

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: Tuesday, January 3, 2006

SUBJECT: Elections Equipment Update

ATTACHMENTS: NCACC Press Release

SUMMARY OF REQUEST:

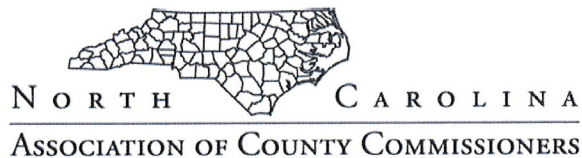
The North Carolina Association of County Commissioners has formally requested that Governor Easley convene the General Assembly for a special session to discuss and take action regarding the impacts on counties caused by the passage of Senate Bill 223. This Bill, *Public Confidence in Elections*, created additional state mandates regarding the functionality of voting equipment and established a procurement process that decertified all existing elections equipment in the state on December 1, 2005.

In addition to asking for more time to make decisions regarding voting equipment purchases, the Association has also asked that the State Board of Elections certify additional equipment vendors. This would give counties more options and allow vendors to modify their existing equipment to meet the paper trail mandate. This latest request from the Association comes on the heels of learning that Diebold has pulled out of the process, leaving only one company, ES&S, from which counties may obtain certified voting equipment under Senate Bill 223.

Beverly Cunningham, the County's Elections Director, will be in attendance for this meeting and will be prepared to answer any questions that the Board of Commissioners may have in this regard.

BOARD ACTION REQUESTED:

No action is required at this time.



FOR IMMEDIATE RELEASE
December 27, 2005

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NCACC asks Gov. Easley to help counties meet elections mandates, deadlines

Because many counties are having difficulty meeting new state elections requirements, the North Carolina Association of County Commissioners has formally requested Gov. Mike Easley's assistance.

In a Dec. 22 letter, the NCACC is asking Gov. Easley to convene the General Assembly for a special session so it can consider delaying or eliminating state elections mandates by the Legislature. In addition, the Association is asking the SBOE to certify additional vendors to give counties more options and to allow companies to modify their existing equipment to meet the paper trail mandate.

The General Assembly passed S223, Public Confidence in Elections, earlier this year. The new law requires elections equipment to produce a paper trail so that voters can verify their ballots. As a result, the State Board of Elections (SBOE) decertified all existing voting equipment in North Carolina on Dec. 1 and announced that only two vendors – Diebold and Elections Systems and Software (ES&S) – had received certification for new equipment. Diebold informed SBOE officials in a Dec. 21 letter that they would be pulling out of the process, leaving ES&S as the only certified vendor in the state.

“Counties are concerned that one vendor won't have enough time to manufacture, test and deliver the thousands of machines that are going to be needed across North Carolina by the end of March,” said NCACC Executive Director David F. Thompson. “In addition, six weeks is not adequate time for local boards of elections to program and test all the machines and then train their personnel on the new equipment.”

Many counties had recently purchased voting equipment to meet new federal guidelines, established under the Help America Vote Act (HAVA), set to go into effect Jan. 1, 2006. The decision by the General Assembly to include the paper trail requirement rendered this equipment obsolete.

Under S223, counties must place their order for new elections equipment by Jan. 20. The SBOE has not yet officially determined if vendors will be given the chance to retrofit the existing equipment to meet the new state guidelines. As a result, some counties are considering using paper ballots in the May 2 primary.

“We are asking for Gov. Easley to help counties be able to continue to use their existing HAVA-compliant equipment,” said NCACC President Kitty Barnes, the chair of the Catawba County Board of Commissioners. “At least 12 counties have recently purchased voting machines that meet all federal guidelines. It would be a tremendous waste of taxpayer money if these counties are forced to buy new equipment simply because the General Assembly won't allow these companies to update their equipment to meet the new state guidelines.

“Several counties have already indicated to us that they plan to use paper ballots and hand tabulate results for the May 2 primary. This will lead to delays in reporting elections results and will certainly not improve the public's confidence in elections.”

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The North Carolina Association of County Commissioners (NCACC) is the official voice of all 100 counties on issues being considered by the General Assembly, Congress and federal and state agencies. The Association provides expertise to counties in the areas of lobbying, fiscal and legal research, communications, intergovernmental relations, information technology, field visits and risk management services.