

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 15

Date of Request: February 14, 2008

Date Request Received: February 14, 2008

Board Meeting Date Requested: February 18, 2008

Board Meeting Date Assigned: February 18, 2008

Short Title: Resolution Authorizing The Board Of Elections To Apply & Accept Special Hava Grant.

- Request Status:**
- Request is proceeding to Board of Commissioners
 - More information is needed – see attached
 - Request on hold – no further information needed
 - Other:

Background: Pender County is required by federal HAVA law to have one voting terminal for each 250 registered voters on Election Day. Normally this is not enforced during a Primary Election due to the fact that voter turnout during a primary is normally between 16 - 31%.

(Administrative Use Only)

Increased voter turnout nationally in early primary states has prompted the State Board of Elections to anticipate the possibility of exceeding a 50% voter turnout in the May Primary. Minimum machine requirements will be enforced.

CONTRACT TYPE

As of Feb. 13, 2008, Pender has 30,724 registered voters and 127 voting machines. Eight are used for One-Stop, two are the state required backup machines. That leaves 117 machines. Using the current voter registration, the county already needs an additional six more voting machines for the May Primary. In addition, voter registrations have been averaging 150-200 new applications per month for the past 4 months. It is anticipated that by November 2008, there will be 32,000 registered voters within Pender County and we would need at least 10 additional machines to comply with HAVA laws.

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grant or
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

These additional machines will become a mandated purchase prior to the November election and the county would be required to purchase them using county funding.

PURCHASING Budgeted Item: Yes No
 Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: _____
 Signed: _____

Using this Special HAVA Grant will allow the county to meet HAVA requirements without spending county money.

ATTORNEY Reviewed and Approved
 Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: _____
 Signed: _____

The Board of Elections would like to apply for a grant in the amount of \$40,000.00 to purchase 12 additional voting machines - 4 ADA HAVA compliant and 8 regular one.

FINANCE Sufficient Funds Available Not Available
 Date Rec'd: Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: _____
 Signed: _____

No matching funds are needed.

Specific Action Requested: Authorization to apply & accept Special Hava Grant

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Requested by: Dennis Boyles
 Department: Board Of Elections
 Title: Director
 Contact Phone: 910.259.1220
 Contact Fax:

Date Rec'd Approved by Board: Yes No
 At meeting on



STATE BOARD OF ELECTIONS

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Executive Director

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February 13, 2008

MEMORANDUM 2008-06

To: All County Board of Elections via email: directors.boe
From: Gary O. Bartlett
Subject: 2008 Special HAVA Grant

The State Board of Elections (SBE) has approved a new HAVA grant program providing funding for county boards of elections (CBE) to purchase electronic technology and voting equipment for one-stop and election day voting locations. The program directs that grant requests be processed by February 27, 2008 for final SBE review and approval on March 4, 2008.

The instructions to process the HAVA Grant Application Form are attached to this memorandum. The grant application outlines the options available for purchasing and include the federal and state guidelines for receiving HAVA funds. This grant will allow the SBE to purchase hardware for the counties to support additional one-stop locations, and increase voting equipment at the polling places from one of the following options:

1. To purchase equipment to support the use of the SEIMS One-Stop Application for one-stop voter registration and voter processing at additional one-stop voting locations.
2. To purchase Model 100 optical scan voting equipment for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.
3. To purchase AutoMARK optical scan voting equipment for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.

4. To purchase iVotronic Direct Record Equipment (DRE) for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.
5. To purchase iVotronic Direct Record Equipment (DRE) to insure compliance with the requirement to provide one machine for each 250 registered voters at the polling place on Election Day. Counties using DRE that need additional equipment but do not complete the Grant Application will be mandated to purchase equipment prior to the general election using county funds.
6. To purchase Model 100 or AutoMARK voting equipment if you have created new precincts in your county.
7. Any HAVA compliant purchase to promote voting processes or enhance elections.

The following guidelines will be followed:

1. Each County Board of Elections is required to complete this 2008 Special HAVA Grant Application Form if they desire to apply for funds. This form may be sent electronically to our agency and should be sent at hava.plan@ncmail.net.
2. This application must be received by close of business February 27, 2008. A decision on the grants will be made on March 4, 2008 and HAVA funds in the possession of this agency in amount of the grant will be encumbered for the benefit of the county CBE until they are used.
3. The attached Federal and state guidelines for receiving HAVA funds must be followed.
4. Payment of the HAVA funds will be directly to the vendor by the North Carolina Department of Administration.



North Carolina State Board of Elections



2008 Special HAVA Grant Application Guidelines

Increased voter turnouts nationally in the early primary states are placing heavy burdens on the absentee and Election Day voting processes. If the current trends continue, and all indications are that they will, North Carolina could easily exceed the normal range of 16%-31% turnout in the primary election and possibly exceed a 50% turnout. All of this interest in the primary election will certainly push voter turnout in the general election to a record number of voters participating in the election process.

The purpose of this grant is to set forth the requirements and insure compliance with federal guidelines that must be met by each county seeking use of the Help America Vote Act (HAVA) funding in order to advance electronic technology and voting equipment for the 2008 primary and general elections.

This application must be received by the North Carolina State Board of Elections (SBE) by close of business February 27, 2008. The SBE will review for approval the payment of 2008 Special HAVA Grants to County Boards of Elections (CBE) at a State Board of Elections meeting on March 4, 2008. These funds will be distributed based on the grant application and availability of funds. The guidelines and stipulations set forth below must be followed. All funding and expenditures will be subject to state and federal audits as referenced in Attachment #1.

The funds are to be used to:

Allow the SBE to purchase hardware for the CBE to support additional one-stop locations, and increase voting equipment at the polling places from one of the following options:

1. To purchase equipment to support the use of the SEIMS One-Stop Application for one-stop voter registration and voter processing at additional one-stop voting locations.
2. To purchase Model 100 optical scan voting equipment for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.
3. To purchase AutoMARK optical scan voting equipment for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.
4. To purchase iVotronic Direct Record Equipment (DRE) for additional one-stop voting locations or as additional backup equipment for the Election Day polling places.
5. To purchase iVotronic Direct Record Equipment (DRE) to insure compliance with the requirement to provide one machine for each 250 registered voters at the polling place on Election Day. Counties using DRE that need additional equipment but do not complete the Grant Application will be mandated to purchase equipment prior to the general election using county funds.
6. To purchase Model 100 or AutoMARK voting equipment if you have created new precincts in your county.
7. Any HAVA compliant purchase to promote voting processes or enhance elections.

Guidelines:

1. Each County Board of Elections is required to complete this 2008 Special HAVA Grant Application Form to apply for funds. This form may be sent electronically to our agency at hava.plan@ncmail.net.
2. This application must be received by close of business February 27, 2008. A decision on the grants will be made on March 4, 2008 and HAVA funds in the possession of this agency in amount of the grant will be encumbered for the benefit of the CBE until they are used.
3. The attached Federal and state guidelines for receiving HAVA funds must be followed.
4. Payment of the HAVA funds will be directly to the vendor by the North Carolina Department of Administration.

Instructions for Completing the 2008 Special HAVA Grant Form Sample on Page 3 – Form on Page 6

1. One-Stop Equipment –

- Calculate the quantity of laptops required for each additional one-stop location and enter the total number required in the in the quantity column.
- Indicate the type of connectivity required in the detail section and enter the number required in the quantity column.
- Indicate the type of printer required for each one-stop location in the detail section and enter the total number of printers required in the quantity column.
- Calculate the quantity of voting equipment required for the additional one-stop locations and enter the quantity in the appropriate section.

2. Voting Equipment –

- Counties that use DRE at the polling places are required to setup one DRE voting unit for each 250 registered voters. To calculate the additional equipment that your county may need use the following formula:

$$\# \text{ of Registered Voters (County)} / 250 = \text{Required iVotronic Units}$$

- Subtract the quantity of iVotronics available in your Election Day inventory from the Required iVotronic Units.

$$\text{SAMPLE: } 35,000/250 = 140 \quad (140 - 121 = 19)$$

- The difference is the amount of DRE units you will need to purchase to be compliant. Calculate how many of these units are required to be ADA compliant (you may want to purchase all ADA compliant).
- Enter the quantity of DRE units in the appropriate section of the form.
- Counties requiring Model 100 units or AutoMARK units after creating additional precincts or needing backup equipment should enter the quantity in the appropriate section of the form.

SAMPLE ONLY
2008 SPECIAL HAVA GRANT APPLICATION FORM

COUNTY: _____

Return this Grant Application to hava.plan@ncmail.net not later than 2/27/08

Category	Description	Detail	Quantity
One-Stop Equipment	Laptop	Dell	5
	Printer	HP	5
Voting Equipment	iVotronic DRE	ADA compliant	25
Other			

ATTACHMENT #1

Audit rules specified in Section 902 of HAVA:

42 USC § 15542 (SEC. 902). AUDITS AND REPAYMENT OF FUNDS.

- (a) Recordkeeping Requirement.--Each recipient of a grant or other payment made under this Act shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
- (b) Audits and Examinations.--
 - (1) Audits and examinations.--Except as provided in paragraph (5), each office making a grant or other payment under this Act, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.
 - (2) Recipients of assistance subject to provisions of section.-- The provisions of this section shall apply to all recipients of grants or other payments under this Act, whether by direct grant, cooperative agreement, or contract under this Act or by subgrant or subcontract from primary grantees or contractors under this Act.
 - (3) Mandatory audit.--In addition to audits conducted pursuant to paragraph (1), all funds provided under this Act shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).
 - (4) Special rule for payments by general services administration.--With respect to any grant or payment made under this Act by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.
 - (5) Special rule.--In the case of grants or payments made under section 251, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).
 - (6) Special rules for audits by the commission.--In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.
- (c) Recoupment of Funds.--If the Comptroller General determines as a result of an audit conducted under subsection (b) that--
 - (1) A recipient of funds under this Act is not in compliance with each of the requirements of the program under which the funds are provided; or
 - (2) An excess payment has been made to the recipient under the program, the recipient shall pay to the office which made the grant or payment involved a

portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

In addition, please note that the following U.S. Office of Management and Budget guidelines, Federal Regulations and Federal Laws apply to these federal funds:

- OSBM Circular A-87 – Cost Principles for State, Local and Indian Tribal Governments (Cost Principles)
- OSBM Circular A-102 – Grants and Cooperative Agreements with State And Local Governments (Administrative Requirements)
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (“Common Rule”, Administrative Requirements, 53 FR 8087, March 11, 1988)
- OSBM Circular A-133 – Audits of States, Local Governments, and Non-Profit Organizations (Single Audits, Audit Requirements).
- 45 CFR part 93-Anti-Lobbying Certification and Disclosure Form
- 45 CFR part 76- Certification Involving Drug-Free Work Place
- 45 CFR part 76- Disbarment Certification
- Certification Regarding Environmental Tobacco Smoke, Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994. (This applies only if some of grant fund sources are from EAID H&HS HAVA funds)

And that you must comply with the following Federal Laws (42 USC § 15403 (b)(3)):

- a. The Voting Rights Act of 1965;
- b. The Voting Accessibility for the Elderly and Handicapped Act;
- c. The Uniformed and Overseas Citizens Absentee Voting Act;
- d. The National Voter Registration Act of 1993;
- e. The Americans with Disabilities Act of 1990; and
- f. The Rehabilitation Act of 1973.

