

COUNTY OF EL DORADO
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William E. Schultz



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January 14, 2014

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, Ca. 95667

Subject: Approve and sign Letter of Agreement for an update to the Software/Firmware of the GEMS voting system.

Dear Board Members:

RECOMMENDATION:

Approve and sign agreement with Dominion Voting Systems (Dominion) for an update to the software/firmware of the GEMS voting system.

SUMMARY: The software/firmware license to operate the GEMS voting system will expire in January 2014. The Secretary of State has certified a software/firmware update with Dominion Voting Systems, which owns the license to this update and is the only company approved by the Secretary of State to provide it. Dominion will provide the update for free, but has requested El Dorado County to sign the attached letter of agreement before installation of the update.

DISCUSSION:

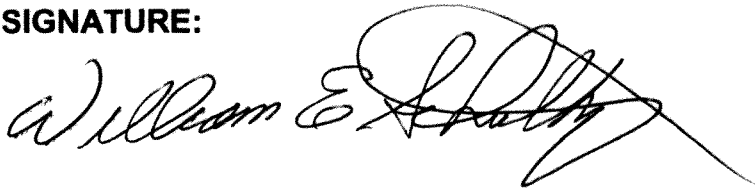
The new software/firmware version for the GEMS voting system includes an update to the Secure Socket Layer Certificate (SSL) which expires in January 2014. The SSL Certificate is a security feature in the vote count system that matches the certificate on the memory cards with that on the central server to make sure they are the same. After the SSL Certificate expires in January, the voting system will not work without the update. The Secretary of State has approved only one vendor, Dominion Voting Systems (Dominion), to provide this update. Because the County does not have a license or maintenance agreement with Dominion, the company has requested the county to sign a Letter of Agreement to provide the software update.

The Letter of Agreement contains an indemnity provision in which the County agrees to indemnify Dominion for all claims arising out of the use of the update except for Dominion's gross negligence or willful misconduct. This indemnification provision is a modified version of the provision originally requested by Dominion. Counties cannot obtain this update from another vendor because the Secretary of State has only approved Dominion to provide the update. I have raised the indemnity issues with the Secretary of State on several occasions, but did not receive a substantive response. Other counties have installed the update with success.

FISCAL/STAFFING IMPACT: None. This software update will be provided free of charge and there will be no impact on staffing.

REVIEWED BY: Auditor-Controller N/A
 County Counsel
 Human Resources N/A

SIGNATURE:



William E. Schultz
Recorder/Clerk/Registrar of Voters/ (Interim) Director Veteran Affairs

Cc: Teri Daly, County Administrative Officer

Attachments