



Los Angeles County **REGISTRAR-RECORDER/COUNTY CLERK**

DEAN C. LOGAN  
Registrar-Recorder/County Clerk

May 29, 2012

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

26

May 29, 2012

SACHI A. HAMA  
EXECUTIVE OFFICER

**AUTHORIZATION TO RECEIVE AND EXPEND FUNDING UNDER THE HELP AMERICA VOTE ACT (HAVA) OF 2002 HAVA SECTION 301 VOTING SYSTEMS PROGRAM**

**CIO RECOMMENDATION: APPROVE (X) APPROVE WITH MODIFICATION ( )  
DISAPPROVE ( )**

**SUBJECT**

Adopt the attached Resolution and grant the Registrar-Recorder/County Clerk (RR/CC) authority to execute all agreements that will allow the County of Los Angeles ("County") to receive federal funds under the Help America Vote Act of 2002 ("HAVA funds"), CFDA Number 90.401, administered by the U.S. Elections Administration Commission (EAC) and administered by the California Secretary of State (SOS) to assist the County in, or reimburse the County for, complying with the requirements of Section 301 of HAVA.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the attached Resolution allowing the RR/CC to receive federal funding under the HAVA Section 301 Voting Systems Program.
2. Delegate authority to the RR/CC or his designee to conduct all negotiations and execute any necessary agreements with the SOS in furtherance of and as may be necessary for the receipt and expenditure of HAVA 301 grant funds, in accordance with the terms and conditions of the grant.

## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this action is to receive Board approval for the RR/CC to execute the necessary agreements with the SOS in order to receive and expend Los Angeles County's allotment of \$27,928,920.06 in federal HAVA Section 301 funding made available for purchase of HAVA-compliant voting equipment, related peripheral equipment/services and all other reimbursable expenditures as set-forth in the attached Standard Agreement (Agreement Number 11G301221).

## **Implementation of Strategic Plan Goals**

Goal No. 1: Operation Effectiveness:

Strategy 1: Fiscal Sustainability:

Ensure the County's fiscal responsibility by effectively managing and enhancing current fiscal strategies as well as pursuing additional revenue options such as federal funding provided by HAVA.

Overall, strengthen the County's fiscal capacity by effectively applying for and managing available grant resources.

Strategy 2: Service Excellence and Organizational Effectiveness:

Provide the public with effective delivery of services within the County by implementing strategies related to fiscal responsibility and service integration by modernizing voting systems.

## **FISCAL IMPACT/FINANCING**

Approval of the attached Resolution will permit the County to receive \$27,928,920.06 in federal funding provided under Section 301 of HAVA to purchase HAVA-compliant voting systems, related peripheral equipment/services and all other reimbursable expenditures outlined in the attached Standard Agreement.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The federal Help America Vote Act (HAVA) was passed by the United States Congress and signed by the President in October 2002. Subsequently, Congress appropriated HAVA Section 301 funding for election system improvements and delegated to the U.S. Election Assistance Commission (EAC) the authority and responsibility to distribute HAVA funds on a population-based formula. The State's allotment of \$264 million in HAVA Section 301 funding was provided to California via the Chief Election Officer, the SOS.

The SOS subsequently determined that up to \$195 million (76%) of HAVA Section 301 funds would be made available to counties to meet the voting system standards mandated by HAVA. The formula chosen by the SOS to allocate and distribute each county's proportionate share of the \$195 million is a weighted average using four factors: the number of registered voters in each county; the voting age population in each county; the number of precincts in each county; and the average voter turnout over four elections in each county. The SOS's proposed spending plan, including the funding formula, was ratified by the State Legislature through the budget process.

A contract executed between each county's Board of Supervisors and the SOS is required prior to distribution of any HAVA Section 301 funds by the SOS to the counties. Prior to executing a contract, the SOS additionally requires that each Board of Supervisors adopt a Resolution providing authority to enter into a contractual agreement for receipt of funds. Your Board's approval of the

attached resolution fulfills this requirement. Actual reimbursement to counties is based on claims submitted by each county to the SOS with appropriate invoices and supporting documentation.

RR/CC's prior contract with the SOS for the use of HAVA funds began in 2006 and was amended several times in order to extend end dates and allow for the "roll-over" of unused funds. That contract expired on December 31, 2011 and provided a 90 day liquidation period for RR/CC to submit its reimbursement requests. A new contract is required due to statutory provisions that limit how long funds are available for disbursement or expenditure after appropriation. The SOS received legislative spending authority to issue new revised contracts, extend end dates to 2015 and carry forth balances remaining in each county's current contract, with a retroactive payment clause allowing counties to receive reimbursement for expenses and activities after the December 31, 2011 termination date and before the new contract execution date. The full "roll-over" of unused funds serves to benefit the RR/CC, however, based on EAC Funding Advisories, the new contract language eliminates previously reimbursable items/services such as voter outreach activities.

The Chief Information Office (CIO) has reviewed the Board letter and determined that because this recommended action does not include any technology related matters, no formal CIO Analysis is required. However, the CIO's recommendations were incorporated into the Board Letter. In the event that any portion of these funds are used in the future to develop or purchase a new voting system (VSAP), RR/CC will seek approval from the CIO and County Counsel as required. The Chief Executive Office has reviewed and approved this Board letter. County Counsel has reviewed and approved this Board letter and Resolution.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the attached Resolution by the Board of Supervisors allows the RR/CC to proceed with accepting and expending Los Angeles County's remaining share of HAVA Section 301 funds as dedicated resources for purchase of Board-approved voting systems and peripheral equipment for the benefit of all Los Angeles County voters.

#### **CONCLUSION**

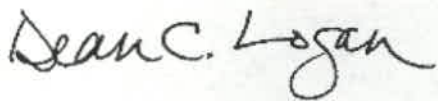
Los Angeles County continues to be the nation's largest county—over 4.3 million voters across 4,084 square miles and boasts one of the most diverse populations and electorates. Approval of the requested action will allow the RR/CC to continue to provide voters and prospective voters alike with the tools needed to participate in the democratic process.

The Honorable Board of Supervisors

5/29/2012

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Respectfully submitted,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive style with a large, stylized "D" and "L".

DEAN C. LOGAN

Registrar-Recorder/County Clerk

cc

Enclosures