

AMENDED IN SENATE JUNE 25, 2019  
AMENDED IN ASSEMBLY APRIL 22, 2019  
AMENDED IN ASSEMBLY MARCH 28, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1784**

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

February 22, 2019

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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, the Secure the VOTE Act, would authorize the Secretary of State to award up to \$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.~~  
10 *19501.* The Secure the VOTE Act establishes a partnership  
11 between the state and counties, with the goal of developing and  
12 certifying—a publicly owned, open-source paper ballot voting  
13 ~~system.~~ *systems.* The purposes of the program are reducing costs  
14 associated with the replacement and maintenance of current paper  
15 ballot voting systems and providing counties with a more  
16 transparent, secure, and fair election process.

17 ~~19501.~~  
18 *19502.* An amount not to exceed sixteen million dollars  
19 (\$16,000,000) shall be made available to the Secretary of State,  
20 upon appropriation by the Legislature in the annual Budget Act  
21 or another statute, for the program established pursuant to this  
22 chapter. The Secretary of State shall establish an application  
23 process and develop procedures for the distribution of funds  
24 awarded pursuant to this chapter.

25 ~~19502.~~  
26 *19503.* (a) A county shall comply with all of the following to  
27 be eligible for an award of funds:

28 (1) All of the system’s software components *developed at least*  
29 *in part using state or county funds* must be licensed under an  
30 open-source license approved by the Open Source Initiative and  
31 all other counties must be able to access and modify the software  
32 for free.

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.~~

8 *19504.* A maximum of eight million dollars (\$8,000,000) shall  
9 be awarded as follows:

10 (a) Funds shall be awarded at a ratio of ~~three dollars (\$3)~~ *two*  
11 *dollars (\$2)* of fund money for every one dollar (\$1) of county  
12 money from any source, including state funds, if a county meets  
13 all of the following requirements:

14 (1) All of the system's software components ~~paid for~~ *developed*  
15 *at least in part* using state or county funds *pursuant to this section*  
16 must be licensed exclusively under the GNU *Affero* General Public  
17 License ~~3.0, 3.0 or a later version~~.

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

22 (3) All of the system's software components eligible for an  
23 award of matching funds pursuant to this subdivision must be  
24 certified or conditionally approved by the Secretary of State, or  
25 approved by the Secretary of State as part of a pilot program  
26 pursuant to Section 19209, for use during the November ~~8, 2022;~~  
27 *5, 2024*, general election.

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

32 (1) ~~All of the system's software components must meet the~~  
33 ~~requirements of paragraphs (1) and (2) of subdivision (a).~~

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

1 ~~19504.~~  
2 *19505. All-Notwithstanding Section 19504, all other funds*  
3 *shall be awarded at a ratio of one-dollar dollar (\$1) of fund money*  
4 *for every one dollar (\$1) of county money from any source,*  
5 *including state funds, up to a maximum of eight million dollars*  
6 *(\$8,000,000).*

7 ~~19505.~~  
8 *19506. (a) A county shall refund to the Secretary of State all*  
9 *funds awarded pursuant to this chapter if the Secretary of State*  
10 *fails to certify an open-source paper ballot voting system for*  
11 *tabulating vote by mail ballots voting system components of the*  
12 *county that, collectively, have the ability to tabulate ballots*  
13 *centrally, including vote by mail ballots, and that meets meet the*  
14 *requirements of Section 19502 19503 by December 31, 2026.*

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