

APPENDIX F

HAVA SECTION 102 AGREEMENT BETWEEN THE VOTING MODERNIZATION BOARD AND

COUNTY OF _____

1. The Voting Modernization Board (“Board”) is charged by Elections Code section 19235 with administering the Voting Modernization Fund with the authority to reject any application for money from the Voting Modernization Fund that it deems inappropriate, excessive, or that does not comply with the provisions of Article 3 (commencing with section 19230), of Division 19 of the Elections Code, known as the Voting Modernization Bond of Act of 2002 (Shelley-Hertzberg Act) “Act;”

2. Elections Code section 19234, subdivision (c) provides that a county is eligible to apply to the Board for fund money if it meets all of the following requirements:

- (1) 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 the article became effective;
- (2) The county matches fund moneys at a ratio of one dollar (\$1) of county moneys for every three dollars (\$3) of fund money;
- (3) The county has not previously requested fund money for the purchase of a new voting system, although applications for expansion of an existing system or components related to a previously approved application shall be accepted;

3. Section 102 of the federal Help America Vote Act of 2002 (Public Law 107-252) (“HAVA”) provides for an allocation of dollars (“HAVA Section 102 money”) to California counties that utilized punch card voting systems at the November 2000 Presidential Election, based on the number of precincts in the county that used those voting systems at that election, to purchase new voting equipment;

4. After reviewing all pertinent documents, the California Secretary of State has determined that the County of _____ (“County”) is eligible to receive \$ _____ of HAVA Section 102 money;

5. Furthermore, the Board has determined that a county’s allocation of HAVA Section 102 money as determined by the Secretary of State may be used to match money received from the Voting Modernization Fund in compliance with Elections Code subdivision 19234(c)(2) even though the HAVA Section 102 money has not yet been received or expended by the county, provided that the county agrees in writing that any and all HAVA Section 102 money received shall, immediately upon receipt, be expended for the purchase of a voting system permissible by the Act, to the extent necessary to comply with the match provided for by Elections Code subdivision 19234(c)(2);

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6. In consideration of the determination by the VMB that the County should be awarded money from the Voting Modernization Fund, as set forth in paragraph 5 herein, the County, by and through the undersigned, hereby agrees that:

- (a) Any HAVA Section 102 money received by the County shall be expended no later than 30 (thirty) days after the receipt of the money toward the purchase of a voting system for which funds have been awarded from the Voting Modernization Fund by the Board, to the extent necessary to comply with the match provided for by Election Code subdivision 19234(c)(2);
- (b) The County shall provide to the Board, no later than 30 (thirty) days after the expenditure of any HAVA Section 102 money expended as provided above, full documentation of the expenditure or expenditures, including invoices and other documentation, as specified by the Board;
- (c) If the HAVA Section 102 money received by the County is not expended as provided for as specified above, the County hereby agrees that it shall, within 60 (sixty) days of receiving the HAVA Section 102 money, return to the Board or not accept from the Board, that portion of its award of money from the Voting Modernization Fund for which there has not been compliance with the match requirements of Elections Code subdivision 19234(c)(2), as set forth in this agreement;
- (d) Prior to the actual release to the County of money from the Voting Modernization Fund, the County shall submit to the Board a duly adopted resolution of the County's Board of Supervisors certifying that the County will comply with the conditions set forth in paragraphs 6(a) through 6(c), inclusive, of this agreement.

On behalf of the County of _____, it is so agreed:

Dated: _____

Chair, Board of Supervisors

Dated: _____

Registrar of Voters

Approved on behalf of the Board:

Dated: _____

Chair, Voting Modernization Board