

WORKSHOP

ADDITIONAL INFORMATION

Workshop On Consideration Of Voting
Elections Equipment Purchase And Related
Issues

1:30 - 3:00 P.M.
March 14, 2006

Leon County Board of County Commissioners
Chambers, 5th Floor, Leon County Courthouse

This document distributed: March 9, 2006

BOARD OF COUNTY COMMISSIONERS
INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Patrick T. Kinni, Esq.
Sr. Assistant County Attorney

Date: March 9, 2006

Subject: Additional Information for Workshop on Consideration of Voting Elections
Equipment Purchase and Related Issues

Attached please find additional information to be considered at the workshop scheduled March 14, 2006, (letter to Sue M. Cobb, Secretary of State, dated March 8, 2006; memorandum to Ion Sancho, dated March 7, 2006; and memorandum to the Board, dated March 7, 2006) regarding the above-referenced matter.

Should you have any questions regarding same, please feel free to contact our office at your convenience.

PTK:mm

Attachments



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 488-4710 www.leoncountyfl.gov

County Attorney's Office
301 S. Monroe Street, Suite 202
Leon County Courthouse
Tallahassee, Florida 32301
(850) 606-2500

Commissioners

March 8, 2006

BILL PROCTOR
District 1

JANE G. SAULS
District 2

DAN WINCHESTER
District 3

TONY GRIPPA
District 4

BOB RACKLEFF
District 5

CLIFF THAELL
At-Large

ED DePUY
At-Large

PARWEZ ALAM
County Administrator

HERBERT W.A. THIELE
County Attorney

The Honorable Sue M. Cobb
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

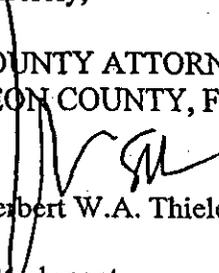
Re: Supervisor of Elections Sancho's Municipal or County Special Election
Contingency Plan

Dear Ms. Cobb:

The purpose of this correspondence is to inform the Secretary of State that at the regularly scheduled meeting of the Leon County Board of County Commissioners held on February 28, 2006, the Board was informed of certain information which called into question the viability of the contingency plan put forth by Supervisor of Elections Sancho. Failing to receive a sufficient response by the Supervisor concerning this matter our office was instructed to notify the Secretary of State of the information that was made available to the County. Therefore, please be advised that Leon County staff has been informed by Diebold Election Systems, Inc. (DESI) that while Polk County may have purchased Diebold voting equipment, the software necessary to utilize such equipment has been provided to Polk County under a license agreement with DESI which contains certain restrictions that will prevent Leon County from utilizing said equipment in the event of an unplanned election. On March 3, 2006, our office sought a response to this alleged flaw in the Supervisor's contingency plan to utilize Polk County owned certified Diebold voting equipment in the event of an unplanned special election in Leon County. On March 6, 2006, Supervisor of Elections Sancho advised our office that a response to this issue would not be forthcoming until March 14, 2006. A copy of said memorandum is attached for your consideration. Therefore, in accordance with the direction of the Board of County Commissioners we have provided the foregoing for your information.

Sincerely,

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA


Herbert W.A. Thiele, Esq.

Attachment

HWAT/PTK:mm

cc: Dawn Roberts, Director, Division of Elections
Honorable Chairman and Members of the Board of County Commissioners
Parwez Alam, County Administrator
Ion Sancho, Supervisor of Elections

ION SANCHO
Supervisor of Elections
Leon County, Florida

Memorandum

To: Herbert W.A. Thiele, Esq., County Attorney
From: Ion V. Sancho, Leon County Supervisor of Elections
Date: March 6, 2006
Subject: Response to Your Request for Information

In light of the fact that you request for information was not transmitted to our Office until late Friday morning, and it necessitates our referring the matter to legal counsel for a legal interpretation of the contracts of two county constitutional offices with Diebold Elections Systems, we cannot comply with this request within the timeframe requested. The matter has been referred to counsel, and with your indulgence, we will plan to include this issue as one of the topics the Leon County Supervisor of Elections Office will bring back to the Board workshop on March 14, 2006.

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LEON COUNTY
ATTORNEY'S OFFICE

BOARD OF COUNTY COMMISSIONERS
INTER-OFFICE MEMORANDUM

To: Ion Sancho
Supervisor of Elections

From: Herbert W.A. Thiele, Esq.
County Attorney

Date: March 7, 2006

Subject: Municipal or County Special Election Contingency Plan

This memorandum will acknowledge receipt of your correspondence dated March 6, 2006 with reference to the above subject matter. While we appreciate your response to our memorandum dated March 3, 2006, wherein we sought additional information relevant to your contingency plan to utilize Polk County owned certified Diebold voting equipment in the event of an unplanned special election in Leon County, said response was insufficient.

Therefore, in accordance with Board direction of February 28, 2006, we intend to inform the Secretary of State as to the alleged deficiencies in your contingency plan, as further described in our memorandum to you dated March 3, 2006. Nevertheless, we do appreciate your agreeing to include this issue as one of the topics you intend to address with the Board of County Commissioners at its workshop with you scheduled for March 14, 2006.

In the meantime, should you have any questions concerning this matter please contact our office at your convenience.

HWAT/PTK:mm

cc: Honorable Chairman and Members of the Board of County Commissioners
Parwez Alam, County Administrator
Richard Benham, Esq., Counsel for Supervisor of Election

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W.A. Thiele, Esq.
County Attorney

Date: March 7, 2006

Subject: Municipal or County Special Election Contingency Plan

The following memorandum is provided for purposes of updating the Board as to the above-referenced matter. As you will recall, at the Board meeting of February 28, 2006, our office was instructed to inform the Secretary of State as to the alleged deficiencies in Supervisor of Elections Sancho's contingency plan for dealing with a municipal or county special election, by use of loaned equipment from Polk County.

By way of memorandum dated March 3, 2006 we inquired as to the issues regarding the contingency plan of Supervisor Sancho. On March 6, 2006, we received a responsive memorandum from Supervisor Sancho. A copy of that memorandum is attached hereto for your ease of consideration. The memorandum dated March 6, 2006 from Supervisor Sancho does not address the issues related to the contingency plan propounded by the Board at its February 28, 2006 meeting, therefore, consistent with and pursuant to the direction of the Board we are informing the Secretary of State of the Board's concerns in this matter.

Naturally, should you have any questions concerning this matter, please contact our office at your earliest convenience.

HWAT/PTK:mm

cc: Ion Sancho, Supervisor of Elections
Parwez Alam, County Administrator