

Kenai Peninsula Borough

Office of the Borough Clerk

MEMORANDUM

TO: Brent Hibbert, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Brent Hibbert, Assembly President
Brent Johnson, Assembly Vice President

FROM: Johni Blankenship, Borough Clerk *JB*
Ben Hanson, IT Director *BH*
John Hedges, Purchasing Director *JH*

DATE: February 18, 2021

RE: Ordinance 2020-19-24, Appropriating Funds and Authorizing the Borough Clerk to Contract for Necessary Voting Machines, Software, and Related Equipment to Provide an Accessible Voting System for Persons with Disabilities (Hibbert, Johnson)

A complaint was filed following the October 6, 2015 borough election with the Alaska State Commission for Human Rights ("ASCHR") alleging discrimination on the basis of a physical disability due to the borough allegedly not accommodating the complainant's vision disability by providing an accessible voting machine.

The borough entered into the conciliation agreement on December 18, 2018. As part of the conciliation agreement entered into in the Malley case, the borough committed to adopting a voting system to provide private, independent voting by visually impaired citizens. The ADA compliant voting equipment must be provided at every polling precinct or location in the borough where voting occurs. On February 9, 2021, ASCHR approved an amendment to the conciliation agreement to provide the borough more time to acquire ADA compliant voting equipment in order to comply with the terms of the conciliation agreement.

The implementation of a new, ADA compliant voting system will require considerable effort from multiple borough departments (Clerks, Information Technology, Maintenance). Given the competing priorities facing each of these departments, it is essential that this purchase and implementation move forward prior to the new fiscal year start.

KPB 4.10.120 provides that the borough clerk may contract for the provision of specialized materials and supplies without obtaining competitive bids. Quotes

were obtained from two companies, Dominion Voting Systems Inc. (Dominion) and Election Systems & Software (ES&S). After vetting the quotes, capabilities and services that each company could provide the borough for the costs quoted, Dominion was determined to be the superior choice to fulfill the borough's needs.

In addition, the borough is benefiting from the ability to incorporate the scope of work, deliverables, and specifications terms from the State of Alaska's Voting System RFP pursuant to KPB 5.28.030 which allows the borough to join other units of government in cooperative purchasing venture that serves the best interests of the borough.

Pursuant to this ordinance and the contract that the parties would enter into, the borough will purchase 7 ADA compliant voting machines for use at borough vote centers. The purchase price includes \$5,000 in estimated shipping costs. The Borough would lease 26 ADA complaint voting machines and related hardware components and services, to include an annual software use license, for a period of two years with an option to purchase or terminate after two years. The first year lease total includes \$20,000 in estimated shipping costs for the 26 machines and related components.

Your consideration is appreciated.

FINANCE DEPARTMENT	
FUNDS/ACCOUNT VERIFIED	
Acct. No. <u>100.27910</u>	- Amount <u>\$100,816</u>
Acct. No. <u>100.11130.43410</u>	- Amount <u>\$48,000</u>
Acct. No. <u>100.27910</u>	- Amount <u>\$100,976</u>
By: <u>PP</u>	Date: <u>2/19/2021</u>
By: <u>BH</u>	