

AGENDA ITEM 14

Discuss and consider final plat approval of Boulderwood, Phase 3. Pct. #3

Moved: **Commissioner Boatright**

Seconded: **Commissioner Curlee**

Motion: To grant final plat approval of Boulderwood, Phase 3. Pct. #3

Vote: 3 - 0

REGULAR AGENDA

AGENDA ITEM 15

Discuss and consider holding public hearing for Live Oak Ranches, Block C, lot 1, resubdivision. Pct. #2

Joe England addressed the Court during the public hearing on this five-acre tract.

AGENDA ITEM 16

Discuss and consider plat approval of Live Oak Ranches, Block C, lot 1, resubdivision. Pct. #2

Moved: **Commissioner Boatright**

Seconded: **Commissioner Curlee**

Motion: To grant plat approval of Live Oak Ranches, Block C, lot 1, resubdivision. Pct. #2

Vote: 3 - 0

AGENDA ITEM 17

Discuss and take appropriate action on road bond program.

Mike Weaver addressed the Court on the current status of the road bond program.

AGENDA ITEM 18

Discuss and take appropriate action on jail/courthouse annex expansion.

Joe Latteo addressed the Court regarding the jail/courthouse annex expansion.

AGENDA ITEM 19

Consider awarding proposals received for election equipment to the best proposal meeting specifications - Election Systems & Software, Inc.

John Willingham addressed the Court with an update on the efforts of the Election System Taskforce, which has been working to determine how to help the County meet the mandate of the federal Help America Vote Act (HAVA) of October 2002. His presentation drew questions from the audience and the Court, which were addressed by Election Systems & Software Vice President Mike Devereaux and Technical Sales Associate Jason Barnett, among others.

Moved: **Judge Doerfler**

Seconded: **Commissioner Boatright**

Motion: To approve proposals received for election equipment to the best proposal meeting specifications - Election Systems & Software, Inc.

Vote: **No vote was conducted.** After some discussion, **Judge Doerfler** withdrew his motion; **Commissioner Boatright** withdrew his second. This item was moved to the agenda of January 6, 2004.

< Attachment >

SUMMARY OF ELECTIONS EQUIPMENT RFP PROCESS AND SELECTION PROCEDURES

On June 10, 2003, the Commissioners' Court authorized the issuance of an RFP to election equipment vendors. The RFP sought responses from all major vendors, and presented the vendors with four options:

- (1) A proposal for Direct Recording Electronic (DRE) equipment for use in both early voting and on election day;
- (2) A proposal for DRE for early voting only, with an optical scan solution for early voting by mail.
- (3) A proposal for only one disabled-access (ADA) DRE for each election-day polling place; and/or
- (4) A proposal for a precinct-count optical scan system for use on election day only.

On July 10, 2003, the elections administrator met with a task force he had appointed previously. The task force members included, in addition to the elections administrator, County Judge John Doerfler; Ms. Joyce Gadison of the county auditor's office; Democratic Party Chairman, Jimmy Rocha; and Republican Party Chairman, Bill Fairbrother. This first meeting of the task force was for the purpose of acquainting the members with the RFP and outlining in general terms the tasks that the committee had to accomplish.

On July 16, 2003, the elections department received three bids for some or all of the above options. The responses from Diebold Election Systems, Elections Systems and Software, and Hart Intercivic are summarized in **Exhibit A**. The bids ranged from \$425,000 to \$2.878 million, depending on the options offered by the vendors.

On August 5, 2003, the task force met for the second time to review the RFP responses, the summary (**Exhibit A**), and a lengthy summary of the issues and options that lay before the task force (**Exhibit B**). At that meeting, the task force decided not to have further dealings with the highest bidder, Diebold; decided not to pursue option (4) at all; decided to consider upgrading our current central-count optical scan system and/or purchasing DRE for early voting and election day; and decided to enter into negotiations with the remaining vendors for a BAFO on these revised options.

On August 21, 2003, the task force met again and considered the responses (**Exhibit C**). After a very lengthy discussion, the task force decided to eliminate the use of DREs for all election-day voting; to upgrade the current central-count optical scan system for election-day voting through December, 2005, thereby eliminating a huge portion of the total cost that would have been required for DREs; and to go forward with obtaining BAFOs for the DREs. (Note: ES&S was the only remaining vendor capable of upgrading the current system). The task force also authorized a demonstration of the DRE equipment for use in early voting, and the upgraded version of the central-count optical scan system

On September 18, 2003, representatives from ES&S and Hart Intercivic presented demonstrations to both the task force and to a citizens' committee made up of five persons appointed by the party chairs; two members appointed by Ms. Gadison; six persons from the elections staff; and one person from the I.T. Department, for a total of 19 users. Following the demonstrations, each person rated each system according to 10 criteria, and the results showed that the ES&S system received the higher rating (**Exhibit D**).

On September 30, 2003, the task force met to review and discuss the ratings. The task force took a preliminary vote on which system it preferred, and decided to focus on negotiations with ES&S because it received a considerably higher rating, although the costs to this point for ES&S for implementation were at approximately \$600,000, versus approximately \$500,000 from Hart Intercivic.

On October 9, 2003, the task force met to discuss recurring national issues regarding DREs, their alleged security problems, and the demands by some to require DREs to add a paper printout to each unit for voter verification. The task force had discussed this issue at length on previous occasions. The task force decided to watch for any further evidence or controversy that might surface in the national elections held on November 4, 2003, before proceeding any further.

November 21, 2003, after no significant problems with DREs had emerged in the November election, the elections administrator sent out emails to ES&S and task force members with a list of further questions for ES&S. The task force agreed to meet again on December 4, this time including representatives from ES&S, who were asked to respond to the list of questions, which concerned the security issue, costs, and reasons to buy now instead of at a later time.

On December 4, 2003, the task force met with ES&S representatives. After another lengthy meeting at which all costs for purchasing, implementing, and supporting the ADA DREs and an updated central-count system, the task force voted to authorize ES&S to prepare a contract for award, with the total cost not to exceed \$700,000, of which \$255,000 would be offset by federal funds.

On December 15, 2003, ES&S offered the elections administrator a contract with a total price of \$659,653, of which amount the county will be partially reimbursed by the state (using federal funds) in the amount of \$255,000, leaving the county a net cost after reimbursement of \$404,653. This contract, combining our current system with the latest in technology for early voting, provides a long-term voting solution for \$1.431 million less than the lowest offer we had for a countywide DRE system.

SUMMARY OF ELECTION RFP RESPONSES, VOTING SYSTEMS				EXHIBIT A			
Vendor	No. 1	No. 2	No. 3	No. 4			
Diebold	550 dre units plus EMS 3 opscan units for mail \$2,877,964	150 dre units plus EMS 2 opscan units for mail \$828,544			120 pct ct opscan for eday only 3 opscan for evt \$1,268,950		
Remarks:	Appears to meet basic req but	Appears to meet basic req but			Appears to meet basic req but no resid expl no dre/ada included		
	no explanation of resid votes	no explanation of resid votes					
ES&S	252 dre units plus EMS 1 small opscan for mail \$1,390,523	88 dre units plus EMS 3 lrg opscans for eday+evt mail \$675,920	88 dre ADA units plus EMS 3 lrg opscans for eday+evt mail \$675,920		88 dre's for eday ADA; 1 small opscan for mail 88 pct ct opscan eday \$1,081,874		
Remarks:	Far too few dre units, so low cost is unrealistic; no explanation for resid votes	Too few dre's for evt locs, but cost is a total solution including eday upgrade for current system no explanation of resid votes Estimate only: for 200 dre's + full upgrade= approx \$1 million	This is a more realistic cost that would provide total solution including upgrade for current sys no explanation of resid votes		Appears to meet basic req and includes ADA as part of cost		
Addendum:							
Hart	785 dre's plus EMS mail scanning units \$2,091,152	150 dre units for early voting with mail scanning plus EMS \$512,910	85 dre ADA units plus EMS \$412,560		Extra option: use same equip eday and evt 205 dre's for \$600,191		
Remarks:	Realistic no. of dre units along with best price; includes an explanation of residual votes	Taken alone, probably the best dre option in this category too, but still lacks complete resid vote explanation This amount added to full upgrade from ESS=approx \$750,000	Lowest cost offer, but Hart does not have a pct count opscan or a full central count opscan option to match this with.		This is a creative option at a good price		
Addendum:					This amt added to full central ct upgrade= \$850,000		

EXHIBIT B**ISSUES AND OPTIONS,
VOTING SYSTEMS PROPOSALS****ISSUES:**

(1) **Security and Voter Verified Audit Trail (VVAT).** Computer scientists around the country are questioning the security of DRE systems, saying that they can be “hacked” and manipulated. These computer scientists also say that the only way to guarantee that the systems have not been manipulated is to require each DRE unit to print out a VVAT. Currently, most systems do not provide such a report, and requiring them to do so could cause more problems than they solve (printer jams, for example). Most election officials believe the security concerns are overblown, and I tend to agree. Perhaps the most significant problem for counties that buy such systems is that accusations of manipulation will receive at least some reinforcement from these experts.

(2) **Residual Votes.** This is another case in which scientists have had an impact. A group of professors from two of the nation’s most prominent universities, Caltech and MIT, joined together shortly after the November, 2000, presidential election to analyze the current status of vote-counting systems and procedures, and make recommendations. One of the most controversial findings of their first major study was that DRE systems had a very high incidence of “residual” votes, that is, undervotes (in the case of DREs) in races in which voters intended to vote. The methodology of the Caltech/MIT study was sharply criticized by voting equipment vendors, but the figures have credibility, if for no other reason than they have been borne out by the experience of some counties that have used DREs in combination with optical scan systems in the same election. This permits a valid statistical comparison of undervote occurrence in the same election, in the same county, with the same demographic characteristics, but with different systems. Previously, these statistics, especially in one large county, have shown that DREs have a much larger incidence of undervoting than optical scan systems.

It should be noted that all our vendors were asked to provide statistics on this point, and only one, Hart, did so. The Hart statistics in the proposal itself do not compare their DRE with an optical scan system in the same county, in the same election. All the vendors who replied to the RFP operate or have operated in counties that used mixed systems, including their own DRE and an optical scan system, in the same election, and therefore should have been able to provide the statistics that we requested. Hart has very recently submitted some statistics that are more in line with what was requested, and as soon as I received those statistics, I contacted the other two vendors and asked them again to provide similar information.

(3) **Cost/HAVA Requirement.** The cost of implementing a DRE system ranges from a low bid of almost \$1.4 million to a high bid of almost \$2.9 million. The low bid is based on an unrealistically low number of DRE units. The best bid for a DRE from a cost standpoint was the Hart bid of just under \$2.1 million because their bid was based on a realistic number of DRE units. The cost for a precinct-count optical scan system ranged from \$1,081,874 for ES&S to \$1,268,950 for Diebold. These last two figures do not include the expense of adding DRE/ADA units in each polling place.

It is clear that the county could receive \$227,584 from the federal government, via the state, for implementation of the inevitable requirement of the HAVA, namely, the installation of one ADA/DRE unit in each polling place. This figure is down by fifty percent from an earlier figure. The state has determined that it will need more funding for its own expanded role in the process. The \$227,584 would pay much of the cost of the minimal implementation, and there is no time limit involved in our spending the money. We are not required to have a DRE/ADA unit in each precinct until the end of 2005, or more than two years from now.

(4) Joint Elections, Ballot Length, and Ballot Control. In this county, we will continue to have more and more joint elections—when one or more entities (city, school district, etc.) contracts with the county to combine their elections (polling places, ballots, workers) in the interest of voter convenience and efficiency. Combining elections gives rise to longer ballots and to greater demands on the abilities of election workers, who must determine who should receive which of several ballots that may be available. DRE units undoubtedly make it easier to handle extremely long ballots because there is no practical limit as to the ballot size they can accommodate. DREs are also easier to integrate with electronic voter files, so that when a voter comes in the equipment generates a code that leads more efficiently to distributing the correct ballot. If the county remains with optical scan voting, then the system we select must at least allow for a longer ballot than we now have.

OPTIONS:

(1) Upgrade Current System. Our present system, in which we use four large tabulators to count ballots after they have been brought to the Justice Center/Annex, called a “Central Count” system, is still legal under HAVA. However, the generation of tabulators we now use does not allow for a larger ballot. To upgrade the current system, we would have to purchase four new large tabulators and related EMS equipment. We did not put out an RFP for this option, but there is really only one vendor, our current vendor, who has high-speed, reliable central counting equipment.

Upside: Low cost. I would estimate the cost of this upgrade to be in the \$250,000 range. This does not include DRE/ADA. This option is the least costly by far, retains a familiar voting system, provides an extremely accurate tally, and is reasonably fast. There is always a ballot that can be physically held and manually examined. Election judges do not have to be trusted to set up and monitor. Minimal storage and maintenance costs. This upgrade would probably meet our needs for four or five years.

Downside: This option has the appearance of “going backward” in the technological sense; it probably will not interface as well with voter files; and we would have to operate two systems at the same time after the implementation of the DRE/ADA units in late 2005 or shift to an entirely DRE system. At some point, with continued heavy growth, we might be forced to a different kind of system. That system would likely be similar to the current DREs, or, less likely, could be significantly better in terms of cost and accuracy.

(2) Purchase a Precinct-Count Optical Scan System. Many jurisdictions are extremely pleased with this system. The cost for this option is relatively high, somewhere over \$1 million, including DRE/ADA.

Upside: Avoids the security hassles of DRE; has record of lower undervotes than DREs; there is always a ballot audit trail; this system is relatively inexpensive when compared to DREs, at least at the point of purchase. Eliminates overvoting by requiring voter to correct overvoted ballot. Has appearance of being more progressive than central count, although technology is the same. Generally faster than central count in generating returns. Relatively simple for election judges to handle, set up, and monitor. If power fails, voters can still put ballots in unit, and ballots can be counted later at central location, where individual precinct returns are accumulated.

Downside: More maintenance required than for central count, perhaps requiring one or more full-time techs plus delivery, setup, and takedown expenses. Like central count optical scan, still requires the purchase of costly ballots, up to \$40,000 or more in large elections. While it eliminates overvoting, it does not deal with residual undervotes that occur when a voter marks most of the ballot correctly (fills in ovals) but marks outside the oval in some races, which leaves those votes uncounted. Texas law actually requires that precinct-count optical scan ballots be inspected before being delivered to the elections office and that if two or more ballots in a precinct are irregularly marked, then the entire precinct must be tabulated by central equipment. This does not actually occur.

(3) Purchase DRE for Early Voting and Election Day. If one can be satisfied that security concerns and residual votes are not a serious problem, then a DRE deserves extremely strong consideration.

Upside: Once initial implementation "bugs" are worked out, DREs are no doubt the fastest systems and, again, if the residual vote problem is minimal or non-existent, then they should be highly accurate. They eliminate the need for paper ballots, except for mail voting, a minimal concern. Their results would not vary after a recount. Their use identifies a county in the current climate of opinion as being "progressive." Voters like them, and most would be complimentary of the jurisdiction for having made them available. They accommodate any ballot length, any language, and are likely easier to integrate with voter files.

Downside: They are very expensive, although some of their cost is offset by the elimination of printing costs. Even though voters really like DREs, they have not proven, definitively, that they do not present some kind of interface problem with a small percentage of voters, and there appears to be a problem with higher numbers of residual votes, strangely enough in top of the ballot races. There are indications, however, that DREs may do a better job of getting voters to vote in down ballot races, perhaps because voters must scroll through the entire ballot if they do not vote straight party and choose to go immediately to the end. DREs require the most storage, the most maintenance and staff, and the greatest effort to deliver, set up, and return. They are supposed to have battery backup, but if all power is gone and the backup does not work, then there is no way for a voter to cast a ballot. (However, I do not know of such a thing having occurred on any large scale.) There is always the risk of certain candidates or advocacy groups assailing the integrity of DREs.

EXHIBIT C			
SUMMARY OF BEST AND FINAL OFFERS (BAFOs), FULL DRE FOR WILLIAMSON COUNTY PLUS COST ESTIMATE FOR UPGRADING EXISTING SYSTEM			
OPTIONS:			
No. 1--Implement DRE for early voting and election day, with optical scan solution for early voting by mail.			
No. 2--Upgrade existing central count optical scan system.			
All options include election management system (EMS) necessary for cumulative tabulations, systems integration, etc.			
Vendor	No. 1	No. 2	Included in Option No. 1...
Diebold	785 dre's		\$40,385 for warehouse storage carts
	3 opscan units for mail		\$33,000 for 2 wks on-site staff training
	\$3,396,115		\$69,000 for election judge training=2 days per pct
			\$16,000 in project management
	550 dre's (vendor recommends)		\$39,250 for installation and "acceptance testing"
	3 opscan units for mail		\$135,000 for early and election day support (3 days)
	\$2,611,169		
Remarks:	Still the highest price.		Total vendor assigned value of inclusions= \$332,635
ES&S	595 dre units	Upgrade to six high-speed units	\$97,230 for 64 "service days"--training, tech support
	1 large scanner for mail	for central count @\$37,000 ea.;	\$16,890 for shipping and handling
	\$2,348,768	total of \$225,000 + estimated	
Remarks:	Will rent additional dre's up to	\$25,000 for additional	Total vendor assigned value of inclusions= \$114,120
	785 for \$100 ea (\$19,000) for one	software, etc., =\$250,000	
	election only; thereafter, charge	By late 2005, would have to be	
	would be \$2,000 for additional	augmented by approx 100 ada/	
	units; could add \$380,000	dre's at approx cost of another	
	raising total to \$2,728,768 for	\$350,000	
	785 dre's		
Remarks:	Second lowest price.		
Hart	785 dre's plus EMS		\$286,865.60 listed for "Miscellaneous Costs"
	mail scanning units		RFP lists extensive training and voter education curricula
	\$2,091,152		RFP lists extensive training and voter education curricula
			Miscellaneous includes dre/ada
Remarks:	No change from initial offer but		Total vendor assigned value of inclusions= \$286,865.60
	still lowest price, even with higher		
	number of dre's		

Question	EXHIBIT D									
	Task Force Response					Citizen Response				
	ESS	HART	ESS	HART	Average All Groups	ESS	HART	ESS	HART	Average All Groups
1. How positive was very first response?	8.8	7.0	8.7	6.2		8.7	8.3	8.7	8.3	7.2
2. How simple for voter to activate unit?	9.2	8.0	8.3	6.7		8.3	8.3	8.5	8.7	7.7
3. Reaction to straight party/emphasis?	8.6	8.4	8.3	7.8		8.3	8.7	8.5	8.5	8.3
4. How easy to cast a write-in vote?	8.8	7.8	8.6	7.6		8.6	8.7	8.5	8.6	8.0
5. How easy to navigate screen?	8.0	8.0	9.3	7.0		9.3	8.5	8.5	8.6	7.8
6. How easy to cast provisional ballot?	8.0	8.0	7.2	7.6		7.2	8.8	8.5	7.9	8.1
7. How easy was system setup?	8.2	7.6	8.7	6.7		8.7	9.2	7.3	8.1	7.8
8. What system felt most "natural"?	9.0	7.4	8.7	5.2		8.7	8.5	8.0	8.6	7.0
9. How simple to cast vote on last screen?	8.3	8.8	9.3	8.3		9.3	9.2	9.0	8.9	8.8
10. Best for most county voters?	9.2	7.6	9.0	4.3		9.0	8.8	8.5	8.9	6.9
Total Scores	86.1	78.6	86.1	67.4		86.1	87.0	84.0	85.5	77.6

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PRECINCT 1 - Precinct 1

ELECTION ID: 02STXBEX

VOTR. B/S CANDIDATES RECEIVING A VOTE

111170	2 *	3 MAYFLOWER PARTY	Straight Party
111170	2	6 Thomas Jefferson	President and Vice President
111170	2	10 John Witherspoon	United States Senator
111170	2	16 Winston Churchill	Railroad Commissioner
111170	2	19 Barney Fife	Sheriff
111170	2 *	2 STATEHOOD PARTY	Straight Party
111170	2	5 Carter Braxton	President and Vice President
111170	2	9 Benjamin Franklin	United States Senator
111170	2	13 Michael Jordan	United States Representative, District 1
111170	2	15 Luther Burbank	Railroad Commissioner
111170	2	18 Francisco Villa	Sheriff
111170	2 *	4 George Washington	President and Vice President
111170	2 *	3 MAYFLOWER PARTY	Straight Party
111170	2	6 Thomas Jefferson	President and Vice President
111170	2	10 John Witherspoon	United States Senator
111170	2	16 Winston Churchill	Railroad Commissioner
111170	2	19 Barney Fife	Sheriff
111170	2 *	18 Francisco Villa	Sheriff
111170	2 *	2 STATEHOOD PARTY	Straight Party
111170	2	5 Carter Braxton	President and Vice President
111170	2	9 Benjamin Franklin	United States Senator
111170	2	13 Michael Jordan	United States Representative, District 1
111170	2	15 Luther Burbank	Railroad Commissioner
111170	2	18 Francisco Villa	Sheriff
111170	2 *	2 STATEHOOD PARTY	Straight Party
111170	2	5 Carter Braxton	President and Vice President
111170	2	9 Benjamin Franklin	United States Senator
111170	2	13 Michael Jordan	United States Representative, District 1
111170	2	15 Luther Burbank	Railroad Commissioner
111170	2	18 Francisco Villa	Sheriff
111170	2 *	1 COLONIAL PARTY	Straight Party
111170	2	4 George Washington	President and Vice President
111170	2	8 George Clymer	United States Senator
111170	2	12 Samuel Adams	United States Representative, District 1
111170	2	14 Evita Peron	Railroad Commissioner
111170	2	17 Annie Oakley	Sheriff
111170	2 *	1 COLONIAL PARTY	Straight Party
111170	2	4 George Washington	President and Vice President
111170	2	8 George Clymer	United States Senator
111170	2	12 Samuel Adams	United States Representative, District 1
111170	2	14 Evita Peron	Railroad Commissioner
111170	2	17 Annie Oakley	Sheriff

PRECINCT TOTALS

CAND VOTES		CAND VOTES		CAND VOTES		CAND VOTES		CAND VOTES		CAND VOTES		CAND VOTES		CAND VOTES	
1	2	2	3	3	2	4	3	5	3	6	2	8	2	9	3
12	2	13	3	14	2	15	3	16	2	17	2	18	4	19	2