

# **HELP AMERICA VOTE ACT OF 2002 (HAVA)**

## **TITLE I – SECTION 102 PUNCH CARD REPLACEMENT PROCEDURES**

### **BACKGROUND**

Section 102 of Title I of the Help America Vote Act (HAVA) requires payments to states to replace punch card voting systems. California received notice from the United States General Services Administration that its allocation of funds is \$57,322,707. Funds are required by the HAVA to be apportioned to counties through a formula that provides a fixed sum of money for each “qualifying precinct” -- defined as a precinct using a “punch card” voting system in the November 7, 2000 General Election. “Punch card” voting systems, for California purposes, are Votomatic, Pollstar, and Datavote. According to the Statement of Vote for the November 7, 2000 General Election, there were 17,957 qualifying precincts in California, resulting in a per precinct allocation of \$3,192.22.

The attached chart indicates each of the 30 counties that used a punch card voting system in November 2000, the number of qualifying precincts in each county, and the amount of funds each county is entitled to receive.

The State is required to replace all punch card voting systems by November 2004, or it can request an extension to January 1, 2006. If any punch card voting systems are not replaced by this date, the State is required to refund the unused monies to the federal government.

The amount of funds for each county is prescribed by formula in the HAVA and the state may not direct unused funds to any other purpose.

### **APPLICATION PROCESS**

The application process will consist of a written certification by the Board of Supervisors of each eligible county that:

1. The county used punch card voting equipment, as defined by the HAVA, Title I, Section 102 (e), to conduct the November 2000 General Election.
2. The number of precincts for that election (as reported in the Statement of Vote for the November 7, 2000 General Election, as published by the Secretary of State).
3. That the county either has replaced or agrees to replace all punch card voting systems in every qualifying precinct in the county not later than January 1, 2004 (or January 1, 2006 if the deadline is extended in a waiver requested by the Secretary of State).
4. If the county does not replace, by the specified deadline, all punch card voting equipment in all qualifying precincts, it agrees to refund to the State an amount equal to \$3,192.22 (including any interest, if required by state or federal law) multiplied by the number of qualifying precincts in which all punch card voting equipment is not replaced.

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5. Identifying information (including the name and vendor) for the voting system that the county has purchased, or will purchase to replace the punch card voting system, and a certification that the replacement voting system:
  - A. Is not a punch card voting system within the meaning of Section 102 (e) of the HAVA.
  - B. Is not inconsistent with the laws described in Section 906 of the HAVA.
  - C. Meets the requirement of Section 301 of the HAVA.
  - D. Is certified by the Secretary of State for use as a voting system in California.
6. A “State of California Standard Agreement with attachments” must be entered into between the Secretary of State and the County in order for funds to be disbursed. No funds will be able to be disbursed to the County until this contract has been fully executed.

The Secretary of State will verify the information and certifications on the application and will initiate the process to distribute funds based on that application. If further information is required to complete the application, Secretary of State staff will obtain the information before the application is processed.

Upon approval of the application and execution of the State of California Standard Agreement with attachments, the Secretary of State’s Office will inform the county in writing of their completion of the application process. Applications should allow approximately 30 days to receive payment after this written confirmation is sent.

The Secretary of State will require a Final Certification from the Board of Supervisors of each county, prior to the deadline for replacement of punch card voting systems, that the requirements of the HAVA and this application process have been met.