



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Clerk-Recorder-
Assessor
Department No.: 062
For Agenda Of: 04/19/2022
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Joseph E. Holland, 805-568-2558
Director(s)
Contact Info: Renee Bischof, 805-696-8963

SUBJECT: Tenex Software Solutions, Inc. Agreement for Electronic Poll Book Solution

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the Chair to execute a Precinct Central Electronic Poll Book Contract (Agreement) with Tenex Software Solutions, Inc. (Tenex) for the purchase of an electronic pollbook solution, software, support and training in an amount not to exceed \$621,000 which includes three (3) Annual Software License and Maintenance Fee payments beginning on the first anniversary of the Agreement, with an option for renewal; and
- b) Authorize the County Clerk-Recorder-Assessor, or designee, to approve and sign amendments to the components and services of this Agreement, with the concurrence of County Counsel, Auditor-Controller and Risk Management, if the total cost of the amendments does not exceed 10% of the Agreement's not to exceed amount; and
- c) Determine pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) that the above actions are not a project subject to CEQA review because the actions consist of organizational and administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary Text:

The County Clerk-Recorder-Assessor is seeking to replace its paper-based Official Roster for use at the polls with an electronic pollbook solution that is certified by the California Secretary of State's office.

Background:

On March 25, 2019 the County Clerk-Recorder-Assessor's Elections Division released a Request for Proposal (RFP) for certified voting technology, including electronic pollbooks.

The Elections Division did select a voting system and remote accessible voting system; however, held off on the electronic pollbook selection until further evaluation of other technology could be assessed.

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency order for California due to COVID-19. The Governor issued two Executive orders on May 8, 2020 and June 3, 2020. Among the requirements in his Executive Orders, the Governor required all California voters be mailed a ballot while maintaining in-person voting locations for those voters that needed them. The State Legislature codified and provided additional details on the implementation of these orders through Assembly Bill 860 and Senate Bill 423. In September of 2021, Assembly Bill 37, made the practice of sending every active registered voter a vote by mail ballot for each election a permanent requirement.

Issuing all voters a vote by mail ballot while also allowing voters to choose to vote in-person, added a layer of complexity to administering in-person voting. To provide a "live" ballot to a voter at an in-person voting location (polling place), there needs to be a way for poll workers to determine the status of the Vote by Mail ballot that was issued to the voter. If a voter is not able to surrender their Vote by Mail ballot to vote at their polling place, and poll workers are unable to determine whether the voter has already cast their Vote by Mail ballot, the only option is to issue a provisional ballot to the voter.

The Elections Division contracted with ComputaCenter to provide an electronic solution to process voters at in-person voting locations for the November 2020 presidential general election. ComputaCenter provided laptops, connectivity devices, conducted site surveys at each polling location, provided support in deployment of the equipment and operational support during the four (4) days that in-person voting was available. This solution was very successful in allowing the Elections Division to process voters in real-time and provided the operational support needed; however, it was determined that it was not a cost-effective solution moving forward.

For the September 14, 2021 gubernatorial recall election, the Elections Division utilized a 25-person temporary phone bank that poll workers called to verify a voter's vote by mail ballot status prior to issuing an in-person "live" ballot to that voter. The phonebank solution also worked well, but at times poll workers reported having difficulty reaching the operators.

Based on the Elections Division's findings while conducting the November 3, 2020 and September 14, 2021 elections, staff relooked at electronic poll book as an alternative solution. The electronic poll book solution offers the Elections Division a mechanism to streamline the check-in process at the in-person voting location. Electronic poll books offer real-time data on a voter's ballot status which allows voters to vote an in-person ballot in lieu of their vote by mail ballot, even if the voter has misplaced their ballot or does not have it to surrender.

After reviewing proposals and receiving hands-on demonstrations of the electronic poll book solutions, the Elections Division of the County Clerk-Recorder-Assessor determined that Tenex Software Solutions, Inc.’s Precinct Central electronic poll book system best meets the current and future needs for the County.

Electronic poll books must meet high level security requirements for use in California, additionally data is encrypted at rest and while in transit. There is a mobile device management feature that includes the ability to wipe data and render the electronic poll book unusable. And electronic poll books are never connected to voting systems.

The electronic poll book requires less support for deployment to in-person voting locations, and is configured in a manner that makes it more clear for the poll worker on how to process each voter.

"Performance Measure:"

As mentioned in the Background section, the electronic poll book solution will reduce the number of provisional ballots issued to voters.

Table of Provisional Ballot Statistics

Election	Total Provisional Ballots	Provisional Ballots issued to voter not having their Vote by Mail (VBM) ballot to surrender.	Method used to check-in voters
2016 Presidential General	11,174	5,165 46% of total	Paper roster, only shows if voter issued a VBM ballot
2020 Presidential Primary	9,816	5,523 56% of total	Paper roster, only shows if voter issued a VBM ballot
2020 Presidential General	529	0 0% of total	PC check-in
2021 Gubernatorial Recall	1027	77 7% of total	Paper roster shows as of time printed voter’s VBM status with phone bank used for other instances.

The issuance of a provisional ballot is burdensome on the poll worker, lengthens the time for processing a voter, requires the voter to re-register and often voters have concern as to whether or not their ballot will be counted when voting provisionally. Provisional ballots also create additional workload for staff during post-election processes as each ballot must be researched to determine whether or not the voter already voted, if the voter voted the correct ballot, process the voter’s registration, prepare the valid ballots for counting and tabulate the ballots.

As you can see by the table, having the ability to check a voter’s Vote by Mail status, significantly reduces the number of provisional ballots.

A computerized method of checking in voters at in-person voting locations is required to move to the Voter’s Choice Act model of voting. Therefore, this electronic poll book solution will meet our future needs.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund		\$ 37,500.00	
State	\$ 381,150.00		
Federal			
Fees			
Other:	\$ 127,050.00		
Total	\$ 508,200.00	\$ 37,500.00	\$ 508,200.00

Narrative: On February 9, 2022, the Voting Modernization Board approved Santa Barbara County’s Phase 3 funding request, which included reimbursement for the purchase of the electronic poll books, with a 3:1 match. The “Other” funding source of \$127,050.00, which is the County’s portion of the match, will be drawn from the Clerk-Recorder-Assessor’s Election Voting Equipment Fund Balance.

The Elections Division has included in the budget for FY 22-23 the annual software maintenance and support fee in the amount of \$37,500.

Key Contract Risks:

This contract has been determined to be medium to high risk overall by the Clerk-Recorder-Assessor’s office. The factors reflecting high risk include: 1) a contract exceeding \$500,000 2) program mostly funded by State funds; and 3) a contract that is mission critical. The factors reflecting medium risk include: 1) a fixed price contract, 2) a contract of moderate complexity, 3) a competitive acquisition with a limited number of proposers, and 4) a new contractor for the County. Though this a new contractor to Santa Barbara County, the contractor’s solution has been certified by the California Secretary of State’s Office and is in use in six (6) counties in California, including San Diego County and Orange County.

Special Instructions:

Please provide executed Agreement to Dylan Tekautz.

Attachments: Precinct Central Electronic Poll Book Contract

Authored by: Renee Bischof

cc: Joseph E. Holland, Clerk-Recorder-Assessor
Dylan Tekautz, Fiscal Manager, Clerk-Recorder-Assessor
Heather McCaslin, Elections Division Manager, Clerk-Recorder-Assessor