

## Questions and Answers from VoteCal RFP Regional County Briefings

**Note:** The following questions were raised at one or more of the VoteCal regional briefings conducted with counties in January and March. They are being presented here to help guide counties in reviewing and understanding the VoteCal RFP. These answers are informational only and not meant to be a legal interpretation of the RFP or its requirements. In the event one or more of the questions below conflict with the actual RFP, the language of the RFP will prevail.

### Meeting Scope

Q: How should we handle any questions we have about the RFP?

A: Please submit them in writing to Bruce McDannold by email at [Bruce.McDannold@sos.ca.gov](mailto:Bruce.McDannold@sos.ca.gov) or by mail at Bruce McDannold, Secretary of State, Elections Division, 1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor, Sacramento, CA 95814. Any concerns or suggestions should be sent as soon as possible so that they can be reviewed, answered, and considered for possible addendums to the RFP.

Q: Will you post all county concerns you receive as a result of these briefings?

A: We will attempt to post all information that we can, within the confidentiality limits imposed by the Department of General Services through the procurement phase. Once the procurement phase is completed and a vendor is selected, we anticipate an open flow of information. It is intended that the VoteCal project website to be the key place to go to get current information on the Project.

Q: Will you publish an addendum based on county comments? If so, when?

A: We hope to publish at least one addendum to the RFP prior to the deadline for vendors to submit their draft proposals. It will hopefully incorporate feedback received from the counties, the vendors, and other interested parties.

### Overall Procurement Strategy

Q: What about the potential for legislative changes that would prohibit the implementation of the system?

A: While it is difficult to imagine a legislative change that would “prohibit” implementation of the *federally mandated* VoteCal system, it is possible for legislative changes to substantially change the requirements as they are currently written. We have tried to anticipate possible changes based on recent legislative proposal (such as “early registration” of citizens before they are eighteen) and incorporate requirements so that the necessary capability is already built into the VoteCal system. Ultimately, if the legislature adopts statute that changes the requirements of the system in an unforeseen way, we will need to work with the vendor to implement the required modifications.

Q: How did you develop requirements? Did you take some from review of other states’ systems?

A: We did look at other states and their lessons learned, however always through the lens of California's needs and requirements. We have also taken into account the input we've received from counties and other stakeholders over the last few years.

Q: Do you anticipate that some of the bidders will have already implemented voter registration systems?

A: The business based procurement strategy that we are following was adopted to encourage as many vendors as possible to participate.

Q: Do bidders get points if they bid the optional EMS, and what is the affect to the overall bid?

A: The optional VoteCal EMS portion is only 7.5% of the total score. Bidders who do not include this option would not be eligible for any of those points.

Q: Can the EMS winner and the VoteCal winner be two different vendors?

A: No.

Q: Would the VoteCal EMS replace the county EMS?

A: *If the winning VoteCal proposal includes the optional VoteCal EMS, and if the Secretary of State exercises that option, then counties that choose to migrate to that system would entirely replace their county EMS with the VoteCal EMS.*

We are not trying to mandate a statewide election management system; rather our intent is to have a low-cost VoteCal compatible EMS available should a county decide that their current election management system is no longer tenable or preferable. Please keep in mind that the EMS is optional for the bidders to propose, optional for the state to implement, and optional for the county to employ.

Q: Will counties have to pay for using the EMS system, if they choose to employ it?

A: This would be a policy call for the Secretary of State to make once we know the proposed design and cost from the bid process.

Q: Why does SOS assume that counties don't want a top-down EMS system especially since it would probably mean a cost savings to the counties?

A: HAVA only mandated a statewide system for voter registration, however most of the other functions in election management systems depend on that voter registration data. Therefore, many states have chosen to meet HAVA's mandate with a single "top-down" election management system. From the beginning, many counties expressed their desire that we implement a "bottom-up" system for VoteCal that allowed them to continue using their current EMS for integration with VoteCal. We were also very concerned that trying to implement a full "top-down" system for the entire state in the short amount of time available would have been very risky.

## **Procurement Process & Timeline**

Q: When will we know who the bidders are?

A: At the cost opening stage of the bid evaluation process

Q: What is your schedule for implementation?

A: The current schedule in the approved FSR calls for conducting pilot testing of the system with select counties for the 2009 UDEL elections, with full deployment of the system statewide in time for the 2010 election cycle.

Q: How many bidders are there at the moment?

A: The confidential nature of the procurement process prohibits us from discussing which vendors are participating, or even how many.

Q: How are bidders qualified?

A: Any bidder that meets the basic administrative requirements of the RFP (Section V) may submit a proposal for consideration. The scoring of the various proposals is detailed in Section IX of the RFP. The scoring for the bidder firm's experience and the proposed project team experience are all weighted toward comparable experience with projects of similar size and scope, as well as for experience in the elections environment.

Q: Must a bidder be California based?

A: No. California's procurement rules do not require a company be California based.

Q: We must go on with business as usual while this project is implemented—does your timetable take this into consideration?

A: We are very conscious of your business needs and the workloads you face during a major election year. That is why we have targeted major development to occur next year with implementation *prior* to the 2010 election cycle.

Q: Will there be bidder conferences, and if so, may we attend?

A: While there will not be a general "bidders conference", the solutions based procurement strategy we are following allows for multiple rounds of confidential meetings with the individual bidders. Unfortunately, due to confidentiality limits imposed by the Department of General Services through the procurement phase, counties may not attend these meetings.

Q: What is the USDOJ's input into the procurement process? Did they approve the RFP?

A: USDOJ's approval came at the FSR stage, although they did receive a copy of the RFP. We also send monthly reports to them, however no formal sign-off is required.

## **RFP Business Requirements**

Q: What if a voter is registered simultaneously in more than one county?

A: One of the advantages of a statewide voter registration system is the capability to handle this. Under the VoteCal system, each voter will have one registration record in the State, which will be updated as the voter moves to reflect their new address of residence and, if applicable, their new county of residence. The county of residence will “own” and manage the voter as long as the voter resides in that county.

As we have written the requirements, many duplicate registrations will be eliminated because the existing registration record for a voter can be identified at the time of entering a new registration affidavit, and then the transaction becomes an update of the existing registration record much like the process now works for in-county moves within most of your systems. In these situations, where a voter is “moved out of county” by a new registration in another county, the former county will get notice of the move with the opportunity to override if they feel it’s in error (i.e., not the same voter).

Q: How do we get a new voter into our records?

A: While we have written requirements for the results of the registration entry process, the exact process will depend on the winning proposal and on later refinements during the design phase of the project. Generally, we have required the system to have the capability for the process to work something like this:

- When you receive an affidavit, you enter basic identification information, such as name, date of birth and identification number.
- This information is sent to VoteCal and forwarded to DMV for verification of the ID.
- After verification of the ID, will check for possible existing registration records for that voter and, if found, will send this information back to the county.
- The county user will have the capability to review all the data for a possible match, including historic signature images and affidavit images, to make a determination if the existing record is, in fact, the same voter.
- If the county user determines that there is an existing record for the voter, the user can just update that record (and save re-entering much of the data), rather than entering and creating a whole new registration record for the voter.
- Once the complete registration record is sent to VoteCal, the system will perform basic validation of the registration record and, if approved, respond with approval of the voter.
- In situations where a voter has been “moved out” of a county by re-registration in a new county, the former county will get notice of that transaction so that they can take appropriate action within their system, including overriding the transaction, if the match and update were made in error. (We have also required the system to have the capability to fully “undo” such transactions at some later point if it’s subsequently determined that a voter’s move has been done in error.)

For counties that continue to use their local EMS to integrate with VoteCal, we have required the capability for VoteCal to work with your EMS on a real-time basis so that

you can continue to do your registration entry within your local system, much as you do now (if your vendor modifies your system to support this.) For counties that might use the optional VoteCal EMS (if proposed and accepted), we have required this capability as part of the system.

VoteCal will receive and store all registration data for a voter, including signature and affidavit images on an ongoing basis. We have required the system to have the capability to store such data indefinitely.

Q: What about a move within the county?

A: This should work much the same way as moves between counties.

Q: If county and State databases disagree, whose should we use?

A: HAVA requires that the State database (VoteCal) be the official list of registered voters. That is why we have required the capability to generate rosters based on the data within the VoteCal system in a variety of ways, including export of the data for formatting within another system. We have also required the capability for counties to check and verify that they are in sync with the VoteCal database at any time.

Q: Will the new system be able to identify registrants who are felons and should be cancelled, as well as registrants who have died and should be removed from the rolls?

A: We have required the VoteCal system to support our current interfaces with CDCR for felon data and with CDPH for death record data. As mandated by HAVA, we have also required the system to check for existing matching registration records when new felon and death record data comes in, as well as to check new registration records to see if they match against existing felon and death records stored within VoteCal. We have specified that if such matching meets an established confidence level for that match, to apply the match automatically and notify the county. We have also required the system to have the capability for counties to choose whether such matches are applied automatically, or require county review and approval before completing the transaction. Finally, for matches that do not meet the established confidence level, notice of the potential felon or death record match will be sent to the county for research and determination, as is done currently. (Frankly, given the nature of the felon data, we don't think there will be any criteria set that will be reliable enough to automatically apply this data.)

Of course, counties will continue to receive and apply felon and death data locally as they have always done.

Q: Requirement S4.20 states, "VoteCal must send electronic notice to a county when a new voter has been registered in that county from other sources (such as DMV), or when a voter in another county has moved into that county." Who inputs that data?

A: The NVRA mandates that citizens have the capability to register to vote (or update their registration) at DMV and other designated state agencies. Currently in California, this is a paper-based process – except for DMV “within county” change-of-address transactions. Other states with a more successful Motor Voter implementation have reported that more than 80% of the voter registrations come to their system from DMV and other state agencies electronically – and accurately – without human intervention. While California is not there yet, there has been some talk in the legislature of trying to move California in that direction, so we have specified this capability for that possible eventuality.

Q: Will there be automatic signature recognition?

A: While that functionality was not currently specified in the requirements for the VoteCal system, nothing in the requirements prohibits the local county EMS from providing such a feature within that system for election management processes such as processing vote-by-mail applications.

Q: Will the new system be able to transfer images as well as text?

A: Yes. VoteCal is required to receive and store indefinitely current and historic images of a voter’s affidavit and a voter’s signature, as well as images of correspondence with a voter. Of course, users with appropriate permissions will be able to view these images, as well as the other voter data, for verification, regardless of where in the State the voter is currently registered.

Q: We already have unique IDs in our system. Will we have to generate a new one with the new system?

A: We have written the requirements so that VoteCal would automatically generate the voter’s official “unique ID”.

Q: How will we be able to see the current roster?

A: We have required that VoteCal be able to generate a report, filtered and sorted in a variety of ways, of the officially registered voters as of a specific date. We have also required the system to retain the historical data on voters, so that you will also have the capability to determine the official list as of a historic date in time.

Q: Will we be able to use the statewide data for local elections?

A: Yes, we have written the requirements so that VoteCal can serve as the official list of registered voters for local elections as well.

Q: Will registration data be available for sale directly from the State?

A: Yes, just as it is now.

Q: Will the State continue to forward hardcopy VRCs to the counties?

A: Yes. Because counties are in a better position to manage the voters in their data and, especially, determine in which precinct they belong, we have not specified the capability for registration entry to occur at the State.

Q: Is it your assumption that the system will be built from scratch?

A: Not necessarily.

Q: Will the counties be able to control printing formatting?

A: For counties continuing to use their local EMS, we would expect that they would continue to enjoy their current print formatting capabilities. Print functions within VoteCal and the optional VoteCal EMS, require the capability to also export the necessary data for formatting and printing from an independent party or application.

Q: What about confidential voters?

A: The system must manage these voters as well. We have required that permission to view these voters be restricted to users with appropriate permissions. Requirements S2.28 through S2.31 in the RFP address these concerns in detail.

Q: Is there GIS interface within the system?

A: Independent counties using their local EMS would continue to handle address data management and the precincting of a voter within their local system. For the VoteCal EMS, we have not required this capability, but nothing precludes a bidder from offering it.

## **RFP Technical Requirements**

Q: How will counties connect to the system?

A: We have required the system to continue to operate through a private WAN. We have allowed vendors to propose secure connectivity over the Internet, using end-to-end encryption, to provide a redundant backup connection method.

Q: How will system security be maintained? Will browser access create Internet security problems?

A: RFP Section VI, requirements section T1 (page VI-83) details the various security requirements for the VoteCal system, including strong password control and two-factor authentication. Although we have required user interfaces to be browser-based, remember that use of a browser does not necessarily mean using the Internet.

Q: What will the turnaround be for correcting a record if an error is caught in the middle of an election?

A: There are a variety of possible solutions, we won't know details until we see the final design.

Q: How will data be synchronized between the counties and the State?

A: This will depend upon the proposal from the winning bidder.

Q: If there are processing issues with the new VoteCal system, how can the counties get help?

A: We anticipate SOS will staff a first-level Help Desk where SOS staff will provide initial support for county users. We are requiring the vendor to provide support for second-level and beyond.

Q: Will we store our local data on our own servers or yours?

A: This will depend somewhat on the technology and approach of the winning bidder. For independent counties, nothing in the VoteCal RFP precludes or prohibits them from continuing to locally store election data, including a copy of the voter registration data. (Although, the State will still have the official list of registered voters.)

Q: Does the RFP cover both hardware and software requirements?

A: Yes, but in terms of outcome rather than specifying technologies.

### **Additional Questions**

Q: Will Calvoter be totally eliminated by the new system?

A: Yes, Calvoter will be completely replaced with this HAVA-compliant system.

Q: Will the current Calvoter workstations also go away?

A: We have told potential bidders that they are free to incorporate any of the existing hardware of the current Calvoter environment if they think it is of value, including the aged Calvoter workstations. We will know for sure once we select the winning proposal.

Q: How will counties validate registrations without CalValidator?

A: We have required that the current CalValidator ID verification functionality be incorporated into VoteCal. The "how" will depend on the proposal of the winning bidder. (For more information on this, please see the RFP Section VI, requirement sections S4 and S5.)

Q: Will there be pre-award testing?

A: We have the ability to request demonstration of existing applications pre-award, if we feel it is necessary.

Q: How does project funding work?

A: VoteCal was mandated by HAVA and we have set-aside a portion of the federal HAVA money to cover the cost to develop and implement VoteCal, as well as to cover the initial operation of the system. At some point during the Operations and Maintenance phase, these federal funds will run out and the State's general fund will take over.

Q: Will counties get funded for changes to their systems as a result of the project?

A: Funding for changes to the county systems are outside of the scope of this contract. SOS will manage this effort separately once we determine the winning solution. The approved VoteCal feasibility study report (FSR) proposed HAVA funds be used to cover costs to remediate the county systems for integration with VoteCal. Obviously, the project will not be successful unless we can work out a plan to cover such costs.

Q: Will there be pilot counties to test the system and if so, how will they be chosen?

A: Yes, hopefully by volunteer. We are seeking a diverse pilot group.