Certificate Regarding Matching Funds

I, _____, Chairman of the Board of County Commissioners of Leon County, Florida, do hereby certify that the Board of County Commissioners will provide matching funds for the Federal Election Activities grant in county FY 2010-11 to the Supervisor of Elections in an amount equal to at least 15% of the amount to be received from the state, which for Leon County is $4,655.49. I understand that if the Board fails to appropriate the required matching funds, all funds received from the state for this grant during the 2010-11 state fiscal year will be required to be returned to the Department of State.

_____
Chairman, Board of County Commissioners

_____
Date

MEMORANDUM OF AGREEMENT

RECEIPT AND USE OF HAVA FUNDS
FOR FEDERAL ELECTION ADMINISTRATION ACTIVITIES

This agreement is between the State of Florida, Department of State, Division of Elections ("Department"), R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250 and The Honorable Ion V. Sancho, Supervisor of Elections ("Supervisor"), on behalf of Leon County, Post Office Box 7357, Tallahassee, Florida 32314-7357. This agreement is effective as of the date fully executed by the parties.

I. GOVERNING LAW

The Department is authorized pursuant to specific appropriation 3164 of the 2010-2011 General Appropriations Act (see section 6, chapter 2010-152, Laws of Florida), to disburse a total of $2,000,000 from the Grants and Donations Trust Fund to the county supervisors of elections for the fiscal year 2010-2011 ("FY 2010-11 funds"). Therefore, funds are made available through 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 for improving the administration of federal elections.

II. SCOPE OF USE AND RESTRICTIONS

As more specifically set forth in **paragraph 1 of Attachment A**, which is hereby incorporated by reference, the funds granted shall be used for federal election administration activities.

- These funds shall be used to support election activities related only to federal elections (that is, elections in which a federal candidate is on the ballot). If any of these funds are used for an election in which a federal candidate is not on the ballot, the cost must be pro-rated for the portion of the expenditure that is allocable to a federal election. These funds shall not be used to support state or federal lobbying activities but this does not affect the right, or that of any other organization to petition Congress, or any other level of Government, through the use of other resources.

- Prior to receiving FY 2010-11 funds, the Supervisor must first submit in accordance with **paragraph 2 of Attachment A**: 1) A detailed plan for use of the funds, 2) Certification from the county governing body to provide matching funds, and 3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions form. Any change, modification or deviation from the activities or expenses initially provided in the plan for use of the funds must be reviewed and approved by the Department prior to expenditure.

- The FY 2010-11 funds shall be placed in a separate interest bearing account and in accordance with accounting requirements as set forth in paragraphs 3 and 4 of **Attachment A**.

- The Supervisor shall report and account for expenditures in accordance with this agreement including paragraphs 5 and 6 of **Attachment A.**

III. DISBURSEMENT

The Department shall distribute to each eligible county supervisor of elections an amount equal to the funding level per voter multiplied by the number of active registered voters in the county for the 2008 General Election. The Department shall determine the funding level per voter in the state based on that information. The Supervisor shall receive a sum certain as outlined in **Attachment B**, incorporated by reference.

IV. MONITORING, AUDITS, AND REPORTING

The administration of resources awarded to the Supervisor is subject to monitoring, audits, and reporting as described herein.

A. Monitoring

In addition to reviews of audits conducted in accordance with OMB Circular A-133 (as revised), the Department may provide additional monitoring including on-site visits, and/or other procedures permitted under federal and state law. The Supervisor shall comply and cooperate with any monitoring procedures/processes the Department deems appropriate.

The Department shall closely monitor the Supervisors' annual expenditure reports required by paragraph 5 of **Attachment A** to ensure that the Supervisors expend HAVA funds in accordance with approved plans and will require reimbursement for all expenditures not approved or otherwise authorized. Also, the Department shall ensure that Supervisors report the expenditures made with HAVA funds separately from expenditures made with county funds.

B. Audits

1. Federal audit/OMB Circular A-133 (as revised)

If the Supervisor expends $500,000 ($300,000 *for fiscal years ending before December 31, 2003)* or more in federal awards in its fiscal year, a single or program-specific audit must be conducted in accordance with the provisions of OMB Circular A-133 (as revised). This may be satisfied by an audit of the Supervisor of Elections conducted by the Auditor General in accordance with OMB Circular A-133 (as revised). In determining the federal awards expended in its fiscal year, the Supervisor shall consider <u>all</u> sources of federal awards. **Attachment A** indicates federal resources are being awarded under this Agreement. The determination of amounts of federal awards expended shall be in accordance with the guidelines established by OMB Circular A-133 (as revised). In connection with an audit herein, the Supervisor shall fulfill the requirements relative to auditee responsibilities as provided in Subpart C of OMB Circular A-133 (as revised).

If the Supervisor expends less than $500,000 (*$300,000 for fiscal years ending before December 31, 2003)* in federal awards in its fiscal year, an audit pursuant to OMB Circular A-133 (as revised), *is optional. If the Supervisor* elects to have an audit conducted in accordance with the provisions of OMB Circular A-133 (as revised), the cost of the audit must be paid from non-federal resources (i.e., from sources other than federal entities).

2. Other audits

The Department may conduct a limited scope audit of federal funds as defined by OMB Circular A-133 (as revised) or other financial analysis or review of federal funds as permitted by federal law. In the event the Department determines that such audit analysis, or review is appropriate, the Supervisor agrees to comply with any additional instructions provided by Department staff to the Supervisor regarding such process. If the Department determines that federal funds received under this Agreement were used for any unauthorized purpose or that the Supervisor did not comply with this agreement or state or federal requirements for receipt, expenditure, or accounting, the Supervisor must return or repay these federal funds in an amount sufficient to ensure or obtain compliance, including expenses for any corrective or remedial action.. Additionally, the Department may withhold funds, otherwise due, in an amount sufficient to cover any costs associated with the limited scope audit or financial analysis or review to determine or ensure compliance.

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

For additional guidance to state and federal monitoring and auditing requirements, refer to: http://election.dos.state.fl.us/hava/index.shtml and http://www.eac.gov.

C. Reporting

Copies of financial reporting packages as described in section .320(c), OMB A-133 (as revised) for audits conducted by or on behalf of the Supervisor pursuant to Section IV.B.1 of this agreement, shall be submitted as required by sections .320(d) of such circular to:

Department of State	*Department of State*	*Auditor General's Office*	*Federal Audit*
Division of Elections	*Office of Inspector General*	*Room 401, Pepper Bldg*	*Clearinghouse*
R.A. Gray Building, Ste 316	*Clifton Building, Ste 320*	*111 West Madison St.*	*Bureau of the Census*
500 S. Bronough St.	*2661 Executive Cntr Cir.*	*Tallahassee, FL*	*1201 East 10th St.*
Tallahassee, FL 32399-0250	*Tallahassee, FL 32399-0250*	*32399-1450*	*Jeffersonville, IN 47132*

Other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133 (as revised).

Any reports, management letter, or other required information shall be submitted timely in accordance with OMB Circular A-133 (as revised), the Florida Single Audit Act, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable. When submitting financial reporting packages to the Department for audits conducted in accordance with the aforementioned circular or Rules of

the Auditor General, the Supervisor shall include within the information the date the Supervisor received the reporting package.

V. RECORD RETENTION

The Supervisor shall keep and maintain accurate and detailed records (e.g., invoices, receipts, and other documentation) sufficient to identify how and whether expenditures were used for authorized purposes, to support financial reporting, and to conduct audits as may be required or requested. The Supervisor shall retain these records for five fiscal years in accordance with the guidelines of the Department of Financial Services and the Office of the Auditor General, or three years after the date an audit report is issued, whichever is later. The Supervisor shall allow the Department or its designee, CFO, or Auditor General access to such records, including the audit working papers upon request.

Failure to provide adequate documentation shall result in a request to return the funds to the Department.

VI. ENTIRETY OF THE AGREEMENT

All terms and conditions of this agreement are fully set forth in this document and attachments incorporated by reference 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.

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

County Supervisor of Elections:	Department of State, Division of Elections
By: _____	By: _____
Ion V. Sancho Supervisor of Elections	
Printed name and title	Printed name and title
_____	_____
Witness	Witness
7/12/10	
Date	Date

Please complete, sign & return the Memorandum of Agreement, Certificate Regarding Matching Funds signed by the county governing body, & Certification Regarding Debarment and Suspension to:

Joyce Durbin, HAVA Funds Coordinator, Florida Department of State, Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

ATTACHMENT A to MOA #2010-2011-0001

Federal Program: Federal Help America Vote Act—Catalog of Federal Domestic Assistance (CFDA) § 90.401 Help America Vote Act Requirements Payments

Compliance requirements applicable to the federal resources awarded under this agreement are as follows:

1. The Supervisor shall only use the FY 2010-2011 Funds (amount specified in Attachment B) for one or more of the following federal election administration activities:

- Voter education;
- Poll worker training;
- Implementing and maintaining the provisions of the Military and Overseas Voter Empowerment (MOVE) Act and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA);
- Standardizing election results reporting; or
- Other federal election administration activities, as approved by the Department of State.

These are the acceptable uses for the funds under the categories listed above:

- Mailing or publishing sample ballots ***which must include additional information on voting procedures, voting rights or voting technology***;
- Voter information cards ***which must include additional voter education information on voting procedures, voting rights or voting technology***;
- Advertising or publications outlining voting procedures, voting rights or voting technology;
- Voting System demonstrations;
- Poll worker ***training*** stipends;
- Training materials for poll workers;
- Voter guides ***which must include voter education information concerning voting procedures, voting rights, or voting technology but shall not contain elected officials' contact information other than the supervisor's contact information***; or
- Maintaining online or web-based absentee ballot request and ballot tracking and precinct-finder system as relates to use in federal elections and for the costs for upgrades and future license fees and maintenance fees for the MOVE Act and other UOCAVA expenditures

2. Prior to receipt of FY 2010-2011 funds under this Agreement, the Supervisor must submit to the Department:

- *A detailed description of the Supervisor's plan* to use the funds for federal election administration activities and include the source of funds (federal, county matching funds and other county funds (local) being used for each federal election activity set forth in the plan.
- *A written certification* from the county governing body (e.g. Board of County Commissioners) that the county will provide *matching funds in the amount of 15%.* If the county governing body fails to appropriate the matching funds, the Supervisor must return or repay to the State the portion of the funds for which the matching funds applied.
- *A completed ED Form GCAS-009 (6/88), entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion Lower Tier Covered Transactions".* The form is attached hereto as **Attachment A-1.** [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.]

3. The Supervisor must establish and maintain the FY 2010-2011 funds in an interest bearing account. The Supervisor must segregate funds for federal election administration activities and required county matching dollars in a separate account established for such funds. Any funds remaining at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

4. The Supervisor shall maintain separate accounting records for each of the funding sources identified under its plan submitted pursuant to paragraph #2.

5. The Supervisor shall submit a written financial report to the Department:

- **On or before December 31, 2010** all actual expenditures from the date of receipt through September 30, 2010. The report must include documentation (such as appropriation statement, committee meeting minutes approving appropriation, or account statement) that the county governing body appropriated matching funds as certified under paragraph 2. Failure to appropriate the matching funds must be reported.

- **On or before each and every December 31** after 2010, all actual expenditures for preceding period of October 1 through September 30, and the amount of FY 2010-2011 funds unspent as of June 30 of the year being reported. Such annual reporting is required until such funds are fully expended.

Each financial report shall include documentation including but not limited to billing or itemized receipts in support of the expenditures for the services or products used to promote voter education, voting rights or voting technology. For example, the report must include a copy of or the actual product or publication and indicate how many individual items were produced or printed. For services, the report must include a copy of or the actual newspaper article, audio recording, or video clip and/or template or transcript thereof, and indicate how many times it was published, aired, or accessed, or include a copy of the graphics template and content layout for a special created webpage.

6. Copies of any reports or other submissions required by paragraphs 2 and 5 of this Attachment shall be submitted by or on behalf of the Supervisor directly to: Department of State, Division of Elections, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

State Resources Awarded to the Supervisor Under this Agreement Consist of the Following: N/A

Matching Resources for Federal Programs: N/A

Subject to section 215.97, Florida Statutes (Florida Single Audit Act): N/A

Compliance requirements applicable to state resources awarded pursuant to this Agreement are as follows: *N/A*

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 45 CFR 1183.35, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative

Signature Date

ED Form GCS-009, 6/88

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant
out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Telephone Number).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntary excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

ED Form GCS-009, 6/88

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2010-11

COUNTY	2008 GENERAL ELECTION REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Alachua	154,706	$ 27,509.07	$ 4,126.36
Baker	14,172	$ 2,520.00	$ 378.00
Bay	110,739	$ 19,691.07	$ 2,953.66
Bradford	15,732	$ 2,797.39	$ 419.61
Brevard	351,488	$ 62,499.90	$ 9,374.98
Broward	1,008,656	$ 179,354.34	$ 26,903.15
Calhoun	8,622	$ 1,533.12	$ 229.97
Charlotte	118,837	$ 21,131.02	$ 3,169.65
Citrus	102,742	$ 18,269.09	$ 2,740.36
Clay	120,656	$ 21,454.47	$ 3,218.17
Collier	203,075	$ 36,109.82	$ 5,416.47
Columbia	38,272	$ 6,805.34	$ 1,020.80
DeSoto	15,613	$ 2,776.23	$ 416.43
Dixie	10,775	$ 1,915.96	$ 287.39
Duval	536,588	$ 95,413.49	$ 14,312.02
Escambia	195,193	$ 34,708.28	$ 5,206.24
Flagler	60,079	$ 10,682.96	$ 1,602.44
Franklin	7,722	$ 1,373.09	$ 205.96
Gadsden	30,128	$ 5,357.22	$ 803.58
Gilchrist	10,721	$ 1,906.36	$ 285.95
Glades	6,584	$ 1,170.74	$ 175.61
Gulf	9,123	$ 1,622.21	$ 243.33
Hamilton	7,688	$ 1,367.04	$ 205.06
Hardee	11,802	$ 2,098.57	$ 314.79
Hendry	16,936	$ 3,011.48	$ 451.72
Hernando	123,013	$ 21,873.58	$ 3,281.04
Highlands	66,092	$ 11,752.16	$ 1,762.82
Hillsborough	701,464	$ 124,730.94	$ 18,709.64
Holmes	11,513	$ 2,047.19	$ 307.08
Indian River	90,053	$ 16,012.79	$ 2,401.92
Jackson	28,128	$ 5,001.59	$ 750.24
Jefferson	10,310	$ 1,833.27	$ 274.99
Lafayette	4,469	$ 794.66	$ 119.20
Lake	188,702	$ 33,554.08	$ 5,033.11
Lee	320,512	$ 56,991.90	$ 8,548.78
Leon	174,544	$ 31,036.57	$ 4,655.49
Levy	25,924	$ 4,609.68	$ 691.45
Liberty	4,304	$ 765.32	$ 114.80
Madison	12,278	$ 2,183.21	$ 327.48
Manatee	206,211	$ 36,667.44	$ 5,500.12
Marion	214,722	$ 38,180.83	$ 5,727.12
Martin	101,155	$ 17,986.89	$ 2,698.03

DEPARTMENT OF STATE
DIVISION OF ELECTIONS
FEDERAL ELECTION ACTIVITIES
FY 2010-11

COUNTY	2008 GENERAL ELECTION REGISTERED VOTERS	FEDERAL ELECTION ACTIVITIES FUNDING PER COUNTY	COUNTY MATCHING FUNDS 15%
Miami-Dade	1,243,315	$ 221,080.27	$ 33,162.04
Monroe	50,136	$ 8,914.94	$ 1,337.24
Nassau	47,501	$ 8,446.40	$ 1,266.96
Okaloosa	129,373	$ 23,004.48	$ 3,450.67
Okeechobee	18,859	$ 3,353.42	$ 503.01
Orange	604,243	$ 107,443.57	$ 16,116.54
Osceola	136,544	$ 24,279.60	$ 3,641.94
Palm Beach	831,423	$ 147,839.63	$ 22,175.94
Pasco	294,431	$ 52,354.30	$ 7,853.14
Pinellas	643,423	$ 114,410.37	$ 17,161.56
Polk	332,015	$ 59,037.31	$ 8,855.60
Putnam	46,432	$ 8,256.31	$ 1,238.45
St. Johns	131,744	$ 23,426.08	$ 3,513.91
St. Lucie	157,676	$ 28,037.19	$ 4,205.58
Santa Rosa	107,253	$ 19,071.21	$ 2,860.68
Sarasota	260,618	$ 46,341.84	$ 6,951.28
Seminole	259,336	$ 46,113.88	$ 6,917.08
Sumter	59,913	$ 10,653.44	$ 1,598.02
Suwannee	24,791	$ 4,408.22	$ 661.23
Taylor	13,088	$ 2,327.25	$ 349.09
Union	7,273	$ 1,293.25	$ 193.99
Volusia	326,854	$ 58,119.60	$ 8,717.94
Wakulla	18,565	$ 3,301.14	$ 495.17
Walton	36,847	$ 6,551.96	$ 982.79
Washington	15,938	$ 2,834.02	$ 425.10
TOTAL	**11,247,634**	**$ 2,000,000.00**	**$ 300,000.00**

FY 2010-11 APPROPRIATION - FEDERAL ELECTION ACTIVITIES **$2,000,000**

2008 General Election - Total number of registered voters in the state **11,247,634**

FUNDING LEVEL PER INDIVIDUAL VOTER **$0.1778**

(Based on FY 2010-11 appropriation number 3164 for Federal Election Activities divided by the total number of registered voters in the state for the 2008 General Election.)