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# STATE OF HAWAII

## State Plan

As required by Public Law 107-252,  
Help America Vote Act 2002, Section 253 (b)

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October 10, 2004



## INTRODUCTION BY THE CHIEF ELECTION OFFICER

We are pleased to offer the Hawaii Preliminary State Plan. Section 253(b) of the Help America Vote Act of 2002 (HAVA) requires each State to develop a long-range plan for implementing this Act. HAVA also requires the State and the various counties to work together to significantly reform the election process.

On behalf of Hawaii's elections community, we are proud to say that we began election reform before the enactment of HAVA. With the appropriate federal financial funding, the State of Hawaii will have the opportunity to build upon our strong foundation of election reform and accomplishments.

The Preliminary State Plan establishes a framework for continuing progress in election reform, the continuing improvement of our election services, and achieving compliance with HAVA.

Although HAVA increases responsibility for election administrations at the State level in order to establish consistency across jurisdictions, the county clerks in the State of Hawaii (responsible for voter registration and absentee voting) are integrally involved in the administration of all regularly scheduled elections. It is with this in mind, that the Office of Elections continues to work closely with the various county clerks and their communities to assure that our election services are uniform and nondiscriminatory.

We will update and refine the State Plan to reflect election reform progress and needs which may arise from the citizenry. We welcome the challenges of HAVA and the financial support from the federal government in our continuing efforts to provide secure, accessible, and convenient election services to all citizens statewide.

Dwayne D. Yoshina  
Chief Election Officer



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## I. INTRODUCTION

President Bush signed the Help America Vote Act (HAVA) into law on October 29, 2002. HAVA requires each State to develop a comprehensive plan for implementing mandates aimed at improving the conduct of elections.

Each plan must address the following:

- Provide for ADA voters the opportunity to vote independently through the use of at least one (1) Direct Recording Electronic (DRE) voting system in each polling place.
- Implement a system of provisional voting.
- Provide a complaints process where voters are entitled to a public hearing after filing a valid notarized complaint.
- Establish a statewide voter registration system.
- Establish a toll free number for voters to call to receive pertinent voting information.

The following State Plan for the State of Hawaii, was developed in accordance with Section 254 of HAVA and under the direction of the Chief Election Officer. Hawaii's plan establishes a framework for the State to continue progress that has already been made in election reform and to achieve compliance with HAVA.

Because HAVA will have a profound impact on all aspects of the voting process in our State, we anticipate that this plan will require updating and refining over the upcoming years to address changes and developing requirements.

## II. BACKDROP FOR HAWAII'S STATE PLAN

The mission of the Office of Elections is to provide secure, accessible, and convenient election services to all citizens statewide through:

- Conducting efficient and honest elections;
- Protecting voter's rights (the franchise);
- Encouraging participation in the electoral process; and
- Promoting elections.



Pursuant to Hawaii Revised Statutes, the Chief Election Officer is responsible for the supervision of all state elections. The State of Hawaii has had and continues to have a statewide, uniform, and standardized election system, something HAVA mandates each State to have. All services are provided in a uniform and nondiscriminatory manner.

The State of Hawaii uses an optical scan voting and vote counting system, statewide. This includes the use of precinct counters in every polling place as well as at the absentee walk sites (early voting sites). The processing and tabulation of the absentee mail ballots are accomplished using central counters in four county counting centers. The consolidation and distribution of election results are carried out at the county counting center for county results and state central counting center for statewide results.

**A. Overview**

The State of Hawaii consists of an archipelago of islands stretching approximately 2,000 miles. There are four (4) counties within the State: the City & County of Honolulu, the County of Hawaii, the County of Maui, and the County of Kauai. The population within each county (based on the 2001 *State of Hawaii Data Book* Table 1.06) is as follows:

<u>County</u>	<u>Population</u>
City & County of Honolulu	881,295
County of Hawaii	152,083
County of Maui	131,797
County of Kauai	59,223

The County of Maui includes the County of Kalawao (Kalaupapa Settlement). The County of Kalawao had 144 inhabitants in 1980, 130 in 1990, and 74 in 2002.

**B. Election Contests**

The following election contests are concurrently held state (including federal election contests) and county elections. These elections are held in even numbered years.

**Federal Contests:**

- U.S. President (1 seat)
- U.S. Vice President (1 seat)
- U.S. Senators (2 seats)
- U.S. Representatives (2 seats)



### **State Contests:**

Governor (1 seat)  
Lieutenant Governor (1 seat)  
State Senators (25 seats)  
State Representatives (51 seats)  
Board of Education members (13 seats)\*  
Office of Hawaiian Affairs Trustees (9 seats)\*

### **City and County of Honolulu Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Hawaii Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Maui Contests:**

Mayor (1 seat)\*  
Councilmembers (9 seats)\*

### **County of Kauai Contests:**

Mayor (1 seat)\*  
Prosecuting Attorney (1 seat)\*  
Councilmembers (7 seats)\*

### **\* Nonpartisan Contests**

Ballot measures (questions) include amendments to the State Constitution, amendments to the City and County Charters, the City and County initiative questions, and the City and County referendum questions.

## **C. Voter Registration**

Voter Registration by county from 1992 to 2002 were (numbers based on General Elections):



	1992	1994	1996	1998	2000 <sup>1</sup>	2002
Honolulu	328,463	349,457	386,546	423,875	444,945	470,327
Hawaii	62,023	63,677	71,270	77,726	84,421	89,478
Maui	47,238	48,036	57,091	66,740	73,331	79,045
Kauai	26,771	27,719	30,009	33,063	34,652	37,392
Statewide	464,495	488,889	544,916	601,404	637,349	676,242

#### D. Voter Turnout

Voter turnout numbers by county from 1992 to 2002 were (numbers based on General Elections):

TOTAL TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	272,081	269,121	261,781	291,114	257,795	270,071
Hawaii	52,529	48,907	50,464	53,658	51,368	50,368
Maui	38,408	36,589	36,169	43,382	39,665	41,554
Kauai	19,864	22,394	21,816	24,366	22,205	23,464
Statewide	382,882	377,011	370,230	412,520	371,033	385,457

PRECINCT TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	245,464	233,995	225,221	246,048	208,195	194,415
Hawaii	45,444	40,188	39,555	41,978	40,241	35,511
Maui	34,456	31,291	31,746	36,557	33,193	29,956
Kauai	16,979	17,694	17,176	17,592	16,334	15,526
Statewide	342,343	323,168	313,698	342,175	297,963	275,408

ABSENTEE TURNOUT	1992	1994	1996	1998	2000	2002
Honolulu	26,617	35,126	36,560	45,066	49,600	75,656
Hawaii	7,085	8,719	10,909	11,680	11,127	14,857
Maui	3,952	5,298	4,423	6,825	6,472	11,598
Kauai	2,885	4,700	4,640	6,774	5,871	7,938
Statewide	40,539	53,843	56,532	70,345	73,070	110,049

<sup>1</sup> Since the 2000 Election the State of Hawaii has included the National Voter Registration Act's (NVRA) section 8(d)(2) voters in its registration counts.





**E. Precincts**

In 2002, there were 351 precincts statewide. In 2004, there is estimated to be approximately 356 precincts statewide. The breakdown by county is as follows:

<u>County</u>	<u>2002</u>	<u>2004</u>
City & County of Honolulu	219	221
County of Hawaii	67	69
County of Maui	44	45
County of Kauai	21	21

The number of registered voters assigned to a precinct in 2002 ranged from 74 to 4,850.

**F. Vote Counting**

The State of Hawaii has had and continues to have a uniform, standard, and statewide election system, something HAVA mandates each State to have.

The State of Hawaii uses an optical scan voting and vote counting system, statewide. This includes the use of precinct counters in every polling place and at absentee walk sites (early voting sites) as well as the use of central counters at county counting centers to process absentee mail ballots.

Counting Centers are established in each of the four counties to process, tabulate, and disseminate election results on election nights in an accurate and timely manner, statewide.

**G. Absentee Walk-In Voting Sites (Early Voting)**

In 2002, there were 12 absentee walk-in voting (early voting) sites statewide.

<u>County</u>	<u>AB Sites</u>
City & County of Honolulu	4
County of Hawaii	5
County of Maui	2
County of Kauai	1



## H. Precinct Officials

Statewide training of approximately 3,500 precinct officials begins in July and continues through November of an election year. The State, with the cooperation of county election staff, conducts all training sessions. Currently, approximately 100 separate training sessions are conducted within the five (5) month period.

Hawaii's State Plan as presented herein is limited to the extent state appropriations are made available and based on the assumption that adequate federal funding will be appropriated. The State intends to fully comply with HAVA, however, if adequate federal funding is not made available, the manner in which the funds are disbursed or dedicated may be altered from the information contained in this State Plan.

## III. STATE PLAN REQUIRED ELEMENTS (HAVA §254)

From start to finish, Hawaii's election system is built around the standards of accuracy, transparency, professionalism, security, accountability, integrity, and replicability. These standards serve as the bases for the development and implementation of the state plan.

### A. Title III Requirements and Other Activities

*Section 254(a)(1) requires a description of how the State will use the requirements payment to meet the requirements of Title III, and if applicable under section 251(b)(2), to carry out other activities to improve the administration of elections. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.*

#### 1. §301(a), Voting System Standards Requirements

*Section 301(a) establishes several voting system standards which must be met by January 1, 2006. Under this section, no waiver of the requirements is permitted.*

HAVA requires each voting system to:

- Permit voters to verify whom they have voted for and make changes to their vote in a private, secret, and independent manner;



- Notify voters if they have overvoted, what happens in instances of an overvote, and provide the opportunity to correct the ballot;
- Ensure that any notification to the voter maintains the privacy, secrecy, and independence of the voter's ballot;
- Produce a permanent paper record with manual audit capacity;
- Be accessible for people with disabilities through the use of at least one (1) Direct Recording Electronic (DRE) voting system placed at each polling place;
- Provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965;
- Comply with error rates in effect by the Federal Elections Commission (FEC); and
- Have a definition of what constitutes a vote and what will be counted.

The State currently uses a single, uniform, statewide voting system in each of its counties. Presently, there are Election Systems & Software (ES&S) Model 100 precinct counters in every polling place as well as all early voting sites. In addition, the State uses the ES&S Model 550 central counter to process, count, and tabulate results from its absentee mail ballots.

Since the early 1970's the State has had uniform and standard procedures statewide. Pursuant to the Hawaii Revised Statutes the State is responsible for the operations of the polling places and counting centers. The State, and the various counties, collegially develops and implements these procedures statewide. These procedures address all operational areas of elections.

In 1998 the State migrated from DATAVOTE to an optical scan vote and vote counting system. The present system allows a voter to view and correct errors prior to casting a ballot. The system notifies a voter of overvotes, completely blank ballot, and multiparty votes (Hawaii conducts single party primary elections).



For the 2004 and all subsequent elections, the State plans to place at least one DRE machine in each polling place. The State intends to meet HAVA requirements, "so that any voter may have the opportunity to vote independently." This DRE will meet the requirements of voting system accessibility, language accessibility, and confirmation of votes by voters, enunciated in HAVA. Each DRE shall be equipped with an audio feature to allow the visually impaired the opportunity to vote independently.

The State has scheduled demonstrations with DRE vendors to receive comments and concerns from people with disabilities. To this date Hart Intercivic and Election Systems & Software has demonstrated and the state has received comments, statewide, from people with disabilities.

Also, the State plans to install modems in each precinct counter to aid in the administration of elections. Installing modems in each precinct counter will allow the results to be electronically transmitted into each counting center, rather than being driven to the counting center by a delivery/collection team. It is anticipated that such actions should aid in the efficiency and security of our administration of elections.

Additionally, the State of Hawaii will conduct voter education to educate individuals on how to vote on the new voting system.

Requirements payment will also be used for maintaining, modifying, and improving the voting and vote counting system in the State of Hawaii to ensure compliance with HAVA Section 301(a) standards.

## **2. Provisional Voting and Voting Information Requirements**

*Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver is permitted.*

HAVA identifies voters who may vote using a provisional ballot. They are as follows: 1) a voter who declares that he or she is a registered voter in the jurisdiction in which that person decided to vote and is eligible to vote in an election for Federal office, but whose name does not appear on the official list of eligible voters at the polling place; and a voter who the election official assert is not eligible to vote; a voter who registered by mail and is a first-time voter in the jurisdiction who appears at the polling place without proper identification; and 2) a voter who votes in an election for



federal office pursuant to a federal or state court order or any other order extending the time established for closing the polls.

While, there is no state law that permits provisional voting, the State has, for many years, used Control Centers and Voter Assistance Officials (statewide) to ensure that registered voters who appear at the polling place but are not in the register of voters may resolve their voter registration problems. Voter Assistance Officials are provided telephones and assigned an operator at Control Center who searches the statewide voter registration database and related documents to determine if an individual is registered to vote. Any voter who is not found in the statewide voter registration system may at their discretion cast a "Challenged" ballot. Determination reached in this process may be appealed to a Board of Registration and ultimately the Hawaii Supreme Court.

The State of Hawaii will comply with the requirements of HAVA as outlined in Section 302. Voters will be notified by polling officials that they may vote a provisional ballot. Voters will complete a self-subscribing affidavit in which the individuals affirm under penalty of perjury that they are registered in the jurisdiction in which the individual desires to vote and is eligible to vote in that election.

Voters will be provided "free access", in the form of a toll free telephone number, to learn if their ballots have been counted. In addition, any voter whose ballot is not counted will be provided a reason for that action. All responses to provisional voters will be confidential.

In addition to provisional voting requirements, Section 302 of HAVA mandates that a sample ballot and other voting information be posted at the polling place on Election Day. The State, in consultation with the County Clerks, will design the materials to be posted. Requirements payment will be used to develop, print, and post this information.

### **3. Computerized Statewide Voter Registration List and Requirements for Voters Who Register by Mail**

*Section 303 requires the establishment of a computerized statewide voter registration list, first time voters who register by mail to provide identification when they cast their ballots, and changes to be made to the voter registration application by January 1, 2004. A waiver is permitted to extend compliance with Section 303(a) to January 1, 2006.*



Presently, the guidelines for voter registration (process, context and parameters) are set forth in Hawaii Revised Statutes (HRS). All counties must comply with the state laws, given there are no county ordinances governing this activity. Procedures and policies are set cooperatively and collegially between the state and the counties.

The State of Hawaii's existing voter registration system is a "single, uniform, centralized, interactive, and uniform computerized statewide voter register" as required by HAVA. The present system is integrated with the statewide driver license database and the City & County of Honolulu property records. If Hawaii's neighbor island (Maui, Hawaii, Kauai) property databases are reintegrated with the City & County of Honolulu's real property system, the possibility also exists for simultaneous integration with the voter registration system as well.

The existing system features instantaneous real time updates to the master voter registration file with crosschecking against all driver license and property records. The crosscheck feature has been in existence for over eighteen years. In a separate effort, Hawaii's statewide driver license database is also presently being enhanced to allow online checks against the Social Security Administration. The State of Hawaii seeks to improve upon the current voter registration system through either enhancements to the existing system or migrating to another voter registration system while maintaining existing functionality.

Currently, Hawaii's voter registration records (source documents) are maintained at the local jurisdiction level under the custody of the County Clerks. In a unique arrangement, the largest county (City & County of Honolulu) maintains the statewide voter registration system and also maintains the statewide drivers license database on behalf of the four counties and State. The State of Hawaii believes its existing system satisfies the requirements of HAVA and desires to continue this system administration arrangement while retaining the legal oversight of the statewide voter registration database. This arrangement optimizes database integration with these and other statewide systems. However, as a condition of federal funding, the State will continue to require online and electronic access to voter registration data generated by each of the counties for administering its combined Federal, State, and County Elections.



Hawaii's mail-in voter registration form also requires redesign to accommodate new information required by HAVA. The form will also be redesigned in anticipation that imaging and intelligent character recognition technology can be incorporated into the voter registration system to further enhance the administration of elections.

#### **4. Minimum Requirements**

The State understands that the requirements in HAVA Title III are minimum requirements and that the State may establish election technology and administration requirements that are more stringent. Any more stringent requirement that the State imposes will comply with all Title III requirements, as well as the laws described in HAVA Section 906.

#### **5. Methods of Implementation Left to the Discretion of the State of Hawaii**

The State chose various means to comply with the requirements of HAVA, Title III. Specific details on the implementation methodology chosen can be found in Section 1 through 3 of this State Plan.

#### **6. Adoption of Voluntary Guidance by Commission**

Once the federal Election Assistance Commission (EAC) has issued its voluntary recommendations with respect to Title III, the State will consider that guidance in updating the State Plan. The State will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

#### **7. Process for Adoption**

The State will stay aware of the progress of the EAC on developing the Title III recommendations. If appropriate, the State will provide feedback during the public comment period after the recommendations are published in the Federal Register and participate in public hearings regarding the recommendations.

#### **8. Other Activities to Improve the Administration of Elections (Section 251(b)(2))**

##### **a) Development of Staff**



Staff at the Office of Elections does not readily have access to continuing professional education and contact with other election administrators on the mainland. The State of Hawaii would be well served by encouraging their professional development through continuing professional education.

Requirements payments will be used to support training and professional certification.

**b) Section 261 Payments to States and Units of Local Government to Assure access for individuals with Disabilities**

The Office of Elections with assistance from the Disability and Communications Access Board (DCAB), has applied for a grant pursuant to Section 261 of HAVA. The plan calls for the following:

- Ensure that all polling places are accessible.
- Provide statewide training to voters with full range of disabilities, utilizing trainers with disabilities, to embrace privacy and independence in the voting process.
- Develop and implement training curricula and educational materials for election officials, precinct officials, and election volunteers.
- Provide individuals with the full range of disabilities with information about the accessibility of the polling places.

It is proposed that requirements payments will be used to provide a project coordinator for program development, implementation, and statewide coordination of this project.

Requirements payments will also be used for equipment, materials, and supplies to assure accessibility to the polling place for individuals with disabilities.

**B. Distribution of Requirements Payments & Eligibility for Distribution**

*Section 254(a)(2) of the act requires a description of how the State will distribute and monitor the distribution of the requirements payment to units*





*of local government or other entities in the State for carrying out the activities described in Section 254(a)(1), including a description of:*

- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving payment; and*
- (B) *the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 254(a)(8).*

The Office of Elections will manage activities funded by requirements payments and will monitor the performance of each initiative funded. The Office will be accountable for all expenditures, funding levels, program controls, and outcomes.

The State will follow applicable Hawaii and procurement laws regarding the distribution of the federal requirements payments.

### **C. Voter Education, Election Official and Poll Worker Training**

*Section 254(a)(3) of the Act requires a description of how the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III.*

The State of Hawaii has always believed that voter education is essential to the development and fostering of a healthy and robust democracy. However, over the past ten years the legislature has reduced the Office's voter education budget. The impacts of these reductions are beginning to manifest themselves in increases of voter registration questions that arise on election day. For example, more and more voters are showing up at the wrong polling place or not keeping their voter registration current. This leads to voter inconveniences, longer lines, and voter frustration at the polling places.

The Office of Elections intends to improve on its existing voter education program. Currently, the voter education program consists of passive information in the form of FACTSHEETS (hard copy and electronically on the website), brochures, public demonstrations/presentations, and public service announcements (PSA) provide to voters. The goal of the voter education program is to provide voters with the information they need to register to vote, vote with confidence, and cast a vote that accurately reflects their intentions. At minimum, a voter education program should include components that inform citizens:



- How to register to vote and confirm their registration status;
- Where and when to vote;
- How to cast a valid ballot; and
- Their rights as voters.

Traditionally, voter education referred to providing voters with substantive information about the candidates and the issues, in the form of flyers and brochures. Voters need this information, but they also need information on the process of registration and voting. Information given at the polls represents the very last step in an education process that begins with civic education in the schools.

First citizens need to know the mechanics of the process, starting with registration. Registration is a prerequisite to voting and voters have the responsibility of keeping their registration current. Voters also need to know that it is their responsibility to confirm their registration and what to do if they discover they are not properly registered. In turn, it is the responsibility of the election administrators to let voters know where and when to vote. This would be accomplished through an outreach program targeted at ethnic groups, political parties, organizations, and other groups identified as need outreach.

Voters must also understand their rights in the polling place. All voters minimally should know the following:

- Not to be intimidated or denied the right to vote, and how to proceed if their rights have been violated.
- How they are able to correct a mistake.
- That special assistance, ranging from translated voting instructions, instructions in alternative formats and a translator or assistant of their choice are available on request.
- An expectation that all votes will be counted in the same manner as other votes across the state.

The Office of Elections will embark on a more active outreach program, but still retain the FACTSHEETS and brochures. The Office of Elections will use the following groups to educate the voters:



- Civic and advocacy groups, community organizations, political parties, candidates, and the media; and
- State and county election officials.

Requirements payment will be used for the purposes of materials development and outreach activities.

#### **D. Voting System Guidelines and Process**

*Section 254(a)(4) requires a description of how the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.*

Section 301 requires each voting system to:

- Permit voters to verify whom they voted for and make changes to their vote in a private, secret, and independent matter;
- Notify voters if they have overvoted, what happens in instances of an overvote, and provide for the opportunity to correct the ballot;
- Ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot;
- Produce a permanent paper record with manual audit capacity;
- Be accessible for people with disabilities through the use of at least one (1) DRE voting system placed at each polling place;
- Provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965;
- Comply with error rates in effect by the FEC; and
- Have a definition of what constitutes a vote and what will be counted.

Although the Hawaii Revised Statutes does not require the State of Hawaii to certify its voting and vote counting systems, the state uses the Federal Elections Commission (FEC) guidelines as its system standards. Any voting and vote counting system must meet these standards as well as the Hawaii specific requirements in order to qualify for selection.



## **E. Hawaii's HAVA Fund Management**

*How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management. -- HAVA §254 (a) (5)*

Working with the legislature, the State of Hawaii will establish a new program for election reform that is kept separate and distinct from all other programs within the agency. This program will contain both federal and general funds. The federal fund portion will be used to maintain federal fund receipts and to expend federal funds. The general fund portion will be used to budget and expend general funds representing the 5% match required under HAVA.

The Office of Elections will work with the Department of Accounting and General Services and Department of Budget and Finance to follow and enforce all mandated fiscal controls and policies.

Unspent federal funds will be set aside in the state Election Fund for payment of long-term costs of complying with HAVA.

## **F. Hawaii's HAVA Budget**

*The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on— (A) the costs of the activities required to be carried out to meet the requirements of Title III; (B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and (C) the portion of the requirements payment, which will be used to carry out other activities. -- HAVA §254 (a)(6)*

At the time of writing this plan, HAVA appropriations were significantly less than amounts authorized. The following table outlines the assumptions regarding federal funding that the State used in creating its budget for HAVA activities.

(See Attachment B)



## **G. Maintenance of Effort**

*How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. -- HAVA §254 (a)(7)*

Consistent with HAVA §254(a)(7), in using any requirements payment, Hawaii will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of such expenditures in State FY 2000 -- a total of \$2,299,552.

## **H. HAVA Performance Goals and Measures**

*How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. -- HAVA §254 (a)(8)*

The State, in collaboration with various counties, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. This process will provide the various counties with the structure and continued measurable targets for accomplishment.

As detailed in Section K of this document, the State will establish an Election Reform Program Management Office (PMO) to oversee continuous management of the State Plan. This PMO, in coordination with the State and various counties personnel, will be responsible for developing and monitoring a uniform performance evaluation process. In measuring progress, the PMO will continue to revisit original goals and objectives and make adjustments as appropriate.

## **I. State-Based Administrative Complaint Procedures**

*A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. -- HAVA §254 (a)(9)  
Deadline for Compliance: Prior to certification of State Plan, but no later than January 1, 2004; no waiver permitted.*



The State will develop and establish a State based administrative complaints program. The program will include provisions for alternative dispute resolution and appropriate remedy. Appropriate remedy must be in conformance with state elections law and will not include financial payments to complainants or civil penalties for election officials, even if it is determined that a violation of Title III has occurred. Remedies may include written findings that a violation of Title III has occurred, strategies for insuring that that the violation does not re-occur, and if it appears that the complaint is systemic, possible actions by the Office of Elections to eliminate or prevent future incidences.

Requirements funding will be used for the hearings requirement of this section.

#### **J. Effect of Title I Payments**

*If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. -- HAVA §254 (a)(10)*

To date, the State of Hawaii has received \$6,339,192.30 In Title I payments.

##### **1. §101. Payments to States for activities to improve administration of elections.**

Hawaii is eligible for approximately \$5,000,000.00 under section 101. These funds will be used for activities to meet the following requirements:

- The State of Hawaii will establish a fund for the maintenance and repair of the voting and vote counting system.
- The State will also establish a fund to supplement the State's voter education efforts.
- Unspent federal funds will be set aside in the state Election Fund for payment of long-term costs of complying with HAVA.

##### **2. §102. Replacement of punch card or lever voting machines.**

Hawaii is eligible for approximately \$1,339,192.30 under section 102, as calculated in the following chart. The State understands



that there will be a pro rata reduction to the maximum payment amount based on the total national participation under this section. State legislation makes local jurisdictions eligible to receive 50% of any federal funds “received for improvements in voting systems and equipment” under certain circumstances.

#### **K. Hawaii’s HAVA State Plan Management**

*How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—*

- (A) *is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;*
- (B) *is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and*
- (C) *takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). -- HAVA §254 (a)(11)*

Sound and responsible management of the State Plan will be an essential component of the State election community’s future success.

Due to the complexity of HAVA and the potential variety of projects it encompasses, State of Hawaii will establish an Election Reform Program Management Officer (PMO). The Election Reform PMO will conduct ongoing management of the State Plan, including project planning (for all HAVA-related and other election reform projects) and establishing and implementing program management standards (i.e. performance measures, review and approval processes, issue/risk management, etc.). The PMO will also be responsible for other election functions, including: budget and fiscal, personnel, and office support functions. In addition to a PMO, there will be established a position of an accounts clerk to assist the PMO with HAVA accounting requirements.

#### **L. Changes to State Plan from Previous Fiscal Year**

*In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year. -- HAVA §254 (a) (12)*



This FY 2003 Plan is the State's inaugural plan under HAVA. This section will be updated in the FY 2004 Plan, reflecting changes to the Plan, as well as a summary of 2003 successes.

#### **M. State Plan Development and Committee**

*A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section 255 and section 256. -- HAVA §254 (a)(13)*

The Plan development Committee consists of the Official Observers. On Election Day the Official Observers serve as the "eyes and ears" of the public to ensure the sanctity and integrity of the election process. The Official Observers have been an integral part of the election process for over 30 years. They represent the various political parties and various community organizations that have a interest in the integrity and fairness of the election process, i.e. Chamber Commerce of Hawaii, Alu Like, League of Women Voters, Common Cause, Hawaii State Bar Association, Hawaii State Teachers Association (HSTA), etc.

Additionally, this plan was drafted with input from the various County Clerks and their staff.

Phase I of the State Plan includes actions which will bring the state into compliance with Title III of HAVA.

Phase II of the State plan includes distribution of the preliminary state plan to the citizens of the State of Hawaii to receive input and feedback. The statements received will be used to develop program plans to address the following HAVA foci:

- Comply with federal election requirements under Title III of the act;
- Improve elections for federal offices;
- Develop a state plan for election improvements as provided in the act;
- Train election officials and poll workers;
- Improve the voting system;
- Increase voter participation;





- Improve accessibility of polling places, including providing access for peoples with disabilities; and
- Improve voter fraud investigation.

Phase II is purposely left open ended to address changes and oversight in Phase I compliance activities. Phase II also provides a mechanism to update the state plan and meet new needs.

The Office of Elections is committed to including all citizens in the voting process. To this end, all programs and services provided by this office will be accessible to individuals with disabilities. All advertisements for toll-free numbers, training and printed materials will include a contact number or statement that auxiliary aids and services will be provided for equal access. In addition, our web site will be designed in compliance with Section 508 of the Rehabilitation Act of 1973, as amended, so that information is available and accessible for everyone.

Title 1 Matrix

Act Requirements

<b>SEC. 101. Payments to States for Election Administration improvements and replacement of punch card and lever voting machines</b>				
	(a) IN GENERAL- No later than 45 days after the date of the enactment of this ACT, the Administrator of General Services Administration shall establish a program under the "Administrator" shall make payment to each State election official, notifies the Administrator not later than 6 months after the date of this Act that the State		Refer to Hawaii State Plan	
	(b) USE OF PAYMENT		Refer to Hawaii State Plan	
	(1) IN GENERAL- A State shall use the funds provided under this section to carry out 1 or more of the following activities:		Refer to Hawaii State Plan	
		(A) Complying with the requirements under Title III	Refer to Hawaii State Plan	
		(B) Improving the administration of elections for Federal office	Refer to Hawaii State Plan	
		(C) Educating voters concerning voting procedures, voting rights, and voting technology.	Refer to Hawaii State Plan	
		(D) Training election officials, poll workers and election volunteers.	Refer to Hawaii State Plan	
		(E) Develop the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.	Refer to Hawaii State Plan	
		(F) Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.	Refer to Hawaii State Plan	
		(G) Improving the accessibility and quality of polling places, including providing physical access for individuals with disabilities, provide nonvisual access for individuals with visual impairments, and providing assistance to Native Americans, Alaska Native citizens, and to individuals with limited proficiency in the English language.	Refer to Hawaii State Plan	
		(H) Establishing toll-free telephone hot-lines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information.	Refer to Hawaii State Plan	

(2) LIMITATIONS – A State may not use the funds provided under a payment made under this section-		<b>Refer to Hawaii State Plan</b>	
	(A) to pay costs associated with any litigation, except to the extent that such costs otherwise constitute permitted uses of a payment under this section; or	<b>Refer to Hawaii State Plan</b>	
	(B) for the payment of any judgment.	<b>Refer to Hawaii State Plan</b>	
	(C) Use of Funds to be Consistent with Other Laws and Requirements.- In order to receive a payment under this section, the State shall provide the Administrator with certifications that-	<b>Refer to Hawaii State Plan</b>	
	(i) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and	<b>Refer to Hawaii State Plan</b>	
	(ii) the proposed uses of the funds are not inconsistent with the requirements of title III	<b>Refer to Hawaii State Plan</b>	

Title 1 Matrix

Act Requirements

<b>SEC. 102.REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.</b>				
	(a) ESTABLISHMENT OF PROGRAM			
		(1) IN GENERAL- Not later than 45 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a payment to each State eligible under subsection (b) in which a precinct within that State used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000 (in this section referred to as a "qualifying precinct").	<b>Refer to Hawaii State Plan</b>	
		(2) USE OF FUNDS- A State shall use the funds provided under a payment under this section(either directly or as an reimbursement , including as reimbursement for costs incurred on or after January1, 2001, under multi-year contracts) to replace punch card voting systems or lever systems (as the case may be) in qualifying precincts within that State with a voting system (by purchase, lease, or such other arrangement as may be appropriate) that-	<b>Refer to Hawaii State Plan</b>	
		(A) does not use punch cards	<b>Refer to Hawaii State Plan</b>	
		(B) Is not inconsistent with the requirements of the laws described in section 906; and	<b>Refer to Hawaii State Plan</b>	
		(C) meets the requirements of section 301.	<b>Refer to Hawaii State Plan</b>	

		(3) DEADLINE-		
		(A) In General – Except as provided in subparagraph (B), a State receiving a payment under the program under this section shall ensure that all of the punch card voting system or lever voting system in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election of Federal office were to be held in November 2004.		<b>Refer to Hawaii State Plan</b>
		(B) WAIVER-If a State certifies to the Administrator not later than January 1, 2004, that the State will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, the State shall ensure that all of the punch card voting systems or lever voting systems in the qualifying precincts within that State will be replaced in time for the first election for Federal office held after January 1, 2006.		<b>Refer to Hawaii State Plan</b>
		(b) ELIGIBILITY-		
		(1) In General- A State is eligible to receive a payment under the program under this section if it submits to the Administrator a notice not later than the date that is 6 months after the date of the enactment of this Act (in such form as the Administrator may require) that contains-		<b>Refer to Hawaii State Plan</b>
		(A) certifications that the State will use the payment ( either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2001, under multiyear contracts) to replace punch card voting systems (as the case may be) in the qualifying precincts within the State by the deadline described in subsection (a) (3);		<b>Refer to Hawaii State Plan</b>
		(B) certifications that the State will continue to comply with the laws described in subsection906		<b>Refer to Hawaii State Plan</b>
		(C) certifications that the replacement voting systems will meet the requirements of section 301; and		<b>Refer to Hawaii State Plan</b>
		(D) such other information and certifications as the Administrator may require which are necessary for the administration of the program		<b>Refer to Hawaii State Plan</b>

Voting Systems Matrix: Section 301

<b>** SEC. 301. VOTING SYSTEMS STANDARDS</b>				<b>Act Requirements</b>	<b>Plan Action</b>
<b>** Depart of Justice Enforcement Authority</b>					
	(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements				
		(1) IN GENERAL-		<b>Act Requirements</b>	<b>Plan Action</b>
		(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall			
			(i) permit the voter to verify (in a private and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;	Meets.	No action needed.
			(ii) provide the voter with the opportunity (in a private and independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and	Meets.	No action needed.
			(iii) if the voter selects votes for more than one candidate for a single office-- (I) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and (III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.	Meets.	No actions needed.
		(B) A State or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements of subparagraph (A)(iii) by			

		(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and	Meets.	No action needed.
		(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error)	Meets.	No action needed.
	(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.		Meets.	No action needed.
<b>(2) AUDIT CAPACITY-</b>			<b>Act Requirements</b>	<b>Plan Action</b>
	(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.		Meets.	No action needed.
<b>(B) MANUAL AUDIT CAPACITY-</b>			<b>Act Requirements</b>	<b>Plan Action</b>
		(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets.	No action needed.
		(ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.	Meets.	No action needed.
		(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.	Meets.	No action needed.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-	Act Requirements	Plan Action	
	(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;	Partially meets.	The State will meet this requirement by providing for an ADA compliant Direct Recording Electronic (DRE) in each polling place.
	(B) satisfy the requirement of subparagraph (A) through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and	Does not meet.	The State will meet this requirement by providing for an ADA compliant Direct Recording Electronic (DRE) in each polling place.
	(C) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).	N/A	
(4) ALTERNATIVE LANGUAGE ACCESSIBILITY-The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a).		Meets.	No action needed.
(5) ERROR RATES- The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission which are in effect on the date of the enactment of this Act.		Meets.	No action needed.
(6) UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE- Each State shall adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State.		Meets.	No action needed.



SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.				Act Requirements	Plan Action
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-					
(1) IMPLEMENTATION-					
			(A) IN GENERAL- Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the computerized list), and includes the following:	Hawaii's Statewide Voter Registration meets all of HAVA's technological requirements, but not the legal requirement that it be administered at the State level. Official voter registration records are maintained at the local level and the statewide system is administered by the largest county on behalf of other counties and the State of Hawaii. A similar situation exists for Hawaii's motor vehicle system that is also administered by the largest county and is networked with the voter registration system.	The State will meet this requirement either via memorandum of understanding with the City and County of Honolulu or development of a parallel system or both.
			(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	See 1A. Meets.	
			(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Meets.	No action needed.
			(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Meets. Hawaii is allowed an exemption under the Privacy Act and collects social security numbers that serves as a unique record identifier. Hawaii also encrypts this SSN for voter privacy concerns when using the number in more public forums.	No action needed.

	(iv) The computerized list shall be coordinated with other agency databases within the State.	Meets. The SVRS is connected online to the DMV. Each record is cross-checked with DMV records upon data entry and against the Building Department's parcel numbering file in C&C Honolulu.	Will work to the extent possible with other State agencies to meet this requirement.
	(v) Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.	Local election officials have read/write access to the SVRS. All records are maintained in real time fashion.	No action needed.
	(vi) All voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	Meets.	No action needed.
	(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information as described in clause (vi).	Meets. Note: Technical support is provided by the City and County of Honolulu to all local users.	No action needed.
	(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Meets. The SVRS serves as the official list for all federal, state, and local elections that are administered together.	No action needed.
(B) EXCEPTION- The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.		Does not apply.	Does not apply.

(2) COMPUTERIZED LIST MAINTENANCE-		Act Requirements	Plan Action
	(A) IN GENERAL- The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:		
	(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Meets.	No action needed.
	(ii) For purposes of removing names of ineligible voters from the official list of eligible voters-- (I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg-6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg-6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death	Meets. Convictions information is sent via hard copy and is processed against voter registration rolls Death information records are handled similarly.	No action needed. Computerized transfer is not practicable in light of numerous errors contained in outside agency records (i.e. records not maintained by election offices).
	(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.	N/A	Hawaii is not a state described in 4(b) of the NVRA.
	(B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that--		
	(i) the name of each registered voter appears in the computerized list;	Meets.	No action needed.
	(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Meets.	No action needed.
	(iii) duplicate names are eliminated from the computerized list.	Meets. Due to use of SSN, possible duplicate records are identified immediately upon data entry. Duplicates are removed immediately on case by case basis as identified.	No action needed.

(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST- The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Meets. The City and County of Honolulu has security protocols and procedures. Each county establishes further protocols for its own security administration	No action needed
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(4) MINIMUM STANDARD FOR ACCURACY OF STATE VOTER REGISTRATION RECORDS- The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:			Act Requirements	Plan Action
		(A) A system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.	Meets.	No action needed.
		(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets. Paper and electronic backups of deleted voters are maintained indefinitely on microfilm.	No action needed.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-			Act Requirements	Plan Action
		(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-		
		(i) IN GENERAL- Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes- - (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.	Meets. Hawaii statutorily requires the applicant's entire social security number.	No action needed.
		(ii) SPECIAL RULE FOR APPLICANTS WITHOUT DRIVER'S LICENSE OR SOCIAL SECURITY NUMBER- If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Meets. Applicants that do not possess a social security number are issued a voter number.	No action needed.
		(iii) DETERMINATION OF VALIDITY OF NUMBERS PROVIDED- The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.	N/A	No action needed.

		(B) REQUIREMENTS FOR STATE OFFICIALS-	Act Requirements	Plan Action
		(i) SHARING INFORMATION IN DATABASES- The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.	Meets. Hawaii's statewide voter registration system was connected to the statewide DMV. Each record is immediately crosschecked against DMV records upon entry.	No action needed. NOTE: Since Hawaii requires an SSN for voter registration, it is exempt from this requirement pursuant to 303(a)(5)(D)
		(ii) AGREEMENTS WITH COMMISSIONER OF SOCIAL SECURITY- The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).	Partially meets.	No action needed. See NOTE above. However, Hawaii's DMV administrator has informed election offices of their intent to verify DMV records online with the SSA records.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-			Act Requirements	Plan Action
	(1) IN GENERAL- Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--		N/A	
		(A) the individual registered to vote in a jurisdiction by mail; and	Act Requirements	Plan Action

	(B)(i) the individual has not previously voted in an election for Federal office in the State; or			
	(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).		N/A. Hawaii has a computerized list and is exempt because it requires an SSN from all registrants.	
(2) REQUIREMENTS-			Act Requirements	Plan Action
	(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--		N/A	
	(i) in the case of an individual who votes in person--(I) presents to the appropriate State or local election official a current and valid photo identification; or (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;		Meets.	Further training of precinct officials and voters is needed to inform of additional forms of ID that are not acceptable.
	(ii) in the case of an individual who votes by mail, submits with the ballot-- (I) a copy of a current and valid photo identification; or (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter		N/A.	Applicability to vote by mail states only.
	(B) FAIL-SAFE VOTING-			

		(i) IN PERSON- An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).	Partially meets. Hawaii has a challenged ballot process that can be adapted to conform to the provisional ballot requirement.	Further training of precinct officials and voters is needed to inform of additional forms of ID that are not acceptable.
		(ii) BY MAIL- An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).	N/A	Applicability to vote by mail states only.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--			Hawaii claims inapplicability of Paragraph 1 under section (B)(2) below because it requires the entire SSN from all registrants.	
		(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either--		
		(i) a copy of a current and valid photo identification; or	N/A	No action needed
		(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;	N/A	No action needed
		(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either-- (I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and	Meets	No action needed
		(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or	Meets	No action needed

(C) who is--			Plan Action
	(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	N/A	Hawaii's procedures will recognize this exemption.
	(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or	N/A	Hawaii's procedures will recognize this exemption.

	(iii) entitled to vote otherwise than in person under any other Federal law.	N/A	Hawaii's procedures will recognize this exemption.
<b>(4) CONTENTS OF MAIL-IN REGISTRATION FORM-</b>		<b>Act Requirements</b>	<b>Plan Action</b>
	(A) IN GENERAL- The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include the following:		Hawaii will recognize any amendments made to the National form.
	(i) The question 'Are you a citizen of the United States of America?' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.	Meets.	NOTE: Exact verbatim language is not present on form. However, Hawaii's form requires a yes no affirmation of a statement (i.e. I am a citizen of the U.S., I am at least...).
	(ii) The question 'Will you be 18 years of age on or before Election Day?' and boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on Election Day.	Meets	See NOTE above.
	(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	Exceeds.	Hawaii would collect forms from persons that do not meet the requirements and inform them of rejection via letter.
	(iv) A statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under this section must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.	Meets.	Hawaii is exempt under previous.

	<p>(B) INCOMPLETE FORMS- If an applicant for voter registration fails to answer the question included on the mail voter registration form pursuant to subparagraph (A)(i), the registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law).</p>	<p>Meets.</p>	<p>No action needed.</p>
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Section 402

			Act Requirements	Plan Action
<b>SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES</b>			Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
	(a) ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES			
		(1) ESTABLISHMENT OF PROCEDURES AS CONDITION OF RECEIVING FUNDS- If a State receives any payment under a program under this Act, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2)	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
		(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:		
		(A) The procedures shall be uniform and nondiscriminatory.	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
		(B) Under the procedures, any person who believes that there is a violation of any provision of title III (including a violation, which has occurred, is occurring, or is about to occur) may file a complaint.	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
		(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
		(D) The State may consolidate complaints filed under subparagraph (B).	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.
		(E) At the request of the complainant, there shall be a hearing on the record.	Does Not Meet.	Hawaii will institute a grievance process to reflect the federal requirements.

<p>(F) If, under the procedures, the State determines that there is a violation of any provision of title III, the State shall provide the appropriate remedy.</p>	<p>Does Not Meet.</p>	<p>Hawaii will institute a grievance process to reflect the federal requirements.</p>
<p>(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.</p>	<p>Does Not Meet.</p>	<p>Hawaii will institute a grievance process to reflect the federal requirements.</p>
<p>(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period, which begins on the date, the complaint is filed, unless the complainant consents to a longer period for making such a determination.</p>	<p>Does Not Meet.</p>	<p>Hawaii will institute a grievance process to reflect the federal requirements.</p>
<p>(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.</p>	<p>Does Not Meet.</p>	<p>Hawaii will institute a grievance process to reflect the federal requirements.</p>

## HAVA Estimated Budget Funding by Fiscal Year

	2003-2004	2004-2005	2005-2006	Total
<b>Title I Requirements</b>				
Election Administration (Section 101 HAVA)				
Establish Voter Education Sevices fund				
Establish voting machine repair and maintenance fund	5,000,000	0	0	5,000,000
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	1,339,192	0	0	1,339,192
Sub Total	6,339,192	0	0	6,339,192
<b>Title III Requirements</b>				
Sec. 301 Voting System Standards (Section 252 Requirements Payment)	1,924,401	1,954,401	2,454,398	6,333,200
Accessibility for voters with disabilities (compliance)				
Accessibility for voters with disabilities (reimbursement to counties)	100,000	100,000	100,000	300,000
Sec. 303 Statewide Voter Registration System				
Phase One Development –research, planning & design (Section 101 HAVA Funds)	50,000	20,000	20,000	90,000
Phase Two - Develop and implement statewide voter registration system (Section 252 Requirements Payment)	1,500,000	1,500,000	1,000,000	4,000,000
Sub Total	3,574,401	3,574,401	3,574,398	10,723,200
<b>Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 and Section 252 HAVA fund activities 2004-2005 and beyond)</b>				
Voter Education Programs	500,000	500,000	500,000	1,500,000
Poll worker Recruitment Statewide campaign	250,000	250,000	250,000	750,000
Poll worker Training	250,000	250,000	250,000	750,000
HAVA Oversight and Reporting				
Operating capital outlay	52,266	52,266	52,268	156,800
State Management (HAVA Planning Committee)				
HAVA Planning Committee convenes twice each year	10,000	10,000	10,000	30,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings	60,000	60,000	60,000	180,000
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000	250,000	250,000	750,000
Complaint Procedure §402	53,333	53,333	53,334	160,000
<b>Total</b>	5,000,000	5,000,000	5,000,000	15,000,000