

VOTING MODERNIZATION ACT OF 2002

FUNDING APPLICATION AND PROCEDURAL GUIDE

Voting Modernization Board

Revised December 2002

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APPENDICES

APPENDIX A - Application for Funding Consideration

APPENDIX B - Sample Governing Board Resolution

APPENDIX C - Project Documentation Form

APPENDIX D -1 Funding Award

APPENDIX D - 2 Acknowledgement of Funding Award

APPENDIX E - Payment Request Form

I. VOTING MODERNIZATION FUND PROGRAM SUMMARY

The Voting Modernization Board (VMB) administers a program to fund the acquisition of modern voting systems under the Voting Modernization Act of 2002 as set forth in California Elections Code section 19230 *et seq.* (the Act).

Eligible Entities: California counties. For the purpose of this document the term "County" includes "city and county."

Eligible Projects: Purchase of modern voting equipment system hardware, including the software necessary to operate that hardware, in accordance with the provisions of the Voting Modernization Act of 2002. Project eligibility requirements are specified in Section III. "Voting system" is defined as "any voting machine, voting device, or vote tabulating device that does not utilize prescored punch card ballots."

Funds Available: The proceeds from the sale of up to \$200,000,000 in State General Obligation Bonds.

Allocation Amount: Funds will be allocated by the VMB in accordance with the formula specified in Section VI.

Funding Award: Pursuant to its authority under the Act, the VMB approves funding applications that it determines meet the requirements of the Act and conditions of funding. The VMB thereafter issues a Funding Award (Appendix D-1).

Acknowledgement of Funding Award: Upon receipt of written notice of the Funding Award, County shall return an Acknowledgement of Funding Award (Appendix D-2).

County Match Amount: One dollar for every three dollars of fund monies.

County Match Type: Match is limited to monies spent for the purchase of modern voting equipment system hardware and software necessary to operate that hardware.

Application Submittal Deadline: Initial Applications for Funding Consideration must be received by the VMB by 4:00 p.m. on September 3, 2002.

Number of Applications that may be submitted: Each County may submit one initial application and, if necessary, one revision of that application. Applications for expansion of an existing system or components related to a previously approved application will be accepted for review by the VMB.

Agreement: References to an Agreement or Funding Agreement throughout all VMB documents and forms, including the use of Appendix D, are deleted. See Funding Award.

II. INTRODUCTION

The Voting Modernization Board is pleased to announce the availability of up to \$200,000,000 in funding as specified in the Voting Modernization Act of 2002. Funds will be appropriated to the Voting Modernization Fund and awarded by the VMB.

III. VOTING MODERNIZATION FUND PROGRAM

Purpose

The purpose of the fund is to provide assistance to counties in the purchase of modern voting systems.

Eligible Entities

All California counties are eligible to apply for VMB funds.

Project Eligibility Requirements

A County is eligible to receive fund money if it meets all of the following requirements:

1. The County has purchased new voting equipment system hardware after January 1, 1999, and is continuing to make payments on that system on March 6, 2002
2. The County matches fund monies at a ratio of one dollar of County monies for every three dollars of fund monies
3. 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 for review by the Board
4. The fund monies shall be used to purchase modern voting systems certified by the Secretary of State, pursuant to Division 19 of the California Elections Code
5. The fund monies shall not be used to purchase a voting system that utilizes pre-scored punch card ballots
6. 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 one percent manual recount or other recount or contest.)

Funds Available

The total amount of funds available is the proceeds from the sale of \$200,000,000 in State General Obligation Bonds. The Voting Modernization Board will determine the amount of individual awards as specified in Section VI.

In the event not all available funds are allocated, the VMB may at its discretion schedule one or more subsequent funding rounds.

Matching Funds Requirement

A County must contribute one dollar for every three dollars as specified in the Act. Match is limited to monies spent for the purchase of modern voting equipment system hardware and the software to operate that hardware. The County shall certify to the VMB the source and amount of match funding.

IV. APPLICATION FOR FUNDING

Application for Funding Consideration

All applicants, regardless of where they are in the process of purchasing a voting system, must complete and sign the **Application for Funding Consideration** certifying that the voting system will comply with the Project Eligibility Requirements as set forth in Section III of this Funding Application and Procedural Guide (see Appendix A). An authorizing resolution or other document from the County's governing body must accompany the Application for Funding Consideration (see Appendix B).

Project Documentation Package

At the time all required project information is available, but no later than a date to be specified by the Board, applicants with an accepted Application for Funding Consideration on file with the VMB must submit the **Project Documentation Package** to be eligible for funding in accordance with the Fund Allocation Process (see Appendix C).

If a County has completed its detailed Project planning, the Application for Funding Consideration and the Project Documentation Package may be submitted concurrently.

The Project Documentation Package shall include the following:

1. Project Documentation Form signed by the person authorized in the authorizing resolution or other document from the governing body
2. One-page Executive Summary of the Project
3. Summary of the County's overall voting system modernization strategy and the expected impact of the Project on that strategy (maximum 5 pages)

4. Summary of the Project plan including project objectives, phases, resources, controls, and system implementation activities
5. Project schedule including key milestones and expected voting equipment system hardware acquisition and installation dates
6. A detailed line item estimate of all Project costs
7. A statement of the amount and source of match funds to be provided by the County
8. A signed vendor agreement detailing the specific costs for the voting equipment system hardware proposed for funding assistance
9. If a County is under court order to convert to a new voting system prior to March 1, 2004, the Project Documentation Package must include a description of how the proposed voting system meets that requirement. Additionally, the Project Documentation Package must include a contingency plan in the event the plan proposed is not implemented in time for that election
10. If at the time the Project Documentation Package is submitted to the VMB Federal voting reform legislation has passed, a brief description of how the proposed voting system will meet the requirements of federal law (maximum 3 pages)

The VMB will make final decisions on all applications. Applicants whose applications are denied will be notified by mail as to the reasons for the denial.

Application Submittal Deadlines

The Application for Funding Consideration and the Authorizing Resolution must be received by the VMB not later than 4:00 p.m. on September 3, 2002.

The Project Documentation Package and all required attachments must be received by 4:00 p.m. by a date to be specified by the Board.

Both the Application for Funding Consideration and the Project Documentation Package must be delivered to the following location.

Secretary of State
Elections Division
1500 11th Street, 5th Floor
Sacramento, CA 95814

Number of Copies to Submit

The County shall submit to the VMB eight (8) copies of the Application for Funding Consideration and eight (8) copies of the Project Documentation Package.

V. AMENDED APPLICATION SUBMITTAL PROCESS

A County whose application is rejected shall be allowed a single opportunity to submit an amended version of that application to the Board.

An amended application must be received by the Board within 7 business days from the date of the Board's written notification of the initial application's rejection. Amended applications shall include all documents required of initial applications and must resolve all the reasons for rejection stated in the Board's notification.

VI. FUND ALLOCATION PROCESS

The VMB will determine the amount to be allocated to each County that has submitted an acceptable Application for Funding Consideration and set aside that amount either until the County submits a complete and acceptable Project Documentation Package, at which time the VMB may establish a payment schedule for the County, or until the funding allocation period expires, pursuant to Sections VI, VII, or VIII.

The VMB will base the projected maximum allocation of funds to each participating County on an equal weighting of the four formulas discussed by the VMB at its July 17, 2002 meeting, as corrected. These formulas are: (1) The number of persons eligible to vote in the County, as indicated in the February 19, 2002 (15-Day) Report of Registration; (2) The number of persons registered to vote in that County as of the February 19, 2002 (15-Day) Report of Registration; (3) The number of polling places in that County based on the number of precincts in the Statement of Vote for the March 5, 2002 election, minus the number of mail ballot precincts reported by the County to the Secretary of State for that election; and, (4) Voter turnout at the last 4 elections, as the calculated average turnout from the March 2002, the November 2000, the March 2000, and the November 1998 elections.

The calculation above shall establish a maximum allocation reserved for each County and shall not exceed the amount of the County's estimate as of July 17, 2002 to upgrade their voting equipment, as provided to the Secretary of State.

Payments of funds shall be distributed to counties based on actual invoices.

The State portion of the cost of voting equipment shall not exceed \$3,000 per voting machine.

All applications for funds shall include a plan describing how the County will make its voting equipment accessible to persons with disabilities.

If a County fails to submit the Project Documentation Package by the date specified under Application Submittal Deadlines, the VMB may at its discretion choose to cancel the allocation of funds set aside for that County and allocate those funds to eligible counties in any future funding rounds.

VII. CONDITIONS OF FUNDING

Funding Award

Pursuant to its authority under the Act, the VMB approves funding applications that it determines meet the requirements of the Act and conditions of funding. The VMB thereafter issues a Funding Award (Appendix D-1).

Acknowledgement of Funding Award

Upon receipt of written notice of the Funding Award, County shall return an Acknowledgement of Funding Award (Appendix D-2).

VMB Policy Decisions

VMB Policy Decisions are communicated through County Clerks, Registrar of Voters (CCROV) Memoranda.

Loss of Funding

The following may result in a loss of funding allocation:

1. County fails to submit an Application for Funding Consideration by September 3, 2002. Failure to submit an Application for Funding Consideration shall not prevent a County from participating in subsequent funding application cycles.
2. If a County fails to submit the Project Documentation Package by the date specified by the VMB.
3. County elects not to use its allocation, only uses a portion of its allocation, or withdraws from the funding program.
4. County project is not consistent with the requirements of Proposition 41.
5. In the event that the County fails to complete the funded Project by the Project Completion Date set forth in the Funding Award (Appendix D-1), all funds not used to pay for the Project shall be returned to the VMB. Additionally, any monies allocated to the County but not yet paid shall be cancelled and reallocated for future funding rounds.

A County that is unable to finish the Project by the Project Completion Date, and is unable to do so because of circumstances beyond its control, may apply to the VMB for an extension of the Project Completion Date. The VMB may, upon a showing of good cause, extend the Project Completion Date.

VIII. PROJECT REPORTING

Annual Progress Reports

No later than January 30 of each year, County shall submit to the VMB, on a standardized report provided by the VMB, an annual report that provides an analysis of the monies expended on the Project and its progress in relation to the project timelines submitted in the Project Documentation Package.

Additional Reports

Additional reports may be requested by the VMB as needed.

Changes to Approved Project

County shall notify VMB of proposed changes in its Project. The VMB shall approve proposed changes. The notification must include an explanation of the reasons for the changes and a statement of the impact of such changes on the use of the voting systems in future elections. Any change which does not meet the requirements of this Funding Application and Procedural Guide may subject the County, at the discretion of the VMB, to loss of all or a portion of allocated funds.

Project Completion

County shall submit a Project Completion Report to the VMB. The report must certify completion of the Project and that all money allocated by the VMB was expended on the Project. It must provide a financial summary showing final Project costs and sources of funding.

IX. PAYMENTS

Payment Process

County must submit to the VMB copies (in triplicate) of invoices for voting systems purchased pursuant to the Project and received by the County (e.g., delivered goods) along with a fully executed Payment Request Form (Appendix E, as revised). Invoices must include the Funding Award Number.

County will be paid in accordance with its approved Project Documentation, the required County match, VMB policies and procedures, and the allocated funding up to the award amount as shown in the Funding Award (Appendix D-1). Invoices will be processed as received.

Completed Payment Request Forms and invoices should be submitted to:

Voting Modernization Board
c/o Secretary of State
1500 11th Street, 5th Floor
Sacramento, CA 95814

Receiving Payments

Applicants should allow 45 to 60 days to receive payment after submitting a completed Payment Request Form.

Required Use of Funds

For Paid Invoices (Financed): In the event that the non County matched portion of the purchased voting system is financed, all funds received by the County from the VMB shall be paid within 60 days to the voting system vendor or to the third party that is financing the County's obligation, so as to immediately satisfy all or a portion of that debt obligation.

For Invoices Not Fully Paid (Under Terms, Net 45): In the event that the non County matched portion of the purchased voting system has not been paid (e.g., pursuant to terms, net to be paid within 45 days), all funds received by the County from the VMB shall be paid within 60 days to the voting system vendor. County shall thereafter provide documentation to the VMB of payment to said vendor.

For Paid Invoices (Paid by County): In the event that the County has paid for the voting system from its own funds, all funds received by the County from the VMB shall be transferred within 60 days to the County's general fund or to such other County fund as used to pay for the purchased voting system.

X. RECORDKEEPING AND AUDIT

Record keeping

County shall maintain records in a manner that:

- Accurately reflects fiscal transactions with necessary controls and safeguards
- Provides complete audit trails, based whenever possible on original documents (purchase orders, receipts, progress payments, invoices, time cards, cancelled warrants, warrant numbers, etc.)
- Provides accounting data so the total costs of the Project can be readily determined throughout the Project period

The VMB requires that a County retain all Project related records for five years after the VMB has accepted the Final Project Report or Project Termination and for at least one year following any audit or final disposition of any disputed audit findings.

Audit

All Projects may be subject to standard audit reviews for three years following the completion of the project. The audit shall include all books, papers, accounts, documents, or other records of the County as they relate to the Project for which funds were allocated.

Upon written notice of an audit, the County shall make the Project records, including the source documents and cancelled warrants, available to the VMB. County shall also provide an employee having knowledge of the Project to assist the VMB's auditor. County shall provide a copy of any document, paper, or electronic record requested by the VMB.

Inspection

County shall permit initial and then periodic site visits by VMB and its representatives to determine if work is in accordance with the approved Application, including a final inspection upon Project completion.