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An act to amend Sections 19400 and 19402 of the Elections Code, relating to elections.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 19400 of the Elections Code is amended to read:

19400. For purposes of this chapter, the following definitions apply:

(a) "Ballot on demand system" means a ballot manufacturing system, as defined in Section 303.4, that is subject to Sections 13004 and 13004.5.

(b) "Election management system" means a system that is used by a county in the state to track voter registration or voter preferences, including, for example, a voter's vote by mail status.

(b)

(c) "Electronic poll book" means an electronic list of registered voters that may be transported to the polling location or vote center pursuant to Section 2550.

(c)

(d) "Remote accessible vote by mail system" means a system, as defined in Section 303.3, that is certified pursuant to Chapter 3.5 (commencing with Section 19280) of Division 19.

(d)

(e) "Vote by mail ballot drop box" means a secure receptacle established by a county or city and county elections official whereby a voted vote by mail ballot may be returned to the elections official from whom it was obtained pursuant to Section 3025.

(e)

(f) "Voting system" means any voting machine, voting device, or vote tabulating device that does not use prescored punch card ballots.

SEC. 2. Section 19402 of the Elections Code is amended to read:

19402. (a) (1) The Secretary of State shall use the funds appropriated to him or her the Secretary of State in the Budget Act of 2018 and the Budget Act of 2019 for voting system replacement for counties by awarding reimbursement contracts to counties for voting system replacement using the funding allocation described in subdivision (b). To receive reimbursement, a county shall provide matching funds that are at least equivalent to one-quarter of the state funds received for the eligible expenditures described in subdivision (d).

(2) Notwithstanding paragraph (1), counties that operated 50 or fewer precincts in the November 8, 2016, statewide general election are not required to provide matching funds to receive an allocation from the state.

(b) The Secretary of State shall allocate funding for a contract described in subdivision (a) based on the size of the county, the number of voters registered in the county, and the Secretary of State's estimate of need for county voting equipment.

(c) A contract described in subdivision (a) shall permit a county to apply to the Secretary of State for reimbursement costs incurred in connection with the activities described in subdivision (d) in a manner consistent with all of the following:

(1) The county may seek reimbursement for payments made pursuant to a purchase agreement, lease agreement, or other contract made after April 29, 2015.

(2) The funded activities described in subparagraph (A) of paragraph (1) of subdivision (d) shall be for new voting systems that have been certified pursuant to the California Voting System Standards.



(3) The county shall provide the Secretary of State with documentation of the payment for which reimbursement is sought, and of the purchase agreement, lease agreement, or other contract pursuant to which the reimbursed payment was made.

(4) The Secretary of State shall verify that payment for which reimbursement is sought meets the criteria set forth in the contract described in subdivision (a) before reimbursing the county.

(5) (A) The Secretary of State shall reimburse the county by matching county funds spent on voting system replacement activities described in subdivision (d) on a ~~dollar-for-dollar~~ three-to-one basis, up to the maximum amount of funds allocated for the contract pursuant to subdivision (b).

(B) Notwithstanding subparagraph (A), the Secretary of State shall reimburse counties that operated 50 or fewer precincts in the November 8, 2016, statewide general election without requiring those counties to provide matching funds.

(d) For purposes of this chapter, reimbursable voting system replacement activities include all of the following:

(1) The purchase or lease of any of the following:

(A) A voting system certified or conditionally approved by the Secretary of State that does not use prescored punch card ballots.

(B) Electronic poll books certified by the Secretary of State.

(C) Ballot on demand systems certified by the Secretary of State.

(D) Vote by mail ballot drop boxes that comply with any applicable regulations adopted by the Secretary of State pursuant to subdivision (b) of Section 3025.

(E) Remote accessible vote by mail systems certified or conditionally approved by the Secretary of State.

(F) Telecommunication technologies to facilitate electronic connection, for the purpose of voter registration, between polling places, vote centers, and the office of the county elections official or the Secretary of State's office.

(G) Vote by mail ballot sorting and processing equipment.

(H) An election management system.

(2) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State, but that would result in a voting system certified by the Secretary of State to comply with the California Voting System Standards. A voting system developed pursuant to this paragraph shall use only nonproprietary software and firmware with disclosed source code, except that it may use unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(3) (A) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(i) Testing and seeking certification or conditional approval for the voting system pursuant to Sections 19210 to 19214, inclusive.

(ii) Testing and demonstrating the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) and subdivision (c) of Section 19209.

(B) For purposes of this paragraph, "voting system" includes a part of a voting system.

(4) If a county uses funding provided to it for the activities described in paragraph (2) or (3), and those activities do not result in a voting system certified by the Secretary



of State to comply with the California Voting System Standards by July 1, 2023, the county shall return the state funding provided for those activities to the State. If the county does not return the funding by June 30, 2024, the State Controller shall withhold any payment to the county in an equivalent amount, as directed by the Department of Finance.

(e) A voting system purchased or leased by a county for which the county seeks reimbursement from the Secretary of State pursuant to this section and that does not require a voter to directly mark on the ballot must produce, at the time the voter votes ~~his or her~~ the voter's ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all of 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 tally described in Section 15360, or any recount, audit, or contest.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Elections: county voting system replacement.

Existing law requires the Secretary of State to use funds appropriated to the Secretary of State in the Budget Act of 2018 for voting system replacement for counties to award reimbursement contracts to counties that match funds spent by the counties on specified voting system replacement activities, such as the purchase or lease of vote by mail ballot sorting and processing equipment. Existing law requires counties to provide matching funds that are at least equivalent to the state funds received.

This bill would require the Secretary of State to use funds appropriated to the Secretary of State in the Budget Act of 2019 for these same purposes. The bill would instead require a county to provide matching funds that are at least equivalent to one-quarter of the state funds received in order receive reimbursement, and would exempt counties that operated fewer than 50 precincts in the November 8, 2016, statewide general election from the requirement to provide matching funds. The bill would add the purchase or lease of an election management system, as defined, to the list of reimbursable voting system replacement activities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

