February 6, 2024

TO: Supervisor Lindsey P. Horvath, Chair
           Supervisor Hilda L. Solis
           Supervisor Holly J. Mitchell
           Supervisor Janice Hahn
           Supervisor Kathryn Barger

           Fesia Davenport, Chief Executive Officer

FROM: Dean C. Logan, Registrar-Recorder/County Clerk

NOTIFICATION OF INTENT TO NEGOTIATE A SOLE SOURCE CONTRACT WITH DIGITAL FOUNDRY, LLC FOR VOTING SOLUTIONS FOR ALL PEOPLE (VSAP) SOFTWARE DEVELOPMENT AND SUPPORT SERVICES

This is to inform your Board of the Registrar-Recorder/County Clerk's (RR/CC) intent to negotiate a sole source contract with Digital Foundry, LLC for software development and support services for the VSAP Ballot Layout (VBL) and the Tally System (Tally). The VSAP 4.0 enhancements are required due to the evolving landscape of cybersecurity standards, legislative changes, and recent updates to the California Voting Systems Standards (CVSS) mandated by the California Secretary of State. The RR/CC's objective is to complete the software upgrades by the end of 2025 and with full implementation in 2026.

JUSTIFICATION

Elections technology is a highly specialized and niche subsector that is exclusively occupied by small private proprietary products. VSAP stands out as the sole County-developed software, distinguished by complex and unique requirements that only Digital Foundry has the expertise to handle. Given the sensitive nature of elections, vendors lacking the requisite experience and knowledge pose a risk to the stringent security and regulatory standards set by Federal, State, and County Election Codes and regulations.

By embracing a forward-thinking and human-centric design approach, this publicly owned, open-source system not only empowers jurisdictions with a robust and transparent voting solution but also catalyzes innovation within the election industry. By sharing our system, we aim to foster collaboration and inspire new ideas among developers, election officials, and commercial players. The emphasis on a human-centric design ensures that technology serves the needs of voters and election stakeholders, paving the way for transformative

advancements in the way electoral processes are conceptualized and implemented. Through this open-source initiative, we strive to elevate the standards of election systems globally, promoting inclusivity, innovation, transparency, and efficiency in the democratic process.

Developing elections technology demands a profound understanding of the distinctive electoral process within Los Angeles County and its integration into the broader election ecosystem. This necessitates a high level of customization to fulfill the specific requirements of Los Angeles County while simultaneously adhering to all system standards. Elections technology typically encompasses a blend of hardware and software components, rendering it a uniquely multifaceted domain that demands expertise across various areas.

Digital Foundry not only delivers cutting-edge solutions but also adeptly navigates intricate legal frameworks and compliance requirements, adding an extra layer of specialization to their exclusive offerings. The trust and security associated with elections demand a meticulous and focused approach, establishing this vendor as the singular choice for this specific election domain.

SCOPE OF WORK

This software development project focuses on enhancements and new features related to VBL and VSAP Tally. VBL is an election software application responsible for generating Vote by Mail (VBM) ballots and the essential ballot data, which is then uploaded onto vote center Ballot Marking Devices (BMDs). Simultaneously, the Tally processes these ballots, ultimately producing accurate and reliable election results. Notably, the VSAP 4.0 enhancements introduce vital cybersecurity prerequisites such as Federal Information Processing Standards (FIPS) compliance, Full Disk Encryption, and the migration from an end-of-life operating system.

Additional modifications aim to enhance the BMD voter user interface experience to include added language support proposed by the Language Accessibility Assembly Bill 884 (Arabic, Lao, Nepali, Punjabi, Sinhala, and Urdu) along with content adjustments to align with legislative requirements. Extensive development and testing will be undertaken on the VBL system to seamlessly process these new languages, rendering them into VBM ballot PDFs and data files used by BMDs, sample ballot books, Interactive Sample Ballot (ISB) website, and Tally. The RR/CC is also exploring the possibility of making the software open source with Digital Foundry tasked with developing an initial implementation and code management plan.

FINANCIAL IMPACT

VSAP 4.0 project's initiation was foreseen over a year ago, and approved funding was designated for fiscal year 2023-2024. These funds are allocated for this VSAP 4.0 project, and the remaining amount has been formally submitted for consideration in the upcoming fiscal year. During the budget approval process, the project's initial duration was presented as a two-year endeavor (8/2023-8/2025), recognizing the required additional funds for the subsequent year. The project remains on track and expected funding requirements align with the proposed budget currently under review.

CLOSING

Digital Foundry holds the distinction of being the original system architect and sole software developer for the VBL and Tally. With six years of invaluable experience and expertise, they bring a crucial knowledge base to the VSAP project. Their proficiency is paramount for the successful development and implementation of the required software updates in this new endeavor, building upon the foundation established in previous VBL and Tally development engagements.

The requested services for updating VBL and Tally are a critical component in the certification of VSAP 4.0, although not the sole element. Concurrently, we are actively involved in the development of the Election Management System, the BMD, the BMD Manager, and the ISB. The success of the overall project hinges on seamless collaboration with other vendors and the intricate integration of all systems.

Through past projects, Digital Foundry has demonstrated not only technical proficiency but also a steadfast commitment to the highest standards of security and compliance. Their familiarity with Los Angeles County's electoral processes positions Digital Foundry as a trusted partner capable of delivering reliable and customized election technology solutions. Awarding them a sole-source contract reflects a strategic decision to leverage their proven experience, ensuring the seamless continuation of successful collaborations in the critical domain of election technology.

In accordance with Board Policy 5.100, the RR/CC must provide a four-week Board notification to enter into sole source negotiations. We will proceed to enter into negotiations with Digital Foundry after the four-week notification period unless otherwise directed. The negotiated contract with Digital Foundry is expected to be presented at the Operations Cluster meeting no later than June 2024.

If you have any questions, please contact me at (562) 462-2716 or dlogan@rrcc.lacounty.gov. Your staff may also contact Aman Bhullar, Assistant Registrar-Recorder/County Clerk, at (562) 462-2714 or abhullar@rrcc.lacounty.gov.

DCL:JG:JJ
JS:VW:ca

c: Chief Executive Office
   Executive Officer, Board of Supervisors
   County Counsel