

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: MARCH 4, 2021

AGENDA ITEM NUMBER: 5 A-B

SUBJECT:

A. RESOLUTION TO ACCEPT 2020 HELP AMERICA VOTE ACT (HAVA) FUNDS FROM THE NC STATE BOARD OF ELECTIONS FOR ELECTION ADMINISTRATION OF 2020 FEDERAL ELECTIONS

B. AMENDMENT TO FISCAL YEAR 2020-2021 BUDGET ORDINANCE

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

On September 10, 2020, the Forsyth County Board of Commissioners approved an amendment to the FY21 Budget Ordinance to accept \$100,000 of Help America Vote Act (HAVA) funds, made available to states to improve the administration of elections for Federal office through the Consolidated Appropriations Act of 2020. It was originally determined that each County could receive reimbursements for eligible HAVA expenses, with a minimum reimbursement amount of \$10,000 and up to a maximum reimbursement of \$250,000 per County, on a first-come, first-served basis until the total funds available were expended, and \$100,000 was added to the Forsyth County Board of Elections.

In January 2021, Forsyth County Board of Elections was notified that North Carolina had determined a new calculation was necessary due to concerns that the State's original process was not fair or equitable and limited each County's ability to address its specific needs. The State has now adjusted the reimbursement process and has calculated each County's award based upon economic tiers defined by the North Carolina Department of Commerce and the number of registered voters. As such, the Forsyth County Board of Elections received an amended notice of sub-grant awarding the County \$250,000 based on the previous calculation.

This budget amendment will allow the County to accept the additional \$150,000 in HAVA funding and increase expenditures for the Board of Elections.

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr. /AMS*

COUNTY MANAGER

DATE: March 01, 2021

**RESOLUTION TO ACCEPT 2020 HELP AMERICA VOTE ACT (HAVA) FUNDS
FROM THE NC STATE BOARD OF ELECTIONS FOR ELECTION
ADMINISTRATION OF 2020 FEDERAL ELECTIONS**

WHEREAS the Consolidated Appropriations Act of 2020 was signed into law in December 2019 and included \$11,677,441 made available to North Carolina to improve the administration of elections for Federal office, including enhancing technology and making election security improvements;

WHEREAS on September 10, 2020, the Forsyth County Board of Commissioners approved an amendment to the FY21 Budget Ordinance to accept \$100,000 of Help America Vote Act (HAVA) funds, made available to states to improve the administration of elections for Federal office through the Consolidated Appropriations Act of 2020; and

WHEREAS in January 2021 Forsyth County Board of Elections was notified that North Carolina had determined a new calculation was necessary due to concerns that the State's original process was not fair or equitable and limited each County's ability to address its specific needs and the Forsyth County Board of Elections received an amended notice of sub-grant awarding the County \$250,000 based on the previous calculation;

NOW, THEREFORE, BE IT RESOLVED, by the Forsyth County Board of Commissioners that the County Manager and Clerk to the Board are hereby authorized to accept additional 2020 Help America Vote Act (HAVA) funds from the NC State Board of Elections in the amount of \$150,000, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

Adopted this the 4th day of March 2021.

**FORSYTH COUNTY, NORTH CAROLINA
AMENDMENT TO
FY 2020-2021 BUDGET ORDINANCE**

FROM: BUDGET & MANAGEMENT

MEETING DATE: March 4, 2021

EXPLANATION:

On September 10, 2020, the Forsyth County Board of Commissioners approved an amendment to the FY21 Budget Ordinance to accept \$100,000 of Help America Vote Act (HAVA) funds, made available to states to improve the administration of elections for Federal office through the Consolidated Appropriations Act of 2020. It was originally determined that each County could receive reimbursements for eligible HAVA expenses, with a minimum reimbursement amount of \$10,000 and up to a maximum reimbursement of \$250,000 per County, on a first-come, first-served basis until the total funds available were expended, and \$100,000 was added to the Forsyth County Board of Elections.

In January 2021, Forsyth County Board of Elections was notified that North Carolina had determined a new calculation was necessary due to concerns that the State's original process was not fair or equitable and it limited each County's ability to address its specific needs. The State has now adjusted the reimbursement process and has calculated each County's award based upon economic tiers defined by the North Carolina Department of Commerce and the number of registered voters. As such, the Forsyth County Board of Elections received an amended notice of sub-grant awarding the County \$250,000 based on the previous calculation.

This budget amendment will allow the County to accept the additional \$150,000 in HAVA funding and increase expenditures for the Board of Elections.

**BE IT ORDAINED BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS THAT THE
FY 2020-2021 BUDGET ORDINANCE IS HEREBY AMENDED AS FOLLOWS:**

INCREASE:	<u>SECTION 1. REVENUES.</u>	
	GENERAL FUND	
	INTERGOVERNMENTAL	<u>\$150,000</u>
INCREASE:	<u>SECTION 2. EXPENDITURES.</u>	
	GENERAL FUND	
	ELECTIONS	<u>\$150,000</u>

NATURE OF TRANSACTION:
 Additional Revenue Available
 Transfer within Accounts of
Same fund
 Other:

APPROVED BY BOARD OF COUNTY
COMMISSIONERS AND ENTERED ON
MINUTES DATED _____
AGENDA ITEM NUMBER _____



NORTH CAROLINA STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

TO: County Boards of Election
RE: Considerations for Expending 2020 Help America Vote Act (HAVA) Grant Funds
DATE: January 29, 2021

Session Law 2020-17 designated \$9,616,929 in nonrecurring funds to county boards of elections and entitled each county a minimum of \$10,000 and no more than \$250,000. The General Assembly further stipulated that in reimbursement of these funds, counties must certify that HAVA funds will not be used to supplant county funds. Use of the funds must adhere to the categories and permissible purposes established by the U.S. Elections Assistance Commission and the federal standards set by the Congressional grant authorization.

While we considered an application process to receive additional funds above \$10,000 (not to exceed \$250,000), we were concerned that this would not be a fair and equitable decision-making process and would limit a county's ability to address its specific needs. Similar to the criteria used by the General Assembly to award CARES Act funds, we have calculated each county's award based upon economic tiers defined by the North Carolina Department of Commerce and the number of registered voters. Through this formulary, we aim to give the decision making to you directly since you know your county's needs best. The session law appropriating these funds requires the counties to seek reimbursement from the State Board for eligible expenses. The attached FAQ document explains the reimbursement process, which is the same as CARES Act reimbursement processes.

As you determine the needs of your county, please be mindful that at present time no additional funds have been authorized by Congress or the General Assembly. This means it is important to prioritize and effectively address multiple needs. While many counties may consider voting equipment to be a top priority, the designation of elections as critical infrastructure means it is also our duty to place even greater emphasis on both physical and cyber security than ever before. Please review any assessments conducted by the Department of Homeland Security or the National Guard and consider applying HAVA funds to remedy identified issues or areas of concern. Ideally, counties have designated capital funds to purchase voting equipment since there has been no federal or state commitment of funds for this purpose since the initial statewide procurement in 2006. Bottomline – please spend your funds wisely as we are not guaranteed additional funds in the near future.

Please carefully review the additional documents provided with this letter. If you have questions or concerns, please reach out to Amy Strange, COO; Neil Baddour, Voting Systems Certification Manager; or me.

Thank you for all you do,

Karen Brinson Bell
Executive Director

NORTH CAROLINA STATE BOARD OF ELECTIONS
HAVA FAQs – PERMISSIBLE AND IMPERMISSIBLE USES

1. Would it be permissible to purchase an “emergency kit” that contained generators, power boxes, cords, led lights and other items to keep polling locations operational during a federal election? They would become necessary in the event of a cyber-attack that damaged the power grid.

Yes.

2. To make election security improvements it would be more beneficial and cost effective for some of our counties if they could purchase entirely new buildings. Could HAVA funding be used for this so long as the county matches or exceeds the federal funding?

No.

HAVA funds could be used to pay for elections-specific security components that would be part of the new building, such as a security camera system.

3. The county wants to move the Elections office. The place they have in mind will need extensive work to allow for all of the equipment with outside loading area to move machines, set up area for supplies and tailor for the needs of Election Administration. How much of the HAVA funds would be available to us to help improve this project. Would this even be a project we could count on?

HAVA funds could not be used to install a loading dock or build a supply room.

HAVA funds could be used to pay for elections-specific security components that would be part of the new location. This might include security systems for elections storage rooms where equipment is stored, and the electrical work necessary to install the system.

4. In the same area as establishing toll-free telephone hotlines could a chat bot be set up by the counties? This is when voters could just text their questions in and they would receive automated responses. This can be done in multiple languages and updated over time based on the questions the chat bot is receiving.

Yes.

5. I believe this would fall under educating voters concerning voting procedures, voting rights, and voting technology but would purchasing social media ads be permissible so long as they contained educational material? In that same vein, would hosting virtual town halls and using the funding to purchase cameras and a platform be permissible? I think this was the case with CARES but I feel some who missed out may want to try doing this now.

Yes.

6. Can funds be used to purchase “Stand alone” internet connectivity – cameras for live streaming of meetings, trainings, etc.

Yes.

7. Is it permissible to install glass barriers, push button entry, more security cameras, etc. with HAVA funds?

NORTH CAROLINA STATE BOARD OF ELECTIONS
HAVA FAQs – PERMISSIBLE AND IMPERMISSIBLE USES

Yes. If the security items are installed in areas commonly used by other county agencies, only the cost of the work done in the elections area can be paid for with HAVA funds

8. Can this money go to recurring expenses such as security (that requires a monthly fee)?
The answer depends on the expense. If, for example, the elections board installs security cameras in the elections area, and recurring fees are required to store and access the video feeds, then HAVA funds can be used.
9. Can HAVA funds be used for a curbside wireless bell notification systems – where the potential curbside voter can push a button or drive over a sensor, wirelessly alerting the poll workers of their presence?
Yes.
10. Regarding a hotline – Can the funds be used to pay costs from our phone vendor to set up the hotline or a phone bank that is physically staffed?
Yes.
11. Can HAVA funds be used to purchase a DS450?
Yes.
12. Can HAVA funds be used to purchase a second (backup) ElectionWare system?
Yes.
13. Can HAVA funds be used to purchase dollies for Balotar printers?
Yes.
14. Can HAVA funds be used to purchase MiFi jetpacks?
Yes.
15. Can HAVA funds be used to purchase power strips and extension cords?
Yes.
16. Can HAVA funds be used to purchase letter opener machines?
Yes.
17. Can HAVA funds be used to purchase walkie talkie radios for curbside voting at One-Stop sites?
Yes.
18. Can HAVA funds be used to purchase canopy tents for curbside voting at One-Stop sites?
Yes.
19. Can HAVA funds be used to purchase tabletop voting booths for provisional voting?
Yes.
20. Can HAVA funds be used to purchase generators?
Yes.
21. Can HAVA funds be used to purchase extra blue bins for DS200s?
Yes.
22. Can HAVA funds be used to purchase 8gb USB sticks for DS200s?
Yes.
23. Can HAVA funds be used to purchase a ballot-on-demand system?
Yes.

24. Can HAVA funds be used to purchase paper-folding machines?

Yes.

25. Can HAVA funds be used to purchase an alarm system?

Yes.

26. Will there have to be a security assessment done by the SBE to determine which security issues on the report need to be done and which ones don't?

No.

27. What will the counties be required to do as far as security measures first with the HAVA funds before using it for other things. Who will make the determination on those security features that need to be done and who will see that they actually do them?

County boards of elections are ultimately responsible for determining which HAVA-eligible expenditures to make with their county HAVA funds. Counties report their expenditures, with receipts, to the State when invoicing for reimbursement. Reports of all expenditures made by the State and county boards are reported to the U.S. Election Assistance Commission.

**NOTICE OF SUBGRANT -2020 HAVA Funds - NC
Amended February 2, 2021**

Subgrantee:	<i>Forsyth County Board of Elections</i>
CFDA Number: 90.404 Agreement Number: NC20101001-034	Budget Period: 7/1/2020 – 6/30/2021
Funds Description	
This obligation of funds constitutes the Subgrantee's share, as authorized under Session Law 2020-17, Sec. 11.2(a), of \$11,677,441 of federal and \$2,335,488 of state matching funds awarded under Election Security Grants in the federal Consolidated Appropriations Act of 2020 to improve the administration of federal elections.	
Funding Information	
Description	Amount
Allocated funding based on percentage of voter registration within Department of Commerce Tier as of 1/9/ 2021	\$250,000.00
Reimbursements as of 1/27/2021	\$42,587.86
Remaining Balance of Allocation after reimbursements paid as of 1/27/2021	\$207,412.14
Permissible Uses	
<p>Reimbursement-eligible expenditures are those incurred to improve the administration of federal elections, as authorized under HAVA Title I, Section 101, including:</p> <ul style="list-style-type: none"> • Improving the administration of elections for Federal office, including to enhance election technology and make election security improvements • Educating voters concerning voting procedures, voting rights, and voting technology. • Training election officials, poll workers, and election volunteers. • Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes. • Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language. • Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information. • Expenditures incurred to prevent, prepare for, and respond to the coronavirus pandemic during 2020 federal elections. 	
Grant Administration	
Grant Administration Award recipients and sub-recipients must adhere to all applicable federal requirements including Office of Management and Budget (OMB) guidance: Title 2 C.F.R. Subtitle A, Chapter II, Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. § 200).	