

DE 77-12 - May 2, 1977

**Voting Equipment Approval
Chapter 101, F.S.**

To: Honorable Joyce V. Dieffenderfer, Supervisor of Elections, Post Office Box 012241, Miami, Florida 33101 Prepared by: Division of Elections

Prepared by: Division of Elections

You have informed us that the Dade County Board of County Commissioners awards an annual contract to a voting equipment manufacturer for "genuine original voting machine parts and supplies," and you have asked whether approval of this contract by the Division of Elections would satisfy the requirements of Section 101.294(1), Florida Statutes, for all purchases of parts and supplies under the contract in lieu of obtaining approval for each separate purchase of parts of supplies under the contract.

Your question is answered in the affirmative Section 101.294(1), Florida Statutes, contemplates approval by the Division in consideration of five criteria set out at subsection (2) and obligates the governing body of the purchasing governmental entity to inform the Division of Elections of matters pertinent to those criteria at subsection (3).

Although Section 101.292(2), Florida Statutes does define "voting equipment" to include materials and parts, it is our opinion that the provision of "the Florida Voting Equipment Acquisition Act," Section 101.291 — 101.295, Florida Statutes, taken as a whole requires Division approval of the terms of equipment purchase in light of the criteria or consideration stated at Section 101.294(2), Florida Statutes.

Accordingly, approval of the annual contract by the Division of Elections should obviate a requirement of discrete approval of each and every purchase thereunder, so long as the terms and conditions of the approved contract are not varied. To insure that all criteria of Section 101.294(2), Florida Statutes, are satisfied throughout the life of the purchase contract as renewed, the governing body of the purchasing governmental entity should insure that the Division be promptly apprised, pursuant to Section 101.294(3), Florida Statutes, of any matters or events which would alter the information file relative to the criteria or consideration established by Section 101.294(2), Florida Statutes.

Secondly, you ask whether an option to renew a one year contract for "genuine original voting machine parts and supplies" requires approval by the Division of Elections prior to exercise of the option by the Board of County Commissioners.

In terms of, and in keeping with the import of our answer to your first question, we are prepared to answer this question in the negative. Again, however, any matters or events pertinent to the criteria or consideration established by Section 101.294(2), Florida Statutes occurring prior to the exercise of the

option to renew should be promptly reported to the Division of Elections.