



DEAN C. LOGAN
Registrar-Recorder/County Clerk



Los Angeles County Registrar-Recorder/County Clerk

April 02, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

20 April 2, 2019

CELIA ZAVALA
EXECUTIVE OFFICER

**REQUEST DELEGATED AUTHORITY TO APPLY FOR AND RECEIVE FUNDS FROM THE
SECRETARY OF STATE FOR THE MODERNIZATION AND REPLACEMENT OF THE VOTING
SYSTEM AS AUTHORIZED UNDER THE ELECTIONS CODE
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Request delegated authority for the Registrar-Recorder/County Clerk (RR/CC), or designee, to conduct all negotiations and execute all documents to apply for and receive State funds appropriated to the California Secretary of State (SOS) in the Budget Act of 2018 for modernization and replacement of the voting systems. Further, the RR/CC requests your Board adopt the attached Resolution granting the RR/CC the delegated authority to perform these functions.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the attached Resolution authorizing the RR/CC, or designee, as agent of the County of Los Angeles (County) to apply for and receive all State funds under Elections Code section 19402 for modernization and replacement of the voting systems.
2. Delegate authority to the RR/CC, or designee, as agent of the County, after concurrence from County Counsel, to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, and amendments which may be necessary to apply for and to receive State funds under Elections Code section 19402 for modernization and replacement of the voting systems.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to authorize the RR/CC to apply for and receive all State

funding for modernization and replacement of voting systems under the SOS's shortened application timelines.

The continuously shortened application period makes it extremely difficult to adhere to the County's traditional Board authorization process. In an effort to streamline the process and maximize the County's opportunities for applying for and receiving such funding, the RR/CC requests delegated authority to apply for all future available State funding for modernization and replacement of voting systems.

The RR/CC has expressed its concern with the condensed application timeframe to the SOS. However, the State is bound by its own internal processes and requirements. Granting the RR/CC, or designee, the delegated authority to act as an agent of the County will help expedite the County's application submission process in order to meet these timelines and maximize all State grants offered.

Each time the RR/CC applies for State funds for modernization and replacement of voting systems on behalf of the County, the RR/CC will provide Board Notification letters as well as any relevant status reports and Board memos to all County Board Deputies and the County's Chief Executive Office.

Implementation of Strategic Plan Goals

This request supports the County Strategic Plan as follows:

Goal No. 1: Operational Effectiveness/Fiscal Sustainability: Utilizing State funds to strengthen and maintain the effectiveness of the County's voting experience. Strengthen the County's fiscal capacity by efficiently applying for and managing available State grant funding.

Goal No. 2: Community Support and Responsiveness: Enrich the lives of Los Angeles County residents by providing enhanced, effective voter services.

FISCAL IMPACT/FINANCING

Approval of the recommended actions will allow the RR/CC to receive State funds under the California Elections Code. The RR/CC budget accounts for the availability of these State funds. Therefore, there is no impact to net County cost in receiving State reimbursement for eligible expenditures in the applicable fiscal years.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Voting Modernization Bond Act of 2002 authorizes counties to apply to the Voting Modernization Board for money from proceeds of the sale of bonds (1) to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State, (2) to research and develop new voting systems, or (3) to manufacture the minimum number of voting system units reasonably necessary to test and seek certification or conditional approval of the voting system, or test and demonstrate the capabilities of a voting system in a pilot program.

In June 2018, Governor Brown approved Assembly Bill 1824 adding Chapter 5, Voting Systems Replacement Contracts, sections 19400 and 19402 to Division 19 of the California Elections Code. Under these sections, the SOS shall use funds appropriated to him or her in the Budget Act of 2018 for voting system replacement by awarding reimbursement contracts to counties engaged in voting

system replacement activities. The SOS must allocate funding based on the size of the county, the number of voters registered in the county, and the SOS's estimate of need for county voting equipment.

The County would be able to seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015, and before June 30, 2021 for voting system replacement. The County would provide the SOS with documentation of the payment for which reimbursement is sought, and of the purchase agreement, lease agreement, or other contract pursuant to which the reimbursed payment was made. The SOS shall verify that payment for which reimbursement is sought meets the criteria set forth in the contract before reimbursing the County. The SOS must reimburse the County by matching county funds spent on voting system replacement activities on a dollar-for-dollar basis, up to the maximum amount of funds allocated for the contract.

A contract with the SOS will permit the County to apply and receive reimbursement for costs incurred in connection with voting system replacement activities. Reimbursable voting system replacement activities include the purchase or lease of: (1) a voting system certified or conditionally approved by the SOS that does not use pre-scored punch card ballots; (2) electronic poll books certified by the SOS; (3) ballot on demand systems certified by the SOS; (4) Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the SOS pursuant to subdivision (b) of Section 3025 of the California Elections Code; (5) remote accessible vote by mail systems certified or conditionally approved by the SOS; (6) telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the SOS's office; or (7) vote by mail ballot sorting and processing equipment.

Other activities that would be subject to reimbursement include the research and development of a new voting system that has not been certified or conditionally approved by the SOS, but that would result in a voting system certified by the SOS to comply with the California Voting System Standards. Counties that manufacture a minimal amount of voting system units reasonably necessary to test and seek certification or conditional approval for the voting system and testing and demonstration of the capabilities of the voting system in a pilot program, can seek reimbursement from the SOS for these actions. If a county receives funding for these activities, but does not ultimately result in a voting system certified by the SOS that complies with the California Voting System Standards by July 1, 2023, must return the funding provided for those activities to the State.

A voting system purchased or leased by a county for which the county seeks reimbursement from the SOS that does not require a voter to directly mark on the ballot must produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the one percent manual tally or any recount, audit, or contest. The County's Voting Solutions for All People system will produce a paper ballot as required.

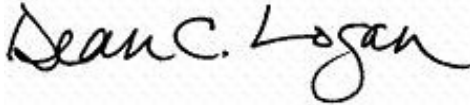
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will afford the RR/CC the necessary time to meet deadlines for the application and eventual receipt of State funds. Funding will allow the RR/CC to continue to deliver effective voter services and maintain voting standards.

CONCLUSION

Los Angeles County continues to be the nation's largest county – over 5.2 million voters across 4,084 square miles and boasts one of the most diverse populations and electorates. Approval of the requested action will allow the RR/CC to continue to provide voters and prospective voters alike with the tools needed to participate in the democratic process.

Respectfully submitted,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive, flowing style.

DEAN C. LOGAN

Registrar-Recorder/County Clerk

DCL:RF:APL

PT:VW:ra

Enclosures

c: Chief Executive Officer
County Counsel

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES APPROVING THE DELEGATED AUTHORITY OF THE REGISTRAR-RECORDER/COUNTY CLERK TO APPLY FOR AND RECEIVE FUNDS FROM THE SECRETARY OF STATE FOR THE MODERNIZATION AND REPLACEMENT OF THE VOTING SYSTEM AS AUTHORIZED UNDER THE ELECTIONS CODE

WHEREAS, the Voting Modernization Bond Act of 2002 authorizes a county to apply to the Voting Modernization Board for money from the proceeds of the sale of bonds (1) to pay for or purchase new voting systems that are certified or conditionally approved by the Secretary of State, (2) to research and develop new voting systems, or (3) to manufacture the minimum number of voting system units reasonably necessary to test and seek certification or conditional approval of the voting system, or test and demonstrate the capabilities of a voting system in a pilot program; and

WHEREAS, in June 2018, Governor Brown approved Assembly Bill 1824 adding Chapter 5, Voting Systems Replacement Contracts, sections 19400 and 19402 to Division 19 of the California Elections Code; and

WHEREAS, the Secretary of State has been delegated the responsibility for the administration of the funds appropriated to him in the Budget Act of 2018 for voting system replacement by awarding reimbursement contracts to counties for voting system replacement activities based on the size of the county, the number of voters registered in the county, and the Secretary of State's estimate of need for county voting equipment; and

WHEREAS, this contract with the Secretary of State would allow a county to apply and receive reimbursement for the payments made pursuant to a purchase or lease agreement, or other contract made after April 29, 2015, and before June 30, 2021 for voting systems replacement; and

WHEREAS, the potential maximum amount of funds that can be allocated by the Secretary of State for the contract is \$43,128,000.00; and

WHEREAS, the Secretary of State shall reimburse the county by matching county funds spent on voting system replacement activities on a dollar-for-dollar basis, up to the maximum amount of funds allocated for the contract; and

WHEREAS, a county may seek reimbursement for payments incurred in connection with the activities described in subdivision (d) of section 19402 of the California Elections Code, for voting system replacement activities; and

WHEREAS, said procedures established by the Secretary of State require each county to submit a copy of the governing body's delegated authority to the Registrar-Recorder/County Clerk, authorizing his ability to enter into the proposed contract, authorizing execution of the agreement; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Los Angeles County Board of Supervisors:

1. Certifies that the County, through its Registrar-Recorder/County Clerk, understands the substantially similar application, and the terms of the State of California standard agreement, which are attached and incorporated herein by reference; and
2. Appoints the Registrar-Recorder/County Clerk, or designee, as agent to conduct all negotiations, execute and submit all documents, including but not limited to, applications, agreements, and amendments, which may be necessary to apply for and to receive State funds under Elections Code section 19402 for modernization and replacement of the voting systems.

On a motion by Supervisor Ridley-Thomas seconded by Supervisor Barger, the foregoing resolution was passed and adopted by the Board of Supervisors of the County of Los Angeles, State of California, this 2nd day of April, 2019, by the following vote, to wit:



CELIA ZAVALA,
Executive Officer-Clerk of the Board of
Supervisors of the County of Los Angeles

By: Daniza Ruiz
DEPUTY

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By: Gina V. Eachus

Gina V. Eachus
Senior Deputy County Counsel