

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Staff Presentation Worksheet

**Presentation Date:** June 7, 2011    **Time:** 10:45 A.M.    **Length:** 15 minutes

**Presentation Title:** Purchase of new Election Tally System: HART InterCivic

**Department:** Clerk/Elections

**Presenters:** Sherry Hall, County Clerk  
Steve Kindred, Elections Manager  
Dave Cummings, TS Director (Invited)  
Dave Devore, TS Deputy Director  
Jim Suver, HART InterCivic (Available by speaker phone)

**POLICY QUESTION:** No policy directive requested.

**ISSUE & BACKGROUND:** In 2003, the ES&S Election Tabulation System was purchased to replace Clackamas County's outdated punch card voting system. It was the only viable and certified system available for purchase in the State. There was one other election vendor with State certification; however, the hardware and application solution of that vendor was aged, legacy technology and it was not a logical solution for the County. Since then, additional choices have become available such as the election solution offered by Hart InterCivic. Since 2006, Hart InterCivic has invested time and resources into the State certification process and has maintained a supportive presence in the Oregon Association of County Clerks.

The implementation of the Hart InterCivic Election Tabulation System, provides:

1. Greater cost efficiencies
2. A sustainable solution not based on proprietary hardware
3. County autonomy from the vendor
4. Support for the County's green initiative
5. A higher level of elections accountability

**QUESTION PRESENTED FOR CONSIDERATION:** I am requesting that the County make the decision to front the money for this purchase before June 30, 2011. There are benefits to get this decision made as we have pricing incentives before us that we can realize if the decision is made this month.

### **OPTIONS AVAILABLE**

1. Purchase the Hart InterCivic System
2. Retain the current ES&S system with its proprietary 650 tabulation machines.  
The current system is outdated and will need replacement soon.
3. Upgrade to the next generation of 850 ES&S machines after they are certified.

- **Cost:** The total cost for the Hart InterCivic system is \$332,320. This amount includes \$278,120 for the hardware/software and \$54,200 for the first year's license and maintenance fee.

Another option is an annual installment plan over 3 years with annual payments of \$122,111.

Ballot costs for the first year using the Hart InterCivic would cost \$155,738. Retaining the current system, the cost would be \$188,542. This is a cost savings of \$32,804 in year one.

A four-year cost analysis is appropriate to cover an entire election cycle. Attached is a comparison of costs over the first four years of the upgraded ES&S system 850's and the Hart InterCivic system. Even if the cost of either system is totally covered by HAVA funds, Hart InterCivic's ongoing costs are less than ES&S ongoing costs.

**Funding Source:** It is a strong possibility that Federal support will be available through a second allocation of funding through the HAVA (Help America Vote Act) reimbursement process. This reimbursement option to the counties has originated from the Secretary of State's Office. It should be noted that the State covered approximately 96% of the initial purchase of the current system (which replaced Clackamas County's outdated punch card voting system).

Additionally, through our election billings to local jurisdictions, we would be able to collect the difference between the cost of the Hart InterCivic and the HAVA reimbursement should we not be fully reimbursed for the Hart InterCivic system through HAVA funds.

- **Sustainable Solution:** The new system does not rely on a proprietary hardware solution from the vendor. The County is not forced by the vendor to purchase their proprietary hardware, their specialty service or specialty parts. Instead, hardware such as Dell, Kodak, and Hewlett Packard have equipment and services available from a variety of sources.
- **Autonomy:** Hart InterCivic offers the ability for Clackamas County to perform its own ballot layout and programming, a feature presently outsourced to the local ES&S contractor. The elimination of these roles to an outside vendor is a positive move on the County's part as it provides more departmental autonomy, it saves money (\$61K plus), and lends itself to more accountability in the elections process.
- **Green Initiative:** Historically, the County has been required to "over-order" ballots to ensure we don't run out of a certain ballot type during an election. With 180 ballot types in certain elections the over-ordering can be substantial. The result of such an action is the disposal of tens of thousands of unused ballots at the end of an election. The Hart InterCivic system offers the ability to print official ballots "on demand" and eliminate wasteful over-orders of ballots.

The attached spreadsheet assumes a conservative 5% reduction in printing. The "ballot on demand" is a "green" feature of the Hart InterCivic system. In addition, special heavier-stock ballot paper is not necessary with the new system and less paper is used overall. The use of "regular" paper does not lead to security issues since each ballot has a unique code on it making the tally of "counterfeit" ballots virtually impossible. ES&S has indicated the "850's" will require the special heavier-stock ballot paper initially and then a transition to the regular paper. However, no specific time commitment or plan has been disclosed for such a transition.

- **Elections Accountability:** Greater control of the entire election process, greater security with the applications and a high level of audit capabilities are part of the Hart InterCivic solution. The Hart InterCivic system uses two-factor authentication for access to all applications and stores logs of specific activities for audit purposes. Election data is 'signed' with security algorithms to prevent any changes to the data. The functionality of the Hart InterCivic system provides transparency as it allows the County to retain the original ballot cast by the voter. In contrast the ES&S system necessitates manual "enhancing" of ballots which cannot be initially read by the tally machines. Hart InterCivic's "enhancement" process is conducted on a digital copy of the ballot – ***the original ballot is never changed***. This provides for a more accountable elections process as it eliminates confusion between what the voter originally marked, and what was marked (or enhanced) on the ballot by the election board. An additional option allows election observers to watch the process of ballot enhancement on computer screens in the observation area –another aspect of elections accountability and transparency only offered within the Hart InterCivic system.

**RECOMMENDATIONS:** The Clerk's Office recommends the purchase of the Hart InterCivic System.

To summarize, the benefits of purchasing the Hart InterCivic System are several:

- Aligns with the County's goals to lower the cost of doing business while maintaining a high level of customer service to citizens.
- The County retains options by using "off-the-shelf" hardware and it is not restricted from future purchases of parts or service from only one vendor.
- The County retains autonomy to perform its own ballot layout and programming and it provides an annual cost savings of \$61,000.
- Supports the County's Green Initiative by reducing paper usage and waste.
- Raises the level of accountability by promoting security, accuracy, transparency and audit capabilities of the elections process.

The next generation of the ES&S tabulation machines, are the "850" model which are currently in process of Federal certification. Election Tabulation systems must be certified as required by law before purchase for use in a live election. The timeline for certification at the Federal and State level is unclear at this time. Retaining the current system of ES&S 650's keeps the costs of maintenance, ballot printing, programming and proprietary hardware higher than offered through Hart InterCivic.

The County has had a long relationship with Ryder Graphics, the local contractor for ES&S products. Ryder's excellent customer service is a reason to pause when considering a new election vendor. However, over the years I have discussed with other counties around the country who use the Hart InterCivic system, including those counties that have switched from ES&S to Hart InterCivic. All of those jurisdictions have indicated that not only does Hart InterCivic's system functionality surpass that of ES&S, the customer service from Hart InterCivic is outstanding.

**SUBMITTED BY: Sherry Hall, County Clerk**

Division Director/Head Approval  
Department Director/Head Approval  
County Administrator Approval

For information on this issue or copies of attachments, please contact Sherry Hall  
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