



Leslie R. Swan
Supervisor of Elections
Indian River County

August 29, 2019

The Honorable Bob Solari
Chairman, Board of County Commissioners
Indian River County
1801 27th Street, Building A
Vero Beach FL 32960

Dear Chairman Solari:

Cybersecurity continues to be a serious threat to elections officials. The Florida Department of State is working in conjunction with Supervisors of Elections to provide the necessary tools to help secure Florida's elections.

On June 21, 2019, the Florida Department of State announced that remaining funds from the 2018 Federal Elections Security Grant were available to Florida counties through a reimbursement grant. In order for Indian River County to receive these funds (\$32,201.00), the Florida Department of State required that the security items be purchased first, and the State would reimburse individual counties upon presentation of receipts.

All receipts from Indian River County for the purchase of security-related items have been submitted to the Florida Department of State for reimbursement. I am requesting that all reimbursement funds, totaling \$32,201.00, be rolled back into the Indian River County Supervisor of Elections budget upon receipt of said funds.

Most sincerely,

A handwritten signature in blue ink that reads "Leslie R. Swan". The signature is fluid and cursive.

Leslie R. Swan
Supervisor of Elections

Enclosure



MEMORANDUM OF AGREEMENT
FOR ELECTIONS SECURITY GRANT UNDER THE HELP AMERICA VOTE ACT

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), an agency of the State of Florida, and leslie R. Swan Supervisor of Elections ("Sub-recipient") for Indian River County, Florida. This agreement governs the receipt and use of federal funds as specified herein.

I. Governing Law

Pursuant to the Omnibus Appropriations Act of 2018 enacted on March 23, 2018, \$380 million in grants were allocated to States to improve the administration of elections for Federal office, including to enhance technology and make certain election security improvements. Through a formula described in Sections 101 and 1043 of the Help America Vote Act (HAVA) of 2002 (Public Law 107-252), Florida was allocated \$19,187,003. The State's non-federal match requirement for this award is \$959,350 (5% of the Federal funds) to be satisfied over a two-year period.

Of the \$19,187,003 distributed to the State of Florida, the Florida Legislative Budget Committee authorized the Department of State to distribute among Florida's 67 county Supervisors of Elections ("Sub-recipients" hereinafter) a sum total of fifteen million, four hundred and fifty thousand dollars and no cents (\$15,450,000) in non-recurring funds. This authorization is made pursuant to 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").

Of the original \$15,450,000 allocation, a total of \$2,344,003 was either not requested by Sub-recipients or was returned, with interest, unspent in a prior distribution of grant funds. These unrequested and returned funds remain available to Sub-recipients, pending the submission of this revised grant agreement.

II. Scope of Work, Deliverables, Restrictions

A. Scope of Work

Funds provided under this agreement shall be used to reimburse Sub-recipients for the purchase of goods and services which were used to enhance election security for the 2018 election cycle and/or to continue improvements to election security. The allowable expenses and the timeline by when requests must be submitted and funds must be spent are described in greater detail in the table in subsection B.

The amount that each eligible Sub-recipient may receive for reimbursements for allowable expenses is specific to the amount the county did not originally request and/or spend. The maximum amount that each sub-recipient's may request is set forth in **Attachment A**. Allowable expenses for reimbursements include only goods and services purchased between July 19, 2018 and September 2, 2019. **Attachment A** also contains the list of allowable goods and services.

Sub-recipient has until 6:00 p.m. EST/5:00 p.m. CST on June 24, 2019 to submit an application for these funds using the DOS Online Grants system as set forth in Paragraph C of this section. Sub-recipient has until 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019 to submit a specific request for reimbursement as set forth in paragraph A of Section III.

B. Deliverables, Minimum Levels of Service, and Financial Consequences

C. Application Process

Each eligible Sub-recipient is entitled to request up to the maximum amount shown in **Attachment A**. **Attachment A** represents the county's sum of any unrequested funds and/or unspent and returned funds from the 2018 election security grant including any interest the funds may have accrued while in the county's account.

In order to be eligible to receive funds, the Sub-recipient shall first submit a complete grant application by 6:00 p.m. EST/5:00 p.m. CST June 24, 2019 using the Department of State's Online Grants Program at <https://www.dosgrants.com>. The application must contain a general description of how the funds are to be used to reimburse elections security enhancements. Additionally, as part of the application, the Sub-recipient must submit the following:

1. A completed ED Form GCAS-009 (6/88), entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions", and attached hereto as **Attachment B**. [Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, prohibits the disbursement of federal funds to the intended recipient of such funds or to any sub-recipient thereunder unless such recipient and each sub-recipient, if any, certify that they are not excluded or disqualified from receiving federal funds by any federal department or agency.]
2. A completed "Certificate of Equipment for Casting and Counting Ballots" (DS-DE 135, Effective 8/16), attached hereto as **Attachment C**. This is required if the request, in part or in full, is to use HAVA funds for the purpose of purchasing emerging or enhancing software and hardware technology.

D. Restrictions

Sub-recipient shall not use any funds received hereunder to support lobbying activities to influence proposed or pending federal or state legislation or appropriations, but this does not affect the right of the Sub-recipient, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

If it is found out that the Sub-recipient expended any funds on expenses that are not allowable, the Sub-recipient must reimburse immediately the Department the funds not expended for allowable costs, including any interest that would have been earned.

Allowable goods and services must be purchased between July 19, 2018 and September 2, 2019. Good and services cannot have been previously purchased with funds provided through a prior Department grant.

III. Payments

A. Reimbursement Request

In order to receive funds for reimbursement, the Sub-recipient must submit a request no later than 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019, using the Department of State's Online Grants Program at <https://www.dosgrants.com>. The request for payment must be for reimbursable expenses related to the purchase of allowable goods and services under this agreement, not to exceed the amount allocable to Sub-recipient. Upon review and approval of the reimbursement request, the Department shall render funds for allowable expenses to the Sub-recipient, up to the amount of the grant award.

B. Electronic Funds Transfer

The Sub-recipient is encouraged to use electronic funds transfer (EFT) to receive payment as an alternative to receipt of payment by warrant. All Sub-recipients wishing to receive funds through electronic funds transfer must submit a Direct Deposit Authorization form to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts.

V. Monitoring, Audits, and Audit Reporting

The administration of resources awarded to the Sub-recipient may be subject to monitoring, audits and reporting requirements, as indicated on **Attachment D and Exhibit 1 to Attachment D**.

A. Other audits

The Department may conduct a limited scope audit of federal funds or other financial analysis or review of federal funds as permitted by federal law. In the event the Department determines that a limited scope audit or other type of audit of the Sub-recipient is appropriate, the Sub-recipient agrees to comply with any additional instructions provided by Department staff to the Sub-recipient regarding such audit. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Sub-recipient did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the Sub-recipient must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action.

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

Additional guidance to state and federal monitoring and auditing requirements may be found at <https://www.eac.gov>.

B. Audit Report Submission

Copies of financial reporting packages shall be submitted as described in Part III of **Attachment D**. Any reports, management letter, or other information required to be submitted to the Department pursuant to this agreement shall be submitted timely with federal requirements, the Florida Statutes, and/or Chapter 10.550 (local governmental entities) of the Rules of the Auditor General, whichever is applicable. The correspondence accompanying the financial reporting package forwarded to the Department must include the date the Sub-recipient received the reporting package.

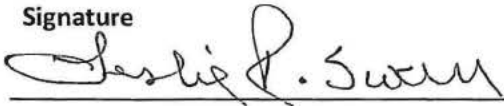
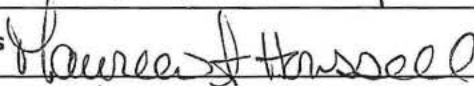
V. Record Retention

The Sub-recipient shall retain accurate and detailed records sufficient to demonstrate its compliance with the terms of this agreement for five fiscal years from the date an audit report is issued, and shall allow the Department, the Chief Financial Officer or Auditor General access to such records upon request. The Sub-recipient shall allow the Department or its designee, CFO, or Auditor General access to such records, including access to the audit working papers upon request for a period of five fiscal years from date of audit report is issued, unless extended by the Department.

VI. Entirety of the Agreement

All terms and conditions of this agreement are fully set forth in this document and its attachments 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. This agreement is effective as of the date it is fully executed.

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

By County Supervisor of Elections/Sub-recipient		By Department of State, Division of Elections	
Signature 		Signature	
Name and Title Leslie R. Swan Supervisor of Elections		Name and Title	Maria Matthews, Director, Division of Elections
Address 4375 43 Avenue Vero Beach, FL 32967		Address	R.A. Gray Building 500 S. Bronough Street, Ste. 316, Tallahassee, Florida 32399
County FEID Number 59-6000674			
Witness 		Witness	
Date 6/24/2019		Date	

Deliverables (1 and/or 2)	Minimum Level of Service	Financial Consequences
<p>1. Federal Election Administration Activities - The purchase of services and/or products that do the following:</p> <ul style="list-style-type: none"> • Strengthen the implementation of cybersecurity for election systems • Enhance election technology • Facilitate cybersecurity training for local election officials • Implement established cybersecurity best practices for election systems • Continue election administration activities including, but not limited to, voter education, poll worker training, and standardizing elections results reporting 	<p>No later than 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019, Sub-recipient shall submit to the Department a reimbursement request for allowable goods and services, up to 100% of the grant agreement. The request shall include an itemized list of allowable good and services, along with proof of payment. A list of permissible goods and services can be found within Attachment A.</p> <p>Allowable goods and services must be purchased between July 19, 2018 and September 2, 2019. Good and services cannot have been previously purchased with funds provided through a prior Department grant.</p>	<p>If the documentation associated with the reimbursement request is not sufficient, funds may not be released to the Sub-recipient.</p> <p>If the reimbursement request is not received by 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019, funds may not be released to the Sub-recipient.</p> <p>Any funds determined not to be expended in accordance with this agreement shall be forfeited and returned to the Department, within 30 days after the date of written notice.</p> <p>Any funds not requested for reimbursement by the Sub-recipient are subject to forfeiture and revert to the state.</p>
<p>2. Voting Systems Assistance - The purchase of services and/or products that do the following:</p> <ul style="list-style-type: none"> • Upgrade election-related computer systems to address cyber vulnerabilities 	<p>No later than 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019, Sub-recipient shall submit to the Department a reimbursement request for allowable goods and services, up to 100% of the grant agreement. The request shall include an itemized list of allowable good and services, along with proof of payment. A list of permissible goods and services can be found within Attachment A.</p> <p>Allowable goods and services must be purchased between July 19, 2018 and September 2, 2019. Good and services cannot have been previously purchased with funds provided through a prior Department grant.</p>	<p>If the documentation associated with the reimbursement request is not sufficient, funds may not be released to the Sub-recipient.</p> <p>If the reimbursement request is not received by 6:00 p.m. EST/5:00 p.m. CST on September 2, 2019, funds may not be released to the Sub-recipient.</p> <p>Any funds determined not to be expended in accordance with this agreement shall be forfeited and returned to the Department, within 30 days after the date of written notice.</p> <p>Any funds not requested for reimbursement by the Sub-recipient are subject to forfeiture and revert to the state.</p>

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
2019 Election Security Grant - Reallocation of Unrequested and Returned Funds

County	Amount - Unrequested 2018 Funds	Amount - Returned 2018 Funds	Amount - Total Available Funds (Rounded)
Alachua	\$0.67	\$1,059.03	\$1,059.00
Baker	\$69.81	\$0.00	\$69.00
Bay	\$741.47	\$389.73	\$1,131.00
Bradford	\$497.02	\$8,201.68	\$8,698.00
Brevard	\$0.81	\$87,956.39	\$87,957.00
Broward	\$89.35	\$18,410.88	\$18,500.00
Calhoun	\$26.80	\$9,263.55	\$9,290.00
Charlotte	\$0.43	\$0.00	\$0.00
Citrus	\$9,921.49	\$19,906.41	\$29,827.00
Clay	\$26,293.74	\$3,026.03	\$29,319.00
Collier	\$0.34	\$69,236.51	\$69,236.00
Columbia	\$0.11	\$5,142.24	\$5,142.00
DeSoto	\$55,475.56	\$11,317.80	\$66,793.00
Dixie	\$24,370.24	\$12,517.19	\$36,887.00
Duval	\$0.46	\$2,732.82	\$2,733.00
Escambia	\$353.49	\$30,854.68	\$31,208.00
Flagler	\$0.04	\$3,863.00	\$3,863.00
Franklin	\$590.89	\$749.96	\$1,340.00
Gadsden	\$0.82	\$916.73	\$917.00
Gilchrist	\$50,895.76	\$79.51	\$50,975.00
Glades	\$1,723.93	\$21,546.15	\$23,270.00
Gulf	\$324.23	\$13,554.79	\$13,879.00
Hamilton	\$18.12	\$5,265.84	\$5,283.00
Hardee	\$32,623.00	\$4,683.15	\$37,306.00
Hendry	\$0.77	\$228.88	\$229.00
Hernando	\$0.20	\$22,825.55	\$22,825.00
Highlands	\$0.39	\$162.21	\$162.00
Hillsborough	\$53.73	\$25,630.00	\$25,683.00
Holmes	\$0.52	\$1,667.73	\$1,668.00
Indian River	\$24,054.54	\$8,146.93	\$32,201.00
Jackson	\$2.79	\$8,857.50	\$8,860.00
Jefferson	\$2,556.96	\$22,896.42	\$25,453.00
Lafayette	\$49.77	\$409.03	\$458.00
Lake	\$182.79	\$45,913.51	\$46,096.00
Lee	\$0.11	\$20,604.08	\$20,604.00
Leon	\$0.22	\$2,107.69	\$2,107.00
Levy	\$11.17	\$1.09	\$12.00
Liberty	\$0.42	\$269.90	\$270.00

FLORIDA DEPARTMENT OF STATE-DIVISION OF ELECTIONS
2019 Election Security Grant - Reallocation of Unrequested and Returned Funds

County	Amount - Unrequested 2018 Funds	Amount - Returned 2018 Funds	Amount - Total Available Funds (Rounded)
Madison	\$706.41	\$0.00	\$706.00
Manatee	\$0.03	\$138,324.79	\$138,324.00
Marion	\$0.72	\$12,140.17	\$12,140.00
Martin	\$837.96	\$71,144.33	\$71,982.00
Miami-Dade	\$0.94	\$210,976.84	\$210,977.00
Monroe	\$18.63	\$0.00	\$18.00
Nassau	\$0.77	\$23,219.86	\$23,220.00
Okaloosa	\$0.34	\$21,382.18	\$21,382.00
Okeechobee	\$3,758.18	\$4,021.99	\$7,780.00
Orange	\$357,262.82	\$167,575.19	\$524,838.00
Osceola	\$2,506.86	\$31,753.55	\$34,260.00
Palm Beach	\$0.26	\$0.00	\$0.00
Pasco	\$0.90	\$79,832.09	\$79,832.00
Pinellas	\$1.58	\$1,322.76	\$1,324.00
Polk	\$0.00	\$26,095.17	\$26,095.00
Putnam	\$0.21	\$1,245.18	\$1,245.00
Santa Rosa	\$5,333.50	\$16,128.94	\$21,462.00
Sarasota	\$2,000.77	\$4,942.02	\$6,942.00
Seminole	\$32.54	\$44.84	\$77.00
St. Johns	\$41,503.87	\$10,093.40	\$51,597.00
St. Lucie	\$0.00	\$0.00	\$0.00
Sumter	\$0.69	\$16,740.70	\$16,741.00
Suwannee	\$0.94	\$0.00	\$0.00
Taylor	\$0.19	\$998.75	\$998.00
Union	\$0.57	\$0.00	\$0.00
Volusia	\$221,723.53	\$95,488.18	\$317,211.00
Wakulla	\$18,876.83	\$24,059.64	\$42,936.00
Walton	\$0.22	\$0.00	\$0.00
Washington	\$247.43	\$10,359.20	\$10,606.00
TOTAL	\$885,750.68	\$1,458,284.36	\$2,344,003.00