

Grant Agreement

Grantee: El Dorado County Elections
Amount: \$198, 000.00
Duration: 24 months commencing on date of executed Grant Agreement.
Source of Funds: DRAM Settlement

1. Use of Grant Funds.

Grantee will use funds for the deployment of a fully accessible, ADA-compliant online balloting portal for a consortium of five California counties. The remotely accessible online balloting portal, LiveBallot, will enable participating counties to extend voter information and vote-by-mail to voters with disabilities and military personnel stationed overseas. The new system will allow voters who are blind, disabled or remotely stationed and living abroad access to their ballot and balloting information.

Grant funds must be used in accordance with the Workplan and Timeline, which are attached hereto as Exhibit A and incorporated as if fully set forth herein, submitted for the project and no changes in the budget, timeline or the grant period can be made without prior written approval from the Cy Pres Grants Administrators.

In no event shall indirect expenses exceed 10% of the amount awarded. Any funds not used for the purposes described above will revert to the DRAM Settlement Fund to be distributed in accordance with terms of the settlement agreement and court orders establishing the fund.

Grant funds will not be used to supplant or replace federal, state, local or other governmental funding for any program, purchase or activity and Grantee's budget will not be reduced to compensate for the award of this grant.

2. Payment of Grant Funds.

Grant funds will be paid to Grantee on the following schedule:

\$99,000.00 within 14 business days of the effective date of this agreement.

\$99,000.00 no later than 12 months after the effective date of this agreement.

3. Grantee Reports.

One (1) month after the completion of the grant period, 24 months after the execution of this Agreement, Grantee will submit a Final Progress and Expenditure Report on the use of grant funds, compliance with terms of the grant and progress made towards achieving the goals of the grant. A simple narrative (*maximum* three pages) and budget expenditure spreadsheet will satisfy the reporting requirement. NOTE: *Reports may be submitted before deadlines if project is completed.*

All reports will be sent by email to Laurie True, DRAM Grants Administration, at ltrue@cypresfunds.net

4. Inspections and Examinations.

The Grantee agrees that the Cy Pres Grants Administrators may conduct site visits to the project and examine such records and documents, as they deem necessary to validate payment requests or compliance with this agreement at any reasonable time during normal business hours.

Notwithstanding the foregoing, Grantee shall not be required to provide the Cy Pres Grants Administrators with access to confidential information, including but not limited to, confidential voter registration information.

5. Records.

Grantee will maintain its books and records in such a manner that the receipts and expenditures of grant funds received for this grant will be shown separately on such books and records in an easily checked form. Grantee will keep such records as well as copies of all reports to the Cy Pres Grants Administrators, invoices paid and supporting documentation for at least four (4) years after the completion of the use of grant funds and will make such books, records, reports and supporting documentation available to the Cy Pres Grants Administrators or their designee for inspection upon request.

The name and contact information of the person responsible for maintaining Grantee's books and records and preparing Grantee's Expenditure Reports currently is:

Linda Webster, Assistant Registrar of Voters
El Dorado County Elections
2850 Fairlane Ct.
Placerville, CA 95667
Email: linda.webster@edcgov.us
Phone: 530-621-7483

The contact information may change and if so, the Cy Pres Grants Administrators will be so notified of the new number.

Grantee's Tax Identification Number is 94-6000511

6. Acknowledgement of Support.

Materials produced with grant funds and annual reports, announcements, news releases, etc. describing the project *must* acknowledge that:

"The project was made possible by a grant from the DRAM Settlement Fund. Created as a result of antitrust litigation pursued by the Attorney General of the State of California, the purpose of the Fund is to encourage use of innovative technology to benefit California consumers."

7. Violation and Termination.

In the event of any violation by Grantee of the terms and conditions of the grant, including but not limited to failing to execute the work of the grant in compliance with Grantee's proposal or failing to submit required reports or requested information in a timely manner, the Cy Pres Grants Administrators shall provide written notice to Grantee of the violation. Grantee shall have thirty (30) days to cure the violation. Should Grantee fail to cure the violation within the specified period of time, or such longer time as may be extended by mutual agreement of the parties, the Cy Pres Grants Administrators reserve the right in their absolute discretion to suspend payments to Grantee or terminate the grant. The Cy Pres Grants Administrators' determination will be final and will be binding and conclusive on Grantee. In addition to any other remedies available to the Cy Pres Grants Administrators, upon termination of this grant, Grantee will repay to the DRAM Settlement Fund any portion of the grant funds that have not been spent for the project.

8. Future Funding.

Grantee acknowledges that the Cy Pres Grants Administrators and their representatives have made no actual or implied promise of funding except for the amounts specified by this agreement. If any of the grant funds are returned or if the grant is rescinded, Grantee acknowledges that the Cy Pres Grants Administrator will have no further obligation to Grantee in connection with this grant as a result of such return or rescission.

9. Modification.

This agreement sets forth all terms of the grant and replaces all prior understandings and agreements. Any modification or amendment will be made only in writing signed by an authorized officer of Grantee and the Cy Pres Grants Administrators.

10. Jurisdiction and Applicable Law.

The DRAM Settlement Fund and Grants Program are subject to the ongoing jurisdiction of the United States District Court of the Northern District of California. Grantee agrees to the Court's exclusive jurisdiction and that any claim or dispute arising from or relating to this Grant Agreement shall be decided solely by this Court. This Grant Agreement will be construed in accordance with the applicable federal laws and the applicable laws of the State of California.

11. Effective Date and Term of Agreement.

The effective date of this agreement will be the date when it is executed by the last of the parties to do so.

12. Contract Administrator.

The County officer or employee with responsibility for administering this Agreement is Linda Webster, Assistant Registrar of Voters, or successor.

13. Amendments.

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated in this Agreement is binding on any of the parties.

14. Warranty of Authority.

Each signatory of this Agreement represents and warrants that he or she has full authority to enter into this Agreement on behalf of the respective parties.

15. Counterparts.

This Agreement may be executed in duplicate or multiple counterparts, each of which shall be deemed an original.

Accepted by:

Date: _____

Signature: _____

Date: _____

Signature: _____

Harry M. Snyder, Cy Pres Administrator
DRAM Settlement Fund

Exhibit A

DRAM Grant Proposal – EL DORADO, CA Local Government Fund – Accessible Online Balloting Portal

Describe Your Request (incorporating the following points):

- Describe the project for which you seek funding and whether it is a new or ongoing part of your organization's work. **Recent legislation in California requires voters with disabilities to access their vote by mail and absentee ballot in an accessible format that meets the national WCAG 2.0 accessibility standards. This grant will fund the technology for the 2017-2018 election cycle. The technology is called "LiveBallot". LiveBallot is hosted in the Secure Amazon Government cloud, providing accessible, audio-enabled balloting to blind, disabled and overseas voters.**

Through LiveBallot, voters will be sent an email with a link directing them to the accessible online balloting portal. The portal will enable the voter to access their sample ballot and absentee ballot. Voters who are blind or disabled, will be able to independently access and hear their sample or absentee ballot.

El Dorado County has successfully deployed a similar technology in the past. However, the older technology was not accessible to voters with disabilities, nor did it include an audio, accessible voter information portal. Access to the ballot and ballot information is fundamental to a functioning democracy. This grant will help pave the way for both access to the ballot for all voters, including those with disabilities.

- What are the goals, objectives and activities involved in the request? Provide a task-by-task breakdown of the steps required to implement the proposed project demonstrating your understanding of the work needed to successfully complete the project. **Our goal for this project is to ensure all voters in this consortium, regardless of physical, cognitive or geographic challenges have access to their ballot and balloting information. Through this grant, the El Dorado consortium of counties aims to deploy an online balloting portal for all voters, including blind, disabled and overseas voters to ensure universal access to voting and voter information. Voting and access to information is the foundation of any successful democracy. Therefore, universal, accessible voting and voting information is a vital piece to a properly functioning democratic form of government.**

Through this grant, El Dorado and the other participating counties will acquire LiveBallot from Democracy Live. Democracy Live, selected by the U.S. Department of Defense, U.S. Health and Human Services and deployed in over 500 elections in the U.S. is the leading provider of accessible online voter information and online balloting in the U.S.

Once the grant is awarded, El Dorado County, on behalf of the other participating localities, will purchase the LiveBallot software from Democracy Live. As El Dorado County and Democracy Live have worked together for several years, the County has a trusted and positive relationship with the vendor. Upon purchase of the LiveBallot software, the vendor will train El Dorado staff and the other participating counties on the configuration and deployment of the SaaS software. Once installed, the County will invite members of our local disability community to learn how the software works on behalf of voters with disabilities.

High Level Task Breakdown:

- 1. Planning meeting with vendor and staff**
- 2. Provide Balloting and Voter Registration data to vendor**

Exhibit A

DRAM Grant Proposal – EL DORADO, CA Local Government Fund – Accessible Online Balloting Portal

3. **Provide County logo's, graphics and language to vendor for the purposes of theming the LiveBallot portal.**
 4. **QA Balloting portal to ensure correct balloting information**
 5. **Approve Accessible Balloting Portal for "Go Live"**
 6. **Launch Balloting Portal site**
 7. **Notify media and disability organizations of availability of the LiveBallot Accessible Balloting Portal.**
- Discuss how the requested technology and software will fill a recognized need and advance operational capability within a significant area or areas of local government. **Recent legislation in California greatly expands vote by mail to virtually all voters in the State. California counties also mail voter information pamphlets to every household in the State. Over 35 million voters in the U.S., including nearly 5 million in California, have some form of physical, cognitive or geographic limitations that prevents them from having access to ballots and ballot information. The successful award of this grant will enable El Dorado County and the participating consortium counties to deploy the LiveBallot technology to ensure all voters have access to absentee ballots and voter information.**
 - Provide a clear description of how the proposed technology and software compares to alternative or existing equipment. **LiveBallot is a fully audio-enabled, accessible Web-based ballot information portal that delivers ADA-compliant ballots and ballot information to all eligible voters, regardless of disabilities or geographic location. Democracy Live worked with the Center for Technology and Disabilities, Independent Living Centers, members of the Council for the Blind and others disability organizations to ensure LiveBallot meets the highest standards for accessibility in the U.S. (WCAG 2.0aa)**

Current technologies deliver either a paper-based absentee ballot, paper voter pamphlet, or an online PDF. Paper and PDF's are typically not accessible to blind and disabled voters. The LiveBallot technology would ensure voters who cannot see, or read the paper, or PDF's have access to ballots and ballot information.
 - Describe the extent to which adaptability to the proposed technologies and associated changing requirements will be addressed by the project. **SB 450 is a new California law requiring every eligible voter in California receive a paper ballot mailed to them directly by their county. The result of this legislation is that counties must also provide an accessible alternative to the paper ballot. LiveBallot offers a proven, turn-key solution to fully comply with SB 450 accessibility requirements.**

AB 683 is also a new CA that requires counties that provide ballot information online, such as sample ballots, must also provide an accessible online alternative. Due to AB 683, online sample ballots must meet ADA Section 508 and WCAG 2.0 accessibility standards. The proposed LiveBallot technology offers a proven, turn-key solution to SB 450 and AB 683.
 - What are the specific benefits related to technology that will result from your project? **Voters who are blind, visually impaired or have literacy and cognitive challenges will benefit from the audio, accessible balloting and voter information features built into LiveBallot. Voters that are**

Exhibit A

DRAM Grant Proposal – EL DORADO, CA

Local Government Fund – Accessible Online Balloting Portal

paraplegic, have cerebral palsy, or have other forms of physical challenges typically cannot navigate and mark their ballot, or hold and read their voter’s pamphlet. LiveBallot users can use sip and puff, toggle switches and even an Xbox controller, or other tactile devices to navigate through the absentee ballot and voter’s pamphlet.

- Describe the individuals who would be served or benefited by your project. **As noted above, the grant proposal is focused on a proven technology designed to serve blind and disabled voters, as well as voters overseas and in the military. However, *all* voters can benefit from LiveBallot’s next generation method of delivering online balloting and voter information. LiveBallot content may be accessed on desktops, mobile devices, tablets and used by voters wishing to receive their balloting content, on-demand, via whichever platform works for the voter.**

Exhibit A

DRAM Grant Proposal – EL DORADO, CA Local Government Fund – Accessible Online Balloting Portal

Project Management, Reporting and Evaluation (incorporating the following points):

- Who will be involved in carrying out the work outlined in the request? **The Consortium leader is El Dorado County Clerk and Recorder, Bill Schultz. The Election Director, Linda Webster will be responsible for grant reporting. The Elections Directors in each of the participating counties will be the primary PM's for their respective deployments.**
- Please describe how you will manage the project and track the progress of the project. **El Dorado County, as the Consortium Leader for the Department of Defense web balloting grant, has extensive experience in creating and leading a similar project. As we did with the DoD grant, we will ensure that the vendor provide a project plan to be reviewed and approved by El Dorado County, with feedback and input from the participating counties. The project plan will include, but is not limited to the following elements:**
 1. **Orientation of LiveBallot webinars for the participating consortium counties.**
 2. **Agreed to dates to deliver data and theming to Democracy Live**
 3. **Confirm dates for QA and Go Live for initial elections**
 4. **Community and media outreach and education**
 5. **Report on LiveBallot voter activity**
- At the completion of the project, grantees will be required to submit a Grantee Final Report summarizing the project, successes and challenges, inventorying and documenting the completion of all project deliverables, and discussing the results of the project and its broader implications.
- Please describe your evaluation plan for the project. What specific information and data will you collect to measure the results? When specifically will you be collecting this information and data, analyzing this information and data and reporting the results? **The primary goal of this project is to extend balloting and balloting information to voters with disabilities and/or those eligible voters unable to vote in the county. The result of this grant is voters with disabilities and voters that are overseas and in the military will have greater access to their ballot through use of the LiveBallot technology. The data we will be collecting will measure the success and impact of delivering this technology to our voting population. The data will be collected during the 2018-2020 election cycle. The key data points for us are:**
 1. **Number of voters accessing the LiveBallot ballot information portal**
 2. **Number of voters downloading a ballot**
 3. **Number of special needs voters accessing the system**
 4. **Number of ballots returned, using the LiveBallot**
 5. **Geographic locales of voters using the system**
 6. **Post-election survey from voters using the system**

The data will be collected and the results will be reported to the grantor. El Dorado County has a strong record of conducting similar research and reporting for the Department of Defense electronic ballot delivery grant.

Exhibit A

DRAM Grant Proposal – EL DORADO, CA

Local Government Fund – Accessible Online Balloting Portal

- Describe a sustainability plan for the technology equipment beyond the lifetime of the award.
This grant will help pay for the initial upfront fees and 2-year license to use LiveBallot. This will give the Elections Departments in each of the participating counties enough time to place the ongoing license and support costs directly into future budget cycles for the ongoing continuation of this technology.