

Public Informational Hearing

**The Future of Voting in California:
The People, the Equipment, the Costs
Secretary of State, 1st Floor Auditorium
February 8, 2010, 10:00 a.m.**

Introduction

- Good morning, I'm Evan Goldberg, the Chief Deputy Secretary of State under Secretary of State Debra Bowen.
- I'd like to thank those of you who are speaking, those of you who are here in the audience, and those of you who are watching on the Internet for joining this hearing today.
- The weekend storms on the East Coast have had an impact on our agenda – Secretary of State Bowen and Brian Hancock of the Election Assistance Commission both had their flights from Washington, DC, cancelled and will not be with us today.
- Secretary Bowen felt it was important to go ahead with this hearing even in her absence, because so many other people had made travel plans to be here from other parts of the state or the country, and she did not want to cancel the hearing on such short notice.
- Before we begin, I'd like to introduce the county elections officials who are joining me here on the dais today:
 - Rebecca Martinez, Madera
 - Gail Pellerin, Santa Cruz
 - Jill LaVine, Sacramento
 - Dean Logan, Los Angeles
 - Austin Erdman, San Joaquin

Orange County Registrar of Voters Neal Kelley was originally

scheduled to be here as well, but he had to cancel last week and sends his regrets.

- The purpose of today's hearing is three-fold in that we want to take a look at:
 - The current voting system marketplace;
 - What the next generation of voting *systems* and voting *methods* will look like; and
 - What California can or should do to drive the market to develop the products and options that serve the interests of voters.

- It has been 8 years since the enactment of the Help America Vote Act.

- That sweeping 2002 federal law had a profound affect on how people cast their ballots and one of its immediate impacts was, at the time, to create a seller's market for the voting system industry.

- That's because the vast majority of voting jurisdictions across the country had to replace their existing voting system with a HAVA-compliant systems by January 1, 2006.

- Since HAVA's enactment, billions of taxpayer dollars have been spent to buy and maintain new optical scan, direct recording electronic ("DRE"), and ballot marking devices.

- The voting system industry itself has been through changes as well, with a rapid expansion following the enactment of HAVA and now a major market consolidation that will impact county elections officials and voters.

- While there are potential new market entrants on the horizon, there are questions about their viability given the structure of the marketplace and the real or perceived barriers to entry.

- New technologies that rely on open or disclosed source software are in development, while at the same time, the state of Washington recently joined Oregon as an all-mail balloting state.
- As Secretary Bowen noted in the background paper published for this hearing, even if the appropriate public policy answer or answers to the current challenges were obvious – which they are not – the reality is any solution or solutions will be greatly influenced by the current and projected financial challenges faced at the federal, state, and local levels.
- Many of the questions Secretary Bowen has, that I have – and I think everyone up here on the dais with me have – are laid out in the background paper that was published for this hearing, including:
 - What should Californians demand from the next generation of voting equipment and how can they drive the market to develop the products and options that serve the interests of voters?
 - Are there better methods and equipment for casting and counting ballots than the systems county elections officials currently have?
 - What are the costs of moving to new voting methods or equipment?
 - What are the costs of maintaining existing systems to ensure they are secure, accurate, reliable, and accessible?
 - What lessons have been learned since the implementation of the federal Help America Vote Act of 2002 (HAVA) and how can policy makers ensure that mistakes are not repeated?

These are the questions the participants in today's hearing will be addressing.

Before calling up the first panel, I have some housekeeping notes I'd like to make, but before I get to those, let me ask the Registrars of

Voters on the dais with me if they'd like to make any comments before we get started this morning.

Housekeeping

- Before hearing from our panel, I'd like to take a moment to take care of some housekeeping items.
 - First, if everyone could turn their own personal electronic devices to "stun," that would be appreciated.
 - This hearing is being web cast live on the Internet from the Secretary of State website as well as taped for broadcast on the California Channel.
 - For those of you in the audience who would like to speak during the public comment period, there are sign in cards at the table at the entrance of the auditorium.
 - We'll take speakers in the order in which they have signed in.
 - Anyone who wishes to submit written testimony can do so by delivering a hard copy or by emailing an electronic copy to votingsystems@sos.ca.gov
 - This hearing is also being transcribed, and we will be posting a copy of the transcript as well as any written testimony and public comments we receive on the hearing website, which is:

www.sos.ca.gov/voting-systems/hearings

- That means all comments made verbally, or in writing, as part of this hearing will become a matter of public record.

- Those of you who have seen Secretary Bowen run hearings during her time in the Legislature know that she runs very interactive hearings, and I believe all of us up here intend to follow that lead.
- All of the panelists here today have been told to be prepared to have their presentations interrupted by questions from me and from the registrars on the dais with me today.
- It's not uncommon for the most useful information from any hearing to come from the question and answer portion, not from the scripted presentations, so Rebecca, Gail, Dean, Austin, and Jill if you have something you want to ask don't feel you have to wait until the end of anyone's presentation or the end of a panel to ask a question.
- So, with that, let's call up our first panel.