DEPARTMENT: County Clerk / Elections  
BY: Marjorie J. Wass  
PHONE: 966-2007

RECOMMENDED ACTION AND JUSTIFICATION:
Waive the bid process and authorize the County Clerk/Registrar of Voters to enter into contract negotiations with Sequoia Voting Systems in the amount of $399,240.70, for the upgrade to HAVA compliant voting machines for polling locations. Sequoia Voting Systems is the sole source of voting machines with Voter Verified Paper Audit Trails (VVPAT) that is a requirement in California, having both Federal and State certifications.

The Help America Vote Act of 2002 (HAVA) stipulates voting machines in polling places meet the Americans with Disabilities Act requirements. In addition, California requires a Voter Verified Paper Audit Trail (VVPAT). Sequoia is currently the only company with both federal and state certification.

Staff will return to the Board with the contract and financial impact.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has previously supported projects that have been mandated by law.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Decline the upgrade and continue to use the current optical scan voting system that is not HAVA compliant, and risk legal action from voter advocacy groups and the Department of Justice.

Financial Impact? ( ) Yes ( ) No  Current FY Cost: 
Budgeting in Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ 
Additional Funding Needed: $ 
Source: 
Internal Transfer 
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote
Contingency 4/5's vote
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.: 05-32  
Ord. No. _____
Vote – Ayes: 5  
Noes: _____
Absent: _____
Approved _____
( ) Minute Order Attached  ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: 
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
✓ Requested Action Recommended
( ) No Opinion
Comments: 

CAO: 

Revised Dec. 2002
Staff Report

Goal:

Select and purchase a new voting system as mandated by the Help America Vote Act of 2002 (HAVA).

Background:

After the problems experienced in the 2000 Presidential election Congress addressed the issues by passing HAVA in 2002. Among these issues were the placement of voting machines that meet the Americans with Disabilities Act (ADA) requirements. One requirement of HAVA is that disabled voters be offered the same un-assisted voting rights as other voters. In other words the County cannot offer special assistance to visually impaired voters. This law spurred the popularity of the Direct Electronic Recording machines, touch screen or DRE as they are commonly referred to. DRE’s allow all voters the ability to use the same voting machine. A DRE allows a sighted voter to vote on the screen itself. A visually impaired or illiterate voter will vote with headphones and a keypad on the same machine. The keypad accommodates those who read Braille, can see some colors, or have dexterity issues. A DRE is also wheelchair accessible. The law further states that the new compliant systems must be in place by January 1, 2006. In addition to this, California requires that a Voter Verified Paper Audit Trail (VVPAT) be part of the new machines.

A Voter Verified Paper Audit Trail allows the voter to confirm that their vote has been cast as they intended. It will also be used much in the same way as a paper ballot during the canvass process.

Under the outgoing Secretary of State Administration it has been recommended that the Department of Finance give the spending authority needed to allocate HAVA funds. The Department of Finance may wish to wait for the newly appointed Secretary of State to take office before making a determination as to whether spending authority should be released. The present recommendation to the Department of Finance is to use the same allocation formula as was used for Voting Modernization (Prop 41) funds. If the new Secretary of State supports the current recommendation, Mariposa County will be allocated an additional $145,591.18. This recommendation has not yet been accepted. In discussion with the office of the Secretary of State, they were very encouraging that we would get funding. It was just a matter of when and if the Department of Finance decides to give spending authority under the present recommendation.

As a vendor Sequoia Voting Systems has proven to be a very reliable choice. Not only are they our current vendor, but we have had a long-term successful history with them. We have confidence in their product the AVC Edge II with VeriVote (VVPAT). Sequoia has shown consistent reliability. The integrity of the company and the individuals we work with is of the highest quality. Sequoia has proven itself over the years in printing, product and service support. Sequoia Voting Systems has sold to and successfully conducted the Presidential Primary and General Election 2004 in the State of Nevada using the AVC Edge II with VeriVote. The State of Nevada purchased the AVC Edge with VeriVote (VVPAT) statewide.
The cost for DRE’s from one vendor to another is comparable. To date Sequoia Voting Systems AVC Edge II with VeriVote is the only system fully certified at the Federal and State levels.

- We must purchase new Voting machines to comply with HAVA.
- It is unlikely there will be an extension.
- The County has $46,947.06 remaining in Prop. 41 money.
- Funding from HAVA depends on the new Secretary of State.
- Only Sequoia’s AVC Edge II with VeriVote has both Federal and State Certification.
- Sequoia is a trusted vendor supplying equipment and services across America.
- Machine costs are comparable between vendors.

Proposal:

Purchase new voting equipment to replace the optical scan system (Eagle) that we are currently using in polling places. Sequoia Voting Systems is the only company that currently has both Federal and State certified machines with VVPAT. See attached quote.

Recommendation and Justification:

Because the Help America Vote Act of 2002 (HAVA) stipulates voting machines in polling places meet the Americans with Disabilities Act requirements, I recommend that we enter into contract negotiations to purchase HAVA compliant voting machines with VVPAT. In addition to the HAVA (Federal) requirements, California requires a Voter Verified Paper Audit Trail (VVPAT). Sequoia Voting Systems is currently the only company with both federal and state certification. If the County purchases after the deadline of January 1, 2006, we risk losing the ability to claim HAVA funds.
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**Total** | **Sub-Total** | **Selling Price** | **Tax** | **Freight** | **Total** | **Per Unit** | **Equipment** | **Quantity** | **Option 1 - Full DRE**

Mariposa County, CA
Pricing and Quantities

Mariposa County, CA
SECRETARY OF STATE KEVIN SHELLEY CERTIFIES VOTING SYSTEM WITH PAPER AUDIT TRAIL

First AVVPAT System Certified for Statewide Use in California

Sacramento -- Secretary of State Kevin Shelley today (Jan. 21) approved for use in California a touch screen voting system that produces an accessible, voter verified paper audit trail (AVVPAT) to meet requirements of both state and federal law beginning in 2006.

The Voting Systems and Procedures Panel voted yesterday, after hearing testimony from county elections officials, vendors and other interested parties, to recommend to the Secretary that he certify the AVC Edge using the VeriVote printer manufactured by Oakland-based Sequoia Voting Systems.

"I am pleased to be able to offer to counties for consideration in their purchasing decisions a system that meets the paper audit trail standards that I developed in conjunction with county elections officials, representatives of the disabled and minority-language communities, and others," Shelley said.

These standards became the basis for those adopted into state law with the passage of SB 1438 last year. They also address the accessibility provisions of the Help America Vote Act (HAVA).

California, under Secretary Shelley's leadership, has led the nation in the development of minimum standards and guidelines for independent paper audit trails to confirm that the direct recording electronic (DRE) voting machines accurately capture a voter's vote.

The system approved today for general use in California was used in a pilot project in San Bernardino County in one precinct in the November presidential election, and was used statewide in Nevada for the presidential election last year. Both experiences were positive. The Sequoia VeriVote system was rigorously tested and approved by the federal government as well as by technical experts in behalf of the Secretary of State.

As part of his certification of the system, Secretary Shelley required the vendor to agree to provide source code for the voting system's computer programs and a working model of the system to his office.

HAVA requires that by January 1, 2006, all polling places have at least one voting machine that allow individuals with disabilities, including blind and visually impaired voters, to vote privately and independently. Under the law, this requirement can be met by having at least one DRE equipped with an audio device in each polling place. California law requires all DRE systems used after January 1, 2006, to provide an accessible, voter-verified paper audit trail.
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MARJORIE WASS, Treasurer/Tax Collector/County Clerk
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PRESENTATION RELATIVE TO DIRECT ELECTRIC RECORDING MACHINES AND CONTRACT NEGOTIATIONS WITH SEQUOIA VOTING SYSTEMS FOR THE UPGRADE TO HAVA COMPLIANT VOTING MACHINES FOR POLLING LOCATIONS

Resolution No. 05-92

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 22, 2005

ACTION AND VOTE:

9:47 a.m. Marjorie Wass, Treasurer/Tax Collector/County Clerk; Presentation by Sheree Noell of Sequoia Voting Systems Relative to Direct Electric Recording Machines; Waive the Bid Process and Authorize the County Clerk/Registrar of Voters to Enter into Contract Negotiations with Sequoia Voting Systems in the Amount of $399,240.70, for an Upgrade to the Help America Vote Act of 2002 (HAVA) Compliant Voting Machines for Polling Locations

BOARD ACTION: Marjorie Wass advised that she will come back with a contract for approval and with more financial information on the funding. Sheree Noell gave an overview of Sequoia Voting Systems and a demonstration of the new voting machines. Discussion was held. (M)Fritz, (S)Stetson, Res. 05-92 was adopted approving the requested action, with direction for the contract to come back for approval/Ayes: Unanimous.

cc: File