

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 5, 2011

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: BRUCE JOHNSON, ACTING CITY MANAGER

SUBJECT: ALLOCATION OF FUNDS FOR THE PURCHASE OF DIGITAL SCAN VOTING MACHINES, PORTABLE VOTING BOOTHS AND ACCESSORIES FOR THE ALEXANDRIA ELECTORAL BOARD

ISSUE: Allocation of funds for the purchase of digital scan voting machines, portable voting booths, and accessories.

RECOMMENDATION: That City Council allocate \$260,000 from prior year completed Capital Improvement Program (CIP) projects for the purchase of digital scan voting machines, portable voting booths and accessories.

BACKGROUND: The City's current voting system (eSlate) is an electronic system, also known as a Direct Record Electronic (DRE) voting system. The City purchased the eSlate voting system in 2003 to replace an optical scan system that was nearly nine years old at the time. The City was required to change its voting system to comply with the Help America Vote Act, which was enacted by the federal government in 2002. This legislation required all localities to provide voting systems that would be accessible to persons with disabilities, including those who are blind, in each polling place by early 2006. The City chose the eSlate after an extensive search that included input from the Alexandria Commission on Persons with Disabilities and more than 40 other community groups, elected officials, political parties and technology experts.

After seven years of use, the eSlate system continues to perform well, and the system has accurately recorded close to half a million votes. However, in 2007, the Commonwealth passed legislation that prohibits localities from purchasing electronic voting machines, such as the eSlate, to increase capacity or even to replace defective units because these systems do not provide a voter verifiable paper trail. This legislation does permit localities to continue using electronic voting machines that are already in place. In addition, any voting equipment that the City purchases must be certified by the State Board of Elections.

The Alexandria Electoral Board, which is comprised of three members who are appointed to staggered three-year terms by the Alexandria Circuit Court, is responsible for overseeing election

activities in the City. This request to allocate funds for the purchase of digital scan voting machines is based on the recommendation of the Alexandria Electoral Board.

DISCUSSION: The City needs to purchase additional voting equipment to minimize voter delays in the November 2012 General Election, when the ballot will be approximately four times longer than it was in 2008. The November 2012 ballot will include local candidates for City Council and the School Board in addition to the traditional Federal General Election elements. As a result, the Electoral Board anticipates that each voter will spend more time in the voting booth and voters will spend much more time waiting in line if the City does not purchase additional equipment. Additional voting machines will also be required in the future for new polling places and to replace equipment that becomes inoperable as it ages. In light of the legislation that was passed by the Commonwealth in 2007, the only viable option is to purchase digital scan voting machines to supplement the City's existing voting equipment.

The Electoral Board and its staff thoroughly researched all paper ballot systems that have been certified by the State Board of Elections, and determined that it would be much more cost effective to purchase the eScan digital scan (paper ballot) system that is provided by Hart InterCivic, the vendor for the City's current eSlate voting system. This alternative is less costly and more efficient because the eScan can be integrated with the City's current system and the City will not be required to purchase new software. This option is also desirable because the City will be required to continue operating at least one eSlate with disability features at each polling place to accommodate individuals with disabilities, including voters who are blind or physically disabled, and these machines can function best with digital scan machines that are provided by the same vendor.

The Electoral Board first raised this issue two years ago and City Council included funding for this equipment in the FY 2011 – FY 2020 Capital Improvement Plan. Last year this item was again submitted as a part of the budget process and City Council included \$270,000 in FY 2013 of the Approved FY 2012-FY 2021 Capital Improvement Plan to purchase digital scan voting machines to supplement the City's existing voting equipment. In addition, this issue was highlighted in Budget Memo #7 "Replacement of the City's Voting System Equipment" that was delivered to City Council on March 3, 2011. The cost has been reduced from \$270,000 to \$260,000 because Hart has offered a substantial discount to retain the City's business.

After carefully considering this issue, the Electoral Board determined that it would be more prudent to introduce the new digital scan equipment for the June Primary Election to give voters and election officers an opportunity to use the new system prior to the Presidential Election. Although funding was included in the FY 2013 Capital Improvement Plan for this equipment, OMB has identified funding that can be reallocated in FY 2012 for this purpose. Funding planned in FY 2013 for the new voting machines will be removed from the Proposed FY 2013 – 2022 CIP.

If City Council approves this allocation, the United States Justice Department will also need to clear this request to purchase digital scan voting equipment. The Electoral Board and its staff will work with the City Attorney to prepare a submission for the Justice Department. The

Electoral Board and its staff will also work with City staff to purchase the new voting equipment and to provide voters with information on the new equipment.

FISCAL IMPACT: It will cost approximately \$260,000 to provide 40 eScan voting machines, portable voting booths, and accessories. Additionally, \$19,000 is being requested as an operating budget adjustment to be considered as part of the FY 2013 Proposed Operating Budget for the annual license fee and the cost of paper ballots and other materials.

ATTACHMENT: Budget Memo #7 “Replacement of the City’s Voting System Equipment” dated March 3, 2011.

STAFF:

Donald E. Ledwig, Secretary, Alexandria Electoral Board
Peter Newbould, Chairman, Alexandria Electoral Board
Bruce Brown, Vice Chairman, Alexandria Electoral Board
James L. Banks, City Attorney
Eric Spicer, Elections Administrator