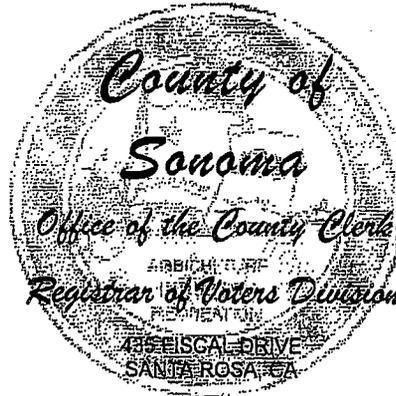


JANICE ATKINSON  
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March 29, 2007

The Honorable Debra Bowen  
 California Secretary of State  
 1500 11<sup>th</sup> Street  
 Sacramento, CA 95814  
 ATTN: Voting Systems Review, 6<sup>th</sup> Floor

Dear Secretary Bowen:

The following is Sonoma County's response to the request for input to the draft criteria for the Top-to-Bottom Review of Voting Systems Certified for Use in California Elections. In addition to the issues raised by the California Association of Clerks and Elections Officials (CACEO), specifically, the limited scope of the review, the unstated qualifications of the reviewers, the lack of measurable criteria and declared thresholds for acceptability, and the critical timing of potential decertification of voting systems prior to the 2008 Presidential elections, all of which we wish to incorporate by reference herein, Sonoma County has identified the following additional areas of concern which we wish to call to your attention.

*The draft Top-to-Bottom review criteria make no mention of, nor accommodation for, "blended" voting systems.* It is important that the criteria for the Top-to-Bottom review take into consideration the innovative ways in which counties such as Sonoma have found to meet the legal requirements of HAVA, while retaining our proven, paper-based, primary voting system.

To provide some background, Sonoma County has used the DFM Mark-A-Vote voting system as the primary voting system since 1983. This system is a central count, optical scan, paper-based, multiple card voting system, with election contests printed on tabulating cards. At the polls, the cards are marked with provided marking pens, and absentee ballots are marked in pencil. The ballots are tabulated using tab card readers which have been modified to read marks. The system has been in use for over 20 years and lends itself particularly well to vote-by-mail, which is very important to Sonoma County, as we have one of the highest percentages of permanent absentee voters in the State.

To meet the disability access requirements of the Help America Vote Act, Sonoma County has supplemented its primary voting system with one Hart InterCivic eSlate Disabled Access Unit (DAU) at each polling location. As required by law, the DAU's are equipped with a voter verifiable paper audit trail. The Hart InterCivic DAU's were selected after input was provided by the disabled community, and are made available as adaptive technology to allow voters with disabilities to mark a ballot without assistance. Sonoma County does not use Hart's tally software, but instead duplicates the ballot image from the DAU onto Mark-A-Vote cards, and tallies the votes using the DFM system.

To some degree, every county uses some form of "blended" voting systems, as there is no accessible voting component that can be mailed to voters for absentee voting. However, some voting system

**Response to Secretary of State Bowen's  
Top to Bottom Voting System Review Criteria**

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companies market a package system that includes both an absentee voting component and a disabled access component. Because Sonoma County's primary voting system cannot meet disabled access requirements, and the company that developed the system does not have an accessible component, it was necessary to supplement our system with an accessible component from another voting system manufacturer.

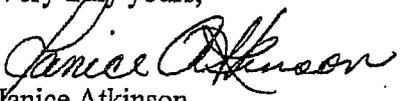
*The draft Top-to-Bottom review criteria make no mention of, nor accommodation for, the cost of the voting system review.* Elections Code §19206, which applies to the initial certification of a voting system, provides that the Secretary may require the person or corporation submitting the voting system to deposit funds ensuring payment of the no more than three experts employed to perform the certification examination, and §19221, which applies only in instances in which the Secretary has found county inspection of voting equipment to be inadequate, requires the county to fund the no more than three experts employed to re-examine the equipment. However, §19222, under which it is presumed this review is proposed, is silent on the cost of the examination, leading one to believe this cost is to be paid through the Secretary of State's budget.

Sonoma County's primary voting system, Mark-A-Vote, was purchased from DFM Associates over 20 years ago. One of the advantages of this system is that it is relatively inexpensive. DFM does not print ballots for use with the system. Ballots are purchased from an independent, state certified ballot printer. Except for pre-election card reader maintenance, which is paid on a time and materials basis, and occasional coordination of a group purchase of marking pens, there are no ongoing costs paid to DFM Associates in regard to the Mark-A-Vote voting system. Further, as a result of the disabled access requirements of HAVA, and the costs associated with State and Federal certification, DFM is not actively marketing the Mark-A-Vote voting system. It is not reasonable to assume that DFM Associates would be willing to absorb the costs of conducting the proposed review.

*The draft Top-to-Bottom review criteria make no mention of, nor provision for, the cost of replacing voting systems should they be deemed to have failed the review.* Within the past year, Sonoma County has spent over \$4 million state and federal tax dollars on supplemental voting equipment to fulfill the accessibility requirements of HAVA, and that cost represents a single unit in each polling place. Statewide, the money expended to replace and implement new voting systems over the past few years is estimated to be roughly 100 times Sonoma County's expenditure. Considering the cash-strapped condition of California counties and the State, the economic feasibility of replacing voting systems should be included in the review criteria.

Thank you for your consideration of our concerns. Should you have any questions in this regard, I can be reached at (707) 565-1877.

Very truly yours,

  
Janice Atkinson,  
County Clerk-Recorder-Assessor  
County of Sonoma