Secretary of State's Statewide Voter Registration Database (VoteCal) Project Status Report

Presented to: Joint Oversight Hearing of the

Assembly Elections and Redistricting Committee and

Senate Elections and Constitutional Amendments Committee

By:

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Presentation Overview

- What is voter registration process?
- What is project approval and procurement process?
- What is the Help America Vote Act (HAVA)?
- When does database need to be deployed?
- What were shortcomings SOS was able to address?
- What are existing shortcomings?
- What is included in project?
- What happened when?
- What were SOS' lessons learned?
- Contract cancelled – then what?
- What has happened since RFP issued?
- What is impact on schedule?

What is Voter Registration Process?

- County staff input data to local system (known as election management system - EMS)

- EMS sends data on daily basis to SOS – complete replacement of data sent previous night

- SOS system (known as Calvoter) compares records to other counties' records and sends notice to county of potential duplicates, felons, deceased

- The process includes validation of identity with Department of Motor Vehicles (DMV) or Social Security Administration

- County staff respond to notice and change data in local EMS

- Only counties can change data

What is project and procurement approval process?

Approval Document	Department of Finance (DOF)	California Technology Agency (CTA) – previously OCIO	Department of General Services (DGS)	Legislature
Feasibility Study Report (FSR) – requests approval to begin project for specific scope, schedule, and budget	✓	✓		✓
Information Technology Procurement Plan (ITPP) – requests approval to procure using specific approach			✓	
Special Project Report (SPR) – requests approval for project change of 10% or greater	✓	✓		✓
Request for Proposals (RFP) – procurement document vendors respond to; posted by DGS		✓	✓	
Contract Award (via Evaluation and Selection Report to DGS and SPR to remainder)	✓	✓	✓	✓

What is the Help America Vote Act?

- Passed by Congress October 2002
  - Purpose is to ensure voters treated the same
  - Responsibilities in addition to database (e.g., voting systems, voter outreach)
  - Voter registration database is official list for federal elections
    - Single, uniform, centralized, interactive
    - Defined, administered, and maintained at State
  - Include every registered voter (inactive)
  - Voter registration data entered on expedited basis
  - Include felon and deceased records

When does voter registration database need to be deployed?

- HAVA established 2004 implementation date

- States could request extension to 2006 – California met deadline with interim solution

- Existing system cannot be fixed to make California compliant solely through automation

- USDOJ entered into agreement with California in 2005. Although no deadline was established, the agreement requires California to expediently deploy statewide voter registration database.

What were shortcomings that SOS was able to address?

Interim solution, regulations, and manual processes addressed:

- Uniform – Standardized data across counties to make it easier to compare data and find matches

- Centralized – By requiring data uploads daily, standardizing data, and including all HAVA-required data the list became centralized

- Including every registered voter (inactive) – By counties including inactive voters in daily uploads, database is more complete

- Able to allow voter registration data entered on expedited basis – counties send records daily

- Felon data repository - collect and retain felon data and routinely perform matching

- Death data repository - retain death records so new voter registration records can be compared against those already deceased as well as comparing records for newly deceased against existing voter registration records

What are existing shortcomings?

- Single - lose voter history data when voter moves cross county

- Interactive – counties uploaded new data to the SOS periodically and received responses the next day. Calvoter not designed to be robust enough to be interactive for 58 counties simultaneously.

- Defined, maintained and administered by the state – No data standard, data maintained by counties; State's ability to affect change minimized. Better defined with data standards but data is still maintained and administered at the county level.

- Cannot change software because vendor owns it

- Vendor no longer supports software

- Federal government requires integrated system with all functions automated

What is included in project?

- VoteCal: Calvoter + interim solution and:
  - Single system at the State
  - Interactive
    - Registration Processing: real-time during data entry:
      - Duplicate check statewide immediately
      - Updates voter record immediately
  - Defined, maintained and administered by the state
  - Complete voter record at the State follows the voter
  - Captures digitized signature and affidavit image
  - Public website allows secure:
    - Voter look-up of registration status
    - On-line voter registration
    - Voter lookup of whether provisional ballot was counted and if not, why not
    - Voter lookup of vote-by-mail ballot status

What is included in project?

- Fix (remediate) systems counties use to input data that will interface with VoteCal (election management systems – or EMS)

- Move (migrate) some counties to other EMS

- Train county staff

- Provide help desk support

What happened when?

- HAVA became law – October 29, 2002
- Elections Assistance Commission (EAC) members appointed - December 9, 2003
- SOS submits FSR version #1 to Department of Finance – October 28, 2004
  - Department of Finance (DOF) denies FSR
- SOS submits FSR version #2 to DOF – July 15, 2005 –
  - DOF requests changes
- SOS submits FSR version #3 to DOF – October 31, 2005 -
  - DOF requests changes
- SOS amends FSR version #3 sends to DOF – November 2, 2005
  - DOF approves amended FSR #3 – January 12, 2006
- JLBC requests changes in amended FSR version #3 – March 1, 2006
- SOS sends FSR version #4 to DOF – March 20, 2006
  - DOF approves FSR version #4 – April 14, 2006
  - Legislature approves FSR version #4 – June 30, 2006
- USDOJ and SOS sign agreement – November 12, 2005
- SOS completes interim solution – January 2, 2006

What happened when?

- RFP issued - December 13, 2007

- SOS conducts confidential discussions; RFP addenda issued - January through December 2008

- Three bids received – January 29, 2009

- Only one bid proceeded to cost opening - March 2009

- SOS seeks DGS, OCIO, DOF, and Legislative approval to award contract – March – September 2009

- Contract awarded to Catalyst – September 8, 2009

- Catalyst fired Chief Architect – April 3, 2010

- Catalyst proposes revised schedule to deploy 3rd quarter 2013 – April 7, 2010

- DGS cannot find performance bond - April 15, 2010.

- DGS tells SOS that DGS will lead bond recovery process – April 20, 2010

- DGS directs SOS to lead bond recovery process – May 3, 2010

- SOS issues letter notifying Catalyst of breach of contract – May 4, 2010

- SOS and Catalyst terminate contract – May 21, 2010

What are SOS' lessons learned?

- Protect state to a greater degree
  - Strengthen ability to recover funds in the event of default
    - Letter of Credit (LOC) rather than performance bond
    - LOC due at contract signing
  - Increase state's amount withheld to ensure vendor completion (from 10% to 20%)
  - Request that vendor is able to work for 6 months without payment from the State
- Use time more effectively
  - Hurdle (pre-qualification package) to identify qualified vendors earlier; focus time on pre-qualified vendors
  - Alternative Protest Process – allows contract award to proceed even if protest
- Give vendors more opportunities to submit compliant proposal
  - Two rounds of confidential discussions
  - Draft and final proposals
  - If only one or a few mandatory requirements missed, bidder can be asked to update bid

What are SOS' lessons learned?

- Reduce technical complexity
  - Backup of data and recovery in event of failure will be provided by external entity with expertise in this area
  - Allow more time for system maintenance (except during peak election cycle)
  - Establish voter registration record system response time that is not so immediate as to increase project costs but also meets the needs of the county workers.
  - Change security standard without compromising system
- Require greater level of vendor experience

Contract cancelled - then what?

- SOS refines requirements - June and July 2010

- SOS submits request (Special Project Report – SPR) for project continuation by OCIO – July 19, 2010

- OCIO directs SOS to reduce budget late July 2010 – SOS started over evaluating requirements to eliminate scope to achieve dollar target

- SOS submits revised SPR – August 3, 2010

- OCIO approves revised SPR - August 31, 2010

- SOS team works to revise RFP language to reduce scope and change procurement requirements through October 2010

- DGS published RFP October 29, 2010

What has happened since RFP issued?

- SOS responding to DGS' edits/addendum to RFP (November – present)

- Vendors pose questions – December 3, 2010

- SOS works with DGS to develop answers – through December 22, 2010

- DGS published answers to questions – December 24, 2010

- Two pre-qualification packages submitted – January 24, 2011

- Before evaluations could begin, DGS legal staff continues review of RFP and raises issues that must be resolved before evaluation begins – through February 8, 2011

- DGS decides to return pre-qualification bid packages and open procurement to all vendors again – February 8, 2011

- Pre-qualification evaluation decision due – planned for February 11, 2011

- Confidential discussions – planned for February 14, 2011

- DGS continuing RFP review and making changes to RFP and process – planned through February 17, 2011

What is impact on schedule?

Milestone	2007 RFP	Catalyst schedule extension request	Last Approved Schedule (SPR)	Proposed Schedule (reflects returning pre-qualification packages)
Notice of Intent to Award	April 15, 2009	April 15, 2009	April 30, 2011	April 16, 2012
Contract Signing	September 8, 2009	September 8, 2009	September 30, 2011	May 30, 2012
Deployment Complete	February 11, 2012	September 2013	June 30, 2014	March 2015