



Voting Modernization Board

Modernizing Voting Equipment in California

Stephen J. Kaufman, Chair

Teri Holoman
June Awano Lagmay
Gabriel Sandoval

To: Voting Modernization Board

From: Robbie Anderson
VMB Staff Attorney

Date: November 15, 2019

Re: Clarification of Elections Code section 19254(c)(3)

The purpose of this memorandum is to memorialize the discussion at the September 25, 2019, VMB meeting regarding the clarification of Elections Code section 19254(c)(3).

The initial memorandum presented to the VMB on May 31, 2019, did not properly address the language provided in Section 19254(c)(3) relating to a county who had previously submitted a project documentation package for reimbursement for the purchase of a new voting system.

The analysis in the first memo focused on a county being “reimbursed” for a new voting system, however the language in Section 19254(c)(3) refers to a county previously requesting fund money for the purchase of a new voting system.

The meaning of this language is unclear. While the language specifically refers to a county who has requested fund moneys, the actual language appears to provide a penalty to a county who previously submitted a project documentation package for reimbursement for a new voting system, but was never actually fully reimbursed for a new voting system.

On its face, the language appears to preclude a county who has requested fund money for a new voting system from doing so again. However, the language does not provide definitive guidance for the VMB to make a clear decision.

In the absence of clear direction, it would be wise to stay with a conservative approach to counties who have previously requested fund moneys for a new voting system. Reading Section 19254(c)(3) in the strictest sense, the VMB should not consider awarding counties who have previously requested fund

moneys for a new voting system reimbursement for another new voting system.

At this point, it appears that this situation would apply to only three counties – Alameda, Modoc, and San Diego. After conversations with these counties, it appears that at least Alameda and San Diego counties will go in a different direction, and eventually come before the VMB seeking reimbursement for voting equipment that will expand their overall voting system, rather than replacing their existing voting system. The third county, Modoc, has not indicated any interest whatsoever in coming before the VMB to seek reimbursement for any voting equipment, whether that be a new system or equipment that would expand their overall voting system solution.

As it appears that the question presented will not actually come before the VMB for a decision, the end result is that further analysis into the meaning of Elections Code section 19254(c) should not be necessary. Should circumstances change in the future, for example during a second round of funding, this issue can be re-assessed at that time.