



Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN
Registrar-Recorder/County Clerk

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

January 22, 2019

16 January 22, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**AUTHORIZE THE REGISTRAR-RECORDER/COUNTY CLERK TO IMPLEMENT
A PILOT PROGRAM DURING THE NOVEMBER 5, 2019 ELECTION
AS AUTHORIZED BY ELECTIONS CODE SECTION 19209
ALL SUPERVISORIAL DISTRICTS (3 VOTES)**

SUBJECT

The Registrar-Recorder/County Clerk (RR/CC) requests approval for implementation and administration of a pilot program through provisions found in the California Elections Code Section 19209 (EC 19209). The pilot program would be conducted during the November 5, 2019 Local and Municipal Elections. The pilot program will implement the use of the County's new voting equipment, including the new Ballot Marking Device (BMD) and associated peripherals, developed through its Voting Solutions for All People (VSAP) Project.

IT IS RECOMMENDED THAT THE BOARD:

1. Delegate authority to the RR/CC, or designee, to submit a plan on or before February 5, 2019, to the California Secretary of State (SOS). The plan shall indicate Los Angeles County's intention to conduct a pilot program in accordance with the provisions of EC 19209.
2. Grant authority to the RR/CC, or designee, to administer a pilot program using BMDs during the November 5, 2019 Local and Municipal Elections.
3. Permit the RR/CC, or designee, to conduct a risk-limiting audit (RLA) for votes cast under the purview of this pilot program with at least a ninety percent (90%) chance of requiring a full manual tally of the contest(s) whenever a full manual tally should show an outcome that differs from the outcome reported by the pilot voting system.

4. Require the RR/CC to comply with any regulations adopted by the SOS governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems for purposes of this pilot program.
5. Ensure that the number of voting system units deployed by the Department does not exceed fifty percent (50%) of the estimated number of units that would be required for full implementation of the voting system at every voting site in a statewide election throughout Los Angeles County.
6. Require the RR/CC to notify the SOS in writing within thirty (30) days of any defect, fault or failure of hardware, software or firmware of the voting system or any part of the voting system upon completion of the pilot program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Voters in Los Angeles County have used the same voting device for over fifty (50) years. Changing voter behavior requires significant planning and messaging that can be developed by studying how voters behave during the pilot program.

The Department will implement changes that greatly diverge from how elections have been administered over the past several decades. Implementation of a pilot program ahead of the March 5, 2020 Presidential Primary Election will provide valuable insight regarding implementation, unanticipated administrative challenges and, most importantly, how voters interact with the VSAP Project's new equipment, processes and overall experience.

The November 5, 2019 Local and Municipal Elections provide an ideal setting for this pilot program due to the limited nature of those elections. Currently, only four municipalities are anticipated to have contests on the ballot. Most municipal jurisdictions have already consolidated election schedules with the County's even-year election cycle and no longer feature local elections during odd-number years. This creates an opportunity for voters to interact with the County's new voter experience while the RR/CC studies that interaction and its administration planning and execution.

Implementation of Strategic Plan Goals

This request supports the County Strategic Plan as follows:

Goal III. Realize Tomorrow's Government Today: Strategy III.2 – Embrace Digital Government for the Benefit of our Internal Customers and Communities. Implement technological business solutions to enable the RR/CC to meet their core mission of providing essential records management and election services in a fair, accessible and transparent manner.

The implementation of the VSAP Project allows the Department to provide elections administration using technology that enhances the voter experience and improves transparency, while increasing accountability and voting records management.

FISCAL IMPACT/FINANCING

Funding in the amount of \$120,000 for the administration of the pilot program in accordance with the provisions of EC 19209 in the November 5, 2019 Local and Municipal Elections will be included in the Department's FY 2019-20 VSAP Project Budget request.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Through adoption of EC 19209, the State authorizes a governing board to "provide for the experimental use of a voting system in a pilot program," in accordance with certain criteria under the law.

The Department shall submit intent as well as a pilot program plan to the SOS within nine months of the election date (on or before February 5, 2019) to be approved or rejected within three months of submission.

As required in EC 19209, the RR/CC shall conduct a risk-limiting audit during the post-election canvass period. Currently, the Department uses a 1% manual tally audit. The risk-limiting audit will only be required as part of the pilot program. A "risk-limiting audit," as described in EC 19209, "means a procedure that ensures a large, predetermined minimum change of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the voting system for the audited contest." Under full implementation beginning with the March 3, 2020 election, the RR/CC may return to the current 1% Manual Tally.

The Department shall also notify the SOS in writing of any defect, fault, or failure of hardware, software, or firmware of the voting system or a part of the voting system within thirty (30) days upon completion of the pilot program.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Successful administration and implementation of a pilot program will yield significant information that will be applied to the VSAP Project since this will be the first opportunity where voters will interact with the County's new voting experience in a live election setting.

Due to the reduced size of the November 5, 2019 Local and Municipal Elections, this creates a unique opportunity to administer the election while taking advantage of the modest number of precincts and instituting a number of data and fact-finding measures that will improve the program moving into 2020.

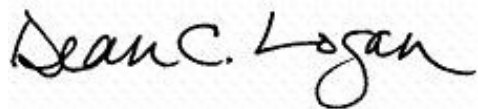
Furthermore, it will lead to greater efficiency and public confidence in Los Angeles County elections - information gained can improve how the Department administers future elections and be made available to the public.

The Honorable Board of Supervisors

1/22/2019

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Respectfully submitted,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive style with a large, stylized "D" and "L".

DEAN C. LOGAN

Registrar-Recorder/County Clerk

DCL:AN:RF

APL:PT:VW

jw

c: Chief Executive Officer
County Counsel