



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 17, 2007

Motion 12658

Proposed No. 2007-0633.1

Sponsors Gossett

1 A MOTION related to elections, stating the council's
2 approval of the executive's report on firms connected with
3 software to help track ballots and to help reconcile the
4 number of ballots sent and received.

5
6 WHEREAS, Ordinance 15523, enacted on June 29, 2006, required the county
7 executive to develop the ability to track ballots, and

8 WHEREAS, Ordinance 15905, enacted on September 24, 2007, included a budget
9 proviso that required the executive to transmit a report that provides clear information on
10 the corporate ownership of VoteHere software, technical assistance levels and assurances
11 for the product and information on the physical presence of the corporation in the
12 northwest including their availability to support the county on site, and

13 WHEREAS, ballot tracking will allow individual voters to track their ballot
14 envelope through several stages of processing but not through ballot tabulation, and

15 WHEREAS, a ballot tracking system will help ensure the accuracy of the ballot
16 reconciliation process by automating certain labor-intensive processes, and

17 WHEREAS, on September 17, 2007, the council considered the passage of
18 Proposed Motion 2007-0328 proposed by the executive as a hardware and software
19 solution that would allow the county to better track and reconcile ballots, and

20 WHEREAS, during public testimony on Proposed Motion 2007-0328, concerns
21 were raised regarding the viability and reliability of firms associated with the executive's
22 proposal for ballot tracking and reconciliation software, and

23 WHEREAS, the council delayed taking action on a software component needed to
24 assist in ballot tracking and reconciliation in order to investigate the validity of concerns
25 raised during public testimony, and

26 WHEREAS, King County staff researched the companies and met with the
27 principals of the firms associated with a software solution to assist in ballot tracking and
28 reconciliation, and

29 WHEREAS, the research and information gathered by King County staff indicate
30 that the firms and individuals associated with a software solution for ballot tracking and
31 reconciliation are credible and reliable, and

32 WHEREAS, the executive has submitted a report that provides clear information
33 on the corporate ownership of VoteHere software, technical assistance levels and
34 assurances for the product and information on the physical presence of the corporation in
35 the northwest including their availability to support the county on site, and

36 WHEREAS, the Office of the Secretary of State has signed a contract with the
37 firm that provides product development and support for ballot tracking and reconciliation
38 software, and

39 WHEREAS, King County is considering a similar relationship with the firm that
40 the Office of the Secretary of State is using;

41 NOW, THEREFORE, BE IT MOVED by the Council of King County:

42 The council concurs in the executive's report on VoteHere software required by
43 Ordinance 15905 related to the executive's proposal to purchase software for ballot
44 tracking and reconciliation which shall be implemented under the procurement provisions
45 of the King County Code.

46

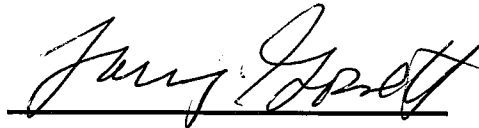
Motion 12658 was introduced on 12/3/2007 and passed by the Metropolitan King County Council on 12/17/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr. Dunn, Mr. Ferguson, Mr. Phillips and Mr. Constantine

No: 0

Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Report on VoteHere

2007-633

126584

Report on VoteHere

November 29, 2007

Report of VoteHere Ownership and Support Capabilities

Introduction

On September 17 of this year, the Metropolitan King County Council considered proposed motion 2007-0328 which would have approved the Executive's business case for ballot tracking and reconciliation equipment and software. During public testimony on the legislation concerns were raised regarding the viability and reliability of firms associated with the Executive's proposal for ballot tracking and reconciliation software.

Ownership and Support Capabilities

VoteHere Inc. was founded in 1996. In 1998 it developed vote tracking technology. In 2005 Dategrity Inc. purchased VoteHere. VoteHere continues as a division of Dategrity. Dategrity holds over 50 granted patents and roughly 40 patents pending in the United States and around the world. Most of the patents relate to election audit technology, while some relate to identity management and secure on-line payments.

In 2007, Dategrity decided to change its business model. Instead of having their own staff market and support their products, they now license those functions to other companies. Dategrity entered into a contract with Election Trust Inc. to market and support the VoteHere software.

Election Trust is a closely held LLC and does not release financial information to the public. However, their projected 2008 fiscal year revenue is \$420,000 from both public and private sectors. This amount does not include the anticipated King County Elections contract value.

In July of 2007, Elections Trust entered into an agreement with the State of Washington to provide customer service and support for the 24 counties that own VoteHere. The Office of the Secretary of State has been satisfied with the performance of Election Trust.

Business Office Location

800 Bellevue Way NE, Ste 400, Bellevue, WA 98004

Principals involved

- John Bodin, Managing Partner (profile attached)
- Matthew Canfield, LLC Member (profile attached)
- Dale Miller, LLC Member (profile attached)

Election Trust Elections Experience

- Election Trust (ET) principal John Bodin has eight years experience in election technology development, operations and support while principal Matthew Canfield has nearly seven years of senior software test engineer experience for technology and elections companies.
- ET was formed in June 2003 and is the successor to eBallot.net
- Specializes in electronic remote voting tools, platforms and third party election administration for private organizations such as unions, student

body associations, homeowners associations, the American Psychiatric Nurse Association, and the New Media Council of the Producers Guild of America

- Presently serving 21 VoteHere MiBT counties in Washington State and California
- References: Okaloosa County, Florida and Cornell University (clients on contracts since 2003)
- Partner in Operation BRAVO Foundation to develop and improve on overseas absentee voting methods.
- Invited to participate in Election Assistance Commission's evaluation of the feasibility of electronic distant voting by oversea military personnel.

Mail-in Ballot Tracker (MiBT) technical support

While the marketing and technical support for MiBT changed hands in August 2007, the former Dategrity's VoteHere MiBT project management and development team remains intact to provide technical support and administration of MiBT contracts. The following team has been assembled to serve King County:

- Account management: John Bodin (Managing Partner, Election Trust)
- Project Management: Tim Manion (former Dategrity's VoteHere MiBT project manager)
- Integration and technical support administration: Scott Axworthy (former Dategrity's VoteHere MiBT integration support)
- Development consultant: Andrew Berg (former Dategrity's VoteHere MiBT architect)
- Quality assurance: Matthew Canfield (Member Partner, Election Trust)

Election Trust history with Dategrity's VoteHere

- Since 2003: Software reseller relationship established with Dategrity's VoteHere
- June 10, 2007: Approached by Dategrity regarding purchase of MiBT
- July 1, 2007: Reassignment of software agreement for Election Trust with Washington's Office of the Secretary of State, including contract support
- August 13, 2007: MiBT reseller agreement finalized by Election Trust

References

Dategrity and Elections Trust principals have sent letters (attached to this report) providing background information on their companies. In addition, letters of reference are attached to this report.

Council Staff Research

Council staff separately undertook research on the firms involved with VoteHere software. Staff met with John Bodin, Managing Partner, Election Trust and Jim Adler, Founder & Board Member, Dategrity in the offices of Dategrity in Bellevue. Both firms have their main offices in Bellevue and expect to remain there. Staff also confirmed the information provided in this report and talked with the Office of the Secretary of State regarding the performance of Election Trust. Staff of the Secretary report satisfactory performance by Election Trust.

John Bodin/Election Trust

Profile
09.18.07

John Bodin has been instrumental in the go-to-market application of progressive voting technology and innovative election management solutions since 1999.

As Director of Business Development at Seattle's eBallot.net, Mr. Bodin managed several groundbreaking private sector Internet and Hybrid (paper/online) elections including the 2000 Reform Party USA Presidential Primary for 880,000 eligible voters nationwide, a congressionally mandated industry tax-check off referendum for the national Oil Heat industry as well as various corporate and professional partnership elections.

In 2003 Mr. Bodin founded Election Trust, a Limited Liability Company based in Bellevue, Washington. As Election Trust's Managing Partner, he has continued to build a solid reputation as a third party authority in the execution of paper, online and Hybrid platform balloting for universities, cooperatives, property owners and professional associations.

Recently, under Mr. Bodin's direction, Election Trust has emerged as an 'open architecture' balloting solutions provider and consultant to the public sector at both the state and county level.

Among the 'new generation' of election tools the company advocates to better meet the ballot-casting challenges faced by the voter are: a web-based portal environment to streamline overseas voter access to critical registration and ballot request information as well transactions; 'Ballot Tracking' software that provides the election administrator with a station-to-station audit trail of Vote-By-Mail ballot flow as well the ability publish that 'ballot track' report to web for voter confirmation; and a soon-to-be announced 'distance balloting' pilot meant to upgrade the quality of the U.S. military absentee voting environment.

Additionally, in providing consulting services regards remote electronic voting, Election Trust is able to draw upon its established relationships with internationally recognized experts, academics and technologists who specialize in various areas of online voting know-how including system requirements, network security, authentication technique, administrative integration, and voter usability.

Indeed, as technology and regulatory standards evolve, Mr. Bodin and Election Trust look forward to encouraging more innovative, transparent and secure balloting solutions that better equip the election administrator and better enfranchise the voter.

Matthew Canfield

Seattle, Washington
206-409-0203
matthewc@oz.net

Work Experience

Director of Operations

2/2006 - Present **Election Trust LLC**, Bellevue, WA

- Responsible for testing and running election services software, creating and executing online and paper based elections, including on-site Private Sector tabulation environments.

Senior Software Test Engineer

4/2003 - 2/2006 **Concur Technologies**, Redmond, WA

- Concur is the world's leading On-Demand Corporate Expense Management Solutions provider. Responsibilities included extensive MS SQL database testing, responsible for creating and executing test cases and test suites for transaction oriented web development.

Software Development Test Lead

5/2002 - 8/2002 **Russell/Mellon Analytical Services**, Tacoma, WA

- Responsible for developing all test plans and test cases for the major release of Russell/Mellon Performance Attribution v4.0 (RPA 4.0), a vertical market financial analysis program for investment professionals. Additional Duties: Supervising three test team employees, creating Q/A team standards, executing test cases for XML import tool. SHIPPED: Russell/Mellon Performance Attribution v4.0

Senior Test Engineer

10/2000 - 4/2002 **Lineo Inc**, Seattle, WA

- Created and executed all test cases and test plans for both the Lineo Target Wizard™, Lineo Embedix™ SDK and Sharp Zaurus™ PDA. Helped developers debug code, troubleshoot Perl and Bash scripts, created VMware machine images, setup and configured our test lab. Also installed and configured Apache web server and the Bugzilla bug tracking system on our Linux servers.

Senior Software Test Engineer

1/2000 - 10/2000 **eBallot.net, Inc.**, Seattle, WA

- Set and implemented best QA standards and practices for the company, implemented and administered bug tracking System as well as trained development and management team staff in its proper use. Evaluated, bought, installed and maintained all software tool packages to be used.

Education

9/1997 **STLabs**, Redmond, WA

- Classes on the Microsoft Campus and off Campus at STLabs for Visual Test 4.0, HTML 3.2, RAID 4.1 and Test Case Manager 2.0. Attended "Monkey Circus '97" testing seminars on Campus.

5/1992 **University of Washington**, Seattle, WA

- Certification
- Received Certificates for "Introduction to Unix and C Programming" and "Beginning C Programming" at the University of Washington in 1992.

5/1990 **University of Massachusetts/Amherst**, MA

- Bachelor's Degree
- B.A. in German Studies from University of Massachusetts.

Dale T. Miller

Senior Vice President - Investments
Pacific Wealth Management Group
Senior Portfolio Manager

UBS Financial Services, Inc.
601 108th Ave. NE, Suite 2000
Bellevue, WA 98004

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Profile Available On Request



27 September 2007

Dear King County Council Members,

At the meeting of the King County Council on September 17, 2007, several inaccurate assertions were presented by a witness, Mr. Jason Osgood, regarding the state of Dategrity Corporation. This letter is being sent to you in order to clarify the inaccurate testimony presented at that meeting.

- Mr. Osgood asserted that Dategrity Corporation, the parent company of VoteHere is out of business. This statement is untrue. The company is not for sale, and is under the same ownership it has had for many years..
- Mr. Osgood asserted that the assets of Dategrity, by implication those assets relevant to the County's proposed adoption of VoteHere Mail-in Ballot Tracker (MiBT), have been transferred to another company. This statement is untrue. Dategrity owns the software that comprises Mail-in Ballot Tracker. Dategrity has granted certain rights to market its products through other companies.
- Mr. Osgood stated that all the principals in the company have moved on to other companies. Certain members of our staff are now working with Election Trust, LLC, the reseller who is presently marketing MiBT to the County.

What is true is that Dategrity has made a strategic change in how it sells and distributes its products. Until recently, Dategrity maintained an in-house sales force and product support staff. In June, we adopted an indirect sales approach whereby we license resellers of our products and intellectual property who assume responsibility for selling and supporting the technology. This is a proven and widely adopted approach in the software industry, and it is likely that much of the software purchased by the County has been provided by resellers. Beyond our software products like MiBT, VoteHere is licensing more than 50 patents, granted worldwide, for use in the election industry.

We selected Election Trust LLC as our exclusive reseller of MiBT from an array of alternatives, based on our long standing relationship with Election Trust and our confidence in their ability to sell and support our product. Further, several former members of our sales and support staff have been working with Election Trust to support our existing client base.

Dategrity is the same company which provided the MiBT to the State of Washington on behalf of 23 counties. We have no plans to sell our company and will continue to operate it in an efficient

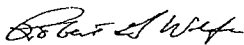
manner.. The product, now available through ElectionTrust, is the same product which was provided to the state.

We hope this letter clarifies Mr. Osgood's inaccurate testimony and unfounded speculation about the status of Dategrity Corporation, and any concerns raised can be resolved soon. The board and management of Dategrity Corporation would be pleased to meet with the King County Council, the King County Executive, or the Elections Department at any time to discuss these matters further.

Regards,



Jim Adler
Founder and Board Member



Robert W. Wolfe
Chairman

cc: Ron Sims, King County Executive
Sherril Huff, King County Elections Director
Mike Alvine
Bill Huenekens

Election Trust

800 Bellevue Way NE, Suite 400
Bellevue, WA 98004

T: 425.462.2704 F: 425.818.1417
www.electiontrust.com

October 4, 2007

Honorable King County Councilmembers
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, Washington 98104

Dear Councilmembers,

In recent phone calls with your staff, we were asked several questions regarding the Election Trust. We thought it might be useful to respond in writing to give specific and in-depth answers to your questions.

In 1998 a predecessor company to Election Trust, eBallot.net, was incorporated in Seattle by Dale Miller and former Snohomish County Elections administrator Scott Konopasek. John Bodin joined the company in 1999 and led eBallot.net to the administration of the first national political party primary using internet and paper balloting (Reform Party USA 2000), a congressionally mandated tax referenda for the Oil Heat industry, as well as private sector third party balloting for co-ops, professional associations, student governments, and corporate governance.

Subsequently, Election Trust LLC (ET) was formed in 2003 with John Bodin as majority owner and managing partner, Dale Miller as partner. There are additional owners of less than 5% each who are not involved in day to day operations, and various employees also have incentive plans to give them ownership interests in the future. ET is headquartered in Bellevue at 800 Bellevue Way NE, Suite 400, and maintains an office in Connecticut for private sector elections sales and administration.

Unlike most balloting technology and services vendors, ET is an 'open architecture' technology integrator. As such, we license best-of-breed solutions designed for each customer to provide the execution of transparent, reliable and auditable elections in the public and private sectors. We have attached letters of referral from representative ET clients including Okaloosa County (Florida), Cornell University, and Ernst & Young (Client: Cosmetic Executive Women).

Due to a four year re-seller relationship between the two companies, ET was approached last June by VoteHere/Dategrity to assume the support of their Mail-in Ballot Tracker (MiBT) product for the twenty two Washington counties who currently employ the technology. We accordingly worked directly with the Washington Secretary of State's office to make appropriate modifications to the MiBT contract, which ET assumed as the sole vendor. That contract went into effect on July 1, 2007 and remains in effect through December of 2008. Former Dategrity employee Scott Axworthy is currently supervising all MiBT maintenance in Washington state and California for ET. In addition, former Dategrity employees Andrew Berg and Tim Manion are available to ET as consultants to assist in any integrated transition of MiBT into King

County, although we anticipate that additional dedicated personnel will be needed for customization, quality testing, and ongoing support should King County proceed in utilizing the MiBT software. We are committed to hiring additional staff if King County becomes a client.

All of the above being fact, a Mr. Jason Osgood recently presented contrary information to the King County Council during deliberation over funding of recommended technology to enable an efficient move to Vote by Mail elections. Aside from his apparent misunderstanding of the features, benefits, and costs of the Mail-in Ballot Tracking software, he asserted that the ownership of MiBT had been transferred to ET from VoteHere. In fact, Dategrity/VoteHere has simply granted exclusive rights to ET to market, support, and develop MiBT, an arrangement that is commonly used in the software industry.

Mr. Osgood also speculated that ET may just be a 'shell company'. To use that term in light of ET's proven experience in elections consulting and administration is patently inaccurate and frankly offensive. John Bodin is a recognized authority in elections, and under his guidance ET is currently working in several states on cutting edge solutions that will bring accountability and transparency to the elections process. Last week he was an invited keynote panelist at the Federal Election Assistance Commission's Overseas and Military Voter Conference in Washington, DC.

We hope that this letter helps to clarify any questions that the Council may have. We would be pleased to participate in phone calls or meetings should you require any additional background or information.

Best regards,



John Bodin
Managing Partner



Dale Miller
Partner

CC: King County Council
Ron Sims
Sherril Huff
Nancy Glazer
Ross Baker
Mike Alvine



Cornell University
Office of the University Registrar

Meg John-Testa
Assistant University Registrar
B07 Day Hall
Ithaca, NY 14853
p: 607.255.7181
f: 607.255.6262
e: mj14@cornell.edu

October 4, 2007

Mr. Michael Alvine
King County Council
516 Third Avenue
Room 1200
Seattle, WA 98104

Dear Mr. Alvine

We are one of John Bodin, and Election Trust's, very satisfied customers. We first worked with John in February 2004 when he managed the Spring 2004 Cornell Student Assemblies, Class Councils, and Student Elected Trustee elections for us after our previous vendor changed their business focus and let us know that they would not be running our on-line election a little more than a month before the scheduled date. We were faced with 33 races, 78 candidates, close to 20,000 voters and a vendor who was not willing to share the technology that they would no longer be using. John stepped in and worked very energetically with us to make the election a success and we have been very grateful for that.

Our office (Office of the University Registrar) works as the intermediary between the offices who work directly with the candidates (University Assemblies Office and Class Councils Office) and the vendor. We feel the separation is necessary since we have a few candidates who have tried to influence the elections in a number of very imaginative ways and we have been working towards making that impossible; Election Trust has helped us work with improving security as the technology has improved; we now have different and better authentication than we did four years ago. The ballots look great and have been very easy for the voters to access (with proper authentication) and use.

John has been a pleasure to work with. He has been very available and responsive whenever we have had questions or issues and every one of the elections we have run with Election Trust has gone well. We have gone through nine elections with him since 2004 and are looking forward to working with him again. Please feel free to call me if you have any questions.

Sincerely

A handwritten signature in cursive script that reads "Meg John-Testa".

Meg John-Testa



October 3, 2007

To Whom It May Concern:

This is to give the highest recommendation to John Bodin, as managing partner of Election Trust, for the outstanding work and service he has provided to me for my school district-wide *Kids Vote Too/Teens Vote Too* program, the highlight of which is internet voting for every federal or state general election.

I have worked with John for over five years and find that he is most reliable and honest. He approaches every challenge with positive enthusiasm and seldom is without a good solution.

We are now engaged in a private sector/public partnership on a unique project that further underscores his dedication to voter service on a very high level. I am confident the success of this project will be in great part because of John's contribution.

Please give your utmost consideration for awarding your business to John Bodin and Election Trust.

Patricia M. Hollarn, Supervisor of Elections

The Choice is Yours!

www.govote-okaloosa.com

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1804 Lewis Turner Blvd, Ste 404 Fort Walton Beach, FL 32547-1285 Ph: 850.651.7272 Fx: 850.651.7275
Email: phollarn@co.okaloosa.fl.us

CEW

BUILDING
LEADERS

Michael Alvine
King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

October 4, 2007

Dear Mr. Alvine

I am writing to inform you of the working relationship we have had for the past two years with Election Trust. CEW is a membership association of over 4,000 women in the beauty industry. Each year we produce an awards program called The Beauty Awards in which our members, experts in the beauty field, vote for the most innovative new products. The Beauty Awards is now in its 14th year.

For the last two years we have worked with Election Trust to bring the voting process online. Election trust took our paper ballot process and streamlined it. They worked with us and our web company to create online ballots and facilitate the voting for our 4000+ pool of eligible voters. Election Trust guided us through the process and provided invaluable insight and process improvements. They worked closely with Ernst & Young who have audited our awards program for many years.

I am happy to recommend Election Trust as a trustworthy and thorough vendor. We are pleased to be working with them again for the 2008 Beauty Awards.

Best regards,

Tammy Restuccia
Vice President, Programs & Communications
Cosmetic Executive Women