

## HAVA 301 Contract

### D. USE OF FUNDS

Any HAVA funds received pursuant to this program shall be used by County only for one or more of the following purposes:

1. For the lease or purchase of approved (California state certified) voting systems, or components of voting systems, that are accessible for individuals with disabilities (DREs or other accessible units), including vendor delivery, installation and related training costs. For purposes of this subparagraph, "voting systems, or components of voting systems, that are accessible for individuals with disabilities," means systems that comply with HAVA, subsections 301(a)(1)(A)(i) and (ii) and 301(a)(3)(A);
2. For the lease or purchase of approved (California state certified) voting systems or voting system components, including DRE voting systems or DRE voting system components, that provide for the presentation of ballots in languages other than English. This item shall include voting systems or voting system components to the extent that they have not yet been fully paid for, provided that: 1) the voting systems or voting system components were certified for use in California at the time they were leased or purchased; and 2) they are reasonably capable of being converted to include an accessible, voter-verifiable paper audit trail (AVVPAT), as required by *California Elections Code* Section 19250, (Statutes of 2004, Chapter 814 [SB 1438]), with the addition of hardware, firmware or software;
3. For the lease or purchase of approved (California state certified) voting systems or voting system components that provide for "second chance" voting by notifying voters of overvotes, undervotes, or other potential errors prior to the voters casting ballots and giving the voters the opportunity to correct the potential errors before the ballots are cast and counted;
4. The lease or purchase of voting system components and/or the cost of voting system modifications necessary to allow a voting system with a voter-verified paper audit trail (VVPAT) to be accessible to individuals with disabilities or for the presentation of VVPAT in languages other than English.
5. Pursuant to Section 251(c)(1) of HAVA, for reimbursement of costs incurred by the County, and not otherwise reimbursed pursuant to Proposition 41 or any other state or federal program, in obtaining voting equipment which meets the requirements of Section 301 of HAVA, and which were obtained after the regularly scheduled general election for Federal office held in November 2000.

6. The reasonable cost of transportation for delivery to the county of any of the voting systems or voting system components described above, provided that the voting systems or voting system components are leased, purchased or acquired during the period of Agreement;
7. The reasonable cost of voter education with respect to use of the voting systems or voting system components described above and other HAVA requirements directly related to the process of voter registration and casting or counting votes, including provisional voting rights and information to voters about casting 'overvotes,' that are implemented as a part of the statewide elections to be conducted in 2008 or thereafter. Each county shall provide a plan, or an updated plan, for voter education that shall be developed based upon criteria previously provided by the Secretary of State and submit the plan for approval within 90 days of executing this amendment. Once the plan has been approved by the Secretary of State, the plan will hereby become known as the Voter Education Plan and shall be incorporated and made part of this agreement by reference.
8. The reasonable cost of election official/poll worker training with respect to use of the voting systems or voting system components described above and other HAVA requirements directly related to the process of voter registration and casting or counting votes, including provisional voting rights and information to voters about casting 'overvotes,' that are implemented as a part of the statewide elections to be conducted in 2008 or thereafter. Each county shall provide a plan, or an updated plan, for election official/poll worker training that shall be developed based upon criteria previously provided by the Secretary of State and submit the plan for approval within 90 days of executing this amendment. Once the plan has been approved by the Secretary of State, the plan will hereby become known as Election Official/Poll Worker Training Plan and shall be incorporated and made part of this agreement by reference.
9. The reasonable cost of salaries, wages, and benefits for staff, consultants or contractors necessary to lease, purchase, acquire and deploy eligible voting systems or voting system components described above, including chain of custody requirements.
10. The reasonable cost of storage and warehousing, cell phones, forklifts, and/or retrofitting a voting system with an accessible voter-verified paper audit trail, up to a maximum of \$«MRP\_Balance», which represents the remaining balance of the County's proportionate share of a minimum requirements payment calculated pursuant to HAVA Section 252 (c) that may be used by a county in accordance with HAVA Section 251 (b)(2)(B) and in accordance with advice provided by the federal Election Assistance Commission, the federal authorizing agency for the HAVA, that such is an allowable expense pursuant to HAVA Section 251 (b)(2)(B).

11. The reasonable cost of absentee voting system equipment upgrades and the reasonable cost of services, training and initial implementation of any new absentee voting system process or procedural changes that improve the effectiveness and efficiency of the absentee voting process for voters and elections officials. Such costs are reimbursable only to the extent that expenditures for absentee voting system upgrades are in accordance with the voting system requirements of Section 301, including, Section 301 (a), which requires, in part, that at least one voting unit per polling place is accessible to disabled voters and Sections 301 (a)(1)(A) and 301 (c), allowing for the use of paper-based voting systems under specified conditions.

E. Notwithstanding any provision of Agreement, including Paragraph D of Scope of Work, County shall not submit any claim for payment or reimbursement and shall not be entitled to receive payment or reimbursement from State of HAVA funds for:

1. The cost of purchasing any motored vehicle;
2. The cost of leasing for more than 30 days of any motored vehicle;
3. The cost of purchasing any real property;
4. The cost of leasing any real property;
5. The cost of promotional items and memorabilia;
6. General purpose equipment, including but not limited to, office equipment and furnishings; modular furniture; telephone networks and component parts; information technology equipment and systems that are not a component of a voting system; reproduction and printing equipment that is not a component of a voting system;
7. General office supplies;
8. Any indirect rate or overhead costs distributed to county administrative support services.

F. Contractors are not permitted to perform work, or be paid for work, outside the documented scope of work. Changes to the scope of work must be approved before work is undertaken and payment is made for any activities outside of the scope of work.