

VMB and the Implementation of SB 360

Since its inception in 2002, the Voting Modernization Board has granted fund monies for the purchase of voting systems certified by the Secretary of State, pursuant to Division 19 of the California Elections Code.

A county could apply for funds if it met all of the following requirements, found in Elections Code section 19234:

1. The county has purchased a new voting system after January 1, 1999, and is continuing to make payments on that system as of the effective date of Section 19234.
2. The county matches fund monies at a ratio of one dollar (\$1) of county monies for every three dollars (\$3) of fund monies.
3. The county has not previously requested fund money for the purchase of a new voting system.
4. The voting system has been certified by the Secretary of State.

In October of 2013, Senate Bill 360 was signed into law by Governor Brown. SB 360 renumbered Section 19234 to Section 19254, and now allows fund monies to be used for the purchase of systems that are either certified or conditionally approved by the Secretary of State.

Further, SB 360 allows a county to contract and pay for the following:

1. Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State and uses only nonproprietary software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware, as defined.
2. Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:
 - a. To test and seek certification or conditional approval for the voting system.
 - b. To test and demonstrate the capabilities of the voting system in a pilot program, as defined.

SB 360 would require changes to the VMB's existing policies and procedures. Prior to SB 360, counties brought forth a plan to purchase certified voting machines and related equipment, and were reimbursed by the VMB based upon paid invoices.

Now, under SB 360, counties may be reimbursed by the VMB for voting systems that are conditionally certified by the Secretary of State's office. If a county purchases a conditionally

certified voting system, the current process of reimbursement based upon paid invoices could continue.

In addition, counties may now be granted fund monies for the research and development of voting systems. For the VMB, the process may need to change to allow counties to come to the Board with a plan for their research and development, and may request an authorization of funding. The counties may use the authorization of funding award letter to secure a contract with a vendor and/or consultant to begin the research and development process. Existing VMB policies and procedures may need to be changed to provide funding allocations for research and development projects.

During the research and development process, counties may come to the VMB iteratively to request further authorization/funding as the research and development phases progress.

The Voting Modernization Bond Act of 2002 Funding and Application Procedural Guide will need to be amended to reflect changes required by SB 360.