

From: Commissioner Jerdonek, BOPEC Chair  
Date: December 11, 2023

Subject: Alameda County's current contract with Dominion Voting Systems

This memo provides information about Alameda County's current contract with Dominion Voting Systems. This information is relevant to a discussion the Elections Commission had at its retreat last month.

At the Commission's special off-site retreat meeting<sup>1</sup> on December 1, 2023, the Commission had a discussion during agenda item #5 ("Open Source Voting 101") about the idea of the Department extending the City's current contract with Dominion Voting Systems. Instead of issuing of an RFP in the Spring of 2024 for a new voting system, as the Director was originally planning, San Francisco could instead extend the City's existing contract beyond its original expiration date. The reasons mentioned at the retreat for doing this include—

- California's 2014 Voting System Standards (CVSS) currently lag the new federal standards the US EAC adopted in 2021, and California recently started updating CVSS in response. Thus, it makes sense to wait until California upgrades its standards before going through the work of issuing a new RFP and switching voting systems. Otherwise, San Francisco would be acquiring a new voting system that would very soon become out-of-date.
- Waiting to issue a new RFP would also allow time for an open source voting system that meets San Francisco's needs to be developed and certified in California. One of the Commission's 2023-2024 Policy Priorities for the Department is to "conduct outreach ... to ask voting system organizations what they would need from San Francisco ... to develop and certify an open source voting system that meets all of San Francisco's needs." Thus, waiting to issue a new RFP would better align with the policy priority.
- There is a precedent for San Francisco extending a voting system contract beyond its original expiration date. For the contract that San Francisco signed with Sequoia Voting Systems in 2007, the Board of Supervisors twice extended the contract beyond the six years spelled out in the original agreement, for a total of eleven years instead of six.

The points above were detailed in Section D of the "Retreat Open Source Voting Discussion Guide" I prepared and that was attached to the agenda packet of the December 1 meeting.

In addition to the above points, I did some research after the retreat and found that Alameda County, who uses the same Dominion voting system as San Francisco, appears to have an eleven year contract with Dominion Voting Systems. This is much longer than San Francisco's six-year contract.

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<sup>1</sup> December 1, 2023 Elections Commission Special Meeting Agenda: <https://sf.gov/meeting/december-1-2023/elections-commission-special-meeting>

I'm attaching a December 3, 2018 letter from Alameda County's Registrar of Voters to their Board of Supervisors which suggests this. The letter requests that their Board sign a contract with Dominion Voting Systems for eleven years, from 12/18/2018 to 12/31/2029, for an amount not to exceed \$23.7 million. Incidentally, this works out to \$2.15 million per year, or about the same amount per year that San Francisco is paying Dominion Voting Systems for its current six-year contract. (Note that another difference between the two contracts is that Alameda County purchased their system from Dominion, whereas San Francisco is leasing theirs.)



## REGISTRAR OF VOTERS

Alameda County • California

Tim Dupuis  
Registrar of Voters

Cynthia Cornejo  
Deputy Registrar of Voters

December 3, 2018

The Honorable Board of Supervisors  
County Administration Building  
1221 Oak Street  
Oakland, CA 94612

**Subject:** APPROVE AN AGREEMENT BETWEEN THE COUNTY OF ALAMEDA AND DOMINION VOTING SYSTEMS, INC., FOR THE PURCHASE OF A NEW VOTING SYSTEM, SOFTWARE LICENSING AND SERVICES IN AN AMOUNT NOT TO EXCEED \$23,726,560.08

Dear Board Members:

### **RECOMMENDATION:**

1. Authorize the Registrar of Voters to sign an agreement, Procurement Contract #17845, between the County of Alameda and Dominion Voting Systems, Inc. (Principal: John Poulos; Location: Denver, CO) for the purchase of a voting system, software licensing, and services in an amount not to exceed \$23,726,560.08, for the period of 12/18/2018 – 12/31/2029, subject to review and approval by County Counsel.
2. Authorize the Auditor-Controller to make the budgetary adjustments as contained in the attached financial recommendation.

### **DISCUSSION/SUMMARY:**

The existing voting equipment used by the County has reached its end of useful life after 12 years of usage. The vendor no longer provides replacement parts, therefore, necessary repairs for the voting equipment must be made by using replacement parts that have been refurbished from secondhand voting equipment.

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If authorized, the Registrar of Voters will enter into a contract with Dominion Voting Systems for the Democracy Suite 5.2 Voting System which includes Ranked-Choice Voting (RCV). The State of California certified the system on October 16, 2017.

**SELECTION CRITERIA/PROCESS:**

*In 2013, the Registrar of Voters began evaluating voting systems. The evaluation criteria included, but was not limited to, the following: (1) State certified by 2018; (2) Supports Rank Choice Voting; (3) Allows printing of on-demand ballots; (4) Accessible Vote by Mail system for disabled voters; and (5) Accessible polling place voting equipment for disabled voters.*

*The Democracy Suite 5.2 Voting System is a comprehensive Election Management System that meets the necessary criteria to conduct the upcoming March 2020 Statewide Direct Primary Election and future elections in the County.*

*No request for proposal was issued as the Democracy Suite 5.2 Voting System from Dominion Voting Systems is the only voting system with RCV as part of its certification. GSA Procurement approved Sole Source Waiver #5597 on December 6, 2018. Additionally, SLEB waiver number 16773 has been issued by the Office of Acquisition Policy and expires December 31, 2029.*

**FINANCING:**

The total price to purchase and license various portions of the voting system is \$23,726,560.08. The purchase cost is \$10,692,220.63 paid over two fiscal years (FY 2018-20). The license and warranty cost of \$1,281,010.88 will be paid annually over a 10-year period. The amount will increase in FY24-25 by 3.5 percent. The purchase cost will be covered by the following three funds: the Alameda County Voting System Capital Fund, State Funding of Aging Voting Equipment and the Voting Modernization Board Fund (AB1824 of 2002). The annual license and warranty cost will be covered by the Alameda County Voting System Capital Fund.

The Alameda County Voting System Capital Fund was implemented in 2016 and is funded by a fee comprised of an additional cost per voter assessed to all jurisdictions that is recovered during the Primary and General Election Cycles. The available amount of \$5,516,538 will be encumbered this fiscal year and the remaining payments will be encumbered when the fund becomes available from the November 2018 mid-term election and future elections.

On June 15, 2018, the State of California allocated \$134 Million statewide to support counties' efforts to upgrade or replace aging voting equipment. Alameda County's share is \$5,621,500. The funds will be provided in the ratio of \$1 of state funds for every \$1 of county funds.

Alameda County also has a balance of over \$600,000 from the Voting Modernization Board Fund (AB1824 of 2002) that can be applied to this purchase.

The Alameda County Voting System Capital Fund will also be used to purchase supplies, update the warehouse and courthouse electrical systems and networks which will be addressed in future requests to your Board.

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The increase in appropriation in the Alameda County Voting System Capital Fund will be offset by revenue. Therefore, there will be no increase in the net County cost.

**VISION 2026 GOAL:**

The new voting system will meet the 10X goal of **Accessible Infrastructure** and will support our shared vision of a **Thriving and Resilient Population**.

Sincerely,

DocuSigned by:



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Tim Dupuis

Registrar of Voters

cc: Donna Ziegler, County Counsel  
Cynthia Cornejo, Deputy Registrar of Voters