



BOARD OF SUPERVISORS COUNTY OF MADERA

MADERA COUNTY GOVERNMENT CENTER
200 WEST FOURTH STREET / MADERA, CALIFORNIA 93637
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MEMBERS OF THE BOARD

FRANK BIGELOW
VERN MOSS
RONN DOMINICI
MAX RODRIGUEZ
TOM WHEELER

TANNA G. BOYD, Chief Clerk of the Board

File No. 07025

Date: March 27, 2007

In the Matter of SUPERVISORS REPORTS AND STAFF REPORTS

Rebecca Martinez, Madera County Clerk Recorder, speaks regarding Electronic Voting System.

Upon consensus of the Board of Supervisors it is ordered to direct County Counsel to prepare a Letter to the Secretary of State regarding Decertification of Electronic Voting System.

AYES: Supervisors Bigelow, Moss, Dominici, Rodriguez and Wheeler.
NOES: None.
ABSTAIN: None.
ABSENT: None.

Distribution:

Governor Arnold Schwarzenegger
Advocation Incorporation
Assemblyman Tom Berryhill
Assemblyman Mike Villines
Congressman George Radanovich
Congressman Dennis Cardoza
Federal Election Assistance Commission
Federal Department of Justice, Voting Rights Division
Senator Dave Cogdill
Senator Dianne Feinstein
Senator Barbara Boxer
Secretary of State
NACO
CSAC
RCRC
CAO

ATTEST: TANNA G. BOYD, CLERK
BOARD OF SUPERVISORS

By

Briana Parra

Deputy Clerk



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March 30, 2007

VIA HAND-DELIVERY AND U.S. MAIL

Hon. Debra Bowen
Secretary of State
Attn: Voting Systems Review, 6th Floor
1500 11th Street, 6th Floor
Sacramento, CA 94214

Re: Top-to-Bottom Review of Electronic Voting Systems

Dear Secretary Bowen:

The Board of Supervisors of the County of Madera sends its congratulations on your recent election as Secretary of State. Your office is important and we are convinced that you intend to fulfill the duties of said office with efficiency and integrity for the benefit of all California. However, an issue has come to our attention which must be addressed. Please accept this letter as our comments to your Top-to-Bottom Review of Electronic Voting Systems, dated March 22, 2007.

In May of 2006 the Board of Supervisors, in reliance on the previous Secretary's certification and in good faith, authorized the purchase of a voting system for the citizens of Madera County. This system was fully vetted with all interested persons and groups having an interest in voter access. The HART system provides accurate voter tallies, is accessible for the disabled, including the visually handicapped, and provides a paper trail. Moreover, the system is certified by the state and complies with all the requirements of the federal government. The purchase of this system was at some significant expense.

In reviewing your proposed Top-to-Bottom program we became concerned about several aspects of the program. In the first instance, it appears to be a fix for a problem which does not exist in this county, and most other counties of which we are aware. Also, the decertification of our current system would be financially irresponsible in that there are

no verifiable problems with the current system. More importantly, if our system is decertified, we would be without a viable voting system for the upcoming elections in 2008, as we would be out of compliance with federal law under the Help America Vote Act (HAVA).¹

We would like you also to consider that your proposed action may be a state mandate, requiring the state to reimburse the county for the cost of a new system. In our estimation this would be a waste for the reasons stated above. We note particularly the section of your program entitled "Disability Access Testing". (See Draft for Public Comment, Page 4.) While the requirements as outlined in that section may be laudable, they are not required as a matter of law, and could not be accomplished prior to the '08 elections.

The system employed by Madera County is and has worked admirably for all our citizens. Indeed, it was the system in place during your election and there were no problems with that election, either alleged or actual. Therefore, the current program seems more likely to unnecessarily alarm the voters and further erode confidence in our system of governance.

Again, the Board of Supervisors looks forward to working with you and if I can be of any assistance, please do not hesitate to contact me.

Very truly yours,



Vern Moss, Chairman
Madera County Board of Supervisors

VM:DAP:ich

cc: Governor Arnold Schwarzenegger
Assemblyman Mike Villines
Assemblyman Tom Berryhill
Senator Dave Cogdill
Congressman George Radanovich
Federal Election Assistance Commission
Federal Department of Justice, Voting Rights Division

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¹ Our vendor has been offered an "Agreement" which if not executed will result in decertification of the voting system and any component of the voting system which Madera County owns. The vendor is unable to execute the Agreement for many reasons related to their internal business operations. Moreover, this tactic appears to favor a single vendor.