TO: The Members of the St. Charles County Council  
The Honorable Nancy Matheny, Council Chair  
The Honorable Joe Cronin  
The Honorable Joe Brazil  
The Honorable Paul Wynn  
The Honorable Terry Hollander  
The Honorable Jerry Daugherty  
The Honorable John White  
Ruth Miller, County Registrar

FROM: Steve Ehlmann, St. Charles County Executive

DATE: March 13, 2012

RE: Veto of Bill 3832

By this correspondence, pursuant to Section 3.702 of the St. Charles County Home Rule Charter, I am informing you that I have this day, vetoed Bill 3832, “AN ORDINANCE AUTHORIZING A BID AWARD TO, AND A CONTRACT WITH, HENRY ADKINS & SON FOR ELECTION VOTING SYSTEM EQUIPMENT FOR USE IN ELECTIONS IN THE AMOUNT OF $1,193,423.70”, and do hereby return it to the County Council with this written and signed statement of reasons for the veto.

Before the 2000 General Election the Federal Courts provided relief to citizens unfairly disenfranchised by state or local election authorities. After the 2000 Presidential Election and the problems in tabulating the results in Florida, the Federal Government saw fit to involve itself in running elections, traditionally a state concern. While St. Charles County had experienced no problems with its punch-card system of voting, the County, after much discussion, accepted a 1.5 million dollar grant to purchase electronic voting machines in 2006. Since that time, the County has had to spend over four million dollars to store, maintain, move and operate the new machines. As is often the case, Federal involvement to fix a problem that did not exist has been expensive for the County.

Bill 3832 provides for the purchase of new election voting equipment from Henry Adkins & Son for $1,269,599.70 less trade-in credit of $76,176.00 on the County’s current election voting system. It appears that St. Louis County is not replacing the equipment it purchased about the same time as St. Charles County purchased its current equipment. On the other hand, Jackson
County, in a similar situation, is purchasing new machines. Under our Charter, the Director of Elections is elected and responsible directly to the people for running his office. I believe that the Director of Elections should be given deference in determining the need to replace equipment and which machines to purchase. His plan to finance the replacement includes a federal grant to cover ten percent of the costs, which is available until the beginning of next year.

However, the Charter imposes a responsibility on this office when it comes to personnel and purchasing. The problem with Bill 3832 is awarding the contract to Henry Adkins & Son based on Sealed Bid 12-042 opened on January 31, 2012, which was the only bid received. Sealed Bid 12-042 contained a specification that required any prospective bidder to possess a certification from the Missouri Secretary of State as well as a Federal certification. Apparently, the Federal Government and the Secretary of State certification requirements have created a situation where a single provider is available to bid. As a result, the competitive bid process, designed to guarantee the taxpayers do not overpay, did not provide the necessary competition. There are reports that other bidders are in the process of obtaining the necessary federal and state certification. Therefore, confronted with a decision to spend 1.2 million dollars based on a single bid, I do not believe a purchase at this time is in the best interest of County taxpayers. It is my suggestion that the existing bid specifications be amended to encourage more bidders, or that the existing specifications be reissued only after a more competitive market exists in the State of Missouri.

Therefore, under the authority granted to me by section 2.604.1 of the Charter of St. Charles County, I hereby veto and return Bill 3832, “AN ORDINANCE AUTHORIZING A BID AWARD TO, AND A CONTRACT WITH, HENRY ADKINS & SON FOR ELECTION VOTING SYSTEM EQUIPMENT FOR USE IN ELECTIONS IN THE AMOUNT OF $1,193,423.70,” with the objections set out above.

Steve Ehlmann 3-13-12
Date
St. Charles County Executive

cc: Chuck Gross, Director of Administration
    Joann Leykam, County Counselor
    Donna Vogt, Executive Assistant, County Council