

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

March 29, 2022

**FROM**

**MICHAEL JIMENEZ, Interim Registrar of Voters, Registrar of Voters**

**SUBJECT**

Amendment to Contract with Dominion Voting Systems, Inc. for State-Certified Voting System Hardware and Software components, Licensing, Maintenance, Extended Warranties, and Election Support Services

**RECOMMENDATION(S)**

Approve **Amendment No. 3 to Contract No. 19-453** with Dominion Voting Systems, Inc., to amend the 5-Year Buyback Schedule for Precinct Equipment in Attachment A to reflect a 50% credit in Year 3 towards equipment and services, clarifying the 5-Year Buyback Schedule for Precinct Equipment to begin as of the effective date of the original contract for all years of the 5-Year Buyback Schedule, and agreeing to a buyback of 700 ImageCast Precinct Ballot Scanner Kits, with no change to the total contract amount of \$31,939,045 or the contract term of July 9, 2019 through July 8, 2034.

(Presenter: Michael Jimenez, Interim Registrar of Voters, 387-2100)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). On March 19, 2019 (Item No. 35), the County entered into a revenue agreement (County Agreement No. 19-188) with the Secretary of State who would reimburse the County for up to \$5.9 million in one-time expenditures related to the purchase and implementation of this new voting system for expenditures made through June 30, 2021. This revenue agreement included a dollar-for-dollar match by the County. On June 11, 2019 (Item No. 106), the Board of Supervisors (Board) approved one-time funding in the amount of \$30 million for the purchase and implementation of a new State-certified voting system, and an additional \$2.95 million from the Secretary of State for one-time costs of this voting system replacement project, for a total of \$8,854,500 being reimbursed by the State.

The amount of credit for future equipment and services anticipated from the sale of 700 ImageCast Precinct Ballot Scanner Kits (Kits), to include Tabulator, collapsible ballot box, two removable storage device (CF Cards), and two poll worker iButton (tokens), for \$1,858.50 per unit, plus tax, to Dominion is estimated to be \$1.4 million. Adequate appropriation and revenue are included in the Registrar of Voters (ROV) 2021-22 budget and will be included in future recommended budgets.

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**BACKGROUND INFORMATION**

On February 27, 2019, the Secretary of State announced that most of California’s voting systems would be decertified effective August 27, 2019, including the voting system that the ROV used at the time. Per the Secretary of State, these decertified voting systems could not be utilized for elections after February 27, 2020.

In response to the Secretary of State’s announcement, on July 9, 2019 (Item No. 40), the Board approved Contract No. 19-453 with Dominion Voting Systems, Inc. (Dominion) for the purchase of a new, State-certified voting system, including hardware and software components, licensing, maintenance, extended warranties, and election support services in an amount not-to-exceed \$31,939,045, for the 15-year period of July 9, 2019 through July 8, 2034, with one five-year renewal option. Contract provisions allowed the County to purchase additional equipment from Dominion under the not-to-exceed amount of the original Contract should election needs require. This contract also included the purchase of 1,440 State-certified Kits that would allow ROV to more efficiently conduct elections, and a 5-Year Buyback Schedule for Precinct Equipment (Schedule), where Dominion would buy back equipment from the County at a percentage of cost according to the following:

<b>Original Schedule</b>		<b>Revised Schedule (All Years are Based on the Effective Date of the Contract)</b>	
<b>Year</b>	<b>Buyback Percentage</b>	<b>Year</b>	<b>Buyback Percentage</b>
1	75%	1	75%
2	50%	2	50%
3	25%	3	50%
4	25%	4	25%
5	25%	5	25%

On December 17, 2019 (Item No. 61), the Board approved Amendment No. 1 to Contract No. 19-453 to revise the quantity of Kits to 1,200, and update the payment schedule and delivery of the Kits to April 15, 2020, with no change to the amount or term of the Contract, due to the various components needed to comprise the State-certified voting system. COVID-19 impacted the scheduled delivery of the Kits, and the final shipment of the Kits was received on May 19, 2020.

On March 2, 2021 (Item No. 45), the Board approved Amendment No. 2 to the Contract to modify the delivery schedule of the Kits, amend the payment schedule, and formalize the addition of two high-speed ballot scanners with associated ongoing licenses and maintenance to the list of purchased equipment, with no change to the total amount or term of the Contract.

The Kits were not used as planned in the 2020 Presidential General Election due to social distancing measures and other COVID-19 health and safety measures. Secondly, Elections Code section 3000.5 required counties to mail a ballot to all active registered voters for the 2020 Presidential General Election, prompting the ROV to purchase the additional two high-speed ballot scanners under Amendment No. 2 of the Contract, where mail ballots comprised 82.56% and 66.81% of the ballots cast for the 2020 Presidential General Election, and 2020 Presidential Primary Election, respectively. Lastly, the number of polling places anticipated to be used in the

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2022 elections is expected to decrease to 320 polling places, from 396 polling places used in the 2021 and 2020 elections.

To accommodate the trend in mail ballot usage, it is recommended to sell back 700 of the 1,200 Kits to Dominion for credit towards equipment and services based on the new percentage of 50% for each Kit under Year 3 of the Schedule. Although a portion of the Dominion equipment purchased under this contract was reimbursed by the State, Exhibit A of the agreement with the State indicates that should a county election official dispose of voting systems or voting equipment purchased with Voting System Replacement Contract funding, no pre-approval or permission is required by the State, and documentation to ensure a solid audit trail should be maintained.

Under this recommended amendment, the years of the Schedule would also be clarified to reflect the number of years from the effective date of the contract for all years of the Schedule.

**PROCUREMENT**

Contract No. 19-453 with Dominion was the result of a competitive procurement process under Intent to Negotiate No. ROV119-ROV3324 issued on March 28, 2019, for the purchase of a State-certified replacement voting system.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on March 22, 2022; Purchasing (Lisa Zhu, Buyer II, 387-2464) on March 22, 2022; Finance (Elias Duenas, Administrative Analyst, 387-4052) on March 21, 2022; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on March 21, 2022.

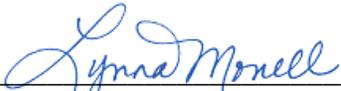
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Dawn Rowe  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: March 29, 2022



cc: ROV - Jimenez w/ agree  
Contractor c/o ROV w/ agree  
File w/ agree  
JLL 04/6/2022