



Legislation Text

File #: 19-0904, **Version:** 1

Elections Department recommending the Board:

- 1) Approve and authorize the Chair to sign Agreement 3958 with Dominion Voting Systems for the purchase of a new voting system, including Ballot on Demand mobile ballot printing, for an amount not to exceed \$866,505, including system purchase of \$574,225 in year one, plus associated annual maintenance and support of \$69,863 per year starting in year two, for a five year term of July 1, 2019 through June 30, 2024; and
- 2) Approve and authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement 3958, including amendments that do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

FUNDING: State AB1824 Funds with up to 50% General Fund match.

DISCUSSION / BACKGROUND

The County of El Dorado Elections Department is responsible for running transparent, open, thorough, and accurate elections for the voters of El Dorado County. A critical component of this responsibility is the production and tabulation of ballots using a system that is not only supported, but updated and current with proper security and compliant with all existing and changing election law.

The County is also responsible for providing an equal voting experience to all voters, including voters with disabilities and specific needs. Significant accessibility improvements have been made since the current system was implemented and it is incumbent upon the County to keep up with those improvements to ensure an equal voting opportunity for those voters with disabilities and specific needs.

The current voting system is aged. The company that originally sold it to the County closed and support of the system was transferred to a different company, Dominion Voting. While Dominion continues to provide support, system hardware components are no longer available, making it difficult to maintain. Over the past decade the original system has had at least two critical failures, necessitating the purchase of outdated technology to replace the original old technology, because State certification requires the system to run on the same equipment on which it was certified in 2005.

The proprietary tabulation software has not been updated since first implemented in 2005, making it difficult to meet changing voting regulations or address system shortcomings. The operating system for the tabulation server is Windows 2000 Server, and has not been allowed a patch or update since 2005. The tabulation hardware is locked by law at 2005 technology, requiring the department to purchase 14 year old back up hardware.

The touchscreen/ADA components are Windows CE, and were last updated in 2004. The County is not allowed, by California law, to update the operating systems because it would require recertification which is a responsibility of the vendor and the vendor is not investing in the system so no new certification will be sought.

The system from Dominion Voting Systems was selected by a committee comprised of County voters, members of the Democrat and Republican Central Committees, League of Women Voters, County IT and Elections staff and an analyst from the Chief Administrative Office. The committee reviewed proposals received from each of the two qualifying, state-certified vendors, then attended demonstrations from each vendor. The committee selected Dominion Voting Systems because they felt it best met the County's current and future voting needs, including the implementation of vote centers.

The recommended system from Dominion Voting Systems was used by 18 California counties in the 2018 election cycle and will be used in up to 29 California counties in the 2020 Presidential election cycle, including neighboring Placer and Sacramento counties. The system meets all California State Certification requirements and is certified by the California Secretary of State's Office.

Elections Code Section 13001 and 14100 provide that elections officials are not required to use a county purchasing agent when acquiring election materials. Section 3.12.040(B) of the El Dorado County Code of Ordinances provides that, "The purchase of election materials and services shall not be subject to the provisions of this [Procurement] Chapter in accordance with Elections Code Section 13001." In addition, the County of El Dorado Board of Supervisors Policy C-17, Section 4.9 further clarifies that the procurement of elections materials are exempt from competitive bidding.

ALTERNATIVES

The Secretary of State (SoS) decertified the County's current system on February 27, 2019 and it cannot be used in the Presidential Preference Primary in March 2020 unless the County requests and is granted a waiver. Given the age of the current system and lack of support or upgrades, it is recommended the County replace the voting system with one that is state-certified and uses the most up to date and best available hardware and software.

PRIOR BOARD ACTION

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Information Technologies, County Counsel

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

The first year cost of the voting system equipment (including Ballot on Demand mobile ballot printing) with service, support, license and warranty is \$535,683 plus applicable sales tax, and includes a 30% discount. The annual license, warranty and maintenance cost starting in year two will be \$65,950 plus applicable sales tax. Annual license, warranty and maintenance costs may increase up to 3% per year, starting in 2021 or year three of the agreement.

The FY 2019-20 Recommended Budget includes expenditures for a voting system up to \$1,514,000 (Accumulated Capital Outlay), utilizing AB1824 funding with a 50% General Fund match of up to \$757,000. Annual license, warranty, maintenance and support costs will be budgeted in future years. It is possible that State Prop 41 Bonds for Modern Voting Equipment and/or Federal HAVA Grant

funding may cover a portion of this purchase, thereby minimizing the impact to General Fund, pending a decision from the Voter Modernization Board (VMB) in early August 2019. The Elections Department will submit a Voting Modernization Project Plan to the VMB in early July 2019.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Send executed Agreement to Bill O'Neill, Elections Department

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

Bill O'Neill, Registrar of Voters, x7505