

SANTA FE COUNTY

Resolution No. 2005 - 59

A Resolution Urging Congress and the Bush Administration to Extend by Two Years the Deadline in and Fully Fund the Help America Vote Act

WHEREAS, the Help America Vote Act ("HAVA"), enacted by the federal government in October 2002, requires states and counties to meet a number of minimum, federal standards for voting equipment and election administration; and

WHEREAS, the U.S. Congress has failed to fully fund HAVA, funding for which is now \$859 million short of the amount stated in HAVA; and

WHEREAS, after initial distributions of \$650 million for replacing punch card and lever voting machines and beginning state implementation plans, the federal government disbursed no additional funds to states until June 2004, and no funds were disbursed in fiscal year 2005; and

WHEREAS, although the federal government has not delivered promised funding and is at least 18 months behind on promised standards for voting equipment, states and counties must comply with HAVA mandates by January 1, 2006; and

WHEREAS, HAVA authorizes the U.S. Department of Justice ("DOJ") to bring civil enforcement actions against states and counties that fail to comply with HAVA; and

WHEREAS, while HAVA explicitly limited enforcement to the DOJ, some courts have also interpreted HAVA as allowing private causes of action; and

WHEREAS, many county officials are concerned that, because of the inadequate federal funding and the federal delays in developing voting equipment standards, they will be unable to meet the deadline specified in HAVA and that their state and/or county will be subject to enforcement actions by the DOJ; and

WHEREAS, the federal delays in developing standards will cause compliance costs to increase, since vendors will need to be retained to deploy voting equipment on a rush basis or retrofit voting equipment to meet the yet-to-be released federal standards; and

SFC CLERK RECORDED <05/11/2005>

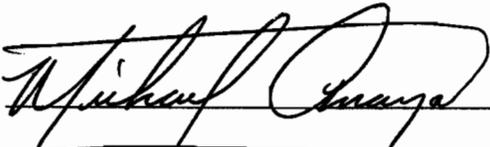
WHEREAS, county officials will be better able to assure voters that their voting
equipment is secure and that taxpayer funding is being used efficiently if the HAVA
compliance deadline is extended from January 1, 2006 to January 1, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners
of the County of Santa Fe urges the U.S. Congress and the Bush Administration to extend
by two years the deadline by which states and counties must comply with HAVA; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners of the
County of Santa Fe urges the U.S. Congress to appropriate all of the money authorized in
HAVA.

PASSED, APPROVED AND ADOPTED this 9th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS



Michael D. Anaya, Chairman

ATTEST:



Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney

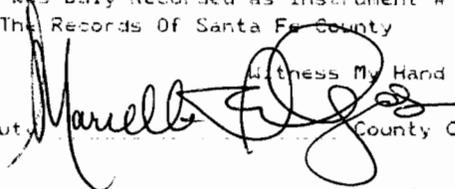


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COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of May, A D , 2005 at 10 38
And Was Daily Recorded as Instrument # 1379402
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Valerie Espinoza
County Clerk, Santa Fe, NM