

STATE OF CALIFORNIA
SECRETARY OF STATE
OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT

PUBLIC HEARING ON THE WITHDRAWAL OF
CERTIFICATION AND CONDITIONAL APPROVAL OF VOTING SYSTEMS
NOT TESTED AND CERTIFIED TO CVSS

CALIFORNIA STATE CAPITOL BUILDING
ROOM 3191
1315 10TH STREET
SACRAMENTO, CA

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1:00 P.M.

Reported by:
Peter Petty

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PUBLIC COMMENT:

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P R O C E E D I N G S

1:04 p.m.

SECRETARY PADILLA: Good afternoon, everybody.

The time is now 1:04 p.m. Today is March 19th, 2019 and we are in the California State Capitol, Room 3191. I want to just call this hearing to order. Let's go ahead and begin.

The topic or subject matter of this hearing is the recent withdrawal of certification of older voting systems in the State of California. My name is Alex Padilla, proud to serve as your California Secretary of State.

Before I go into some opening remarks, and after which we'll certainly invite public comment and testimony, one quick housekeeping item. If we find the need to, there are some speaker cards available for you to fill out and submit to the staff, so we can make sure that you're afforded an opportunity to provide oral comments. Anyone wishing to submit written comments whether you're here today or catching us -- are we streaming? -- of just hearing about our hearing, you can email written comment at any time to votingsystems@sos.ca.gov. But please do so by 5:00 p.m. on March 28th, 2019.

With that let me thank those of you who are in the audience today. I want to recognize both Bill O'Neill and Dean Logan, Registrars from 2 of our 58 California

1 counties in the audience today. I hope to hear from you in
2 just a few minutes.

3 But let me start by setting the stage here.
4 Election modernization has been a priority for me since
5 even prior to my election as Secretary of State. Some of
6 you may recall that while I was serving in the State Senate
7 I authored Senate Bill 360, which took effect on January
8 1st, 2014 and put California out front in pursuing expanded
9 options for modernizing voting systems, while preserving
10 and codifying some of the highest standards for security,
11 testing and certification in the country.

12 Among other things, Senate Bill 360 allowed
13 county election officials to develop, own and operate
14 public voting systems, subject of course to the approval
15 and certification of the Secretary of State. This is what
16 has empowered Los Angeles County to bring their VSAP
17 project to the point where it is today.

18 Senate Bill 360 also required the Secretary of
19 State to adopt and publish voting system standards and
20 regulations that meet or exceed the Voluntary Voting System
21 Guidelines set forth by the United States Elections
22 Assistance Commission. And Senate Bill 360 called for
23 modern techniques known as risk-limiting audits to verify
24 the accuracy of voting technology.

25 But as Secretary of State, I'm also proud to have

1 sponsored legislation that brought reforms such as
2 automatic voter registration to California, a new way of
3 administering elections known as the Voter's Choice Act.
4 And together we've advocated for state funding for voting
5 system upgrades and replacements.

6 Now, the age of our voting systems have been a
7 concern for some time. And in fact, pose one of the
8 gravest threats to the integrity of our elections. Going
9 back to 2014, President Obama's Commission on Election
10 Administration issued a report that included this passage.
11 "Perhaps the direst warning the Commission heard in its
12 investigation concerned the impending crisis in voting
13 technology. Well known to election administrators if not
14 the public at large, this impending crisis arises from the
15 widespread wearing out of voting machines purchased a
16 decade ago."

17 In early 2016, I authored a joint op-ed with
18 Orange County Registrar of Voters, Neal Kelly, making the
19 case for funding to modernize California voting systems.
20 It took a few years of continued advocacy in partnership
21 with the California Association of Clerks and Election
22 Officials, I might add, but we were finally successful in
23 securing \$134 million in this year's state budget to
24 upgrade or replace aging voting systems. This budget
25 allocation was essential and timely to say the least.

1 And just last month, in a hearing of the U.S.
2 House of Representatives' Committee on Homeland Security,
3 Department of Homeland Security Director Christopher Krebs
4 testified. And again I'll quote, "It will take significant
5 and continual investment to ensure that election systems
6 across the nation are upgraded and secure, with vulnerable
7 systems retired. These efforts require a whole of
8 government approach."

9 As you all know voting systems in the majority of
10 California counties are at or near their life expectancy.
11 Many counties have voting machines that are in need of
12 replacement parts that are no longer manufactured. Some
13 counties have equipment that utilize operating systems that
14 are so old their vendors no longer provide tech support,
15 meaning they cannot be patched or updated with the latest
16 security software.

17 In September of 2015, the Brennan Center for
18 Justice at NYU issued a report entitled "America's Voting
19 Machines at Risk," which raised a number of concerns
20 including the failure of equipment to work as intended, and
21 the difficulty of finding replacement parts for machines
22 that are no longer manufactured.

23 And finally, in 2016, a report by the California
24 Legislative Analyst's Office underscored this point and
25 recommended that the Legislature consider one-time funding

1 to replace aging voting systems. Specifically the LAO
2 wrote, "In one example a county system had a failed part
3 that is no longer supported by the manufacturer or easy to
4 replace. The county purchased a replacement part through
5 eBay."

6 So to address this, I have exercised my authority
7 as California's Chief Elections Officer to help accelerate
8 the process for ensuring that all California's voting
9 systems meet the California Voting System Standards
10 requirements. We can't afford to rely on outdated systems,
11 crossing our fingers and hoping for the best.

12 As such, a few weeks ago, I initiated a process
13 for withdrawing the Certification or the Conditional
14 Approval of voting systems that were previously granted if
15 they have not been tested and certified to the current
16 California Voting Systems Standards.

17 Many California counties are already well on
18 their way towards adopting new CVSS-compliant systems. In
19 fact 20 counties have already implemented such systems with
20 others in the procurement process. For reference there
21 are currently three voting systems which have been tested
22 and certified to the new standards: Number one, Dominion
23 Voting, Inc. Democracy Suite 5.2 Voting System; the County
24 of Los Angeles's Voting Solutions for All People Tally 1.0
25 System; and HART InterCivic's Verity voting 3.0.1 Voting

1 System.

2 In addition, there are three more voting systems
3 currently being tested and reviewed to the California
4 Voting Systems Standards. They are Dominion Voting Systems
5 Democracy Suite 5.10. The County of Los Angeles' Voting
6 Solutions for All People Tally Version 2.0 and Election
7 Systems and Software's EVS 6.0.4.2

8 The withdrawal of certification or a conditional
9 approval is effective August 27th, 2019. Pursuant to
10 Elections Code Section 19232 however, any election
11 conducted six months from that August 27th date shall not
12 be affected by this action. Therefore, any federal, state,
13 county, municipal, district or school election conducted
14 from August 27th through February 27th of 2020, may
15 continue to use voting systems previously certified or
16 approved even if it has not been tested and certified to
17 the Voting System Standards.

18 I recognize the work and challenges with
19 implementing a new voting system. And I want to ensure
20 that counties move to a CVSS certified system. There may
21 be unique circumstances that could impede a jurisdiction
22 from procuring and implementing a CVSS certified system by
23 February 27th of 2020, including such things as delays in
24 the procurement process or county funding. Therefore, for
25 any election conducted after February 27th, 2020, in which

1 a county believes they need to use a decertified system, a
2 written Request for a Conditional Approval for an Extension
3 of Use will be considered by my office, but must be
4 submitted by April 5th, 2019.

5 Requests must be submitted in writing and include
6 the following: 1) The jurisdiction's justification for a
7 Conditional Approval for Extension of Use; and 2) the
8 jurisdiction's plan and schedule for implementing a CVSS
9 certified voting system including detailed procurement and
10 staff training schedules as well as a specific final
11 implementation date.

12 Finally, while not required, I have convened this
13 public hearing to allow interested parties to comment on
14 this action. California has been a leader in the area of
15 voting systems for many years, but we have come to
16 appreciate that the threats to our democracy from nefarious
17 actors, both foreign and domestic, will continue. And that
18 is what causes us to take this action today.

19 I will now turn it over to Susan Lapsley to
20 provide a brief. history of these legacy voting systems
21 Susan?

22 MS. LAPSLEY: Great, thank you. For those who
23 may remember, back in 2002 the Help America Vote Act was
24 passed and signed into law by Congress, and the President
25 at the time, in response to hanging chads and butterfly

1 ballots in Florida. At the time there was federal money
2 that was appropriated to all 50 states and California
3 received a large portion of that. But with the money came
4 also requirements and responsibilities.

5 With that money states were required to make sure
6 that all voting systems had a voter verified paper audit
7 trail. They had to do away with punch card or lever
8 voting. They had to ensure that voting systems were
9 accessible for those with specific needs for voting. And
10 so California began on that journey of modernizing its
11 voting systems.

12 California at the same time also passed the
13 Shelley-Hertzberg Voting Modernization Bond Act of 2002,
14 which provided additional money to counties at the time to
15 upgrade their systems. It went hand in hand with the
16 requirements of the -- the benefit of the money was a
17 requirement that counties implement by the election in
18 2006. At the time, the U.S. Department of Justice was
19 threatening litigation against many of California counties
20 to comply with the requirements of HAVA. And so counties
21 moved forward with meeting the requirements of HAVA and
22 upgrading their systems and replacing those punch card and
23 lever systems as well as providing accessible alternatives
24 for those with specific needs in voting.

25 The downside of that was that the equipment that

1 they had available to buy was based upon technology that
2 was, at the time just 20 years old, and over 20 years old
3 for some of the jurisdictions. So in that rush to get HAVA
4 compliant systems and use their HAVA money and not be sued
5 by the federal government, the counties made the purchases
6 and implemented these systems.

7 Soon thereafter in 2007, the previous Secretary
8 of State commissioned a special report by scientists at UC
9 Berkeley to investigate the systems and they performed a
10 top to bottom review of several systems. At the time it
11 was the Diebold GEMS 1.18.24 AccuVote TSX System, the HART
12 InterCivic System 6.2.1 System, the Sequoia WinEDS Version
13 3.1.012 and ES&S InkaVote Plus Precinct Ballot Counter
14 Voting System Version 2.1.

15 Soon after conducting the top-to-bottom review,
16 they identified some security vulnerabilities. They
17 decertified those systems and then reapproved and
18 recertified those systems with additional security
19 requirements and mitigations around those systems.

20 After that the California Secretary of State
21 moved forward in implementing through the requirements of
22 SB 360. There was a requirement that the Secretary of
23 State develop Voting Systems Standards, that it removed
24 certification from being required to go to the Federal
25 Election Assistance Commission, and allowed the state to do

1 certification without that certification happening. So in
2 doing that the California Secretary of State's voting
3 system standards had to meet or exceed the federal
4 standards.

5 So in 2014, the as the Secretary mentioned, the
6 California Voting Systems Standards were developed at the
7 time and currently they are the most advanced and modern
8 voting system standards. They take -- they have open-ended
9 vulnerability testing, there's penetration testing.
10 There's a wide variety of requirements that are in those
11 that aren't in any other testing standards.

12 And as the Secretary mentioned, after 2014 more
13 and more reports and investigations began happening around
14 voting systems. As he mentioned, the 2014 President's
15 Commission on Election Administration mentioned not only
16 how outdated these systems were, but how parts were
17 unavailable and their lack of security. Their 2015 Brennan
18 Center Report did the same as did the 2016 Legislative
19 Analyst's Office here in California.

20 So that brings us to the point of, as the
21 Secretary mentioned, the systems are old. They are based
22 on old technology. The can no longer be patched. They can
23 no longer receive parts. They are no longer supported by
24 their vendors. There's a litany of issues around them and
25 California's counties have done a phenomenal job of

1 maintaining those systems and keeping them running securely
2 and safely given the lack of patches and other support
3 around them. So that's what brings us here today.

4 SECRETARY PADILLA: Great. Thank you, Susan.

5 So now that the stage has been set, anybody who
6 wishes to offer public comment is welcome to come forward
7 at this time. I see -- I mentioned two of our Registrars
8 of Voters in the audience. If you'd like to come first,
9 you're welcome.

10 MR. LOGAN: Good afternoon. I'm Dean Logan. I'm
11 the Registrar-Recorder/County Clerk for Los Angeles County.
12 Thank you for the opportunity to be here. And thank you,
13 Mr. Secretary, for your continued support for the
14 modernization of voting systems in California. It's been a
15 long road and I remember working collaboratively with your
16 Senate Office on SB 360 and that laid the foundation for
17 the work that we're doing in LA County on the Voting
18 Solutions for All People Initiative. So it's actually
19 pretty exciting to be where we are today since that's been
20 over a decade in the making.

21 So I'm pleased to be here today just to put on
22 the record, our belief that this action is a positive and
23 solid policy position grounded in recognizing the critical
24 need for secure, usable and modern voting equipment. And
25 as you referenced, both of you in your earlier comments, I

1 think it's fair to say that the nature of the environment
2 in which we operate in elections actually necessitates this
3 action.

4 As I said in Los Angeles County we initiated a
5 little over a decade ago the Voting Solutions for All
6 People Initiative. And we did that -- at the time we did
7 that, because there was no other viable option for Los
8 Angeles County. We already had a legacy voting system that
9 was at the end of its life cycle and there was no available
10 system on the market, certified or not certified, that
11 could meet the needs of LA County in terms of capacity and
12 in terms of offering a new and improved voting experience
13 for our electorate.

14 So we are pleased that through that work we now
15 have, and as you referenced, we're excited to see that our
16 system was one of those listed as meeting the standards.
17 And we have an application pending for the full solution
18 that will roll out in March of 2020. So we're pleased to
19 be at that point, pleased to have something that does meet
20 the capacity, but also to be opening the doors towards open
21 technology solutions in California that don't rely on the
22 kind of traditional proprietary vendors that have been the
23 exclusive market for voting systems in California.

24 So with that I would also say that I think it's
25 important to note that this action today is not about

1 counties dragging their feet or their lagging interest in
2 doing so. And indeed I think many of the counties,
3 especially those who have the kind of equipment that you
4 referenced in your opening remarks, very much would like to
5 have new voting systems in place. Rather it's a
6 consequence of a limited and largely closed market, a
7 history of regulatory instability, and an inadequate
8 funding base. So the good news is we've worked hard here
9 in California to address all of those things.

10 And this action is an important step, but it's
11 not a last step. We still need to expand the market.
12 There needs to be more options for counties in California.
13 We need to have voting systems that are designed for
14 further development, because voter behavior and voter needs
15 are changing a rapid basis. And again we need more options
16 for counties.

17 So key considerations going forward, and I think
18 that this is an alignment with your office, is to push for
19 continued funding. The funding last year in the state
20 budget certainly was an important first step and certainly
21 supports the actions being taken that's being discussed
22 today. But it's not adequate to fully replace the voting
23 systems that are needed in California.

24 With regard to open technology and solutions such
25 as the Voting Solutions for All People Project in LA

1 County, and the work that's being done down in San
2 Francisco on open source voting solutions, we need to
3 develop a protocol or a governance structure that allows
4 for the sharing of those systems. And but that does that
5 in a way that also preserves the security of those systems
6 going forward. And we're looking forward to working
7 together on that.

8 In LA County, we also believe very strongly that
9 advancing publicly owned voting systems is a critical
10 component.

11 And finally just the continued partnership around
12 security issues, the work with Department of Homeland
13 Security, with other security and IT professionals here in
14 the state, is critical to the success. Because the systems
15 themselves won't do that as you and I have discussed on
16 multiple occasions. Security for voting is not a
17 destination, it's an ongoing activity, and that requires a
18 lot of partnership and a lot of collaboration.

19 So again appreciate the work that you and your
20 staff have put into this, and the great partnership in
21 moving us forward. And look forward to being back in front
22 of you for the certification of the full VSAP Solution
23 later this year.

24 SECRETARY PADILLA: Thank you, Dean.

25 Bill?

1 MR. O'NEILL: Mr. Secretary and --

2 SECRETARY PADILLA: Let's push that button in
3 front of you.

4 MR. O'NEILL: Thank you. Now I know if it's red
5 it's good.

6 Mr. Secretary and members of your staff which
7 I've got to compliment, you have just phenomenal staff.
8 I've worked with each of the people up here and they're
9 just terrific to work with. I came from the vendor side,
10 so I worked with NaKesha and Todd quite a bit and I really
11 appreciate the support I've always gotten from them.

12 I really appreciate the opportunity to speak
13 here. And I want to compliment you on your dedication.
14 I've noticed since you came on board as Secretary your
15 movement towards technology and improving technology and
16 voting systems, as well as administration of elections, has
17 been really beneficial. I've seen it from the vendor side
18 and now from the county side how great that's been. So I
19 really appreciate that.

20 I'm the Registrar, Bill O'Neill, Registrar of
21 Voters for El Dorado County. The decertification caught us
22 a little bit off guard although we were already looking at
23 a voting system, because we really share your concern about
24 the problems and the age of the system. So we actually
25 have our first Voting System Selection Committee on

1 Thursday. And of many of the things that I'm telling them
2 about the system, and why we're replacing it, are the same
3 things that you and your staff have said today. The aged
4 technology, the lack of equipment that's available. We
5 can't get upgrades. There's lots of things that concern us
6 about the system.

7 With that said, we were going to go out to RFP.
8 With the decertification what we've changed to is no longer
9 going out to RFP, but looking for counties that we can
10 piggy back on. We figure that will save us about four
11 weeks in the selection process, which would be very
12 beneficial because there's now over 30 counties looking to
13 replace, and we don't want to end up being County 34
14 looking for equipment and support. That is a big concern.
15 How will the vendors respond to this and how will the
16 vendors continue to provide good support and enough
17 staffing? So that is a big concern that we have as a
18 county, so we're trying to get further up in line by doing
19 it this way.

20 We always had, as a failsafe, using our current
21 system for 2020 in the event that we couldn't afford a new
22 system; the county couldn't do the matching of the 757,000
23 that we got through AB 24; in the event that out of the
24 three systems the Selection Committee didn't think any of
25 them fit our county's profile.

1 We are also concerned about running out of time.
2 Implementing in my opinion after October could be extremely
3 difficult if not disastrous for the Presidential. So my
4 goal with the vendors was implement and train by August
5 29th of this year to make sure that we didn't run the risk
6 and then potentially use it for our November election
7 cycle. But that's going to be up to the vendors, and what
8 kind of equipment they have, and staffing that they can
9 help us with.

10 And the other thing that we're looking at is vote
11 centers. That's been a big focus of our county since I
12 came on board. Moving forward with vote centers is really
13 critical, I think to serve voters. Now our county, we've
14 been meeting with a lot of folks. We've gotten positive
15 feedback, but I haven't gone to the Board yet on doing
16 that, because we want to make sure we vet it really well
17 with our voters first. But I think it's a great way and I
18 appreciate you pushing through SB 450, yeah because I think
19 it's a terrific way to serve our voters better.

20 We, currently because we need to save time, and
21 because we're trying to cut this time out of it and save as
22 much as we can, it's obviously put a lot of pressure on us.
23 And a couple of things that have come up that is unique to
24 our county and a few other counties, we've got the Senate
25 District 1 election that's coming up. That's going to be a

1 countywide election for us and it's going to cost us about
2 a quarter million dollars. Then it's unlikely with six
3 people on the ballot that that will be settled in the
4 primary, so we'll probably go to a runoff. That's another
5 \$250,000. If one of the Assembly Members is selected that
6 will then be another county election, not the full county,
7 but about 30 percent. So we figure about another 125,000
8 for that election. If it's not settled in the primary then
9 it goes to a runoff. That's another 125,000. You add all
10 that up and that's \$750,000 worth of elections we have to
11 run this year.

12 That's huge concern, because that was -- we were
13 given 757,000 with a one-to-one match. And now we might
14 spend 750,000 on special elections. I've got to go to my
15 Board and my CAO made a joke the other day, "Well Bill,
16 you've come on board and suddenly we're \$1.5 million over
17 budget in your department." While that's kind of funny for
18 us to joke about internally, it really hurts a county like
19 ours.

20 There's such a contrast between -- you've got in
21 LA County which is the largest county in the state and the
22 nation -- and then you've got El Dorado, which we're a
23 fairly small county, but not the smallest. And I know it's
24 just going to be difficult for us to do that match after
25 spending potentially \$750,000 on running these elections.

1 So what we're looking at is how can we come up with the
2 funding?

3 We've also had this phenomenal winter as
4 everybody knows. It's been fantastic. Lots of rain.
5 Great snow. But that's also been somewhat devastating to
6 our county in that there's a lot of trees falling. There's
7 roads that have been damaged. There's other serious issues
8 with our snow plows just broke down, because they've been
9 overused with this winter. That's another drain on our
10 county. So finding the additional funding to help us with
11 this would be really critical.

12 We really, as I mentioned, are looking at
13 seriously at SB 450. I think it'd be a great move for our
14 county. Some of the voters I've talked to also feel that
15 way. But I don't think there's any way we can move to SB
16 450 and do a voting system. It may end up being a pick one
17 or the other. I'm not sure because the pricing difference
18 is so different between a vote center purchase and a
19 polling place purchase.

20 There's some things in SB 450 that are required,
21 the outreach being the biggest component. There's no
22 funding available for outreach right now. We're estimating
23 between \$150,000 and \$200,000 for outreach, because we've
24 got to touch each voter twice before each election. We
25 have to do radio, newspaper, TV ads, those types of things.

1 All great things to do, will serve the voters well. The
2 county was going to have to pay that out of pocket of
3 course and now we have to replace the voting system as
4 well. It's all just concerning from a fiscal standpoint as
5 Dean had also mentioned.

6 So we're just looking at this as it's a move that
7 we wanted to make. It's a move we were moving towards.
8 But with the special elections and other things coming up
9 we just kind of always had in our back pocket that we could
10 failsafe to our existing system. I understand your
11 decision and need to move back, but we could really use
12 some funding help. Especially if we're going to move
13 towards 450 and we have to make this match with 1824.

14 So thank you very much. I do appreciate your
15 time.

16 SECRETARY PADILLA: Okay. Thank you.

17 And so you saw me jotting down some notes. I'll
18 reply to some of the questions and issues you raised, but
19 after we've heard from all the speakers today.

20 MR. O'NEILL: Great. Thank you.

21 SECRETARY PADILLA: Good afternoon.

22 MS. ALEXANDER: Good afternoon. Hi. I'm Kim
23 Alexander with the California Voter Foundation and I'm
24 happy to be here today. Thanks for convening this hearing.
25 I want to share a couple of remarks, and also let you know

1 that the Verified Voting Foundation shares these remarks as
2 well, and will be sending in some written testimony for
3 you.

4 The California Voter Foundation welcomes
5 Secretary of State Alex Padilla's decision to decertify
6 voting systems that do not meet the 2015 California Voting
7 System Standards. California has long required voter
8 verified paper ballots and post-election audits. And has
9 been at the forefront of election security for many years.
10 This decision ensures our state continues its strong track
11 record of proving voters with a high degree of confidence
12 and the reliability and accuracy of our election outcomes.

13 Voter confidence is the cornerstone of free and
14 fair elections. We know it will be challenging for all 58
15 counties to transition to a new voting system in time for
16 the March 2020 Presidential Primary. And understand there
17 may be as many as 22 counties that will seek an extension
18 to continue using legacy systems in 2020. This challenge
19 is compounded by the fact, as I stated earlier, that there
20 are few choices on the market currently that meet the
21 stronger standards from which counties can choose.

22 We don't want counties to rush this decision to
23 acquire new voting systems. As was mentioned earlier, this
24 happened the last time around when we replaced punch card
25 voting machines. And we ended up with tens of thousands of

1 paperless electronic voting machines used by many counties
2 that produced results, which could not be verified and were
3 later retrofitted or replaced with paper based systems.

4 While we don't want counties to rush, we are also
5 concerned that voters in those exception jurisdictions may
6 be wondering if their ballots are secure. Given that some
7 number of counties will be using legacy systems in 2020,
8 the California Voter Foundation recommends that the
9 Secretary of State and legislative leaders mitigate this
10 risk by requiring these counties to take extra steps to
11 secure their election process such as participating in the
12 Secretary of State's Department of Election Cyber Security.
13 And the Department of Homeland Security's Critical
14 Infrastructure Protection Services such as system
15 penetration testing, staff email and security training, and
16 security drills, public reporting of the results of post-
17 election audits that can be easily located online, so that
18 voters can easily learn how their county's election results
19 were verified.

20 Such steps would likely require additional
21 staffing and access to technology experts that may not be
22 available locally in some counties. And somehow the state
23 needs to help counties access the talent and expertise they
24 need to secure our votes.

25 We are appreciative of the careful work the

1 Secretary of State's office and the people here on this
2 panel, are conducting to certify new voting systems to the
3 new rigorous standards. As well as your agency's
4 establishment of the Department of Election Cyber Security
5 and the Legislature's support for creating it, as well as
6 the Secretary of State and Legislature support for funding
7 in last year's state budget to help counties acquire new
8 voting systems.

9 But we also need to get out of this crisis
10 funding mode for elections. Election equipment and
11 election administration are fundamental government
12 resources and services that must be supported by the state
13 on an ongoing basis, not just one-time responses to crisis.

14 Election funding can, and should be used, as an
15 incentive to help improve all counties' election security
16 practices and performance. And provide increased state
17 oversight and guidance in equipment procurement, secure
18 balloting procedures, and post-election audits.

19 Additional state government agencies such as the
20 Bureau of State Audits or the State Controller's Office
21 could be beneficial in providing some assistance and
22 oversight to counties and help ensure investments in
23 election infrastructure are sound.

24 Another area where California can, and should
25 provide more leadership, is in the open source election

1 system movement. We need to stop fighting the last battle
2 and look ahead and be prepared for the future providing an
3 alternative model for acquiring voting systems that is not
4 dependent on private companies and proprietary software,
5 could serve to make secure voting technology more
6 affordable and more reliable.

7 Fortunately, several efforts to develop a new
8 voting system model are underway from the Los Angeles
9 County Voting Systems for All People Project to San
10 Francisco's Open Source Voting Initiative to the new
11 Department of Defense DARPA Project just announced last
12 week to develop an open source voting platform. And the
13 relatively new nonprofit business startup VotingWorks,
14 based in Redwood City, and the OSET Institute also based in
15 California.

16 San Francisco and other counties' open source
17 efforts could benefit from a state investment, which
18 advocates sought in last year's budget, but were not
19 successful. The California Voter Foundation urges our
20 state's leaders to build support for election
21 administration, election funding, and open source election
22 research and development into the state budget on an
23 ongoing basis. So that counties can provide all voters
24 they serve with a high degree of confidence in the
25 reliability of election outcomes, not just from election to

1 election, but from generation to generation. Thank you.

2 SECRETARY PADILLA: Thank you, Kim.

3 Anyone else wishing to offer comments? Going
4 once, going twice.

5 I'll thank you all for your patience, and for
6 those of you who did testify, this has been helpful. And
7 above all, help affirm that the actions that we're taking,
8 is the right step at the right time.

9 Just a couple of comments back at some of what
10 was offered, by those who did testify. What I related to
11 the subject matter for today, did I hear El Dorado may be
12 the next Voter Choice Act County?

13 MR. O'NEILL: We're hoping.

14 SECRETARY PADILLA: As with this transition to
15 newer voting systems, you know, restating our commitment to
16 work with you in complete partnership should you choose to
17 take that step. Because we do think it has served five
18 counties well last cycle and more going forward. Some of
19 the concern -- not in a heavy way, but it was raised that
20 look, it's a finite time period here. We're less than a
21 year from next year's Primary Election.

22 And so again to reiterate that my office stands
23 ready in partnership, all aspects of our agency, to work
24 with counties to make sure that the plans are not just
25 expeditious, but that they're thorough and responsible and

1 ultimately successful in implementing new voting systems.

2 I heard a comment about funding. And the need to
3 have consistent and sustainable funding sources. And I
4 couldn't agree more. Elections and election
5 infrastructure, and especially the security of our
6 elections, is something that cannot just happen once every
7 15 years. As we've come to learn especially since 2016,
8 the threats to our elections, those seeking to undermine
9 our democracy, are at it on a daily basis if not more often
10 than that. I believe the threats to our elections will
11 continue to increase not just in frequency, but in
12 sophistication. And so therefore our defenses have to more
13 than keep up with as well. And so there needs to be
14 ongoing sustained support for elections, yes at the state,
15 but especially at the local level by all of the government:
16 federal state and local.

17 I appreciate acknowledgement of the standards.
18 Just as we're seeking sustained funding for elections, it's
19 not just to put in place what may be the best of the best
20 in the year 2019 or 2020. As technology continues to
21 improve and innovate, and the threats against us continue
22 to increase in sophistication, so do our constant
23 standards, excuse me, so do our standards need to
24 constantly be revisited and improved upon over time.

25 And last but not least, I heard a couple of you

1 mention open source as a potential solution or
2 consideration in this mix. I couldn't agree more. That's
3 why through Senate Bill 360 we opened the door for
4 potential open source voting systems to be utilized in
5 California. To date there has not been a complete open
6 source system brought forward for testing and
7 certification. The \$134 million in the current fiscal year
8 budget does allow counties to utilize some of that funding
9 for an open source system again, once one is tested and
10 certified for use in California or even for the R&D of an
11 open source system.

12 So I couldn't agree more that that's a potential
13 solution in whole or in part. But because there's a lot of
14 conversations around this and a lot of interest about open
15 source across the State of California, the recognition that
16 we await the system to come forward for testing and
17 certification aside from what Los Angeles County has
18 already done through their tally system.

19 And last but not least, just it was not lost upon
20 us at the announcement of this last week, Department of
21 Defense, DARPA, moving forward with their project. So
22 we're already in communication with our federal partners to
23 learn more not just about the substance of that project,
24 but the timeframe for that project and when there can be
25 actionable lessons learned from their pilot.

1 So Team SOS, is there anything I'm missing or
2 overlooking here that we should share for the record?

3 If not thank you all very much for coming. Just
4 as a reminder for those who were unable to be with us today
5 or those of you who might have been shy about coming
6 forward, you can still submit comments in writing by
7 emailing it to voting systems@sos.ca.gov. And we ask that
8 you do so by 5:00 p.m. on March 28th, 2019.

9 Thank you all very much.

10 (Whereupon, the Public Hearing was adjourned

11 at 1:43 p.m.)

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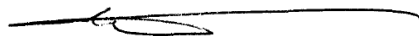
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REPORTER' S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2019.



PETER PETTY
CER**D-493
Notary Public

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of May, 2019.



Jill Jacoby
Certified Transcriber
AAERT No. CERT**D-633