



REQUEST FOR CITY COUNCIL AGENDA ITEM

Agenda Date Requested: <u>September 9, 2024</u>
Requested By: <u>Lee Woodward, City Secretary</u>
Department: <u>City Secretary's Office</u>
<input checked="" type="radio"/> Report <input type="radio"/> Resolution <input type="radio"/> Ordinance

Appropriation	
Source of Funds:	<u>CIP AD0009 & LPISD</u>
Account Number:	<u>CIP AD0009 & LPISD</u>
Amount Budgeted:	<u>\$125,970.00 at CoLP</u>
Amount Requested:	<u>\$ 88,012.60</u>
Budgeted Item:	<input checked="" type="radio"/> Yes <input type="radio"/> No

Exhibits: Vendor quote; SoS certification order per EC 123.035(2); SoS approval letter per EC 123.035(1)

SUMMARY & RECOMMENDATION

History: In 2012, the City, LPISD, and the San Jacinto Community College District (SJCD) cooperatively purchased election equipment (voting booths (eSlates) and booth controllers (JBCs)). Following preclearance by the U.S. Department of Justice's Civil Rights Division, the City conducted elections for all three entities using the new equipment. (In 2019, SJCD notified the City that it would no longer be requesting election services, as it makes more sense for them to contract District-wide with Harris County than with every municipality affected by their elections.)

In 2017, the City and LPISD jointly purchased Poll Pads and software support for voter check-in.

The 2012 equipment (for voting, not for voter check-in), is showing signs of age. The provider, Hart Intercivic, Inc., does continue to service this equipment, but has discontinued production of parts. On occasion, the City's equipment has exhibited screen blackouts and similar indications that it is nearing end-of-life as an on-demand tool. Due to the necessity that election equipment be available when voters are present and that it provide confidence in service, such instances can place the perception of election sanctity at risk.

Voters instinctively anticipate that all screens are touchscreens, which is not the case for the voting booths (eSlates). Additionally, voters experience touchscreens and the newer Hart Intercivic Verity equipment when they vote in county, state, and federal elections held by Harris County, who have used it for several years now.

The 2016 and 2020 presidential elections also raised many conversations about voters being able to see that their votes had been cast accurately. The City's current election equipment does not print a list of the ballot items voted on, as is required for any new equipment purchased. The

voter's selections are printed so they can view it and then their votes are tabulated by putting the printed paper through a scanner.

Since at least 2004, the Texas Secretary of State has been charged with examining voting systems for approval in Texas elections. Currently, only Hart Intercivic, Inc. (Hart) and Election Systems & Software, Inc. (ES&S) are SoS-certified vendors.

A city may purchase election equipment per the provisions of Election Code Sec. 123.032. Acquisition Of Equipment By Political Subdivision Other Than County. (a) A political subdivision other than a county may contract to acquire the equipment necessary for operating a voting system as provided by this section.

Texas Election Code Chapter 123 governs the adoption and acquisition of voting systems. Section 123.035(b) *provides that any contract that is executed without approval of the SOS is void and payment under the contract cannot be made* (Election Advisory No. 2019-15 is accessible at <https://www.sos.state.tx.us/elections/laws/advisory2019-15.shtml>). SoS also advises that *executing a contract that is not approved by the Secretary of State constitutes a Class B Misdemeanor*.

Planning: In early 2020, the City Secretary's Office began discussions with the City Manager and LPISD on financing new equipment. LPISD indicated they would support the purchase and CIP AD0009 – Election Equipment was initially approved by the City Council as part of the FY 2020-2021 budget.

In each of the three fiscal years 20-21, 21-22, and 22-23, \$41,990 was allocated, for a total of \$125,970.00 for the City's half of a purchase. None of the funds have been expended thus far.

The City Attorney's Office and the Purchasing Division have reviewed and approved the vendor's proposal for compliance and sufficiency. The contract was also provided to LPISD for review, with no concerns reported.

Proposal: The City Secretary's Office has reviewed quotes and considered equipment from both Hart Intercivic, Inc. (Hart) and Election Systems & Software, Inc. (ES&S), the two SoS-certified vendors.

	Purchase	Annual license and support
	<u>totals for CoLP & LPISD together</u>	<u>begin in 2nd year</u>
Hart	\$176,025.20	\$6,457.00 + 4% increase annually
(purchased through Buy-Board cooperative contract #710-23)		

The City intends to continue using the Poll Pad check-in devices with KnowINK software and support. KnowINK and the election equipment vendor has confirmed that the Poll Pads and software are compatible with the new system. (Annual support for Poll Pads and KnowINK is independent of the purchase and not included in the election equipment quote.) The vendor has agreed to remove and recycle the City's existing equipment.

Inquiry was made to both vendors for demos. Hart came to the City on June 25, 2024, for a public demo, to which the Council, LPISD, and election workers were invited. The demo was open to the public and posted on the City website and the bulletin board for postings. ES&S indicated that it might consider a remote demo, but that in-person was very unlikely due to the demands of this year's elections nationwide.

The Texas Secretary of State's Office has received and approved the submission for the Hart Intercivic, Inc. proposal.

Due to the familiarity of the election workers and La Porte voters with the Hart Verity system, as well as the experiences the City has had with the voting system vendor representatives, the City Secretary's Office recommends the purchase of a Hart Intercivic, Inc. Verity voting system, Version 2.7.1, with 2.7.6 Verity Scans and 2.7.2 Verity Controllers, of the components and quantities provided in the 2024 City of La Porte quote, with approval by the Texas Secretary of State's Elections Division, for all portions of the election process, including early voting in person and by mail, on election day, and for provisional balloting, and to be used for all foreseeable elections held by the City of La Porte and any joint election partners' elections in which the City conducts polling.

STRATEGIC PLAN STRATEGY AND GOAL

An accurate and secure election process and the communication and trust surrounding it is integral to a strong community and supports each of the following adopted Guiding Principles of the City Council.

Governance: The City of La Porte is governed in a transparent, efficient, accountable and responsive manner on behalf of its citizens that actively promotes citizen involvement.

Communications: The City of La Porte will build relationships and showcase our community through communication, technology, training, and branding.

Infrastructure and Utilities: The City of La Porte will have and maintain a strong infrastructure and up to date facilities to continue to provide superior services for our citizens.

Economic Development: The City of La Porte will promote a strong and diverse economy that strengthens the local sales tax and property tax base while also contributing to a high quality of life.

Organizational Excellence: The City of La Porte will operate in a transparent, efficient, accountable, and responsive manner by preparing the organization and the staff for the future, focusing on core services, attracting and retaining the best employees and wise stewardship of financial resources.

ACTION REQUIRED BY CITY COUNCIL

Select a vendor and approve the purchase of new election equipment, contingent upon contract approval by the Texas Secretary of State's Elections Division.

The SoS recommends that an adoption action include the following:

1. Name of Vendor
2. Name of Voting System (including the version number)
3. Type of Equipment
4. What part of the election process the equipment will be used for (early voting in person/by mail, election day, provisional ballots),
5. What elections it will be used for (all elections or just certain elections)

The City Secretary's Office offers the following draft wording:

I move that the City purchase

- from Hart Intercivic, Inc.,
 - a Verity voting system, Version 2.7.1, with 2.7.6 Verity Scans and 2.7.2 Verity Controllers,
 - of the components and quantities provided in the 2024 City of La Porte quote, with approval by the Texas Secretary of State's Elections Division,
 - for all portions of the election process, including early voting in person and by mail, on election day, and for provisional balloting, and
 - to be used for all foreseeable elections held by the City of La Porte and any joint election partners' elections in which the City conducts polling.
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