

AMENDED IN ASSEMBLY APRIL 22, 2019

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1784

**Introduced by ~~Assembly Member Santiago~~ *Assembly Members
Santiago, Chiu, and Gonzalez*
(Principal coauthor: Senator Wiener)
(Coauthor: Assembly Member Mullin)
(Coauthor: Senator Hill)**

February 22, 2019

An act to add Chapter 6 (commencing with Section 19500) to Division 19 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1784, as amended, Santiago. Elections: open-source paper ballot voting systems.

Existing law prohibits the use of a voting system unless it has been certified or conditionally approved by the Secretary of State, or approved by the Secretary of State as part of a pilot program, prior to the election at which it is to be used.

~~This bill~~ *bill, the Secure the VOTE Act*, would ~~establish the Open-Source Paper Ballot Voting System Program~~ and authorize the Secretary of State to award up to ~~\$12,000,000~~ *\$16,000,000* in matching funds, upon appropriation by the Legislature, to counties for the development of open-source paper ballot voting systems.

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

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 6 (commencing with Section 19500) is
2 added to Division 19 of the Elections Code, to read:

3
4 CHAPTER 6. OPEN-SOURCE PAPER BALLOT VOTING SYSTEM
5 PROGRAM
6

7 *19500. This chapter shall be known and may be cited as the*
8 *Secure the VOTE Act.*

9 ~~19500. The Open-Source Paper Ballot Voting System Program~~
10 ~~is hereby established as~~ *Secure the VOTE Act establishes a*
11 *partnership between the state and counties, with the goal of*
12 *developing and certifying a publicly owned, open-source paper*
13 *ballot voting system. The purposes of the program are reducing*
14 *costs associated with the replacement and maintenance of current*
15 *paper ballot voting systems and providing counties with a more*
16 *transparent, secure, and fair election process.*

17 ~~19501. An amount not to exceed twelve million dollars~~
18 ~~(\$12,000,000)~~ *sixteen million dollars (\$16,000,000)* shall be made
19 available to the Secretary of State, upon appropriation by the
20 Legislature in the annual Budget Act or another statute, for the
21 program established pursuant to this chapter. The Secretary of
22 State shall establish an application process and develop procedures
23 for the distribution of funds awarded pursuant to this chapter.

24 19502. ~~A~~

25 (a) A county shall comply with all of the following to be eligible
26 for an award of funds:

27 ~~(a)~~

28 (1) All of the system’s software components must be licensed
29 under an open-source license approved by the Open Source
30 Initiative and all other counties must be able to access and modify
31 the software for free.

32 ~~(b)~~

33 (2) All votes cast using the system must be recorded and
34 tabulated using voter-verified permanent paper ballots.

35 (b) *A county shall not be awarded more than eight million*
36 *dollars (\$8,000,000) pursuant to the program established by this*
37 *chapter.*

1 (c) A county that receives an award of funds to develop an
2 open-source paper ballot voting system pursuant to this chapter
3 may, in addition, use those funds to establish procedures for the
4 sharing or distribution of the system and to assist other counties
5 in using components of the system that have been certified by the
6 Secretary of State.

7 19503. A maximum of eight million dollars (\$8,000,000) shall
8 be awarded as follows:

9 (a) Funds shall be awarded at a ratio of three dollars (\$3) of
10 fund money for every one dollar (\$1) of county money *from any*
11 *source, including state funds*, if a county meets all of the following
12 requirements:

13 (1) All of the system’s software components *paid for using state*
14 *or county funds* must be licensed exclusively under the GNU
15 General Public License 3.0.

16 (2) All of the system’s software components must be open
17 source during development, using a process that is open to public
18 feedback. Development must be carried out in public repositories
19 by January 1, 2021.

20 (3) All of the system’s software components *eligible for an*
21 *award of matching funds pursuant to this subdivision* must be
22 certified or conditionally approved by the Secretary of State, or
23 approved by the Secretary of State as part of a pilot program
24 pursuant to Section 19209, for use during the November 8, 2022,
25 general election.

26 (b) Funds shall be awarded at a ratio of two dollars (\$2) of fund
27 money for every one dollar (\$1) of county money *from any source*,
28 *including state funds*, if a county meets all of the following
29 requirements:

30 (1) All of the system’s software components must meet the
31 requirements of paragraphs (1) and (2) of subdivision (a).

32 (2) All of the system’s software components *eligible for an*
33 *award of matching funds pursuant to this subdivision* must be
34 certified or conditionally approved by the Secretary of State, or
35 approved by the Secretary of State as part of a pilot program
36 pursuant to Section 19209, for use during the November 5, 2024,
37 general election.

38 19504. All other funds shall be awarded at a ratio of one dollars
39 (\$1) of fund money for every one dollar (\$1) of county ~~money~~;
40 *money from any source, including state funds*, up to a maximum

1 of ~~four million dollars (\$4,000,000 million)~~. *eight million dollars*
2 *(\$8,000,000)*.

3 19505. **A**

4 (a) A county shall refund *to the Secretary of State* all funds
5 awarded pursuant to this chapter if the Secretary of State fails to
6 certify an open-source paper ballot voting system *for tabulating*
7 *vote by mail ballots* that meets the requirements of Section 19502
8 by December 31, 2026.

9 (b) A county shall refund *to the Secretary of State* all funds
10 awarded pursuant to this chapter that have not been encumbered
11 by December 31, 2026.