

VMB Policy Question

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What constitutes an expansion of an existing system or components related to a previously approved application?

For example, if a county has received approval on a Project Documentation Plan and was issued a funding award allocation and was reimbursed for voting equipment secured under their plan, and if the county's current voting system is still certified for use in California, can the county be reimbursed for a "new voting system" if they want to replaced the voting system identified in their original Project Documentation Plan?

Background

Elections Code section 19234 was enacted upon the passage of Proposition 41. Proposition 41 established the criteria of eligibility for counties to apply for the Voting Modernization fund money. Under this section, a county is eligible to apply to the VMB for fund money if it meets all of the following requirements:

- A. The county has purchased a new voting system after January 1, 1999, and is continuing to make payments on that system on the date that this article becomes effective.
- B. The county matches fund moneys at a ratio of one dollar (\$1) of county moneys for every three dollars (\$3) of fund moneys.
- C. The county has not previously requested fund money for the purchase of a new voting system. Applications for expansion of an existing system or components related to a previously approved application shall be accepted.
- D. Fund moneys shall only be used to purchase systems certified by the Secretary of State, pursuant to Division 19 (commencing with Section 19001), and in no event shall fund moneys be used to purchase a voting system that utilizes prescored punch card ballots.
- E. Any voting system purchased using bond funds that does not require a voter to directly mark on the ballot must produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the 1 percent manual recount or other recount or contest.

Under the provisions of Proposition 41, the VMB was given the authority to "...reject any application for fund money it deems inappropriate, excessive, or that does not comply with the intent of this article." The proposition further states that a county whose application is rejected shall be allowed to submit an amended application.

Legal Interpretation

Section 19234 (c) (3) of the Elections Code provides that a county is ineligible to receive funds if it has previously requested Proposition 41 funds for the purchase of a new voting system, unless the application is for an expansion of an existing system or for the purchase of components related to a previously approved application. Therefore, a county that has previously received Proposition 41 funds for a new voting system may not receive additional funds to replace that system. However, the county may receive funds to add additional components to that system, as these would be considered components related to a previously approved application. In addition, regardless of whether the county has previously applied for funds, it may receive Proposition 41 funds for the expansion of an existing system that was purchased by the county.