



Agenda Action Form Overview

The Board is requested to approve the Durham County Board of Elections request to purchase replacement optical scan and central tabulating systems from Elections Systems and Software (ES&S). The total cost of the request, not including regular ancillary recurring fees, totals \$595,775.00. Obtaining purchase approval of the selected equipment from the Board is required in accordance with N.C. Gen. Stat. §163-165.8.

Background/Justification

In 2006, the Durham County, utilizing mostly Help America Vote Act (HAVA) funds, purchased 66 Model 100 scanners, 69 Automark direct recording devices, and 1 M650 central tabulator from Elections Systems and Software (ES&S). Over the 12 years of use, the Board of Elections has administered 30 elections and completed many tasks to ensure results accuracy (recounts, logic and accuracy testing, etc.).

Policy Impact

The acquisition of voting equipment will comply with N.C. Gen. Stat. §§163-165.8 and 163-165.9 which governs the purchasing process for counties in North Carolina. Bidding is not required as there is one certified voting equipment vendor in North Carolina (ES&S). This purchase also aligns with Goal 5 of Durham County's Strategic Plan and facilitates honest, fair and accurate elections in Durham County.

Procurement Background

The process for purchasing voting equipment is provided in N.C. Gen. Stat. §§163-165.8 and 163-165.9 and is as follows.

Vendor Certification

The State Board of Elections has certified the following voting tabulation systems for North Carolina since 2006.

- DS850 Central Tabulator
- DS200 Optical Scanners

Currently, forty-one (41) counties utilize the DS200 optical scan machine as their primary tabulators for election events across North Carolina.

Equipment Demonstration

The Durham County Board of Elections, at publicly noticed meeting on July 5, 2018, engaged in a voting systems demonstration conducted by ES&S for the DS200 Optical Scanner and DS850 Central Tabulator. This included substantive details on equipment operation, maintenance and functionality. The Board of Elections also observed demonstrations of recommended voting equipment during past statewide election conferences.



Equipment Testing During an Election Event

The Durham County Board of Elections tested the DS200 and/or DS850 voting systems during the following election events:

- October 10, 2017 (DS200)
- November 7, 2017 (DS850)
- May 8, 2018 (DS850)
- November 6, 2018 (DS850)

The tests performed during the referenced election events comply with and exceeded the requirements of applicable statutes.

County Board of Elections Purchase Recommendation

On July 5, 2018, the Durham County Board of Elections unanimously approved the purchase of the following equipment pending the approval of the State Board of Elections and the Durham County Board of Commissioners.

- 75 DS200 Optical Scanners
- 1 DS850 Central Tabulator

The base cost of this equipment, not including return value of currently owned units, is \$595,775.00.

State Board of Elections Recommendation Approval

Per certification procedures, county boards of election are required to receive approval prior to the purchase of certified equipment from the Voting Systems Director of the State Board of Elections. The Voting Systems Director for the State Board of Elections approved the Durham County Board of Elections, having met all necessary requirements, to purchase the desired equipment, pending approval by the Durham County Board of Commissioners.

Final Compliance Steps

For the Durham County Board of Elections to begin contract preparations with the voting systems vendor, it must have the approval of the Durham County Board of Commissioners, in accordance with N.C. Gen. Stat. §163-165.8, on the selected equipment.

Fiscal Impact

The replacement of voting equipment by the Durham County Board of Elections is a planned expense. A total of \$860,000 paygo funds have been reserved for the equipment replacement project. The final cost of the equipment will ultimately decrease by \$111,347.18 to \$484,427.82 as a result of the quoted trade-in value for current inventory. Ongoing costs for the requested



equipment include maintenance, firmware and software services from ES&S, as required by N.C. Gen. Stat. §163-165.9(2), will annually cost approximately \$66,045.77 (Assuming 3-5-year contractual agreements).

This replacement approval request is a partial since the State Board of Elections has not certified an ADA compliant ballot marking device to replace current and outdated Automark systems. The aforementioned costs will increase once new ballot marking devices are purchased.

Recommendation

The County Manager recommends that the Board of County Commissioners approve the voting equipment replacement request made by the Durham County Board of Elections.