



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: October 1, 2019
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Joseph E. Holland, County Clerk, Recorder, and Assessor
Director(s)
Contact Info: Renee Bischof, Chief Deputy Registrar of Voters, 696-8963

SUBJECT: Contract with Dominion Voting Systems for New Voting System

County Counsel Concurrence

As to form:

Other Concurrence: Risk Management

As to form:

Auditor-Controller Concurrence

As to form:

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify and authorize the Chair to execute a Voting System and Services Agreement (Agreement) with Dominion Voting Systems, Inc. (Dominion) for the purchase of new voting system equipment, software, support and training in an amount not to exceed \$1,600,000 which includes annual software license fees and optional hardware warranty extensions, beginning in FY 2020-21 and starting at \$ 80,200, with annual increases of 3% from the previous year, for a term ending December 31, 2028 (with the option to extend the contract at 2-year increments thereafter) to replace the existing decertified voting system and conform to the State of California Voting System Standards; 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 the County's aging, decertified voting systems with a new voting system that is certified federally and by the State of California, meets the California Voting System Standards (CVSS), and utilizes a paper-based ballot.

Background:

Santa Barbara County's current voting system and equipment, the Global Election Management Systems (GEMS) Optical Scan system, was purchased in 1999. In 2006, the County added the Election System & Software AutoMARK ballot marking device as an accessible voting system as required by the Help America Vote Act.

In the State of California, voting systems must both be federally certified by the Elections Assistance Commission and state certified by the California Secretary of State's Office of Voting Systems Technology Assessment. The Clerk-Recorder-Assessor has sought to replace the existing system for a number of years; however, limited options existed.

On February 27, 2019 the California Secretary of State issued Memorandum # 19015 (Attachment A) noticing the withdrawal of certification and conditional approval of all California voting systems, in whole or in part, not tested to and certified to the California Voting System Standards (2014). The effective date of the decertification was August 27, 2019; however, any elections scheduled in the six months following the decertification are not affected. Additionally, the Elections office sought an extension, out of an abundance of caution to use the existing system for the March 3, 2020 election should vendors be unable to supply the voting equipment in time for the election or if the procurement process to longer than anticipated.

On March 25, 2019 the County Clerk-Recorder-Assessor's Elections Division released a Request for Proposal (RFP) for certified voting systems. On June 5, 2019, Joseph Holland presented the Project Approval Request for the new voting system to the Executive Information Technology Council (EITC), who approved the project request.

After reviewing proposals and receiving hands-on demonstrations of the two certified voting systems for the vendors that responded, Dominion Voting System, Inc. and Hart InterCivic, the Elections Division of the County Clerk-Recorder-Assessor determined that Dominion Voting System's Democracy Suite best meets the current and future needs for the County.

The Dominion voting system includes software to manage the creation of the election, design of the ballot, tally and report results, review and adjudicate ballots, test, audit, and review ballots. The voting system also has the ImageCast® Remote accessible vote by mail (RAVBM) application, which provides overseas and military voters as well as voters with disabilities a secure method to receive, mark, print and return their ballot to the elections official. Assembly Bill 1013 requires all county election officials to have an RAVBM system in place by January 1, 2020.

The ImageCast® X (ICX) is an in-person, fully accessible voting machine that will support current and future models of voting. The ICX allows voters to mark, review, and edit their voting selections by using a touchscreen or Audio Tactile Interface and generates a printed ballot with the voter's selections once the voter casts their ballot.

The ImageCast® Central software used in conjunction with off-the-shelf digital scanners for high-speed ballot tabulation is used to scan all ballots, whether voted on an ICX or a paper ballot issued to voters by mail or at the polling location.

Dominion's Democracy Suite® Voting System will provide increased operational efficiencies over the existing voting system by offering integration with various components and increasing the speed of adjudication and tabulation of ballots. This system also offers security and auditing features that vastly exceed the current system and provides an integrated Remote Accessible Vote By Mail solution. The system and features are proven technology with more than 40 counties in California utilizing the system, including the neighboring counties of San Luis Obispo, Ventura, and Kern.

Dominion also has an established track record of providing experienced support and project management.

As the system is a paper-based system, the method of voting will be very familiar to County voters. Voters will receive a paper ballot with the contest and candidates they are eligible to vote on, whether voting by mail or at the polling location. The Elections Division will continue to tabulate all ballots at its main office and election officers will be thoroughly trained on the use of the ICX units to facilitate voting at the polling locations.

This new voting system will be initially deployed during the March 3, 2020 Presidential Primary Election.

Performance Measure:

N/A

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost</u>	<u>Year One Cost</u>	<u>Total One-Time Project Cost</u>
General Fund		\$ 80,200.00	
State	\$ 384,578.50		\$ 384,578.50
Federal	\$ 384,578.50		\$ 384,578.50
Fees			
Other:			
Total	\$ 769,157.00	\$ 80,200.00	\$ 769,157.00

Narrative:

The first year (FY 2019-20) cost of this Agreement is \$769,157, which includes the cost of the voting system equipment and software, support, and training. The annual Software License and Hardware Maintenance Warranty costs begin on the second year (FY 2020-21) and will be \$80,200 with annual increases not to exceed 3%. The cost has been calculated through the term ending December 31, 2028, and is included in the not to exceed amount of \$1,600,000. The County will have the option to purchase Election Services from Dominion Voting Systems, should the County require assistance with election definition and ballot creation post-implementation. These services are estimated at \$55,000 for a countywide election with pricing based on the number of precincts and languages required for a specific election. Should the County require the use of the Election Services of Dominion after the first two elections, which are included, these costs would be funded by the General Fund and would be included in the cost billed to the jurisdictions consolidated with the election.

Funding Match Requirement:

State Voting System Replacement Grant – Dollar for Dollar Match, can use HAVA 301 for the match
 Help America Vote Act (HAVA) 301 Grant – No Matching Fund Requirement

Key Contract Risks:

This contract has been determined to be medium risk by the Clerk-Recorder-Assessor’s office. The factors reflecting high risk include: 1) a contract exceeding \$500,000 and 2) 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 bidders, and 4) a new contractor for the County.

Staffing Impacts:

Legal Positions:
 N/A

FTEs:
 N/A

Special Instructions:

Please forward a copy of the minute order and two original copies of the fully executed contract to the Santa Barbara County Elections Office.

Attachments:

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Attachment A - California Secretary of State issued Memorandum # 19015

Attachment B - Voting System and Services Agreement

Authored by:

Renee Bischof

cc:

Joe Holland