



COUNTY OF VENTURA

BOARD OF SUPERVISORS

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First District

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October 8, 2024

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Approval of, and Authorization for the County Clerk-Recorder & Registrar of Voters to Sign Two (2) Second Amendments to Two Agreements with Dominion Voting Systems, Inc. for the County's Voting System to Upgrade Voting Equipment, Annual License and Hardware Warranties, and Extend the Term of the Agreements; Authorize the County Clerk-Recorder & Registrar of Voters to Sign Addenda and Additional Amendments to Agreements Not to Exceed Ten Percent of the Agreement Amount.

RECOMMENDATIONS:

It is recommended that our Board:

1. Approve, and authorize the County Clerk-Recorder & Registrar of Voters to sign, a Second Amendment to the Voting System and Services Agreement (Voting System Agreement Second Amendment) with Dominion Voting Systems, Inc. (Dominion) for the upgrade of election equipment in an amount not to exceed \$258,855, and annual software license and hardware warranty fees in the starting amount of \$273,641, effective Fiscal Year (FY) 2024-25, with five percent annual increases thereafter, with an extended term until June 30, 2033.
2. Approve, and authorize the County Clerk-Recorder & Registrar of Voters to sign, a Second Amendment to the Mobile Ballot Printing System and License Agreement (Mobile Ballot Printing Agreement Second Amendment) with Dominion in the amount of \$49,199 commencing on July 1, 2025, with annual increases not to exceed five percent, with an extended term until June 30, 2033.
3. Authorize the County Clerk-Recorder & Registrar of Voters to sign addenda and additional amendments to the two Dominion agreements if the addenda and amendments do not exceed ten percent of the respective agreement amount, subject to review and approval by the County Executive Office and County Counsel.

Fiscal/Mandates Impact:

Mandatory:	No
Source of Funding:	General Fund
Funding Match Required:	No
Impact on Other Departments:	None

Summary of Revenues and Costs:

	<u>FY 2024-25</u>	<u>FY 2025-26</u>
Revenue:	\$ 0	\$ 0
Costs:		
Direct	\$ (36,371)	\$ 595,376
Indirect-Agency/Dept.	0	0
Indirect-County CAP	0	0
Total Costs	\$ (36,371)	\$ 595,376
Net Costs:	\$ (36,371)	\$ 595,376
Recovered Indirect Costs:	\$ 0	\$ 0

FY 2024-25 Budget Projection for Elections Division – Unit 1921				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$12,314,267	\$12,858,659	\$12,858,659	\$ 0
Revenue	\$ 4,302,450	\$ 6,513,688	\$ 6,513,688	\$ 0
Net Cost	\$ 8,011,817	\$ 6,344,971	\$ 6,344,971	\$ 0

The Elections Division's Fiscal Year (FY) 2024-25 Adjusted Budget and Forecasted Budgets through FY 2026-27 include the Voting System and Mobile Ballot Printing Systems Annual Software License Fees and Annual Hardware Warranty Fees through June 30, 2027. The expenditures identified above for FY 2025-26, and in the exhibits to the Second Amendments, represent the additional costs of upgrading the voting system hardware (\$258,854.64), the reduced Voting System annual license and warranty fees (starting at \$273,641 in FY 2024-25 and increasing to \$287,322 in FY 2025-26) and the Mobile Ballot Printing System annual hardware warranty (\$49,199) to extend the term of the agreements through June 30, 2033. The Voting System Agreement Second Amendment includes the return of 90 surplus Ballot Marking Devices (BMDs) for credit, thus reducing the annual software license and hardware warranty fees by \$36,371 in FY 2024-25; there is no additional fiscal impact this current fiscal year. Future costs and fees will be considered and acted upon by our Board in the Elections Division budget during the budget hearing process in future years. Under section 15.2 of both agreements, if the funds are not appropriated during the budget hearing process, the agreements may be terminated by the County.

Discussion:

On December 11, 2018, our Board approved a Voting System and Services Agreement (Voting System Agreement) with Dominion to replace the County's existing outdated election system, as recommended by then County Clerk-Recorder & Registrar of Voters Mark Lunn.

Funding for the purchase was provided by a Help America Vote Act (HAVA) grant to upgrade the federal and state-certified hardware, software, and professional services necessary to conduct secure, accurate, and efficient elections.

On July 28, 2020, with the Elections Division preparing to conduct the upcoming November 3, 2020, General Election under COVID-19 restrictions, our Board approved a Mobile Ballot Printing System and License Agreement (Mobile Ballot Printing Agreement) for the purchase of mobile ballot printers (MBPs) needed to implement a limited-scope Voter's Choice Act (VCA) election model. The VCA election model requires on-site ballot printing capabilities at the in-person vote centers.

After successfully utilizing the limited-scope VCA election model in 2020 and 2021, the County transitioned to full VCA status in 2022 under the leadership of Mr. Lunn. The VCA model enabled the County to consolidate in-person voting into approximately 50 vote centers, a significant reduction from the more than 300 polling places that had been previously required.

To ensure the Elections Division would be properly equipped for the VCA election model, on August 25, 2022, Clerk-Recorder Lunn signed First Amendments to the original 2018 Voting System Agreement (Voting System Agreement First Amendment), and the 2020 Mobile Ballot Printing Agreement (Mobile Ballot Printing Agreement First Amendment).

The Mobile Ballot Printing Agreement First Amendment allowed the return of the 59 OKI brand MBPs (a brand that would not be supported in the future) in exchange for 119 Hewlett Packard MBPs. The 119 total represents replacement of the original 59 MBPs plus an additional 60 MBPs to deploy to high-traffic vote centers.

The Voting System Agreement First Amendment allowed the return of a surplus of ImageCast X ballot marking devices (BMDs) and their associated annual contracts. The Elections Division had an excess of BMDs due to the reduced number of in-person voting locations required under the VCA model. Dominion gave the Elections Division \$715,450 in credit for the returned election equipment plus an additional \$11,960 credit for returned toner, totaling \$727,410. These credits were utilized exclusively for settling existing and future Dominion invoices.

It is important to note that the Dominion voting system at issue is one of only three certified by the California Secretary of State's Office, a bar that must be met for a voting system

to be purchased and used in California elections. The safety and security associated with this system is higher given the stringent governmental requirements and heightened security protocols required to obtain certification. Such measures certify voting systems based on their functionality, accessibility, accuracy and security. Currently, 39 of 58 California counties utilize Dominion's Democracy Suite Voting System.

Today our Board is asked to approve the following two (2) Second Amendments with Dominion:

1. The Voting System Agreement Second Amendment contains an upgrade of the hardware for existing BMDs (used for ADA-accessible voting at the vote centers), as well as upgrades to election management hardware for the central tabulation system. The Voting System Agreement Second Amendment also includes the return of 90 surplus BMDs for credit, as the Elections Division continues to trim its previous inventory for the vote center model. This Second Amendment also extends the term of the agreement from June 30, 2027 to June 30, 2033. The Voting System Agreement Second Amendment is attached as Exhibit 1.
2. The Mobile Ballot Printing Agreement Second Amendment synchronizes the yearly agreement term with the term of the Voting System Agreement Second Amendment, aligning the two election equipment agreements with a term ending June 30, 2033. The Mobile Ballot Printing Agreement Second Amendment is attached as Exhibit 2.

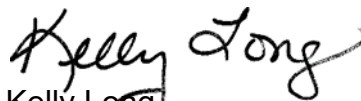
All hardware associated with the election system in the proposed Amendments is required to be certified by the State of California and comply with both California Voting System Standards and applicable state and federal laws. The prospective hardware upgrades are scheduled for deployment in the 2026 election cycle, or during a special election in 2025, if applicable.

This letter has been reviewed by the County Executive Office, County Counsel, the Auditor-Controller, and the County Clerk-Recorder & Registrar of Voters.

Sincerely,



Matt LaVere
Supervisor, First District



Kelly Long
Supervisor, Third District

Attachments:

- Exhibit 1 – Second Amendment Dominion Voting System and Services Agreement
- Exhibit 2 – Second Amendment Mobile Ballot Printing System and License Agreement
- Exhibit 3 – Voting System and Services Agreement with First Amendment
- Exhibit 4 – Mobile Ballot Printing System Agreement with First Amendment