

950 CMR 60.00: VOTING EQUIPMENT LOAN FUND

Section

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60.01: Scope

950 CMR 60.00 sets forth the procedures for implementing the Voting Equipment Loan Fund Program under the direction of the Secretary of the Commonwealth, subject to and in accordance with M.G.L. c. 9, § 30.

60.02: Purpose

The Voting Equipment Loan Fund Program provides loans to municipalities to replace 235 votomatic punch card voting systems and datavote punch card voting systems. The Secretary will approve loans to those municipalities that meet loan fund criteria and can accomplish the scope of the work in a timely manner. The Secretary may issue as deemed necessary and appropriate, administrative procedures, policies and guidance documents required to effectively carry out 950 CMR 60.00. Nothing contained herein is intended to discourage or prohibit municipalities from using their own funds for similar purposes.

60.03: Definitions

For the purpose of 950 CMR 60.00 *et seq.* the following words shall, unless the context otherwise indicates, have the following meanings:

Data vote punch card voting system means a system of voting where candidates names are printed on a punch card.

Eligible municipalities means a municipality which has replaced punch card voting systems and datavote punch card systems on or after January 1, 1995.

Punch card voting system means a system of voting utilizing a 235 voting position punch card.

Reasonable rate of interest means a reasonable rate of interest as determined by the Secretary of Administration and Finance.

Secretary means the Secretary of the Commonwealth.

Timely means voting equipment which has been approved by the Secretary at least 180 days before a state or municipal election.

60.04: Overview

The Secretary of the Commonwealth shall provide, subject to appropriation, a loan to eligible municipalities to replace voting equipment, provided that such loans shall be repaid, together with a reasonable rate of interest, not later than ten years after the loan is made, and further, that said method of repayment shall be through a deduction on a recipient municipality's cherry sheet. Loan repayments shall begin in the second quarter of the fiscal year in which the loan is made, or if the loan is made in the third or fourth quarter of a fiscal year, the second quarter of the next fiscal year.

60.05: Loan Application

Eligible municipalities must submit a complete loan application to the Secretary. The loan application shall specify the type of voting equipment that shall be purchased, the total cost of the voting equipment, the amount of the loan requested, the proposed amortization period, dollar costs to be repaid over that period, the total dollar amount to be repaid each year, and such other information as the Secretary may require. The application must be duly authorized and executed by the appropriate municipal official(s).

60.06: Approval

The Secretary shall review the application to determine the adequacy, accuracy and completeness of the information contained therein. Prior to taking final action on the application, the Secretary may request that the applicant provide additional information or attend a meeting or meetings with the Secretary to discuss the application. The Secretary shall, subject to appropriation, approve loans in the order received, in such amount as he, in his discretion, deems appropriate.

60.07: Award

If the Secretary determines that a municipality is eligible for a loan, has complied with all requirements contained herein, and that there are available funds appropriated in the Voting Equipment Loan Fund, he shall notify the municipality.

60.08: Loan Agreement

Prior to receiving the funds, the municipality must execute a Commonwealth of Massachusetts *Standard Terms and Conditions* in conjunction with a *Loan Agreement*. The Contract must be accompanied by an opinion of municipal legal counsel that the obligation is duly authorized, legal, valid, binding and enforceable.

REGULATORY AUTHORITY

950 CMR 60.00: M.G.L. c. 9, § 30.