

**Tuesday, March 21, 2006 1:30 pm and
ADJOURNED to
Wednesday, March 22, 2006 at 10:00 a.m.**

A SPECIAL MEETING of the Fayette County Board of Commissioners was held on Tuesday, March 21, 2006 at 1:30 p.m. in the Conference Room, at the Public Service Building, Uniontown, PA.

Present: Commissioner Angela M. Zimmerlink, Chairwoman
Commissioner Vincent A. Vicites, Secretary
Judy M. Bodkin, Chief Clerk
Warren Hughes, County Manager
Joseph Ferens, County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance
- Public Comment on Agenda Items - None

Commissioner Zimmerlink stated the Commissioners were in the process of obtaining additional information regarding the voting systems with the anticipation of receiving return telephone calls from vendors and therefore needed to RECESS the meeting.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to RECESS the Special Meeting of March 21, 2006 to allow time for vendors of voting systems to return telephone calls made earlier by Commissioner Vicites and Commissioner Zimmerlink.

Commissioner Zimmerlink: aye
Commissioner Hardy: absent
Commissioner Vicites: aye

Motion Passes 2-0

Commissioner Zimmerlink and Commissioner Vicites returned to the Special Meeting indicating that the information needed had not yet been received and therefore wished to ADJOURN the meeting to another date.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to ADJOURN the Special Meeting of March 21, 2006 to Wednesday, March 22, 2006 at 10:00 a.m.

Commissioner Zimmerlink: aye
Commissioner Hardy: absent
Commissioner Vicites: aye

Motion Passes 2-0

Meeting adjourned to Wednesday, March 22, 2006 at 10:00 a.m.

**ADJOURNED Special Meeting
Wednesday, March 22, 2006 at 10:00 a.m.**

The SPECIAL MEETING of the Fayette County Board of Commissioners held on Tuesday, March 21, 2006 was ADJOURNED to Wednesday, March 22, 2006 at 10:00 a.m. in the Conference Room, at the Public Service Building, Uniontown, PA.

Present: Commissioner Angela M. Zimmerlink, Chairwoman
Commissioner Joseph A. Hardy, III, Vice-Chairman
Commissioner Vincent A. Vicites, Secretary
Judy M. Bodkin, Chief Clerk
Joseph Ferens, County Solicitor

- Meeting called to Order
- Silent Prayer
- Pledge of Allegiance
- Public Comment on Agenda Items - None

Commissioner Zimmerlink provided for the Public background information concerning HAVA 2002 and the requirement of counties in Pennsylvania to be in compliance. She stated that eleven vendors were the subject of DOS certification. She reported that Fayette County had demonstrations of voting systems at two Public Meetings in January and March 2006 where Advanced, ES&S, Diebold, Hart & Unilect came to Fayette County.

Commissioner Zimmerlink reported that she and Commissioner Vicites together then placed calls to vendors, Advanced, ES&S, Diebold and Hart and Commissioner Vicites contacted Unilect, as well. Of those contacted two vendors, Advanced and ES&S stated they were not taking on any more counties and Unilect's certification is still pending which leaves only two choices; Diebold and Hart. Commissioner Zimmerlink stated that she and Commissioner Vicites spoke with Harry VanSickle, Commissioner of DOS where Commissioner Vicites questioned the possibility of using paper ballots and placing one HAVA compliant machine in each of our 105 precincts and later in the year purchase the ES&S system. Commissioner VanSickle confirmed that is an alternative which Fayette County could use.

Commissioner Zimmerlink stated that she was somewhat surprised at the minimal public input and feedback from judges of elections and poll workers stating that although she mailed 105 letters to each of the judges of elections in Fayette County she only received feedback from three of them and about six poll workers contacted her. Further she stated that the DOS has not certified the use of a voter verified paper audit and therefore even though most if not all of the vendors have in place the mechanism to go with the voting system because DOS has not authorized it in PA, Fayette County would not be purchasing that additional system because even if Fayette County did it would not be authorized to be used as per the DOS.

In making her selection for the new system, Commissioner Zimmerlink stated she attended all of the demonstrations held in Fayette County, listened to those judges of elections and poll workers, heard from under a dozen residents of the County and asked the opinion of the staff of the County Election Bureau. The public input she received was concerning a voter verified paper trail and not for one system over another.

Commissioner Zimmerlink explained that although she preferred to delay this purchase the County must take action and comply in order so as not to lose the funding as the Department of Justice letter received said would occur. Further, she stated that although she sent correspondence to state and federal legislators and the Governor, a Bill introduced to delay this process had not yet been passed.

Commissioner Vicites again stated that the lever-type machines presently used have 20 years of life left. He stated that the federal government made them unlawful to use and therefore the county must comply or risk losing the \$1.1 million in grant funding. Commissioner Vicites said that Eslate is a solid system. Further he said that although he at first had some concern with the dial feature on the machine he has since decided that the machines are a good system. Commissioner Vicites commented on the paper trail audit request saying that this system does have a paper trail but that it is not the voter verified trail that some are supporting.

Commissioner Vicites stated the Eslate could hold 250-300 votes on a machine and that the total purchase will be close to the \$1.1 million grant received and therefore the \$500,000 which the County has earmarked would not have to be used toward the voting system.

Larry Blosser, chief technician of the Fayette County Election Bureau commended the Commissioners for taking this step. He agreed with Commissioner Vicites that the lever type machines have 20 years of life left but the federal government has made a ruling. He stated that his calculation would mean the county would need to purchase approximately 256 systems plus additional machines would be needed for back up. He stated that from the two systems, Diebold and Eslate he would prefer Eslate.

Laurie Nicholson, Director of the Fayette County Election Bureau confirmed that she too preferred Eslate to Diebold.

Molly Terry representative of Hart intercivic based out of Austin Texas spoke on the Eslate system and stated that the company would guarantee delivery by mid-April. She confirmed that Lancaster County and Bedford County have purchased their system. Molly Terry stated that the company would be working with Fayette County, if selected, to be in full compliance and have the election process operate smoothly.

Solicitor Joe Ferens asked Molly Terry if the agreement stipulates a date certain for delivery date. Ms. Terry stated it does not because a contract has not yet been entered into and signed but that those specifics could be written in to the contract.

Commissioner Zimmerlink stated that the VP of Sales stated that 20 days of training would be set aside for county staff and 15 days for election day workers in addition to a public education program.

Moved by Commissioner Zimmerlink and seconded by Commissioner Vicites to select Hart intercivic as the vendor to provide Fayette County with the Eslate voting system and approximately 256 machines plus a 5% overhead and to enter into a contract with Hart using the state's CoStar agreement noting that the final total cost has not yet been fully calculated.

Commissioner Zimmerlink: aye
Commissioner Hardy: aye
Commissioner Vicites: aye

Motion passes unanimously

Meeting adjourned.

Approved:

Attest:

Judith M. Bodkin, Chief Clerk