



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 7/19/2022

To: Board of Supervisors

Department or Agency Name(s): Clerk-Recorder-Assessor-Registrar of Voters

Staff Name and Phone Number: Kim Barrett (707) 565-3471

Vote Requirement: Majority

Supervisorial District(s): All

Title:

Modern Voting System Contract Amendment with Dominion

Recommended Action:

Authorize the Clerk-Recorder-Assessor-Registrar of Voters to execute a second amendment to the contract with Dominion Voting Systems, Inc. for equipment, licensing, maintenance, and support services for the voting system extending the contract term to June 30, 2029, increasing the contract amount by \$628,849 for a new not to exceed amount of \$3,415,350 and amending the scope to clarify Special Election ballot setup services and acquisition of 10 additional accessible marking device machines.

Executive Summary:

On August 7, 2018 the Board authorized execution of an agreement with Dominion Voting Systems Inc. to provide equipment, licensing, maintenance, and support services for the Democracy Suite version 5.2 voting system with a contract end date of June 30, 2026 in an amount not to exceed \$2,300,000. On August 1, 2020 the contract was amended to increase the contract amount by \$486,500 for additional in-person voting equipment necessary to comply with the Governor's Executive Order N-67-20 enacted amid the pandemic which required counties to have a minimum number of voting locations for every 10,000 registered voters beginning the Saturday before the November 2020 Election.

With the County's move to the Voter's Choice Act (VCA) model of conducting elections, it has been determined that the Registrar of Voters will need to acquire an additional 10 accessible marking device (ICX) machines from Dominion. These devices have several accessible voting interfaces that allow voters with various disabilities to effectively vote, review and cast a paper ballot in a private and independent manner. To purchase these machines would cost approximately \$70,000. Dominion has agreed to waive the cost of the additional 10 machines if we extend our current contract with them for three years from June 30, 2026 to June 30, 2029.

The department is requesting authority to enter into a second amendment for continued managed services and support through June 30, 2029, increasing the contract for a not to exceed amount of \$3,415,350, and expanding the scope for Special Election ballot set up services and acquisition of 10 additional ICX machines.

The cost of the contract extension is eligible for 75% reimbursement by the Secretary of State Voting System Replacement contract.

Discussion:

Senate Bill 450 (2016) added Election Codes Sections 4005-4008, authorized 14 California counties to implement the Voter Choice Act (VCA) model for the 2018 election cycle and authorized all California counties to implement the VCA model for the 2020 election cycle. The VCA authorizes a county to conduct elections as all- mailed ballot elections, if certain conditions are met related to ballot drop boxes, in-person voting locations, and election administration plans. As in current elections, all ballots cast by mail must be postmarked on or before Election Day in order to be counted. Under the VCA, the Registrar of Voters (ROV) Office is required to install one secure ballot drop box for every 15,000 voters, and the boxes must be open by the 28th day before an election. The law also requires one in-person voting location per 50,000 voters be open a minimum of eight hours a day for the ten days before the election, as well as one in-person voting location per 10,000 voters be open a minimum of eight hours a day for the three days before the election and from 7:00am to 8:00pm on Election Day itself.

Furthermore, under the VCA, instead of being assigned to a specific polling place that is only open on Election Day, voters can choose to vote at any Vote Centers on the day that is most convenient for them. Implementing the VCA would also create resilience during disasters, and ensure that voters were not disenfranchised on Election Day by being unable to vote the correct ballot. It would also be a solution to on- going issues with recruiting and retaining poll workers and polling places. The Board of Supervisors approved the model of voting on March 16, 2021.

The Registrar of Voters will need to acquire an additional 10 ICX machines to meet the requirements for the VCA model of conducting elections. To purchase these machines would cost approximately \$70,000. Dominion has agreed to waive the cost of the additional 10 machines if we extend our current contract with them for three years from June 30, 2026 to June 30, 2029.

If the Dominion Voting Systems, Inc. contract extension is approved, the cost of the extension can be funded 75% by the department's existing Secretary of State Voting System Replacement contract. The Board of Supervisors approved resolution 19-0074 dated February 5, 2019 to enter into a contract with the Secretary of State for reimbursement of voting equipment for \$1,681,000 with an end date of June 30, 2021. With this resolution the Board of Supervisors also appointed the County Clerk-Recorder-Assessor, ex-officio Registrar of Voters as agent to conduct all negotiations, execute and submit all documents including but not limited to applications, contracts, payment requests, and other documentation which may be necessary for execution of the duties and responsibilities under the Voting System Replacement Contract. Under this appointment the County Clerk-Recorder-Assessor signed an amendment with the Secretary of State on September 26, 2019 to increase the contract to \$2,771,398.50 and a new end date of June 30, 2022. The contract was further amended on March 23, 2022 to extend the end date to December 31, 2024. The Secretary of State's contract allows the Registrar of Voters' office to purchase new equipment, maintenance and support for the equipment and be reimbursed for 75% of the costs.

To date, the Registrar of Voters has received reimbursement from the Secretary of State of approximately

\$2.1M. Should the Board approve the proposed second amendment, the Clerk-Recorder-Assessor will file a reimbursement claim seeking \$471,637 or 75% reimbursement for cost of contract years 2026-2029 \$628,849 prior to the Secretary of State Voting System Replacement contract ends.

The proposed second amendment seeks to extend the term for an additional three years with annual cost of managed services \$209,616 (total increased cost \$628,849) and amend the scope to facilitate additional 10 ICX machines and ballot set up and support services for Special Elections.

Strategic Plan:

N/A

Prior Board Actions:

March 16, 2021 adopted resolution authorizing the implementation of the Voter's Choice Act (VCA) model of conduction elections.

February 5, 2019 adopted a resolution authorizing a contract with the Secretary of State for Voting System Replacement reimbursement.

August 14, 2018 adopted resolution authorizing the purchase of the Dominion Voting Systems.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$209,616	\$209,616	\$209,616
Additional Appropriation Requested			
Total Expenditures	\$209,616	\$209,616	\$209,616
Funding Sources			
General Fund/WA GF	52,404	52,404	52,404
State/Federal	\$157,212	\$157,212	\$157,212
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$209,616	\$209,616	\$209,616

Narrative Explanation of Fiscal Impacts:

The table represents annual contract costs \$209,616 funded 25% with Registrar of Voters budget and 75% reimbursement from the Secretary of State Voting System Replacement contract.

The proposed second amendment contract costs for years 2026-2029 totaling \$628,849 will be funded by 25% with Registrar of Voters budget \$157,212 and 75% will be reimbursed by the Secretary of State Voting System Replacement contract \$471,637.

Staffing Impacts:

Agenda Date: 7/19/2022

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Resolution to extend contract
Dominion Original Contract
Dominion First Amendment
Dominion Second Amendment

Related Items “On File” with the Clerk of the Board:

N/A