



SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

DATE: February 24, 2004

TO: All County Clerks/Registrars of Voters (04081)

FROM: _____/s/_____
KEVIN SHELLEY
SECRETARY OF STATE

SUBJECT: Election Day Information and Updates

Over the past week, I have discussed with many of you the issues we face as we approach Election Day. These discussions have been very helpful. So that everyone is "in the loop," I want to share with all of you some of the concerns addressed in these conversations.

First, as many of you are aware, the Sacramento Superior Court refused on February 18, 2004 to order counties using Diebold systems to take additional security measures beyond those contained in our February 5 CCROV. It is likely that the plaintiffs will pursue the issues raised in the lawsuit after the March election. We therefore continue to believe the measures set out in CCROV #04062 are necessary and appropriately address many of the concerns raised by computer security experts.

Second, there has been considerable discussion about the cost of the security measures set out in CCROV #04062. I want to clarify that the cost of any security enhancements that are in addition to activities already required by statute or certified voting systems procedures will not be borne by the involved counties. For example, eight counties are involved with "parallel monitoring." As explained in CCROV #04062, dated February 11, 2004, "parallel monitoring" is designed to avoid any voting process disruption while verifying that the equipment is performing properly. All eight counties in which parallel monitoring will be employed are working with my office on the procedures to be implemented. (Please note that if you have not been contacted already with respect to "parallel monitoring," your county will not be involved with the "parallel monitoring" program.) The costs of this program will be borne completely by my office.

Four counties (using Diebold Accuvote TSx systems) are printing images for all ballots cast on Election Day. Diebold will bear the burden of those costs.

Third, although poll monitors will be present in many counties regardless of the voting system being used, they will not interfere with election administration. This is merely a continuation of the program that was first implemented at the October 7, 2003 special statewide election. The monitoring program focuses not only on security issues, but on polling place activities generally. The monitors' role is to keep both my office and your office informed of any problems that may arise on Election Day. You will be immediately notified if a poll monitor believes a problem may exist. In a memo sent earlier this week, you were invited to assist us in designing the poll monitoring program and I appreciate receiving the thoughts of those who have responded.

Fourth, based on the discussions I have had with some of you, I want to clarify that telephone modems attached to dedicated phone lines may be used to transmit unofficial results from polling places or regional centers to your central tabulating facility. Only the use of *wireless* connections (e.g. wi-fi) and wireless telephones are prohibited.

Fifth, a number of you have inquired about the status of the AVVPAT standards to be adopted by the VSP. My staff has reviewed a draft of the standards with a working group of seven ROVs. The draft that has emerged after those discussions is attached. I intend to issue a draft of the standards for public comment shortly after the March election. I welcome any additional ROV comments and proposed changes to the draft either before or after it is issued for general public comment.

I hope that this update clarifies some of the issues that have been raised. As always, do not hesitate to let me or my staff know whenever you have questions or concerns.