

FORSYTH COUNTY BOARD OF COMMISSIONERS

MEETING DATE: DECEMBER 19, 2019

AGENDA ITEM NUMBER: _____

11A - 11C

- SUBJECT:**
- A. RESOLUTION ADOPTING AND ACQUIRING A NEW VOTING SYSTEM AND AWARDING A CONTRACT FOR THE PURCHASE OF THE VOTING SYSTEM FOR USE BY THE FORSYTH COUNTY BOARD OF ELECTIONS**
 - B. AMENDMENT TO THE 2016 PAY-GO CAPITAL PROJECTS ORDINANCE TO TRANSFER FUNDS TO THE 2018 PAY-GO CAPITAL PROJECTS ORDINANCE**
 - C. AMENDMENT TO THE 2018 PAY-GO CAPITAL PROJECTS ORDINANCE TO ACCEPT THE TRANSFER OF FUNDS FROM THE 2016 PAY-GO CAPITAL PROJECTS ORDINANCE**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

Starting in 2020, all voting systems must produce a paper ballot, which will serve as the official record of a voter's selections. Direct Record Electronic (DRE) machines – which are currently used by Forsyth County – have been decertified by statute on December 1, 2019, and may not be used in any election after that date.

The State Board of Elections recently met and voted to certify several new voting systems for use in North Carolina's elections. The Forsyth County Board of Elections brought these vendors into the County to demonstrate their equipment in order to assist the Board of Elections with selecting the next elections equipment.

After going through these demonstrations, the Forsyth County Board of Elections met and passed a resolution selecting Election Systems & Software, LLC, to provide the new elections equipment. The County Board of Elections will also be requesting at a later date the Board of Commissioners to purchase voting booths at a cost of \$75,682.00.

The Forsyth County Board of Commissioners has been very thoughtful throughout this process and has set funding aside in two Pay-Go Capital Projects Ordinances (the 2016 Pay-Go CPO and the 2018 Pay-Go CPO).

This agenda item is necessary to amend the 2016 Pay-Go CPO to transfer funds held in reserve to the 2018 Pay-Go CPO to account for this significant purchase.

ATTACHMENTS: yes no

SIGNATURE: _____

J. Dudley Watts, Jr. IAMS
COUNTY MANAGER

DATE: _____

December 16, 2019

**RESOLUTION ADOPTING AND ACQUIRING A NEW VOTING SYSTEM AND
AWARDING A CONTRACT FOR THE PURCHASE OF THE VOTING SYSTEM FOR
USE BY THE FORSYTH COUNTY BOARD OF ELECTIONS**

WHEREAS the Forsyth County Board of Elections may only use voting systems in elections that have been certified by the North Carolina State Board of Elections pursuant to N.C.G.S. 163-165.7;

WHEREAS the County Board of Elections currently uses a voting system that has been decertified by Session Law 2018-13 effective December 1, 2019, such that Forsyth County must purchase a new, certified voting system for use in the March 3, 2020, primary election and for future elections;

WHEREAS before a new voting system may be acquired, the County Board of Elections must recommend to the Board of Commissioners which type of voting system should be acquired, witness a demonstration of this voting system, and test this voting system during an election in at least one precinct in the County, in accordance with N.C.G.S. 163-165.9(a);

WHEREAS the Board of Commissioners, with the approval of the County Board of Elections, may adopt and acquire a voting system of a type, make, and model certified by the State Board of Elections for use in some or all voting places in the County at some or all elections, pursuant to N.C.G.S. 163-165.8;

WHEREAS on September 20, 2019, the County Board of Elections witnessed a demonstration of the type of voting system being recommended and a demonstration of at least one other type of voting system certified by the State Board of Elections;

WHEREAS on September 24, 2019, the Forsyth County Board of Elections recommended to the Forsyth County Board of Commissioners that it should acquire a specific voting system from Election Systems & Software, LLC;

WHEREAS the County Board of Elections tested, during the November 5, 2019, Municipal Elections, the proposed voting system in County Precinct 067-Kernersville Fire Station #2;

WHEREAS the County Board of Elections recommends trading in its current voting equipment consisting of 121 M100 precinct tabulators, 121 M100 ballot containers, one M650 central tabulator, 209 iVotronic direct record electronic terminals, and 209 iVotronic RTAL booths with printers, with such value applied toward the purchase of a new voting system;

WHEREAS Election Systems & Software, LLC ("ES&S"), has offered to sell to the County a new voting system consisting of 151 DS200 Precinct Scanners, 1 DS850 High Speed Digital Image Scanner, 1 DS450 High Speed Digital Image Scanner, 151 ExpressVote Ballot Marking Devices, 20 Balotar Ballot On Demand Systems, and such other equipment, licenses, implementation services, and items set forth in Exhibit A, attached hereto and incorporated herein

by reference, in the amount of \$1,556,188.01, which includes a trade-in allowance of \$296,756.99; and

WHEREAS it is the recommendation of the County Manager and the Forsyth County Board of Elections that the ES&S voting system be adopted and that a contract for the purchase of a new voting system and for the sale of the current voting equipment as trade-in property be awarded to ES&S in an amount of \$1,556,188.01;

NOW, THEREFORE, BE IT RESOLVED, that the Forsyth County Board of Commissioners hereby adopts the ES&S voting system set forth herein, awards a contract for the purchase of a new voting system and for the sale of the current voting equipment assets as trade-in property to ES&S in an amount of \$1,556,188.01, and authorizes the County Manager and Clerk to the Board to execute, on behalf of Forsyth County, a contract with ES&S for the purchase of a new voting system and for the sale of the current voting equipment assets as trade-in property in a net amount payable to ES&S of \$1,556,188.01, as set forth herein, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this 19th day of December 2019.

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO
2016 PAY-GO CAPITAL PROJECTS ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: December 19, 2019

EXPLANATION:

Starting in 2020, all voting systems must produce a paper ballot, which will serve as the official record of a voter's selections. Direct Record Electronic (DRE) machines – which are currently used by Forsyth County – have been decertified by statute on December 1, 2019, and may not be used in any election after that date.

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The Forsyth County Board of Commissioners has been very thoughtful throughout this process and has set funding aside in two Pay-Go Capital Projects Ordinances (the 2016 Pay-Go CPO and the 2018 Pay-Go CPO).

This agenda item is necessary to amend the 2016 Pay-Go CPO to transfer funds held in reserve to the 2018 Pay-Go CPO to account for this significant purchase.

**BE IT ORDAINED BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS THAT THE
2016 PAY-GO CAPITAL PROJECTS ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

DECREASE:	EXPENDITURES	
	Budget Reserve	<u>\$881,871</u>
INCREASE:	EXPENDITURES	
	Transfer to the 2018 Pay-Go CPO	<u>\$881,871</u>

NATURE OF TRANSACTION:

- Additional Revenue Available
- Transfer within Accounts of Same fund
- Other: Transfer to 2018 Pay-Go CPO

APPROVED BY BOARD OF COUNTY
COMMISSIONERS AND ENTERED ON
MINUTES DATED _____
AGENDA ITEM NUMBER _____

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO
2018 PAY-GO CAPITAL PROJECTS ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: December 19, 2019

EXPLANATION:

Starting in 2020, all voting systems must produce a paper ballot, which will serve as the official record of a voter's selections. Direct Record Electronic (DRE) machines – which are currently used by Forsyth County – have been decertified by statute on December 1, 2019, and may not be used in any election after that date.

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After going through these demonstrations, the Forsyth County Board of Elections met and passed a resolution selecting Election Systems & Software, LLC, to provide the new elections equipment. The County Board of Elections will also be requesting at a later date the Board of Commissioners to purchase voting booths at a cost of \$75,682.00.

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This agenda item is necessary to amend the 2016 Pay-Go CPO to transfer funds held in reserve to the 2018 Pay-Go CPO to account for this significant purchase.

**BE IT ORDAINED BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS THAT THE
2018 PAY-GO CAPITAL PROJECTS ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

INCREASE:	REVENUES	
	Transfer from 2016 Pay-Go CPO	<u>\$881,871</u>
INCREASE:	EXPENDITURES	
	Elections Equipment	<u>\$881,871</u>

NATURE OF TRANSACTION:

- Additional Revenue Available
- Transfer within Accounts of Same fund
- Other: Transfer from 2016 Pay-Go CPO

APPROVED BY BOARD OF COUNTY
COMMISSIONERS AND ENTERED ON
MINUTES DATED _____
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