

Time Certain 10:15 AM

4B-1

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 6/26/07 [] Consent [X] Regular
[] Ordinance [] Public Hearing

Department:

Submitted By: Supervisor of Elections
Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Grant from the Florida Division of Elections in the amount of \$5,050,886.28 to fund the purchasing of the optical scan ballot system as required by HB-537.

Summary:

Pursuant to the signing of HB-537 requiring the 15 Florida counties that currently use touch screen voting units to transition to an optical scan ballot system. These grant funds will be used to purchase an optical scan system to be used in both early voting and for election day.

Countywide (LSJ)

Background and Policy Issues:

This new law (ss. 10-11, Chapter 2007-30, Laws of Florida 1, 2) calls for the implementation of the optical scan ballot system by July 1, 2008.

Attachments:

- 1. County Certification
- 2. Chapter 2007-30, Laws of Florida
- 3. Funding Schedule

Recommended By: [Signature] 6-12-07
Department Director Date
Approved By: [Signature] 6/12/07
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Is Item Included In Current Budget?			Yes _____	No <u>X</u> _____	
Budget Account No.:	Fund _____	Agency _____	Org. _____	Object _____	

B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS :

A. OFMB Fiscal and/or Contract Administration Comments:

The Statute authorizes the State to dispose of existing equipment and, after satisfying indebtedness associated with that equipment, may keep the proceeds to offset the State's cost. Currently, the County has \$4,649,000 in outstanding debt on our existing touch screen voting machines, with a payment due in August, 2007 and the final payment due in August, 2008.

The Supervisor of Elections has informed OFMB that the total cost of converting to this new system will be \$10.8 million, with \$2 million of that cost being on-going operating expenses.

Elizabeth C. Cramer 6/13/07
 (OFMB) *CM 6/13/07*

James J. Foxworth 6/13/07
 Contract Administration
James 6/13/07

B. Legal Sufficiency:

Sean A. G. [Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

COUNTY CERTIFICATION

(SS. 10-11, CHAPTER 2007-30, LAWS OF FLORIDA)^{1,2}

I hereby certify on behalf of Palm Beach County County that:

(A) the County Commission chooses to:

NOTE: By opting out the County Commission understands that the county continues to be governed by the provisions of §§ 101.292-101.295 and § 101.5604, Florida Statutes, with respect to the purchase of new voting systems and equipment.

(1) opt out of the state's funding scheme for the purchase of both the optical scan and the ballot-on-demand equipment that would replace touchscreen voting equipment (applicable only to counties listed in footnote 1),

(2) opt out solely of the state's funding scheme for the purchase of the optical scan voting equipment that would replace touchscreen voting equipment (applicable only to counties listed in footnote 1, respond also to paragraphs (B) & (C) before signing form),

(3) opt out solely of the state's funding scheme for the purchase of the ballot on demand equipment that would replace touchscreen equipment (applicable to counties listed in footnotes 1 & 2--*if your county is listed in footnote 1, respond also to paragraph (B) before signing. *If your county is listed in footnote 2, sign form), OR

(4) not opt out of the state funding scheme at all. (if your county is listed in footnote 1, respond also to paragraphs (B) & (C) before signing form); if your county is listed in footnote 2, respond also to paragraph (C) before signing form)

(B) the County Commission authorizes the Secretary of State to negotiate the disposal of 4,900 existing touchscreen voting machines in the county that are in excess of the amount needed to conduct voting for individuals with disabilities:

(1) For the counties that use ES&S touchscreen equipment only: the number of touchscreen voting machines indicated above includes:

iVotronic machine and booth iVotronic machine only

(2) As of July 1, 2007, the County (applicable only to the 15 counties listed in footnote 1) is still indebted in the amount of \$ 4,649,000 for the purchase of its touchscreen voting machines. A letter of verification of the amount owed is attached. (letter must be from the Chair of the Board of County Commissioners, the County Administrator, or the County Office of Management and Budget.)

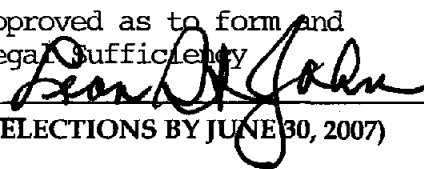
(C) the County will/ will not use ballot-on-demand equipment at early voting sites in the 2008 General Election.

Chair, Board of County Commissioners

Printed Name Addie L. Greene

Date: _____ (MUST BE FILED WITH DIVISION OF ELECTIONS BY JUNE 30, 2007)

Approved as to form and
Legal Sufficiency



¹ The following 15 counties may (pursuant to statutory authority in section 10 and sections 1(a) & (b) of section 11 of ch. 2007-30, Laws of Florida) opt out of the state funding scheme to negotiate the purchase of either or both the optical scan equipment, and ballot on demand equipment to replace touchscreen voting equipment: Broward, Charlotte, Collier, Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade, Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.

² The following 14 counties may (pursuant to statutory authority in section 10 and section (1)(b) of section 11 of ch. 2007-30, Laws of Florida) opt out solely from the state funding scheme to negotiate the purchase of ballot on demand equipment that would be used for early voting sites instead of touchscreen voting equipment: Bay, Brevard, Clay, Escambia, Jackson, Levy, Marion, Okaloosa, Orange, Osceola, Santa Rosa, St. Johns, Taylor, and Washington



**Office of
Financial Management & Budget**

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**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson
Jeff Koons, Vice Chair
Karen T. Marcus
Warren H. Newell
Mary McCarty
Burt Aaronson
Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

June 19, 2007

Secretary of State
State of Florida
Tallahassee, Florida

This letter verifies that as of July 1, 2007 Palm Beach County is indebted to the Sunshine State Governmental Financing Commission in the amount of \$4,649,000 (principal) for the purchase of touchscreen voting machines in 2002. The final payment on the loan is scheduled for August, 2008.

A handwritten signature in cursive script that reads "Richard Roberts".

Richard Roberts, Director
Office of Financial Management & Budget
Palm Beach County

CHAPTER 2007-30

Council Substitute for House Bill No. 537

An act relating to elections; amending s. 97.021, F.S.; redefining the term "third-party registration organization"; amending s. 97.0575, F.S.; revising fines applicable to violations of requirements relating to third-party voter registrations; amending s. 103.121, F.S.; revising the dates relating to the presidential preference primary; amending s. 101.75, F.S.; authorizing municipalities to move their election date by ordinance to coincide with the presidential preference primary; amending s. 101.151, F.S.; authorizing the use of ballot-on-demand technology to produce certain marksense ballots; creating s. 101.56075, F.S.; requiring all voting to be by marksense ballot; providing an exemption for voters with disabilities; requiring voter interface devices for individuals with disabilities by a specified date; amending s. 101.5612, F.S.; requiring the use of certain marksense ballots for pre-election testing; amending s. 101.591, F.S.; requiring post-election, random audits of voting systems; providing general audit procedures; mandating that audit results be reported to the Department of State; prescribing requirements for audit reports; granting rulemaking authority to the department to adopt detailed, uniform audit procedures and a standard audit reporting form; providing procedures for the purchase of new voting systems and ballot equipment and the disposition of existing touchscreen voting systems for certain counties; authorizing the Department of State to purchase optical scan voting equipment and ballot-on-demand equipment for certain counties; appropriating funds for such purpose; amending s. 97.041, F.S.; authorizing qualified persons to preregister to vote on or after receipt of a valid driver's license; amending s. 97.053, F.S.; requiring an applicant for voter registration to be notified when the application cannot be verified; providing for registration upon presentation of evidence of a driver's license number, identification card number, or the last four digits of the applicant's social security number; changing the time within which a person casting a provisional ballot may present evidence of eligibility to vote; changing the time for voter registrations to be entered into the statewide voter registration system; amending s. 99.012, F.S.; exempting persons seeking federal office from the resign-to-run law; amending s. 99.021, F.S.; prescribing form of oath for candidates for federal office; amending s. 99.061, F.S.; prescribing times for qualifying for nomination or election; prescribing specific procedures for qualifying for special district office; providing that the filing fee of a candidate for a special district election need not be drawn on a campaign account; amending s. 99.095, F.S.; prescribing the number of signatures required for a candidate for special district office to qualify by petition; prescribing the time for certification to the Division of Elections of certain candidates qualifying by petition; amending s. 99.096, F.S.; changing manner of candidate selection by minor political parties; repealing s. 99.0965, F.S., relating to the selection of minor party candidates; amending s. 100.041, F.S.; prescribing the time when a county commissioner

is deemed elected; amending s. 100.051, F.S.; revising requirements relating to candidates' whose names must be printed on general election ballots; amending s. 100.061, F.S.; changing the date of the primary election; amending s. 100.111, F.S.; revising provisions relating to choosing political party nominees for a special election; amending s. 100.191, F.S.; revising the time for canvassing special election returns; amending s. 100.371, F.S.; requiring initiative petition forms to be signed by the constitutionally required distribution of electors; amending timeframes for verifying petition signatures; prescribing information that must be on a petition initiative form, and conditions with which the elector signing it must comply, before the form may be verified; providing procedures for revocation of a signature on a petition form; amending s. 101.043, F.S.; revising forms of identification accepted at the polls; amending s. 101.048, F.S.; changing the time within which a person casting a provisional ballot may present evidence of eligibility to vote; amending s. 101.573, F.S.; changing the time for filing precinct-level election results; requiring such results to be filed with respect to special elections; prescribing requirements for such data; amending s. 101.6103, F.S.; changing the time to begin canvassing mail ballots; amending s. 101.62, F.S.; revising the period of effectiveness of a request for an absentee ballot; revising the time for sending an absentee ballot to an overseas elector; revising time period for providing absentee ballots; amending s. 101.68, F.S.; changing the time to begin canvassing absentee ballots; amending s. 102.112, F.S.; changing the deadline for submitting county returns to the Department of State; amending s. 102.141, F.S.; requiring submission of preliminary returns in certain format by election night to the Department of State; changing the time to submit unofficial returns; amending s. 102.166, F.S.; conforming a cross-reference; amending s. 103.081, F.S.; allowing political parties to file with the Department of State names of groups associated with a party; prescribing conditions on the use of those filed names; amending s. 103.091, F.S.; revising the number of and the qualifications for state committeemen and committeewomen; changing the times for qualifying for election to a political party executive committee; amending s. 103.141, F.S.; providing that officers and members of a county executive committee may be removed from office pursuant to s. 103.161; repealing s. 103.151, F.S., relating to the removal of a state executive committee member for violation of the member's oath of office; creating s. 103.161, F.S.; providing for the removal or suspension of officers and members of a state or county executive committee for violation of the officer's or member's oath of office; prescribing procedures for such removal and restrictions after removal; amending s. 105.031, F.S.; changing the times for qualifying for school board candidates; amending s. 106.021, F.S.; revising qualifications for a campaign treasurer and deputy treasurer for a candidate or political committee; amending s. 106.04, F.S.; authorizing certain entities to collect and forward membership dues to committees of continuous existence; amending s. 106.055, F.S.; prescribing valuation method for travel on a private aircraft; amending s. 106.08, F.S.; prescribing

procedures for receiving and transferring contributions made to political committees and committees of continuous existence; amending s. 106.09, F.S.; revising prohibition on making or accepting a cash contribution; amending s. 106.143, F.S.; providing disclosure requirements for political advertisements made pursuant to s. 106.021(3)(d), F.S.; amending s. 106.17, F.S.; revising who may authorize or conduct polls or surveys relating to candidates; amending s. 106.25, F.S.; revising requirements for complaints filed alleging violations of chapters 106 and 104, F.S.; revising procedures after certain complaints are filed; providing for the withdrawal of certain complaints; providing for the Florida Elections Commission to maintain a searchable database of all final orders and agency actions and providing requirements for such database; amending s. 106.35, F.S.; revising the time for the Division of Elections to distribute funds to candidates; amending s. 112.51, F.S.; providing for filling vacancies created when a municipal officer has been removed from office; repealing s. 106.37, F.S., relating to willful violations of campaign finance laws; amending s. 189.405, F.S.; revising qualification procedures for candidates for special district office; amending s. 191.005, F.S.; revising qualification procedures for candidates for independent special fire control district boards of commissioners; amending s. 582.18, F.S.; revising qualification procedures for candidates for soil and water conservation district supervisors; amending s. 876.05, F.S.; exempting candidates for federal office from taking the public employees' oath; requiring that all write-in candidates reside within the district of the office sought at the time of qualification; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (36) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(36) "Third-party registration organization" means any person, entity, or organization soliciting or collecting voter registration applications. A third-party voter registration organization does not include:

(a) ~~A political party;~~

(a)(b) A person who seeks only to register to vote or collect voter registration applications from that person's spouse, child, or parent; or

(b)(c) A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the division, supervisor of elections, Department of Highway Safety and Motor Vehicles, or a voter registration agency.

Section 2. Subsection (3) of section 97.0575, Florida Statutes, is amended to read:

97.0575 Third-party voter registrations.—

(3) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the third-party voter registration organization, irrespective of party affiliation, race, ethnicity, or gender shall be promptly delivered to the division or the supervisor of elections. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections, ~~the individual collecting the voter registration application, the registered agent, and those individuals responsible for the day-to-day operation of the third-party voter registration organization, including, if applicable, the entity's board of directors, president, vice president, managing partner, or such other individuals engaged in similar duties or functions, shall be personally and jointly and severally liable for the following fines:~~

(a) A fine in the amount of ~~\$50~~ \$250 for each application received by the division or the supervisor of elections more than 10 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of \$250 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

(b) A fine in the amount of ~~\$100~~ \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, prior to book closing for any given election for federal or state office and received by the division or the supervisor of elections after the book closing deadline for such election. A fine in the amount of \$500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

(c) A fine in the amount of ~~\$500~~ \$5,000 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections. A fine in the amount of \$1,000 for any application not submitted if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine pursuant to this subsection which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year shall be \$1,000. The fines provided in this subsection shall be reduced by three-fourths in cases in which the third-party voter registration organization has complied with subsection (1). The secretary shall waive the fines described in this subsection upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.

Section 3. Effective July 1, 2007, subsections (1), (2), (3), and (6) of section 103.101, Florida Statutes, are amended to read:

103.101 Presidential preference primary.—

(1) Each political party other than a minor political party shall, on the ~~last second Tuesday in January~~ March in each year the number of which is a multiple of 4, elect one person to be the candidate for nomination of such party for President of the United States or select delegates to the national nominating convention, as provided by party rule.

(2) There shall be a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chair; the Speaker of the House of Representatives; the President of the Senate; the minority leader of each house of the Legislature; and the chair of each political party required to have a presidential preference primary under this section.

(a) By ~~October~~ December 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in ~~November of the January~~ each year preceding the a presidential preference primary ~~election is held~~. Each person designated as a presidential candidate shall have his or her name appear, or have his or her delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in ~~November of the January~~ each year preceding the a presidential preference primary ~~is held~~. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.

(b) Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his or her name on the ballot. Such request shall be made in writing to the Secretary of State no later than the second Tuesday after the first Monday in ~~November of the year preceding the presidential preference primary~~ January.

(c) If a presidential candidate makes a request that the selection committee reconsider placing the candidate's name on the ballot, the selection committee will reconvene no later than the second Thursday after the first Monday in ~~November of the year preceding the presidential preference primary~~ January to reconsider placing the candidate's name on the ballot. The Department of State shall immediately notify such candidate of the selection committee's decision.

(3) A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits to the Department of State,

prior to the second Tuesday after the first Monday in November of the year preceding the presidential preference primary January, an affidavit stating that he or she is not now, and does not presently intend to become, a candidate for President at the upcoming nominating convention. If a candidate withdraws pursuant to this subsection, the Department of State shall notify the state executive committee that the candidate's name will not be placed on the ballot. The Department of State shall, no later than the third Tuesday after the first Monday in November of the year preceding the presidential preference primary January, certify to each supervisor of elections the name of each candidate for political party nomination to be printed on the ballot.

(6) Delegates must qualify no later than the second Friday in November of the year preceding the presidential preference primary January in the manner provided by party rule.

Section 4. Effective July 1, 2007, subsection (3) is added to section 101.75, Florida Statutes, to read:

101.75 Municipal elections; change of dates for cause.—

(3) Notwithstanding any provision of local law, for any municipality whose election is scheduled to be held in March 2008, the governing body of the municipality, notwithstanding any municipal charter provision, may, by ordinance, move the date of the general municipal election in 2008 and in each subsequent year that is a multiple of 4 to the date concurrent with the presidential preference primary. The dates for qualifying for the general municipal election moved by the passage of such an ordinance shall be specifically provided for in the ordinance and shall run for no less than 14 days. The term of office for any elected municipal official shall commence as provided by the relevant municipal charter or ordinance, and the term of office for any elected municipal official whose term was due to expire in March 2008 shall expire as provided by the relevant municipal charter or ordinance.

Section 5. Effective July 1, 2008, subsection (1) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for ballots.—

(1)(a) Marksense ballots shall be printed on paper of such thickness that the printing cannot be distinguished from the back and shall meet the specifications of the voting system that will be used to tabulate the ballots.

(b) Early voting sites may employ a ballot-on-demand production system to print individual marksense ballots, including provisional ballots, for eligible electors pursuant to s. 101.657. Ballot-on-demand technology may be used to produce marksense absentee ballots. Not later than 30 days before an election, the Secretary of State may also authorize in writing the use of ballot-on-demand technology for the production of election-day ballots.

Section 6. Effective July 1, 2008, section 101.56075, Florida Statutes, is created to read: