



ADVISORY 2023-03

August 24, 2023

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: Acquiring Electronic Pollbooks with State Funding

BACKGROUND

In House Bill ("H.B.") 45 of the 134th General Assembly, the legislature appropriated \$7,500,000 for county boards of elections to procure electronic pollbooks. The procurement process and reimbursement criteria were changed by H.B. 33 of the 135th General Assembly, which is the State Operating Budget for fiscal years 2024-2025. Each county has been allocated a pro rata share of the appropriation based upon the number of registered electors in the county as of July 1, 2022. Each county's share of the funding is intended to cover up to 85 percent of the cost for the county to procure electronic pollbooks. To receive the funding, each county first must acquire the electronic pollbooks and then request reimbursement from the Secretary of State's Office.

The funding expires on June 30, 2024, unless extended by legislation, and the documentation necessary to obtain the funding must be received by the Secretary of State's Office no later than **May 1, 2024**. Once the funding expires, any unused portion of the funding cannot be carried over to the next state fiscal year or allocated to another county.

The purpose of this Advisory is to inform boards of the process and deadline for obtaining its funding and acquiring electronic pollbooks and related equipment.

SUMMARY

I. REIMBURSEMENT FOR PAST PURCHASES OR LEASES

If a board of elections acquired electronic pollbooks between January 1, 2020 and July 4 2023, and its use of electronic pollbooks otherwise complies with all applicable directives and statutes, the board may receive reimbursement for the lesser amount of either 85 percent of the cost or the amount allocated based on total registered voters. A board of elections may be reimbursed for the cost of leasing electronic pollbooks instead of purchasing them, if the county chooses to do so.

II. PROCUREMENT OF ELECTRONIC POLLBOOKS WITH FUNDING

Each electronic pollbook that is included in the state term contract and pricing list is certified for use in Ohio elections. Though all electronic pollbooks serve the same basic purpose, they vary in functionality and configuration. Each board should compare electronic pollbooks to

determine which one fits the county's needs. As a reminder, all systems must adhere to the security requirements set forth by directive from this Office, including but not limited to the physical and cyber security protocols in [Chapter 3](#) of the Election Official Manual.

If you have questions regarding a specific electronic pollbook or want to see a demonstration, please contact the electronic pollbook's vendor. Contact information for each vendor is attached to this Advisory.

A board of elections must procure enough electronic pollbooks to serve each precinct and every voter in the county on Election Day. Accordingly, a board should purchase or lease, at a minimum, one electronic pollbook per precinct. This number will provide a board with a few back-up or reserve electronic pollbooks in case voter turnout is higher than expected or an electronic pollbook needs serviced.

III. STATE TERM CONTRACT

The Department of Administrative Services ("DAS") worked with each vendor that has an electronic pollbook certified in Ohio to compile a state term contract and pricing list. The vendors included in the contract are Election Systems & Software ("ES&S"), KNOWiNK, and Tenex Software Solutions. The contract and pricing list can be accessed by following the link below. The contract and pricing list includes any hardware, software, peripheral, and equipment necessary for operation of the electronic pollbook.

To locate the state term contract and price lists, go to https://ohiobuys.ohio.gov/page.aspx/en/ctr/contract_browse_public and search by state contract number "ACQ1048" or the Keywords "electronic pollbooks."

If you have questions regarding the state term contract, please contact Dennis Kapenga from DAS at (614) 466-7911 or Dennis.Kapenga@das.ohio.gov.

IV. MEMORANDUM OF UNDERSTANDING

In order to be reimbursed for electronic pollbooks acquired after July 4, 2023, a county board of elections must be an active member of the DAS Cooperative Purchasing Program and enter into a Memorandum of Understanding ("MOU") with the Secretary of State's Office and the county's board of county commissioners.¹ The "Terms of Agreement" portion of the MOU outlines the process that a county board of elections must follow to select its electronic pollbooks and receive reimbursement.

For your convenience, the MOU template is provided with this Advisory. Boards should share it with their county prosecuting attorney and work with them on the appropriate steps to have it executed.

¹ The Memorandum of Understanding (MOU) is required by the language accompanying the appropriation.

V. OBTAINING REIMBURSEMENT

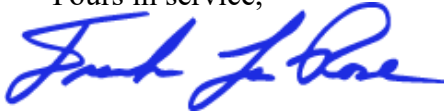
In order to be reimbursed, your county must make its selection and acquire electronic pollbooks or related equipment using the state term contract and provide the following to the Secretary of State's Office **no later than May 1, 2024**:

- A copy of the completed MOU signed by the board of elections and appropriate county designees;
- A copy of the invoice for your contract purchase or lease of electronic pollbooks or related equipment;
- A copy of your purchase order for the contract purchase or lease of electronic pollbooks and related equipment; and
- Proof of payment of the invoice, if available.

Please note that a county's reimbursement cannot exceed its allocation of funding.

If you have any questions concerning this Advisory, please contact the Secretary of State's elections counsel at (614) 728-8789.

Yours in service,



Frank LaRose
Ohio Secretary of State