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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 9(A)(10)(A)
06-26-07

RESOLUTION NO. R-748-07

RESOLUTION AUTHORIZING THE EXECUTION OF THE STATE "COUNTY CERTIFICATION FORM" FOR PARTICIPATION IN THE STATE FUNDING FORMULA TO FUND AND NEGOTIATE THE PURCHASE OF OPTICAL SCAN AND BALLOT ON DEMAND EQUIPMENT TO REPLACE TOUCHSCREEN VOTING EQUIPMENT

WHEREAS, effective July 1, 2008, all voting in the State of Florida shall be by "mark sense" ballot as required by House Bill 537, which results in a paper record; and

WHEREAS, Miami-Dade County will utilize optical scan and ballot on demand equipment as of the August 26, 2008 Primary Election; and

WHEREAS, the Secretary of State has been authorized to fund and negotiate the purchase of said equipment on behalf of applicable counties; and it is in the best interest of Miami-Dade County to accept this assistance; and

WHEREAS, the County authorizes the Secretary of State to do so; and

WHEREAS, the County also authorizes the Secretary of State to negotiate the disposal of existing touchscreen voting equipment that is in excess of the amount needed to conduct voting for individuals with disabilities; and

WHEREAS, the State requires the Chair of the Board of County Commissioners to authorize the execution of the County Certification Form, which is substantially in the form attached hereto and file that form with the Division of Elections by June 30, 2007,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes the Chair of the Board of County Commissioners to execute the County Certification Form,

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 26, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 9(A)(10)(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**

allowing the State to negotiate the purchase of equipment and allow for the disposal of existing equipment on behalf of Miami-Dade County.

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

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	absent	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 26th day of June, 2007. 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

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. OR

Oren Rosenthal

COUNTY CERTIFICATION

(SS. 10-11, CHAPTER 2007-30, LAWS OF FLORIDA)[1,2]

I hereby certify on behalf of _____ *County that:*

(A) the County Commission chooses to:

NOTE: By opting out the County Commission understands that the county continues to be governed by the provisions of §§ 101.292-101.295 and § 101.5604, Florida Statutes, with respect to the purchase of new voting systems and equipment.

_____(1) opt out of the state's funding scheme for the purchase of both the optical scan and the ballot-on-demand equipment that would replace touchscreen voting equipment *(applicable only to counties listed in footnote 1),*

_____(2) opt out solely of the state's funding scheme for the purchase of the optical scan voting equipment that would replace touchscreen voting equipment *(applicable only to counties listed in footnote 1, respond also to paragraphs (B) & (C) before signing form),*

_____(3) opt out solely of the state's funding scheme for the purchase of the ballot on demand equipment that would replace touchscreen equipment *(applicable to counties listed in footnotes 1 & 2-- *if your county is listed in footnote 1, respond also to paragraph (B) before signing. *If your county is listed in footnote 2, sign form),* or

_____(4) not opt out of the state funding scheme at all. *(if your county is listed in footnote 1, respond also to paragraphs (B) & (C) before signing form); if your county is listed in footnote 2, respond also to paragraph (C) before signing form)*

_____(B) the County Commission authorizes the Secretary of State to negotiate the disposal of insert number existing touchscreen voting machines in the county that are in excess of the amount needed to conduct voting for individuals with disabilities:

(1) *For the counties that use ES&S touchscreen equipment only:* the number of touchscreen voting machines indicated above includes:

_____ iVotronic machine and booth _____ iVotronic machine only

(2) As of July 1, 2007, the County *(applicable only to the 15 counties listed in footnote 1)* is still indebted in the amount of $_____ for the purchase of its touchscreen voting machines. A letter of verification of the amount owed is attached. *(letter must be from the Chair of the Board of County Commissioners, the County Administrator, or the County Office of Management and Budget.)*

(C) the County ___ will/___will not use ballot-on-demand equipment at early voting sites in the 2008 General Election.

_____

Chair, Board of County Commissioners

Printed Name _____

Date: _____**(MUST BE FILED WITH DIVISION OF ELECTIONS BY JUNE 30, 2007)**

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[1] The following 15 counties may (pursuant to statutory authority in section 10 and sections 1(a) & (b) of section 11 of ch. 2007-30, Laws of Florida) opt out of the state funding scheme to negotiate the purchase of either or both the optical scan equipment, and ballot on demand equipment to replace touch screen voting equipment: Broward, Charlotte, Collier, Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade, Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.

[2] The following 14 counties may (pursuant to statutory authority in section 10 and section (1)(b) of section 11 of ch. 2007-30, Laws of Florida) opt out solely from the state funding scheme to negotiate the purchase of ballot on demand equipment that would be used for early voting sites instead of touch screen voting equipment: Bay, Brevard, Clay, Escambia, Jackson, Levy, Marion, Okaloosa, Orange, Osceola, Santa Rosa, St. Johns, Taylor, and Washington

Memorandum

MIAMI-DADE COUNTY

Date: June 26, 2007

Agenda Item No. 9(A)(10)(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioner

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the State to Fund and Negotiate the Purchase of Optical Scan and Ballot on Demand Equipment to Replace Touchscreen Voting Equipment

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Recommendation
It is recommended that the Board of County Commissioners adopt the attached Resolution authorizing the execution of the State "County Certification Form."

The recent passage of House Bill (HB) 537 mandates that all voting in the State of Florida shall be by "mark sense" ballot, which is defined as a ballot that results in a paper record. HB 537 also authorizes the Secretary of State to fund and negotiate the purchase of this equipment on behalf of Miami-Dade County and the fourteen other counties currently utilizing touch screen voting equipment.

The Board may choose to opt out of this agreement by filing a notice to that effect with the Department of State no later than June 30, 2007 (attached). However, if the County opts out, we will be required to adhere to the mandate while funding the entire cost of the conversion. Authorizing the State to enter into negotiations for this equipment is in the best interest of the County.

Scope
The scope of this resolution is countywide in nature. The equipment procured under this certification will first be utilized during the August 26, 2008 Primary Election and for all countywide and municipal elections thereafter.

Fiscal Impact/Funding Source
Miami-Dade County is expected to receive $4 to $5 million in equipment from the State of Florida under this certification. This is an estimate, since the exact funding structure is still being finalized by the State.

The State is not funding the entire cost of the conversion. The County will be required to buy additional equipment, voting booths, paper ballots, and other supplies. The fiscal impact to Miami-Dade County is anticipated to be between $6 and $7.5 million for the initial cost of implementation. However, as a result of the conversion, the cost to conduct elections will be reduced; therefore, long term savings will offset the cost of the conversion. This information was provided to the Board in a memorandum dated May 31, 2007.

Track Record/Monitor
The Supervisor of Elections will be responsible for monitoring the purchase of optical scan and ballot-on-demand equipment to replace touchscreen voting equipment.

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Background

On May 3, 2007, Florida Legislators approved House Bill 537 and Governor Crist signed it into state law on May 21, 2007. This bill included many revisions to state elections laws; of most significance is the mandate that all voting in the State of Florida shall be by "mark sense" ballot, which results in a paper record. This conversion must be fully implemented by July 1, 2008.

House Bill 537 allocates $27.8 million to fund the equipment conversion for the 15 applicable counties. The estimated $4 to $5 million in equipment that will be received from the State will provide for a defined number of units at each Early Voting site and one unit per precinct. Additional equipment and supplies must be procured by the County. Under separate cover, a memorandum will be forwarded to the Board to outline the timeline for these procurements. Award may be necessary during the BCC summer recess in order to meet deadlines for the delivery of this equipment and other equipment procured by GSA to produce the paper ballots.

As a condition of accepting this grant from the State, the County must also give authorization to the Secretary of State to dispose of the existing touch screen voting equipment that is in excess of the amount needed to conduct voting for individuals with disabilities. It is estimated that the value of the current voting equipment is limited; nonetheless, all proceeds from a sale will be used to reduce the outstanding debt of approximately $15 million on the current equipment. A minimum number of touch screen units will still be placed at each voting location affording persons with disabilities the option to continue using the touch screen units, which meet ADA accessibility requirements.

Alina T. Hudak

Assistant County Manager