the Secretary of State requires all voting systems to obtain federal certification prior to obtaining state approval. This process has proven to be lengthy, costly, inefficient, and has failed to produce any new voting systems. Under the current process, a voting system can take as long as 32 months to go through federal and state certification at a cost of almost \$2 million. In addition, while the U.S. Election Assistance Commission (EAC) continues to administer its testing and certification program, the structural instability of the agency and to a lesser degree its processes, has proven to be inefficient at keeping voting system standards current. New Voluntary Voting System Guidelines (used for testing voting systems) have not been adopted since 2005. While new guidelines were drafted in 2007, to date, they have not been adopted. A seven year time span to adopt new standards for voting system technology is of great concern, given the advances in technology and more importantly in our knowledge of and experience with important facets of the standards dealing with security risks and accessibility.

The proposed reforms in this legislation give the state greater control over the testing standards and regulations for the approval of voting systems. It is important to understand that SB 360 does not try to reduce or remove the requirements for systems to be tested and certified. While it no longer requires voting systems intended for use in

California to exclusively participate in the EAC's voluntary certification program, it still requires that every system undergo testing and certification according to standards and regulations which would be no less comprehensive and stringent.

Under SB 360, the Secretary of State must adopt voting system standards that meet or exceed federal voting system guidelines set forth by the EAC and additional standards that best meet the accuracy, security, and accessibility expectations of California. More importantly, we believe that this model will allow the state to revise and update standards more rapidly in response to innovation and any emerging security concerns, ensuring our voting process is relevant and responsive to the voters we serve.

Currently 38 states have chosen to take full control over their approval process and do not require federal certification for voting systems. Over the years California has been a leader not just in business and innovation but, also in adopting election policies that expand access to the ballot and greater transparency and security. SB 360 is a bold and significant step in this direction and will help provide greater voting system options for counties.

Reforms that can both provide more voting system options and balance innovation with security are extremely timely. Emerging generations of voters will have different behavior patterns, different ways of interacting with their community in their day-to-day lives and they're going to expect the voting process to be, at least to a certain degree, consistent with those behavior patterns. This is a challenge; keeping the voting process

relevant for voters while maintaining secure systems. If we fail to do this we will continue to see precipitous declines in voter participation in statewide and local elections. Voting systems are essential to meeting this challenge. Voters are seeking more options that give them the greatest opportunity to cast a ballot. Without more tools in the way of voting systems and components, we can't do this. In-Person Early Voting is an option that has been significantly rolled back in California. After the Top-to-Bottom Review Los Angeles County did away with In-Person Early Voting, this after more than 60,000 voters turned up to just 15 sites in 2006. In this regard, California is falling behind in offering effective and convenient options for voters.

Since this journey began in 2009, Los Angeles County has made significant progress and challenged the traditional way of pursuing a voting system. Through field research and coalition building we have pioneered a voter-centered approach to voting system design and development. This approach has set Los Angeles County as the frontrunner for an anticipated revolution in voting systems.

Honorable members of the committee, on behalf of Los Angeles County I again urge you to support this legislation. I look forward to your questions. Thank you for the opportunity to express our support for this bill.