

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Lisa Tollefson
INITIATED BY



Lisa Tollefson
DRAFTED BY

Finance Committee
SUBMITTED BY

September 2, 2020
DATE DRAFTED

**AMENDING THE 2020 COUNTY CLERK BUDGET TO PURCHASE
ELECTION EQUIPMENT**

1 **WHEREAS**, COVID-19 has increased the number of voters requesting absentee ballots to safeguard
2 their health. Rock County is expecting over 50,000 registered voters to cast their ballots by absentee for
3 the November 3, 2020 Fall General and Presidential Election; and,
4

5 **WHEREAS**, the City of Janesville is expecting 25,000 absentee ballots to process on Election Day, and
6 has calculated with their current equipment they will need over 35 hours to process the absentee ballots
7 and an increased number of poll workers to handle the processing; and,
8

9 **WHEREAS**, a DS450 High-Speed Scanner Tabulator has the ability to scan 72 ballots/minute as
10 compared to a DS200 precinct tabulator, one hand-fed ballot at a time. Using a DS450 at Janesville's
11 Central Absentee Ballot Counting location would reduce processing times and reduce the number of poll
12 workers needed to process ballots. This would allow for greater social distancing with a reduced number
13 of poll workers.
14

15 **WHEREAS**, the use of a DS450 at the City Janesville Central Count location would free up DS200s,
16 which would be deployed to other locations in the county to also increase social distancing and reduce
17 processing times.
18

19 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly assembled
20 this 10th day of September, 2020 does hereby amend the 2020 County Clerk budget as
21 follows to purchase a DS450 scanner:
22

<u>Account/Description</u>	<u>Budget at 1/1/2020</u>	<u>Increase (Decrease)</u>	<u>Amended Budget</u>
<u>County Clerk - Elections</u>			
<u>Source of Funds</u>			
14-1420-0000-42200	-0-	\$61,450	\$61,450
Roads to Recovery Grant Funds			
<u>Use of Funds</u>			
14-1420-0000-67125	-0-	61,450	61,450
Capital Asset			

34
35 **BE IT FURTHER RESOLVED** that a Purchase Order be issued to ES & S Election System Software
36 for the purchase of a DS450 High Speed Tabulator-Scanner in the amount of \$61,450.

20-9A-070

AMENDING THE 2020 COUNTY CLERK BUDGET TO PURCHASE ELECTION EQUIPMENT
Page 2

Respectfully submitted,

FINANCE COMMITTEE

/s/ Mary Mawhinney
Mary Mawhinney, Chair

/s/ Wes Davis
Wes Davis, Vice Chair

/s/ Stephanie Aegerter
Stephanie Aegerter

/s/ Brent Fox
Brent Fox

/s/ Kara Purviance
Kara Purviance

FISCAL NOTE:

This resolution accepts and authorizes the expenditure of \$61,450 in grant funds for additional election equipment. No County funds required.

/s/ Sherry Oja

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01 and 59.51, Wis. Stats. In addition, section 59.52(29), Wis. Stats. Requires the project to be let to the lowest responsible bidder. As an amendment to the adopted 2020 County Budget, this Resolution requires a 2/3 vote of the entire membership of the County Board pursuant to sec. 65.90(5)(a), Wis. Stats. ES & S Election System Software is the sole source provider of the DS450 High Speed Tabulator-Scanner.

/s/ Richard Greenlee

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

/s/ Josh Smith

Josh Smith
County Administrator

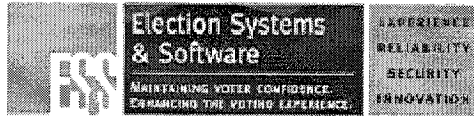
Executive Summary

COVID-19 has increased the number of voters requesting absentee ballots to safeguard their health and not vote at the polls on Election Day. Rock County is expecting over 50,000 registered voters to cast their ballots by absentee for the November 3, 2020 Fall General and Presidential Election. The City of Janesville is expecting 25,000 absentee ballots. Using the current equipment available, the City of Janesville has calculated that they will need over 35 hours to process the absentee ballots and an increased number of poll workers to handle the processing.

ES&S Election System and Software has high speed scanner compatible with the current election equipment used throughout Rock County. The DS450 High Speed Scanner-Tabulator processes 72/ballots per minutes. The current tabulators used at the polling locations are hand feed one ballot at time. The maximum speed to scan one ballot is eight seconds.

The purchased equipment would be used at Janesville's Central Count location where all absentee ballots for the city are counted. Extra machines that would have been used at Central Count would be allocated to other parts of the county to help with their records numbers of absentee ballots.

The high speed tabulator would lessen the number of poll workers needed to process absentee ballots and allow for more social distancing to help protect our poll workers from COVID-19.



11208 John Galt Boulevard • Omaha, NE 68137 USA
 Phone: 402.593.8103 • Toll-Free: 1.800.247.8683 • Fax: 402.593.8107
 www.esscorp.com

August 24, 2020

Lisa Tollefson
 Rock County Clerk
 51 S Main St.
 Janesville WI 53545

RE: Election Systems & Software, LLC ("ES&S") Equipment and Software

Dear Ms. Tollefson:

This letter is in response to Rock County's ("County") request for information regarding ES&S' proprietary election equipment and proprietary election software. This letter provides the County with information on ES&S' proprietary DS450® digital precinct count scanner (the "ES&S Equipment") as well as ES&S' proprietary DS450 Firmware ("ES&S Software").

Please be advised that ES&S owns all patents, copyrights and trademarks ("Intellectual Property") associated with the ES&S Equipment. As such, ES&S is the sole and exclusive developer and manufacture of the ES&S Equipment and only ES&S may sell the ES&S Equipment in the marketplace. Further, certain component parts of the ES&S Equipment are proprietary to ES&S and may only be obtained directly from ES&S. As certain component (maintenance) parts of the ES&S Equipment may only be obtained directly from ES&S, only ES&S and ES&S trained technicians can ensure that such ES&S proprietary component parts are installed in the ES&S Equipment. This is important to note as all ES&S Equipment certified both at the federal and State level require the replacement of the same certified component parts which were included in the ES&S Equipment at the time such ES&S Equipment was certified. By purchasing the ES&S Equipment from ES&S as well as utilizing ES&S for the performance of support services, the County will be assured that all component parts installed in the ES&S Equipment will be in compliance with both the federal and state certified equipment configuration.

With respect to the ES&S Software, please be advised that ES&S is the sole and exclusive developer and licensor of the ES&S Software. As such, ES&S owns all Intellectual Property in its proprietary ES&S Software. Further only ES&S can provide help desk support services for the ES&S Software as well as provide any and all upgrades, enhancements, maintenance patches and other changes to the ES&S Software as may be required by ES&S or its customers. No other vendor in the marketplace today is authorized to license or provide maintenance and support services for the ES&S Software.

Please let me know if you have any questions or need any additional information.

Sincerely,

Timothy J. Hallett
 Associate General Counsel



11208 JOHN GALT BLVD
 OMAHA, NE 68137-2364
 (402) 583-0101

Sales Order Agreement

Customer P.O. #: _____

1st Election Date: November 3, 2020

Estimated Delivery Date: September 2020

Phone Number: 509-757-5667

Fax Number: 509-757-5660

Customer Contact, Title: Lisa Tollefson - County Clerk

Customer Name: Rock County, Wisconsin

Type of Sale: NEW

Type of Equip: NEW REFURBISHED

Bill To: _____

Rock County, Wisconsin

Lisa Tollefson - County Clerk

51 S. Main Street

Janesville, WI 53545

Ship To: _____

Rock County, Wisconsin

Lisa Tollefson - County Clerk

51 S. Main Street

Janesville, WI 53545

Item	Description	Qty	Price	Total
1	DS450 Model DS450 High Speed Digital Image Scanner with Steel Table, Reports Printer, Audit Printer, Start-Up Kit, Dust Cover, Battery Backup, Two (2) USB Cables, and Two (2) Standard 8GB Memory Devices	1	\$51,450.00	\$51,450.00
2	DS450 Bailot Jogger	1	\$950.00	\$950.00
3	DS450 Equipment Installation	1	\$1,925.00	\$1,925.00
4	Services Model DS450 Training Day	1	\$1,700.00	\$1,700.00
5	Services Election On-Site Support Event	1	\$4,575.00	\$4,575.00
6	Shipping Shipping & Handling	1	\$750.00	\$750.00
Order Total				\$ 61,450.00

Freight Billable: yes no

Mike Hoversten
Regional Sales Manager

Customer Signature Date

V.P. of Finance Date

Title

Payment Terms

100% of Order Total due Thirty (30) Calendar Days after the later of (a) Equipment Delivery, or (b) Receipt of Corresponding ESS&S Invoice.

Invoices are due net 30 from invoice date.

Note 1: Any applicable state and local taxes are not included, and are the responsibility of the Customer.

Note 2: In no event shall Customer's payment obligations hereunder, or the due dates for such payments, be contingent or conditional upon Customer's receipt of federal and/or state funds.

Warranty Period (Years): One (1) Year From Equipment Delivery

Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period)
 The terms, conditions, and pricing for the Hardware Maintenance and Software License, Maintenance and Support Services (Post-Warranty Period) are set forth in Exhibit A attached hereto.

SEE GENERAL TERMS AND CONDITIONS