

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Certificate regarding matching funds for the Federal Election Activities Grant

REQUESTED ACTION: Staff recommends approval

Work Session (Report Only) **DATE OF MEETING:** 7/13/2010
 Regular Meeting Special Meeting

CONTRACT: N/A

Effective Date: _____

Managing Division / Dept: _____

Vendor/Entity: _____

Termination Date: _____

BUDGET IMPACT: \$1,598.02

Annual

FUNDING SOURCE:

Supervisor of Elections FY2010/11 budget

Capital

EXPENDITURE ACCOUNT:

N/A

HISTORY/FACTS/ISSUES:

The FY 2010/11 Federal Election Activities Grant Funds were approved by the legislature. As in prior years in order for Sumter County to receive these funds, Sumter County must do a match of 15%. The match has been funded in the Supervisor of Elections Budget for FY 2010/11.

The attached Certificate regarding matching funds and Memorandum of Agreement require signature by the Chairman.



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

MEMORANDUM

To: Supervisors of Elections
From: Donald L. Palmer, Director, Division of Elections *DP*
Date: July 1, 2010
Subject: FY 2010-11 Federal Election Activities Funds

The 2010 Legislature appropriated \$2,000,000 specifically for federal election activities. These funds will be distributed to the Supervisors of Elections pursuant to a formula based on active registered voters in each county as of the 2008 General Election.

Funds received pursuant to this Agreement may be spent for any of the following purposes relating to federal election activities:

- Voter education;
- Poll worker training;
- Implementing and maintaining the provisions of the Military and Overseas Voter Empowerment (MOVE) Act and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA);
- Standardizing election results reporting; or
- Other federal election administration activities, as approved by the Department of State.

These are the acceptable uses for the funds under the categories listed above:

- Mailing or publishing sample ballots *which must include additional information on voting procedures, voting rights or voting technology;*
- Voter information cards *which must include additional voter education information on voting procedures, voting rights or voting technology;*
- Advertising or publications outlining voting procedures, voting rights or voting technology;
- Voting System demonstrations;
- Poll worker *training* stipends;
- Training materials for poll workers;
- Voter guides *which must include voter education information concerning voting procedures, voting rights, or voting technology but shall not contain elected officials' contact information other than the supervisor's contact information; or*

- Maintaining online or web-based absentee ballot request and ballot tracking and precinct finder system as relates to use in federal elections and for the costs for upgrades and future license fees and maintenance fees for the MOVE Act and other UOCAVA expenditures.

These funds must be used to support federal election activities related only to federal elections (that is, elections in which a federal candidate is on the ballot). If any of the funds are used for an election in which a federal candidate is not on the ballot, the cost must be pro-rated for the portion of the expenditure that is allocable to federal elections. Any of these funds can be used for the 2010 Primary and General Elections.

In order to receive the funds, the Legislature has required that the Supervisor of Elections provide the Department of State with a detailed description of the programs that will be implemented in the Supervisor's federal election activities plan. The Supervisor shall identify the source of funds (federal funds, county matching funds, other county funds/local) being used for each federal election activity set forth in the plan. *Samples of any documents and/or publications that you plan to produce as part of these activities must be provided along with the plan.*

Enclosed is a federal election activities plan form. *The Division requires that this form be used when submitting the plan.* It will simplify the preparation of your plan, and it will expedite the Division's review allowing your check to be mailed to you more quickly. Simply place an X in the box for the programs that you plan to carry out this fiscal year. Please also place an X in the box for the topics that apply to each activity. If the topic is not listed, either write or type in the topic.

There is no need to enter specific dollar amounts on the plan. The dollar amounts will be addressed when you submit the annual financial report which is due December 31, 2011. Invoices and supporting documents will need to be provided for all HAVA expenditures when submitting the annual financial report.

Please also note, the 2010 Legislature has added the following requirement in the appropriation. *Supervisors of Elections shall report to the Department of State any unspent funds remaining at June 30, 2011.* This will be reported on the annual financial report which was referred to previously.

If you need to make any changes to your original plan, the revised plan must be submitted in advance, in writing and approved by the Department of State.

In addition, the Chairman of the Board of County Commissioners will be required to provide written certification that the county will match the state funds with a 15% county match. If the county governing body fails to appropriate the matching funds, the Supervisor must return or repay to the State a portion of the funds for which the matching funds applied. Both the federal

funds and the county matching funds must be held in a separate interest bearing account to be used solely for federal election activities purposes.

Enclosed are the following documents:

1. Memorandum of Agreement, Receipt and Use of HAVA Funds for Federal Election Administration Activities (required to be signed by the Supervisor of Elections);
2. Attachment A, Compliance Requirements;
3. Attachment A-1, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions (required to be signed by the Supervisor of Elections);
4. Attachment B, FY 2010-2011 Federal Election Activities Funds Spreadsheet;
5. Certificate Regarding Matching Funds (required to be signed by the Chairman of the Board of County Commissioners);
6. Federal Election Activities plan form (required to be completed and returned by the Supervisor of Elections).

Please return all of these documents to the Division of Elections. You will be provided a copy of the agreement upon execution by the Division.

If you have any questions, please let us know.

DLP/jd/aj

Enclosures

Certificate Regarding Matching Funds

I, _____, Chairman of the Board of County Commissioners of Sumter County, Florida, do hereby certify that the Board of County Commissioners will provide matching funds for the Federal Election Activities grant in county FY 2010-11 to the Supervisor of Elections in an amount equal to at least 15% of the amount to be received from the state, which for Sumter County is \$1,598.02. I understand that if the Board fails to appropriate the required matching funds, all funds received from the state for this grant during the 2010-11 state fiscal year will be required to be returned to the Department of State.

Chairman, Board of County Commissioners

Date

MEMORANDUM OF AGREEMENT

RECEIPT AND USE OF HAVA FUNDS FOR FEDERAL ELECTION ADMINISTRATION ACTIVITIES

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and The Honorable Karen S. Krauss, Supervisor of Elections ("Supervisor"), on behalf of Sumter County, 900 North Main Street, Bushnell, Florida 33513-5008. This agreement is effective as of the date fully executed by the parties.

I. GOVERNING LAW

The Department is authorized pursuant to specific appropriation 3164 of the 2010-2011 General Appropriations Act (see section 6, chapter 2010-152, Laws of Florida), to disburse a total of \$2,000,000 from the Grants and Donations Trust Fund to the county supervisors of elections for the fiscal year 2010-2011 ("FY 2010-11 funds"). Therefore, funds are made available through section 251 of the Help America Vote Act of 2002 (HAVA) and the Catalog of Federal Domestic Assistance (CFDA) 90.401, Help America Vote Act Requirements Payments for improving the administration of federal elections.

II. SCOPE OF USE AND RESTRICTIONS

As more specifically set forth in **paragraph 1 of Attachment A**, which is hereby incorporated by reference, the funds granted shall be used for federal election administration activities.

- These funds shall be used to support election activities related only to federal elections (that is, elections in which a federal candidate is on the ballot). If any of these funds are used for an election in which a federal candidate is not on the ballot, the cost must be pro-rated for the portion of the expenditure that is allocable to a federal election. These funds shall not be used to support state or federal lobbying activities but this does not affect the right, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.
- Prior to receiving FY 2010-11 funds, the Supervisor must first submit in accordance with **paragraph 2 of Attachment A**: 1) A detailed plan for use of the funds, 2) Certification from the county governing body to provide matching funds, and 3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions form. Any change, modification or deviation from the activities or expenses initially provided in the plan for use of the funds must be reviewed and approved by the Department prior to expenditure.
- The FY 2010-11 funds shall be placed in a separate interest bearing account and in accordance with accounting requirements as set forth in paragraphs 3 and 4 of **Attachment A**.

- The Supervisor shall report and account for expenditures in accordance with this agreement including paragraphs 5 and 6 of **Attachment A**.

III. DISBURSEMENT

The Department shall distribute to each eligible county supervisor of elections an amount equal to the funding level per voter multiplied by the number of active registered voters in the county for the 2008 General Election. The Department shall determine the funding level per voter in the state based on that information. The Supervisor shall receive a sum certain as outlined in **Attachment B**, incorporated by reference.

IV. MONITORING, AUDITS, AND REPORTING

The administration of resources awarded to the Supervisor is subject to monitoring, audits, and reporting as described herein.

A. Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 (as revised), the Department may provide additional monitoring including on-site visits, and/or other procedures permitted under federal and state law. The Supervisor shall comply and cooperate with any monitoring procedures/processes the Department deems appropriate.

The Department shall closely monitor the Supervisors' annual expenditure reports required by paragraph 5 of **Attachment A** to ensure that the Supervisors expend HAVA funds in accordance with approved plans and will require reimbursement for all expenditures not approved or otherwise authorized. Also, the Department shall ensure that Supervisors report the expenditures made with HAVA funds separately from expenditures made with county funds.

B. Audits

1. Federal audit/OMB Circular A-133 (as revised)

If the Supervisor expends \$500,000 (\$300,000 for fiscal years ending before December 31, 2003) or more in federal awards in its fiscal year, a single or program-specific audit must be conducted in accordance with the provisions of OMB Circular A-133 (as revised). This may be satisfied by an audit of the Supervisor of Elections conducted by the Auditor General in accordance with OMB Circular A-133 (as revised). In determining the federal awards expended in its fiscal year, the Supervisor shall consider all sources of federal awards. **Attachment A** indicates federal resources are being awarded under this Agreement. The determination of amounts of federal awards expended shall be in accordance with the guidelines established by OMB Circular A-133 (as revised). In connection with an audit herein, the Supervisor shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133 (as revised).

If the Supervisor expends less than \$500,000 (\$300,000 for fiscal years ending before December 31, 2003) in federal awards in its fiscal year, an audit pursuant to OMB Circular A-133 (as revised), is optional. If the Supervisor elects to have an audit conducted in accordance with the provisions of OMB Circular A-133 (as revised), the cost of the audit must be paid from non-federal resources (i.e., from sources other than federal entities).

2. Other audits

The Department may conduct a limited scope audit of federal funds as defined by OMB Circular A-133 (as revised) or other financial analysis or review of federal funds as permitted by federal law. In the event the Department determines that such audit analysis, or review is appropriate, the Supervisor agrees to comply with any additional instructions provided by Department staff to the Supervisor regarding such process. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Supervisor did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the Supervisor must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action. Additionally, the Department may withhold funds, otherwise due, in an amount sufficient to cover any costs associated with the limited scope audit or financial analysis or review to determine or ensure compliance.

The Supervisor further agrees to comply and cooperate with any inspections, reviews, investigations, or audits of federal funds deemed necessary by the Department of State, Chief Financial Officer (CFO) or Auditor General.

For additional guidance to state and federal monitoring and auditing requirements, refer to: <http://election.dos.state.fl.us/hava/index.shtml> and <http://www.eac.gov>.

C. Reporting

Copies of financial reporting packages as described in section .320(c), OMB A-133 (as revised) for audits conducted by or on behalf of the Supervisor pursuant to Section IV.B.1 of this agreement, shall be submitted as required by sections .320(d) of such circular to:

<i>Department of State</i>	<i>Department of State</i>	<i>Auditor General's Office</i>	<i>Federal Audit</i>
<i>Division of Elections</i>	<i>Office of Inspector General</i>	<i>Room 401, Pepper Bldg</i>	<i>Clearinghouse</i>
<i>R.A. Gray Building, Ste 316</i>	<i>Clifton Building, Ste 320</i>	<i>111 West Madison St.</i>	<i>Bureau of the Census</i>
<i>500 S. Bronough St.</i>	<i>2661 Executive Cntr Cir.</i>	<i>Tallahassee, FL</i>	<i>1201 East 10th St.</i>
<i>Tallahassee, FL 32399-0250</i>	<i>Tallahassee, FL 32399-0250</i>	<i>32399-1450</i>	<i>Jeffersonville, IN 47132</i>

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133 (as revised).

Any reports, management letter, or other required information shall be submitted timely in accordance with OMB Circular A-133 (as revised), the Florida Single Audit Act, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable. When submitting financial reporting packages to the Department for audits conducted in accordance with the aforementioned circular or Rules of

the Auditor General, the Supervisor shall include within the information the date the Supervisor received the reporting package.

V. RECORD RETENTION

The Supervisor shall keep and maintain accurate and detailed records (e.g., invoices, receipts, and other documentation) sufficient to identify how and whether expenditures were used for authorized purposes, to support financial reporting, and to conduct audits as may be required or requested. The Supervisor shall retain these records for five fiscal years in accordance with the guidelines of the Department of Financial Services and the Office of the Auditor General, or three years after the date an audit report is issued, whichever is later. The Supervisor shall allow the Department or its designee, CFO, or Auditor General access to such records, including the audit working papers upon request.

Failure to provide adequate documentation shall result in a request to return the funds to the Department.

VI. ENTIRETY OF THE AGREEMENT

All terms and conditions of this agreement are fully set forth in this document and attachments incorporated by reference and shall be governed by the laws of the State of Florida regardless of any conflict of laws provisions. In any proceeding or action brought under this section, the parties agree that the prevailing party will be entitled to its reasonable attorney's fees from the other party. The parties agree that proper venue will be in Leon County, Florida.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

County Supervisor of Elections:

Department of State, Division of Elections

By: _____

By: _____

Printed name and title

Printed name and title

Witness

Witness

Date

Date

Please complete, sign & return the Memorandum of Agreement, Certificate Regarding Matching Funds signed by the county governing body, & Certification Regarding Debarment and Suspension to:

Joyce Durbin, HAVA Funds Coordinator, Florida Department of State, Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2010-11

COUNTY	2008 GENERAL ELECTION REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Alachua	154,706	\$ 27,509.07	\$ 4,126.36
Baker	14,172	\$ 2,520.00	\$ 378.00
Bay	110,739	\$ 19,691.07	\$ 2,953.66
Bradford	15,732	\$ 2,797.39	\$ 419.61
Brevard	351,488	\$ 62,499.90	\$ 9,374.98
Broward	1,008,656	\$ 179,354.34	\$ 26,903.15
Calhoun	8,622	\$ 1,533.12	\$ 229.97
Charlotte	118,837	\$ 21,131.02	\$ 3,169.65
Citrus	102,742	\$ 18,269.09	\$ 2,740.36
Clay	120,656	\$ 21,454.47	\$ 3,218.17
Collier	203,075	\$ 36,109.82	\$ 5,416.47
Columbia	38,272	\$ 6,805.34	\$ 1,020.80
DeSoto	15,613	\$ 2,776.23	\$ 416.43
Dixie	10,775	\$ 1,915.96	\$ 287.39
Duval	536,588	\$ 95,413.49	\$ 14,312.02
Escambia	195,193	\$ 34,708.28	\$ 5,206.24
Flagler	60,079	\$ 10,682.96	\$ 1,602.44
Franklin	7,722	\$ 1,373.09	\$ 205.96
Gadsden	30,128	\$ 5,357.22	\$ 803.58
Gilchrist	10,721	\$ 1,906.36	\$ 285.95
Glades	6,584	\$ 1,170.74	\$ 175.61
Gulf	9,123	\$ 1,622.21	\$ 243.33
Hamilton	7,688	\$ 1,367.04	\$ 205.06
Hardee	11,802	\$ 2,098.57	\$ 314.79
Hendry	16,936	\$ 3,011.48	\$ 451.72
Hernando	123,013	\$ 21,873.58	\$ 3,281.04
Highlands	66,092	\$ 11,752.16	\$ 1,762.82
Hillsborough	701,464	\$ 124,730.94	\$ 18,709.64
Holmes	11,513	\$ 2,047.19	\$ 307.08
Indian River	90,053	\$ 16,012.79	\$ 2,401.92
Jackson	28,128	\$ 5,001.59	\$ 750.24
Jefferson	10,310	\$ 1,833.27	\$ 274.99
Lafayette	4,469	\$ 794.66	\$ 119.20
Lake	188,702	\$ 33,554.08	\$ 5,033.11
Lee	320,512	\$ 56,991.90	\$ 8,548.78
Leon	174,544	\$ 31,036.57	\$ 4,655.49
Levy	25,924	\$ 4,609.68	\$ 691.45
Liberty	4,304	\$ 765.32	\$ 114.80
Madison	12,278	\$ 2,183.21	\$ 327.48
Manatee	206,211	\$ 36,667.44	\$ 5,500.12
Marion	214,722	\$ 38,180.83	\$ 5,727.12
Martin	101,155	\$ 17,986.89	\$ 2,698.03

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2010-11

COUNTY	2008 GENERAL ELECTION REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Miami-Dade	1,243,315	\$ 221,080.27	\$ 33,162.04
Monroe	50,136	\$ 8,914.94	\$ 1,337.24
Nassau	47,501	\$ 8,446.40	\$ 1,266.96
Okaloosa	129,373	\$ 23,004.48	\$ 3,450.67
Okeechobee	18,859	\$ 3,353.42	\$ 503.01
Orange	604,243	\$ 107,443.57	\$ 16,116.54
Osceola	136,544	\$ 24,279.60	\$ 3,641.94
Palm Beach	831,423	\$ 147,839.63	\$ 22,175.94
Pasco	294,431	\$ 52,354.30	\$ 7,853.14
Pinellas	643,423	\$ 114,410.37	\$ 17,161.56
Polk	332,015	\$ 59,037.31	\$ 8,855.60
Putnam	46,432	\$ 8,256.31	\$ 1,238.45
St. Johns	131,744	\$ 23,426.08	\$ 3,513.91
St. Lucie	157,676	\$ 28,037.19	\$ 4,205.58
Santa Rosa	107,253	\$ 19,071.21	\$ 2,860.68
Sarasota	260,618	\$ 46,341.84	\$ 6,951.28
Seminole	259,336	\$ 46,113.88	\$ 6,917.08
Sumter	59,913	\$ 10,653.44	\$ 1,598.02
Suwannee	24,791	\$ 4,408.22	\$ 661.23
Taylor	13,088	\$ 2,327.25	\$ 349.09
Union	7,273	\$ 1,293.25	\$ 193.99
Volusia	326,854	\$ 58,119.60	\$ 8,717.94
Wakulla	18,565	\$ 3,301.14	\$ 495.17
Walton	36,847	\$ 6,551.96	\$ 982.79
Washington	15,938	\$ 2,834.02	\$ 425.10
TOTAL	11,247,634	\$ 2,000,000.00	\$ 300,000.00

FY 2010-11 APPROPRIATION - FEDERAL ELECTION ACTIVITIES \$2,000,000

2008 General Election - Total number of registered voters in the state 11,247,634

FUNDING LEVEL PER INDIVIDUAL VOTER \$0.1778

(Based on FY 2010-11 appropriation number 3164 for Federal Election Activities divided by the total number of registered voters in the state for the 2008 General Election.)