



DEAN C. LOGAN
Registrar-Recorder/County Clerk



Los Angeles County Registrar-Recorder/County Clerk

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

November 19, 2019

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

23 November 19, 2019

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**REQUEST DELEGATED AUTHORITY TO ACCEPT A GRANT INCREASE 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 amend the Agreement for the receipt of State funds appropriated to the California Secretary of State (SOS) in the Budget Act of 2018 and 2019 for voting system replacement and election management system replacement. 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 voting systems and for election management system replacement.
2. Delegate authority to the RR/CC, or designee, as agent of the County, after concurrence from County Counsel, to conduct all negotiations and execute all documents relating to the amendment to the Agreement for receipt of State funds under Elections Code section 19402 for modernization and replacement of voting systems and for election management system replacement.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to allow RR/CC to apply for and receive increased State funding for modernization and replacement of voting systems and election management system replacement. The Secretary of State was delegated the responsibility for the administration of the funds appropriated to him in the Budget Act of 2018 for modernization and replacement of voting systems. On April 2, 2019 your Board approved a Standard Agreement with the Secretary of State to receive up to \$43,128,000 in funding for that purpose. The Budget Act of 2019 provided additional funding to counties for these continued efforts. The Secretary of State was delegated the responsibility to administer funds appropriated to the SOS Office in the Budget Act of 2019. Los Angeles County is eligible to receive up to \$21,563,645.90 to replace and upgrade county voting systems and up to \$4,857,201.00 for election management system replacement, which we anticipate expending 100%. The term of the Agreement would be extended through June 30, 2022. Procedures established by the Secretary of State require submission of a Board-approved Resolution authorizing the Registrar Recorder/County Clerk to enter into an amendment to the Standard Agreement.

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 \$26,420,846 in State funds under the California Elections Code. This revenue is included in the RR/CC Final Adopted Budget. 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 which allows the SOS to use funds from the Budget Act of 2018 to reimburse counties' expenses for voting system replacement. The SOS is required to allocate funding based on the size of the county, the number of voters registered, and the SOS's estimate of need for new voting equipment.

The 2019 Budget Act provided additional funding for voting modernization and replacement of voting systems, modified the match requirement, and allocated funding for election management system replacement. The Agreement with the SOS permits the County to apply and receive reimbursement for costs incurred in connection with voting system replacement activities. The SOS will reimburse the County by matching county funds on a 3:1 basis, up to the maximum of \$26,420,846.

Reimbursable 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.

Reimbursable activities also include the replacement or enhancement of an election management system used to track voter registration or voter preference 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 can seek reimbursement for the manufacture of voting system units necessary to test and seek certification or conditional approval for a voting system and testing and demonstration of the capabilities of a voting system in a pilot program.

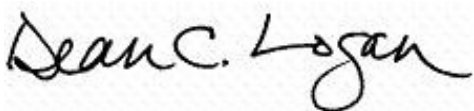
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions 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,



DEAN C. LOGAN

Registrar-Recorder/County Clerk

DCL:RF:
VW:ra

Enclosures

c: Chief Executive Officer
County Counsel

RESOLUTION NO. 79013

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES APPROVING THE DELEGATED AUTHORITY OF THE REGISTRAR-RECORDER/COUNTY CLERK TO AMEND THE AGREEMENT WITH 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 was 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, on April 2, 2019, your Board authorized the Registrar-Recorder/County Clerk to enter into the Standard Agreement with the Secretary of State to apply for and receive funds for the modernization and replacement of the voting system for a total maximum award of \$43,128,000.00; and

WHEREAS, the 2019 Budget Act provided additional funding of \$21,563,645.90 to the County to replace and upgrade county voting systems, modified the matching requirement, authorized \$4,857,201.00 in funding to the County for election management system replacement, and extended the contract ending date to June 30, 2022; and

WHEREAS, the amended reimbursement Agreement with the Secretary of State would allow a county to claim reimbursement for expenses and activities permissible under the terms of the Agreement that occurred after April 29, 2015, and before June 30, 2022 for voting systems replacement; and

WHEREAS, the amended Agreement will permit funding up to \$4,857,201.00 to be used for the replacement or enhancement of a County election management system, used by the County track voter registration or voter preference; and

WHEREAS, the potential maximum amount of funds that can be allocated by the Secretary of State for the amended Agreement is \$69,548,846.90; and

WHEREAS, the Secretary of State shall reimburse the county by matching county funds spent on voting system replacement activities on a 3:1 basis, up to the maximum amount of funds allocated for the amended Agreement; and

WHEREAS, the amendment extends the term of the Agreement from June 30, 2021 until June 30, 2022; 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 amendment to 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 amendment to the Agreement, 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 Solis, seconded by Supervisor Kuehl, the foregoing resolution was passed and adopted by the Board of Supervisors of the County

of Los Angeles, State of California, this 19th day of November, 2019, by the following
vote, to wit:



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

By: Maria Olvera
DEPUTY

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By: Gina V. Eachus
FOR Gina V. Eachus
Senior Deputy County Counsel