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1 also worked with the Information Services Division regarding the hardware,  
2 network, and security of the system. The chosen vendor, DFM Associates is the  
3 proper choice for Whatcom County.  
4

5 To address issues that came up last Tuesday, he would emphasize that they  
6 are talking about election management system, not vote counting system. This  
7 system allows the County to keep track of voters, polling places, and precincts.  
8 The official voter registration database will be in Olympia, not Whatcom County.  
9 The Secretary of State identified four vendors that have signed memorandums of  
10 understanding to allow them to be compatible with a statewide system. Those four  
11 qualified vendors approved by the State are the four vendors who responded to  
12 Whatcom County's RFP process. The State stipulated that the County has to use  
13 one of two specific databases to be compatible, Oracle or SQL. The County  
14 Information Services Division prefers not to choose an Oracle based product  
15 because they don't support it. That was a negative for two of the four vendors.  
16 Staff did not like how the Diebolt product worked, and Diebolt was having problems  
17 with its voter count system in other states.  
18

19 The Election's Division is on a specific timeline that does not allow the County  
20 the flexibility to delay this process anymore. Filing week is coming up the last week  
21 of July, which is a tight schedule to get conversion and training done even if the  
22 Council approves this today.  
23

24 Staff provided a memo that addressed many issues that were brought up.  
25 They have gone through and done a thorough job of selecting the product. Staff  
26 met with citizens last week and they talked through all the issues. Staff expressed  
27 that it looked very closely at the DFM vendor.  
28

29 Crawford stated it all sounds good. He's been discussing the concerns of  
30 Whatcom Fair Voting representatives with them. He doesn't necessarily share  
31 those concerns, however their request has been to have more time to study this  
32 further. He asked what would be happen if this approval took two to three more  
33 weeks.  
34

35 Pete Griffin, Elections Supervisor, stated that if approved today, he will call  
36 DFM and say they will send the databases to them for conversion. That process is  
37 very involved and takes three weeks. They have hardware on order to install.  
38 There are modules for poll workers, poll buildings, mapping and precincting of all  
39 the wards and districts. That all has to be entered before it gets back to Whatcom  
40 County. Once the modules are back in Whatcom County, a thorough testing has to  
41 be done. They have to know that every street address is correct. There are  
42 thousands of street addresses. They have to know for each address that all the  
43 district and voting information for that address is correct. To get that done, they  
44 have to start now. Because of the delay of this past week, they will have to delay  
45 poll worker module. They need to get the basic system in first. Once that's done,  
46 the vendor will come onsite and give a week or week and a half training.  
47

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1           If the Council decides to wait three weeks for more review, then they'd have  
2 to postpone installation until next year, even if they approve the DFM vendor. Next  
3 year, staff and the County would have to try to let two RFPs at the same time, one  
4 for vote counting and one for vote registration. They started this RFP in December.  
5 It's now the end of May. That's how long something like this takes, when they  
6 were concentrating on one. If not approved now, they would have to do two at one  
7 time next year.

8  
9           Crawford stated he is not talking about doing it next year, but delaying it for  
10 three weeks. Griffith stated that when they add in the fact that they are doing all  
11 the extra elections, they can't get through implementation three or four weeks later  
12 because of the regular election deadline commitments. Staff can't change the  
13 backbone of the voter registration system in conjunction with all the filing requests.  
14 The high volume of work for this fall's election doesn't enable staff to do both.  
15 They would have to postpone the process until after the presidential election is  
16 wrapped up, which is usually by the middle of December.

17  
18           Griffin stated that the day after filing, staff starts programming the ballots.

19  
20           Roy stated the worst case scenario is to use the current system if the Council  
21 puts approval off for three weeks. Griffith stated that's correct.

22  
23           Roy stated one issue from citizens is that Whatcom County stay in control of  
24 manipulating the data. She asked if this is a State system, and the State will still  
25 get into the database to change things. Griffith stated the State will have the  
26 database. Each state will be the central database for that state's voter registration  
27 system. The County will just have a copy.

28  
29           Roy stated that whatever management system they choose is irrelevant for  
30 that concern. Griffith stated that's correct. There are some efficiencies gained  
31 from the centralized system. The County gets voter registrations now from a  
32 variety of inputs, including the Secretary of State's office. The Secretary of State  
33 receives, sorts, and sends the registrations to the counties for input. The  
34 information goes into the database. With the new system, they won't need to do  
35 that. The state will do the input there.

36  
37           Griffin stated Minnesota is the only state that does this. It's a major  
38 nationwide change. The changes came from the blue ribbon commission that was  
39 formed after the debacle in Florida.

40  
41           Fleetwood asked what information the councilmembers and citizens hope to  
42 glean if the Council postpones the approval for a couple of weeks that they haven't  
43 had an opportunity to glean in the last week. Griffith stated the four State-  
44 approved vendors responded to the County's RFP. Two vendors used Oracle, which  
45 the Information Services Division won't support. That leaves DFM Associates, who  
46 the County selected, and Diebolt. If the Council delays, their chances of not  
47 selecting DFM are remote. It makes no sense.

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1  
2 Myra Ramos, 2877 N. Nugent Road, Lummi Island, Whatcom Fair Voting,  
3 stated her organization is a nonpartisan grassroots organization committed to  
4 promoting the integrity of all aspects of the electoral process. They are all  
5 interrelated. They are concerned that changes intended to reform the electoral  
6 process not result in bad or worse pitfalls. They are interested in registration and  
7 voting systems. Registration systems tell them who can or cannot vote. That's a  
8 big deal. This decision is a very big deal financially. They are talking about  
9 \$600,000 over five years. It is a decision that must be done right the first time.

10  
11 A bigger deal is election integrity. The complexity of the tasks convinces her  
12 it would be imprudent to purchase, train, and implement the new system before a  
13 presidential election. There is no external deadline that mandates it. Doing so can  
14 compromise the results of this presidential election, result in civil rights violations,  
15 and expose the County to liability. She asks the Council to disapprove this  
16 contract, use the current registration system this fall, delay purchase of a new  
17 system, and permit thoughtful study and citizen input. Citizens are ready to  
18 contribute to and support that study in an attempt to have trustworthy election  
19 results.

20  
21 Jim Johann, 1405 E. Illinois, stated he is a retired computer software  
22 developer and consultant, publisher of the Town Crier, and poll worker. He belongs  
23 to Whatcom Fair Voting. He is interested in voting issues. He doesn't want to stop  
24 the purchase of the system, but wants to delay the purchase to do this thing  
25 properly. Having installed and written many systems, he knows it's too late to get  
26 this done properly for the elections this year. Don't be hasty. Because it's a busy  
27 election year and there are tricky issues on the ballot, he recommends doing the  
28 RFP's now so that, as soon as the election is over, they can get the systems in and  
29 done in time for the 2005 elections. Delay the authorization to purchase the  
30 system now. He recommends that the County start to implement the two systems  
31 for registration and election in December or January of next year, as opposed to  
32 trying to rush through it this year.

33  
34 Linda Franz, 6640 Trent Lane, Ferndale, Whatcom Fair Voting, stated she has  
35 concerns about implementation. They have to have safeguards. Security is  
36 paramount. Elections must be done with best practices. Don't eliminate checks  
37 and balances. Codify some of the procedures. Don't have any electronic poll book  
38 at the site ever. Ms. Forslof agrees with that. Make sure there is never a  
39 connection between the election management system and voting system.  
40 Language in this contract talks about data importation, which is a potential route in  
41 the system for information transference that should not happen. People found a  
42 bug report at the DFM website and a ballot counting function in the DFM program.  
43 Any connection between voter registration and election management is not a best  
44 management practice. The current vendors are in trouble with their voting systems  
45 across the country. There should be no connection between the voter registration  
46 system and any aspect of the voting system. The smart card generation should  
47 stay in-house and not go out to a vendor. HAVA says local elected officials can do

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1 list maintenance. She's not sure the County has to give up its control of voter  
2 registration to the State. Technological security of the list can also be done by the  
3 local officials. HAVA is continually misinterpreted. The deadline for implementation  
4 of these systems is the first federal election, which is in November, of 2006, not  
5 January 2006. Don't rush into this too soon. Thurston County has its database up  
6 and running already. She asked why they'd want to implement a new system in a  
7 short time before a major election year. She believes staff has the best intentions  
8 in mind.

9  
10 Crawford asked if Ms. Franz is suggesting that the County delay and  
11 implement both systems next year. Franz stated this can be done by November  
12 2006. It is not prudent to rush into it. They need to work the system through, and  
13 a major federal election is not the time to do that. Review the DFM bug reports.  
14 There are things to look at and study before buying this system. Ask DFM to  
15 change or tweak the system to get the ballot counting option out of the system. Be  
16 a leader in the state for safe voting. Challenge the misinterpretations of HAVA.

17  
18 Lorraine Lindahl, 729 High Street #103, Bellingham, stated she is a poll  
19 worker. Voters now are concerned about elections. Keep the current system for  
20 this fall's election. She's a poll worker and doesn't want problems.

21  
22 Marion Beddill, 3600 Seeley, Whatcom Fair Voting, asked the Council to delay  
23 the start of the system, use the current system for 2004, set up an advisory  
24 committee, and prohibit the electronic poll book at the poll site. The Oracle system  
25 is more secure and advanced than SQL, which is used by the Microsoft  
26 environment. This SQL program being proposed runs on the Windows operating  
27 system. It seems to be a variant of the business management implementation  
28 using a regular Windows function. There are well-known problems with Windows.  
29 Whatcom County might be one of several counties in the state that has been  
30 designated as a beta test site for this year. Beta testing during a presidential  
31 election year is frightening. This is a \$600,000 commitment being brought forward.  
32 Delay implementation until there is adequate and thorough review.

33  
34 Crawford asked if the deadlines for HAVA will stand. There seems to be  
35 much contention. There is discussion about delaying the deadlines. Beddill agreed.  
36 Do not have a computer only system. Allow a paper trail audit system.

37  
38 Fleetwood asked if a two week delay would be disastrous, not the delay to  
39 next year. Griffin stated that's correct.

40  
41 Fleetwood asked if the staff's concern is not about using the present system  
42 this year, but about the prospect of implementing two huge systems next year.  
43 Griffith agreed. He hears that the concerned citizens are asking staff to make  
44 prudent decisions, take time, and properly go through checks and balances to  
45 maintain the voting record in Whatcom County. The staff agrees. That's why they  
46 split the two functions. The County will do better doing one thing at a time rather  
47 than two things at one time. If staff delays until next year as suggested, they will

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1 have to implement two systems at the same time. Regarding the deadline of  
2 January 1, 2006, they read HAVA differently than the Secretary of State. However,  
3 the Secretary of State is the ex officio supervisor of elections in the State of  
4 Washington and has the authority to write rules the counties have to follow. The  
5 Secretary of State's work plan submitted to the federal government to receive  
6 HAVA funding stated that Washington State would have it's changes completed by  
7 January 2006. The citizens may have a disagreement with how the Secretary of  
8 State interprets HAVA, but they should take that concern to the Secretary of State,  
9 not Whatcom County.

10  
11 Fleetwood asked why the Elections Division wouldn't be able to allocate  
12 planning to have several months to work on it beginning in January. Griffin stated  
13 the regular work schedule doesn't stop. They still have to conduct elections in  
14 February through April next year. That doesn't stop because of the new system.  
15 Next year, the Elections Division will have a more complicated ballot formatting  
16 because of more elections. The presidential election is a less complicated election  
17 to program. By mid-December, staff is already looking at February. Staff is  
18 working at the primary for this year right now.

19  
20 Fleetwood asked about the concerns mentioned regarding new pitfalls,  
21 election integrity, and liability. Griffin stated the biggest liability is if they don't  
22 comply with HAVA. The Justice Department is going to enforce HAVA. It will send  
23 out attorneys to states that don't comply.

24  
25 The citizens said this was hastily rushed and needed thoughtful citizen input.  
26 This process they went through was not in any way rushed. They started in  
27 December. They spent many hours with the Prosecutor's Office reviewing the legal  
28 requirements and the Information Services Division reviewing the vendors in terms  
29 of hardware, security, and networking. Right now, the existing system is far less  
30 secure than the new system.

31  
32 *(Clerk's Note: End of tape one, side A.)*

33  
34 Griffin continued to state that the difference is night and day in terms of the  
35 existing system and the DFM system. Precincting is now all done by hand on a  
36 map. Having a system that will define a street range when they change the wards  
37 will be a huge benefit and far more secure.

38  
39 The citizens said the cost is \$600,000, but that is not the cost. The entire  
40 cost is \$292,000.

41  
42 The citizens were concerned about export to polling places. The export they  
43 are currently using is exactly the same export they will use in 2004. The plan has  
44 always been to include these citizens when the County picks the next voting  
45 system. That was promised to those citizens a year ago. In 2005, they will hash  
46 out the type of voting system to use. All of these four systems export, but they

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1 don't export the smart card ballot. They export the ballot style. The system does  
2 not export an actual ballot that goes into an electronic vote screen.  
3

4 The citizens were concerned about the bug report on the DFM website. Every  
5 software manufacturer has bugs in its software, particularly one this complicated.  
6 In each generation of that software, there are bugs and patches for those bugs.  
7 Oracle has had thousands of bugs, but they don't get the press that Microsoft gets.  
8

9 Thurston County is ready because didn't do an RFP. In their legal work, they  
10 said they did an upgrade. They never looked at any other systems. Thurston  
11 County is so upset with its vendor, ES&S, that it's ready to throw out their system.  
12

13 The citizens are concerned about the beta testing. The beta testing will not  
14 be done in 2004. It will be done in 2005. There won't be beta testing before the  
15 general election this fall. The beta testing isn't on the system, it will be to figure  
16 out how the State's system interacts with the four vendors. The State has  
17 identified stringent standards for any vendor. Their software has to interact with  
18 the State's database. Obviously if the State is going to do this, it has to do beta  
19 testing.  
20

21 Brenner stated she came into this meeting ready to approve the request  
22 because the staff had met with the committee. However, she's heard some  
23 legitimate concerns from the committee. All along they've needed this dialog.  
24 Right now, staff has alleviated her concerns, but she doesn't know for sure. She  
25 would like to hear more from the citizens.  
26

27 McShane stated he's not comfortable with going back and forth, and isn't  
28 sure they would get anywhere. He would defer to the Council if that's what they  
29 prefer.  
30

31 Roy stated the message is that they should have had these discussions a  
32 long time ago. These citizens should have been involved from the beginning. The  
33 County knew these people were interested, and they could have avoided some of  
34 this. She asked the real deadlines for HAVA. That makes a difference. They have  
35 an election system that they use now. They could use it during the next election.  
36 It would give time for implementation. She's having trouble with the argument that  
37 all these things are all happening at once. If that's true, these are things they've  
38 already done before. It would be more stressful starting a new system this year.  
39

40 Dave Grant, Senior Civil Deputy Prosecutor, stated he didn't look at the vote  
41 counting aspect of HAVA, just registration. According to section 303 of HAVA, all  
42 states have to implement the centralized database. Congress set a deadline of  
43 January 2004, with a two-year extension until January 2006 for both voter  
44 registration and voting. After that date, according to section 401 of HAVA,  
45 Congress empowered the U.S. Attorney General to engage in any civil action  
46 against states that fail to comply.  
47

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1 Brenner asked if Mr. Grant is satisfied the County has covered all it's bases  
2 and there is enough security to do this without problems. Grant stated he's only  
3 looked at the terms of the contract to negotiate a contract that is of benefit to the  
4 County and will reduce County risk. He thought they've done a good job doing  
5 that. He is not involved with the mechanics of the RFP process, but is confident it  
6 was done properly. He doesn't know about the committee's concerns.  
7

8 Roy stated it's obvious this should have happened a long time ago. This is a  
9 tough decision. She's not sure hearing any more debate will help her make up her  
10 mind. She thinks she understands from Ms. Forslof that getting the citizen group  
11 involved meant, to her, with the actual voting system. There was obviously a  
12 misunderstanding. She's frustrated. Griffith stated he's worked with Ms. Beddill  
13 and Ms. Franz in the past. They've participated in presentations on vote counting  
14 systems. Ms. Forslof has been a guest speaker at some of their forums. Prior to  
15 Tuesday night, he had no idea they were interested in the election management  
16 systems.  
17

18 Brenner stated they didn't know about it. Griffith stated the County went  
19 through a public process. These citizens say they follow HAVA and have been  
20 meeting with the Secretary of State. The fact that the County has to switch its  
21 election management system should have been common knowledge for people who  
22 were following this issue. He knew these people as the "paper ballot people" until  
23 last Wednesday morning when he found out that staff has to meet with these folks  
24 about the election management system. In addition, there is funding that  
25 Whatcom County is depending on related to both the election management system  
26 and vote counting system. That funding could be at risk if the County misses HAVA  
27 deadlines.  
28

29 Roy stated the question is what the HAVA deadlines are.  
30

31 McShane stated an issue to think of in the future is regarding the electronic  
32 poll book. They are not committing to it with this system. Griffin stated the  
33 Elections Division has no intention of doing an electronic poll book unless laws  
34 change. Even if the County has to do an electronic poll book in the future, there is  
35 still a hard copy that someone has to sign. In fact, Washington State law requires  
36 a signature at the polls.  
37

38 McShane stated another concern is that there never be a connection between  
39 the voting system and registration. Griffin stated there is already that connection  
40 to a degree. They produce the poll rosters through the existing election  
41 management system (EIMS). The concern about poll rosters is with smart cards for  
42 the electronic recording. At this point, under HAVA, the County is required to put at  
43 least one electronic vote recorder out for the disabled. The Elections Division is  
44 already committed to having a system that has a paper audit trail.  
45

46 Part of the citizens' concerns are concerns that the Auditor's Office shares.  
47 Next year, when the County lets the RFP, the concerns will be at the top of the list.

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1 However, this isn't something they've taken on lightly. There has been weeks and  
2 weeks of review of these system. He has been in this business for 30 years. Ms.  
3 Forslof has been the auditor for 16 years and worked in elections before that. The  
4 best people in the Information Services Division spent dozens of hours working on  
5 this. They received legal help from the Prosecuting Attorney's Office. All Elections  
6 Division staff reviewed this. The public elected Ms. Forslof. The citizens pay his  
7 salary to do exactly what he did. They did the best job that could be done.  
8 They've made a management decision that is best for Whatcom County. Delaying  
9 to next year to implement two new systems at the same time does not serve  
10 Whatcom County taxpayers. It's the worst approach they could have taken.  
11 Implementation doesn't take overnight. This process has taken four months so far.  
12 The voting system will take at least six months of hard work to go through the list  
13 of vendors.

14  
15 **McShane moved** to approve the request. He thanked staff for their  
16 presentation and the public for attending. He hopes they will be engaged in the  
17 future.

18  
19 Roy stated she believes in public participation and also in trusting staff. She  
20 doesn't like it when the County Council second guesses the professionals on staff.  
21 She asked that, if the Council approves this, the Elections Division involve some of  
22 the citizens in some of these questions during the implementation phase of this  
23 voter registration system. One concern about importing data to the voting system  
24 is important. Continue these discussions. Griffin stated that's not a problem. The  
25 DFM representative provided information on the question of the data import, which  
26 said EIMS provides processes necessary to print the roster's poll books used at the  
27 polling location to validate that a voter is eligible to vote. These reports are based  
28 on voter registration data maintained by the County. The current systems require  
29 the polling place worker to manually enter or key in the ballot style number  
30 associated with a voter into the smart card generating hardware at the polling site.  
31 There is no electronic link between EIMS and the data used to generate the smart  
32 card. That's true of all four vendors, which have the option to export the material a  
33 poll roster needs to distribute the 228 different ballot styles. In no way does it  
34 create the ballot image that a voter uses.

35  
36 Griffith stated Ms. Forslof intends to immediately create the advisory  
37 committee, which will address implementation of election management and vote  
38 counting systems.

39  
40 Roy asked about the ballot counting function. Griffin stated there isn't a  
41 ballot counting function in any of the four systems.

42  
43 Crawford stated that from an administrative standpoint, this is an easy  
44 decision. They can all have positions on different County issues. There is a  
45 perception issue when it comes to elections and the roots of democracy. They've  
46 got to have confidence in the value. People have to believe there is integrity in the  
47 system, or the result could be anarchy. There is a national challenge to get the

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1 public's confidence. There are a lot of implications to doing this now. From a  
2 management, administrative, legal, and RFP standpoint, there's no question. The  
3 staff's competence is not in question. No one locally is making accusations of  
4 fraud. However, he holds to the integrity of the system and the public perception  
5 of the integrity of the system. Therefore, he will go with Whatcom Fair Voting and  
6 vote against the motion. Administratively, that's a bad decision. However, it's a  
7 decision they need to make certain the message is unanimous that they've got a  
8 system they believe in and are confident in.

9  
10 ***Motion failed 2-3 with Fleetwood and McShane in favor.***

11  
12 Crawford stated he will support the Prosecutor's Office defending the County  
13 against missing the HAVA deadline if the debate is about ensuring the integrity of  
14 the system. They're not doing this to solve a problem, but to ensure that it's a  
15 good system and to ensure democracy in Whatcom County.

16  
17 Brenner stated this is just about the toughest decision she's ever made on  
18 the Council. She has complete confidence in the staff. Griffith stated the  
19 frustrating part is that if Whatcom Fair Voting representatives would have  
20 acknowledged their need to discuss this at this level with staff earlier, the staff  
21 would have been happy to do that. They are being penalized now because those  
22 representatives showed up late to the game. That doesn't seem to be a fair thing  
23 to do to those staff people. It will be difficult for them to swallow. With everything  
24 the County is asking staff to do already this fall, the County is now asking them to  
25 implement two systems at the same time. That's amazing.

26  
27 Griffin stated the Council talks about staff's experience and qualifications,  
28 which he appreciates. They also talk about voter confidence. Staff has the  
29 expertise to do this, and these citizens don't. Their testimony proves that. They  
30 don't even have the correct numbers in terms of costs. They don't know that the  
31 statewide voter registration database was enacted. There's nothing staff can do  
32 about that. The Council has said to the citizens of Whatcom County that the people  
33 the County pays to make these management decisions are being ignored, and the  
34 Council is going to go with a group of citizens who are not elected, appointed, or  
35 paid by the taxpayer. The Council basically just made a decision that says these  
36 folks are right and the staff is wrong.

37  
38  
39 **ADJOURN**

40  
41 The meeting adjourned at 11:03 a.m.

42  
43  
44 \_\_\_\_\_  
45 Jill Nixon, Minutes Transcription

46  
47 The Council approved these minutes on June 15, 2004.

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ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Dan McShane, Council Chair