policy brief

California Voter Foundation

www.calvoter.org

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VoteCal and the Struggle to Modernize California's Statewide Voter Registration Database

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<u>Executive Summary</u>

The story of California's efforts to modernize its statewide voter registration database is a long one, starting in 2002 with the passage of the federal Help America Vote Act. This policy brief explains how California's first statewide voter registration database came into existence; why the creation of a replacement database was initially delayed; efforts beginning in 2006 to create a new database called VoteCal; the cancellation of the initial VoteCal contract, followed by a second bidding process; a review of the current project status; benefits to voters and changes to the election process that VoteCal is expected to bring; and recommendations for ensuring the project's long-term success.

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Background: A brief history of California's computerization of voter registration records

California has 58 counties, each of which administers the voting and elections process with substantial autonomy, subject to the broad constraints of state and federal voter registration and participation laws. The California Secretary of State, for example, certifies voting systems, receives campaign disclosure reports, produces statewide voting information on ballot propositions, and performs a number of other election oversight tasks.

It is the counties, however, that decide which voting system to purchase (among those certified by the Secretary of State) and how they want to establish and organize their election processes, including managing voter registration records, facilitating candidates' access to the ballot, producing, publishing and mailing sample ballots, recruiting pollworkers, facilitating a secure voting process, counting ballots, and verifying and reporting results.

Since California is home to the most populous county in the nation (Los Angeles), as well as many other "super-size" counties, it is not surprising that counties incorporate computer technology into their administration of elections. Beginning in the late 1970's, counties began acquiring so-called "election management systems" (EMS) to manage the election process using computers rather than paper files and index cards.

Over time, each county developed its own EMS system, customized to particular needs and requirements by a limited number of vendors and to some extent, therefore, incompatible with the systems used by other counties. The counties have also, therefore, developed long-term relationships with their EMS vendors, who provide technical support for county election management systems on an ongoing basis.

Overall, then, although there are some broad similarities in EMS architecture across counties, the use of EMS on a statewide basis shows considerable diversity as customization over the years has accommodated county requests to create new features, such as fields to track language preference, provisional ballot status, vote-by-mail status, voting history, and other codes applied to voter registration records. Some of these changes were prompted by new state or federal election mandates or the addition of new language requirements.

In addition to being diverse, California has a highly mobile population. Californians move frequently, and when they do, they must re-register to vote at their new address. The use by counties of highly customized EMS technology did not, however, enable counties to share voter information easily when voters moved from one county to another.

CalVoter, California's first statewide voter registration database
(1994-2002)

In 1994, Bill Jones was elected California Secretary of State, campaigning on a platform promoting 100 percent participation and a zero-tolerance policy for voter fraud. After he took office in 1995, Jones convened an election summit where, as a 1997 Governing Magazine article reported, it was revealed that:

> "The counties could not consistently identify voters who had either died or moved out of their jurisdictions. The conference produced CalVoter as the solution for cleaning up the

state's disconnected voter registration records, reduce voter fraud and cut election expenses."[1]

That same year, Jones sponsored Assembly Bill 1701, authored by then-State Assemblyman Bruce McPherson, which required the Secretary of State to:

> "(E)stablish a statewide system to facilitate removal of duplicate or prior registrations, to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration."

The legislation made clear, however, that this statewide system "shall not replace county voter registration systems or processes."[2]

AB 1701 also created a new requirement that driver's license numbers be collected from those who register to vote, enabling election officials to more easily and accurately identify voters with duplicate registration records. It also contained provisions to conform with new National Voter Registration Act ("Motor-Voter") requirements and appropriated a $5 million loan to the Secretary of State to pay for implementing the statewide system. When he signed AB 1701 into law, then-Governor Pete Wilson reduced the loan amount to $3.5 million, to be paid back through cost savings from trimming duplicate voter registration records – what's known as "deadwood" – from the voter registration lists, or rolls as they are sometimes called. AB 1701 and its companion bill, Senate Bill 581, authored by then-Senator Richard Polanco, became law in October 1995.

The resulting CalVoter system began to be built in January 1997, and by 1998 was in operation, with all counties reportedly connected to it by 2000.[3] While it was designed to include the new California driver's license number requirement, and to cross-check voter records with Department of Motor Vehicles data, death records, and other changes, to identify duplicates, CalVoter was and still is a "bottom up" system, where changes to individual voter records are made at the local, county level rather than at the statewide level, thus conforming to the express requirements of AB 1701 and leaving in place the highly customized EMS technology counties and their vendors had together developed over a number of years.

Other states also began implementing statewide voter registration databases – not only to provide better administration of registrations, but also to give candidates and political parties more convenient access to voter data for use in their campaigns. In 2002, when the Samuelson Center for Law, Technology and Public Policy at UC Berkeley and the California Voter Foundation conducted a nationwide, state-by-state survey of voter registration data gathering and dissemination practices, the survey found that 36 states had centralized their voter registration data but 14 had not yet done so. The 14 included some key battleground states, as well as several populous states, such as New York, Illinois, Wisconsin, New Jersey and New Hampshire.[4]

The Help America Vote Act
(2002-2005)

When the federal government enacted the Help America Vote Act (HAVA) in 2002, in response to voting problems revealed during the 2000 Presidential election, one of its major provisions required all states to establish statewide voter registration databases that function and operate in specific ways to ensure the accuracy of the nation's voter rolls. Specifically, HAVA said that each state must develop, "a single, uniform, official, centralized, interactive computerized statewide

voter registration list defined, maintained, and administered at the state level."[5] HAVA required states to implement this mandate in two years, by 2004, but offered an extension until January 2006, if requested by a state.

California, with its pre-existing CalVoter database, had many of the essential ingredients already in place to comply with HAVA. A unique identifier law had already been passed, for example, requiring voters to supply their California driver's license number or last four digits of their Social Security number when registering to vote. California was also already checking voter registration records against DMV and state Department of Health records. The state was providing counties a way to find and remove duplicate registrations for voters who move. But while CalVoter possessed these attributes it was not actually maintained at the statewide level. California is a "bottom up" elections state, where counties administer elections and the Secretary of State provides some oversight. Other states had also created statewide voter registration databases that did not meet all the new HAVA-imposed criteria.

There ensued a vigorous debate among election officials in California about whether the existing CalVoter system could meet the new HAVA requirements, or whether a new database was needed. When in December 2003, then-Secretary of State Kevin Shelley published California's HAVA state plan, the voter registration database requirement was ambiguous. "In order…to comply with HAVA," the plan said, "the State, under the direction of the Secretary of State, as Chief Elections Officer, will…as soon as is reasonably possible, either modify California's current statewide database (CalVoter) so that it complies with HAVA or establish a new statewide database that complies with HAVA…"[6] The plan's preliminary estimate of the cost of the statewide database was that it might be anywhere from $8 million to $40 million "but actual costs may be less or more than these parameters, with substantial ongoing costs."[7]

In September 2004, Shelley amended the California HAVA plan to change the estimated price tag for the statewide database to $40 million.[8] This planned expense was criticized by Conny McCormack, then-Registrar of Voters for Los Angeles County and president of the California Association of Clerks and Election Officials (CACEO). In December 2004, McCormack sent a letter to Shelley asking, "Why not simply upgrade CalVoter to meet HAVA compliance, rather than attempting to procure and implement a new (system)?"[9]

Shelley and his staff had considered this possibility but had determined it was not a workable solution. There were questions, for example, about whether it could handle the expected large volume of new registrations and whether the system set-up allowing counties to transmit batches of new computerized registrations to Sacramento from their customized EMS systems, could qualify as "interactive". The Secretary of State was also concerned about the proprietary nature of the software embedded in the various county EMS systems and whether this constrained the state's ability to modify CalVoter as needed.

Around the same time, questions were being raised in the news media regarding Shelley's handling of other HAVA funds and activities, resulting in the California Bureau of State Audits issuing a highly critical report in December 2004. The report criticized the state's handling of HAVA funds and its related planning and management practices, which it said had prevented HAVA provisions from being implemented in a timely manner.[10]

By January 2005, Shelley had reversed his position, dropping plans for a potentially new $40 million database and focusing instead on making the existing system comply with federal

requirements. By this time, the state had already missed the initial January 2004 HAVA statewide database deadline, and Shelley and his staff were concerned about getting California into compliance with the secondary, January 2006 deadline. As Tony Miller, who served as Shelley's HAVA director, told the San Francisco Chronicle, "We feel we can make CalVoter work. It's the only way we can possibly meet the deadline, and we're determined to meet that deadline."[11]

A month later in February 2005, amid criticism over this and other issues, Shelley resigned as California Secretary of State and then-Governor Arnold Schwarzenegger appointed Bruce McPherson to replace him.

The United States Department of Justice steps in
(2005)

Beginning in January 2005, the California Secretary of State and the U.S. Department of Justice's Civil Rights Division (DOJ) engaged in correspondence about the alternatives California was considering to implement HAVA's statewide database requirements.

By November 2005, the DOJ and the Secretary of State had signed off on a memorandum of agreement stipulating that:

> "(i)t is the intent of the Secretary and the Department that the Secretary: (a) immediately complete development and begin implementation of a short term interim strategy for compliance by January 1, 2006 with all requirements of Section 303(a) [of HAVA] to the greatest extent technologically and procedurally possible; and (b) as soon as practicable, secure all necessary State approvals to complete development and implementation of a longer term solution for replacing the interim system with a new permanent statewide voter registration system."[12]

Thus, the CalVoter database would become the official, statewide voter registration database effective January 1, 2006, with the Secretary of State developing and implementing regulations to bring the counties into compliance with the voter registration record criteria outlined in HAVA. And, parallel to this, the state would begin development of a new statewide database, one that would be fully automated and not dependent on the counties following regulations and procedures in order to maintain it.

California was not the only state where DOJ applied pressure to meet HAVA's voter registration database requirement. According to the Pew Center on the States, DOJ sued three states in 2006 – New York, Alabama and New Jersey – for failing to implement HAVA-compliant statewide voter registration databases on time.[13]

An interim solution and the development of VoteCal
(2006-2009)

By January 2, 2006, the CalVoter system had been modified and emergency regulations promulgated by the Secretary of State to ensure HAVA compliance on an interim basis while a new database was being developed.[14]

On March 20, 2006, Secretary of State McPherson issued the VoteCal Feasibility Study Report (FSR) (v4),[15] the fourth version of a report that in previous editions had been rejected and sent back for

revisions by the Legislature and the state Department of Finance. The fourth and final version was approved by the Department of Finance in April 2006 and by the Legislature in June 2006. The project at the time was expected to cost $69 million and be deployed by December 2009.[16]

In August 2007, Secretary of State Debra Bowen, who had been elected the previous November, issued the "VoteCal Special Project Report" (SPR), a requirement imposed by the state's Department of Finance to move the database project forward. As noted in the summary:

> "(w)hen the Feasibility Study Report was first submitted, the intent of the SOS [Secretary of State] was to identify the requirements and develop the Request for Proposal (RFP) by November 16, 2006. As of the date of this SPR, the new [RFP release] date is September 27, 2007. Although the RFP release date has changed, the final project implementation date has not. A new project schedule has been completed and attached. This new schedule is based on the information obtained from visiting several states in the United States and seeing what systems are already in place and approved by the U.S. Department of Justice."[17]

On December 13, 2007, the Secretary of State issued a nearly 400-page long RFP, launching the start of the procurement process. This process was described in a later, 2009 SPR as "a competitive, business-based procurement that identified a System Integrator (SI) vendor to develop and implement a single, centralized voter registration database that meets HAVA requirements."[18]

Over the next year, numerous addenda were issued to the original RFP, each one implementing modifications and revisions to the original RFP, with a final version, featuring eight addenda, released on December 31, 2008.[19] In January 2009, three bids were received – from Catalyst Consulting Group, Inc., Quest Information Systems, Inc., and Saber Government Solutions. However, only one of the bids – that submitted by Catalyst – was deemed to be "complete," with the other two bids falling short by failing to answer specific questions or submit required documents.[20]

The Secretary of State took steps to award the VoteCal contract to Catalyst, which had also contracted with Illinois in 2006 to build that state's HAVA-compliant voter registration database.[21] A Notice of Intent to Award the contract to Catalyst was issued by the Secretary of State in April 2009. An updated Special Project Report (SPR) was issued in June and in September the Secretary of State signed a contract with Catalyst Consulting Group to begin work on the VoteCal system. Key project partners were DFM Associates (one of California's leading EMS vendors) and Microsoft.[22] The contract was for $51 million rather than the previously estimated $69 million, because of lower estimated vendor costs, and had an anticipated completion date of February 2012.[23] Several other agencies, including the Department of General Services (DGS) and the Department of Finance, were involved in reviewing and finalizing the contract.

VoteCal contract terminated, back to square one
(2010)

Throughout 2009, Catalyst and the Secretary of State conducted extensive meetings (referred to as discovery sessions) with stakeholders, particularly county election officials and EMS vendors, to prepare for the work to begin.[24] A project kickoff presentation was made by the Secretary of State's office at the CACEO July 2009 annual meeting in the City of Industry.

By April 2010, however, there were problems with the project, as described in a presentation given by then-Secretary of State VoteCal project director Mary Winkley before a February, 2011

legislative hearing into the VoteCal project. The Legislature learned that on April 3, 2010 Catalyst had fired its Chief Architect and then a few days later proposed a revised project schedule to deploy in the 3rd quarter of 2013, rather than the agreed-to completion date of February 2012. On April 15, 2010, the Secretary of State and Department of General Services also discovered that Catalyst had not provided a performance bond to protect the state against poor contractor performance. Perhaps it was the contractor's failure to meet key contract deliverables that led the Secretary of State and DGS to notice the performance bond had not been secured.

In any event, on May 4, 2010, the Secretary of State responded by sending a "cure letter" to Catalyst, informing the company it was in breach of its contract and detailing the steps it would have to take within 30 days to "cure its failures," or else the contract would be terminated.

Correspondence between Catalyst and the Secretary of State includes a lot of finger-pointing regarding who is to blame for the project's problems and delays. In the end, however, the project was terminated by mutual agreement and the contract canceled on May 21, 2010, including a settlement agreement that paid Catalyst $610,000.[25]

A second attempt at VoteCal, a second audit
(2010-2013)

Secretary of State Bowen and her staff then began the procurement process again, starting with a revision to the Special Project Report completed in August 2010 and setting the anticipated deployment date at June 30, 2014.[26] A new RFP was released on October 29, 2010. As with the first RFP, the second one also saw numerous revisions, eleven in total, made between November 2010 and July 2012.[27] One major change between the first and second contracts was Secretary Bowen's insistence that the Secretary of State own the copyright to the software that is developed by the project, so that the Secretary of State has the ability to change the software in the future.[28]

When she sought re-election in the Fall of 2010, Secretary Bowen was questioned about VoteCal during the campaign, primarily by her opponent Damon Dunn via news stories. Bowen was also questioned about delays in online voter registration. The State Legislature had enacted a law in 2008 to implement online voter registration through the DMV once VoteCal was in operation.[29] Pushing back the VoteCal timeline resulted in further delays in providing Californians with access to online voter registration, a fact pointed out in an August 21, 2010 Los Angeles Times story.

According to the newspaper, "Bowen said in a letter to legislators that she cancelled the state's contract with the [original] builder of the system, Catalyst Consulting Group, because the firm did not complete elements of the project on time, did not have adequate staffing and would miss the 2012 target date by more than a year." In her judgment, she told the Times, "the likelihood that we were going to have a complete train wreck and waste a phenomenal amount of money and not get something that was suitable was much too high to continue."[30]

The aborted attempt to develop and deploy VoteCal did not go unnoticed in the State Legislature. In February 2011, the Assembly and Senate elections committees held a joint oversight hearing, with Secretary of State and Department of General Services staff called to testify and respond to questions. The hearing focused on the apparent waste of public funds in the first attempt to build the new statewide database, the lack of competition within the bidding process, and the state procurement process.

On this last issue, Jim Butler, then-chief procurement officer with the Department of General Services, said at the hearing:

> "It's important to understand what the scope of IT purchasing looks like in this state. In a given year we'll do between 8-10,000 separate IT purchases. The vast majority of those are done very easily, they're done very quickly and for good value. There is a tier, however, of very large projects, probably less than three percent of all the projects in the state, that are like this project, that involve systems integration, that are 30 to 50 million or more dollars, and just for those projects is really where we run into difficulty, for a lot of reasons. Maybe if it pleases the committee we could have a separate meeting to talk about that."[31]

The following year, in July 2012, then-State Senator Alex Padilla submitted an audit request letter to the Joint Legislative Audit Committee (JLAC) requesting a new audit of California's compliance with and implementation of HAVA requirements.[32] The letter specifically cited the VoteCal delays and the resulting lack of statewide online voter lookup tools to allow voters to check their registration status and vote-by-mail ballot status and to access ballot information. The letter also mentioned the fact that the state's online campaign finance database, Cal-Access, had crashed and was inoperable over a four-week period in late 2011. Because it was, as stated in the Padilla audit request letter, technologically linked to the CalVoter system, it rendered that system inoperable for a period of time as well, exposing the fragility and vulnerability of both systems.

JLAC approved Padilla's request in August 2012 and directed the Bureau of State Audits to conduct a new audit on the status of California's HAVA programs and expenditures. The auditor's second report on California's HAVA spending and programs was issued in August 2013. In this report, regarding the Secretary of State, the State Auditor wrote:

> "Although the Office may have valid reasons for pursuing VoteCal, the lack of a fully deployed VoteCal system should not prevent it from declaring the State's compliance with HAVA to the EAC [U.S. Election Assistance Commission]. Doing so would enable the Legislature to determine how best to use the remaining HAVA funds. After already costing the State at least $4.6 million due to a failed contract on its first attempt to implement VoteCal, the Office's total budget for the VoteCal project is $98.2 million through fiscal year 2016-17."[33]

And:

> "Although the terms of an agreement between the Office and the United States Department of Justice (Justice) call for deployment of VoteCal, we do not believe VoteCal is necessary to meet the requirements of HAVA."[34]

In addition, while there were project materials produced during the initial project that might be useful in a second go-around, the State Auditor concluded that:

> "In our opinion, most of the HAVA funds spent on the initial VoteCal attempt have resulted in no long-term benefit to the State's voters, nor have those funds helped achieve the ultimate goal of completing VoteCal. Although the acting deputy secretary for operations stated that the new vendor that replaced Catalyst plans to use the hardware and software previously purchased, it nevertheless appears that a significant portion of the $4.6 million paid to contractors yielded minimal tangible benefits, since most costs were for other

contractors and consultants who provided oversight and support."[35]

The State Auditor also examined why the Secretary of State and DGS failed to realize that Catalyst had not posted a performance bond. According to the auditor's report: "The VoteCal contract required Catalyst to submit a performance bond within 21 calendar days after the award of the contract," but the contract "did not designate to whom Catalyst should ultimately submit the performance bond." As the State Auditor further reported, the procurement chief for DGS "indicated that the ambiguity in the contract defining to whom Catalyst should submit the performance bond caused uncertainty, resulting in neither General Services nor the Office [of Secretary of State] following up with Catalyst to obtain the bond."[36]

The report also recommended the Secretary of State:

> "• Formally renegotiate its agreement with Justice [DOJ] by discussing the need to pursue VoteCal and obtaining clarity as to what aspect of the current CalVoter system, if any, does not meet HAVA's requirements.
>
> • Report, by December 2013, the results of these discussions with Justice to the Legislature. If the Office continues to believe it is compliant with Title III requirements, it should take the necessary steps to maximize the Legislature's flexibility for deciding how to best appropriate the remaining HAVA funds."[37]

In response to these recommendations, Secretary Bowen wrote:

> "While the Auditor does not dispute the need for VoteCal, certifying compliance with HAVA Title III could lead the SOS to violate the terms of the 2005 memorandum of agreement (MOA) that the SOS signed with the U.S. Department of Justice and could put funding for the project at risk. While certifying compliance with Title III would provide the Legislature and Governor with more flexibility to budget remaining HAVA money, prior California state budget forecasts have envisioned using federal HAVA funds to complete the VoteCal project and pay for the annual maintenance and operation of the project. California taxpayers could end up footing more of the bill if the Legislature and Governor spend these limited federal funds before knowing the true costs of maintaining and operating VoteCal."[38]

The State Auditor responded by saying:

> "The Office's comment regarding the possibility of violating the terms of the 2005 memorandum of agreement with the U.S. Department of Justice further supports our recommendation...that the Office renegotiate this agreement. Moreover, in correspondence to our office in June 2013, the acting deputy secretary of state for operations specifically stated that the terms of the Office's agreement with Justice do not prohibit the State from declaring compliance with HAVA Title III requirements."[39]

In October 2013, per the State Auditor's suggestion, then-Chief Deputy Secretary of State Evan Goldberg did send a letter to the Department of Justice sharing the State Auditor's recommendations and asking if there was any ability to renegotiate the terms of the 2005 memorandum of agreement. The letter also noted that certifying full compliance with HAVA prior to the completion of VoteCal "would allow the state Legislature to use HAVA money currently set aside for the CalVoter replacement system for other purposes, which could put the Secretary of

State in violation of the MOA."[40]

In November 2013, the Department of Justice's Civil Rights Division – Voting Section staff discussed the MOA and current project status with Goldberg and two other key project staffers, Susan Lapsley and Kim Gauthier. Ms. Lapsley, in addition to being deputy Secretary of State, HAVA director and counsel is also acting director of the VoteCal project. Ms. Gauthier is the in-agency VoteCal project sponsor and is sharing in the project director responsibilities.

In January 2014, the Department of Justice responded to the Secretary of State's October 2013 inquiry, saying it was their understanding, based on information the Secretary of State's staff provided in the November meeting, that "the CalVoter operating platform and its software are out-of-date, and that the State has limited ability to fix the old system if a technical malfunction were to occur." The letter went on to note that given the Secretary of State had awarded a contract to a bidder in March 2013, and that a pilot was planned for 2015 with full, statewide deployment expected by June 2016, DOJ did "not believe it is appropriate at this time to renegotiate the terms of the MOA or for the State to otherwise delay the implementation of the VoteCal system."[41]

Indeed, in the year between approval of the audit request and publication of the audit report, the Secretary of State continued to make progress on the second VoteCal procurement. August 20, 2012 was the deadline for bidders to submit final proposals to the Department of General Services (DGS). As reported in the State Auditor's 2013 report, "CGI was the only vendor to pass the Office's prequalification stage in November 2011, and thus it became the only bidder that could continue working with the Office (of Secretary of State) on the VoteCal procurement."[42] On October 12, 2012, a "Notification of Intent to Award" was issued by DGS' Procurement Division stating that the Secretary of State now intended to award the VoteCal contract to CGI Technologies and Solutions Inc. On March 6, 2013, the contract was approved by DGS and the second attempt to build VoteCal got underway.

A new vendor, a new project
(2013-2014)

Project development began again in Spring 2013, when CGI and its subcontractors, DIMS and DFM Associates, California's two leading EMS vendors, hosted project kickoff meetings and briefings for county registrars of voters. A project timeline was presented, laying out its seven phases:[43]

Task	Planned Completion	Actual Completion
Planning Phase – Phase I	12/27/13	10/25/13
Design Phase – Phase II	10/31/14	09/30/14
Development Phase – Phase III	06/30/15	03/31/15
Test Phase – Phase IV	10/30/15	
Pilot Phase – Phase V	12/31/15	
Deployment – Phase VI	06/30/16	
Maintenance and Operations – Phase VII	06/30/17	

The project managers also explained the differences between how CalVoter operates and how VoteCal will operate:[44]

Project Overview
CalVoter and VoteCal Environment

CalVoter	VoteCal
• Each of the 58 counties enters and stores voter records in the county's Election Management System (EMS)	• Voter records will be entered and stored in one central database
• 58 nightly uploads of new records. Duplicates, Felons and Deceased Voters are detected weekly causing an inherent delay in cancelling duplicates	• There will not be uploads or downloads due to the design of VoteCal. Message queue and new records will be processed in real time
• 58 county elections officials individually process the Duplicates, Felons and Deceased records	• Duplicates will be detected immediately causing the new county to initiate the transfer. Felon and Deceased Voters are detected in real time
• 58 county elections officials determine the processing of List Maintenance functions such as DMV, NCOA, and Purges allowed by law	• List Maintenance will be applied by VoteCal ensuring timeliness and uniformity

CalVoter	VoteCal
• 58 county elections officials generate their own mail for Voter Notification Cards (VNC) and Residency Confirmation Cards (8D2)	• VNC and 8D2 cards can be generated and mailed at the State level, resulting in increased efficiencies for these items
• 58 county elections officials generate their own Report of Registration and manually submit the report to CA SOS	• VoteCal will generate the Report of Registration
• CalVoter is rebuilt in advance of a major election to ensure synchronization	• Advanced synchronization tools will detect and monitor the current status of synchronization
• Official List of Eligible Voters is maintained by 58 county elections officials	• Responsibility for the Official List of Eligible Voters will reside at the State level as envisioned by HAVA

In May 2013, the Secretary of State and CACEO created the VoteCal Business Process Committee, comprised of county representatives – many of whom are in key leadership positions within CACEO

– to inform the VoteCal team regarding how county election officials manage their elections and systems. Registrars from nine counties are serving on this committee, which is meeting on a regular basis throughout the project, according to participants.[45]

In December 2013, VoteCal briefings were held in conjunction with the CACEO annual conference in Sacramento. Then-project manager Irene Wei introduced Mike Rockenstein of CGI, Bruce Krochman of DFM Associates and Ross Underwood of DIMS. Mr. Krochman and Mr. Underwood provided most of the details and answered audience questions. Mr. Underwood noted that while California may be the last state in the nation to be fully HAVA-compliant, "We are going to have a great system when it's done. No battleship turns on a dime; we are the biggest state in the nation, have a complex voting public, lots of issues on our ballots." And he concluded that he hoped to see California move up from the near-bottom position it held in the Pew Charitable Trusts' Election Performance Index.[46]

In conjunction with these briefings, an overview of the project was published, presenting the benefits that the new centralized statewide voter registration database would bring to voters and explaining how VoteCal will operate.[47] Project staff also began posting project updates on the Secretary of State's web site, publicly chronicling the project's milestones.[48]

Throughout 2014, project development continued. In June 2014, the project staff presented plans for a phased-in, county-by-county approach to deployment, in which counties would be adopting and integrating VoteCal as their official voter registration database in waves:

- Pilot: El Dorado, Mendocino, Orange, Sacramento, Solano (July 2015).
- Wave 1: Alpine, Butte, Colusa, Glenn, Nevada, Placer, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Tulare (October 2015).
- Wave 2: Amador, Del Norte, Lassen, Mariposa, Modoc, Mono, San Bernardino, San Diego, Sierra, Sutter, Trinity, Yuba (November 2015).
- Wave 3: Inyo, Lake, Los Angeles, Plumas (December 2015).
- Wave 4: Contra Costa, Fresno, Imperial, Kern, Kings, Madera, Marin, Santa Clara, Shasta, Yolo (January 2016).
- Wave 5: Humboldt, Riverside, Santa Cruz, Siskiyou, Stanislaus, Tehama, Tuolumne (February 2016).
- Wave 6: Alameda, Calaveras, Merced, Monterey, Napa, San Francisco, San Mateo, Sonoma, Ventura (March 2016).

2014 also saw the first open-seat contest for Secretary of State since 2006. Several candidates competed and conducted lively campaigns, with VoteCal frequently coming up in debates and news coverage. The winning candidate, Alex Padilla, who two years earlier had requested the audit of VoteCal and HAVA programs, pledged that successful implementation of VoteCal was his number one priority. In his campaign materials, Padilla stated:

> "We need to make sure our voter databases are accurate and reliable. California's voter registration system is a patchwork of outdated technologies spread out over 58 counties. Our voter registration technology lags behind almost every other state. California can adopt new technology to increase voter access to registration, ensure accuracy and integrity, save taxpayer dollars and increase voter participation."[49]

Current project status: on track, on schedule, within budget
(2015)

The project timeline chart shows that to date deadlines for the first three phases have been met in advance. The chances for the project remaining on track are good, given that the staff and vendors appear to be working well together and Secretary of State Padilla has made successful completion and implementation of VoteCal his number one priority. On his first day in office, Secretary Padilla tweeted a photo of his meeting with key VoteCal project staff.

Alex Padilla @AlexPadilla4CA · Jan 6
Digging in on my first day as CA SoS: meeting with division chiefs & briefing on the Vote Cal technology project. pic.twitter.com/IaTxXf2vXy
↩ ⟲ 8   ★ 10   •••

Project staffing and oversight

Throughout its long history, the VoteCal project has faced numerous challenges. Several California government agencies have been involved with project planning, oversight and execution. Within the Secretary of State's office, there are a number of people who are involved and have responsibility for the VoteCal project. The HAVA coordinator, the Project Sponsor, and the Project Director all play a key role in steering the VoteCal project within the Secretary of State's office. The Elections Division staff, the primary VoteCal client within the agency, are also involved.

Because the database upgrade has spanned so many years and four Secretary of State administrations, there has been a fair amount of turnover among the personnel involved in managing the project. Before it was an actual project, it was a proposal, which took several years to develop. Former Secretary of State HAVA coordinator Chris Reynolds played a lead role in developing the interim 2006 solution and establishing the memorandum of agreement with the Department of Justice to achieve interim HAVA compliance.

Early on in the project, Project Director Mary Winkley, Elections Division liaison Bruce McDannold, and Project Sponsor Janice Lundstrom were the Secretary of State's key project staff. In its current status, Secretary of State HAVA coordinator Susan Lapsley is serving as interim Project Director,

with Election Division Chief Jana Lean and Project Sponsor Kim Gauthier also providing key support within the agency.

The Project Director position was left vacant after former director Iren Wei left the position after serving in 2013 and 2014. Since 2011, the Secretary of State has provided to the Joint Legislative Budget Committee independent VoteCal oversight reports. The April 2015 report stated:

> "SOS has determined that bringing on a new Project Director at this point in the project will not provide the originally intended benefit, given the late stage of the project and the transition activities that would be required to bring a new Project Director up to speed.

> "As such, Project Director duties will continue to be accomplished for the balance of the VoteCal Project effort using the combined efforts of the Project Sponsor and the Deputy Secretary, Help America Vote Act (HAVA) Activities."[50]

While oversight and management of the project by the Secretary of State is key to the project's success, the vendors building VoteCal are also critically important. According to the December 2014 Independent Project Oversight Report, the "SI Project Manager took a position with another firm….SOS has accepted his replacement in accordance with key staff provisions of the agreement. The former SI Deputy Director will now serve as SI Project Manager."[51] The election management system vendors are represented by Ross Underwood of DIMS and Bruce Krochman of DFM Associates. Both Underwood and Krochman are well-known within California's local election community, as their two companies combined have been providing EMS systems to most California counties for decades.

The Department of General Services, the Governor's Department of Finance, and a series of executive technology oversight agencies that existed between 2002-present all have had staff involved in developing and approving the VoteCal project. Indeed, throughout the VoteCal project period, a series of changes in executive oversight occurred, with the sunsetting of the Department of Information Technology in 2002, the creation of the Office of the State Chief Information Officer in 2006, the integration of that agency with three other agencies in 2009, the establishment of the California Technology Agency in 2010, and the renaming of this agency as the Department of Technology in 2013, now the "recognized central IT organization for the State of California."[52]

Project costs and other struggling state IT projects

Initially, in 2003, it was estimated by then-Secretary of State Kevin Shelley that building a new statewide voter registration database would cost between $8 and $40 million. By 2006, the estimated cost had risen to $69 million. When the second contract was awarded to CGI, the December 2012 monthly Independent Project Oversight Report stated that "total one-time IT costs" were $81.8 million. The March 2015 monthly report, however, states those costs to be $92.2 million.

VoteCal is not the only large-scale, State of California IT project with a history of challenges. Several other high-profile projects with fiscal problems and delays have been reported in recent years. These include:

- The Department of Motor Vehicles' attempt to overhaul its vehicle registration process, which was canceled in 2013 after the agency reportedly spent $135 million;[53]

- The State Controller's attempted overhaul of the state's payroll system, which was canceled in 2013 after $254 million had been spent on the failed effort;[54]

- The Judicial Council of California's failed attempt to create a statewide case management system. After spending $333.3 million on the project, the Judicial Council announced in March 2012 it was canceling the project after learning that it would cost an additional estimated $343 million to deploy it in the first year;[55]

- The Department of Consumer Affairs' BreEZe system, intended to facilitate the licensing duties for dozens of professional boards and commissions, "has been plagued with performance problems, significant delays and escalating costs," according to a State Auditor report issued in 2015;[56] and

- The costs for the University of California's UCPath payroll system, initially estimated to be $170 million, have risen to $220 million; the project is also currently two years behind schedule.[57]

As noted by the Department of General Services' staff at the Legislature's 2011 VoteCal oversight hearing, large-scale, expensive, governmental IT projects that involve systems integration appear routinely to run into trouble.

While the VoteCal project costs did escalate during the course of the project, they do appear to have stabilized in recent years, with the Independent Project Oversight Reports consistently stating over the last two years that project costs would be $92.2 million. These reports have also consistently reported that the project is on-schedule, adequately resourced, and within budget. It appears that, despite the difficulties with the first contract, the Secretary of State and project vendors have succeeded in getting the project underway and on-course.

Looking Ahead
(2016-2017)

The VoteCal project is scheduled to bring the first five pilot counties online in July 2015. Two of the pilot counties - Orange and Sacramento - successfully deployed on July 20; the remaining three are reportedly due to deploy in August. If the project remains on track, VoteCal will be fully deployed in all 58 counties by June 30, 2016. Once that happens, the Secretary of State will officially be responsible for managing California's statewide voter registration database. Counties will continue to manage individual voter records, but the legal responsibility for record maintenance and management, as required by the federal Help America Vote Act, will move from the counties to the Secretary of State once all counties are online.

Statewide lookup tools & other voter conveniences

One side benefit of modernizing statewide voter registration databases is that the improvements also allow the state to provide online lookup tools that help voters engage in elections. For example, if a voter is unsure whether he is registered to vote at his current address, he could go onto the website of his state's elections agency, type in some personally identifiable information and verify his registration status. Other tools let voters locate their polling places, retrieve a list of contests on their ballots, or check the status of their vote-by-mail ballots or provisional ballots.

As one of the last states to build a statewide voter registration database that is fully HAVA-compliant, California is also one of the last states to offer voters online tools voters can use to verify if they are registered to vote at their current address. The Pew Charitable Trusts' Election Performance Index has tracked lookup tools offered by states since 2008; as of 2012, California and Vermont were the only states to offer no statewide voter lookup tools online. The most common state lookup tools available are polling place lookup tools (49 states) and voter registration status lookup tools (41 states).[58] While most lookup tools have not been made available to Californians on a statewide basis, many counties have provided them on their county election web sites.[59]

In 2014, the California Secretary of State's Elections Division staff worked with the Voting Information Project (VIP), led by Pew and Google, to deliver the first statewide lookup tool for California, despite the fact that the VoteCal database was not yet complete. The Secretary of State's staff successfully worked with counties and EMS vendors to bring polling place data from all 58 counties into a statewide lookup system accessible via the Secretary of State's web site.

For 2016, the office is working to expand this service to allow voters to look up and retrieve a list of all the contests that will appear on their ballots. This and the polling place tool are being made available separately from VoteCal. After VoteCal is launched, it's unclear whether the polling place and ballot information lookup tools will move to that platform, remain accessible via the VIP platform, or reside in both places. One benefit of using the VIP platform to offer such tools, rather than VoteCal, is that, since the data involved are not voter-specific, information can be accessed using a simple street address and without logging in with personal voter data.

To access VoteCal lookup tools, voters will need to log into a publicly accessible portal using personally identifiable information, including their name and birthdate, and their driver's license number, as well as the last four digits of their social security number. According to the Secretary of State's staff, both numbers are required because the VoteCal system interfaces with the Department of Motor Vehicles for verification purposes and DMV utilizes both numbers in its verification process. .[60]

Current plans are for VoteCal to provide California voters with voter registration status, vote-by-mail ballot status, and provisional ballot status lookup tools. Although counties will begin migrating their voter registration management to VoteCal beginning in July 2015, the Secretary of State's office does not plan to make any lookup tools available for voters to use via VoteCal until all counties are online and the new system is functioning statewide, which will likely be sometime after June 2016.

According to the Secretary of State's staff, the lookup tools will be accessible year-round, will be compatible with mobile devices, meet better accessibility standards, and translated into the nine languages in addition to English required to be supported by the Secretary of State.[61]

Even more specifically, lookup tool functions planned for VoteCal include:

1. Voter Registration Status Lookup Tool: Once logged in, a voter will be able to see at which address she is registered, party affiliation, and whether she is signed up as a permanent vote-by-mail voter. If a voter wants to change any information on her record, she will need to complete a new voter registration form, either on paper or online.

2. Vote-by-Mail Ballot Status Lookup Tool: A voter will be able to find out if his vote-by-mail ballot was counted, and if not, why not. However, it is unknown how quickly this information will be added to voters' records and whether it will be feasible for a voter to use the lookup tool to determine, prior to Election Day and the close of polls, whether there is a problem with his ballot, such as a missing or bad signature that potentially could be corrected prior to the close of polls so that such ballots can be counted.

3. Provisional Ballot Status: A voter who casts a provisional ballot will be able to find out if his ballot was counted and if not, why not.

For voters who cast ballots at polling places, it is unknown whether VoteCal will also display their voting history. VoteCal will also show voters the elections in which they are eligible to vote. However, municipal elections not facilitated by counties are not planned to be included (the Secretary of State's staff has reported that they will explore the possibility of incorporating non-county administered elections into this feature). Current plans do not call for a feature that lets voters see which electoral districts they reside in or who represents them at various levels of government but the Secretary of State's staff is reportedly aiming to create other resources on the agencies' web site for this purpose.[62]

According to the Secretary of State's "VoteCal Website Overview" page, voters will also be able to request state "voter guides in one of ten languages, in a large print format or in an audio format" or opt out of receiving a printed guide altogether; VoteCal will also enable a voter to request a vote-by-mail ballot.[63]

So, while Californians have been waiting a long time for statewide lookup tools, voters can look forward to an array of new services and added conveniences by the Fall of 2016, when the entire suite of voter lookup tools should be made available to all voters across the state, and in a uniform manner. While many counties have provided voter lookup tools, they vary greatly in terms of design, the specific data needed to access them, level of detail, timing of updates and whether they are available only during election time or year-round. The suite of lookup tools that will be made available via VoteCal, as well as through the Secretary of State's partnership with the Voting Information Project, will put all California voters on a level playing field and ensure that every voter, regardless of where they live, has equal access to timely information voters need to participate in elections.

Laws awaiting implementation; bills under consideration

During the years that VoteCal has been in development, the California Legislature has enacted several laws in anticipation of this upgrade in functionality. These include:

- Allowing 16 year-olds to pre-register to vote: SB 113 of 2014, authored by Senator Hannah-Beth Jackson, allows Californians to pre-register to vote at age 16, and supersedes a previous law (SB 30 of 2009, authored by then-Senator Curren Price) that would have allowed 17-year olds to preregister. This change in the law takes effect on January 1 the year after VoteCal is operational.

- Allowing Californians to register to vote on Election Day: AB 1436 of 2012, authored by then-Assemblyman Mike Feuer, allows Californians to register to vote at county election offices on Election Day as of January 1 the year after VoteCal is in operation.

- Giving voters the option to receive their state Voter Information Guide electronically: AB 306 of 2009, authored by then-Assemblymember Jean Fuller, will allow voters to inform the Secretary of State of their wishes to receive an electronic rather than paper version of the state voter guide once VoteCal is in operation.

- In addition, Secretary of State Alex Padilla has proposed potentially significant changes to California's voting process that would give counties the option to eliminate polling places and replace them with a system where each voter is sent a ballot and all voters in the county would have the option of voting at any voting center in their county or returning their ballots at a drop off location. Such a process would require that the vote centers be networked with the state voter registration database in real time so that a voter could not go to multiple sites and cast multiple ballots. VoteCal would need to be in operation before counties could offer voters a county-wide voting option. The legislative vehicle for this proposal is Senate Bill 450, authored by State Senator Ben Allen.

- Secretary Padilla is also promoting a move to automatic voter registration, where voters opt out of registering rather than opting in; this approach would also require VoteCal to be operating before it could be implemented. The legislation for implementing this proposal is Assembly Bill 1461 by Assemblymember Lorena Gonzalez.

- Assembly Bill 1020, introduced in February 2015 by Assemblyman Sebastian Ridley-Thomas and sponsored by Secretary of State Padilla, will, if enacted, update numerous California statutes so that they will be in compliance with VoteCal voter registration procedures once VoteCal is in operation. Among other provisions, AB 1020 will ensure that voters' registrations are updated seamlessly when they move within California, thereby improving the accuracy of the state's voter rolls.

In addition, many voter advocacy groups would like to see an easier way for the state and counties to collect and maintain voters' preferences for voting materials in languages other than English or in different formats such as audio or larger print. VoteCal may be a vehicle for providing an interface that could give voters the ability to modify their preferences. It could also be expanded to include listings of all elections in which a voter is eligible to vote, including local elections not administered by counties. And it could provide a complete listing of all of a voter's representatives along with their contact information. Because VoteCal is being built with an extensible design, it is feasible to add new functionalities.

Although online voter registration was initially delayed due to VoteCal delays, the California Legislature enacted SB 397/Yee in 2011, which directed the Secretary of State to utilize the existing CalVoter database in order to facilitate online voter registration. In September 2012, Secretary Bowen debuted the new registration option, which has proven to be a popular service. The existing online registration system will be modified to work with the new VoteCal system once it is in operation.

Conclusion: Lessons learned and the need for greater transparency

The VoteCal project, like many other large-scale California IT projects, struggled due to its size, turnover in administrations, confusion regarding agencies' oversight responsibilities, and a state procurement process that results in awarding contracts without the presumed marketplace

competitiveness that is required to yield the best results. In the meantime, California voter participation has tumbled to record lows as numerous reforms and benefits designed to increase voter engagement and turnout have been awaiting the completion of VoteCal.

The challenges this project has faced are like those many other major California IT projects have also faced. In both the first and second VoteCal procurement processes, only one bidder ended up qualifying as a final bidder, resulting in a decision by default rather than competition. It would be beneficial for California's political leaders to examine the root causes for large-scale California IT project delays and cost overruns and consider possible reforms needed to the procurement process in order to produce the kinds of IT projects the public has come to expect from the private sector, and that taxpayers deserve.

With another two years ahead before the project is completed, there is ample opportunity for the Secretary of State to implement new transparency and public information procedures that will help those interested in monitoring the project's progress to do so effectively. An RSS feed that was inactive for a number of years appears to have been revived and should be utilized to share updates with subscribers.[64] The monthly project status reports should be publicly posted on the Secretary of State's web site. At present, a few reports dated between 2010 and 2012 are online, but many are not.[65] Lastly, it would be beneficial for the Secretary of State to start planning now for the new functionalities that can be provided down the road, once VoteCal is in operation. Planning now for "VoteCal 2.0" will help avoid delays in achieving future reforms to improve the voting process and the experiences of California voters.

About the California Voter Foundation

The California Voter Foundation (CVF) is a nonprofit, nonpartisan 501(c)(3) organization working through research, oversight, outreach and demonstration projects to improve the election process so that it better serves the needs and interests of voters. Since 1994 CVF has championed emerging democracy and technology issues, pioneering online nonpartisan voter education, online disclosure of campaign finance data, and public verification of software vote counts. CVF has worked collaboratively and in partnership with government officials and agencies, universities, nonprofits, foundations and the media to implement significant electoral changes in California, including vote-by-mail reforms, online voter registration, and voter privacy protections. CVF's web site, www.calvoter.org, features an array of election reform resources and publications as well as nonpartisan election and government information for California voters.

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California Elections, September 24, 2014. Project staff later said the decision to use both the
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