

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

December 17, 2019

FROM

BOB PAGE, Registrar of Voters, Registrar of Voters

SUBJECT

Amendment No. 1 to the Contract with Dominion Voting Systems, Inc.

RECOMMENDATION(S)

Approve **Amendment No. 1** to **Contract No. 19-453** with Dominion Voting Systems, Inc. revising the delivery of the precinct ballot scanners and the payment schedule with no change to amount or the term of the Contract.

(Presenter: Bob Page, 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 the item will not require additional Discretionary General Funding (Net County Cost). The cost to purchase the precinct ballot scanners was included in the total amount not to exceed of \$31,939,045 approved by the Board of Supervisor (Board) on July 9, 2019 (Item No. 40). The recommended amendment does not increase the amount of the Contract.

On June 11, 2019 (Item No. 106), the Board approved one-time funding in the amount of \$30 million for the purchase and implementation of a new, State-certified voting system. Of that amount, \$19.5 million is included in ROV's 2019-20 budget. The remaining allocation of \$10.5 million was placed in Reserves for additional one-time costs of the voting system replacement project. As needed, budget adjustments to access the reserve funds will be included in future quarterly countywide budget report(s) presented to the Board for approval.

BACKGROUND INFORMATION

The recommended amendment to the Contract changes the model of State-certified precinct ballot scanners to be purchased from Dominion Voting Systems, Inc. (Dominion), delays the delivery of the scanners, and therefore, revises the payment schedule. While this amendment extends the phased implementation of all elements of the County's new State-certified voting system, it does not preclude ROV from continuing to conduct successful elections in 2020.

The precinct ballot scanners are one part of the overall new voting system being acquired from Dominion and other State-certified vendors. These precinct scanners will be used in polling places starting in November 2020 to enable ROV to more efficiently conduct elections while continuing to provide for secure electronic storage of ballots. The way a voter casts a ballots at a polling place will change from dropping the ballot into a box to first feeding it through a

**Amendment No. 1 to the Contract with Dominion Voting Systems, Inc.
December 17, 2019**

precinct scanner before the ballot drops into a box. The original paper ballots will be maintained for auditing and potential recount purposes.

Several elements of the new voting system were first used in the November 5, 2019 Consolidated Election, which including counting ballots on new high-speed scanners at ROV's San Bernardino office. ROV will count ballots in the same way for the March 3, 2020 Presidential Primary Election. When the precinct scanners are implemented in the November 3, 2020 Presidential General Election, the central high-speed scanners at ROV will continue to be used to count mail ballots, ballots cast at early voting locations, and provisional ballots.

On July 9, 2019 (Item No. 40), the Board approved a contract with Dominion for the purchase of a new, State-certified voting system including software and hardware components, licensing, maintenance, extended warranties, and election support services 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. The new Dominion voting system software, servers, central high-speed ballot scanners, and ballot marking devices were successfully used in the November 5, 2019 Consolidated Election.

On October 22, 2019 (Item No. 39), the Board approved a contract with KNOWiNK, LLC, to purchase 3,000 State-certified electronic poll books including software and hardware components, licensing, warranty, training, and election support services in an amount not to exceed \$7,140,534 for the five-year period of October 22, 2019 through October 21, 2024. ROV recommended the County use electronic poll books as an better operational and cost-effective way to provide conditional voter registration services, to comply with Senate Bill 72 (Senator Umberg) signed into law by Governor Newsom on October 8, 2019.

On December 10, 2019 (Item No. 37), the Board approved the purchase of two new mail ballot sorters including software and hardware components, licensing, training and support services in an amount not to exceed \$1,918,488 for the five year period of December 10, 2019 through December 9, 2024.

Given ROV will be implementing electronic poll books, new mail ballot sorters, and upgraded Dominion voting system software for the March 3, 2020 Presidential Primary Election, ROV recommends delaying the implementation of the State-certified precinct ballot scanners until the November 3, 2020 Presidential General Election. ROV and Dominion have agreed to delay the delivery of the scanners from November 2019 until April 2020.

The Contract allows for the purchase of up to 1,440 State-certified precinct ballot scanners for first use in polling places in the March 3, 2020 Presidential Primary Election. At the time the Contract was executed, an upgrade of Dominion's voting system was being evaluated by the Secretary of State (SOS) for certification. This included a new precinct ballot scanner. On October 18, 2019, the SOS certified the upgraded Dominion voting system, including the precinct ballot scanner. ROV preferred the functionality and size of the new precinct ballot scanners and opted to wait to order them until the State certification process was complete.

Purchasing the equipment in April affects how milestone payments will be made to Dominion, and therefore, ROV recommends modifying the payment structure in the **fiscal provisions** as follows:

- 40% upon completion of the initial Project Plan
- 20% upon approval of the first amendment

**Amendment No. 1 to the Contract with Dominion Voting Systems, Inc.
December 17, 2019**

- 20% upon Acceptance of the System
- 20% upon Certification of the November 2020 General Election.

Dominion did not increase the price of the newly-certified precinct ballot scanners. Therefore, the total not to exceed amount of the Contract remains unchanged by the amendment.

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

On July 9, 2019 (Item No. 40), the Board approved an agreement with Dominion for the purchase of a new voting system.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Penny Alexander-Kelley, Chief Assistant County Counsel, 387-4270) on November 13, 2019; Purchasing (Cody Leslie, Buyer II, 387-2065) on November 14, 2019; Finance (Elias Duenas, Administrative Analyst, 387-4052) on November 22, 2019; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 2, 2019.

**Amendment No. 1 to the Contract with Dominion Voting Systems, Inc.
December 17, 2019**

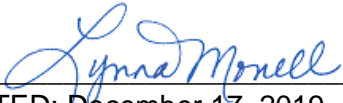
Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Josie Gonzales

Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 17, 2019



cc: ROV- Bennet w/agree
Contractor- C/O ROV w/agree
File- w/agree
la 12/26/2019