

RESOLUTION

WHEREAS, the Lake County Clerk recommends that the Lake County Board agree to apply for and accept funds being held by the Illinois State Board of Elections (hereinafter SBE), which funds were furnished by the United States Government under the provisions of the Help America Vote Act ("HAVA"), for the purchase of new accessible voting equipment certified by the SBE and in compliance with HAVA requirements; and

WHEREAS, the County Board agrees to take such action as may be necessary to comply with the requirements of the SBE for the release of such HAVA funds by supplying the SBE detailed descriptions of the equipment to be purchased, providing full information about payment amount and other cost information for such equipment, and upon receipt of such HAVA funds, the County Board agrees to forward payment to its vendor no later than 30 days following receipt of assistance payment from the SBE or by the due date indicated on contract, whichever is earlier, as required by federal cash management statutes. The County Board agrees to forward a copy of the check paid to the vendor and a copy of a paid invoice from the vendor to the SBE within 30 days of paying its vendor; and

WHEREAS, the County Board agrees to take such action as necessary to be certain that the new voting equipment is fully consistent and in compliance with the requirements of the laws described in Section 906 of the Help America Vote Act (Attachment A), and will meet the voting system's standards adopted by the Federal Election Commission in May of 2002, and will meet the requirements of Title III Section 301 (a)(3) by January 1, 2006 (Attachment B); and

WHEREAS, the County Board understands and agrees that equipment purchased by Lake County from HAVA funds shall become the property of the jurisdiction, not the State of Illinois. It understands and agrees that all property control and custody responsibilities will be assumed by the County Board; and

WHEREAS, the County Board further agrees that future costs related to equipment and/or upgrades now being furnished with HAVA assistance (for example: maintenance, repairs, software, upgrades, etc.) are and shall be the sole responsibility of the County Board and understands that the State of Illinois assumes no liability for HAVA-mandated upgrades of the local jurisdictions; and

WHEREAS, the County Board agrees to indemnify and hold the SBE harmless against claims brought against it by the Election Assistance Commission, or other agency of the state or federal government, for reimbursement of any monies advanced under the HAVA to this County Board in the event the County Board is found guilty of misapplication, misuse or misappropriation of HAVA funds received from the SBE. Indemnification shall include but not be limited to attorney's fees, fines, penalties, and other associated costs of litigation. The County Board specifically agrees that in the event of any claim of misapplication, misuse or misappropriation of the funds and demand for reimbursement against this County Board, this County Board agrees that the SBE may conduct an audit of the application of the funds received from the SBE in order to determine whether such funds have actually been misapplied or misappropriated.

NOW, THEREFORE, BE IT RESOLVED by this County Board of Lake County, Illinois that the Board authorizes Lake County Clerk and/or the Director of Central Services, or other designated official, to act as the agent for the Lake County Board in preparing and executing all applications and other documents required by the State Board of Elections for the purchase of

HAVA approved and SBE certified accessible voting equipment; and

BE IT FURTHER RESOLVED, that the County Board authorizes these individuals in their official capacity to take such action as may be necessary or desirable as requested by the SBE to effectuate the full purposes of this Resolution, including but not limited to the indemnities provided in this Resolution; and

BE IT FURTHER RESOLVED, that the County Clerk is further authorized to provide a certified copy of this Resolution to any agency of government that may request it, certifying that this Resolution was presented and approved according to law at a duly constituted meeting of the Lake County Board.

DATED, at WAUKEGAN, LAKE COUNTY, ILLINOIS, on this 10h day of January, A.D., 2006.