

**DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT  
REPORT FROM STAFF**

Date: March 13, 2015

To: Board of Neighborhood Commissioners

From: Grayce Liu, General Manager  
Department of Neighborhood Empowerment

Subject: **Contract to Provide On-Line Voting System and  
Candidate/Voter Registration to the Department of  
Neighborhood Empowerment and the Office of the City Clerk**

---

**RECOMMENDATION:**

That the Board of Neighborhood Commissioners:

A. APPROVE and AUTHORIZE the Department of Neighborhood Empowerment and the Office of the City Clerk (DEPARTMENTS) to execute the professional services agreement with Everyone Counts (CONTRACTOR) to provide an On-Line Voting System for the DEPARTMENTS.

B. AUTHORIZE the General Managers of DEPARTMENTS, or designee, to execute and make any necessary technical adjustments and corrections consistent with the Mayor and City Council instructions related to this matter, subject to the approval of the City Administrative Officer and authorize the City Controller to implement these instructions.

The proposed contract is for a period of three (3) years commencing upon the date of City Clerk attestation. The total contract amount with CONTRACTOR will not exceed \$900,000 (Nine Hundred Thousand Dollars).

**BACKGROUND:**

City Charter Section 902 states that the Board of Neighborhood Commissioners is responsible for policy setting and policy oversight, including the approval of contracts and leases. Per Board Resolution adopted on December 20, 1999, the Board delegated the approval of contracts and leases less than \$20,000 to the Department of Neighborhood Empowerment's General Manager. Because this contract exceeds the \$20,000 threshold, Board approval is required.

The purpose of this Professional Services Contract is to retain the services of Everyone Counts to provide an On-Line Voting System and Candidate/Voter Registration to the Department of Neighborhood Empowerment (Department) and the Office of the City Clerk.

The proposal of adding an online voting component to the Neighborhood Council elections was first brought up by the Neighborhood Councils during the 2010 election cycle. The Los Angeles Neighborhood Council Coalition (LANCC) created an Election Task Force to review the 2010 elections and recommended online voting for future Neighborhood Council elections at a total cost of no more than \$800,000. See Attachment A for the LANCC Report.

The Department has not had the ability to provide online voting to the Neighborhood Councils in the last two election cycles in 2012 and 2014 because of the necessary time it takes to prepare and release a Request for Proposals (RFP). Further clarification of this delay as well as the RFP process for online voting and other questions are explained in Attachment B – 2016 Neighborhood Council Elections – Online Voting Facts Updated.

#### RFP PROCESS

In order to have the option to have online voting for the 2016 Neighborhood Council elections, the Department began the RFP process in the fall of 2014, resulting in the selection of the vendor Everyone Counts for online and telephone voting in January 2015. The RFP was announced in the newsletter and at the Board of Neighborhood Commissioners and Neighborhood Council alliance meetings. When considering the proposals, the Department considered what the Neighborhood Council original concerns in 2011 were with regards to online voting:

1. Security
2. Ease of use
3. Still having a physical polling location
4. Voter registration
5. Cost

In addition, the Department reviewed, among other issues, the experience and qualification of the company the ability to conduct secure online and telephone voting, their past performance on other jobs, their ability to handle the complexity of the various Neighborhood Council ballots, their flexibility and responsiveness and their ability to follow the RFP process accurately.

Four vendors applied via the RFP process. They proposed the following for a three year contract (typical length of City contract and needed for election build out) for 95 Neighborhood Council elections:

1. B-Pro Inc., a South Dakota company - \$3.2 million
2. Everyone Counts, a California company - \$289,750 per year of software usage, including online and telephone

3. SOE, a Florida company - \$169,000 concurrent elections; \$189,000 if over 12 weeks; plus \$36,000 for online credential deliver and \$15,000 per election to deliver on-site election results ceremony, plus additional costs for unlimited telephone voting (379 voters with 1,516 minutes; average 4 minute calls)

4. Konnech, a Michigan company - \$39,599 initial startup costs and then \$29,111 yearly

The Department reviewed the proposals with the Office of the City Clerk. Because of cost, B-Pro was not considered. Konnech and SOE were also not selected because of, among other reasons, their failure to follow the RFP process accurately by not uploading the proper documentation to support their proposals.

It was clear to the Department and the Office of the City Clerk that upon review of the proposals and further conversations with the vendors, Everyone Counts was the only choice to administer online voting for the Neighborhood Council elections:

1. Security - nearly two decades of deploying secure, reliable and transparent elections in 165 countries for both government and private sectors, including the Oscars and Emmys
2. Ease of Use - Easy for candidates and voters to use
3. Still Have Physical Polling Location - Yes
4. Voter Registration - Able to provide basic to complete voter registration back end build out for Neighborhood Council elections
5. Cost - Reasonable considering the security, expertise and build out costs
6. Vendor experience in online voting for elections - in 2014 alone, administered 540 primary and general US elections
7. Vendor must provide telephone voting - Included in several options
8. Vendor ability to deal with complex ballots - in 2014 alone, delivered 5,000 ballot styles to voters across 27,000 precincts for 231 counties.
9. Vendor ability to be responsive to questions - San Diego company with great team that have been amazingly responsive

10. Vendor option flexibility - provided various options, including equipment, translation services

11. Vendor reputation with past clients - excellent reviews

12. Ability to follow the RFP process accurately - Yes

EVERYONE COUNTS PROPOSAL

It became evident in our discussions with Everyone Counts that the voter registration back-end was more complex than anticipated in the RFP so a new proposal was offered in the current draft contract:

In order to provide the most flexibility, Everyone Counts offered three proposals:

1. 85 elections with telephone voting, building out a full service voter registration back-end - \$869,250

2. 50 elections with telephone voting, building out a limited voter registration back-end - \$552,000

3. 85 elections with no telephone voting, building out a limited voter registration back-end - \$552,000

The voter registration back-end is what the Department and the Officer of the City Clerk need to enroll and verify voters. Because Neighborhood Council voters are not currently registered and can be any person who lives, works, owns real property or has a substantial and ongoing community interest, the online voter registration back-end can be very complicated and will take some time to build out and execute.

Realistically, Options 2 and 3 are the only viable ones given the cost and the probable time needed to build out a full service voter registration back-end. Because the contract is for three years, however, the Department asked Everyone Counts to put in all three options in case the Department is able to secure additional funding to build out the full service voter registration back-end either before or after the 2016 elections.

Based on Neighborhood Council feedback in the past month since the proposed contract was released to the public, we will be selecting Option 2, which would allow Neighborhood Councils the option to use online voting in their 2016 elections. We are proposing that online voting be added to Neighborhood Councils where the voters self-affirm their qualifications to vote and adding a

handful of Neighborhood Councils where the voters must provide documentation to qualify to vote. Neighborhood Councils with self-affirmation will be given the option to opt out of using online voting.

**CONTRACT UPDATES**

Since the introduction of initial draft Everyone Counts contract to the Commission on February 12, 2015, the following changes have been made to provide further clarification:

1. Section 201: Paragraphs 1 and 2 were reworded for clarity purposes.
2. Section 302: Payment Processing – Clarification on how the payments for each option have been detailed.

**CONCLUSION**

The DEPARTMENTS have complied with the procedures, applicable laws and policies relative to the execution of this Professional Services Contract. The Department of Neighborhood Empowerment's Elections Team will administer this Professional Services Contract. The Office of the City Attorney has reviewed the contract as to form.

The DEPARTMENTS believe that this proposed Professional Services Contract serves the best interest of the DEPARTMENTS and the Neighborhood Council system. The proposed selection that offers the Neighborhood Councils the ability to use the online voting system meets the needs of both those councils that wish to use online voting and those that do not. In order to have this choice for the 2016 Neighborhood Council election, however, the Everyone Counts contract must be approved by the Board of Neighborhood Commissioners.

Therefore, it is requested that the Board of Neighborhood Commissioners APPROVES and TRANSMITS with the execution of this contract for Everyone Counts to provide an On-Line Voting System and Candidate/Voter Registration for the Department of Neighborhood Empowerment and the Office of the City Clerk.

If you have any questions regarding the contract, please contact Jeffrey S. Brill at (818) 374-9894.

Attachments



## **2016 Neighborhood Council Elections - Online Voting Facts Updated**

The Department of Neighborhood Empowerment is thrilled to announce the selection of Everyone Counts as the proposed online voting vendor for the 2016 Neighborhood Council elections. This fact sheet provides information on the online voting process up to now and how it could be incorporated into the 2016 Neighborhood Council elections. We have updated this fact sheet to incorporate Neighborhood Council feedback from the 2016 Neighborhood Council Election Townhalls and alliance meetings.

### **History**

**2010** - When the Office of the City Clerk took over the Neighborhood Council elections in 2010, Silver Lake Neighborhood Council proposed incorporating online voting as a way to increase stakeholder participation in the Neighborhood Council elections because there was only one polling location for each Neighborhood Council. Because the timing of the elections could not accommodate the Request for Proposals (RFP) timeline for a possible online vendor, the idea was shelved for the 2012 Neighborhood Council elections.

**2011** - The Los Angeles Neighborhood Council Coalition created an Election Task Force to review the 2010 elections. Included was a presentation regarding online voting, and their Election Task Force recommended online voting for future Neighborhood Council elections at a total cost of no more than \$800,000.

**2012** - Because of budget issues, the Neighborhood Council elections were administered by the Department of Neighborhood Empowerment (Department) with only six months preparation in the summer and fall. Again, the RFP timeline could not be accommodated.

**2014** - For the 2014 Neighborhood Council elections, which were administered by the Department in partnership with the Office of the City Clerk, the elections were moved back to the spring, which resulted in a shortened preparation time to work out the new partnership after the spring municipal elections of 2013. Without the necessary RFP and build out time, the Department encouraged Neighborhood Councils that were interested in having online voting to directly hire the vendors. Although several Neighborhood Councils were interested, the contracting process was too time and resource consuming for them to accomplish. In addition, the cost was too great for an individual Neighborhood Council to afford.

### **Request for Proposal Process**

In order to have the option to have online voting for the 2016 Neighborhood Council elections, the Department began the Request for Proposals process in the fall of 2014, resulting in the selection of the vendor Everyone Counts for online and telephone voting in January 2015. The Request for Proposal was announced in the newsletter and at the Board of Neighborhood Commissioners and Neighborhood Council alliance meetings. When considering the proposals, the Department considered what the Neighborhood Council original concerns were with regards to online voting: security, ease of use, still having a physical polling location, voter registration and cost. In addition, the Department included, among other issues, the experience and qualification of the company, the ability to conduct secure online and telephone voting, their past performance on other jobs, their ability to handle the complexity of the various Neighborhood Council ballots and their flexibility and responsiveness.

Neighborhood Councils have brought up the issue that they would have liked to have been included more in the Request for Proposal Process. This process is set forth via ordinance, which does not allow the participation of the Neighborhood Council during the review process. In the future, the Department will set forth more time at the beginning of the Request for Proposal Process for Neighborhood Council input though the Department did use the LANCC's original

report and feedback during the past years from Neighborhood Council board members for online voting as a basis for the proposal.

Four vendors applied via the Request for Proposal Process. Just in terms of cost, they proposed the following for a 3 year contract (typical length of City contract and needed for election build out) for 95 Neighborhood Council elections:

- B-Pro Inc., a South Dakota company - \$3.2 million
- Everyone Counts, a California company - \$289,750 per year of software usage, including online and telephone
- SOE, a Florida company - \$169,000 concurrent elections; \$189,000 if over 12 weeks; plus \$36,000 for online credential deliver and \$15,000 per election to deliver on-site election results ceremony, plus additional costs for unlimited telephone voting (379 voters with 1,516 minutes; average 4 minute calls)
- Konnech, a Michigan company - \$39,599 initial startup costs and then \$29,111 yearly

It was clear to the Department and the Office of the City Clerk that upon review of the proposals and further conversations with the vendors, Everyone Counts was the only choice to administer online voting for the Neighborhood Council elections. It also became evident in our discussions with Everyone Counts that the voter registration back-end was more complex than anticipated in the RFP so a new proposal was offered in the current draft contract:

In order to provide the most flexibility, Everyone Counts offered three proposals:

1. 85 elections with telephone voting, building out a full service voter registration back-end - \$869,250
2. 50 elections with telephone voting, building out a limited voter registration back-end - \$552,000
3. 85 elections with no telephone voting, building out a limited voter registration back-end - \$552,000

The voter registration back-end is what the Department and the Officer of the City Clerk need to enroll and verify voters. Because Neighborhood Council voters are not currently registered and can be any person who lives, works, owns real property or has a substantial and ongoing community interest, the online voter registration back-end can be very complicated and will take some time to build out and execute.

Realistically, Options 2 and 3 are the only viable ones given the cost and the probable time needed to build out a full service voter registration back-end. Because the contract is for three years, however, the Department asked Everyone Counts to put in all three options in case the Department is able to secure additional funding to build out the full service voter registration back-end either before or after the 2016 elections.

Based on Neighborhood Council feedback, we will be going with Option 2, which would allow Neighborhood Councils to option to use online voting in their 2016 elections. We will likely be selecting all Neighborhood Councils where the voters self-affirm their qualifications to vote and adding a handful of Neighborhood Councils where the voters must provide documentation to qualify to vote. If we went with Options 1 or 3, all the Neighborhood Councils will have the online voting component added to their elections.

### **Why online voting?**

The mission of the Neighborhood Councils is to increase civic participation and make government more responsive to local needs. Online voting has the ability to significantly increase stakeholder participation in the Neighborhood Council system. Currently, stakeholders who want to participate in Neighborhood Council elections are forced to vote in person on one day in a single location for a period of between 2-6 hours unless the Neighborhood Council offers vote-by-mail, which only 15 Neighborhood Councils do. This has resulted in an average of 264 votes per Neighborhood Council in 2014 elections when most Neighborhood Councils have stakeholders in the tens of thousands within their boundaries. Online voting provides Neighborhood Council stakeholders with the opportunity to vote from their computer, smart phone or telephone land line for a period of several weeks prior to the final polling election date. We can also offer the

online and telephone voting experience in various languages with full translations as opposed to having only certain parts of the election process translated as it was in 2012 and 2014.

The online voting opportunity provides Neighborhood Council stakeholders with the ability to vote at their convenience, which would likely increase their participation in elections. It provides people with disabilities to vote from home with their specialized equipment. It's also a more sustainable option in terms of cutting down the cost of paper ballots and removing the need for people to drive to a location to vote. There is, too, the possibility of adding an online survey for stakeholders to take after they vote to provide the Neighborhood Council and the City information on community priorities.

### **Why Everyone Counts?**

As a leader in the online voting platform with nearly two decade of deploying secure, reliable and transparent election in 165 countries for both the government and private sectors, Everyone Counts showed that they could execute the Neighborhood Council elections with the security, expertise, professionalism and cost that the Department wanted in an online voting vendor. A California company, Everyone Counts has conducted many government elections as well as the voting for the Oscars and Emmy's, which apparently require more security checks than many government elections. In 2014 alone, Everyone Counts administered 540 primary and general US elections, delivering 5,000 ballot styles to voters across 27,000 precincts for 231 counties. We were also pleased to hear that one of their staffers was a former Neighborhood Council board member, who understood the complexity of the Neighborhood Council elections. Everyone Counts are responsive, have great references and provided the flexibility needed for Neighborhood Council elections. See their experience for yourself at [www.everyonecounts.com](http://www.everyonecounts.com).

### **How does online voting work?**

Once a voter is registered, they will be provided security information to sign-in and cast their vote online. They will only receive the ballot for which they are qualified to vote. Online voters can review their vote prior to submitting.

### **How does telephone voting work?**

Once a voter is registered, they will be provided security information to call in to cast their vote. They will be provided various candidate options on the ballot for which they qualified and will vote via pressing the keys on their phone. Telephone voters can review their vote prior to submitting.

### **Can votes be double or triple counted?**

No, because Everyone Counts system combines the online, telephone and physical polling location platforms and tracks the voter, s/he would only be able to vote once.

### **Will online voting replace the current polling locations?**

No, online voting is an additional way for stakeholders to vote in addition to the Neighborhood Council polling location.

### **Will online voting replace vote-by-mail?**

Yes, online voting will replace any vote-by-mail options that Neighborhood Councils may have.

### **Does my Neighborhood Council have to have online voting?**

No, your Neighborhood Council will have the ability to choose whether to have online voting in the 2016 elections.

### **How will I know that the voters are qualified to vote online?**

This issue is tied to how your Neighborhood Councils qualifies voters to participate in an election. Those Neighborhood Councils who have their voters self-affirm will simply do it online, and those Neighborhood Councils who have their voters provide documentation would still have to do that online or in person to the authorized people/department before they would be allowed to vote. This process is the same as with paper ballot voting except Neighborhood Councils will now have the ability to pre-register their voters with the Everyone Counts platform.

### **Who would be paying for online voting?**

The Department is asking for unused Neighborhood Council funds from FY 2013-2014 to cover the costs of online voting. As these funds would normally be returned to the City's General Fund, we will be asking the City Council to reinvest these funds into the Neighborhood Council system via online voting. There will be no deductions from the Neighborhood Councils' yearly allocations to pay for online voting in the future.

### **Would online voting allow for Neighborhood Council "takeovers"?**

Online voting is merely a platform for the existing board voting structure. If your Neighborhood Council consists of all at-large seats where every type of stakeholder can vote for all the seats, you may run into the issue of one type of stakeholder running and voting a successful slate through, but that could happen with both paper ballots and online voting. Check Attachment B of your bylaws to see what your voting structure is. Please note though that Neighborhood Councils are comprised of several different types of stakeholders per the City Charter and further clarified by the Neighborhood Councils and City Council. Stakeholders are those who live, work, own real property in the neighborhood and also to those who declare a stake in the neighborhood as a community interest stakeholder, defined as a person who affirms a substantial and ongoing participation within the Neighborhood Council's boundaries and who may be in a community organization such as, but not limited to, educational, non-profit and/or religious organizations. The stakeholder definition does not list the types of stakeholders in order of preference, i.e. there are no second class stakeholders.

### **How will online voting work then?**

- Everyone Counts provides an online integrated platform for the EmpowerLA (outreach) City Clerk (back office) election administration so stakeholders can vote online (computer, tablet, smart phone), at the poll or by telephone
- Candidates can file online with documentation themselves or via approved City representatives with City Clerk verifying candidates
- Voters can file online either via self-affirmation or documentation or via approved City representatives who also verify voters - potential to upload existing preregistered voters
- Approved and registered voters will receive secret voting codes and can only vote once (either online, telephone or at the poll) under that code registered to a name and address
- Security allows large numbers of votes from one IP address or IP addresses in foreign countries to be checked prior to delivery into the electronic ballot box
- Online platform allows for post voting surveys for Neighborhood Councils to ask their stakeholders about community priorities or issues
- Neighborhood Councils will receive the full voter database to maintain communications after the elections

### **What are the next steps?**

The Board of Neighborhood Commissioners have reviewed the online voting system at their February 12<sup>th</sup> and their February 25<sup>th</sup> meetings. They will continue their review of the online vendor contract at their March 16<sup>th</sup> meeting where Everyone Counts will also provide a presentation of their platform. If the contract is approved, it still must go to the Mayor's Office and the CAO for final sign-off. In order to have the time to build out the online component option, the Department needs the contracting to be finished in March.

Please note that even if some Neighborhood Councils do not want online voting in 2016, for those Neighborhood Councils that do, we would have to have an approved contract with Everyone Counts.

The Department will be holding an online voting webinar on Wednesday, March 11<sup>th</sup>, at 6 pm and will also continue discussion in its 2016 Neighborhood Council Election Townhalls around the city. Check the [www.EmpowerLA.org](http://www.EmpowerLA.org) calendar for more information. Please email [elections@empowerla.org](mailto:elections@empowerla.org) with any questions or call us at (213) 978-1551.