

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

September 26, 2023

FROM

STEPHENIE SHEA, Registrar of Voters

SUBJECT

Amendment to Contract with Dominion Voting Systems, Inc. for an Election Training Database, Text Aloud Audio and Equipment

RECOMMENDATION(S)

Approve **Amendment No. 4 to Contract No. 19-453** with Dominion Voting Systems, Inc., amending the payment schedule for the purchase of additional programming services for an Election Training Database, Dominion Voting Systems, Inc.'s use of Text Aloud Audio, purchase of additional central scanning equipment and associated licensing and support costs, updating the contract language to include vendor duties relating to data management, and increasing the contract amount by \$586,621 from \$31,939,045 to an amount not to exceed \$32,525,666, with no change to the contract term of July 9, 2019 through July 8, 2034.
(Presenter: Stephenie Shea, Registrar of Voters, 387-2100)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this recommendation may result in the use of additional Discretionary General Funding (Net County Cost). The ongoing costs of \$586,621 associated with Amendment No. 3 are currently funded within the Registrar of Voters (ROV) base allocation. Approval of the necessary budget adjustments are not requested at this time, but will be included in a future budget report to the Board of Supervisors (Board) for approval, if necessary.

BACKGROUND INFORMATION

On July 9, 2019 (Item No. 40), the Board approved Contract No. 19-453 (Contract) with Dominion Voting Systems, Inc. (Dominion) for the purchase of a new, State-certified voting system in an amount not to exceed \$31,939,045, for the 15-year period from July 9, 2019 through July 8, 2034, with one five-year renewal option.

On December 17, 2019 (Item No. 61), the Board approved Amendment No. 1 to the Contract with Dominion, revising the deadline for the delivery of precinct ballot scanners to April 15, 2020 for use during the 2020 Presidential General Election.

On March 2, 2021 (Item No. 45), the Board approved Amendment No. 2 to the Contract, revising the delivery of the precinct ballot scanners due to supply chain delays as a result of the COVID-19 pandemic, formalizing the prior purchase of two additional high speed ballot

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scanners, and amending the payment schedule with no change to the total amount or term of the Contract.

On March 29, 2022 (Item No. 50), the Board approved Amendment No. 3 to the Contract, amending the 5-Year Buyback Schedule and the agreement to buy back 700 ImageCast Ballot Scanner Kits, with no change to the total amount or term of the Contract.

ROV utilizes a software to convert text files to audio for the accessibility of ballot materials. With the current software, it is difficult to change audio files to sound phonetically accurate. Text Aloud Audio software converts text into audio files which can be directly edited with more natural sounding speech. Approval of this item authorizes Dominion to use Text Aloud Audio to assist with ballot accessibility.

Every countywide election, ROV trains approximately 3,000 election workers to work at polling places on Election Day. This training includes the use of election voting equipment such as ballot marking devices and mobile ballot printers. ROV is requesting for Dominion to create an election training database for a presidential primary (partisan election) and a non-partisan election. This database will be used to train election workers on the check-in process, to print training ballots and other election operations.

The Dominion Voting System is a certified voting system in California. Pursuant to the California Elections Code, section 19202, "A voting system, in whole or in part, shall not be used unless it has been certified or conditionally approved by the Secretary of State prior to any election at which it is to be used." As a result, the State has developed one of the most strenuous voting system testing and certification programs in the country. California counties are required to abide by stringent sets of rules and regulations regarding implementation and use of a voting system. All voting systems, including Dominion, undergo extensive testing prior to certification, which includes:

- Examination and testing of system software;
- Software source code review and evaluation;
- Hardware and software security penetration testing;
- Hardware testing under conditions simulating the intended storage, operation, transportation, and maintenance environments;
- Inspection and evaluation of system documentation; and
- Operational testing to validate system performance and functioning under normal and abnormal conditions

Pursuant to the California Elections Code section 19205, "no part of a voting system shall be connected to the internet at any time, or electronically receive or transmit election data through any exterior communications network." The voting systems used in California, including Dominion Voting Systems, do not connect to the internet. The length of the contract period was due to elections operations being closely integrated to the voting system.

Approval of Amendment No. 4 will allow ROV to purchase these additional programming services, additional scanning equipment and associated licensing and support services, and update the contract language to include vendor duties related to data management.

PROCUREMENT

On March 19, 2019, the Board approved the use of a formal, competitive Invitation to Negotiate (ITN) procurement process to select and purchase a State-certified replacement voting system.

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On March 28, 2019, ROV issued ITN No. ROV119-ROV3324 in conjunction with the Purchasing Agent.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on September 20, 2023; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on September 8, 2023; Finance (Elias Duenas, Administrative Analyst, 387-4378) on September 8, 2023; and County Finance and Administration (Valerie Clay, Deputy Executive Officer, 387-5423) on September 11, 2023.

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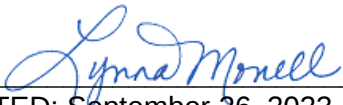
Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Jesse Armendarez

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 26, 2023



cc: ROV - Shea w/ agree
Contractor c/o ROV w/ agree
File w/ agree
JLL 10/12/2023