

STATE OF CALIFORNIA
SECRETARY OF STATE
OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT (OVSTA)

PUBLIC HEARING ON REQUEST FOR APPROVAL
OF VOTING TECHNOLOGY
VSAP 2.1 VOTING SYSTEM

REMOTE

MONDAY, AUGUST 31, 2020

10:05 A.M.

Reported by:

PETER PERRY

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

APPEARANCES

OFFICE OF VOTING SYSTEMS TECHNOLOGY ASSESSMENT STAFF:

Susan Lapsley, Deputy Secretary of State

NaKesha Robinson, Senior Election Technology Specialist

Todd Ross, Election Technology Analyst

PRESENTATIONS:

NaKesha Robinson, Senior Election Technology Specialist

Michael Santos, SLI Compliance

PUBLIC COMMENTS:

Trent Lange, California Clean Money Campaign

Jed Pauker, LACVC

Judy Branfman, Money Out Voters In

Jennifer Tanner, Indivisible California Green Team

Mandeep Gill, Indivisible East Bay

Philip Stark

Anastasia Kassar, California Clean Money Campaign

Holly Mosher, Money Out Voters In

Michele Sutter, Money Out Voters In

Shirley Shelangoski

Bill Hilton

Michael Levinson

Lulu Friesdat, Smart Elections

Ann McKeown, Antelope Valley Progressive Democrats

Nancy Neff, California Clean Money Campaign

Chris Hayes, Protect

Pascale Macleod

Pamela Smith

Janeen Pedersen

Kim Alexander, California Voter Foundation

Cynthia Maher

Jim Davidson, California Clean Money Campaign

Patricia Kraegel

Emily Levy, Scrutineers

Pat Schwinn

Virginia Martin

Garland Favorito

Eloise Hamann

Laurie Parizo

CALIFORNIA REPORTING, LLC

229 Napa Street, Rodeo, California 94572 (510) 224-4476

PUBLIC COMMENTS (Continued) :

Mimi Kennedy, Progressive Democrats of America
Phyllis Klein
Jenifer Cohn
Robin Gibson
Susan Greenhall, Free Speech for People
Ann Harvey
Lynne Huidekoper
Adriene Coulter, Indivisible Ventura
Roy Nirenberg
Nancy Rader
Dale Axelrod, Sonoma County Democratic Party
Darlene Little, Protect California Ballots
Stephanie Dennis
David Newswanger
Caryl Schwartz
Ed Hieronymus
Debra Cohn
Rob Lanphier
Katherine Carpio
Larry Bathgate
Karen Beck
Michelle Gabriel
Marcy Winograd
Pamela Fuller

INDEX

	Page
1. Call to Order	5
2. Staff's Report	7
3. Consultant's Report	10
4. Public Comments	14
5. Closing Remarks by SLI Compliance	102
6. Closing Remarks by County of Los Angeles	104
Reporter's Certificate	116
Transcriber's Certificate	117

1

P R O C E E D I N G S

2 AUGUST 31, 2020

10:05 A.M.

3 DEPUTY SECRETARY OF STATE LAPSLLEY: This is the
4 public hearing for Los Angeles County's Voting Solution for
5 All People, VSAP 2.1.

6 Thank you, everyone, who is able to join us
7 virtually today for the public hearing. We appreciate your
8 patience and time being here and your willingness to partake
9 in this important part of the process. Today's public
10 hearing will be conducted as follows, first, we will have the
11 Secretary of State's staff report presentation by NaKesha
12 Robinson. Then following the staff report, we'll have the
13 consultant's report which will be presented by Michael Santos
14 with SLI. Following consultant's report, we will take public
15 comments. After public comment, we will provide time for Los
16 Angeles County to make a statement or response if they so
17 choose.

18 Anyone who would like to speak during the public
19 comment period must use the chat box feature in WebEx.
20 Please provide your first name, last name, and organization,
21 if applicable. Speakers will be unmuted by the timekeeper in
22 the order listed in the chat box. If you do not see the chat
23 feature or are having technical difficulties, please email
24 votingsystems@sos.ca.gov so that someone can provide you with
25 assistance. Speaking time will be limited to three minutes.

1 The timekeeper will advise when two minutes, 30 seconds has
2 elapsed and then will again when three minutes has elapsed.
3 So Todd Ross with OVSTA has agreed to be our timer today, so
4 he will unmute and advise you 30 seconds left and then time's
5 up, and then we'll move on to the next speaker.

6 All attendees are currently muted to ensure optimum
7 audio now. So we're not doing video to maximize the audio
8 portion and the sound available with the system. A court
9 stenographer is taking a transcription of this public
10 hearing. This means the comments of everyone speaking here
11 today will become part of the public record, which will
12 eventually be posted on the Secretary of State's website.

13 Written comments on these agenda items can be
14 submitted via email to votingsystems@sos.ca.gov or by U.S.
15 mail to Secretary of State, attention Voting System Comment,
16 1500 11th Street, 6th floor, Sacramento, California, 95814 on
17 or before September 15th at 5:00 p.m. Any written comments
18 submitted to the Secretary of State will also become part of
19 the public record. As with all things COVID related, this is
20 new for all of us, so please have patience as we navigate
21 through this public hearing, and I would ask in particular of
22 patience with me as we -- as I navigate the chat box and the
23 timing and all the items that we have going on today.

24 So with that, we will go ahead. And I will turn it
25 over to NaKesha to start the staff report.

1 MS. ROBINSON: Good morning, everyone, members of
2 the public and guests.

3 The County of Los Angeles submitted an application
4 for the VSAP 2.1 voting system on February 27th, 2020. The
5 system is comprised of the following major components, Tally
6 Version 2.2.2.31, which is the hardware and software that
7 captures and processes ballot images ensuring that votes on
8 paper ballots are digitally represented and counted storing
9 the images as cast vote records.

10 A ballot marking device, or BMD, Version 1.6,
11 essential component of the voting system and the main
12 interface for the voter. It includes a touchscreen, an audio
13 tactile interface, a paper handler, a QR code scanner, a dual
14 switch input, and an integrated ballot box. The BMD is used
15 by voters to generate, verify, and cast paper ballots.

16 FormatOS Version 1.6.1, which is the application
17 used to wipe new BMD devices.

18 BMD BASI Version 1.6, this is the application used
19 for the BMD.

20 BMD BESI Version 1.6, this is the application for
21 election software for the BMD.

22 BMD Manager, or BMG, Version 1.5, this is the
23 ballot marking device manager application for managing BMDs
24 including software, ballot configuration, and postelection
25 data.

1 VSAP Ballot Layout, or VBL, Version 1.1.3 defines
2 ballot print format for BMD, vote-by-mail, remote-accessible
3 vote-by-mail, and Uniformed and Overseas Citizens Absentee
4 Voting Act ballots. VBL also generates data files and
5 packages to configure the BMD, BMG, ISB, and Tally.

6 The Enterprise Signing Authority, or ESA, Version
7 1.0, a cryptographic subsystem hardware and software that
8 ensures components of the ESA conform to security standards,
9 and that the data path to components is secure and
10 authenticated.

11 And lastly, the IBML-ImageTrac 6400, a high speed
12 scanner used in conjunction with the Tally tabulation
13 software.

14 In addition to each of these aforementioned
15 components, which includes the executable code and the source
16 code, the County of Los Angeles was required to submit the
17 following, the technical data package, or TDP, all the
18 hardware and software components including all peripheral
19 devices needed for all phases of testing, and the VSAP 2.1
20 use procedures.

21 The staff report presents the test results for all
22 phases of the certification test of the VSAP 2.1 voting
23 system. The purpose of the testing is to test the compliance
24 of the voting system with California and federal laws
25 including the California Voting System Standards, or CVSS.

1 Testing also undercovers other findings which do not
2 constitute noncompliance, and those findings are reported to
3 the County of Los Angeles to address the issues procedurally.
4 The procedures mitigate any additional findings are made to
5 the documentation specifically the County of Los Angeles VSAP
6 2.1 use procedures.

7 Through the formal California contracting process
8 and pursuant to California Elections Code Section 19285, the
9 Secretary of State awarded a contract to SLI Compliance, a
10 division of Gaming Laboratories International, LLC, to serve
11 in the capacity as the state-approved testing agency or
12 expert technician to examine the system. Hardware testing of
13 the ballot marking device was subcontracted by SLI to
14 National Technical Systems, or NTS, Laboratory.

15 The Secretary of State's staff in conjunction with
16 SLI oversaw all phases of testing of the system including
17 functional, software testing or the source code review,
18 security and telecommunications or (indiscernible)
19 penetration testing, volume, and accessibility, usability,
20 and privacy testing in addition to hardware testing.

21 During the functional test, four test elections
22 were tested including ballot generation, marking and
23 tabulation, and finally reporting and verification of
24 results.

25 The source code review and security and

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

1 telecommunications testing where tasked to SLI to evaluate
2 the security and integrity of the voting system by
3 identifying any security vulnerabilities that could be
4 exploited to alter vote recording, alter vote results, alter
5 critical data such as audit logs, or conduct a denial of
6 (indiscernible) attack on the voting system.

7 Additionally, SLI was also tasked to evaluate the
8 system for the previous findings of the VSAP 2.0 source code
9 and security testing. Testing concluded with a volume test
10 of the BMD devices simulating the volume the devices could
11 experience on election day and accessibility testing with
12 volunteers from the County of Los Angeles Acceptability
13 Community. Each of the reports and the results can be found
14 on our website.

15 I will now turn it over to Mike Santos from SLI for
16 the presentation of the consultant's reports.

17 MR. SANTOS: Thank you, NaKesha.

18 Can you hear me?

19 MS. ROBINSON: Yes, we can hear you.

20 MR. SANTOS: Okay. Good morning. This is Michael
21 Santos from SLI Compliance.

22 As NaKesha just mentioned, SLI Compliance examined
23 the system in the following areas, functional, source code,
24 security and telecommunications, volume, hardware, and
25 accessibility, usability, and privacy.

1 With regards to the functional examination, the
2 functional testing reviewed and verified functionality in
3 place for all components of the VSAP Tally 2.1 system. The
4 assessment included an analysis of the voting system's
5 functionality-related documented policies and procedures.
6 The components of the VSAP Tally 2.1 system were found to be
7 compliant with CVSS standards.

8 With regards to source code examination, a source
9 code review analysis was conducted by SLI where all
10 components declared in the VSAP Tally 2.1 system. The review
11 was conducted utilizing both the automated tools and the
12 manual review. The review looked at coding standards
13 utilized during the development process as well as the CVSS
14 requirements within the standard. The source code review
15 determined that the VSAP Tally 2.1 system's compliant to the
16 CVSS standards with the exception of a handful of minor
17 issues in structured programming, error checking, and unused
18 executable code aspects. And there were only about five or
19 six issues found.

20 With regard to the security telecommunication
21 examination, that testing focused on the physical and logical
22 security measures in place where all devices within the VSAP
23 Tally 2.1 system. The assessment included an analysis of the
24 voting system's current security measures and documented
25 policies and procedures. The components of the VSAP Tally

1 2.1 system were found to be compliant to the CVSS standards
2 with the exceptions of the functional security review found
3 some issues concerning (indiscernible) encryption not being
4 fully implemented, as well as access control authorization
5 procedures not consistently implemented.

6 There were a number of potential vulnerabilities
7 found during vulnerability scans of the entire VSAP solution
8 environment. With the physical and air gap mitigations, the
9 chance of these vulnerabilities being exploited is considered
10 to be low to medium.

11 With regards to the volume examination, the volume
12 testing review did verify the ability for the system to be
13 able to successfully manage large volumes of ballots and vote
14 data within the Tally 2.1 system. The components of the VSAP
15 Tally 2.1 system were found to be compliant to the CVSS
16 standards. Worth note that some issues were encountered
17 during the volume testing which included timid feeds, where a
18 voter hesitantly reads the ballot and sometimes results in
19 the ballot being rejected in which case they just simply
20 resubmit it. QR codes errors where the QR code was not
21 successfully read, and then the rereads seemed to mitigate
22 that issue. In one incident of a blank screen after the
23 ballot had been inserted, all issues were mitigated through
24 the testing.

25 With regards to the functional examination -- oh,

1 I'm sorry, with regards to the hardware examination, the
2 hardware testing reviewed and verified the functionality and
3 place for the BMD components of the VSAP Tally 2.1 system
4 with regards to hardware testing. The hardware components of
5 the VSAP system were found to be compliant to the CVSS
6 standards.

7 And the last area of examination was accessibility,
8 usability, and privacy. This testing reviewed and verified
9 the ability for all users of the system to be able to
10 successfully utilize in the components of the VSAP Tally 2.1
11 system. The components of the system were found to be
12 compliant to the CVSS standards.

13 This concludes SLI's examination of the VSAP Tally
14 2.1 system. Any additional information regarding the
15 aforementioned testing can be found on the publicly available
16 test reports published by the California Secretary of State's
17 office. Thank you.

18 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
19 you, Mike.

20 So again, anyone who would like to speak during the
21 public comment, please use the chat box feature in WebEx and
22 provide your first name, last name, and organization, if
23 applicable. The speakers will be unmuted by the host in the
24 order listed in the chat box. I've been keeping a list as
25 we've been going along. And again, if you don't see the chat

1 feature or if you're having technical difficulties, please
2 email votingsystems@sos.ca.gov so that someone can provide
3 you with assistance.

4 So far, I have four public speakers. I have, just
5 so everyone can be ready in the order, first I have Trent
6 Lange. And then second is Jed Baker -- Pauker, sorry. And
7 third is Judy Branfman. And fourth is Jennifer Tanner.

8 So again, if you can give NaKesha just a second to
9 unmute you, Trent, you'll be up first. Trent is with the
10 California Clean Money Campaign. And again, you'll have
11 three minutes, Mr. Lange.

12 MR. LANGE: Organization that -- can you hear me?

13 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, I can now.

14 MR. LANGE: Okay, great. The California Clean
15 Money Campaign is a 20-year-old organization that cares
16 deeply about fair elections and election security with over
17 100,000 supporters in California.

18 We greatly appreciate the huge amount of care and
19 thought that's been put into VSAP's ballot marking devices to
20 make them powerful and usable, especially for people with
21 disabilities. We do believe that if the county were to share
22 it with the rest of the country as open source, which is
23 actually one of our requests, that it could provide a
24 tremendous transparency and security benefit for elections
25 over existing systems. However, on March 3rd, we sent a

1 coalition letter to Secretary Padilla signed by 42 state,
2 local, and national organizations and election experts
3 identifying three major security and access issues with VSAP
4 urging him not to give final certification, to make it only
5 conditional until they are satisfactorily addressed. You'll
6 hear from some of them today and from some activists who also
7 care about that, I believe.

8 The QR code issue is one of the big ones. Election
9 security experts like Dr. Philip Stark and others are very
10 concerned that people cannot verify the QR codes. They can
11 read the English, but they cannot read and verify that their
12 votes are accurately represented in the barcode. Colorado
13 Secretary of State last fall disallowed the use of QR codes
14 and other printed barcodes in their paper ballots, saying
15 that it was necessary to increase the security of vote
16 tabulation and ensure voters can accurately verify that their
17 ballots are correctly marked. QR codes could be among the
18 next target of an attack and are potentially subject to
19 manipulation. So if Colorado Secretary of State can ban QR
20 codes, we would ask that California's does.

21 We know this is possible now because the InterCivic
22 Verity Voting System and the Smartmatic BMDA 4600 all use
23 optical character recognition. So we know it can't be done
24 by November, but we're asking that you not give final
25 certification until it's done before the next election.

1 We're also very concerned, the coalition is very
2 concerned about the use of the ballot marking devices as
3 ballot boxes, so we're asking that use separate ordinary
4 ballot boxes options --

5 MR. ROSS: Two minutes and 30 seconds.

6 MR. LANGE: Okay. For all separate ballot boxes as
7 done in every other county. We're also asking that you
8 provide the option for people to have real paper ballots when
9 they come into the voting center, not the write-in ballots
10 which take way too long for people to fill in. Every other
11 county provides that either with preprinted ballots or with
12 ballot-on-demand printers. So, again, we ask that the
13 Secretary --

14 MR. ROSS: Three minutes.

15 MR. LANGE: -- other changes. Thank you.

16 DEPUTY SECRETARY OF STATE LAPSLLEY: Thank you,
17 Mr. Lange, and thank you for being the first guinea pig as we
18 do the public speaking firstly. So glad you could make it,
19 and thanks for your testimony information.

20 Again for those that wish to speak, please either
21 message me, this is Susan Lapsley, directly so I can make
22 sure you are on the list or in the chat box or send it -- a
23 chat with everyone and put your information in there. Either
24 way, it doesn't -- or either way, it doesn't matter. I am
25 keeping a list of speakers. I know that some have messaged

1 NaKesha directly and NaKesha is providing those to me as
2 well. But make sure, I want to make sure we get everyone who
3 wants to speak the ability to speak and make sure we have you
4 on the list.

5 So, again, thanks Mr. Lange. Appreciate you being
6 the first out of the gate.

7 Next up is Jed Pauker with Los Angeles County
8 Voters Action Coalition, and am I pronouncing that correctly?

9 MS. ROBINSON: Sorry, Susan, what was that name
10 again?

11 DEPUTY SECRETARY OF STATE LAPSLEY: Jed -- I think
12 it's Pauker, P-A-U-K-E-R.

13 MR. PAUKER: Ah, great, got it. Thank you. You
14 can hear me now, I hope?

15 DEPUTY SECRETARY OF STATE LAPSLEY: Yes.

16 MR. PAUKER: Great. Yeah, it's pronounced like
17 Pauker.

18 DEPUTY SECRETARY OF STATE LAPSLEY: Sorry. Sorry,
19 Mr. Pauker.

20 MR. PAUKER: No, not at -- not at all. It's a
21 German name that they gave the Hungarians when they conquered
22 Hungary in the mid-1800s.

23 I want to thank everybody for this opportunity, and
24 I like seeing everyone's name on this call today, which
25 marks, by the way, what would have been the 101st birthday of

1 my mother, the oldest child of immigrants from Russia. My
2 father's father sent his young family to America and then
3 followed himself five years later leaving by the backdoor as
4 the Nazis knocked on the front.

5 The values that my parents shared with us, their
6 children, underlie the concerns I voice today on behalf of
7 immigrants, indigenous and native Americans alike. My
8 service as a technology in the Los Angeles County Voters
9 Action Coalition, also known as LACVAC, drives several grave
10 concerns regarding certification of the VSAP system, which is
11 currently poisoned by visible and invisible basic design
12 flaws.

13 I speak today on the simplest of them, the
14 resolution of which will transform an inequitable onsite
15 voting process into a trustworthy result. The ballot marking
16 device's onboard ballot box is as unnecessary as a human
17 appendix. The ballot's second pass under the machine's
18 head -- on the machine's printheads is a proven disease
19 vector and must be prohibited in order for our Secretary of
20 State to provide conditional certification under California
21 Voting System Standards, standards which by the way may
22 govern his trustworthiness in future elections.

23 Since we cannot repair this flaw before our general
24 election period begins, training the Los Angeles County vote
25 center workers must include the instruction for voters to

1 print their ballots on the machines, carefully review them,
2 and then carry them to the onsite standalone ballot box, full
3 stop.

4 Experts agree that QR codes must be prohibited in
5 order -- in favor of QR of OCR to provide voter verifiable
6 vote counts. And public ownership requires that VSAP source
7 code be released for peer review as per California State Bill
8 360. Fulfilling these and other conditions as discussed in
9 the Clean Money, LACVAC, and other coalition letter sent to
10 county and state offices promise to produce a voting system
11 whose model can someday provide value to --

12 MR. ROSS: Two minutes, 30 seconds.

13 MR. PAUKER: Thank you for your consideration. I
14 appreciate it. It's all yours.

15 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
16 much. Appreciate the testimony.

17 And again, I'd like to remind everyone that if you
18 did not get to cover all of your points in your public
19 comment presentation, please feel free to submit additional
20 public comments or the remainder of your written comments to
21 votingsystems@sos.ca.gov. And again, we're taking those
22 through September 15th, 2020.

23 Next up, we have Judy Branfman. Judy is on the
24 phone.

25 NaKesha, are you able to unmute her?

1 MS. BRANFMAN: Thank you very much. Good morning.

2 This is Judy Branfman, I'm a member of Money Out Voters In, I
3 live in Santa Monica.

4 And I wanted to quickly speak to three issues. One
5 is just to reiterate that the QR code must be eliminated as
6 it details in the Election Expert Coalition letter. The
7 second has to do with equity and voting in L.A. County, and
8 what happened in March. Roughly 3,000 of the prior 4,000
9 polling places were eliminated, which in some cases I know
10 prior several precincts were in the same location often, but
11 still, I would say at least over a thousand poll places were
12 closed. And there were no warnings or signs on closed
13 centers. And it meant that a well-off community of people
14 could drive around looking for a site to vote in, but this
15 isn't the case in many, many parts of L.A. County. And I
16 know from observation in March, this was a problem.

17 Also, as far as the 24-hour voting locations, there
18 were absolutely none in all of south L.A. stretching all the
19 way to the harbor, and the harbor at least has a huge number
20 of people who could have benefited, working people who could
21 have benefited by a 24-hour voting place. But to have it is
22 such a -- to have nothing in this huge (indiscernible) of
23 L.A. County just seems discriminatory. The one voting center
24 in east L.A. 24-hour voting center would close very quickly,
25 people were only offered the paper ballots where you have to

1 fill in everything yourself, write everything in, which most
2 people did not do. So there were a lot of problems.

3 And finally, the VSAP system was touted as an open
4 source system. I know it's been pointed out that it really
5 isn't, but the public records request that I made, it was
6 clear that the KnowInk poll book is proprietary and that the
7 County had to sign a nondisclosure agreement to get it turned
8 over to the county. And we're talking about the poll book
9 used for voters across the county. So this was really
10 problematic.

11 I hope Secretary Padilla will take these and all
12 the issues people are raising today seriously and make sure
13 everyone can vote and be counted. Thank you.

14 MR. ROSS: Two minutes, 30 seconds.

15 DEPUTY SECRETARY OF STATE LAPSLEY: Yeah, great.
16 Thank you, Judy. Appreciate it and appreciate your comments.

17 Next up is Jennifer Tanner. And Jennifer, before
18 you start, just to give others a heads up. I have been
19 keeping a list here. After Jennifer, we will have
20 Dr. Mandeep Gill, and Michele Sutter is next after Dr. Gill.
21 And then Philip Stark will be on deck after that.

22 And then I have a list of several more. So thank
23 you again for putting your names in the chat box. I'm
24 getting them and making a list.

25 So NaKesha, are you able to unmute Jennifer Tanner?

1 And Jennifer is with the Indivisible California Green Tea, am
2 I getting that right?

3 MS. TANNER: Team. Can you hear me?

4 DEPUTY SECRETARY OF STATE LAPSLEY: Team. There we
5 go, thank you.

6 MS. TANNER: Hi. First of all, thank you so much
7 for the public hearing and thank you, Susan, for all of your
8 help. We all need it. I was having trouble navigating, so
9 thank you.

10 My name is Jennifer Tanner, founder of Indivisible
11 California Green Team, and one of our priorities is election
12 security. Indivisible California State Strong comprises all
13 of the 70 indivisible groups representing over 40,000 people
14 all over California, and all of the groups have signed a
15 Clean Money Coalition letter that we sent you in March and an
16 updated one that you will receive soon. With a huge
17 coalition demanding that you refrain from giving final
18 certification for the VSAP until you have resolved the
19 outstanding security flaws detailed in the March letter.

20 Number 1, we are all concerned about the QR code,
21 which voters cannot verify their vote being used to tally
22 their vote. Colorado Secretary of State banned the use of QR
23 codes for counting ballots and got their vendors to
24 accommodate that, so why are we still using them?

25 Number 2, we are all concerned that when voters

1 cast their ballots on the VSAP, the ballot goes under the
2 printhead a second time, which can be hacked to alter the
3 ballots. They need to use separate ballot boxes like every
4 other county in California.

5 Number 3, voters need to be offered real hand-
6 marked paper ballots like every other county in California.
7 The write-in absentee ballots are laborious and will not be
8 used. We need ballot-in-demand printers like all the other
9 counties in California have for people who prefer the gold
10 standard of security, hand-marked paper ballots.

11 And finally, we need the system to be open sourced
12 as was originally promised to not follow the privatized model
13 that vendors have been selling for elections in America
14 forever. The issue was so important to us that Indivisibles
15 in Los Angeles, after you conditionally approved the VSAP
16 despite our coalition letter asking you to not do that, we
17 formed LACVAC, Los Angeles County Voters Action Coalition, of
18 which I am one of the original founders. We are happy to say
19 we've been meeting with all of our L.A. supervisors' offices
20 and also with Dean Logan, registrar recorder, very useful
21 meetings.

22 Every Indivisible member I speak to is upset and
23 concerned about the L.A. system. L.A. and California have
24 spent hundreds of millions of dollars. It would be
25 catastrophic for the Secretary of State to approve it when it

1 has these blatant unresolved security flaws that unfixed will
2 lessen voter confidence in voting. All of our Indivisibles
3 in Los Angeles and all of (indiscernible) --

4 MR. ROSS: Two minutes, 30 seconds.

5 MS. TANNER: -- care deeply, and we are counting on
6 you, our Secretary of State, to not finalize such an insecure
7 system. Thank you.

8 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
9 much, Ms. Tanner, appreciate the public comments.

10 Next up we have Dr. Mandeep Gill with Indivisible
11 East Bay.

12 NaKesha, are you able to unmute Dr. Gill?

13 DR. GILL: Okay. Great. Can you guys hear me?

14 DEPUTY SECRETARY OF STATE LAPSLEY: Yes.

15 DR. GILL: Okay. Great. Hi there, everybody. So
16 this is Dr. Mandeep Gill with Indivisible East Bay.

17 I'm not in Los Angeles, but I'm in Alameda County,
18 California, where our county votes by hand-marked paper
19 ballots, the ones where you connect the lines. I've been in
20 involved, actually, in election security since going to Ohio
21 in 2004 after the very messed up election there where it went
22 all the way to Congress and they decertified parts of it. It
23 eventually went through, but we know the rest of the story.

24 So there were huge books written about that, and I
25 knew a lot about the details of the machines and all of that

1 then and watched a lot of voting recounts, but I've just
2 gotten reinvolved in the issue of ballot marking devices and
3 these issues here in California. So mostly I want to just
4 support what Trent, Jed, Judy, and Jennifer have already
5 said. They're experts, they've been studying this.

6 And I want to just step back for a second and say
7 there's a lot of details, a lot of reports on the page
8 NaKesha pointed us to and that she summarized, and the other
9 staff member. And -- but I just want to say that often bad
10 decisions on varying governmental levels are clothed in
11 technicalities and legalities that are just hard for ordinary
12 citizens to parse, meaning the phrases, the banality of evil,
13 you know, let's not go to the evil level, but it's just
14 there's a lot of technicalities. And this is especially true
15 when for-profit corporations are involved in hundreds of
16 millions of dollars, as Jennifer said.

17 So Canada, a country with a population nearly the
18 size of California, uses hand-marked paper ballots and they
19 count them by hand. Many countries in Europe do. People
20 just need to have trust in the system to have faith in
21 democracy, which is clearly being shaken at the national
22 level. California should be the model. We just can't
23 approve an election system in the biggest county in the state
24 that has all the security flaws that have been outlined
25 including Money Coalition letter and that have been talked

1 about already and affects all of us ultimately in the state.
2 It's responsible for you to fix this system before it is
3 approved by you. So we're expecting you to wait to approve
4 this.

5 Finally, I'll just say we oughtn't approve
6 something shiny and new just because there's a big pot of
7 money available and it looks like a nice technological fix.
8 Sometimes, the fixes we need are simplest, like getting back
9 to transparent marking of paper ballots just that everybody
10 can see in front of their eyes and watch the recounts of.
11 Thanks so much.

12 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
13 you so much, Dr. Gill.

14 Next up, we have Michele Sutter with Money Out
15 Voters In. And again, just before you get started, I will
16 give the lineup of kind of next ones in line. We have
17 Michele Sutter, and then Philip Stark, and then Anastasia
18 Kassar. And then Holly Mosher, Mosher, I'm sorry if I'm
19 mispronouncing last names here.

20 But Michele, go ahead.

21 And NaKesha, can you unmute Michele Sutter, please?

22 Michele, are you able to speak?

23 NaKesha, can you -- are you able to unmute her?

24 MS. ROBINSON: Yes, she's unmuted. If she's
25 speaking, I'm not hearing her.

1 DEPUTY SECRETARY OF STATE LAPSLEY: Oh, I see in
2 the chat that she has mic problems. You know, Michele, I'll
3 come back to you. Maybe it might be, maybe see if it's
4 possible to call in if that would, to the call number, and we
5 can send that to you. That might be able to -- the
6 opportunity for you to be able to use the mic and give your
7 comment. So we'll come back to you.

8 So next up is Philip Stark.

9 NaKesha, are you able to unmute Mr. Stark?

10 MR. STARK: (Indiscernible).

11 DEPUTY SECRETARY OF STATE LAPSLEY: Yeah. Good
12 morning, Mr. Stark.

13 MR. STARK: Good morning. Thank you for the
14 opportunity to comment. I'm commenting as an individual, not
15 as a representative of any group.

16 I wanted to make four quick points. First is the
17 necessity of providing voters with the option to hand-mark a
18 paper ballot in polling places. A genuine preprinted
19 Australian-style ballot, not a write-in ballot. The reliance
20 on ballot marking devices for all in-person voters are making
21 that the primary motive casting a vote really does undermine
22 the security of the paper trail. In essence, it makes the
23 paper trail hackable.

24 The second thing that I hope will be addressed is
25 disabling the ballot boxes that are attached to the ballot-

1 marking devices. As has been mentioned before in this call,
2 allowing the ballot to pass under the printhead after the
3 voter has last seen the printout means that a malicious hack
4 could render a ballot unreadable, add selections, and other
5 things that undermine the security of the paper trail.
6 Again, the net result is that the paper trail becomes
7 hackable.

8 The third thing, I hope that the cybersecurity
9 issues will be addressed before final certification,
10 including issues around route access and hardcoded passwords
11 in particular.

12 And finally, my understanding is that the process
13 that led to this system under SB360 envisioned that all of
14 California could benefit from the development, including the
15 software that's being built. And my understanding is that
16 currently the software has not been disclosed, much less
17 licensed under an open license. I've heard from Clerk
18 Registrar Logan that there are concerns about governance of
19 the software code base. I don't understand how that can be a
20 concern for disclosing the source. That's primarily a
21 concern for allowing people to modify the source as it is
22 being run for L.A. County, and that's not the issue here.
23 It's more licensing and visibility and transparency. Thank
24 you very much.

25 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

1 Philip, appreciate the comments.

2 Next up is Anastasia Kassar. Kassar. Again, I
3 apologize if I am mispronouncing last names. And she is with
4 the California Clean Money Campaign.

5 NaKesha, are you able to unmute her?

6 MS. KASSAR: Hi, my name is Anastasia Kassar, and I
7 am from the California Clean Money Campaign.

8 I'd like to thank you for holding this hearing and
9 allowing me to speak today. As a millennial, young voter,
10 and activist, I strongly urge Secretary Padilla to consider
11 the system's critical security flaws outlined by the Clean
12 Money Coalition letter before giving it final approval.

13 Recently, our elections have been under threat, and
14 young people are increasingly worried about the security of
15 our elections. They're counting on L.A. County to ensure
16 their votes are counted. That's why it's so important that
17 you consider the Clean Money Coalition's letter to fix the
18 security flaws and give young people the opportunity to have
19 their voices heard this election in a safe and secure way.

20 Thank you.

21 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you. And
22 thanks for your testimony today and your comments.

23 Next up is Holly Mosher or Mosher with Money Out
24 Voters In and Smart Elections.

25 NaKesha, please unmute Holly.

1 MS. MOSHER: Hi, can you hear me?

2 DEPUTY SECRETARY OF STATE LAPSLEY: We can, thank
3 you.

4 MS. MOSHER: Okay. Thank you so much for having
5 this hearing. Again, my name is Holly Mosher and I'm with
6 Money Out Voters In and Smart Elections.

7 And we all wrote letters asking the Secretary of
8 State not to certify this until all the security issues were
9 addressed, and we are concerned that not enough has changed.
10 We saw an epic fail with voting in the primary, and I know
11 this is looking at VSAP 2.1, but we need to look at the whole
12 system. To just piecemeal this, I think, is not fair.

13 I wonder why they failed to listen to the tech
14 advisory team who asked to have CD-ROM of all the voters at
15 each voting center. They also need to be able to print a
16 hand-markable ballot on demand or have the ballots. They
17 said they could have, you know, the ballots that would be
18 most used at each location so that each voter could get their
19 correct ballot and hand-mark it.

20 I wonder about the deep cut in thousands of polling
21 locations, you know. This would be front page news anywhere
22 else, and this created so many people who walked away from
23 the polls. I was videoing that day. I can't tell you how
24 many people left because of the lines. And I talked to
25 people days later who, I went to vote, but I couldn't, so I

1 left, you know. It shouldn't take this long.

2 Also, this open source. You know, both VSAP and
3 the e-poll books need to be open source if they, you know,
4 any system we are using on election day needs to be open
5 source if that's what they're touting.

6 And then there was the lawsuits over the more
7 button. The law is to be, you know, all candidates on one
8 page, but it was, you know, people had to scroll for more
9 pages, more pages, and I wonder if that was adequately fixed.

10 I'm concerned because we made a guinea pig with
11 five million voters in the largest voting district in the
12 entire country, a very diverse voting, you know, population.
13 Are we making this equitable? And with so many, you know, I
14 saw, you know, electricity go out, we saw, you know, people
15 just couldn't vote.

16 Also, within the conditional approval from the
17 Secretary of State, Item Number 33 said within five months
18 from the date of this conditional approval, L.A. County shall
19 provide a plan to the Secretary of the State for reviewing
20 the functionality of the more button. You know, what is
21 that? Are we getting all on one page to actually follow the
22 laws of the state?

23 So I say please do not give this conditional --

24 MR. ROSS: Two minutes, 30 seconds.

25 MS. MOSHER: And that's it. Thank you.

1 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
2 you so much for your public comment.

3 Let's try this, Ms. Sutter, let's try going back to
4 you and see if we can unmute you and let you provide your
5 public comment. Are you able to use your microphone?

6 MS. SUTTER: You tell me. Can you hear me?

7 DEPUTY SECRETARY OF STATE LAPSLEY: I can. Thank
8 you very much.

9 MS. SUTTER: Oh, lovely. Love it when technical
10 difficulties are solved.

11 So I'm Michele Sutter. I'm the director of MOVI,
12 Money Out Voters In. We were the organization --
13 organizational sponsor of the original Overturned Citizens
14 United Act SB1272 and then the second Overturned Citizens
15 United Act SB254, and I chaired the successful Yes On Prop 59
16 campaign.

17 As our name would suggest, getting money out of
18 politics is a primary concern, and Voters In is an enormous
19 part of our mission, and as Judy and Holly have spoken so
20 eloquently, too, this morning, there were a myriad of issues
21 with the new voting system.

22 I, though, want to focus my remarks on the open
23 source issue. You know, throughout the country, ballot
24 marking devices are being challenged and there is a push
25 within our community certainly to go to hand-marked paper

1 ballots overall. But particularly in the VSAP system, you
2 know, we were confident that these source codes would be
3 released as part of being in compliance with the 2013 SB360
4 which was then State Senator Padilla's own bill. And so we
5 are perplexed as to why those codes have not been released so
6 that we might have confidence, yet these machines would not
7 be vulnerable to outside actors as Mr. Stark referred to.

8 I cannot understand why we would not want to test
9 whether or not these machines --

10 MR. ROSS: Two minutes, 30 seconds.

11 MS. SUTTER: Thank you. Whether these machines can
12 be -- can be manipulated. We have a number of very close
13 potentially elections in this county, and the merest hack
14 could affect the outcomes. And I would urge that the
15 Secretary of State release these codes so that we could have
16 confidence that the way that we counted the votes --

17 MR. ROSS: Three minutes.

18 MS. SUTTER: Thank you. Is the way they will be
19 counted. Thank you all so very much.

20 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
21 much. I'm glad that we got the technical difficulties worked
22 out.

23 So next up, again, to give everyone a heads up, we
24 have Shirley Shelingoski, and again, my apologies. Bill
25 Hilton with California Clean Money. Michael Levinson, and

1 Lulu Friesdat is on deck.

2 So Shirley are you --

3 NaKesha, are you able to unmute Shirley so that she
4 can give her public comment?

5 MS. SHELANGOSKI: Hello, can you hear me? Can you
6 hear me?

7 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, yes.

8 Thank you.

9 MS. SHELANGOSKI: Okay, hi. Yeah, this is Shirley
10 Shelangoski, I've been with California Clean Money for the
11 past seven years and also with Contra Costa County Money Out
12 People In.

13 I've also attended an election security workshop
14 last fall in Berkeley, so I'm very interested in this
15 subject. I understand the vulnerabilities of the regular
16 machines but in the particular the ones that are in L.A.
17 right now, and I am really asking that Secretary Padilla not
18 certify these machines for election until L.A. County is in
19 compliance with the security problems addressed.

20 And I'm very concerned that voters don't have the
21 option to use regular paper ballots at the voting centers if
22 they didn't bring their vote-by-mail ballot. So every other
23 county does this. And I would really appreciate that all the
24 security concerns be addressed before people are able to cast
25 their vote and feel confident that the vote that they cast is

1 the one that will be counted. Thank you.

2 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
3 you so much.

4 Next up is Mr. Hilton.

5 NaKesha, are you able to unmute Bill Hilton?

6 MS. ROBINSON: Sorry, give me one sec. First name
7 again?

8 DEPUTY SECRETARY OF STATE LAPSLEY: Bill Hilton.

9 MS. ROBINSON: Yeah.

10 MR. HILTON: And I live in Sunnyvale. Am I muted
11 still?

12 DEPUTY SECRETARY OF STATE LAPSLEY: You are now
13 unmuted.

14 MR. HILTON: Okay. I'm a participant in the
15 California Clean Money Campaign and also with Indivisible 350
16 Silicon Valley and Courage California.

17 Almost everyone I talk to is concerned about the
18 security of our elections because we know that they have
19 recently been attacked. I'm especially concerned in the case
20 of VSAP 2.1 that it uses QR codes that I, as a voter, could
21 not easily verify. Colorado Secretary of State has banned
22 them, and I hope you will too.

23 Also, the Secretary should require L.A. County to
24 release VSAP source code as open source or at least as
25 disclosed source per Secretary Padilla's own bill SB360

1 passed some years ago. In fact, it troubles me that we're
2 even having this hearing given that L.A. County hasn't yet
3 produced everything that they're required to produce.

4 So in my view, the whole state and possibly the
5 country is watching the example that the Secretary will set
6 for publicly owned ballot marking. Please fix all these
7 issues and others that have been mentioned by other speakers
8 so we can be proud of what is certified, not afraid of it.

9 I'm counting on Secretary Padilla to ensure voters
10 like you have confidence that everyone's votes are being
11 counted accurately and that he doesn't give final
12 certification until obvious security flaws are fixed. Thank
13 you very much.

14 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
15 much, Mr. Hilton.

16 Next up is Michael Levinson.

17 And NaKesha, I believe that Mr. Levinson is
18 actually caller number 6. Are you able to unmute him?

19 MR. LEVINSON: Yes, hi. Is everybody able to hear?

20 DEPUTY SECRETARY OF STATE LAPSLEY: We are, thank
21 you.

22 MR. LEVINSON: Yes. Michael Levinson. I live in
23 Daly City, which is the northern part of San Mateo County. I
24 am speaking as an individual, but I am on the San Mateo
25 County VAC, Voting Accessibility Committee, and we review a

1 lot of the voting systems in San Mateo County.

2 I have a sight disability, so there's a number of
3 things that are mentioned in the Clean Money and expert
4 letter that affect people with sight disabilities.

5 Obviously, I would not be able to vote independently if I
6 could not get a ballot handed to me at the polling place, a
7 fresh ballot that I could fill out without assistance, and
8 using the machine there allows me to do that.

9 Second thing I want to mention is the disclosed
10 aspect. I think before this is approved, the code should be
11 disclosed so those people can test to see if it works the way
12 it's supposed to.

13 I guess my next issue would probably be with the
14 printhead because I think the worst thing that could happen
15 given what's going on right now with voting issues in this
16 country is to approve something and then have a scandal. It
17 would be worse than not approving it, which is what we're I
18 believe advocating for for the most part today, is to
19 postpone this until all these issues can be resolved.

20 So that's all I have to say for today.

21 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,
22 Mr. Levinson, appreciate the public comment.

23 Next up we have Lulu Friesdat. And after that,
24 just so everyone can get ready, Ann McKeown, sorry. Nancy
25 Neff, and Chris Hays will be on deck.

1 NaKesha, are you able to unmute Lulu?

2 MS. FRIESDAT: Good morning, can you hear me?

3 DEPUTY SECRETARY OF STATE LAPSLEY: We can, thank
4 you.

5 MS. FRIESDAT: Good morning, thank you so much for
6 having this hearing and listening to our voices and really
7 taking them in. We hope that you will really take action on
8 what we're saying.

9 My name is Lulu Friesdat, I am the executive
10 director of Smart Elections. It's an organization dedicated
11 to elevating election reform to an urgent national priority.

12 I understand that what happens in California has
13 profound consequences for the rest of the country. And one
14 of the ways that we can think about this is think about areas
15 that California has been a leader. For example, in
16 Proposition 65, the mandate that California put out to
17 protect families with information about chemicals that cause
18 cancer and birth defects, that protects me even though I live
19 in Brooklyn because many of the national companies started to
20 follow Prop 65 with all of their labeling.

21 Unfortunately, in regard to voting systems, L.A. is
22 not a leader, and it's really, really tragic. This was an
23 amazing opportunity that was squandered. Los Angeles is one
24 of the first major metropolitan areas to design its own
25 voting system from scratch, but instead of designing a system

1 that is verifiable, reliable, transparent, accessible,
2 secure, and builds confidence, L.A. has built a boondoggle, a
3 kind of a big dig at voting machines, spending \$300 million
4 to design a system that caused hours long lines and has
5 multiple security defects.

6 It's not just my opinion. Los Angeles County Board
7 of Supervisors was dissatisfied with the system. Supervisor
8 Janice Hahn said publicly that L.A. made it less accessible
9 for people on election day, made it less convenient and less
10 desirable to vote. That is the actual supervisor of Los
11 Angeles.

12 I understand that voters with disabilities need
13 systems that are accessible. Smart Elections works with many
14 voters with disabilities, we care passionately about their
15 rights. And when we speak to them, we understand that many
16 of them feel strongly that they deserve to have their votes
17 counted accurately and not be subject to potential
18 manipulation. So these defects that affect voters with
19 disabilities on the ballot marking devices affect us all, and
20 we all deserve to have our votes counted accurately.

21 So what to do now? The boondoggle is built.
22 First, don't export the system, and I mean that seriously.
23 The rest of the state and the rest of the country does not
24 want or need these problems.

25 MR. ROSS: Two minutes, 30 seconds.

1 MS. FRIESDAT: Second, do everything in your power
2 to transform this system into a system that security experts
3 and voters can support and have confidence in, especially
4 following the points of the California Clean Money Campaign
5 letter that we signed.

6 And in particular, I want to say something that
7 isn't mentioned in that letter. I have tremendous concerns
8 about the auditability of this system. There was a court
9 suit that was brought now because Long Beach Reform Coalition
10 wanted to recount an election that has --

11 MR. ROSS: Two minutes.

12 MS. FRIESDAT: -- 116 votes, and they were unable
13 to do that because of the tremendous expense, almost \$200,000
14 estimate to recount a simple, one simple election. That's
15 terrible. That is terrible design, terrible administration.
16 Thank you.

17 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you so
18 much, and thanks for your public comment.

19 Next up, we have Ann McKeown.

20 NaKesha, are you able to unmute her? It's
21 M-C-K-E-O-W-N. If I can read my own handwriting.

22 MS. ROBINSON First name is Ann?

23 DEPUTY SECRETARY OF STATE LAPSLEY: Ann, yes.

24 With the Antelope Valley Progressive Democrats.

25 MS. ROBINSON: Is she a call-in user because she's

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

1 not listed -- oh, I'm sorry, you're here now.

2 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

3 MS. McKEOWN: Okay. Great. Thank you so much.

4 I'm Ann McKeown. I'm first vice president of the Antelope
5 Valley Progressive Dems and also an elected delegate from
6 Assembly District 36.

7 I'm speaking today not as an election's expert, but
8 to convey comments that I solicited from people before this
9 meeting. Several of them have already been mentioned.

10 The first one is the more button. It sounds very
11 simple, but there's a masters you could doctor up a thesis in
12 there somewhere looking at the impact of the ballot order of
13 names. People who end up on the second or third page appear
14 to be clearly at disadvantage. Many of our older members
15 confess to having just thought that first page of names was
16 it and choosing from those. That's tragic and needs to be
17 fixed.

18 I'm not going to reiterate the comments about the
19 security issues. They are clear. I am actually appalled
20 that we're having this hearing now when in particular the QR
21 code issue was raised last March, and I still haven't seen
22 any indication that that is going to change.

23 The other comment came from people who are
24 differently abled that there were two women in our group who
25 were able to vote by themselves for the first time, and that

1 was remarkably meaningful. So while we are incredibly
2 concerned with the security issues, I think it's worth noting
3 that it was a positive change for some folks. Thanks so
4 much.

5 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
6 much.

7 Next up we have Nancy Neff with the California
8 Clean Money Campaign.

9 NaKesha, did you unmute --

10 MS. ROBINSON: What's the name again?

11 DEPUTY SECRETARY OF STATE LAPSLEY: Nancy Neff.

12 MS. NEFF: Hello? Can you hear me?

13 DEPUTY SECRETARY OF STATE LAPSLEY: We can, thank
14 you.

15 MS. NEFF: Oh, good. Thank you. I'm Nancy Neff
16 from Palo Alto. I volunteer as a Clean Money regional
17 coordinator in Northern California.

18 Our volunteers are in strong support of open source
19 paper ballot voting systems, and before the pandemic, they
20 collected many signatures on petitions for it. People are up
21 in arms about everything to do with voting being fair and
22 square in this very important election. Because LA's new
23 voting system could be either a good or a bad model for many
24 more counties and states, our supporters will be extremely
25 disappointed if Secretary Padilla certifies it with so many

1 serious flaws. They are shocked that we are this close to
2 November with a quarter of California's voters about to use
3 such a flawed system. It is imperative that all the flaws
4 listed in the coalition letter be fixed before final
5 certification is granted.

6 These things are basic common sense. Offer real
7 paper ballots at the polls, collect all ballots in good old-
8 fashioned ballot boxes, make machines read the voter-verified
9 texts not QR codes, make publicly funded source code public.
10 All of the activists, no matter where I speak, are very
11 concerned about these security issues and hope Secretary
12 Padilla will require them to be fixed. Thank you.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

14 Next up we have Chris Hays. And then just to give
15 people a heads up before we move on to the next ones, after
16 Mr. Hays, we have Pascale Macleod. And David Schmidt and
17 Pamela Smith up on deck.

18 So NaKesha, are you able to unmute Chris Hays?
19 It's H-A-Y-S.

20 MR. HAYS: Good morning. Can you hear me?

21 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.
22 We can, yes.

23 MR. HAYS: Okay. Very good. My name is Chris
24 Hays. I'm with Protect California Ballots.org. Dr. Judith
25 Alter, chair of this group, sends her regrets she had a prior

1 commitment this morning.

2 I want to make a comment about QR codes and I want
3 to bring up something that hasn't been brought up yet.

4 There's a reality with this QR code that's being a bit
5 overlooked in all of -- and by the way, everything that's
6 been said about the QR codes so far this morning is accurate.

7 But there's another problem. You place your vote on this
8 wonderful machine, and you check your ballot and all that.

9 But the QR code is not generated by the voter, it's generated
10 by a computer inside the ballot marking device.

11 Anytime there is a computer, there's a potential
12 for hack. I don't care if it's air gapped, committed insider
13 crooks can always get at this stuff, and so we've got to be
14 very, very careful. We should never put a computer between
15 the voter and the counting devices. That just should not be
16 done. The QR code needs to go. And that was point one I
17 wanted to raise. By the way, I'm a retired IT professional,
18 so I know a little about these things.

19 Second brief point I wanted to make, no one's
20 said -- not much has been said about the electronic poll
21 books this morning. When I voted in the primary last March,
22 there was as a problem with these things. It was -- I, you
23 know, went to the signature thing and then I sort of put my
24 signature, except it wasn't responding, and we tried again
25 and again. But all of a sudden, everything I marked,

1 including three attempts at a signature, suddenly appeared on
2 the screen. I said oh, so I tried to fix it, and then the
3 thing timed out because I hadn't done the result in time.
4 Then we had to start over.

5 My sense is you had a computer that was struggling
6 for bandwidth, and this has been a problem across the
7 country. When electronic poll books have been advocated,
8 they generally always underestimate the bandwidth needed on
9 an election day scenario. People will procrastinate, I don't
10 care how much early voting there is, people by their nature
11 will procrastinate, and there will be a rush of voters on
12 election day. You have to allow for that or you get into
13 trouble very, very, very quickly.

14 And I'd just like to add one little question people
15 to contemplate --

16 MR. ROSS: Two minutes, 30 seconds.

17 MR. HAYS: Thank you. A quick question for people
18 to think about. I am a perfectly healthy normal
19 nonhandicapped person and fully able to fill out a paper
20 ballot and read it and fill it out. Why am I being penalized
21 and handicapped by having to vote on a system designed for
22 the handicapped? Doesn't make any sense. Thank you, and I
23 yield the floor to you.

24 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,
25 Mr. Hays, I appreciate your public comments.

1 And next up, we have Pascale Macleod.

2 NaKesha, are you able to unmute Pascale, please?

3 Pascale, are you able to hear us?

4 MS. MACLEOD: I'm not -- hello, can you hear me
5 now?

6 DEPUTY SECRETARY OF STATE LAPSLEY: Yes. Now we
7 can.

8 MS. MACLEOD: Oh, thank you. My name is Pascale
9 Macleod, and I'm from San Francisco. I do not represent any
10 organization. I am just a very concerned voter.

11 Our democracy has been falling apart for a few
12 years now, and at the very heart of democracy is the ability
13 to vote. To cast your vote, every single person in our
14 country should be able to cast a vote, including in
15 California, and it should be counted as it was cast, and
16 there should be no ifs, ands, or buts.

17 I don't understand why two months out from our
18 election that our office that is representing the integrity
19 of our election in California is having this public comment
20 hearing and there are four security lapses that have been
21 proposed -- that have identified directly and are being put
22 forward by the California Clean Money Campaign and 47
23 national and state organizations. I have not been involved
24 in this process, and I am shocked and dismayed and distressed
25 that this is going on in California.

1 There is way more than the four proposals that
2 there are few people who have added information today about
3 some new things that I wasn't aware of. And in particular, I
4 have family that votes around the world there in Europe, and
5 they vote with paper ballots. I don't understand why we have
6 all these machines, et cetera. I think that this is a source
7 of problems. Paper ballots through clear transparent boxes
8 and that are recounted automatically should be the process
9 all throughout our country.

10 But what's going on in L.A., what happened last
11 March, is astounding. I could not believe it. I've been
12 voting in California 20 years, and I don't know why we're
13 doing this now. We should be focused on the problems with
14 COVID, with wildfires, and relocation of homes that might
15 affect people's address being checked, verified. We should
16 be making it easier for people to vote in California and
17 focusing on the issues that are today's issues.

18 This is something that has been clear since the
19 2000 election, the 2004 national election, we've had problems
20 with election security, and we've had problems in Georgia and
21 plenty of other states. California, I thought, was the
22 leader. I'm counting on Secretary Padilla. I didn't even
23 focus on Secretary Padilla until now, and I trusted you, and
24 I don't understand why this is going on now.

25 MR. ROSS: Two minutes, 30 seconds.

1 MS. MACLEOD: So please fix all four of these
2 problems, ensure -- and more -- and ensure that nothing is
3 confirmed except in a conditional capacity, if that, and fix
4 all these problems. Show people that transparency and
5 integrity of elections counts. California's counting on
6 this, the country's watching this, the world is watching
7 this. Enough is enough. We've got to show --

8 MR. ROSS: Three minutes.

9 MS. MACLEOD: Thank you very much.

10 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
11 much, Ms. Macleod, appreciate the public comments.

12 Next up we have David Schmidt. And after Mister --
13 after David Schmidt, we'll have Pamela Smith, Janeen
14 Pedersen, and Kim Alexander will be on deck.

15 So NaKesha, are you able to unmute David Schmidt?

16 (Background voices)

17 DEPUTY SECRETARY OF STATE LAPSLEY: NaKesha, we're
18 getting some feedback, I think.

19 (Background voices)

20 MS. ROBINSON: That's Mr. Schmidt.

21 DEPUTY SECRETARY OF STATE LAPSLEY: It sounds like
22 Mr. Schmidt is attending to some other business.

23 We'll go ahead and move forward and come back to
24 Mr. Schmidt.

25 Pamela Smith is next up.

1 NaKesha, can you unmute Pamela Smith, please?

2 MS. SMITH: Oh, hi. Can you hear me?

3 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
4 morning.

5 MS. SMITH: Hi, good morning. Thank you so much.

6 I am a mom with two very computer-savvy millennial voters who
7 are well-aware that their votes are not secure with our
8 present system. We've been working hard to try and bring
9 about change and have been volunteering with California Clean
10 Money for the last few years. I'm also a member of a very
11 large Home Sharers Democratic Club. But today, I am speaking
12 as an individual.

13 We've worked tirelessly to try and create a new
14 secure voting system in California that we hope will
15 eventually spread across America. Unfortunately, the new
16 voting VSP -- VSAP system has three serious security flaws
17 that Dr. Tanner, Philip, and Trent Lange have very eloquently
18 expressed. I support their research and findings.

19 I ask you, Secretary Padilla, who I voted for, to
20 please not give final approval of the VSAP systems with these
21 three blatant security flaws until they have been corrected.
22 Californians have the ability to develop a very secure voting
23 system with all our resources that will hopefully be admired
24 and adopted all over -- I'm not very good at this, just a
25 mom -- throughout our country. We need to gain the people's

1 trust from the very beginning by developing a very secure
2 voting system.

3 I am also a big believer in the open source voting
4 system that I wish was part of this. Thank you kindly for
5 your work.

6 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you so
7 much, Ms. Smith. You did just fine. I commend you for your
8 public comments. And I want to just let everyone know that
9 you guys lucked out today from my three kids coming in and
10 wanting to be a part of this -- in the background, in the
11 background noise. So you guys are all being saved today from
12 that.

13 Next up we have Janeen Pedersen. Janeen --

14 NaKesha, are you able to unmute Janeen Pedersen?

15 MS. PEDERSEN: Yes, hello. I'm Janeen Pedersen,
16 hi. I'm a longtime poll worker, 30-plus years, and I'm also
17 a member of Los Angeles County Voter Action Coalition, and
18 I'm a group leader in Indivisible.

19 I represent many, many voters, and I'm appalled
20 that we're here today talking about this now. You know,
21 we're 60 days out from a major life-changing election and we
22 have security flaws. I did training last year in Norwalk for
23 L.A. County voting systems, and I went out there and held
24 tutorials for the public, little knowing about the security
25 features that I was, and I was pushing these machines on

1 behalf of the county registrar.

2 When I found out that Mr. Padilla signed off on the
3 security on these machines, I couldn't believe it. A lot of
4 unhappy voters. We are actually working very hard to make
5 sure everybody votes by mail. The people I represent do not
6 have confidence in this voting system. Why are we here now?
7 Why? This is unacceptable, I'm sorry. I am angry.

8 And also, you know, I heard that, you know, the
9 county registrar does not want to have separate ballot boxes
10 to put ballots into to bypass the code issues and all of this
11 stuff. And because one of the reasons being that the
12 disabled couldn't get to the box. Excuse me, that is not a
13 reason. I have worked the polls. We always have a top
14 priority for people with disabilities, and people who are
15 extremely disabled usually don't come into the polls, but
16 people who are disabled come in usually with people who can
17 help them. But we as staff always make it a priority, so
18 that is not a reason.

19 And I just see flaws like this all the time that we
20 are being told things that don't necessarily connect the
21 dots. We are not stupid. So I want to fix on this, I
22 don't -- I don't want anything to go wrong. Our primaries
23 were used as a test run, and that's -- that's unacceptable.
24 It was a mess out there. And we're going to have another
25 mess unless our elected officials get onboard and fix this

1 now. And I am angry and we are angry and it better be done.
2 That's all. We just spent all our tax dollars, \$900 million.
3 Are you kidding me? I'm done. Thank you.

4 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,
5 Ms. Pedersen, for your public comment.

6 Next up is Kim Alexander.

7 NaKesha, are you able to unmute Ms. Alexander?

8 MS. ALEXANDER: Hi, can you hear me?

9 DEPUTY SECRETARY OF STATE LAPSLEY: We can, thank
10 you.

11 MS. ALEXANDER: Great. Good morning, thank you.
12 This is Kim Alexander with the California Voter Foundation.
13 We are still reviewing the published reports and thank the
14 Secretary of State's office for providing those and will
15 submit written comment by the September 15th deadline.

16 And today I just have a question that perhaps LA
17 County's folks can respond to. I did notice that the
18 application for this upgrade was dated February 27th, which is
19 before the March 3rd primary. And following the primary,
20 there were numerous additional issues and problems that were
21 identified by the Board of Supervisors and voters and
22 election staff. Some of these included excessive wait times,
23 inoperable voting machines, and other technical issues. And
24 I just wondered to what extent those additional issues are
25 covered by this update. Thank you.

1 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
2 you, Ms. Alexander.

3 Next up, we have Cynthia Maher. And just, again,
4 so everyone can be prepared, after Cynthia Maher, we have Jim
5 Davidson, Patricia Kraegel, and then Emily Levy.

6 And that is the end of my list for speakers, so if
7 I have missed you and you wish to speak, please, again, put
8 it in the chat, and if you aren't able to put it in the chat,
9 raise your hand, and I will look through that for hand
10 raises. As well as you can send an email to
11 votingsystems@sos.ca.gov and let them know.

12 NaKesha, are you able to unmute Ms. Maher?

13 MS. MAHER: Can you hear me?

14 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, we can.

15 Good morning.

16 MS. MAHER: My name is Cynthia and I'm from Boyle
17 Heights. I am also a member of the Democratic Socialists of
18 L.A., and I also volunteer with California Clean Money.

19 I think it's very important for California to lead
20 the way in making sure that our elections are safe. It is
21 very important that Secretary Padilla will require the use of
22 separate ordinary ballot boxes for the November election and
23 not give final certification to this system until L.A. County
24 addresses all of the issues, all of the security problems. I
25 previously worked as a poll worker trainer throughout L.A.

1 County registrar on behalf of registrar recorder.

2 Before the VSAP system, there was so many problems
3 that we dealt with. Language issues, people that were very
4 old, I trained poll workers all over the county from Beverly
5 Hills, Pacific Palisades, Montebello, East L.A., I'm very
6 concerned about the security issues identified in the Clean
7 Money and Election Expert Coalition letter. If these issues
8 are not addressed and fixed, this election is going to be
9 fucking disastrous. Disastrous. This issue needs to be
10 addressed.

11 I mean, I'm scared. I'm really scared at what
12 could possibly happen. All these glitches, the QR codes --
13 we could be attacked. We don't know this. We don't know
14 what could happen. Thank you for listening to my comment.

15 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you for
16 your public comment, Ms. Maher.

17 Next up we have Jim Davidson.

18 NaKesha, are you able to unmute Mr. Davidson?

19 MR. DAVIDSON: Hi, this is Jim Davidson. I'm from
20 Los Altos and I'm with the California Clean Money Campaign.

21 I'm concerned about all of the issues that have
22 been raised by the other speakers. I won't go into the
23 details. I think the previous speakers have done a superb
24 job calling them out. I'll just say plus one and I hope that
25 Secretary Padilla will withhold certification until those

1 various issues are addressed. Thank you.

2 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,

3 Mr. Davidson, appreciate the public comments.

4 Next up we have Patricia Kraegel.

5 NaKesha, are you able to unmute Patricia Kraegel's?

6 It's K-R-A-E-G-E-L.

7 MS. KRAEGEL: That's correct.

8 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

9 MS. KRAEGEL: Hi, can you hear me?

10 DEPUTY SECRETARY OF STATE LAPSLEY: We can, thank
11 you.

12 MS. KRAEGEL: Oh good. Thanks for doing this.

13 It's really beneficial.

14 I just want to hopefully be quick. We sent the
15 coalition letter with the four security problems to the
16 Department of State, the California Department of State, back
17 in February, and those items were not addressed then and now
18 we're down to the wire. And security of the election in L.A.
19 County will be questioned if these problems are not fixed
20 before November.

21 I would be disappointed if Secretary Padilla didn't
22 fix these problems. I voted for him twice, and it would be
23 very -- make me very unhappy if he didn't fix them. I work
24 at the polls in Sonoma County and we have hand-marked paper
25 ballots and separate voting machines for those who need them,

1 who can't use hand-marked ballots. We never have any
2 disabled people come in because they all send them vote-by-
3 mail, apparently. But I know they are used in some areas.
4 And we don't have any problem that I know of with the way
5 that we vote. Computerized systems are just ripe for
6 problems, in my opinion. And we've used hand-marked ballots,
7 I don't know, forever, and I don't know why we need to change
8 now.

9 So if we do need to change, if that's -- if that's
10 just inevitable, please do not authorize these machines until
11 they are spotless for security. Thank you.

12 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
13 you very much.

14 Next up we have Emily Levy. And before Emily
15 begins, I'd just like to -- I've gotten several additional
16 people, so we can give everyone a heads up of who's next.
17 I'll give you the next few. Pat Schwinn will be after Emily
18 Levy, and then Virginia Martin, and then Garland Favorito,
19 will be after that.

20 Again, Emily Levy is up now.

21 NaKesha, are you able to unmute Emily? And if
22 there's anyone else that I have missed -- there's several
23 more that are on there, but I'm going through the list.
24 Again, if I have not gotten to you, I will, but make sure
25 that you have put it in the chat or emailed

1 votingsystems@sos.ca.gov. Thanks.

2 MS. LEVY: Am I unmuted?

3 DEPUTY SECRETARY OF STATE LAPSLEY: You are. Good
4 morning.

5 MS. LEVY: Thank you. Thank you for the
6 opportunity to speak and for listening to all of what we have
7 to say, and I hope that these comments will be conveyed to
8 Secretary Padilla and everyone else who needs to hear them
9 including Dean Logan.

10 I am the founder and director of Scrutineers.org,
11 which is a national nonpartisan election protection
12 organization. I'm a lifelong California resident, though not
13 L.A. County, and I've also worked as a poll worker in
14 California.

15 I really appreciate the intention behind the
16 creation of VSAP and I'm aware that Los Angeles County,
17 because of its size, geography, and language diversity,
18 especially has some really unique challenges. That said, I
19 do not believe that the VSAP has met this challenges in a way
20 that permit a fair and transparent and secure election, an
21 accessible election to be conducted in Los Angeles County.

22 I share the concerns that I have heard repeated by
23 speaker after speaker here. This system is not okay the way
24 it is. It must not be certified, get final certification in
25 its current state, and there are some mitigations that

1 absolutely need to happen before the November general
2 election, including the use of separate ballot boxes. We
3 need to make sure that the ballots are not passing under the
4 printerhead after the voters have voted them.

5 The way the system is now with the QR code and the
6 printhead issues, there's actually no way to know if the vote
7 counts are accurate, and even an audit can't even determine
8 that because we don't know if the paper ballots have the real
9 votes on them or if because of manipulation or hacking or
10 rigging, the QR codes perhaps don't reflect what the voters
11 are told, that their votes are -- or that additional votes
12 have been marked onto the ballots after the voter has voted
13 them. So there's nothing to audit that we know is real.

14 We really need all voters to be offered the option
15 of real paper ballots whether they're printed in advance or
16 printed by a valid on-demand system. And not only for those
17 paper ballots to exist but for every voter to be offered the
18 option to use one when they come in to vote if the voters
19 report in person.

20 MR. ROSS: Two minutes and 30 seconds.

21 MS. LEVY: Just in closing, I want to remind you
22 that elections belong to the people, not to the government.
23 You are representing the voters in putting together this
24 system. We need to have a system that we can trust to be
25 accurate and transparent and accessible and to give us the

1 real election results every single time.

2 Finally, I'd like to ask the question of what will
3 be done with the comments you're collecting here today?

4 MR. ROSS: Three minutes.

5 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
6 you for your public comment.

7 Next we have Pat Schwinn.

8 NaKesha, are you able to unmute Pat Schwinn? It's
9 S-C-H-W-I-N-N, I believe?

10 MS. SCHWINN: I am unmuted.

11 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

12 MS. SCHWINN: My name is Pat Schwinn. I live in
13 Oakland, California.

14 I became of the security issues with the new VSAP
15 voting system from reading an email from the California Clean
16 Money organization. And as many of the other individuals
17 have already said, there are significant security issues that
18 need to be resolved, otherwise it's just absolutely
19 unacceptable for this system to be approved.

20 But I'd like to say my biggest concern to put extra
21 emphasis on, this is not just about is the vote misrecorded,
22 it's also about sewing distrust in the system. We need a
23 system that people trust, and this one doesn't do that.
24 Thank you very much.

25 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank

1 you for your public comment.

2 Next up we have Virginia Martin. And again, too,
3 just so people can be ready, we have Virginia Martin, Garland
4 Favorito, Eloise Hamann, and then Laurie Parizo after that up
5 on deck.

6 So NaKesha, are you able to unmute Virginia Martin?

7 MS. MARTIN: Good morning, can you hear me?

8 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
9 morning.

10 MS. MARTIN: Good morning. Thank you so much for
11 hearing all of us.

12 My name is Virginia Martin. I'm from Hudson, New
13 York, and I'm a former election commissioner here in Columbia
14 County. I've signed the Clean Money and Election Expert
15 Coalition letter because I'm very concerned about the
16 security issues that it identifies.

17 I have ten years of experience doing very, very
18 robust hand audits of hand-marked paper ballots in a very
19 public and very transparent environment. Our chain of
20 custody was extremely tight. I can tell you that the voters
21 in our county had a high degree of confidence in our
22 elections because they knew they could come and closely watch
23 the counting of ballots that were exactly as voters had
24 marked them. No one was concerned that a rogue printhead or
25 anything else might have changed any voter's ballot. Nor was

1 there a barcode on the ballot that might cause them to wonder
2 what it contained. They knew that when they looked at a
3 voted ballot, they were hearing the voter's voice, voter's
4 unadulterated voice, and no one else's voice.

5 Over those ten years, we had a great many very
6 close elections but never during that time did we have a
7 candidate object to our voting machine results or sue for a
8 recount. They knew that what they saw on the full-faced
9 ballots that they watched us audit was what the voters wrote
10 on them and nothing else.

11 I urge the Secretary, please, to eliminate the
12 barcodes or QR codes and to require that these machines be
13 modified to prevent a ballot from following a needless path
14 under the printhead and to offer voters printed full-faced
15 ballots that they can mark by hand. Thank you so much.

16 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank you
17 for your public comment.

18 Next we have Garland Favorito.

19 NaKesha, are you able to unmute Garland?

20 MR. FAVORITO: Good morning. My name is Garland
21 Favorito and I have over 40 years of IT experience and 20
22 years of part-time research into electronic voting systems.
23 I am the cofounder of VOTER GA which stands for Voters
24 Organized for Trusted Election Results in Georgia. We
25 produced a study that may help you. It's entitled,

1 "Unresolved Security Risk for Ballot Marking Devices." It is
2 on the news tab of our website of voterga.org.

3 I presented this study at the National Voting Rights
4 task force in Berkeley last year. The study explains
5 security flaws that are common in some types of ballot
6 marking devices. Here are five examples that apply to the
7 L.A. VSAP.

8 Number 1, no BMD should use the same slot for ballot
9 printing and storage because this will allow votes to be
10 added or negated with over votes after the ballot has been
11 verified by the voter and set into the system for storing.

12 Number 2, no BMD system should accumulate hidden
13 votes and QR codes that the voter cannot read. This type of
14 system is 100 percent unverifiable to the voter.

15 Number 3, all BMD should produce full ballots with
16 unselected candidates and referenced language just like a
17 mail-in ballot. This provides for proper auditing and equal
18 protection for the disability community who must use BMDs to
19 cast their votes.

20 Number 4, BMD should not be used for all voters
21 because it is too easy for a hacker to rig an election
22 without detection. Ballot on demand systems provide benefits
23 of BMDs but avoid the inherent BMD security risks and are far
24 more cost effective.

25 Number 5, no postelection audit process, including

CALIFORNIA REPORTING, LLC
229 Napa Street, Rodeo, California 94572 (510) 224-4476

1 risk limiting audits can audit a BMD election because a
2 postelection audit cannot audit what the BMD displayed to a
3 voter. That requires widespread live parallel audits
4 conducted concurrently while an election is in progress.
5 Experts and election officials around the country have deemed
6 that impractical.

7 The VSAP system seems to fail on all five of these
8 major security considerations and is unworthy of any type of
9 certification until all are fixed. Such an insecure system
10 is not only a threat to Los Angeles and California voters --

11 MR. ROSS: Two minutes, 30 seconds.

12 MR. FAVORITO: -- but is also nationally recognized
13 as a threat to all American voters in federal elections.
14 Systems with similar security flaws have already been banned
15 in states like Colorado and Texas.

16 Over a decade ago California Voting System Panel
17 recommended unanimous 8 to nothing to ban a flawed
18 (indiscernible) electronic voting system. Secretary Bowen
19 decertified it and California voters was recognized as a
20 leader in election integrity.

21 In Georgia, officials ignored (indiscernible) --

22 MR. ROSS: Three minutes.

23 MR. FAVORITO: -- response to public concerns similar
24 to the ones expressed today and I can tell you from personal
25 experience, in conclusion, that the voters will never trust

1 such a flawed system to --

2 (Mr. Favorito was muted.)

3 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
4 you, Mr. Favorito.

5 Next up we have Eloise Hamann -- Hamann. It's
6 H-A-M-A-N-N.

7 NaKesha, please unmute Ms. Hamann, please.

8 MS. ROBINSON: Is that Emily?

9 DEPUTY SECRETARY OF STATE LAPSLEY: Eloise,
10 E-L-O-I-S-E is what I have, H-A-M-A-N-N.

11 MS. HAMANN: Hi, can you hear me?

12 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
13 morning.

14 MS. HAMANN: Good morning. Like everyone else, I
15 don't speak QR and I recognize many people I have worked with
16 in the past who have tirelessly struggled on behalf of a
17 genuine democracy, i.e., one person, one vote. They are most
18 well-informed and I trust them implicitly and echo their
19 concerns.

20 My only difference or new comment is that don't try
21 to fix this system by November, ditch it. According to an
22 expert, Jenifer Cohn, only hand-marked paper ballots are
23 safe. We live in an environment where there are those who
24 desire for a power at any cost and hackers abound. Thank
25 you.

1 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

2 Next up we have Laurie Parizo. And after that, just
3 before Laurie gets going, we have Mimi Kennedy, Phyllis
4 Klein, and then Jennifer Cohn on deck. So be ready. And I
5 have a list of many, many more after that.

6 So next up is Laurie Parizo. It's L-A-U-R-I-E,
7 P-A-R-I-Z-O.

8 Are you able to unmute Laurie, NaKesha?

9 MS. PARIZO: Good morning, everyone, it looks like I
10 might be unmuted, am I?

11 DEPUTY SECRETARY OF STATE LAPSLEY: You are. Good
12 morning.

13 MS. PARIZO: Thank you. My name is Laurie Parizo and
14 I'm from Orange County. I'm a member of Scrutineers, an
15 election protection group out of San Francisco, although
16 today I'm not speaking on their behalf, I'm speaking on my
17 own.

18 I just recently heard a presentation by the
19 California Clean Money Group and found out about this panel.
20 Thank you for the opportunity to speak.

21 I'm here today to implore Secretary Padilla to make
22 the necessary fixes to the new voting system to give the
23 citizens of L.A. a world class system that they paid for.
24 When the planners initially sat down years ago to design the
25 system, they were undertaking a huge but very commendable

1 task. L.A. now has a finished product but finds it has a few
2 shortcomings. The answer is simple, fix them. There are
3 voting machines, security experts, use them.

4 Why are people required to insert their completed
5 ballots back into a computer after the ballot has been
6 marked? It should go directly to the ballot box. It
7 doesn't. Why? Why are people's votes concealed in QR codes
8 and barcodes? People should be able to review their choices
9 and these codes conceal them. Why do they conceal them?

10 Why are hand-marked paper ballots just like a vote-
11 by-mail ballot not provided at polling places? It's the
12 safest and least vulnerable method to vote.

13 The voters want to vote. Give them a system that
14 they can have full confidence and trust in. California often
15 sets the example for other states to follow. Do not let this
16 system riddled with security flaws be an example of
17 California's best work. Voters want to vote but they want
18 their vote to count. I urge Secretary Padilla to do the
19 right thing and fix these security flaws before he certifies
20 the system. Thank you.

21 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you for your
22 public comments.

23 Next up we have Mimi Kennedy with Progressive
24 Democrats of America.

25 NaKesha, please unmute Mimi Kennedy.

1 MS. KENNEDY: Hi, am I unmuted?

2 DEPUTY SECRETARY OF STATE LAPSLEY: Yes. Good
3 morning.

4 MS. KENNEDY: I'm working to match the unmuting, am I
5 unmuted now?

6 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, you are
7 unmuted, we can hear you.

8 MS. KENNEDY: Okay. Good. Thank you very much.

9 Yes, Mimi Kennedy for Progressive Democrats of
10 America. I also served by invitation of Dean Logan on the
11 voting system's advisory panel that set principles for this
12 system, I think four years ago. And I fought for a paper
13 ballot independently counted of any machine that would
14 produce it at a time when people were hoping we could vote by
15 our phones.

16 There are many -- I've been a poller girl a long time
17 and people have not mentioned some of the good things that
18 came out of the system, same day registration, canceling your
19 mail ballot, it cut down on provisional voting.

20 However, as the decisions made above our panel were
21 made became very concerned particularly about the QR code
22 being the tabulation device. And I tried to arrange a
23 meeting to get character recognition technology. I was
24 adamant that the same thing that the voters read in text had
25 to be what was being looked at by any tabulation device. And

1 what's really interesting is the hand-marked paper ballot
2 that so many of us do want as an alternative is going to be
3 mailed to everybody in Los Angeles and California and our
4 tabulation system for the VSAP will be able to tabulate it,
5 that was built in to the design.

6 So now we're at the disclosure of the code. I am
7 very concerned besides the QR being printed on the BMD
8 ballot, which we're getting around with hand-marked paper
9 ballots this November if people will use them, now we have
10 the tabulating code. And I would really like that to be
11 disclosed. I have the same concerns people have talked about
12 here. There is a big confusion in my mind as to what is
13 publicly owned, what is proprietary, what the public is
14 accountable to be able to see and vouch for, what is hidden
15 under some proprietary language.

16 And I will say particular the dialog between the
17 state's voter registration and the county's voter
18 registration, something happened that dropped 118,000 voters.
19 I think it was before VSAP, 2018. But we need to be very
20 sure that the code involved in everything VSAP is disclosed
21 and is investigated. And I did warn L.A. that if we went to
22 all new technology all the time and ignored things like the
23 QR code challenge --

24 MR. ROSS: Two minutes, 30 seconds.

25 MS. KENNEDY: Thank you. That there would be a huge

1 pushback. And now we're here.

2 And I am proud of many of the good things that this
3 new system brought to L.A. but I am concerned and I
4 understand the concerns and the pushback. And I hope
5 Secretary Padilla will listen to that and deal with the QR
6 thing, change that, and the disclosure, make it more secure
7 but disclose. And clarify public and private
8 (indiscernible) --

9 MR. ROSS: Three minutes.

10 MS. KENNEDY: Thanks.

11 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
12 you.

13 Next up we have Phyllis Klein.

14 NaKesha, please unmute Phyllis Klein.

15 MS. KLEIN: Hi, can you hear me?

16 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
17 morning.

18 MR. KLEIN: Oh, good morning. And thank you so much
19 for this process.

20 My name is Phyllis Klein and I live in Palo Alto and
21 I'm affiliated with Clean Money but I'm calling as an
22 individual. Although I did hear about this hearing via Clean
23 Money and I really appreciate knowing about it so that I can
24 participate.

25 There are, to my knowledge, and what we heard about

1 already from other -- many other comments, safe ways to make
2 voting by machine possible.

3 And just on a personal note, I would like to say I
4 have been devastated by what I hear and read about efforts to
5 repress voting in this country. And so I wanted to add my
6 voice to all of the really knowledgeable and wise comments
7 that have already been made to implore Mr. Padilla to take
8 action on issues that have been scientifically proven to
9 restore faith in some kind of democratic process. If this
10 system goes wider, we will be undermining our ability to have
11 fair elections. And in California, we can do better than
12 this. Thank you.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you. And
14 next up we have Jennifer Cohn.

15 NaKesha, please unmute Jennifer Cohn.

16 MS. COHN: Hi, my name is Jennifer Cohn. I'm an
17 attorney and election security advocate.

18 And thank you very much for allowing me and so many
19 others to speak today about their concerns.

20 I wanted to bring up something that I don't think has
21 been mentioned which is a concern the voters can vote
22 anywhere in the county model at least as deployed on election
23 day so I'm not talking about really early voting.

24 The concerns I have are at least twofold. Number 1,
25 I believe it was because of this model that it proved to be

1 so expensive and prohibitively really expensive to conduct an
2 audit in Long Beach.

3 Number 2, this voters can vote anywhere appears to
4 preclude backup paper poll books for the electronic poll
5 books that failed so miserably in Los Angeles County during
6 the primary. Brennan Center has said that everyone who uses
7 electronic poll books should have backup paper poll books.
8 We don't even need the Brennan Center to say that it's common
9 sense that a voter can vote anywhere model precludes them.

10 And I want to talk about the e-poll books for a
11 minute. They came from a company called KnowInk. It caused
12 massive problems not only in Los Angeles County but also in
13 Georgia. The vendor is KnowInk whose managing director is a
14 former Republic election official and whose product developer
15 once campaigned for Ed Martin who is now the president of the
16 Phyllis Schlafly Eagles which opposes the Equal Rights
17 Amendment. His company has become infamous for making
18 donations to election officials who then choose their
19 equipment that fails. And I'm wondering if here has been any
20 investigation or explanation as to why Los Angeles County
21 happened to choose this particular vendor. I think that
22 really needs to be looked into.

23 The other thing I'm concerned about is that these
24 electronic poll books that connect to Wi-Fi are being used to
25 activate the voting machines so they are part of the voting

1 system in effect and they're doing that by encoding
2 activation cards that are then inserted into the voting
3 machines. That makes the voting system itself vulnerable to
4 a denial of service attack. You take down the electronic
5 poll books, then you in effect take down the voting machines.

6 And the security issues with using electronic Wi-Fi
7 connected electronic poll books to encode activation cards
8 are then inserted into the ballot marking devices. That has
9 not been investigated yet by independent election security
10 experts. And I think it really needs to. Talking about the
11 possibility of using Internet to get malware into the ballot
12 marking devices. And again (indiscernible) --

13 MR. ROSS: Two minutes, 30 seconds.

14 MS. COHN: -- for early voting. So we need backup
15 paper poll books and we very much need real hand-marked paper
16 ballots at the very least as a backup at the polling places.
17 Thank you.

18 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

19 Next up we have Robin Gibson. And after that, before
20 Robin Gibson gives a public comment, we -- just so everyone
21 is ready, we have Susan Greenhall, Ann Harvey, and then Lynne
22 Huidekoper is on deck.

23 NaKesha, are you able to unmute Robin Gibson?

24 MS. GIBSON: Hello. Good morning.

25 DEPUTY SECRETARY OF STATE LAPSLEY: Okay.

1 MS. GIBSON: Can you hear me? Can you hear me?

2 DEPUTY SECRETARY OF STATE LAPSLEY: We can, yes.

3 Good morning.

4 MS. GIBSON: Good morning. I agree strongly with
5 what everyone has said before me so eloquently so I want to
6 touch on two other subjects which are the tests and the
7 auditing.

8 So years ago we had DREs here in L.A. and they were
9 decertified by Debra Bowen, thankfully. And they were
10 recognized as not reliable to vote on by the entire country.
11 And election integrity computer scientists have said that
12 this BMD system, ballot marking device, is the new DRE, it
13 does the same thing, a computer marks your ballot.

14 So I wanted to draw attention to Mr. Padilla to -- to
15 give thanks that people are here speaking of ways that you
16 can fix this system and make it useable rather than a request
17 to just scrap the whole system. Because it is known to be a
18 bad system. And it's not -- voters don't have confidence and
19 we're not grown to not have confidence. We should be able to
20 verify that our votes are cast as we want them to be cast.

21 So the testing. The first set of tests were done by
22 Freeman, Craft, & McGregor, I'm pretty sure. And at that
23 time, I spoke with the supervisors early last February. And
24 speaking with the staff member of one of the supervisors, I
25 said, you know, you can't certify this system. Look, there

1 are more than 40 security issues. The system failed more
2 than 40 -- in 40 different security issues. And she said to
3 me, well, we have another test that says that the systems are
4 safe, so we believe that it's safe. Even though it was
5 proven not to be; in every area, it failed every security
6 test.

7 So I'd like to know why Mr. Padilla has used in
8 company --

9 MR. ROSS: Two minutes, 30 seconds.

10 MS. GIBSON: Oh, my. I would request that Freeman,
11 Craft, & McGregor redo their tests. And I'll -- here's --
12 here's -- this new test, for example, it says review of this
13 item determine that QR codes can be scanned by the voter and
14 comparing their ballot selection to the codes verify that
15 their votes are correct.

16 So we would verify a ballot which could --

17 MR. ROSS: Three minutes.

18 MS. GIBSON: Sorry. Okay. Thank you.

19 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you very
20 much for your public comments.

21 Next we have Susan Greenhall.

22 NaKesha, are you able to unmute?

23 MS. GREENHALL: Can you hear me?

24 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, we can.

25 Good morning.

1 MS. GREENHALL: Okay. Good. You can hear me now
2 because now it's saying muted again.

3 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, we can hear
4 you.

5 MS. GREENHALL: Thank you. I'm Susan Greenhall, I'm
6 the senior advisor and election security for Free Speech for
7 People, a nonpartisan -- a national nonpartisan not for
8 profit organization that is protecting democracy for all the
9 people, including our election systems.

10 We have expressed our profound concern and urge the
11 secretary not to certify the VSAP system in advance of the
12 disastrous March primary because of so many of the problems
13 that were discovered during the testing. And I would like to
14 echo and thank the previous speaker for her very astute
15 comments about the difference in the testing quality.

16 Freeman, Craft, McGregor has been proven to do a very
17 thorough and exhaustive testing regime when they are looking
18 at these systems. And SLI is not as thorough and they also
19 do not have the same -- frequently do not engage testers or
20 scientists of the same caliber or background. So this is a
21 very important issue that the testing should be done by the
22 same testers to examine the same problems. And this is
23 something that we have written to the Secretary before the --
24 when we had initial urged him not to certify the VSAP system
25 that anything that has been identified as problematic, as not

1 compliant, needs to be remedied and then retested
2 independently, which gets to my next point.

3 Any of these tests or reviews of the system should be
4 conducted by independent researchers because what we have
5 seen that the county is working with the vendor and has made
6 representations that certain issues would be resolved by
7 working with the vendor without a clear plan of action as to
8 how to do that. Or an independent analysis of how those
9 issues will be remediated which is another significant
10 concern regarding the certification and the testing of these
11 machines.

12 During -- after -- sorry, after the primary in March,
13 there were independent investigation --

14 MR. ROSS: Two minutes, 30 seconds.

15 MS. GREENHALL: Thank you. Commissioned -- an
16 independent investigation commissioned which unfortunately
17 has not been fully released to the public. However, a
18 summary was released which found overarching quality
19 breakdowns and vendor management issues. Inadequate vendor
20 and timeline management resulted in lack of quality assurance
21 for election processes and technology deployments or
22 technology vendor management resulted in the lack of
23 identification (indiscernible) --

24 MR. ROSS: Three minutes.

25 MS. GREENHALL: -- issues. This lead to longer

1 wage --

2 (Ms. Greenhall was muted.)

3 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
4 you.

5 Next up we have Ann Harvey.

6 NaKesha, are you able to unmute Ann Harvey?

7 MS. HARVEY: Hi. My name is Ann Harvey, I live in
8 Oakland. And I am a volunteer with 350 Action and also
9 California Clean Money Campaign. And I've been in Sacramento
10 in past years to push for open source and paper ballot backed
11 up voting.

12 I'm on the phone calling other states where there's
13 more voter suppression trying to help get out the votes for
14 November and I'm really dismayed that California is
15 apparently with the huge number of votes in L.A. County is
16 not leading but is really falling -- falling apart on its
17 duty if this is certified as it is.

18 We really need to have confidence in our votes and I
19 hope Secretary Padilla does not certify this until the
20 problems that the experts have pointed out are fixed and that
21 there is a direct paper ballot that people can see the final
22 markings on it before it's submitted this November in L.A.
23 Thank you.

24 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
25 you.

1 Next up we have Lynne Huidekoper -- Huidekoper.
2 Sorry. I apologize for messing up people's last name. And
3 just before Lynne begins, I want to give a heads up. After
4 Lynne is Adriene Coulter, Roy Nirenberg, and then Nancy
5 Rader.

6 NaKesha, are you able to unmute Lynne?

7 MS. HUIDEKOPER: Can you hear me?

8 DEPUTY SECRETARY OF STATE LAPSLEY: We can at the
9 moment.

10 MS. HUIDEKOPER: Good morning. If Colorado's
11 Secretary of State banned using QR codes for vote counting,
12 they're saying codes could be among the next target of
13 attack, potential subject to manipulation, why would
14 Secretary Padilla allow them? And I ironically have been
15 thinking about the concerns about Russians hacking our
16 systems and it sounds like they're (indiscernible) their
17 place.

18 There's other concerns about vote counting in
19 California. That is they discovered more registered voters
20 than actual eligible voters. So we already have some
21 problems in parts of this state and why would we want to make
22 it that another issue? Everybody's looking at California.

23 I wanted to know the results of an election in San
24 Mateo County. I was unable to see the results because there
25 were 1 million votes that still had to be counted in March,

1 and the deadline to -- for certification had to be keep being
2 extended so I was unable to see the results of a close
3 election. So there's all kinds of problems related to this.

4 And I just feel that there should be regular ballot
5 boxes so people can drop a regular paper ballot in it. It's
6 very simple to do, I was a poll inspector for years. It
7 works and it's fair and it's reliable and trustworthy. Thank
8 you.

9 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

10 Next up we have Adriene Coulter.

11 NaKesha, are you able to unmute Adriene Coulter?

12 It's C-O-U-L-T-E-R.

13 MS. COULTER: Yes. Can you hear me?

14 DEPUTY SECRETARY OF STATE LAPSLEY: I can. Good
15 morning.

16 MS. COULTER: Good morning. I'm Adriene Coulter with
17 Indivisible Ventura. Obviously not in Los Angeles but we are
18 Californians who are very interested in the security of our
19 voting. Prepandemic, our group, along with other local
20 community groups ran neighborhood polling places under our
21 county's adopt a poll program. The majority of voters used
22 paper ballots and along with one ADA electronic marking
23 device per precinct which printed out paper ballot for voter
24 verification. The paper ballots went into simple boxes like
25 we did in second grade class elections. We had almost zero

1 waiting.

2 Along with our local League of Women Voters, we met
3 with our county's Clerk Recorder Mark Lunn to review the new
4 pandemic procedures, equipment, and election security using
5 L.A., unfortunately, as a cautionary tale for what not to do.
6 Our neighborhood polls staffed by many older volunteers are
7 gone for this election, but our voter centers will be using
8 paper ballots generated by ballot on demand printers.

9 All the efforts we Venturans have taken to make
10 our -- to make sure our county's voting is safe from
11 interference comes to nothing when the county to our south,
12 the biggest county in the state, as big as many other states
13 on its own, doesn't take the same care over what is admirable
14 but a mirage of universal accessibility.

15 Please, for the most important election of our
16 lifetime, frankly, possibly according to our president, our
17 last election, please don't approve a system that has all the
18 security flaws outlined in the Clean Money coalition letter.
19 It affects every single one of us. Fix this mess in a
20 transparent way or replace it with what we do which is hand-
21 marked paper ballots. Thank you.

22 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you for
23 public comment.

24 Next up we have Roy Nirenberg.

25 NaKesha, are you able to unmute Roy Nierenberg? It's

1 N-I-E-R-E-N-B-E-R-G.

2 MR. NIERENBERG: Hear me? Hi, can you hear me?

3 Great.

4 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
5 morning.

6 MR. NIERENBERG: This is Roy Nierenberg. I'm -- I'm
7 part of California Clean Money but I'm speaking as an
8 individual.

9 I am a regulatory -- former regulatory lawyer and a
10 software guy. So I understand many aspects of the problem.
11 And I'm -- I've devoted my life now to clean elections and to
12 voter registration. I think you cannot certify it unless
13 these are fixed. I'm very concerned with the security flaws
14 that have been identified. And also working with vendor and
15 relying upon the vendor to test this. It hasn't -- when that
16 happens, it hasn't worked. I would be glad to be a tester
17 and help in any way that I can. Thank you very much.

18 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

19 Next up we have Nancy Rader.

20 MS. RADER: Good afternoon, my name is -- can you
21 hear me? Okay. My name is Nancy --

22 DEPUTY SECRETARY OF STATE LAPSLEY: Yes. Good
23 morning.

24 MS. RADER: My name is Nancy Rader, I'm in Berkeley,
25 California. We're hearing a lot in the news about how

1 vulnerable our voting system is nationally but I had assumed
2 in California at least we didn't have to worry, that our
3 election officials were doing all of this, you know, very
4 seriously and doing all they could. So I was really upset to
5 learn that in fact we may not be doing everything we should
6 be to protect our elections.

7 I heard this morning low risk of failure. Low risk
8 is not good enough, we really need no risk. So I really urge
9 Secretary Padilla, please require the serious security flaws
10 in Los Angeles's VSAP open source system to be fixed before
11 it gets final certification and is replicated elsewhere.
12 California really needs to set a high standard. Thank you.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

14 Next up we have Gary Bailey. And before Gary Bailey
15 speaks, just to give everyone a heads up on who's up next.
16 We have Dale Axelrod, Darlene Little, and then Stephanie
17 Dennis on deck for speaking.

18 NaKesha, are you able to unmute Gary Bailey?

19 MS. ROBINSON: Sorry, I'm not seeing the name. Can
20 you raise your hand in the feature?

21 DEPUTY SECRETARY OF STATE LAPSLEY: It's Gary Bailey,
22 B-A-I-L-E-Y.

23 All right. We'll go ahead. Maybe they're one of the
24 ones that are a call-in -- on the call-in line.

25 Gary Bailey, if that's the case, can you please email

1 us to let us know your call-in number so we can line it up.

2 So we'll come back to Mr. Bailey.

3 That means Dale Axelrod is up next.

4 NaKesha, are you able to unmute Mr. Axelrod?

5 MR. AXELROD: Hello.

6 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

7 MR. AXELROD: Good morning. Can you hear me?

8 DEPUTY SECRETARY OF STATE LAPSLEY: We can, yes.

9 Thank you.

10 MR. AXELROD: Thank you. This is Dale Axelrod. I'm
11 speaking on behalf of the Sonoma County Democratic Party.

12 And urging that we join the Clean Money coalition
13 letter and urge conditional certification for the VSAP 2.1 in
14 the November election. And those conditions include the
15 provision of hand-marked paper ballots to voters at the
16 various polling locations.

17 In the letter, the Clean Money coalition requests
18 that poll workers must be required to proactively offer the
19 option to use a hand-marked paper ballot to voters. Well, I
20 would submit that more than that, it should be widespread and
21 disseminated by the Secretary of State ahead of time that
22 hand-marked paper ballots will be offered to voters in L.A.
23 in November.

24 The disastrous example of what happened in March in
25 my mind is a form of voter suppression in that it is

1 established in many voters' minds in L.A. that they will be
2 facing long lines and the possible breakdown of machines and
3 poll books. And one way to mitigate that is to make sure
4 that every voter is aware before the November election that
5 they will be offered to hand-mark paper ballot that can
6 bypass any breakdown in the machines and ensure that they
7 won't be standing in line for hours.

8 So I hope that we can expand that request from the
9 Clean Money Coalition to make it an overall requirement not
10 just from the poll workers to offer the voters but that the
11 voters beforehand know that they will be offered a hand-
12 marked paper ballot. Thank you.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you. Next
14 up we have Darlene Little.

15 NaKesha, are you able to unmute Darlene Little?
16 MS. LITTLE: Yes, this is Darlene.

17 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

18 MS. LITTLE: Hi. I'm with Protect California
19 Ballots. I've been doing this for a decade or so. And in
20 February, I sent comments about the VSAP system. A lot of
21 the comments that I sent were exactly the same comments that
22 we're proposing now and it seems to me like nobody is
23 listening to the comments.

24 So just to reiterate, I'd like to see paper ballots
25 on demand at the polling sites. I'd like to see QR codes

1 declared illegal and not allowed to be used in the state of
2 California. I'd like to see that the ballot marking devices
3 not be used as a ballot box. I'd like to see poll books open
4 sourced and certified. Russian hackers can mess with the
5 poll books because they're connected to the Internet and that
6 could disenfranchise other voters by just changing an address
7 of some sort.

8 I'd like to also make sure that both the VSAP 2.1 and
9 the polling book software all be open sourced and certified
10 after it's fixed independently and not to certify the VSAP
11 system the way it is currently. And thank you for allowing
12 me to comment.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.
14 Appreciate the public comment.

15 And I just want to reiterate to everyone that we do
16 take the public comments period and what's provided and the
17 information that each of you -- the time that each of you
18 have taken very seriously and is all part of the
19 consideration. So whenever we do this, this is a very
20 important part of the certification and review and the entire
21 process. So thank you very much.

22 Next up we have Stephanie Dennis.

23 NaKesha, are you able to unmute Stephanie Dennis?

24 MS. DENNIS: Can you hear me?

25 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good

1 morning.

2 MS. DENNIS: Good morning or good afternoon, now.

3 I live in Lancaster in Los Angeles County. And I've
4 been a voter of voting age since 1968. And I consider this
5 election so very critical to our nation that the results will
6 either promote the continued life or contribute to the death
7 of our democratic republic.

8 I'm very worried about the fact of the security
9 issues, all of them as listed by the Clean Money Coalition
10 letter. But I'm going to mention two of them in particular
11 for time.

12 And the first most urgent issue is that please,
13 Secretary Padilla will order and require a separate ordinary
14 ballot box from that which is internal to the VSAP machine
15 with the November election. And that he'll delay
16 certification of the system until L.A. County has had a
17 chance to address all the remainder of the flawed security
18 issues.

19 And I'm also very concerned about the use of the QR
20 codes being used to count the votes because it's crucial that
21 voters be able to verify even after they reviewed the ballot
22 that the ballot that is put in the box, which hopefully will
23 be outside an ordinary box and not the internal one, and that
24 what is actually printed and counted is what the voter
25 intended.

1 So we need -- we need to be able to know that our
2 votes count and that our votes are what we voted. Thank you
3 so much for listening.

4 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you for
5 your public comments.

6 Next up we have David Newswanger. And before David
7 begins his public comment, again, just want to give the next
8 speakers a heads up so they can be ready. We have David
9 Newswanger, Ed Hieronymus, Caryl Schwartz, and then Debra
10 Cohn on deck.

11 NaKesha, are you able to unmute David Newswanger?

12 MR. NEWSWANGER: I'm here.

13 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

14 MR. NEWSWANGER: Good morning. My name is David
15 Newswanger, I'm from Sunnyvale, and I'm a member of the
16 California Clean Money Campaign.

17 It would be a shame to ruin this noble effort with a
18 bad start, therefore, I urge Secretary Padilla to resolve the
19 issues raised in the Clean Money and Expert Coalition letter
20 before a final certification. Thank you.

21 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank you
22 very much.

23 Next up we have Caryl Schwartz.

24 MS. SCHWARTZ: My name is Caryl Schwartz and I'm
25 speaking as an individual although I was informed of this --

1 of this issue by the California Clean Money Campaign and I
2 want to thank them for the work that they've done. I also
3 want to thank all of the other speakers who have made
4 comments prior to me who were so beautifully articulate with
5 the issues with this voting machine.

6 And I want to urge Secretary Padilla not to certify
7 this equipment at this point in time because I am deeply,
8 deeply concerned about election security. I am very, very
9 concerned. It makes absolutely no sense to me that once
10 you've printed out a ballot and approved it, that you would
11 send it back through the machine where it could potentially
12 be hacked.

13 So it is imperative that we have boxes that you can
14 in fact put your ballot in without it going through the heads
15 that read it a second time. It's illogical to me.

16 You know, there's so much and so many people do look
17 to California as a leader and we really cannot afford as a
18 state, as a nation to certify something that is not a
19 foolproof system. And when there are so many issues visible,
20 so many experts, the system should not be certified now.

21 Thank you and I appreciate the opportunity to speak.

22 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,
23 Ms. Schwartz.

24 And I apologize Ed Hieronymus, I skipped over you.
25 My apologies. So we'll go back one to Ed Hieronymus.

1 NaKesha, are you able to unmute?

2 MS. ROBINSON: Sorry, what's the name again?

3 DEPUTY SECRETARY OF STATE LAPSLEY: It's spelled,

4 H-I-E-R-O-N-Y-M-U-S.

5 MR. HIERONYMUS: This is Ed Hieronymus. I'm from Los
6 Angeles, I'm a retired lawyer. And over several decades, I
7 served as a poll worker in various precincts in L.A. County
8 under the prior punch card and bubble marking systems. I
9 voted in the March election using the new voting machine
10 that's the subject of today's hearing.

11 And I join with others in the California Clean Money
12 letter and the comments in that. I did want to point a
13 couple of things. It has been my experience as an inspector
14 that voters do want to know that their ballot accurately
15 reflects the choices that they have made. And under the
16 prior systems, that was quite possible. Introduction of a
17 barcode or QR code prevents that from virtually all voters.
18 Most people do not have smart phones or barcode readers or
19 whatever on their phones or wouldn't know how to use them if
20 they did, although some might.

21 The other thing I would suggest strongly is that
22 there be a separate ballot box. That will quickly speed up
23 the election line. My own experience and that of others I
24 was observing is that when the ballot -- when the machine
25 hands the ballot out to you to look at before you put it back

1 into the machine, it takes time to do that. Under the old
2 systems, one could take their ballot from the voting booth
3 and on the way to the ballot box, you could check it. And
4 that frees up the machine for someone else to use.

5 So if you do that for this next election like every
6 other county in California does, the lines will go much
7 faster and people can be sure that what they checked is what
8 they actually put in the machine. And then it's up to the
9 local counter to assure that it's correctly counted. Thank
10 you.

11 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

12 Next up we have Debra Cohn. And before Debra speaks
13 just to give everyone heads up for the next speakers. Debra
14 Cohn, then Rob Lanphier, Katherine Carpio, and then Larry
15 Bathgate on deck.

16 NaKesha, are you able to unmute Debra Cohn?

17 Ms. Cohn, did you want to speak?

18 MS. COHN: Am I unmuted?

19 DEPUTY SECRETARY OF STATE LAPSLEY: You are, yes.

20 MS. COHN: Okay. I just want to reiterate everything
21 that everyone before me has said.

22 I am with the Los Angeles Voter Action Coalition and
23 with Scrutineers. I'm not speaking on their behalf but just
24 you should know that I'm very active in election protection
25 groups.

1 And I don't want this system certified at all. I
2 think we need to go to an opensource code system like the one
3 that trustthevote.com is developing and I think California
4 needs to be a model in this area. And I vehemently oppose
5 using this system beyond this county and even in this county.
6 And I'm counting on Secretary Padilla to do the right thing.
7 Thank you.

8 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

9 Next up Rob Lanphier. It's L-A-N-P-H-I-E-R.
10 NaKesha, make sure you unmute.

11 MR. LANPHIER: I believe -- this here. Can you hear
12 me?

13 DEPUTY SECRETARY OF STATE LAPSLEY: Yes, thank you.

14 MR. LANPHIER: I'm Rob Lanphier, living in San
15 Francisco, speaking as an individual who learned about this
16 hearing from the California Clean Money Campaign.

17 Thank you for giving me the opportunity to speak. I
18 would like to urge Secretary Padilla to heed the security
19 issues identified by the earlier speakers and by the
20 California Clean Money Coalition letter.

21 In particular, the hand-marked paper ballots are
22 critical for voter confidence. I would urge Secretary
23 Padilla to insist on using secure voter audited paper ballots
24 for the November 2020 election.

25 A printed QR code is highly impractical for voters to

1 verify their vote. Colorado Secretary of State has banned
2 this, banned the use of unreadable barcodes for counting the
3 ballots and California should also ban barcodes for
4 expressing voter intent. And also per SB360, the source code
5 must be available for auditing by parties other than the VSAP
6 vendor allowing and also for development by others via open
7 source license. Please do not certify the VSAP system prior
8 to addressing any concerns of the California Clean Money
9 Coalition letter. Thank you.

10 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

11 Next up we Katherine Carpio.

12 NaKesha, are you able to unmute Katherine Carpio,
13 C-A-R-P-I-O?

14 MS. ROBINSON: Is she a call-in user?

15 DEPUTY SECRETARY OF STATE LAPSLEY: Um --

16 MS. ROBINSON: Oh, I see her, I see her.

17 DEPUTY SECRETARY OF STATE LAPSLEY: Okay. Great.

18 Thank you.

19 MS. ROBINSON: Okay.

20 MS. CARPIO: Hello?

21 DEPUTY SECRETARY OF STATE LAPSLEY: Hi, good
22 morning -- good afternoon. Sorry. Good afternoon.

23 MS. CARPIO: Good afternoon. My name is Katherine
24 Carpio. I am an organizer for the Los Angeles branch of
25 California Clean Money Campaign.

1 I'm very concerned about the security issues
2 identified in the Clean Money and Election Expert Coalition
3 letter. I have been a resident of the downtown Los Angeles
4 area for the last 26 years and have been repeatedly told from
5 neighbors that they don't trust their vote to be counted.
6 And if voters are already afraid of our voting systems, we
7 should not be giving them any more reasons to be afraid to
8 cast a vote.

9 In 2020, more Americans are increasingly advocating
10 for accountability -- accountability and transparency.
11 During my research of eight different polling locations in
12 L.A., I found multiple issues that shouldn't be there because
13 it does add to this issue of being afraid of casting your
14 votes. Some of those issues were the jams when inserting
15 your ballot back into the machine, there was lags in
16 registration, long lines, there were also a lot of polling
17 locations that did not have the handwritten paper -- paper
18 ballots which is to me just shows that the entire March
19 primaries' system was ill prepared and that is not okay for a
20 voter. It just -- it just completely devalues the
21 experience.

22 And so I really hope that Secretary Padilla will
23 require, you know, to use a separate ordinary ballot boxes
24 for November election as well and not get final certification
25 to the system until the L.A. County addresses the rest of the

1 security issues that I mentioned earlier. This is very
2 important for voter confidence. Again, this is for
3 accountability and transparency for the American voter.
4 Thank you.

5 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

6 So next up we have Larry Bathgate. And just give a
7 heads up to those on deck, we have Larry Bathgate and then
8 Karen Beck, and then Michelle Gabriel. Again, my apologies,
9 I can't read my own handwriting. Gabriel.

10 And then I think we'll try to go back to Mr. David
11 Schmidt and Gary Bailey after those two. Make sure that
12 they're -- see if they're able and available to give their
13 public comment as well.

14 So next up is Larry Bathgate.

15 NaKesha, are you able to unmute Larry?

16 MR. BATHGATE: I'm unmuted. Good afternoon. My name
17 is Larry Bathgate, and I vote in Marin County where we have
18 what I consider a wonderful voting system.

19 We are given a paper ballot to fill out in the voting
20 booth and after we finish, we take this ballot to a
21 standalone voting machine which tabulates our ballot. If
22 there are any problems with the voting -- with the election,
23 the paper ballots are always available for further
24 verification.

25 I can't understand why such a complicated and

1 hackable system is being implemented in the largest county in
2 California when a system as simple and transparent as the one
3 here in Marin County is being used. I just want to say that
4 the flaws in this new voting system will make election
5 results less transparent, less voter friendly, and subject to
6 hacking which can change and invalidate a voter's ballot.

7 I'm also concerned that this voting system may act as
8 a template for new voting systems that will be adopted by
9 other counties in California.

10 Secretary Padilla, I respectfully implore you not to
11 certify this system until the system is made voter friendly
12 and transparent and the most serious security flaws are
13 fixed, especially the one that combines the ballot printout
14 with the ballot box tabulation.

15 Thank you for this opportunity to give my opinion.

16 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you for
17 your public comment.

18 Next up is Karen Beck.

19 MS. BECK: This is Karen Beck from Danville. Can you
20 hear me?

21 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Thank
22 you.

23 MS. BECK: Okay. Thanks for this hearing today. I
24 just want to say while I'm with the San Ramon Valley Dem
25 Club, I'm with Clean Money Campaign, Indivisible.

1 And basically, this is a disaster that doesn't have
2 to happen. I don't see what the rush is to put this out.
3 I've been listening to what everyone has to say and I'm even
4 more upset and terrified than I was when I started today.

5 So I just hope that Secretary Padilla will do what he
6 needs to do to put the brakes on this thing until we have the
7 protections that the Clean Money Campaign and Expert
8 Coalition letter states.

9 I also want to know, who's going to see these
10 comments? You know, I heard you say they're important but,
11 you know, people are spending a lot of time here today. And
12 I guess I'm just wondering, is Padilla going to see these
13 comments, question mark? Hello?

14 DEPUTY SECRETARY OF STATE LAPSLEY: Is that the end
15 of your public comment?

16 MS. BECK: The comments that people have been making
17 today, is he going to see this transcript?

18 DEPUTY SECRETARY OF STATE LAPSLEY: This hearing is
19 to take public comments. So if you're finished with your
20 public comments, we'll move on to the next speaker.

21 MS. BECK: Okay. Yes, go ahead.

22 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Thank
23 you. And to answer your question, yes. As -- when we
24 started off with this hearing, I let everyone know that it is
25 being recorded by a court reporter, a stenographer who's

1 taking the transcripts of this hearing just like we do with
2 every other public hearing for voting system review and
3 certification. And that is made part of the public record
4 and will be posted on our website. So I'll address that at
5 the end as well as where you can get a copy of the transcript
6 when it is ready. And, yes, it is part of our review
7 including review by the Secretary.

8 So thank you so much for your input.

9 Next up we have Michelle Gabriel.

10 NaKesha, are you able to unmute Michelle?

11 MS. GABRIEL: Yes, hi --

12 MS. ROBINSON: Yes, she's unmuted.

13 MS. GABRIEL: -- can you hear me?

14 DEPUTY SECRETARY OF STATE LAPSLEY: Great. Yes, we
15 can. Good morning -- or good afternoon.

16 MS. GABRIEL: Great. I'm Michelle Gabriel, I'm from
17 Oakland and really concerned about election integrity. So I
18 urge Secretary of State Padilla to address the issues that
19 were brought up by all the experts and the California Clean
20 Money Campaign.

21 One of my concerns is about the country in general.

22 Seems to be it's unfortunate (indiscernible) that there are
23 laws but they don't need to (indiscernible) course. So I
24 request Secretary Padilla to enforce the -- to request that
25 SB360 actually be used to get the open source software

1 (indiscernible).

2 And I have another issue that concerns me is this --
3 that L.A. doesn't provide regular hand-marked ballots for
4 people to use if they want and they don't have their
5 (indiscernible) map out with them when they come to the
6 polling place. So this means that there is another
7 mitigation where it's gone, or a denial of service staff or
8 it may be a significant portion of the population. There are
9 people who are risking getting COVID by going out to vote.
10 They should be given every possible path to actually vote.

11 So this appears to be just one where voter's
12 suppression technique. So I hope you'll keep these in mind.
13 And thank you for giving me this time.

14 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

15 So we'll go back and Mr. David Schmidt had requested
16 to speak and when we got to his turn, I think he was
17 otherwise occupied.

18 David Schmidt, are you available?

19 MS. ROBINSON: He is no longer listed as a
20 participant.

21 DEPUTY SECRETARY OF STATE LAPSLEY: Okay. Thank you.
22 And then I think also Gary Bailey, we had some technical
23 difficulties there. Were we able to resolve those?

24 NaKesha, were you able to find Gary Bailey?

25 MS. ROBINSON: Gary Bailey is also not listed unless

1 he is a call-in user so he would have to identify himself as
2 such.

3 DEPUTY SECRETARY OF STATE LAPSLEY: (Indiscernible).

4 Thank you. Thanks for checking on that, NaKesha.

5 I think that we have one more that just requested to
6 speak. And that's Marcy Winograd.

7 MS. WINOGRAD: Hello, can you hear me?

8 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Good
9 morning.

10 MS. WINOGRAD: Good morning. Yes, I'm Marcy
11 Winograd. I am -- I was an elected DNC delegate for Bernie
12 Sanders. I'm a registered voter in Santa Barbara County and
13 active in Democratic Socialists of America in Santa Barbara.

14 Thank you for the opportunity to testify. I urge
15 Secretary of State Padilla not to certify the VSAP voting
16 system at this time because of a myriad of challenges ahead
17 of a monumental election that will closely watched throughout
18 the country and the world. While I appreciate the efforts of
19 the L.A. County Registrar's Office to bring ballot boxes and
20 voting to virtually every college campus in L.A. County to
21 promote youth voting and lifelong voting habits.

22 I also share concerns over what happened on election
23 day and the day before in L.A. County. When I was poll
24 watching at UCLA, lines of students waiting for hours to vote
25 snaked around the student union. Students, the ones who

1 didn't have to leave to go to class, complained to me that
2 they had already registered to vote in L.A. County but were
3 not listed in the poll books. Student after student was
4 handed a pink slip and told to vote traditionally. The room
5 was a sea of pink slips. One student even showed me proof of
6 his county voter registration but was still told to vote
7 provisionally. Clearly the poll book is a problem. We need
8 paper, voter rolls, something.

9 Another concern is software that leads voters to
10 believe they've already cast their ballots when indeed they
11 have not and walk off with their paper ballot. Please ensure
12 that voters who show up at the polls can vote on ballots that
13 are printed on demand and not blank sheets of paper on which
14 they would have to scribble names and others would have to
15 decipher what the scribble is.

16 I also ask that all college campuses have large
17 secure ballot boxes like the one that was installed upon
18 request at UCLA so that students can drop off their mail-in
19 ballots in secure locations and know that their ballots are
20 secure.

21 Thank you so much, appreciate the opportunity to
22 testify.

23 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you. I
24 have one more. Pamela Fuller who would like to speak.

25 NaKesha, are you able to unmute Pamela Fuller?

1 MS. FULLER: Hello?

2 DEPUTY SECRETARY OF STATE LAPSLEY: Good morning.

3 MS. FULLER: Good morning. I'm an individual citizen
4 and I am extremely upset about this system that is
5 potentially in place. I haven't heard one person on this
6 phone call in support of this. That's pretty interesting. I
7 think that I just would strongly suggest -- strongly
8 encourage Mr. Padilla to please not -- not install this
9 system, that our votes are very important to us. And I'm
10 just an individual citizen. So please do not do this. Thank
11 you.

12 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

13 I think that Ms. Fuller, you were our last public
14 speaker. I don't see any others. Just double checking here.

15 I think we covered everyone. So again, thank you
16 everyone for your public comments.

17 And next we will -- the County of L.A. is welcome to
18 make a statement or response as you would like.

19 NaKesha, I'm looking at this. Is Dean going to be
20 making statements?

21 MS. ROBINSON: I have unmuted Dean and Edwin Smith.

22 DEPUTY SECRETARY OF STATE LAPSLEY: Okay. Great.
23 Thank you.

24 MR. LOGAN: Hi, this is Dean. If Ed is available and
25 wants to go first, I'm happy to make the final remarks.

1 MR. SMITH: That's fine. Thank you, Ms. Lapsley,
2 I'll go ahead.

3 This is Ed Smith, I lead Smartmatic's global services
4 and certification teams in North America. And I'm grateful
5 for today's opportunity to make this public comment.

6 Can you guys hear me?

7 DEPUTY SECRETARY OF STATE LAPSLEY: We can. Thank
8 you. Please -- please continue.

9 MR. SMITH: Will do. Thank you.

10 The Los Angeles County Registrar Recorder and County
11 Clerk is the designer, owner, and operator of the VSAP Voting
12 System. Smartmatic has provided software development, voting
13 equipment manufacture, system integration, and some
14 deployment services under the supervision of the Registrar's
15 Office. Smartmatic also provides certification management
16 services under our contract with the Registrar's Office,
17 hence my presence at today's public hearing.

18 I have personally or through staff executed over 80
19 state certifications and 10 federal certifications. Five of
20 those 80 have been in California. I know from that extensive
21 experience that California citizens can be proud that their
22 state operates the most stringent state testing program in
23 the United States.

24 Contrary to implications made by other folks who have
25 commented on today's public hearing, Ms. Lapsley, Ms.

1 Robinson, her staff, and other state employees involved in
2 the certification process take a stern approach to the
3 testing process in compliance with California Voting System
4 Standards. And to address commenters, the Secretary did
5 require security updates which are present in this newer
6 system version.

7 The state carries out many, many hours of preparation
8 and tests on all aspects of the voting system and we thank
9 them for that deep level of preparation and professionalism
10 they consistently display. We are pleased the resulting test
11 reports for the VSAP 2.1 system we are discussing today show
12 a very clearly the positive evolution of the system from last
13 year's VSAP 2.0 certification effort.

14 For example, the consultant's functional test report
15 for this system version includes on page 22 of 28 that no
16 functional issues were encountered during test. Similar
17 positive conclusions are found in the accessible -- I'm
18 sorry, the accessibility and usability report.

19 We're also pleased that the state was able to
20 determine that we updated the system to clear all findings
21 from the last certification that we required to be done by
22 the state in the use conditions for that certificate
23 alongside clearing findings from the last certification that
24 were captured in the various test reports including changes
25 to the more button.

1 Lastly, we are delighted to offer this candidate
2 system for certification. Once again, we appreciate the
3 always cordial and professional interactions with members of
4 the Secretary's staff and the state's testing consultant SLI
5 Compliance.

6 Thank you for the opportunity to make this public
7 comment and for your consideration of the VSAP 2.1 system.

8 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you.

9 Mr. Logan.

10 MR. LOGAN: Hi, good afternoon, everybody. This is
11 Dean Logan, the registrar recorder county clerk for Los
12 Angeles County. I want to thank you, Susan, and your team
13 for the -- convening the hearing this morning and for the
14 opportunity to make comments.

15 Let me begin by first thanking all of the people who
16 took time to review material or to log on and listen and to
17 share their comments today. That is -- that is an important
18 part of our democratic process and essential to a successful
19 and transparent elections process in California. So that's
20 meaningful to me and I appreciate it very much.

21 That said, I think it's important to set some context
22 about today's hearing and about how we're moving forward in
23 Los Angeles County. And I think to start with that, I think
24 it's to recognize that this is a hearing on the certification
25 of the components of the VSAP system as designed and as

1 presented under the requirements of the California Voting
2 System Standards. It is also important to recognize that for
3 Los Angeles County, the challenges in preparing for a new
4 voting system have been significant. I think everybody here
5 either knows or should know that the Secretary of State
6 withdrew certification of the Legacy voting systems in
7 California effective August 27th, 2019. So it's important for
8 voters in L.A. County and then for those who are outside of
9 L.A. County watching to recognize that Los Angeles County was
10 mandated to move to a new voting system and one that complied
11 with the California Voting System Standards.

12 We knew that, we knew the importance of that. We
13 knew that the Legacy system in L.A. County did not have the
14 agility to meet the needs and the accessibility expectations
15 of an electoral jurisdiction that serves 5.4-plus million
16 registered voters, 88 cities, over 300 municipal
17 organizations, and voters that are provided services in 18
18 languages.

19 A lot has been said about security today. And I
20 think it's important to note that that was the impetus for
21 the Secretary of State's adoption and adherence to the
22 California Voting System Standards which we participated in
23 and supported the enhanced security provisions of those
24 standards.

25 All of that said, just a little bit of additional

1 context here is that today's hearing is about the
2 certification of the system and the components of the system
3 that were submitted in this application. It's not, at least
4 from our thinking, this is not a campaign, it's not a
5 legislative hearing where we're readjudicating the laws of
6 California as they pertain to certification standards and the
7 availability of voting systems. It's also not a hearing on
8 the e-poll books system. E-poll books are certified
9 separately by the Secretary of State's office and counties
10 are bound by using the systems that are tested and certified
11 by the Secretary of State. And so issues with the e-poll
12 book are separate and apart from this particular hearing.

13 There also have been many references to a distinction
14 which I believe does not really exist between final
15 certification and conditional certification. In California,
16 all of the voting system certifications are conditional.
17 That's appropriate. It actually speaks to the integrity and
18 the vitality of the California process that we know that when
19 it comes to voting systems and processes, that ongoing
20 scrutiny testing and refinement and changes to those
21 standards are critically important. And any system that's
22 approved for use in California ought to have conditions and
23 ought to be subject to recertification based on changes in
24 technology, voter behavior, legislation, and the like.

25 So with that said, I think it's also important to

1 point out that the Voting Solutions for All People initiative
2 in Los Angeles County has been one of the most open and
3 inclusive voting system development and engage -- voting
4 system development engagements in the nation and it has --
5 has included the oversight and the input of a number of
6 experts and experts who had complete access and visibility
7 into those design elements.

8 And just to make note for the record that our
9 technical advisory committee included representatives from
10 MIT, from Rice University, from California State University
11 of Berkeley, Verified Voting, the Center for Democracy and
12 Technology, and the Center for Civic Design, just to name a
13 few of those folks. So there was a lot of -- this is not
14 done internally, it was not done in a vacuum, it was done
15 with a lot of input and a lot of technical expertise. And,
16 again, aligned to meeting the standards of the California
17 Voting System Standards which are the baseline for any system
18 that's used in California.

19 It's also I think fair to say that this system has
20 been through more security reviews than any system that has
21 been approved or subjected to approval in California. And I
22 would just note that in addition to SLI Compliance, the
23 independent testing authority used by the Secretary of State
24 for this engagement, in addition to that, the County as
25 independent of Smartmatic who's the manufacturer --

1 manufacturing partner, that the County submitted this system
2 for independent third-party review by FireEye, a reputable
3 and notable cybersecurity company to the cybersecurity and
4 infrastructure security agent for the Department of Homeland
5 Security. And that Smartmatic on their own volition
6 independently sought a security review by Silence, another
7 independent third-party review company that is reputable in
8 the field.

9 So I think it would be hard-pressed to find any other
10 system where that has been publicly recognized and where the
11 manufacturer and the owner of the system, and in this case
12 the owner being the County of Los Angeles, submitted that for
13 third-party review over and above the testing and
14 certification process that we're talking about today.

15 So I'll just conclude by summarizing what I think
16 shows a very positive evolution of the system from the past
17 conditional certification and this particular current
18 certification. And this comes directly from the reports that
19 are available and presented to the Secretary through this
20 independent review.

21 With regard to hardware, it was found that all
22 devices were deemed to have successfully passed both the
23 bench handling and vibration tests. So the robust nature of
24 the hardware has been demonstrated.

25 From accessibility standpoint, the general consensus

1 of the volunteers who we recruited and deployed to
2 participate in the testing process felt that the technologies
3 implemented for accessibility and usability improve the
4 experience for voters that are most in need of those
5 services. And there were no concerns voiced over privacy
6 issues.

7 Functional testing, there were no functional issues
8 encountered during testing. Volume testing shows significant
9 improvement in the paper handling. The reduction and
10 addressing of the printer jams -- or the paper jams, I'm
11 sorry, that were raised in the prior certification and in the
12 March election.

13 And the staff -- the staff report, which is a summary
14 of all of these reports states very clearly that the VSAP 2.1
15 voting system passed the functional and accessible phases of
16 testing. The volume test phase verified the fixes applied to
17 the BMD have brought the devices well within an acceptable
18 rate of paper handling as dictated by the CVSS.

19 Finally, the County has addressed the findings
20 required as a condition of certification for the VSAP 2.0
21 voting system and specifically those tied to the source code
22 and security and telecommunications review. That's a very
23 strong support, it's independent of the manufacturer, it's
24 independent of the county as an owner, and it speaks to the
25 compliance with the California Voting System Standards.

1 I want to thank in particular NaKesha Robinson for
2 her leadership, resolve, and assistance through this
3 certification process. It has been noted. It was noted in
4 the VSAP 2.0 certification and it's worth noting here again.
5 This is the first time a publicly owned system has gone
6 through the certification process. I'm proud of that and I'm
7 proud that it has been subjected to a higher level of
8 scrutiny and intensity than any other voting system in
9 California and I would argue in the country.

10 I think that's appropriate. I think that this dialog
11 and the work going forward will continue to make this a
12 better system, a more secure system to serve a very complex
13 and diverse electoral jurisdiction.

14 And finally, I will just say there's been a lot of
15 reference here to SB three -- Senate Bill 360 and to open
16 source technology. Los Angeles County was at the forefront
17 of the drafting of Senate Bill 360. We believe strongly in
18 the potential and the opportunity for open source voting
19 systems. Our system comes closer to that than any other
20 system in the state and in the country. There is another one
21 under develop here in the state of California very similar in
22 nature to our initiative and one that we're excited to see
23 move forth as well.

24 The reality is that in the time frame under which
25 voting systems were decertified and the conduct of the 2020

1 election had to take place, there has been insufficient time
2 and insufficient effort on the part of the state, the
3 legislature, and the Secretary of State's office to set a
4 governance process for the disclosure and the publication of
5 open source code with regard to voting systems. We have said
6 and I will say again that we feel strongly that that can be
7 and will be beneficial moving forward. At one time we were
8 working in cooperation with the Clean Money Campaign on
9 legislation to this effect. It's unfortunate that that broke
10 down and deteriorated into the dialog that you're hearing
11 today.

12 But the reality is that we need in this time and
13 everybody talked today about a security and about the threats
14 and the narrative that's coming even from the national -- the
15 President of the United States with regard to vulnerability
16 of voting systems and the like. We cannot in good faith open
17 that for disclosure without the assurance that the
18 certification process and the testing process in the state of
19 California remains intact and it doesn't put our system at
20 risk. That doesn't mean that the system hasn't been
21 scrutinized, it doesn't mean that it hasn't been built for
22 the ability to be a fully open source system and we're
23 hopeful that that day will come.

24 In fact, we have initiated, this office has initiated
25 an open technology working group and invited experts from the

1 open source field as well as the Secretary of State's office
2 and people who have been represented in this dialog today to
3 move that dialog forward so that we can have some standards
4 and some governance for open source in voting technology in
5 the state of California. And we're hopeful that that can --
6 that can happen. But that's not something that can happen
7 today.

8 So, again, appreciate all of the input, appreciate
9 the effort, the partnership with Smartmatic as our
10 manufacturing company. Emphasizing again this is a publicly
11 owned system for Los Angeles County serving a jurisdiction of
12 5.4-plus million registered voters, 18 different languages,
13 and doing this at a time as we move forward with conducting
14 elections that have also been modified by legislation within
15 the last month, executive orders by the governor in response
16 to the public health challenge, and localized changes to the
17 processes here.

18 So we are committed to working together to address
19 these issues. We think that this certification initiative
20 and campaign have gone a long way to do that. I think the
21 reports are reflective of that. Your staff report is
22 reflective of that. And I appreciate the opportunity to
23 present this information to you today.

24 DEPUTY SECRETARY OF STATE LAPSLEY: Thank you,

25 Mr. Logan.

1 That's -- if there's no one else from your side, we
2 do have -- a couple of people (indiscernible) on this in the
3 public comment, I'd like to go back to them. And then if
4 you, Mr. Logan, would like to follow up after their comments,
5 I'll offer for you to do that.

6 But Ann Winters, my apologies, I did not see you on
7 the list. So if we can go back to Ann Winters.

8 NaKesha, are you able to unmute Ann Winters?

9 MS. ROBINSON: She is no longer listed as a
10 participant.

11 DEPUTY SECRETARY OF STATE LAPSLEY: Okay. Thank you.

12 And then Stephanie Brown, you had said that -- again,
13 my apologies, you had indicated that you had wanted to speak
14 but I'm now seeing that you're saying you'll pass and then
15 write in.

16 Going once, going twice.

17 Okay. Great. I'll take your silence as you'll write
18 in. Again, my apologies on that, I didn't see it in the list
19 of names.

20 So that -- this concludes our public hearing. We
21 want to say thank you to everyone who was able to join us
22 virtually today and for your patience in this process from
23 the hearing for the Los Angeles County Solution for All
24 People VSAP 2.1 Voting System.

25 As NaKesha indicated, all of the reports can be found

1 on our website at [www.sos.ca.gov/elections/ovsta/voting-
2 technology-vendors/losangelescountysap](http://www.sos.ca.gov/elections/ovsta/voting-technology-vendors/losangelescountysap). So if you have
3 problems finding that link, please let us know. It is
4 available on the main voting technology website. But OVSTA
5 and NaKesha are very happy to point you in the right
6 direction to make sure you get the information that you need.

7 As I had indicated at the beginning of the hearing,
8 the written comments on this can be submitted via email or
9 via post to our office through the close of business on
10 September 15. If you are going to submit it via email,
11 please submit it to votingsystems@sos.ca.gov. And if you're
12 going to submit it via U.S. post, please mail it to the
13 attention of Voting Systems Comment, 1500 11th Street, 6th
14 Floor, Sacramento, California, 95814.

15 Again, any written public comments will be made part
16 of the public record as well as the comments that were taken
17 today. As I indicated earlier, a court stenographer has
18 taken the transcript of this public hearing and so everyone's
19 names and their comments are part of the public record and
20 will eventually be posted on Secretary of State's website.

21 Dr. Gill actually had a fantastic idea and I thank you
22 Dr. Gill. That once the transcript is available, we will
23 email those who have provided their email address from this
24 hearing to let you know it's up and posted for your review.

25 And, again, with all things COVID, this is all new

1 for us so again, appreciate you coming and spending these
2 couple of hours with us on this important topic. And thank
3 you for coming, appreciate it.

4 This concludes the public hearing for the VSAP 2.1
5 Voting System.

6 Thank you.

7 (Thereupon, the Hearing was adjourned at
8 12:54 p.m.)

9 --oo--

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

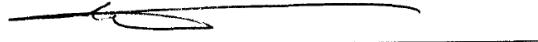
25

REPORTER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of October, 2020.



PETER PETTY
CER**D-493
Notary Public

TRANSCRIBER'S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of October, 2020.



Jill Jacoby
Certified Transcriber
AAERT No. CERT**D-633