



ADVISORY 2018-04

November 29, 2018

To: All County Board of Elections
Directors, Deputy Directors, and Board Members

Re: Voting Equipment Acquisition Program

BACKGROUND

In June of this year, the Ohio General Assembly passed Am. Sub. S.B. 135, the Voting Equipment Acquisition Program, which directed the Secretary of State to implement a program for the acquisition and funding of new voting systems for counties.¹ The legislation required the Secretary of State to work with the Department of Administrative Services (DAS) on the solicitation of pricing for certified voting equipment and with the Office of Budget and Management (OBM) on the issuance of obligations to cover the costs of the program. For the last several months, the Secretary of State's office has been working with the two agencies to obtain the pricing and the funding needed to establish the program.

The purpose of this Advisory is to provide eligible counties with step-by-step instructions on how to access pricing for certified voting equipment and participate in the Voting Equipment Acquisition Program.

A separate Advisory providing instructions to those counties that are eligible to receive a reimbursement for prior purchases of voting machines is forthcoming.

STEP 1: PRICING AND SELECTION OF VENDOR AND SYSTEM

Five voting system vendors submitted pricing to DAS and have been awarded a contract: Clear Ballot Group, Dominion Voting Systems, Election Systems & Software (ES&S), Hart InterCivic, and Unisyn Voting Solutions. The contract and price lists are available for review here <https://procure.ohio.gov/proc/viewContractsAwards.asp?contractID=36423>. Please click on "View ORIGINAL CONTRACT" and scroll to page 11, "Pricing Schedule."

A county must select its system, equipment, and services from its selected vendor's price list. A county board of elections is encouraged to work with its board of county commissioners in selecting the county's voting system.

¹ <https://www.legislature.ohio.gov/legislation/legislation-status?id=GA132-SB-135>.

There are two tables within each vendor's price list: Table A State-Funded Items and Table B Non-State-Funded Items. The items and services in Table A are eligible to be paid for by the state under the Voting System Acquisition Program. The items and services in Table B are not eligible to be paid for by the state. The county is responsible for the cost of any item or service that it selects from Table B and for any item or service from Table A that exceeds the amount of the county's allocation.

STEP 2: OBTAIN PROPOSAL AND DRAFT CONTRACT

Once a county has selected its vendor and system, it needs to obtain a proposal and draft contract from the vendor and submit both documents to the Secretary of State's office for review. The board of elections must upload the documents to its Secretary of State's SharePoint folder and send an email to bseskes@OhioSecretaryofState.gov stating that the documents have been uploaded. Additional instructions for uploading the documents to SharePoint will be provided via email.

The proposal must state the voting system selected by the county, detail in two separate lists (i.e., one list for Table A and one list for Table B) the specific services and equipment and quantities of each needed by the county, and provide a designated contact for the vendor.

The draft contract must contain all of the details and legal requirements regarding the implementation of the proposal and the delivery and installation of the voting equipment in the county.

STEP 3: RESOLUTION AND SUBLEASE-PURCHASE AGREEMENT

After the Secretary of State reviews the county's proposal and draft contract, the board of county commissioners of the county must pass a resolution authorizing participation in the sublease-purchase arrangement with the Ohio Secretary of State. The text of the resolution is being provided to each county with this Advisory in an editable format to allow the county to insert the appropriate county name, dates, and amounts. Please note that a county is not permitted to edit the substantive content of the resolution.

Next, the county board of county commissioners and the board of elections must complete the Sublease-Purchase Agreement. As with the resolution, an editable format has been provided with this Advisory to allow the county to enter the appropriate county name and address, dates, and vendor. Exhibit A-1, Schedule of State-Financed Equipment, must contain the list of equipment selected by the county from Table A. Exhibit A-2, Other Uses of State Contribution, must contain the list of services selected by the county from Table A. Note that the equipment and services listed in this Exhibit must mirror the county's proposal (Step 2, above).

After the county commissioners and board of elections completes the Sublease-Purchase Agreement, the following officials are required to execute three copies of the Agreement: the county commissioners, the director of the county board of elections, the county prosecuting attorney, and the county auditor. The board of elections must mail or deliver two signed copies to the Secretary of State for the Secretary of State's signature.

STEP 4: PAYMENT

Upon receipt of the two copies of the completed and signed Resolution and Sublease-Purchase Agreement, the Secretary of State will coordinate payment of the State-Funded equipment and services to the vendor.

The county is responsible for payment for any equipment or services that are not state-funded or that exceed the amount of the county's allocation.

If you have questions regarding this Advisory, please contact the Secretary of State's elections counsel who is assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted