



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

Mailing Address:
P.O. BOX 27255
RALEIGH, NC 27611-7255
(919) 733-7173
FAX (919) 715-0135

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Memorandum 2006-5

To: Directors, County Boards of Elections

From: Gary O. Bartlett

Subject: Voting equipment, HAVA grants and model contract materials

As you know, we are all working under a very tight schedule to have voting equipment that has been certified under North Carolina Session Law 2005-323 available for one-stop voting which begins April 13, 2006 and for the primary election scheduled for May 2, 2006. We are sending to you the documentation that you can use to complete your county's purchase of voting equipment.

To that end, please find enclosed the following materials which are intended to help you meet your deadlines and to assure that HAVA funding allocated to each county for voting equipment is exhausted before the county must use its funds:

1. **A Grant Acceptance Agreement** that will permit the State Board to be your payment agent for equipment and some services to the extent of your HAVA funding. Most counties submitted a Voting Equipment Grant Request form, however for orders to be in full compliance with Federal and State audit requirements this form will replace the previously submitted form.
 - a) Please note that there are a number of conditions in accepting this grant which include reporting requirements as well as other matters. It will not be repeated here, but the grant acceptance agreement must be signed, the contract signed and executed, and the order forms completed, before your purchase can be made and HAVA funds released to pay for that purchase.
 - b) In addition, the grant agreement provides your county with a supplemental grant of \$30,000 to be used for services or certified voting equipment after the original HAVA money is allocated **so long as you obligate the additional \$30,000 before April 1, 2006.**

2. **A Model Contract with the Equipment Vendor, Election Systems and Software, Inc.** (“ES&S”). This is an attachment to the Grant Acceptance Agreement and is intended to be a model contract for your county to use in purchasing voting equipment. If you ordinarily have your county attorney review such a contract, you should do so in this instance.

If you or your county attorney has questions about this model contract, please contact Karen Long, Special Deputy Attorney General, at (919) 716-0141.

3. **An electronic version of the RFP for the voting equipment** and two (2) addenda to it that are incorporated in the model contract by reference.
4. **Two (2) order forms** in Excel format to be used to order voting equipment.
 - a) State Voting Equipment Order Form – a three (3) part form to order voting equipment and supplies.
 1. The first part of the order form is to be used to order voting equipment to be paid with HAVA funding and delivered for the May primary election.
 2. The second part of the form is to be used to order equipment to be paid with HAVA funding or county funds from the 2006-2007 county budget year and shipped at a later date for delivery in time for the General Election.
 3. The third part of the order form should be used to order supplies and services not covered by HAVA funding and to be paid for with county monies from the current budget year.
 - b) State Voting Equipment 30K Supplemental Order Form – this \$30,000.00 supplemental grant fund is to be used by counties to pay for additional equipment or services for the May primary election after the original HAVA money is allocated. This grant allows for the cost of election programming and election support not previously approved by other HAVA grants. The funds from this grant must be obligated by April 1, 2006.

If you have questions about these Order Forms, please e-mail hava.plan@ncmail.net or contact Brooks Garrett-Jones at (919) 715-8235.

Distribute forms as follows:

Documents 3 original contracts 1 copy of State Order Form 1 copy of State 30 K Supplemental Order Form	Ship <u>Overnight</u> To: ES&S Attn: Matthew Nelson 11208 John Galt Boulevard Omaha, NE 68137 800-247-8683
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Document 1 original Grant Acceptance Agreement	Ship To: State Board of Elections P.O. Box 27255 Raleigh, NC 27611-7255
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Documents 1 copy of State Order Form 1 copy of State 30 K Supplemental Order Form	e-mail To: hava.plan@ncmail.net
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We have moved the User Acceptance Testing to a central warehouse and the State Board of Elections will be paying all the costs of testing with additional HAVA funds. This will save the counties approximately \$2.3 million dollars in HAVA funds that can be used for additional voting equipment. When the warehouse is ready for equipment testing each county will be notified when they can send technicians to the warehouse to monitor and participate in the testing process in addition to learning valuable information about the voting machines.

Thank you for the enormous effort you, your staff and board members have extended so far in complying with the requirements of S.L. 2005-323. I look forward to meeting the challenges with you between now and May.

Sincerely,

Gary Bartlett
Executive Director
State Board of Elections

cc: Election Directors & County Board of Elections
County Commissioners, c/o Paul Meyer, NC Association of County Commissioners