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

### **VSAP Quarterly Report- 4<sup>th</sup> Quarter 2011**

The following is the fourth quarterly update report of 2011, detailing VSAP activities and accomplishments during the period of September 1- November 30, 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 the reporting period, the VSAP continued to work towards the goals of the second phase of the project. In this second phase, the project seeks to 1) identify the voting system model and technical requirements; 2) identify the procurement and development model that the Department will pursue. These overarching goals are to be accomplished by continuing to gather and analyze data, building partnerships, and continuing to find ways to engage the community throughout the process. The following report provides you an update on the project's progress and activities as they relate to:

- Research and Analysis
- Advisory Committee Meetings
- Planning Next Steps

### **About the VSAP**

Launched in September 2009, the Voting Systems Assessment Project (VSAP) was developed by the Department in response to the growing voting system needs and challenges faced by the County. While the County's current voting system has served the voters of Los Angeles County with accuracy and integrity, the design of these

systems and the age of their technology do not offer the technical and functional elasticity necessary to continue to accommodate the growing and increasingly diverse electorate.

The size and diversity of Los Angeles County and the limited voting systems market, however, make it almost impossible to reasonably consider a commercial off-the-shelf voting system solution. Any voting system solution will entail a significant development or customization process in order to satisfy the County's needs, General Voting System Principles and technical requirements.

In response to these needs and challenges, the VSAP takes an unprecedented and comprehensive approach at modernizing the County's voting system. The vision of the project is to implement a voting system through a transparent process that takes into account the needs and expectations of current and future Los Angeles County voters. The VSAP aims at achieving three goals in this process: 1) give current and future Los Angeles County voters an unprecedented opportunity to participate in the assessment and development process; 2) increase voter confidence in the electoral process through the participatory structure of the project; 3) synthesize public input and research to acquire or develop a new voting system for the County.

### **Research and Analysis**

Over the past quarter, the Department's Internal VSAP Project Team completed a series of assessments that sought to gather and analyze data on key issues affecting voting systems acquisition and development. The team looked at the following key issues:

1. Acquisition/Development Models- the goal of this assessment was to identify the acquisition or development model that achieves the greatest degree of cost effectiveness, flexibility, and transparency.
2. Funding- the goal of this analysis was to identify the status and levels of funding available for voting systems acquisition/development and implementation and to identify any other potential sources of funding.
3. Regulatory Environment/Certification Process- the goals of this assessment were to map out the approval and certification process, identify changes needed in the process, propose a strategy for seeking passage of the needed changes, and incorporate the regulatory elements into the overall project time line.
4. Voting Systems Market- the goal of this evaluation was to identify existing and emerging voting system models, as well as the advantages and challenges of implementing these models.

The internal assessments were meant to inform the department about possible challenges and options in each of the issue areas assessed. While these assessments do not purport to be a definitive policy analysis or risk assessment of each issue, the data gathered are extremely valuable in helping the Department formulate more informed decisions and in helping staff to formulate its recommendations.

As part of this process staff findings for each assessment were presented and discussed with the VSAP Advisory Committee. Their feedback helped to refine and further inform the findings and will shape the final recommendation from staff.<sup>1</sup>

### **Advisory Committee Meetings**

During the reporting period the VSAP Advisory Committee met twice. During the two meetings staff presented Assessment findings on the regulatory environment and certification process, as well as on the current voting system market.

#### *September 28, 2011 Meeting*

The first meeting took place at the RR/CC Headquarters in Norwalk, CA on September 28<sup>th</sup>. At this meeting, the VSAP Advisory Committee discussed one of the key issues identified by the Internal VSAP Project Team: the current regulatory environment and the challenges this environment may impose on the County as it navigates through the certification of a new voting system. The Committee was presented with the research findings of a policy analysis of the current regulatory environment and certification process. This assessment was the result of a collaboration between the Internal VSAP Project Team and a group of graduate students from the UCLA Luskin School of Public Affairs. In this partnership, the Internal VSAP Project Team worked in collaboration with the UCLA research team to explore and define the issue and the UCLA research team conducted the policy research and analysis of the issue.

#### *November 4, 2011 Meeting*

The second meeting was held on November 4<sup>th</sup> at the California Endowment in Los Angeles, CA. During this meeting, the VSAP Advisory Committee continued to discuss the regulatory environment and certification process and its effects on the voting system market. The Committee engaged in a discussion with a panel of experts and leaders on the regulation and administration of voting systems. The panel, included Joshua Franklin, Computer Engineer, US Election Assistance Commission; Lowell Finley, Chief Counsel, Secretary of State's Office; and John Sebes, Chief Technology Officer, Open Source Digital Voting Foundation. The panel was moderated by Pamela Smith, Executive Director, Verified Voting. The panel provided an overview of the current

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<sup>1</sup> Presentations are available on the RR/CC website: [http://lavote.net/voter/vsap/Comm\\_Meeting.cfm](http://lavote.net/voter/vsap/Comm_Meeting.cfm)

regulatory structure, provided some insight on possible changes in the near future, and discussed the effects the current structure has on the voting systems market.<sup>2</sup>

## **Findings**

The research and analysis of the four key issues: 1) acquisition/development models, 2) funding, 3) the regulatory environment and certification process, 4) voting systems market, uncovered the following key findings:

- Los Angeles County has experience with various types of acquisition models including commercial off-the-shelf acquisition, internal development, and developing in partnership with other entities.
- Los Angeles County has two sources of dedicated funding for a new voting system: Voting Modernization Bond Act funding and Help America Vote Act (Section 301) funding. However, if the County moves forward with a system development project that must be tested, certified, and approved for use in the state we will need to seek clarification on the use of this funding.
- The regulatory environment and certification process in California is unclear, undefined, and follows a dual certification process (systems must be federally tested and certified then independently tested and approved by the state).
- No voting system currently exists that fully satisfies all of Los Angeles County's General Voting System Principles.

As a result of these findings, the project has made two critical determinations concerning its current pursuit of a new voting system.

### **Determination 1: The County will have to pursue the development of a new system, as none exists that meets the unique needs of the County.**

In 2009, the County of Los Angeles participated in an a Request for Proposals (RFP) issued by the City of Los Angeles in search of federally certified and state approved voting systems that met the needs of the City and County. The process found that none of the seven voting systems evaluated were suitable, according to the criteria set forth in the RFP. Since then, no new voting systems have been approved for use in the State of California. Furthermore, the Internal VSAP Project Team could not identify an existing voting system that fully satisfies all of the Voting System General Principles that were adopted by the VSAP Advisory Committee in August 2011. These two factors along with feedback from the VSAP Advisory Committee make a strong case for the

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<sup>2</sup> VSAP Advisory Committee meetings can be viewed online at: [www.livestream.com/larrcc6](http://www.livestream.com/larrcc6)

Department to acquire a new voting system by engaging in a voting system development project.

**Determination 2: Without changes to the regulatory environment it would be very difficult to meet our goal of implementing a new voting system by 2015.**

Should the County pursue a development project or procure a voting system from a vendor that has just completed development, the new system would need to obtain federal certification and then be approved for use in the state by the Secretary of State. Our research has demonstrated that this process has been challenging with an unpredictable timely and exorbitant costs under the current regulatory environment. The policy research gathered by our Regulatory Environment/Certification Process assessment suggests that unless changes are made to streamline the existing voting system certification and approval process, Los Angeles County will most likely not have a new voting system by 2015, overextending the lifespan of the County's current aging system.

**Planning Next Steps**

The results of the VSAP have been extraordinary thus far. The project has built a strong foundation based on citizen input, research, and collaboration with key stakeholders. The Department feels that it has gathered sufficient information to begin to take some concrete steps towards a system design and a procurement and development strategy. Drawing on the values set forth in the General Voting System Principles, the findings from our assessments, as well as the feedback and guidance from the VSAP Advisory Committee, over the next reporting period the Department will:

**1. Identify/Develop the optimal design for the new voting system.**

As the Department begins the process of envisioning the ideal design for the County's new voting system, we continue to be committed to the VSAP core values of transparency and citizen participation. The Department is currently exploring possible strategies and partnerships that will align the voting system design process with these values, with the goal of having a detailed strategy for designing a voting system by January 2012 and a voting system design by June 2012.

**2. Identify needed policy changes to the regulatory environment in order to facilitate an efficient and effective certification and approval process.**

In addition to addressing the question of what a voting system for the County will look like, the Department will also begin to create a multi-layer approach to navigating the regulatory environment. This strategy will address the certification and approval process as well as challenges with accessing dedicated funds for a new voting system. It may include many steps ranging from requesting clarification of existing policies to actually changing some of those policies and legislation.

**3. Identify procurement and development vehicles that will best ensure a transparent and efficient process.**

As the VSAP moves forward and remains committed to its values of transparency, citizen participation, and efficiency, the Department will seek to identify a procurement or development process that continues to engage the public, partners with subject matter experts, and utilizes sound data.

**Stay Connected**

More information regarding the Voting System Assessment Project (VSAP) is available to the public online at [www.lavote.net/voter/vsap](http://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 Coordinator at (562) 345-8372 or via email at [mflores@rrcc.lacounty.gov](mailto:mflores@rrcc.lacounty.gov).