



MEMORANDUM

Agenda Item No. 8(H)(1)(A)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: George A. Burgess
County Manager

SUBJECT: Resolution Relating
to SERVE Project
(Elections)

RECOMMENDATION

It is recommended that the Board adopt the attached resolution authorizing the County Manager to execute a memorandum of understanding with the Director of the Federal Voting Assistance Program (FVAP) to participate in the Secure Electronic Registration and Voting Experiment (SERVE) project. The project will allow Uniformed Services personnel and other U.S. citizens residing outside the United States to cast secure Internet ballots beginning with the 2004 general election. Miami-Dade County is among the jurisdictions selected to participate in the project.

BACKGROUND

The National Defense Authorization Act of 2002 requires the federal government to develop a demonstration project allowing Uniformed Services voters to cast ballots in a regularly scheduled, general, federal election through an electronic voting system. The goal is to prevent overseas citizens from becoming disenfranchised due to several commonly-cited problems with by-mail absentee voting: 1) voters do not know how to obtain absentee ballots; 2) voters may not receive ballots in time due to unreliable mail transit time; and 3) for the same reason, Supervisors of Elections may not receive ballots in time for them to count in an election.

FVAP is requesting that Miami-Dade County's Supervisor of Elections execute the attached Memorandum of Understanding accepting the invitation to participate in the development of what is eventually expected to become a nationwide program. The invitation only went out to a limited number of counties, and Miami-Dade's selection reflects well upon both our County government and our electorate, as federal officials have clearly recognized the value of including our dynamic, diverse County. Additionally, participation during this stage of the process will ensure that Miami-Dade County's needs and input are integrated into the eventual permanent system. SERVE has been designed according to the highest and most secure technical specifications available. The net result should be that more overseas voters can confidently expect that their votes will be accurately counted in future elections. The Department of Defense is funding nearly all of the SERVE costs, the fiscal impact to implement the SERVE project would be negligible.

Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners
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Attachment 1 is a printout of a PowerPoint presentation recently given to Supervisors of Elections invited to participate in the program. Attachment 2 addresses voters' frequently asked questions regarding the program.

QTH 10/31/03
Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: December 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 8(H)(1)(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 8(H)(1)(A)

Veto _____

12-4-03

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING COUNTY MANAGER TO EXECUTE MEMORANDUM OF UNDERSTANDING WITH THE DIRECTOR OF THE FEDERAL VOTING ASSISTANCE PROGRAM REGARDING THE SECURE ELECTRONIC REGISTRATION AND VOTING EXPERIMENT (SERVE)

WHEREAS, the Federal Voting Assistance Program (“FVAP”) administers the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), which guarantees the right to vote by Uniformed Services personnel, their family members, the Merchant Marine, and U.S. citizens residing outside the United States – more than six million potential voters; and

WHEREAS, the National Defense Authorization Act of 2002 requires the federal government to develop a demonstration project that allows Uniformed Services voters to cast ballots in a regularly scheduled, general, federal election through an electronic voting system; and

WHEREAS, FVAP has developed a project known as the Secure Electronic Registration and Voting Experiment (“SERVE”), which involves a remote Internet registration and voting system that will be available to all citizens covered by UOCAVA, including overseas citizens and absentee Uniformed Services personnel; and

WHEREAS, the SERVE project will be implemented for the 2004 general, federal election; and

WHEREAS, several election jurisdictions, including Miami-Dade County, have been asked to take part in this project; and

WHEREAS, this Board desires to participate in the SERVE program by entering into the Memorandum of Understanding attached hereto,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Manager is authorized and directed to execute the Memorandum of Understanding with the Director of the Federal Voting Assistance Program regarding the Secure Electronic Registration and Voting Experiment (?SERVE?) in substantially the form attached hereto.

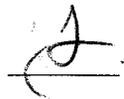
The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson | |
| Katy Sorenson, Vice-Chairperson | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS
HARVEY RUVIN, CLERK
By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Susan Torres

S



FEDERAL VOTING ASSISTANCE PROGRAM

DEPARTMENT OF DEFENSE
WASHINGTON, DC 20301-1155

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DIRECTOR, FEDERAL VOTING ASSISTANCE PROGRAM AND MIAMI-DADE COUNTY, FLORIDA

SECURE ELECTRONIC REGISTRATION AND VOTING EXPERIMENT (SERVE)

Section 1. Background and Scope

1.1 References

- A. *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986*
- B. *Fiscal Year 2002 National Defense Authorization Act, Sec.1604. Electronic Voting Demonstration Project*
- C. *Notification Letter to Congress, May 2002*
- D. *Help America Vote Act*

1.2 Purpose:

This Memorandum of Understanding (MOU) defines the respective roles and responsibilities of the Federal Voting Assistance Program (FVAP) and Miami-Dade County, Florida, hereinafter referred to as the County, with regard to the Secure Electronic Registration and Voting Experiment (SERVE).

1.3 Background:

The Federal Voting Assistance Program (FVAP) is an integral part of the nation's electoral process. The Secretary of Defense is the Presidential designee for carrying out the federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*, which guarantees the right to vote by Uniformed Services personnel, their family members, the Merchant Marine, and U.S. citizens residing outside the United States – more than six million potential voters. The Director, FVAP administers the *Act* on behalf of the Secretary of Defense and provides a wide range of information and services to facilitate the participation of these citizens in the national voting process.

Section 1604 of the FY2002 National Defense Authorization Act directs the Secretary of Defense to carry out a demonstration project under which absent uniformed services voters are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002 or 2004 through an electronic voting system. The project is to be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant. Provision is also made for the delay of implementation until the November 2004 general election with prior notification to the Congress.

In above referenced letter, the Secretary of Defense informed the Congress of the decision to delay program implementation until the 2004 general election due to insufficient time to plan and execute a program of statistically relevant scope for the 2002 election.

In October 2002, the Federal Voting Assistance Program briefed the program concept for the Secure Electronic Registration and Voting Experiment (SERVE) to Congressional staff. The program scope was defined as demonstration of a remote Internet registration and voting system that would be available to all citizens covered by *UOCAVA*, to include overseas citizens as well as absentee uniformed services personnel. FVAP will recruit sufficient numbers of voters to meet the Congressional requirement to be statistically relevant. In addition, a cross-section of election jurisdictions will be sought to take part in the project, to be representative of the varying election administration practices across the country. This scope was accepted as an appropriate response to the Congressional mandate and FVAP was encouraged to proceed with the program as planned.

1.4 Governing Principles.

The SERVE program will be implemented subject to the following policy considerations:

- 1) The electoral process will remain unchanged.
- 2) The roles of FVAP, State governments, and local election officials will remain unchanged.
- 3) All State and Federal statutes and DoD policies will be adhered to.
- 4) The integrity of the electoral process will be maintained.
- 5) The impact on all participants (States, local election officials, and citizens) will be minimized.

Section 2. Roles and Responsibilities

2.1 Federal Voting Assistance Program

- (a) Provide oversight and management of the SERVE program.
- (b) Secure and provide funding for system development, implementation, and deployment; system certification; and SERVE program evaluation.
- (c) Provide central system hosting, applications software, and documentation for the UOCAVA Voting System (UVS) with flexible implementation alternatives for State and county participation.
- (d) Provide a laptop and software for ballot decryption and tabulation (UVS laptop) at each State or county location where tabulation will occur.
- (e) Provide training for use of the system.
- (f) Provide digital signatures for all designated State and local election office personnel and local computers, as required.
- (g) Specify policies, procedures, and standards for UVS implementation and operation.
- (h) Provide Help Desk support during the period of UVS operation in 2004.
- (i) Provide public affairs information and guidance.
- (j) Coordinate SERVE program activities and policy issues with participating States and counties and other organizations, as required.

2.2 County

- (a) Assist the SERVE Team in development of system technical and functional requirements.
- (b) Assist in development of SERVE policies, procedures and standards.
- (c) Provide timely feedback on system requirements, security policy, certification standards, evaluation reports and other project documents, as required.
- (d) Designate a single representative to the UVS Design Advisory Group.
- (e) Assist in recruiting potential voters to participate.
- (f) Provide an Internet account.
- (g) Sign software license agreement.
- (h) Choose an implementation alternative for participation.
- (i) Designate personnel who will be authorized to use the UVS.
- (j) Participate in system training.
- (k) Participate in certification process, as required.
- (l) Collect and report evaluation data.
- (m) Return all equipment supplied by SERVE at the conclusion of the program.

Section 3. Points of Contact:

A. Federal Voting Assistance Program

All matters relative to the terms or interpretation of the MOU should be referred to Polli Brunelli, Director of the Federal Voting Assistance Program. All other matters relative to the SERVE Program should be referred to Carol Paquette, SERVE Program Manager. Contact information is provided below.

P.K. Brunelli
Director
Federal Voting Assistance Program
1777 N. Kent Street, Suite 14003
Arlington VA 22209-2162

brunellip@fvap.ncr.gov
Telephone: 703.588.1584
Facsimile: 703.588.0108

Carol A. Paquette
SERVE Program Manager
Federal Voting Assistance Program
1777 N. Kent Street, Suite 14003
Arlington VA 22209-2162

paquettec@fvap.ncr.gov
Telephone: 703.588.8131
Facsimile: 703.588.0108

B. County of Miami-Dade

Constance Kaplan
Supervisor of Elections, Miami-Dade County
111 N.W. 1st Street, Suite 1910
Miami, Florida 33128-1906

ckaplan@miamidade.gov
Telephone: 305.375.3150
Facsimile: 305.375.3161

Section 4. Terms and Conditions

4.1 Effective Date/Termination. This MOU takes effect when both parties have signed and continues through the completion of the program, which is estimated to be December 2005. This MOU may be terminated at any time upon written notice by either party via certified mail. Such termination shall be effective thirty (30) days following the date of notice, unless otherwise mutually agreed by the parties.

It is understood that this MOU is for a demonstration project, and that there is no agreement, either express or implied, for either party to continue any obligations beyond the duration of the project. It is agreed that, in the event that FVAP is unable to secure adequate funding for this project, this MOU shall become null and void, with no obligation remaining for either party. FVAP shall provide timely notice to the State and/or county should such eventuality occur.

4.2 Modifications and Amendments. Modifications and amendments to this MOU must be in writing, may be requested by either party and require the approval and signatures of both parties.

4.3 Disputes. Both parties agree to resolve all claims, disputes, and other issues arising out of this MOU through good faith negotiations.

Section 5. Execution.

Approved and accepted by FVAP:

Approved and accepted by County:

P.K. Brunelli
Director

George M. Burgess
County Manager, Miami-Dade County

Date

Date

9/29/2003