

# The County Of Nevada



CLERK RECORDER-REGISTRAR OF VOTERS

GREGORY J. DIAZ

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## NEVADA COUNTY BOARD OF SUPERVISORS Board Agenda Memo

**MEETING DATE:** June 18, 2019  
**TO:** Board of Supervisors  
**FROM:** Nevada County Clerk-Recorder/Registrar of Voters  
**SUBJECT:** Resolution Approving Execution of Master Agreement for the Verity Voting System with HART InterCivic, Inc.

**RECOMMENDATION:** Approve the attached Resolution authorizing the execution of the Master Agreement with HART Intercivic.

**FUNDING:** The Agreement is funded by County General Fund in the amount of \$581,266 for fiscal year 2019/2020. Pursuant to CCROV #18206 (attached), State and Federal HAVA funding in the amount of \$315,633 will be reimbursed to the County. The total expenditure to the General Fund will be \$265,633. The Elections Department is anticipating further reimbursement from the Governor's May Revise, the amount has yet to be determined for Nevada County.

### **BACKGROUND:**

Pursuant to County Clerk/Registrar of Voters Memorandum #19015, the Secretary of State, pursuant to the authority granted in Elections Code Section 19232, withdraws certification and conditional approval of all California voting systems, in whole or in part, not tested and certified to the California Voting System Standards (CVSS), effective August 27, 2019. Elections Code section 19232 states that "the Secretary of State may decertify any voting system or part thereof, determined to be defective, obsolete, or unacceptable." The voting systems being decertified contain obsolete hardware and software components, and employ end-of-life operating systems that are no longer supported.

The Nevada County Clerk-Recorder/Registrar of Voters continues to utilize HART InterCivic's Elections Voting System but is in the process of upgrading to HART InterCivic's "Verity" voting system. The Verity Voting system incorporates certain hardware, software and services as described in the Master Agreement. The term of the Master Agreement is three years, unless terminated as set forth within the Master Agreement. The Verity Voting System complies with the testing and certification process as per the California Voting System Standards (CVSS), as of February 27, 2019.

**Item Initiated by:** Frederick Garcia

**Approved by:** Gregory J. Diaz

**Submittal Date:** May 21, 2019

**Revision Date:**



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
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August 29, 2018

County Clerk/Registrar of Voters (CC/ROV) Memorandum #18206

**TO:** All County Clerks/Registrars of Voters  
**FROM:** /s/ Susan Lapsley  
Deputy Secretary of State and Counsel  
**RE:** New State and Federal Help America Vote Act (HAVA) Funding Available

New state and federal HAVA funding has been authorized by the state and federal governments to be used for election purposes. Currently, for fiscal year 2018-2019, the following funds will be made available to counties:

- \$134 million in state funds for voting system modernization;
- \$1.5 million in federal funds for costs associated with cyber security risks and associated infrastructure needs related to VoteCal; and
- \$1.5 million in federal funds for costs associated with polling place accessibility.

As with all previous funding, these county funds will be allocated through state contracts with the counties and be reimbursement based. Approval by your County Board of Supervisors along with the appropriate County Resolution will be required. Draft contracts will be sent at the end of September.

**State Funds:**

The Governor's fiscal year 2018-2019 state budget provides \$134 million for counties for the replacement of voting systems, including all tabulation equipment, accessible equipment, election management system software and hardware, electronic poll books and ballot on demand printers. This cost includes a one-time purchase of all the necessary hardware, software, peripherals and one year's worth of software licenses.

The \$134 million dollars will require that the county match funds for eligible expenditures on a dollar-for-dollar basis, up to the allocated amount on a reimbursement basis. See [Assembly Bill 1824, Chapter 38 \(Stats. 2018\)](#), which adds sections 19400 and 19402 to the Elections Code and specifies details around the funding.

Specifically:

- Counties may seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015.
- Counties may seek reimbursement where the county has spent matching county funds on voting system replacement activities on a dollar-for-dollar basis, up to the maximum amount of funds allocated for the contract.
- Reimbursable voting system replacement activities include reimbursement for:
  - New voting systems that have been certified pursuant to the California Voting System Standards.
  - Electronic poll books certified by the Secretary of State.
  - Ballot on demand systems certified by the Secretary of State.
  - Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the Secretary of State.
  - Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.
  - Telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.
  - Vote by mail ballot sorting and processing equipment.
  - Research and development of a new voting system using only nonproprietary software and firmware with disclosed source code that has not been certified or conditionally approved by the Secretary of State, but that would result in a voting system certified by the Secretary of State to comply with the California Voting System Standards.
  - Manufacture of voting system units reasonably necessary for either of the purposes described in Elections Code sections 19209 to 19214.

The funding for each county for voting system replacement was approved and set through the fiscal year 2018-2019 budget process. The amount allocated for each county is fixed and was based on a variety of factors and assumptions, including such things as county size, number of precincts, and voting equipment needs. See Attachment A for the breakdown by county for these funds. Reimbursement will be allowed for qualifying payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015, through June 2021.

**Federal Funds:**

The United States Congress passed and the President signed the Consolidated Appropriations Act of 2018 which appropriated \$380 million dollars in 2018 HAVA Election Security Fund grants for election security. The U.S. Election Assistance Commission (EAC) awarded California \$34,558,874, to assist with activities to improve the administration of elections for Federal office. The EAC has identified several areas of suggested use primarily focused around cybersecurity. The Secretary of State has submitted our plan for the \$34 million, which will help address cyber security risks, polling place and vote center accessibility, capital costs, infrastructure needs, and

equipment costs associated with vote center implementation, and efforts associated with risk limiting audits, including by enhancing election technology and making election security improvements, as authorized under Section 101 of HAVA. See Attachment B for the Secretary of State's plan for utilizing the funding.

For fiscal year 2018-2019 the following federal funding for counties has been authorized.

- \$1.5 million for county support for Cyber Security related to VoteCal associated with cyber security risks and associated infrastructure needs related to VoteCal.
- \$1.5 million for county support for Polling Place Accessibility and Improving the Administration of Elections.

This funding does not require a county match. See Attachment A for the breakdown by county for these funds. Reimbursement will be allowed for qualifying payments made through June 2019.

Kathryn Chaney (KC) will be the contact for the contract process for all of these funds. Any questions you have about the status of your contract or reimbursement claims should be directed to Ms. Chaney. She can be reached by telephone at (916) 695-1657 or by email [kchaney@sos.ca.gov](mailto:kchaney@sos.ca.gov).

**Attachment A**

**County Allocation of FY 18-19 Federal and State Funding**

County	Cyber Security	Polling Place Accessibility	Voting System Replacement
	<ul style="list-style-type: none"> <li>• Federal HAVA Funds</li> <li>• No county match required.</li> </ul>	<ul style="list-style-type: none"> <li>• Federal HAVA Funds</li> <li>• No county match required.</li> </ul>	<ul style="list-style-type: none"> <li>• State Funds</li> <li>• Dollar-for-dollar county match required.</li> </ul>
Alameda	\$ 55,000.00	\$ 55,000.00	\$ 5,621,500.00
Alpine	\$ 10,000.00	\$ 10,000.00	\$ 50,000.00
Amador	\$ 10,000.00	\$ 10,000.00	\$ 173,000.00
Butte	\$ 25,000.00	\$ 25,000.00	\$ 821,500.00
Calaveras	\$ 10,000.00	\$ 10,000.00	\$ 199,500.00
Colusa	\$ 10,000.00	\$ 10,000.00	\$ 152,500.00
Contra Costa	\$ 55,000.00	\$ 55,000.00	\$ 3,647,000.00
Del Norte	\$ 10,000.00	\$ 10,000.00	\$ 190,500.00
El Dorado	\$ 25,000.00	\$ 25,000.00	\$ 757,000.00
Fresno	\$ 25,000.00	\$ 25,000.00	\$ 2,886,500.00
Glenn	\$ 10,000.00	\$ 10,000.00	\$ 253,000.00
Humboldt	\$ 25,000.00	\$ 25,000.00	\$ 542,000.00
Imperial	\$ 25,000.00	\$ 25,000.00	\$ 419,500.00
Inyo	\$ 10,000.00	\$ 10,000.00	\$ 73,500.00
Kern	\$ 25,000.00	\$ 25,000.00	\$ 2,291,000.00
Kings	\$ 25,000.00	\$ 25,000.00	\$ 341,500.00
Lake	\$ 10,000.00	\$ 10,000.00	\$ 246,000.00
Lassen	\$ 10,000.00	\$ 10,000.00	\$ 107,500.00
Los Angeles	\$ 200,000.00	\$ 200,000.00	\$ 43,128,000.00
Madera	\$ 25,000.00	\$ 25,000.00	\$ 378,000.00
Marin	\$ 25,000.00	\$ 25,000.00	\$ 1,038,000.00
Mariposa	\$ 10,000.00	\$ 10,000.00	\$ 207,000.00
Mendocino	\$ 10,000.00	\$ 10,000.00	\$ 337,500.00
Merced	\$ 25,000.00	\$ 25,000.00	\$ 657,000.00
Modoc	\$ 10,000.00	\$ 10,000.00	\$ 145,000.00
Mono	\$ 10,000.00	\$ 10,000.00	\$ 116,000.00
Monterey	\$ 25,000.00	\$ 25,000.00	\$ 1,160,500.00
Napa	\$ 25,000.00	\$ 25,000.00	\$ 499,500.00
Nevada	\$ 25,000.00	\$ 25,000.00	\$ 449,500.00
Orange	\$ 55,000.00	\$ 55,000.00	\$ 9,823,000.00

Placer	\$ 25,000.00	\$ 25,000.00	\$ 1,410,500.00
Plumas	\$ 10,000.00	\$ 10,000.00	\$ 206,500.00
Riverside	\$ 55,000.00	\$ 55,000.00	\$ 6,156,500.00
Sacramento	\$ 55,000.00	\$ 55,000.00	\$ 4,714,500.00
San Benito	\$ 10,000.00	\$ 10,000.00	\$ 348,500.00
San Bernardino	\$ 55,000.00	\$ 55,000.00	\$ 5,903,000.00
San Diego	\$ 55,000.00	\$ 55,000.00	\$ 10,685,000.00
San Francisco	\$ 25,000.00	\$ 25,000.00	\$ 3,011,500.00
San Joaquin	\$ 25,000.00	\$ 25,000.00	\$ 2,060,500.00
San Luis Obispo	\$ 25,000.00	\$ 25,000.00	\$ 1,043,000.00
San Mateo	\$ 25,000.00	\$ 25,000.00	\$ 2,474,000.00
Santa Barbara	\$ 25,000.00	\$ 25,000.00	\$ 1,357,500.00
Santa Clara	\$ 55,000.00	\$ 55,000.00	\$ 5,572,000.00
Santa Cruz	\$ 25,000.00	\$ 25,000.00	\$ 1,009,500.00
Shasta	\$ 25,000.00	\$ 25,000.00	\$ 686,500.00
Sierra	\$ 10,000.00	\$ 10,000.00	\$ 43,000.00
Siskiyou	\$ 10,000.00	\$ 10,000.00	\$ 190,000.00
Solano	\$ 25,000.00	\$ 25,000.00	\$ 1,409,500.00
Sonoma	\$ 25,000.00	\$ 25,000.00	\$ 1,681,000.00
Stanislaus	\$ 25,000.00	\$ 25,000.00	\$ 1,500,500.00
Sutter	\$ 10,000.00	\$ 10,000.00	\$ 313,000.00
Tehama	\$ 10,000.00	\$ 10,000.00	\$ 438,000.00
Trinity	\$ 10,000.00	\$ 10,000.00	\$ 169,000.00
Tulare	\$ 25,000.00	\$ 25,000.00	\$ 958,000.00
Tuolumne	\$ 10,000.00	\$ 10,000.00	\$ 209,000.00
Ventra	\$ 25,000.00	\$ 25,000.00	\$ 3,008,000.00
Yolo	\$ 25,000.00	\$ 25,000.00	\$ 699,500.00
Yuba	\$ 10,000.00	\$ 10,000.00	\$ 378,000.00
	<u>\$ 1,535,000.00</u>	<u>\$ 1,535,000.00</u>	<u>\$ 134,347,500.00</u>

**Attachment B**

**California Secretary of State HAVA Funding Narrative  
Submitted to and Approved by the Election Assistance Commission July 2018**

**\$1,564,000 – Fiscal Year 2018-2019**

**County Support for Cyber Security related to VoteCal**

Support of county efforts associated with cyber security risks and associated infrastructure needs related to VoteCal.

**\$1,564,000 – Fiscal Year FY 2018-2019**

**County Support for Polling Place Accessibility and Improving the Administration of Elections**

Support of county efforts associated with polling place accessibility and improving the administration of elections.

**\$20,000,000 – Fiscal Years 2018-2019, 2019-2020**

**County Support for Vote Center Implementation**

County support for capital costs, infrastructure needs, and equipment costs associated with vote center implementation.

**\$3,000,000 – Fiscal Year 2019-2020**

**County Support for Cyber Security**

County support for efforts associated with cyber security risks and associated infrastructure needs.

**\$4,000,000 – Fiscal Years 2019-2020, 2020-2021**

**VoteCal Security Enhancements**

VoteCal technical and security enhancements.

**\$3,000,000 – Fiscal Years 2019-2020, 2020-2021**

**County Cyber Security Training**

Development of security training curriculum and training of counties annually.

**\$400,000 – Fiscal Years 2019-2020, 2020-2021**

**Election Auditing**

County support for county efforts associated with risk limiting audits.

**\$1,030,874 – Fiscal Years 2018-2019, 2019-2020, 2020-2021**

**Personnel Costs**

Secretary of State indirect costs including: personal services costs of administrative, supervisory, and executive staff; personal services costs of support units, including accounting, internal audits, legal, information technology, clerical support, etc.

**Total: \$34,558,874**