

Overview of the Voting Modernization Board

Staff Report

The Voting Modernization Board (VMB/Board) was established by the passage of Proposition 41 – Voting Modernization Act of 2002 (“Act”), at the March 5, 2002, Primary Election. The purpose of the Act was to allow the state to sell \$200 million in general obligation bonds to assist counties in the purchase of updated voting systems, specifically voting machines, voting devices, or vote-tabulating devices that do not utilize prescored punch card ballots and are certified for use in California.

The five-member VMB (when fully staffed) is responsible for considering applications and awarding bond monies to counties and consists of two members appointed by the Secretary of State and three members appointed by the Governor. The Secretary of State currently has one outstanding vacant position. The terms of appointment are not limited. The Chair and Vice Chair are elected by the VMB members.

In accordance with a Memorandum of Understanding with the VMB, the Secretary of State provides resources and administrative services to the Board. The Secretary of State’s Chief of Elections serves as Executive Officer, an Elections Specialist serves as Staff Consultant, an Elections Division attorney serves as Staff Counsel, and the Assistant to the Chief of Elections serves as the Executive Assistant to the Board.

The Act does not include a schedule for allocation of funds to counties to modernize voting systems. At the July 17, 2002, VMB meeting, after much deliberation and public testimony, the VMB adopted a formula-based allocation for all of the counties. The VMB allocated funds to each county based on a formula that gives equal weight to the number of persons eligible to vote, the number of registered voters, the average number of persons who voted at the last four statewide elections, and the number of polling places (all numbers were based upon March 5, 2002, Primary Election data).

Once the formula allocations were established for each county, all 58 counties were invited to apply for their formula funding allocations. A “Project Documentation Package” detailing a county’s voting system conversion plan and executed vendor contract is required as part of the application for funding process. By requiring this detailed conversion plan and signed vendor contract from the county before any funding award and disbursements occur, the VMB is able to ensure that the new voting system the county plans to convert to would comply with the specific requirements of the Act.

The requirement for counties to submit “Project Documentation Packages” was established by the VMB in the adoption of the “Funding Application and Procedural Guide” and the “Statement of Plans and Projects” signed by the Governor. It has also been incorporated as the VMB’s

requirement for funding, in documents submitted to the Voting Modernization Finance Committee, and to request the issuance of commercial paper to fund the Voting Modernization Fund.

The Act does not specify a deadline to allocate the fund monies. Given that there has been little movement in the availability of certified voting systems for counties to purchase since the formation of the VMB, a deadline has yet to be established.

Approximately \$195 million in Voting Modernization Bond funds has been allocated amongst the counties (an additional \$5 million is used to administer the sale and appropriation of bonds). To date, almost \$130 million of bond funds has been approved and a balance of over \$65 million remains to be spent by 25 counties, including Los Angeles who has over \$49 million remaining.

Once a Project Documentation Plan is submitted by a county, it is reviewed by VMB staff and submitted to the Board at a public meeting, typically within 30 days of submission. Meetings have been held in Sacramento or Los Angeles, as determined by the Board.

Originally, meetings were held quite frequently. During the first five years of the VMB (from 2002 through 2006), the Board met 34 times. After the "Top-to-Bottom Review" conducted by Secretary of State Debra Bowen in 2007, resulting in the decertification of multiple voting systems, meetings slowed down considerably including two years when no meetings were held (2009 and 2013). The years 2010, 2011, and 2012 saw only one meeting per year.

There are currently no applications pending action by the Board; however, Los Angeles County has indicated they intend to submit a project documentation plan for bond funds to be spent on the research and development of their new proposed voting system.

All governing documents and policy decisions made by the VMB to date can be found on the VMB website <http://www.sos.ca.gov/elections/voting-systems/laws-and-standards/voting-modernization/>.