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February 7, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

MOTION TO INSTRUCT THE COUNTY'S SACRAMENTO ADVOCATES TO SEEK OR SUPPORT LEGISLATION THAT WOULD GIVE THE COUNTY AUTHORIZATION TO ACCESS PROPOSITION 41 FUNDS FOR THE DEVELOPMENT OF ITS NEW VOTING SYSTEM (AGENDA ITEM NO. 4, MEETING OF FEBRUARY 12, 2013)

Item No. 4 on the February 12, 2013 Agenda is a motion by Supervisor Yaroslavsky instructing the County's Sacramento Advocates to continue pursuing County-sponsored legislation to develop, acquire and implement a new voting system on a pilot basis, and to streamline the certification of voting systems in California by asking the Secretary of State to adopt testing standards and to certify, or conditionally approve, all voting systems; and further, to seek or support legislation that would give the County authorization to access Proposition 41 (the Voting Modernization Bond Act) funds for research and development of its voting system.

In 2009 the County's Registrar-Recorder/County-Clerk (RR/CC) launched the Voting Systems Assessment Project (VSAP) to research and develop proposals to modernize and replace the County's aging voting system. Via the VSAP, the RR/CC found that our voters would most benefit from a voting system custom designed and publicly-owned by the County. As current law has no provisions to allow counties to develop and launch their own voting system, the Sacramento Advocates, consistent with Board-approved policy, are currently seeking legislation that would allow the County to develop, acquire and implement a new, publicly-owned voting system on a pilot program basis. The proposed legislation would seek to strengthen and streamline the State's voting system certification process, as well as allow the County to pilot a voting system in an election. These statutory changes would provide the County a more expedient, secure, and cost effective way to develop, test and implement a new system.

The Registrar-Recorder/County-Clerk indicates that to help fund the research and development of this new system, the County needs access to its Voting Modernization Funds, as established by Proposition 41, the Voting Modernization Bond Act of 2002. Under the Voting Modernization Bond Act of 2002, funds were allocated to the counties for the purchase of new voting equipment, including $49.6 million dollars allocated to Los Angeles County. The Proposition 41 implementing statute calls for the purchase of voting systems that are already manufactured and certified by the Secretary of State. The provisions do not specifically allow for these funds to be used for the research and development that would precede the implementation of a custom designed county voting system. A statutory change is needed to allow the County to use a portion of its funds, of which $49 million remain unspent, for this purpose. The statute can be amended by a two-thirds vote of the legislature if the amendment is consistent with, and furthers the purposes of Proposition 41. RR/CC notes that the proposed statutory change is consistent as it would allow the County to use its allocated funds to complete its voting system research and develop a prototype solution that could be certified and implemented in the County.

Since there is no specific Board-approved policy related to amending the Voting Modernization Bond Act of 2002 to allow for the use of its funds for the research and development of voting systems, **approval of this motion is a matter of Board policy determination.** However, as indicated above, it is important to note that the County is currently sponsoring legislation to develop a new County voting system to be implemented on a pilot basis.

We will continue to keep you advised.

WTF:RA
MR:PC:ma

c: Executive Office, Board of Supervisors
County Counsel