

**Mississippi Draft State Plan
for
HAVA Compliance
TABLE OF CONTENTS**

<u>SECTION</u>	<u>PAGE</u>
PUBLIC COMMENT ON DRAFT STATE PLAN	1
STATE PLAN APPROACH	2
REQUIRED ELEMENTS	4
Title III Requirements and Other Activities	4
Distribution of Requirements Payment	10
Training and Education	11
Voting System Guidelines and Processes	15
HAVA Fund Management	16
Mississippi's HAVA Budget	17
Maintenance of Effort	19
Performance Goals and Measures	20
State-Based Administrative Complaints Procedure	22
Effect of Title I Payments	23
State Plan Management	24
Changes to State Plan from Previous FY	25
State Plan Development and Committee	26
APPENDIX A	A-1
APPENDIX B	B-1
APPENDIX C	C-1

**STATE OF MISSISSIPPI
PLAN FOR COMPLIANCE WITH
THE HELP AMERICA VOTE ACT OF 2002**

**ERIC CLARK
SECRETARY OF STATE**

Respectfully submitted August 12, 2003

ERIC CLARK

*Mississippi State Plan for HAVA Compliance***PUBLIC COMMENT ON DRAFT STATE PLAN**

A draft of the Mississippi State Plan for HAVA Compliance was released on June 25, 2003. A hard copy of the document was distributed to the following:

- Members of the Mississippi HAVA Advisory Committee
- Members of the Mississippi Statewide Voter Registry Advisory Committee
- Mississippi Circuit Clerks (82)
- Mississippi Election Commissioners (410)
- Mississippi County Supervisors (410)
- Members of the Mississippi Legislature (174)
- Citizens and interested parties who had signed up for HAVA updates

A press release was issued to all media in the state, directing reporters to a copy of the Plan available on the web site of the Secretary of State's Office. That site was included in media reports to the public about the posting.

Comments were received in the Secretary of State's Office until 5:00 p.m., Monday, July 28. Comments came by mail and e-mail. All comments were reviewed and considered in the finalization of Mississippi's Plan for HAVA Compliance.

A meeting of the Mississippi HAVA Advisory Committee took place on Friday, July 11. Members of the Committee discussed the various points of the Plan and ultimately supported the broad goals expressed therein.

The Secretary of State wishes to express his gratitude to the members of the Mississippi HAVA Advisory committee (listed on page 26 of this Plan) for their contributions to the construction of these ideas and their commitment to the continuing improvement of elections. He also wishes to thank those Mississippian who took the time to review and comment on the Plan.

*Mississippi State Plan for HAVA Compliance***STATE PLAN APPROACH**

The Mississippi Secretary of State is the state's chief elections official. In that capacity, he is responsible for National Voter Registration Act coordination among state registrar agencies and distribution of NVRA registration forms. Under state law, the Secretary of State's Office certifies the annual training and qualifications of local election officials and party executive committee chairs to conduct primary and general elections. In addition, the Secretary of State is the candidate qualifying office for certain judicial offices and all independent candidates for state, state district and legislative district offices. The Secretary of State is a member of a three (3) person State Board of Election Commissioners which meets to certify certain candidates' eligibility for placement on general election ballots and to adopt an official sample ballot. Finally, the Secretary of State totals certified local election returns and certifies election results for statewide, state district and legislative district offices.

Within the Secretary of State's Office, there is a permanent elections staff of fourteen (14) including an Assistant Secretary of State for Elections who can legally act for the Secretary.

Under state law, elections in Mississippi are very decentralized. In each county and municipality, local election commissioners conduct special and general elections and local party executive committees conduct primaries. Local governments are responsible financially for the full cost of these elections. Collaboration between the Secretary of State's Office and local election officials is essential to the conduct of successful elections. The State's elections community works cooperatively to serve local governments and Mississippi's approximately one million, eight hundred and sixty thousand (1,860,000) registered voters.

Since 2001, Mississippi has taken significant steps toward election reform through new programs that encourage voter participation, education, a centralized voter registration system, better reporting of election results such as residual vote counts and other legislative changes. Implementing these state legislative reforms and the Help America Vote Act of 2002 (HAVA) will require considerable effort and resources from both the Secretary of State's Office and the local election officials.

In developing the State Plan, the Secretary of State's Office formed a State Plan Committee, pursuant to HAVA §255. In bringing this group together, the Secretary of State relied on the cooperative effort of a variety of election officials and stakeholders to guide the themes and intent of the Plan. Particular attention was paid to accessibility issues, specifically for individuals with disabilities and alternative language groups. More general themes of authority, accountability, uniformity, and centralization emerged with additional discussion and feedback.

*Mississippi State Plan for HAVA Compliance***STATE PLAN REQUIRED ELEMENTS (HAVA §254)****1. Title III Requirements and Other Activities**

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. -- HAVA §254 (a)(1)

1.A. §301(a), Voting Systems Standards Requirements

Deadline for Compliance: January 1, 2006; no waiver permitted.

The State currently uses seven different polling place voting systems in its eighty-two (82) jurisdictions, including eight (8) lever systems, eleven (11) punch card systems, one OpScan (combination OMR and punch card) system, eight (8) precinct optical mark reader systems, fifty-one (51) central optical mark reader systems, one (1) direct recording electronic (DRE) device system and two (2) Shouptronics systems. Absentee balloting is done either by paper ballot or by the system in place for election day voting in the jurisdiction in question.

Assuming full federal funding of HAVA, Mississippi plans to use some fifteen (\$15) million of its federally authorized thirty-four (\$34) million to replace all non-DRE (direct recording electronic) voting devices with DRE devices of some sort. Mississippi will purchase centrally at the state level some five thousand (5000) DRE devices for use by all present non-DRE counties by the first federal election of 2006.

The advantages of a uniform statewide DRE voting system are numerous and include the following:

- Training for and by election officials and voters will be easier and simpler due to devotion of resources to a single technology.
- The end of voter confusion when moving from one local jurisdiction within the state to another as no change in voting technology will be encountered. Affidavit and absentee balloting procedures, complicated by the use of different technologies across the state, will be simplified and consistent.
- Avoid the use of at least two (2) technologies or voting systems at precincts, which would result if only one DRE device is coupled with another technology or system in each precinct, and avert the abundant legal and practical problems associated with such a set-up.
- Procurement at a state level of a single technology will allow the state to maximize the federal dollars it receives by ensuring bulk purchase discounts.
- DRE error rates, based on studies to date, are very low. The state believes the system it procures will meet or exceed the error rate standard set by the FEC and/or EAC.

Mississippi State Plan for HAVA Compliance

This State Plan is organized as specified in HAVA §254. Each section of this document corresponds to a subsection of §254 and addresses a State Plan requirement specified in HAVA. The Plan outlines program milestones to address large-scale system or procedural changes.

Mississippi State Plan for HAVA Compliance

The State will adopt a funding formula to determine an equitable distribution of DRE's to each county. The formula will take into consideration factors including, but not limited to, the following:

- county population
- county voting age population (VAP)
- number of registered voters per county
- number of precincts per county
- geographic size of the county, in square miles
- voter turnout per county in the previous two (2) statewide (Gubernatorial) elections and the previous two (2) federal (Presidential) elections

The formula will result in the state's providing a sufficient number of DRE devices to adequately serve each county's voters, regardless of the number of precincts in the county. The county will be charged with deciding how best to distribute the devices among its present or reduced number of precincts, as appropriate. If a county wishes to retain a number of precincts higher than suggested by the formula, the county may purchase additional DRE devices at its own expense.

The state procurement of voting devices will be preceded by a Memorandum of Understanding (MOU) between the local governing authority and the Secretary of State. This MOU will specify that acceptance of the devices will constitute a commitment by the local governing authority to utilize the DREs in all elections in the county; that changes in the technology (hardware or software) will require advance approval by the Secretary of State and any violation of these terms will result in repayment by the local government to the Secretary of State the cost of the devices. In this way, Mississippi will receive the best possible assurance that local governments will participate in creation of a uniform statewide voting system.

The state will embark on its procurement of a uniform statewide system of DRE voting devices after a very thorough process of specification development, including extensive local government and stakeholder input, and a Request for Proposals (RFP) process. Specifications will include the following key components:

- All DRE voting devices to be purchased will meet HAVA's §301(a)'s requirements.
- Voter verification of ballot changes will be required for the state's procurement.
- The DRE system will be required to produce a record of each vote cast.
- Voting records will be available for any court ordered election recount under state law.
- The DRE system to be purchased will be technologically sophisticated to provide maximum disability access, including the same opportunities for privacy and independence in voting provided to non-disabled voters.

5

Mississippi State Plan for HAVA Compliance

- The DRE system will be required to allow for multiple language ballots as presently required for some nine Mississippi local jurisdictions under §203 of the Voting Rights Act of 1965.

- The ability to integrate future election reforms such as non-geographic voting that may come in the future.
- The DRE equipment to be purchased will be "fully loaded" and include all required disability accessibility technology, multi-language capabilities, installation, training and computation software and hardware required to give Mississippi counties a "turnkey" operation.

A scoring committee will review all voting device RFP's and recommend a top choice to the Secretary of State and he will award a contract. Following the contract award, the state will begin implementation in 2005 (a municipal and not a state or federal election year) for roll out to the voters in the 2006 federal primary election. (A project procurement plan for the statewide uniform DRE voting device system is attached hereto as Exhibit "A".)

Mississippi law does not now provide a standard for defining what constitutes a vote and what will be counted as a vote for DRE technology. At present, Mississippi has only one jurisdiction using DRE voting devices. In either the 2004 or 2005 session of the Mississippi Legislature the Secretary of State will seek passage of a law setting forth this required standard for DRE devices.

I.B §302, Provisional (or Affidavit) Voting and Voting Information Requirements
Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA addresses the process of provisional or affidavit voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so. Long before passage of HAVA, Mississippi had enacted a system of affidavit balloting that complies with most of HAVA's requirements. In developing the State Plan, the State of Mississippi assessed its present affidavit ballot statute to determine those elements needing modification in order to fully comply with HAVA.

Currently, the State's affidavit voting laws allow a voter whose name does not appear on the precinct pollbook to cast an affidavit ballot, provided the voter completes a certification in which he or she affirms that he or she is entitled to vote or has been legally denied registration. In any election conducted under Mississippi state law, election officials must provide such voters with affidavit ballots.

The intent of the State's existing affidavit voting law - to reduce the number of individuals unable to participate on election day - is similar to the intent of HAVA §302. However, the new HAVA requirements differ in some respects from the State's procedure, so the State will seek legislative modifications to its present statute. At the same time, the State will immediately implement the new federal affidavit ballot requirements for its 2004

6

Mississippi State Plan for HAVA Compliance

federal election. Through these modifications, the State will provide a private "free access" system for affidavit voters to learn about the status of their affidavit ballot and will provide an informational sheet to affidavit voters about how to vote by affidavit and how to contact the free access system. Finally, the State will comply immediately for federal elections, and upon state law revisions in all state elections, with HAVA's §302 (b) requirements for the posting of information at each polling place on election day.

HAVA §302 further requires that voters who vote under a court or other order during extended hours, after the normal close of a polling place, cast affidavit ballots. These ballots must be kept separate from other affidavit ballots. The State will comply with this federal requirement in its 2004 federal election. The Secretary of State will propose this change in the law in 2004 legislation.

1.C §303, Computerized Statewide Voter Registration (SWVR) System Requirements and Requirements for Voters Who Register by Mail

Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for §303(a) compliance to January 1, 2006.

Currently, official State voter registration records are created and maintained at the local jurisdiction level. Local election officials update and separately maintain voter registration records for their jurisdiction, with all eighty-two (82) jurisdictions using customized systems.

As explained above, the State does not have a "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA. Moreover, information gathered and maintained on State voters does not uniformly include driver's license numbers or partial social security numbers, as required by HAVA.

However, in 2002, Mississippi anticipated the federal mandate in this regard and passed legislation authorizing creation of a HAVA-compliant statewide voter registry (SWVR) system. The implementation of the system has awaited receipt of federal funds. This legislation creates an advisory committee of interested stakeholders that has been appointed and is working with the Secretary of State on implementation (the project plan for procurement of the SWVR system is attached hereto as Exhibit B).

As outlined in the project plan, the State has already begun the steps to procure a centralized voter registration system through an RFP process. The development of specifications is proceeding with the input of both local government officials and other stakeholders. A scoring committee will review all responses to the RFP and will identify the top scoring vendors based on their technical responses and costs. These vendors will be required to participate in a presentation/interview process that will also be scored and added to their proposal score. A recommendation will then be made to the Secretary of State as to the highest scorer and he will award a contract. Following the contract award, the state will begin implementation in 2004. Mississippi is on track in meeting project

7

Mississippi State Plan for HAVA Compliance

plan deadlines and if HAVA is fully funded, will be in a position to procure and implement the system on time.

Mississippi's current state mail-in voter registration process differs from HAVA requirements. The mail-in voter registration form requires redesign to accommodate information required by HAVA. These revisions to the NVRA and state mail-in voter registration applications have been made, along with the minor changes needed on the state's non-mail in application to capture driver's license or social security numbers. Also, the voter registration and polling place voter qualification processes will be modified to allow for the verification of identification provided by first-time voters who register by mail.

At present, local voter registrars have begun to identify post January 1, 2003, mail-in, first-time voters and are providing the information to the Secretary of State. Prior to the federal primary election in March, 2004, the Secretary of State's Office will have in place an electronic link to the state Department of Public Safety (Mississippi's driver's license bureau) for record matching purposes. Those first-time voting, mail-in registrants whose identifying information does not match the state DPS record will be required to provide one of the HAVA-specified forms of identification when they vote in the 2004 federal election.

1.D §304, Minimum Requirements

The State understands that the requirements laid out 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 requirements that the State imposes will comply with all Title III requirements, as well as the laws described in HAVA §906.

1.E §305, Methods of Implementation Left to Discretion of State

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 Sections 1.A through 1.C of this State Plan.

1.F §311, 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 amended versions of the State Plan.

8

Mississippi State Plan for HAVA Compliance

1.C §312, 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.

1.H §251(b) (2), Other Activities

The State currently does not have the personnel and technical capacity required to fully achieve HAVA compliance. Ongoing operations and maintenance of the new capabilities required by HAVA cannot be supported with the current state and local elections technical infrastructure and resources. The State proposes to establish a solid foundation to build and sustain the people, processes, and technology necessary to maintain the new capabilities. The following activities are thus proposed to improve the election system:

- Conduct an assessment of the current technical infrastructure and establish a strategy to standardize technical infrastructure;
- Conduct process redesign;
- Research the possibility of integration of key election management systems;
- Continue expanding polling place accessibility; and
- Document job descriptions and staff positions with resources qualified to conduct election reform activities.

Mississippi State Plan for HAVA Compliance

2. Mississippi's Distribution of Requirements Payment

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 paragraph (1), including a description of --

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8). -- HAVA §254 (a)(2)*

2.A, Eligibility of local units to receive the payment

The State of Mississippi, through its chief State elections official, the Secretary of State, will centrally manage initiatives funded by requirements payments. The funding formula to be developed for voting device distribution is described in section 1.A. above. Distribution of State (centrally) purchased statewide voter registration hardware and software will be nearly identical in each registrar office in all eighty-two counties. Difference in current technology in those offices may necessitate some difference in installation, but the end product will be identical in each office.

The Secretary of State will be responsible to account for all expenditures, funding levels, program controls, and outcomes.

2.B, Performance measures for local units

Funds will be centrally managed as described in Section 2.A, and the Secretary of State will monitor the initiatives for which those funds are authorized.

The Secretary of State will monitor the performance of each initiative that is funded by requirements payments in three areas: financial controls, compliance with standards and program results.

Financial Controls: The Secretary of State will develop and use standard financial reporting for all initiatives funded by requirements payments.

Compliance with Standards: The Secretary of State will develop and use standard program management reporting for all initiatives that are funded by requirements payments.

Program Results: The Secretary of State will develop key performance indicators (KPI) for each initiative funded by requirements payments. See Section 8 of this document for specific performance goals and measures.

3. Voter Education, Election Official Education and Training, and Poll Worker Training

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. -- HAVA §254 (a)(3)

3.1. Voter Education

State-level voter education in Mississippi is limited and not standardized. Information is made available by request, or voters may get information on elections from the Secretary of State's web site (www.sos.state.ms.us). Most voter education is developed and takes place on the local level, through county and municipal clerks and election commissioners, political parties, and local media outlets.

The Secretary of State's Office, with the assistance of local election officials and representatives of advocacy and interest groups, will develop a comprehensive, statewide voter outreach program. The primary goal of the program will be to increase voter turnout. Voter turnout in Mississippi has stayed below fifty percent (50%) of registered voters for several elections. The Secretary of State's Office will measure turnout as a long-term indicator of the success of voter education programs it develops and implements.

The issues that should be covered in the comprehensive voter education program include the following:

- Rights of voters (including an emphasis on voters with disabilities)
- Second-chance voting
- Federal voter identification requirements
- Military and Overseas voters programs
- Dates of elections and applicable qualification deadlines
- Voter registration deadlines
- Change of address/name requirements for voters
- Use of voting technology
- Absentee voting procedures
- Affidavit balloting procedures
- Uses and availability of sample ballots
- Primary elections vs. general elections
- How to locate your polling place

The voter outreach program will reach the largest number of potential voters through the use of multiple channels, including mass media. Dissemination of voter information will take place by the following methods:

- Print media
 - i. wider distribution of the "Voter Information Guide."

11

- ii. development of standard voter information posters for polling places.
- iii. development of voter education materials in alternative languages, including Braille.
- iv. development of standard advertisements for local print outlets.
- v. cooperation with local print media to highlight voter education prior to election day.
- TV and Radio
 - i. development of PSA's to be run on local channels.
 - ii. development of a statewide "speaker's bureau" for appearances on local shows.
- Internet
 - i. ongoing development of resources on the Secretary of State's Office's web site.
 - ii. development of voter information content and specifications to be used as guides for county and municipal level web sites.
 - iii. use of the Internet to disseminate voter information through list serves.
- Personal Contact
 - i. development of a statewide speaker's bureau on election issues.
 - ii. coordination with state civic organizations, to include voter education in annual conferences.
- Telephone
 - i. use of the Secretary of State's Office's "Elections Answerline" (1-800 number) as an ongoing source of election information.
 - ii. installation and use of 1-800 numbers on the county-level as a new source of election information, including affidavit balloting results.

While the intent of the voter outreach program will be to educate all Mississippians, certain demographic groups will be targeted because of special needs and/or traditionally low turnout. Those groups would include:

- Persons with disabilities
- Alternative language populations
- 18-30 year olds
- Persons new to Mississippi

All agencies charged with any election duties, including NVRA registration agencies, will be required to participate in voter outreach programs.

3.1 Election Official Education and Training

The Secretary of State's Office will enhance the current election officials training program to include all HAVA-related activities. Moreover, the current training requirement will be expanded to make certification a more formal process.

12

Mississippi State Plan for HAVA Compliance

The training materials and programs will include (but not be limited to) the following topics:

- Federal and state law and rule changes
- Reporting requirements
- Overseas and military voting
- Recruiting and training of poll workers
- Working with voting technology
- Working with voter registration technology
- Election day procedures
- Absentee balloting; affidavit balloting
- Working with persons with disabilities (including accessibility requirements)
- Working with alternative language populations
- Identification requirements for first-time, mail-in registrants
- Other items as deemed useful by the Secretary of State's Office and assisting local officials.

First-time, newly-elected county Election Commissioners will be required to attend ten (10) hours of training in the calendar year immediately following their election. Training will be developed by the Secretary of State's Office, in conjunction with local election officials. An official will be certified only after attending the ten (10) hours of training and successfully completing a skills assessment inventory. After meeting the first year's requirements, Election Commissioners will be required to attend five (5) hours of training per calendar year and successfully complete a skills assessment inventory to maintain their certification.

First-time, newly-elected county Circuit Clerks will be encouraged to attend a ten (10) hour training session following their election. All clerks will be encouraged to attend Election Commissioner training to stay abreast of federal and state election law changes.

Executives with each of the state party organizations will be invited to attend the same training as county Election Commissioners and Circuit Clerks. The Secretary of State's Office will work with the parties to ensure that training materials are available for their use in training their executive committee members.

Municipal Clerks and municipal Election Commissioners will be required to attend a special five (5) hour training session offered six (6) months prior to the municipal political primaries.

The Secretary of State's Office will produce a quarterly "Mississippi Election Update" newsletter for all of the officials mentioned above, to keep them aware of changes in federal and state election law and rules.

13

*Mississippi State Plan for HAVA Compliance***3.2 Poll Worker Training**

Currently, poll worker training is handled on the local level, primarily using locally developed training materials. The Secretary of State's Office will work with local election officials to develop a single, comprehensive poll worker training program. Training materials and methods of instruction will be made available to municipal and county clerks and party executive committees. All poll workers will be required to attend training and successfully complete a skills assessment inventory prior to their being certified to work the election for which they have been hired. Certification results from each jurisdiction will be submitted to the Secretary of State's Office.

The training materials and programs will include (but not be limited to) the following topics:

- Working with voting technology
- Questions/issues of tabulation
- Second-chance voting
- Voter identification requirements for first-time, mail-in registrants
- Handling affidavit ballots
- Poll watching
- Working with persons with disabilities
- Working with alternative language populations
- Other items as deemed useful by the Secretary of State's Office and assisting local officials.

The Secretary of State's Office will supervise poll worker training and monitor its conduct to be certain that consistent poll worker training occurs statewide.

A "Mississippi Poll Worker Guide" will be developed to serve as an on-site resource for poll workers on election day.

Through functionality included in the Statewide Voter Registration System, the Secretary of State's Office will maintain a list of poll workers, through the input of municipal and county clerks and party executive committees. The poll workers will also receive the "Mississippi Election Update" newsletter mentioned above, to stay informed of changes in federal and state election law.

The Secretary of State's Office will work with municipal and county election officials, civic groups, secondary schools, colleges and universities, and media outlets to recruit poll workers.

14

*Mississippi State Plan for HAVA Compliance***4. Voting System Guidelines and Processes**

How the State will adopt voting system guidelines and processes that are consistent with the requirements of section 301. -- HAVA §254 (a)(4)

As outlined in our response to section 301(a), the State is moving ahead with plans to procure a uniform voting system by January 1, 2006. The RFP that will be written and released to procure this system will be consistent with HAVA's §301 requirements and the Secretary of State will seek passage of a law to set forth required voting system standards for DRE devices.

Prior to the implementation of a uniform system, the State will publicize the rights and responsibilities of voters regarding their votes (i.e., casting multiple votes for a single vote election). The State will also continue to work with local election officials to document their accounting of all ballots and votes, and their treatment of provisional (or affidavit) ballots and ballots with possible errors (resolution board ballots).

Education will be ongoing to inform persons with disabilities and alternative language populations of their rights, and to keep state and local election officials mindful of those groups in planning elections.

The Secretary of State's Office will continue to collect data from local election officials regarding residual votes to determine error rates per county and for the entire State. This data will be collected for every election, in anticipation of the minimum acceptable error rate to be established by the FEC.

15

*Mississippi State Plan for HAVA Compliance***5. Mississippi'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 State Department of Finance and Administration, the Secretary of State has established a HAVA Election Fund, #3115, which is separate and distinct from all other programs and funds within the agency. This fund will contain both federal and matching state 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 five percent (5%) match required under HAVA. The Secretary of State has requested and received approval for state matching funds from the State legislature for state fiscal year 2004 that will meet the five percent (5%) match requirement.

The Secretary of State and Department of Finance and Administration will work with the State Department of Audit and the State Treasurer to follow and enforce all mandated fiscal controls and policies.

16

Mississippi State Plan for HAVA Compliance

6. Mississippi'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.

- 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 the writing of this Plan, HAVA appropriations were significantly less than amounts authorized. The state's budget assumes full funding of HAVA by Congress according to amounts authorized for appropriation. If full funding is not forthcoming, Mississippi will amend its plan in subsequent years as necessary to accommodate these changes.

Based on these funding levels, the State HAVA budget is representative of the activities required to implement and conduct operations and maintenance through calendar year 2005 for the HAVA Title III requirements and other activities. The budget will be revised over time based on the most current information available regarding federal funding.

Federal Funding Assumptions for Mississippi

Description	Federal Authorized Payment	State Match Payment (actual and anticipated)	Total Authorized Amounts (all sources)
Early Payments	\$5,460 Million		\$5,460 Million
Title III Payment 2003	\$13,283 Million	\$750,000	\$14,033 Million
Title III Payment 2004	\$9,488 Million	\$500,000	\$9,988 Million
Title III Payment 2005	\$5,693 Million	\$300,000	\$5,993 Million
TOTALS	\$33,924 Million	\$1,550 Million	\$35,474 Million

Based on Mississippi percent of national VAP of .009488%

The State of Mississippi estimates it will spend:

- > approximately ten (\$10) million on the SWVR system/election management system.
- > approximately fifteen (\$15) million on the procurement of a statewide uniform DRE voting system

Mississippi State Plan for HAVA Compliance

- > approximately nine point two (\$9.2) million on other federal compliance efforts, including, but not limited to, voter, poll worker and local elections official training and state administrative costs of HAVA implementation.

The duration for the State's budget is based on HAVA deadlines and funding. The State is concerned, however, that beyond the three years of federal funding, the ongoing costs of operating and maintaining the new voting systems and statewide voter registration system will be considerably higher than the State's maintenance of effort level (see Section 7 of the State Plan). The operation and maintenance of the new systems will be the financial burden of the State when HAVA funding is no longer available.

Mississippi State Plan for HAVA Compliance

7. 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)

The largest single appropriation for elections in Mississippi is the funding of the Secretary of State's Office. That appropriation for fiscal year 2000 (ending June 30, 2000) was \$8,093,200. Of that amount, \$789,952 was directed to elections activities. The Mississippi Legislature is aware of the expenditure maintenance requirement of HAVA, and the Secretary of State's Office anticipates full funding on a yearly basis.

The larger portion of the funds appropriated on a yearly basis in Mississippi are on the county level. Mississippi's eighty-two (82) local election office budgets typically support year-round staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, local governments bear the largest cost increases associated with each specific election - poll workers, temporary office staff, mass mailings, election material production and procurement, polling place rental, and election day support (including personnel, equipment, and supplies). While county funds may be allocated within the budget specifically for elections, many costs may be "in-kind" assistance from other county agencies.

The Secretary of State's Office will work with local governments to determine their funding for the 2000 fiscal year. All local governments that receive the benefit of HAVA funding, through equipment, services, or grants, will be required to maintain funding at the level determined. Exceptions will be made for expenditures that are replaced by materials provided by the State (ex. - a county should not be expected to appropriate money for a voter registration system lease, when a new system will be provided by the State).

Mississippi State Plan for HAVA Compliance

8. 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 basic elements of HAVA that require performance monitoring are listed below, along with the official(s) responsible and the timeline.

GOAL	OFFICIAL RESPONSIBLE	TIME/TABLE
Voting System Standards, §301	Chief Election Official and staff County Supervisors Local Election Officials	To be implemented by January 1, 2006 (with waiver)
Provisional (or Affidavit) Voting, §302	Chief Election Official and staff Local Election Officials	To be implemented by January 1, 2004
Voter Registration System, §303(a)	Chief Election Official and staff SWVR Advisory Committee County Supervisors Local Election Officials Dept. of Public Safety Dept. of Health Admin. Office of Courts	To be implemented by January 1, 2006 (with waiver)
Voter Registration System, §303 (b)	Chief Election Official and staff Local Election Officials Dept. of Public Safety	To be implemented by January 1, 2004
Education and Training, §254 (a)(3)	Chief Election Official and staff Local Election Officials	To be implemented by January 1, 2006
Budget and Fiscal Controls, §254 (a)(2, 6, 7, 10)	Chief Election Official and staff Department of Audit Treasurer's Office County Supervisors	Ongoing
Complaint Procedure, §254 (a)(9), and 402	Chief Election Official and staff	Ongoing
Expansion of polling place accessibility, §261	Chief Election Official and staff County Supervisors Disability Advocacy Groups	Ongoing
Military and Overseas Voting, Title 7	Chief Election Official and staff Voting Assistance Officers Local Election Officials	Ongoing

Mississippi State Plan for HAVA Compliance

9. 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 Secretary of State has developed and proposed an administrative rule creating an administrative complaint procedure that meets HAVA requirements. Before the adoption of the procedures, State election laws contained no provision for the processing of election complaints at the administrative level. Informal complaint handling by state and local authorities by telephone or e-mail has existed for many years, with state law providing for judicial remedies where parties were dissatisfied with results. Formal complaints will now follow the procedures to be adopted by the Secretary of State and codified as Mississippi administrative rules and regulations.

Mississippi's administrative complaints procedure will be uniform and nondiscriminatory. They will allow any person who believes there is a HAVA Title III violation (including a violation which has occurred, is occurring or is about to occur) to file a written complaint with the Secretary of State's Office. The complaint must be notarized, signed and sworn to by the complainant. The Secretary of State may consolidate complaints filed under the state's administrative complaint procedure.

At the complainant's request, there will be a hearing on the record regarding the complaint. The Secretary of State will provide an appropriate remedy if it finds any Title III violation exists. If the Secretary of State finds no such violation exists, the complaint will be dismissed and notification will be sent to the complainant accordingly.

The Secretary of State will make a final determination regarding each complainant prior to ninety days after receipt of the complaint unless the complainant agrees to an extension of the ninety-day period. If the Secretary fails to meet the ninety-day deadline, the complaint will be referred for alternative dispute resolution to an arbitrator. Any record compiled by the Secretary of State during its review of the complaint will be provided to the arbitrator.

Mississippi State Plan for HAVA Compliance

Maintenance of Effort, §253 (a)(7)	Chief Election Official and staff Legislative Budget Office County Supervisors	Ongoing
Alternative Language Accessibility, §301 (a)(4)	Chief Election Official and staff Designated Alternative Language Groups Local Election Officials	Ongoing

Criteria to determine the success of implementation will focus on timeliness of completion and ease of installation of the product or program. More specific criteria will be developed for each particular project. The Secretary of State will work with the official(s) responsible for implementation and other stakeholders will develop criteria for success.

Each entity or official involved in the implementation of HAVA elements will have individual performance goals to meet. The ability of participants to successfully meet those goals will be reported annually to the chief State election official, the Mississippi Legislature, county supervisors, local election officials, the public, and the media.

*Mississippi State Plan for HAVA Compliance***10. 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)

The state of Mississippi received \$5.4 Million dollars in Title I payments. These funds will be spent pursuant to Sections 101 and 102, as a part of the State's centralized procurement of a statewide DRE voting system. As a part of this procurement, the State will replace all of its punch card and lever voting machines and replace them with DRE devices. This process will be completed by January 1, 2006, with the HAVA waiver of the January 1, 2004, deadline.

23

*Mississippi State Plan for HAVA Compliance***11. Mississippi'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)*

The State intends to use the State Plan as the foundation for its future strategic direction. Consequently, 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, the Secretary of State's Office has established a Federal Compliance Unit within the agency's Elections Division. This unit's staff 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 Federal Compliance Unit will also be responsible for other election functions, including: budget and fiscal, personnel, and office support functions. These include ADA, NVRA, and VRA oversight as they relate to the state's compliance responsibilities.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the State Plan. More specifically, the State agrees that it may not make any material change in the administration of the State Plan unless the change:

- (A) is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan;*
- (B) is subject to public notice and comment in accordance with HAVA §256 in the same manner as the State Plan; and*
- (C) takes effect only after the expiration of the forty-five (45) day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).*

24

Mississippi State Plan for HAVA Compliance

12. 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.

Mississippi State Plan for HAVA Compliance

13. 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 State's committee consists of individuals representing a cross-section of election stakeholders. The State Plan Committee was selected by the chief State election official, Eric Clark, Secretary of State.

Members of the State Plan Committee, and the primary qualification of each for being a committee member, are as follows:

Eric Clark, Secretary of State, Mississippi's chief election official;
 Dora Blakeney, Smith County Election Commissioner;
 Michael Boyd, Policy and Planning Director, Office of the Governor;
 Senator Hob Bryan, State Senator;
 Eugene Bryant, President, Mississippi NAACP;
 Bill Chandler, Mississippi Immigrants Rights Alliance;
 Gary Dearman, Greene County Supervisor;
 Barbara Dunn, Circuit Clerk, Hinds County (chief election official of largest local jurisdiction);
 James Dunn, Tunica County Supervisor;
 Johnny Dupree, Mayor, City of Hattiesburg;
 Rebecca Floyd, Mississippi Protection and Advocacy Systems;
 Senator Hillman Frazier, State Senator;
 Jim Fraiser, Legal Counsel, Mississippi Band of Choctaw Indians;
 Earline Hart, President, Mississippi Circuit Clerks Association;
 Representative Roger Ishee, State House of Representatives;
 Fran Leber, League of Women Voters;
 Dora McKenzie, Clarke County Election Commissioner;
 Arlelia Moreland, Washington County Election Commissioner;
 Larry Otis, Mayor, City of Tupelo;
 Gayle Parker, Circuit Clerk, Harrison County (chief election official of second largest local jurisdiction);
 Marsha Peters, City of Lucedale, Municipal Election Commissioner;
 Representative Tommy Reynolds, State House of Representatives;
 Jimmy Smith, Lauderdale County Supervisor;
 Larry Swales, Rankin County Supervisor;
 Dale Thompson, Circuit Clerk, Desoto County;
 Mary Troupe, Council on Citizens with Disability; and
 Tommy Walman, Mayor, City of McComb.

Mississippi State Plan for HAVA Compliance

In creating the State Plan, the State Plan Committee worked with the Stennis Institute of Government at Mississippi State University, which assisted the Secretary of State in conducting four public meetings concerning plan development. Documents from those meetings may be found in Exhibit C.

**Mississippi State Plan
for
HAVA Compliance**

APPENDIX A

Mississippi State Plan
for
HAVA Compliance

APPENDIX B

Appendix A

EXHIBIT A
Mississippi Secretary of State's Office
Voting Systems Procurement Project

ID	Task Name	Duration	Start	Finish	Resources
1	Kick-Off Meeting	1 day	Tue 6/1/04	Tue 6/1/04	
2	Develop functional specs	50 days	Wed 6/2/04	Tue 8/10/04	
3	Review sample RFPs	3 days	Wed 6/2/04	Fri 6/4/04	SOS
4	Conduct county surveys	7 days	Mon 7/12/04	Tue 7/20/04	SOS, Counties
5	Research county requirements	2 days	Wed 7/21/04	Thu 7/22/04	SOS
6	Write specifications	5 days	Mon 7/26/04	Fri 7/30/04	SOS
7	Distribute and review draft	5 days	Mon 8/2/04	Fri 8/6/04	SOS, ITS
8	Edit draft	2 days	Mon 8/9/04	Tue 8/10/04	SOS
9	Prepare scoring methodology	2 days	Mon 8/16/04	Tue 8/17/04	SOS, ITS
10	Deliver final document to ITS	1 day	Mon 8/30/04	Mon 8/30/04	SOS
11	Review and edit final RFP	7.5 days	Tue 8/31/04	Thu 9/8/04	SOS, ITS
12	RFP release process	43 days	Tue 9/14/04	Thu 11/11/04	
13	Advertise RFP	1 day	Tue 9/14/04	Tue 9/14/04	ITS
14	Release RFP	42 days	Wed 9/15/04	Thu 11/11/04	ITS
15	Advertise RFP	1 day	Tue 9/21/04	Tue 9/21/04	ITS
16	Mandatory Bidders Conference	1 day	Wed 9/29/04	Wed 9/29/04	SOS, ITS
17	Bidders Q&A deadline	1 day	Fri 10/1/04	Fri 10/1/04	SOS, ITS
18	Bid opening	1 day	Thu 11/11/04	Thu 11/11/04	SOS, ITS
19	Review and scoring of proposals	25 days	Mon 11/15/04	12/17/04	
20	Distribute to scoring team	1 day	Mon 11/15/04	Mon 11/15/04	SOS
21	Provide review schedule	1 day	Mon 11/15/04	Mon 11/15/04	SOS
22	Clarification memos to vendors	1 day	Wed 12/1/04	Wed 12/1/04	SOS, ITS
23	Score and tabulate results	10 days	Mon 12/6/04	Fri 12/17/04	SOS
24	Invite top vendors for demos	22 days	Mon 1/3/05	Tue 2/1/05	
25	Schedule demos	1 day	Mon 1/3/05	Mon 1/3/05	SOS
26	Prepare scoring for demos	1 day	Tue 1/4/05	Tue 1/4/05	SOS
27	Conduct demos	6 days	Mon 1/10/05	Mon 1/17/05	SOS
28	Tabulate results of scoring	11 days	Tue 1/18/05	Tue 2/1/05	SOS
29	Award Process	24 days	Wed 2/2/05	Mon 3/7/05	
30	Prepare contract	15 days	Wed 2/2/05	Tue 2/22/05	SOS, ITS
31	Sign contract	5 days	Mon 2/28/05	Fri 3/4/05	SOS, ITS, Vendor
32	Receive CP-1	1 day	Mon 3/7/05	Mon 3/7/05	ITS
33	Begin installation	1 day	Fri 4/1/05	Fri 4/1/05	SOS, Vendor

Appendix B

EXHIBIT B
Mississippi Secretary of State's Office
SWVR Procurement Project

ID	Task Name	Duration	Start	Finish	Resources
1	Develop procurement plan	3 days	Thu 4/3/03	Mon 4/7/03	SOS
2	Develop CP-28	1 day	Tue 4/8/03	Tue 4/8/03	SOS
3	SOS planning meeting	1.25 days	Tue 4/8/03	Wed 4/9/03	SOS
4	Schedule meeting	1 day	Tue 4/8/03	Tue 4/8/03	SOS
5	Prepare agenda	1 day	Tue 4/8/03	Tue 4/8/03	SOS
6	Conduct meeting	2 hrs.	Wed 4/9/03	Wed 4/9/03	SOS
7	Kick-off meetings with ITS & DPS	5 days	Thu 4/10/03	Wed 4/16/03	SOS
8	Schedule meeting	1 day	Thu 4/10/03	Thu 4/10/03	SOS
9	Contact ITS/DPS	1 day	Thu 4/10/03	Thu 4/10/03	SOS
10	Prepare agenda	1 day	Wed 4/16/03	Wed 4/16/03	SOS
11	DPS/SOS planning meeting	1 day	Tue 4/22/03	Tue 4/22/03	SOS
12	HAVA overview	1 day	Tue 4/22/03	Tue 4/22/03	SOS,DPS
13	DPS responsibilities	1 day	Tue 4/22/03	Tue 4/22/03	SOS,DPS
14	ITS planning meeting	1 day	Thu 4/24/03	Thu 4/24/03	SOS,ITS
15	Review timeline	1 day	Thu 4/24/03	Thu 4/24/03	SOS,ITS
16	Discuss roles	1 day	Thu 4/24/03	Thu 4/24/03	SOS,ITS
17	Discuss networking needs	1 day	Thu 4/24/03	Thu 4/24/03	SOS,ITS
18	Deliver CP-28 to ITS	1 day	Thu 4/24/03	Thu 4/24/03	SOS
19	Develop county functional specs	50 days	Tue 4/8/03	Mon 6/16/03	SOS
20	Review sample RFPs	3 days	Tue 4/8/03	Thu 4/10/03	SOS
21	Conduct county surveys	7 days	Tue 4/29/03	Wed 5/7/03	SOS,Counties
22	Research county requirements	2 days	Thu 5/8/03	Fri 5/9/03	SOS
23	Clerks prioritize requirements	5 days	Fri 5/23/03	Thu 5/29/03	Counties
24	Write specifications	5 days	Fri 5/30/03	Thu 6/5/03	SOS
25	Distribute and review draft	5 days	Fri 6/6/03	Thu 6/12/03	SOS,ITS
26	Edit draft	2 days	Fri 6/13/03	Mon 6/16/03	SOS
27	Develop State functional specs	12 days	Tue 6/17/03	Wed 7/2/03	SOS
28	Review sample RFPs	2 days	Tue 6/17/03	Wed 6/18/03	SOS
29	Research federal compliance	1 day	Thu 6/19/03	Thu 6/19/03	SOS
30	Write specifications	3 days	Fri 6/20/03	Tue 6/24/03	SOS
31	Distribute and review draft	5 days	Wed 6/25/03	Tue 7/1/03	SOS,ITS
32	Edit draft	1 day	Wed 7/2/03	Wed 7/2/03	SOS
33	Prepare scoring methodology	2 days	Thu 6/26/03	Fri 6/27/03	SOS,ITS
34	Develop networking specs	23 days	Thu 7/3/03	Mon 8/4/03	SOS
35	Contact communication vendors	2 days	Thu 7/3/03	Fri 7/4/03	SOS
36	Review current infrastructure	1 day	Mon 7/7/03	Mon 7/7/03	SOS,ITS
37	Networking consultants review	9 days	Tue 7/8/03	Fri 7/18/03	SOS
38	Write specifications	5 days	Mon 7/21/03	Fri 7/25/03	SOS
39	Distribute and review draft	5 days	Mon 7/28/03	Fri 8/1/03	SOS,ITS
40	Edit draft	1 day	Mon 8/4/03	Mon 8/4/03	SOS

B-1

Appendix B

41	Develop general EIS specs	10 days	Tue 8/5/03	Mon 8/18/03	SOS,ITS
42	Write specifications	4 days	Tue 8/5/03	Fri 8/8/03	SOS,ITS
43	Distribute and review draft	5 days	Mon 8/11/03	Fri 8/15/03	SOS
44	Edit draft	1 day	Mon 8/18/03	Mon 8/18/03	SOS,ITS
45	Deliver final document to ITS	1 day	Fri 8/22/03	Fri 8/22/03	SOS
46	Review and edit final RFP	5 days	Mon 9/8/03	Fri 9/12/03	SOS,ITS,SAC
47	RFP release process	43 days	Tue 9/23/03	Thu 11/20/03	SOS,ITS,SAC
48	Advertise RFP	1 day	Tue 9/23/03	Tue 9/23/03	ITS
49	Release RFP	42 days	Wed 9/24/03	Thu 11/20/03	ITS
50	Advertise RFP	1 day	Tue 9/30/03	Tue 9/30/03	ITS
51	Mandatory bidders conference	67 days	Wed 10/9/03	Wed 10/8/03	SOS,ITS,SAC
52	Bidders Q&A deadline	1 day	Wed 10/15/03	Wed 10/15/03	SOS,ITS
53	Bid opening	1 day	Thu 11/20/03	Thu 11/20/03	SOS,ITS
54	Review and scoring of proposals	19 days	Tue 11/25/03	Fri 12/9/03	SOS
55	Distribute to scoring team	1 day	Tue 11/25/03	Tue 11/25/03	SOS
56	Provide review schedule	1 day	Tue 11/25/03	Tue 11/25/03	SOS
57	Clarification memos to vendors	1 day	Fri 12/5/03	Fri 12/5/03	SOS,ITS
58	Score and tabulate results	19 days	Tue 11/25/03	Fri 12/19/03	SOS
59	Invite top vendors for interviews	20 days	Mon 1/5/04	Fri 1/30/04	SOS
60	Schedule interviews	1 day	Mon 1/5/04	Mon 1/5/04	SOS
61	Prepare scoring for interviews	1 day	Tue 1/6/04	Tue 1/6/04	SOS
62	Conduct interviews	2 days	Tue 1/13/04	Wed 1/14/04	SOS,ITS,SAC
63	Tabulate results of scoring	11 days	Fri 1/16/04	Fri 1/30/04	SOS
64	Award process	38 days	Mon 2/9/04	Wed 3/31/04	SOS
65	Prepare award documentation	3 days	Mon 2/9/04	Wed 2/11/04	ITS,SOS
66	ITS Board for approval	1 day	Fri 2/20/04	Fri 2/20/04	SOS,ITS
67	Prepare contract	15 days	Mon 2/23/04	Fri 3/12/04	SOS,ITS
68	Sign contract	5 days	Mon 3/15/04	Fri 3/19/04	SOS,ITS, Vendor
69	Receive CP-1	1 day	Wed 3/31/04	Wed 3/31/04	ITS
70	Begin installation	1 day	Thu 4/1/04	Thu 4/1/04	SOS, Vendor

B-2

Mississippi State Plan
for
HAVA Compliance

APPENDIX C

Appendix C

Public Meetings on the "Help America Vote Act"

Purpose

In generating Mississippi's response to the recently enacted federal Ney-Dodd-Hoyer-McConnell "Help America Vote Act of 2002" (HAVA), the Secretary of State, as the state's chief election official, is actively seeking public input on election-related issues. Sponsored by the HAVA State Plan Advisory Committee and moderated by the John C. Stennis Institute of Government, these meetings are designed to educate the public on the specific requirements of HAVA and to receive input on how these requirements may be implemented best at the state and local levels.

Agenda

- Overview of HAVA Legislation
- Overview of Required State Plan Elements
- Moderated Discussion of Local Issues Relating to HAVA Implementation

Meeting Dates and Locations*

- | | | |
|--|---|---------------------------------|
| Tuesday, April 15, 2003
4 p.m. - 6 p.m. |
Yerby Center Auditorium
University of Mississippi, Oxford | Congressional District 1 |
| Thursday, April 17, 2003
4 p.m. - 6 p.m. |
Holmes Community College - Goodman Campus, Goodman | Congressional District 2 |
| Tuesday, April 22, 2003
4 p.m. - 6 p.m. |
Polymer Science Building Auditorium
University of Southern Mississippi, Hattiesburg | Congressional District 4 |
| Thursday, April 24, 2003
4 p.m. - 6 p.m. |
George Wynne Building, Lecture Hall
Hinds Community College - Rankin County Campus, Pearl | Congressional District 3 |

***Accommodations will be provided for the sight- and hearing-impaired.**

Information on meeting dates, locations, and times will be made available through a wide range of formats to the public, county and municipal election personnel, and local leaders. To be added to a public, moderated e-mail list for HAVA-related announcements, please send a short e-mail to hava@sig.msstate.edu with your name and e-mail address.

Appendix C

SUMMARY OF "THE HELP AMERICA VOTE ACT" OF 2002

In response to the controversial 2000 Presidential Election, Congress passed "The Help America Vote Act of 2002," known as HAVA. This significant piece of national election reform affects nearly every facet of elections in the United States. Congress also recommended appropriating more than \$3.6 billion dollars to fund the reforms mandated in HAVA.

This document contains a section-by-section summary of HAVA, with notes in some areas about the status of those items in Mississippi. The second section contains additional information about some of the more significant elements of HAVA.

Section-By-Section Summary**TITLE I – Payments to States Election Administration Improvement and Replacement of Punch Card and Lever Voting Machines.**

- \$325 million dollars is authorized nationally to buy-out punch card and lever machines. States that apply for this program must complete the device replacement by the 2004 General Election, or apply for a waiver. The waiver gives states until January 1, 2006 to complete the replacement. The State may receive approximately \$4000 per qualifying precinct under this program (the amount of the appropriation, and the number of states electing to participate in the program, may change this amount)

Mississippi has approximately 550 precincts that used punch card or lever machines during the 2000 Presidential Election, which would qualify for this program.

- \$325 million dollars is authorized nationally for states to improve the administration of elections.
- Mississippi may use its share of these funds to improve elections in the state, so long as those activities are not inconsistent with HAVA or other relevant Federal laws.*

TITLE II – Election Assistance Commission

- A new Federal Commission is established, consisting of 2 Republican and 2 Democratic appointees.
 - The Commission has no rulemaking authority, but will issue voluntary guidelines for voting systems and other HAVA requirements.
 - The Commission will provide for the certification and testing of voting systems, will study election issues, and will administer grant programs in the following areas: Requirements Payments, Disability Access grants, Voting Technology Research grants, Pilot Program grants, Protection and Advocacy Systems Payments, and the National Student/Parent Mock Election.
 - Each state must be represented by a state election official and a local election official, of different political parties, on the Election Assistance Commission Standards Board, which will be involved with review of voting systems and the establishment of voluntary guidelines.
- Mississippi's representatives on the EAC Standards Board are Secretary of State Eric Clark (D) and Hinds County Election Commissioner Marilyn Avery (R).*
- Apart from the funds authorized under Title I, the following funds have been authorized for distribution to the states by the EAC
 - o Fiscal Year 2003 – \$1.4 billion
 - o Fiscal Year 2004 -- \$1 billion
 - o Fiscal Year 2005 -- \$600 million

C-2

The amount authorized and the amount appropriated may not be the same. For FY 2003, the amount authorized was \$1.4 billion, but Congress only appropriated \$800 million. It is unclear if the difference will be made up in supplemental appropriations.

- States may be eligible for the Requirements Payment only after submitting a State Plan, which must include the following:

1. How the requirements payment will be used.
2. How the state will distribute the benefits of the funding to other entities within the state.
3. How the state will provide for voter education and election official/poll worker training.
4. How the state will adopt voting system guidelines that are consistent with federal requirements.
5. How the state will establish a fund to accept Federal dollars.
6. What the state's budget for required HAVA activities is.
7. How the state will maintain its expenditure level so that it is not less than the expenditure level for the fiscal year ending prior to November, 2000.
8. How the state will measure performance to determine success for the state and for local government in carrying out elements of HAVA and the Plan.
9. A description of the uniform, non-discriminatory state-based administrative complaint procedure.
10. If the state accepted any Title I money, how it was used and the impact on the Plan.
11. How the state will conduct ongoing management of the Plan.
12. If applicable, changes from the previous FY State Plan and a report on the previous FY State Plan success (for State Plans submitted in later fiscal years)
13. A description of the committee that advised in the development of the State Plan.

TITLE III – Requirements

Each state must:

- Provide voters an opportunity to check for and correct ballot errors in a private and independent manner.
- This is also called "second chance voting." If a voter mistakenly over votes, or forgets to cast a vote in an election, the device will notify him/her in a private manner and allow for ballot correction.*
 - Have a voting system with manual audit capacity.
 - Provide at least 1 voting device per precinct that is accessible to the disabled.

All voters, including individuals with disabilities, must be able to cast their votes unassisted and in private. Curb-side voting and voter assistance will not meet the requirements set in this section of HAVA.
 - Provide alternative language accessibility pursuant to the Voting Rights Act.

Mississippi currently has 9 counties that have been identified by the U.S. Justice Department as requiring this type of action.
 - Have a voting system whose error rate does not exceed the existing rate established by the FEC Office of Election Administration.

No such rate has been established. The EAC must issue guidance by January 1, 2004.

*****NOTE*** All states must meet Voting System Requirements by January 1, 2006. Any equipment purchased with funds received or appropriated under HAVA, and purchased after January 1, 2007, must meet ALL Voting System Standards requirements.**

- Define what constitutes a legal vote for each type of voting machine used in the state.
- With the exception of the new touch-screen DRE voting devices, this has been done in Mississippi.*
 - Provide provisional ballots to ensure no individual is turned away at the polls. Counties must also provide a "free access system" by which voters who cast provisional ballots may find out

C-3

Appendix C

if their vote counted.

Provisional balloting is done in Mississippi, and is known as "affidavit balloting." There is no uniform method of free-access to affidavit balloting information currently prescribed in Mississippi.

- Implement 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. This database will be used to ensure accurate voter registration lists for use at all elections. This list must be in place by January 1, 2004, unless the state applies for and receives a waiver to January 1, 2006.

Mississippi passed enabling legislation in 2002 to begin work on such a system. The specifications for such a system prescribed by Mississippi's Select Task Force on Election Procedures and Technology predated HAVA, but were nearly identical.

Ensuring system integrity:

- When registering to vote, individuals must provide a driver's license number or, if the voter does not have a driver's license, the last 4 digits of the Social Security number. If an individual does not have either number, he or she will be assigned a unique identifier. This must be in place by January 1, 2004.
- First-time voters who register to vote by mail are required to provide identification when they cast their ballots. Jurisdictions must comply with this by January 1, 2004.

This requirement is for Federal elections only.

- States are obligated to maintain clean and accurate voter registration lists.

HAVA requires that the state office that maintains the state list must enter into agreements with other state agencies that provide information relevant to keeping voter information accurate. Data-sharing must take place among these agencies. In addition, the Mississippi Department of Public Safety will have to enter into an agreement with the Social Security Administration to share data that is relevant to the maintenance of accurate voter records.

TITLE IV – Enforcement

- The U.S. Department of Justice may seek injunctive or declaratory relief for violations of HAVA.
- Each state receiving funds under HAVA must establish a state-based Administrative Grievance Procedure for hearing complaints. Citizens who feel that there has been a violation of the standards set under Title III of HAVA may file a complaint. The State will have to conduct hearings and, where appropriate, provide remedy.

There is no such procedure established under Mississippi law.

TITLE V – Help America Vote College Program

\$5 million dollars authorized to encourage college students to participate in the political process by volunteering as poll workers.

TITLE VI – Help America Vote Foundation

\$5 million dollars authorized to encourage high school students to participate in the political process by volunteering as poll workers.

Mississippi law was changed in 2002 to allow jurisdictions to create a Poll Worker Intern program, where 16- and 17-year-old students may be selected to serve as assistants at the polls on election day. No jurisdiction is required to participate in this program, and each jurisdiction may set up the program according to its own priorities.

C-4

Appendix C

TITLE VII – Military

Provisions to improve ballot access for military and overseas voters.

TITLE VIII – Transition Provisions

Transfer of responsibilities and oversight of particular activities to new entities.

TITLE IX – Miscellaneous

- The Commission is authorized to conduct audits, including special audits, of all entities receiving funds.
- Criminal penalties are established for conspiracy to deprive voters of a fair election, and for providing false information in registering and voting.

C-5

Appendix C

Significant Elements**Enhancing Voting for Persons with Disabilities**

By building on provisions found in the Americans with Disabilities Act (ADA) and the Voting Accessibility for the Elderly and Handicapped Act (VAAHA), HAVA makes it easier for persons with disabilities to vote independently and privately. This legislation ensures that persons with disabilities have the same access to voting as other citizens. The "Help America Vote Act":

- Requires that every precinct across the nation have at least one voting machine or system that is accessible to individuals with disabilities by January 1, 2006.
- Authorizes \$100 million in grants to improve polling place access for disabled voters.
- Authorizes an additional \$40 million to improve State Protection and Advocacy systems. Beginning in 2003, the Secretary of Health and Human Services will award this money in four allotments of \$10 million per year. The grants will be presented to entities in each state that represent persons with disabilities, and will be used to provide services that enable these individuals to participate fully in the electoral process.

Voter Rights

- **Second-Chance Voting** – Each voter will be given an opportunity to check for and correct ballot errors in a private and independent manner.
- **Provisional Ballots** – An individual whose name does not appear on the official voter registration list will be given the opportunity to cast a provisional ballot, thereby ensuring that no individual is turned away at the polls.
- **Access for Individuals with Disabilities** – Each precinct will be required to provide at least 1 voting machine that allows individuals with disabilities to vote in a private and independent manner.

Voting System Standards

- **Audit Capacity** – Each voting system must produce a permanent paper record with a manual audit capacity.
- **Error Rates** – Each voting system must comply with the existing error rate established by the FEC Office of Election Administration.
- **Uniform Standard of What Constitutes a Vote** – Each state must define what constitutes a legal vote for each type of voting machine used in the state.
- **Multilingual Accessibility** – Each voting system must provide alternative language accessibility pursuant to the Voting Rights Act.

Computerized Statewide Voter Registration List

Each state must implement a single, uniform, official, centralized, interactive computerized statewide voter registration list to ensure accurate lists.

Voting Information Requirements

- By January 1, 2004, election officials must publicly post the following information at each polling place on election day:
- A sample ballot.
 - The hours during which the polling place will be open.
 - Instructions on how to cast a ballot or provisional ballot.
 - Instructions for mail-in registrants who are first-time voters.
 - General information on voting rights under federal and state laws.
 - General information on prohibitions on fraud and misrepresentation.

C-6

Appendix C

Assistance for Military and Overseas Voters

"The Help America Vote Act" contains provisions to improve ballot access for military and overseas voters. Both the Department of Defense (DOD) and states have requirements under these provisions.

Requirements for the DOD

- Military Voting Assistance Officers must be guaranteed the time and resources they need to help military personnel vote.
- The DOD must make certain that all military ballots have postmarks (or other official proof of mailing date) to ensure that no ballots are disqualified for this reason.
- The DOD must provide military personnel with applicable deadlines and other timely information on registration and voting.
- New military enlistees must be given a voter registration form.

Requirements for States

- States must establish a single state office mandated to provide information on registration and absentee voting, to make it easier for military personnel to access such information.
- States must report the number of military and overseas applications and ballot received to the Federal government.
- States must provide overseas absentee ballots for two Federal general elections to voters who request them. The current Mississippi absentee ballot application is good for only 1 year.
- States must accept a standard oath for verifying election materials.
- States may not refuse ballots for being submitted too early. Many military personnel are isolated for long periods of time (ex., submariners). This must be in place by January 1, 2004.
- States must notify overseas and military voters whose applications have been rejected. This requirement applies to both voter registration and absentee ballot applications.
- All items above are effective immediately, unless another effective date is listed.

C-7

FREQUENTLY ASKED QUESTIONS REGARDING "The Help America Vote Act of 2002"

What is the "Help America Vote Act"?

The Help America Vote Act is the common title for a federal act signed into law by the President on October 29, 2002. Officially, it is Public Law 107-252, or codified as U.S.C. 15301-15545. Sometimes, it is also referred to as "The Help America Vote Act" for its principle authors, or as H. R. 3295, which was its designation as Congress finally enacted it.

What is the purpose of the Act?

After the problems seen in some other states during the 2000 Presidential Election, Congress recognized a need to standardize some elements of federal elections, and appropriated federal funds to help states make those reforms. The Act is the result of the negotiation between the House and Senate on exactly how those reforms should occur.

The Act refers specifically to federal elections, but because state and federal elections are usually conducted simultaneously, it will impact almost all Mississippi elections. The Act applies to all states and territories, and all of these areas must submit a plan that explains how the Act will be implemented locally.

The Act does not shift the control of elections to the federal level. Instead, it shifts responsibility for complying with federal election reform laws from the local to the state level, and sets a number of ground rules that states should follow to provide some uniformity in elections. For instance, one of the provisions of the Act specifies that each state must determine exactly what constitutes a legal vote on a ballot.

Will the Act dramatically change the way local elections are conducted?

The Act contains a number of provisions that are designed to make elections easier to understand, easier to access for people with disabilities, and easier to audit after the votes have been counted. One recent report noted that no single state in the nation met all the provisions of the Act, but some states will have more difficulty than others in complying, depending on their individual election systems.

Mississippi, for instance, already has state level enabling legislation for a statewide, centralized voter registry, which is one of the key components of the Act. Because the Legislature passed that in the 2002 session, Mississippi is ahead of many other states in planning how that provision of the Act can be implemented.

What exactly does the Act do?

Essentially, the Act sets up a system where every state and territory generates a roadmap – the statewide plan – that will be used to bring the state in conformity with the provisions of the Act. The provisions of the Act are generally designed to ensure that voters are capable of voting easily, privately, and independently, and sets up mechanisms where they can be sure their votes are counted, if there is any doubt.

First, the Act sets standard requirements for actual voting devices that are designed to make them easier to use: (a) voters must be able to review their ballot before it is cast to ensure they correctly voted for the right candidate, (b) voters must be able to change their selections on a race before the ballot is cast, and (c) the voting machine must provide some mechanism to notify voters when they accidentally vote for more than one candidate in a single race (and allow them to correct the error).

Additionally, voting systems must be able to produce a manual audit trail of those ballots that are processed, and this audit trail must be able to help local election officials determine error rates in processing ballots. The total error rate for a system should not exceed the Election Assistance Commission's specifications for the machine.

Secondly, the Act mandates statewide, centralized voter registration systems, that can be used at the local level to make sure that voter rolls are accurate and valid. As local election personnel enter registration information, that information automatically is double-checked against other registration entries (to determine if the applicant is registered in another jurisdiction), and is checked against other state databases (to ensure that the voter has not been convicted of a disenfranchising crime, and that the driver's license or social security number provided matches records for him). Further, the system will have the capability to interface with records at the Department of Health and other systems to determine if a particular entry is for a deceased person (and should be removed).

Third, the Act ensures that all people who believe they are eligible to vote in a jurisdiction but whose names do not appear on the poll books, can vote there by way of an affidavit ballot. The eligibility of the voter will be determined before the votes are finally totaled. Finally, the Act mandates that each person who votes an affidavit ballot be provided a free access system for determining if his or her vote was counted (and if not, why).

These elements constitute the major mandates of the bill. Details about how these requirements are to be implemented are largely left to the discretion of the state's chief election official, who must submit a statewide plan of action to the federal government.

Will my county have to replace its voting equipment?

In general, if a county has voting equipment that does not meet the requirements of the Act, those voting devices must be replaced or upgraded to meet the requirements of the Act by January 1, 2006. Specific funds are authorized in the Act to assist with the replacement of punch card and lever-based systems. States that receive those specific funds must replace their punch card and lever devices by the 2004 General Election, or by the 2006 General Election, if the state receives a waiver of the first deadline. Other funds may, at the discretion of the state's Chief Election Official, help defray costs of voting device purchases by local governments.

If my county has already replaced its systems with compliant voting machines, will we be reimbursed by funds from the Act?

The Act provides funds earmarked for defraying costs associated with replacing punch card and lever machines with compliant voting equipment. That program includes jurisdictions that used punch card and lever machines during the November 2000, election

Appendix C

and replaced those devices after that date. Until the entire plan is finalized and the state determines how much new equipment Mississippi needs to comply with HAVA, it is impossible to say if, or how much, each county may be reimbursed for equipment.

How will I know if the machines my county purchases are compliant with the Act?

One of the things the Act does is establish the Elections Assistance Commission, which will issue non-binding guidelines about how different machines conform to the requirements of the Act. Unfortunately, the Commission is not yet fully constituted, so there is no definitive source of information in the meantime, except for the Act itself. However, the Secretary of State's Office, national organizations, and many other resources are available to help a county make an educated decision about what types of voting equipment to purchase.

Will all the counties purchase equipment separately, or will the state do it in bulk?

It is not known at present exactly how much money is required to bring Mississippi counties into full compliance with HAVA Voting System Standards and the Statewide Voter Registry mandate. Until the state plan process is complete, no decision on how to allocate funds among the federal mandates will be made.

Because the current fiscal year appropriation from the federal government is less than the money authorized under HAVA, and because there is no guarantee that future authorized appropriations will be met, great care should be taken with the funds the state does receive. As a part of the plan process, all opportunities to "stretch" these dollars will be considered, including centralized purchasing.

Will the statewide voter database mean that election rolls are maintained centrally from Jackson?

The HAVA Act and the accompanying state legislation mandate that there will be a centralized voter registry, but that it will be designed so that local election officials have access to it to make additions, changes and deletions, as allowed by law. The purpose of the centralized registry is to better inform local election commissioners and circuit clerks about potential problems, duplicate entries, or other issues that should be acted on at the local level. The decision about whether a particular person should or should not be added to a jurisdiction's election roll is up to local election officials; the database will just be an added tool that will help ensure the rolls are accurate and up to date.

Will the centralized system replace my current local voter registry?

The centralized system has yet to be fully developed, but as a centralized system, data that is currently in your local system will be converted over to the new system, and the new system will then become the primary tool for managing election rolls at the local level.

How much money is being made available through the Act?

Although Congress passed and the President signed the Act, money must be separately appropriated to fund its provisions. Some \$1.5 billion dollars was appropriated in the FY03 budget, much of it designated for specific programs. Since this bill was a high priority for

Congress, it is possible that additional monies will be made available in subsequent funding cycles, as states face compliance with the Act's expensive mandates. It is important to realize, though, that this is essentially one-time money – after the timetables specified by the Act expire, there are no additional funds that will be available under the Act. Moreover, the actual appropriation of funds has no bearing on a state's obligation to meet the requirements of the Act – little or no money does not mean that Mississippi can pick and choose which elements of HAVA it wishes to implement.

Most initial estimates predict that Mississippi will receive a total amount of approximately \$34 million dollars, over a three-year period, and assuming that Congress fully funds HAVA. This provides a significant window of opportunity for state and local officials to work together to make improvements in elections-related infrastructure, while federal funding is available.

Are there provisions in the Act that will require a voter to show a picture ID at the polling place?

The issue of voter ID has been one that has captured a great deal of press within Mississippi, as the Mississippi Legislature debated the issue as one element of an overall, comprehensive HAVA compliance bill. HAVA is very specific in its ID requirements: voters who register by mail (and do not include copies of one of several different kinds of identification with their registration), and who are voting for the first time in a jurisdiction (or state, once the state implements a centralized registry), must show one of a number of different types of ID when they go to the polling place. That ID could include a photo ID driver's license, a paycheck, a utility bill, or other government document that includes a name and address. There is an exception for voters whose driver's license or social security number match a state record containing this verifying information. In addition, some military personnel and people over sixty-five are exempt from this requirement entirely.

Is HAVA only going to be used in years that there are candidates for federal office?

HAVA requirements only apply to elections for federal offices, but most states, including Mississippi, will likely pass state statutes or promulgate administrative rules, or both, that make HAVA requirements applicable to all elections. Without a single set of rules for federal, state, and local elections, Mississippi would have different rules in non-federal election years only. This type of dual system is confusing to voters and election officials alike.

What is the timetable for submitting the statewide plan?

Public hearings are being held during the month of April to receive input from people at the local level. In addition, the entire plan is being developed with the input from the HAVA Advisory Committee, which has many representatives from the local level.

After a draft version of the plan is produced with the aid of the advisory group, it will be advertised and made available for public comment for thirty days. At the end of that time, it may be revised to accommodate the public comments that were received, and must eventually be published in the *Federal Register*.

Appendix C

The preliminary plan will be published in Mississippi for comment on or around July 1, 2003, and the final plan will be submitted to the federal government in early August.

How can I continue to be a part of the plan formulation process?

A number of methods are available:

- Stay in touch with your representatives on the HAVA Advisory Committee.
- Communicate with the staff at the Elections Division of the Office of the Secretary of State (elections@sos.state.ms.us or 1-800-829-6786)



**Help America Vote Act
State Plan**

INTRODUCTION

- a. Description of Missouri's present system as it relates to HAVA:
- i. Statutory and administrative framework;
 - ii. State and local roles/responsibilities;
 - iii. Voting age population;
 - iv. Voting eligible population;
 - v. Turnout;
 - vi. Number and percent of absentee ballots cast;
 - vii. Number of punch card, optical scan & accessible DRE systems;
 - viii. Voting registration systems.
- b. Statement of goals or mission statement reflecting intent of State Plan.

Introduction

State and local governments will be faced with a dramatic shift in elections responsibility as a result of the federal Help America Vote Act of 2002 (HAVA), public law 107-252. Meeting many of HAVA's requirements is mandatory regardless of the availability of federal funds. Following is a brief overview of Missouri's present elections system.

Statutory and Administrative Framework

Election authorities and the conduct of elections in Missouri are governed by Chapter 115 of the Revised Statutes of Missouri (RSMo), known as the "Comprehensive Election Act of 1977", as amended. Missouri election laws establish comprehensive procedures to conduct full and fair elections, including provisions on the Intent of the Act and Definitions (sections 115.001-115.013); Election Authorities (sections 115.015-115.077); Election Judges (sections 115.079-115.103); Challengers and Watchers (sections 115.104-115.111); Precincts and Polling Places (sections 115.113-115.119); Elections, When Held—Notice, How Given (sections 115.121-115.129); Qualifications of Voters and Registration (sections 115.133-115.223); Automated Voting Equipment (sections 115.225-115.273); Absentee Voting (sections 115.275 to 115.304); Political Parties and Nomination of Candidates (sections 115.305-115.405); Polling Places and Voting Procedures (sections 115.407-115.445); Counting of Votes (sections 115.447-115.525); Election Contests (sections 115.526-115.601); Political Party Committees (sections 115.603-115.627); Election Offenses (sections 115.629-115.646); Mail-In

Ballots, Certain Elections (sections 115.650-115.660); Local Issues-Petition (section 115.700); and Presidential Primary (sections 115.755 to 115.785).

In addition, pursuant to statutory authority the Secretary of State has promulgated administrative rules on Voter Identification (15 CSR 30-3.010); Postcard Voter Application and Forms (15 CSR 30-4.010); Mail Ballot Election Procedures and Forms (15 CSR 30-5.020); Provisional Voting Procedures (15 CSR 30-8.010-15 CSR 30-8.020); Uniform Counting Standards (15 CSR 30-9.010-15 CSR 30-9.040); and Voting Machines (Electronic) (15 CSR 30-10.010-15 CSR 30-10.120).

State and Local Roles/Responsibilities

The Secretary of State is the Chief State Election Official whose responsibilities for state and federal elections include, but are not limited to, the following:

1. Certification of voting and ballot counting systems used in Missouri;
2. Design and maintenance of the Centralized Voter Registration Database;
3. Candidate filing and ballot certification for the six constitutional state offices, U.S. Congress, the General Assembly, and circuit judges not covered by the non-partisan court plan;
4. Canvassing and certification of votes, and publishing of election results;
5. Rulemaking authority in the following areas related to HAVA;
 - a. Ballot counting procedures, including uniform counting standards for each voting system approved for use in Missouri;
 - b. Voter registration forms;
 - c. Provisional voting and ballots;
 - d. Machine certification
 - e. Voter identification requirements; and
 - f. Centralized Voter Registration Database;
6. Development and distribution of training materials for local election officials and poll workers; and
7. Assisting the 116 local election authorities interpret and administer state election laws.

The Secretary of State cooperates with other officials, schools, and civic organizations to provide materials supporting voter registration, responsibility and education. A high priority of the Secretary of State is to work with local election officials, the media and other groups to increase voter participation.

In Missouri, there are 116 local election authorities. Election authorities are responsible for supervising the voter registration process, maintaining the voter registration rolls for its jurisdiction, and conducting all public elections for the State and all political subdivisions within its jurisdiction. This includes all federal, state, county, municipal, school district, fire district, water district, and any other special district elections. Any election administration duty not specifically assigned by statute to the Secretary of State is the responsibility of the local election authorities.

Butler	35318
Caldwell	6109
Callaway	23874
Camden	28400
Cape Girardeau	42017
Carroll	7328
Carter	5082
Cass	62000
Cedar	10266
Chariton	6881
Christian	48080
Clark	5098
Clay	104613
Clinton	14741
Cole	49463
Cooper	10448
Crawford	17237
Dade	6108
Dallas	9864
Davness	5416
DeKalb	6110
Dent	7580
Douglas	9884
Dunklin	23510
Franklin	61937
Gasconade	10266
Geny	5228
Greene	17709
Grundy	6276

Voting Age Population

According to 2000 Census figures, there are 4,167,519 Missourians of voting age. This is up from 1990, when Missouri's voting age population totaled 3,801,603.

Voting Eligible Population

Currently, Missouri has over 3.6 million registered voters. In the November, 2000 general election, 2.3 million voters went to the polls. In the November, 2002, nearly 1.9 million Missourians cast ballots.

Turnout

50.9 percent of Missouri's registered voters participated in the November, 2002 general election, a number higher than the estimated national average of 39 percent. Turnout for the November, 2000 general election, a presidential election year, was even higher, with over 60 percent of Missouri's registered voters casting ballots.

Number and Type of Voting Systems in Missouri

There are three voting systems currently approved for use and used in Missouri: (1) Manual (paper ballot); (2) punch card; and (3) optical scan. Following is a chart showing the type of voting system used by each Missouri County, the total number of registered voters by voting system, and the total jurisdictions by voting system:

County	Manual	Punch Card	Optical Scan
Adair		18467	
Andrew			10523
Atchison			4914
Audrain		16329	
Barry			21399
Barton			9204
Bates			10948
Benton			13055
Bollinger			9535
Boone			93722
Buchanan			54358

Monroe	6291
Montgomery	8031
Morgan	12425
New Madrid	11507
Newton	39684
Nodaway	12899
Oregon	6907
Osage	8719
Ozark	7078
Pemiscot	16855
Perry	11975
Pettis	25433
Phelps	23906
Pike	11130
Platte	58025
Polk	15108
Pulaski	20983
Punam	4044
Ralls	7400
Randolph	16498
Ray	17022
Reynolds	6888
Ripley	10208
Saline	17939
Schuyler	3516
Scotland	3306
Scott	26154
Shannon	6787
Shelby	4591

Harrison	6483
Henry	16053
Hickory	6137
Holt	4477
Howard	7400
Howell	19828
Iron	6646
Jackson	202229
Jasper	72656
Jefferson	111352
Johnson	22953
Kansas City	276694
Knox	3315
Laclede	20733
Lafayette	20522
Lawrence	22787
Lewis	6951
Lincoln	27554
Linn	9605
Livingston	9794
Macon	10261
Madison	9378
Maries	6622
Marion	19921
McDonald	12933
Mercer	2828
Miller	16315
Mississippi	9898
Moniteau	9233



Help America Vote Act State Plan

Section 1

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(1) 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 REQUIREMENTS

On October 29, 2002, President Bush signed HR 3295, the Help America Vote Act of 2002 (HAVA), a federal election reform bill that provides significant funding to the States for the improvement of elections.

The requirements of title III of HAVA for Missouri are as follows:

1. Voting Systems Requirements
 - Second chance voting
 - Audit trail for each machine
 - Accessible to voters with disabilities
 - Alternate language accessibility (not applicable to Missouri)
 - Meet voting system error rate standards
 - Uniform counting standards
2. Provisional Voting Requirements
 - Notify individual that the individual may cast provisional ballot if name does not appear in poll book
 - Provide for prompt verification
 - Count provisional ballot if it is determined that individual was eligible
 - Establish free access system that any individual who casts a provisional ballot may access to discover whether the individual's vote was counted, and if not counted, the reason the vote was not counted
 - Give individuals who cast provisional ballots information about the free access system at the time they cast their provisional ballots
 - Provide separate provisional ballots for ballots cast pursuant to court order or other order extending the time established for closing the polls

9

3. Voting Information Requirements
 - Post voting information at polling place
4. Computerized Voter Registration Database
 - Establish single, uniform, official, centralized, interactive computerized voter registration list maintained and administered at the state level
 - Establish standards for accuracy of voter registration records
 - Establish standards for regular updates of voter registration records
5. Requirements For Voters Who Register By Mail
 - Require first time voter who registers by mail to present valid identification
 - Provide opportunity to vote a provisional ballot if such individual fails to provide proper identification
 - Revise mail-in voter registration application to include questions about whether applicant is a United States citizen and whether applicant will be 18 years of age on election day

Missouri is already in a good position to comply with the title III requirements of HAVA. Following the November, 2000 general election, Secretary Blunt assembled a bipartisan commission of local election officials from across the State to review current laws, seek public input, and make recommendations for changes in Missouri's elections statutes and rules. As a result, in 2002 the General Assembly passed Senate Bill No. 675, a comprehensive election reform package, which was signed into law by the Governor. Several provisions in Senate Bill No. 675 are similar to provisions in HAVA, such as provisional voting, computerized voting systems, and voter identification. To address the remaining HAVA compliance issues, another elections bill, House Bill No. 511, has been passed by the General Assembly and signed into law by the Governor. The main purpose of the bill specifically is to ensure that Missouri fully complies with HAVA. A copy of the most current version of House Bill No. 511 can be found on the internet at <<http://www.house.state.mo.us/bills/03/hbillx/senate/1632S.07F.htm>> and is incorporated by reference herein.

HAVA provides significant funding to Missouri for improving the elections process. Assuming full funding, Missouri can expect to receive up to \$8.9 million for election administration improvement (section 101 money); up to \$10.5 million for punch card replacement (section 102 money); and up to \$57.3 million to meet the requirements of title III (sections 252 and 257 requirements payments).

The title III funding is expected to be distributed over the next three fiscal years. If fully funded, the \$57.3 million requirements payments will be made available to local election authorities either through grants or a revolving loan program to upgrade their voting systems and administration so that they fully comply with HAVA, and ongoing

10

maintenance of the statewide voter registration database to keep it in compliance with HAVA.

Voting Systems

Second Chance Voting. Section 301 of HAVA requires voting systems in Missouri to meet three requirements: (i) allow voters to verify their votes in a private and independent manner; (ii) allow voters the opportunity to correct any errors in a private and independent manner; and (iii) notify voters if they have cast multiple votes for one office (known as over voting) and allow the opportunity to correct the error. Under current Missouri law and practice, Missouri already complies with (i) and (ii) and some jurisdictions using precinct registers with optical scan voting systems comply with (iii). However, those jurisdictions using a punch card voting system, a central count optical scan system, or paper ballots, do not comply with (iii). To ensure uniformity throughout the State, the Secretary of State will develop education plans for each type of voting system used in Missouri to comply with the second chance voting requirement for over vote correction and notification. These plans will be made available to local election authorities that choose to meet the over vote notification and correction requirement through education. Local election authorities also will have the option to provide scanners or other mechanical or computerized equipment at the polling place to satisfy this requirement.

Audit Trail. Current state law requires all computerized voting systems in Missouri to have the ability to provide a paper audit trail. The Secretary of State will not approve the use of any computerized voting systems in Missouri unless it can produce a paper audit trail that complies with HAVA and current FEC accessibility standards.

Accessibility. Following are the guidelines and criteria that the Secretary of State will use to ensure that the accessibility requirements for voting systems are met:

1. The accessible machine will be defined as one that meets the current federal accessibility standards in section 2.2.7 and has been certified by an ITA as conforming to those technical standards.
2. A usability task force made up of a variety of people with disabilities including those who primarily use large print, those who primarily use audio output, and those who need alternative input mechanisms should be established to provide non-technical usability reviews of products that have been certified as meeting the FEC 2002 accessibility standards. A standard set of descriptors should be developed for this group to implement in their usability review. The consumer usability review should assist with product purchasing decisions as described in #4 below.

3. It is anticipated that the State will allocate sufficient funds to pay for 100% of the costs associated with the purchase of the one required accessible voting system per polling place as outlined in #5 below.

4. Two contracts may be established to implement the most cost effective approach to delivering the required accessible voting systems.

- A multi-vendor state contract should be established with "discount off retail" prices that can be used at the option of local election officials for equipment purchases. If a local jurisdiction is converting to accessible DRE systems, they should be able to select and purchase the accessible DRE system and required accessible systems from such multi-vendor state contract or negotiate their own contract. (Such contract could also be used by counties to purchase only the required accessible voting systems, but would probably not be as cost effective as the following.)
 - A single state contract for accessible voting systems should be established based on interested counties who are not converting to accessible DRE systems and are only purchasing the one required accessible system per polling place. To maximize cost savings, an RFP should be done to secure the lowest and best offer for that number of accessible systems.
5. Those local election authorities participating in the central purchase of accessible machines will be provided with one machine per polling place and sufficient back up equipment. Those local jurisdictions who purchase off the state multi-vendor contract and convert all voting equipment in a polling place will be funded at 100% of the costs for the accessible machines. Those local election authorities that purchase only accessible machines off the state multi-vendor contract will be funded at 100% of the costs for that number of machines as if they had been purchased under the central state contract.

Error Rate Standards. Missouri does not currently comply with the April 2002 FEC counting standards. We will be reliant on vendors to resubmit for certification equipment currently used in Missouri for counting. Equipment not resubmitted and/or failing to meet the standards will need to be replaced prior to January 1, 2006. Because of this, payments under Section 252 and 257 possibly will need to be allocated to meet this potential liability.

To facilitate certification, in our proposed budget described in section 6 of this State Plan we are including grants to Missouri college engineering schools for the purpose of becoming certified as Independent Testing Authorities (ITAs) for voting equipment standards.

Uniform Counting Standards. The Secretary of State has already promulgated administrative rules defining what constitutes a vote for the three types of voting systems approved and in use in Missouri: punch card voting systems (15 CSR 30-9.010), optical

link between the local election authorities and voter registration agencies as defined under the National Voter Registration Act (NVRA) to facilitate voter registration.

- Standardize voter registration practices to ensure uniformity throughout the State
- Upgrade or replace CVRDB.
- Options for connection to the Counties.

The Secretary of State also plans to provide internet connectivity between the Secretary of State and local election authorities to comply with the interactive and immediate access requirements of HAVA. The State currently pays approximately \$7,000 per month for dial up for the counties. DSL will run approximately \$34 – \$9/month per county, but the Secretary of State will still need to address a back-up system. Currently the Secretary of State's Technology Trust Fund pays for the internet access and the maintenance on the LEMS software. The maintenance costs are around half a million dollars per year.

Mail-In Voter Registration Requirements

Current Missouri Law already requires all voters, whether voting in person or by absentee ballot, to present identification before casting a ballot. Missouri has already modified the mail-in voter registration applications to comply with HAVA.

scan voting systems (15 CSR 30-9.020), and paper ballots (15 CSR 30-9.030). The Secretary of State will promulgate administrative rules defining what constitutes a vote for any additional voting systems approved for use in Missouri in the future.

Provisional Voting

Pursuant to election reform legislation passed by the General Assembly in 2002, provisional voting was used in the November, 2002 general election. Missouri's current provisional voting law already complies with many HAVA provisional voting requirements. To comply with the additional requirements in HAVA, House Bill No. 511 modifies Missouri's provisional voting law by expanding the definition of those individuals who are eligible to cast a provisional ballot; establishing a free access system for individuals to discover whether their provisional votes were counted, and if not, why not; providing education and information to voters on provisional balloting and the free access system; and providing for separate provisional ballots for ballots cast pursuant to court order or other order extending the time established for closing the polls. Furthermore, the law authorizes the Secretary of State to promulgate administrative rules as necessary to implement provisional voting that complies with HAVA.

Voting Information

As set out in more detail below under Section 3 of this State Plan, Missouri will implement a comprehensive, uniform voter education and information program by utilizing pamphlets, posters, video segments, internet web sites, and newspaper and television spots. Vendors of voting systems will also be required to make training materials available.

Computerized Statewide Voter Registration Database

As noted above in the Introduction Section of this State Plan, the Secretary of State currently maintains a Centralized Voter Registration Database (CVRDB) that is not compliant with HAVA. Missouri's plan is to upgrade the existing CVRDB or obtain a new system through the competitive bidding process to comply with HAVA. The objectives of the database include:

- Establish a single statewide voter registration system that meets all federal requirements.
- Address error handling by increasing the accuracy of voter registration records.
- Provide a system that allows for immediate electronic access to the system by local election officials.
- Ensure that the system is secure.
- Build interfaces for Department of Revenue (driver's license and social security number information for matching purposes under HAVA); Department of Health (death records); and the Department of Corrections (felony records). Consideration should also be given to coordinating a



**Help America Vote Act
State Plan**

Section 2

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(2) **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 paragraph (1), including a description of—**

- (A) **the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).**

House Bill No. 511 establishes two new funds in the state treasury: (1) the "Election Administration Improvements Fund"; and (2) the "Election Improvements Revolving Loan Fund". This legislation gives the Secretary of State the authority and flexibility to distribute funds to local election authorities either through grant or revolving loan programs or a combination of both.

Grant Programs

State statutes require the Secretary of State to administer the grant programs created by the statutes to distribute the requirements payments to the local election authorities for carrying out the activities necessary to comply with HAVA. Senate Bill No. 675, passed by the General Assembly and signed into law by the Governor in 2002, establishes four grant programs, all subject to the appropriation of federal funds: (1) Section 115.074, RSMo Supp. 2002, provides that the Secretary of State shall administer a grant program for the purposes of providing funds to election authorities to upgrade or improve the voting process or equipment. Section 115.074 further authorizes the Secretary of State to promulgate administrative rules to facilitate the administration of the grant program. (2) Section 115.076, RSMo Supp. 2002, provides that the Secretary of State shall administer a grant program for the purposes of providing funds to election authorities to purchase voting machines that are accessible to individuals with disabilities, to make polling places accessible to individuals with disabilities, and provide individuals with disabilities with information about accessibility issues. Section 115.076 further authorizes the Secretary of State to promulgate administrative rules to facilitate the administration of the grant program. (3) Section 115.098, RSMo Supp. 2002, provides

that the Secretary of State shall administer a grant program for the purpose of increasing the compensation of election judges. Section 115.098 further authorizes the Secretary of State to promulgate administrative rules to facilitate the administration of the grant program. (4) Section 115.801, RSMo Supp. 2002, provides that the Secretary of State shall administer a grant program for the purpose of allowing election authorities to receive federal funds to involve youth in the election process and improve the election process in federal elections. Section 115.801 further authorizes the Secretary of State to promulgate administrative rules to facilitate the administration of the grant program. These four statutory grant programs will be the vehicles used by the Secretary of State to distribute the requirements payments to local election authorities.

The Elections Division of the Secretary of State will develop and manage grant programs funded by the requirements payments. The Secretary of State will develop a Guidebook and Application for local election authorities to use in applying for grants. The Local Records Division of the Secretary of State has experience in administering federal grant programs to local government entities and has developed a detailed and comprehensive Guidebook and Application for its FY 04 Missouri Local Records Preservation Grant Program. A copy of the Guidebook and Application can be found on the Secretary of State's internet web page at <<http://www.sos.state.mo.us/archives/focalres/grants/FY04grantpacket.pdf>> and is incorporated by reference herein. The Guidebook and Application developed by the Elections Division will be similar in scope and format to the Local Records Guidebook and Application.

One requirement for local election authorities to receive federal funds will be to comply with a maintenance of effort requirement similar to the one that the State must meet to receive title III requirements payments. The exact details of the local maintenance of effort requirements and calculations on how to figure local maintenance of effort levels will be determined in the process of developing the grant application and guidelines.

Revolving Loan Programs

The Elections Division of the Secretary of State will develop a Guidebook and Application for the Revolving Loan Programs similar to the one it will develop for the Grant Programs.

Criteria

Pursuant to the statutory authority granted by Senate Bill No. 675, the Secretary of State will promulgate administrative rules to facilitate the administration of the grant programs, including but not limited to the criteria for determining the eligibility of entities for receiving funds. These administrative rules will be promulgated in accordance with the Missouri Administrative Procedure Act, Chapter 536, RSMo.

The Elections Division of the Secretary of State will manage the programs and projects funded by the requirements payments. The Secretary of State will be responsible for accounting of all expenditures, funding, controls and performance in accordance with



Help America Vote Act
State Plan

state and federal laws. The Secretary of State anticipates using a variety of audit practices, including on-site visits and requiring local election authorities to file written reports detailing their progress in meeting the title III requirements.

The performance measures listed in Section 8 of this State Plan will be used as the benchmarks to monitor performance and compliance with the title III requirements.

Section 3

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

- (3) 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.

VOTER EDUCATION

Education and training are the most crucial elements of a voter education plan. An informed electorate increases the probability of conducting successful elections exponentially with each knowledgeable voter. The traditional concept of voter training/education will be expanded with the implementation of HAVA in Missouri. The breadth of the program will include three components, -- Voter Education, Voter Information, and Voter Participation.

The objective of the Voter Education/Information Program is to develop confidence in the election system and the outcome of elections in Missouri. It should illustrate that election officials have the information that voters and potential voters need. It should assure understanding of electoral processes and procedures, create an awareness of the election system, and develop positive attitudes towards it.

Voter Education Program -- The Voter Education Program will be a long-term program designed to educate, inform and change attitudes of voters. It will be a crucial element for election authorities changing from one system or process to another.

Currently voter education programs in Missouri are very limited and come under the purview of local election officials. The State Plan will expand, formalize and stabilize the program to ensure uniformity in information delivered to the public. A variety of methods will be used to enhance existing materials and develop tools to meet the requirements of HAVA, including:

1. Pamphlets containing information about voting history, the electoral college, when elections occur in Missouri, voter registration, how to cast a ballot,

- including a provisional ballot, a Voters' Bill of Rights, re-enfranchisement, election offenses, contact information when rights have been violated, absentee voting, voter ID requirements, post card registration, and voting options for voters with disabilities, along with other information, will be made available in the Offices of the Secretary of State (SOS) and local election officials. The information provided to the voter will include information on how to verify the votes selected by the voter and how to correct any errors before the ballot is cast and counted. Information about the availability of such pamphlets will be posted on the SOS' website.
2. Posters containing the above information will be developed and displayed at each polling place in conformance with HAVA. Missouri law currently meets the HAVA requirement to post sample ballots in each polling place.
 3. Similar pamphlets will be developed and distributed to elementary and secondary schools.

4. Two to three minute video segments demonstrating how to cast a ballot using each type of voting equipment in the state will be developed. The videos will be distributed to local media outlets and local public libraries prior to federal, and major elections in the state and made available to the public upon request.

Audio and written PSAs and/or ads may be created and distributed to newspapers and radio stations throughout Missouri. The information provided to the voter will include information on how to verify the votes selected by the voter and how to correct any errors before the ballot is cast and counted.

5. Election authorities upgrading to new voting equipment will be provided with a comprehensive implementation guide that contains, but is not limited to, the following components: (a) policy and legal requirements associated with the change; (b) logistics of the physical change; (c) procedural changes required; (d) personnel requirements; (e) internal training needs; (f) external training methods, including city-wide demonstrations and coordinating demonstrations with various organizations such as the NAACP and Kiwanis Clubs; (g) publicity campaigns; and (h) test elections.

6. Little change is needed in the state to comply with HAVA military and overseas voting requirements. Early applications are currently accepted from this population and pending legislation will enable the state to be in compliance with reporting guidelines, distribution of ballots for the next two federal general elections, accepting Presidential designees oaths, and providing explanations for rejecting applications. The SOS and local election officials will post this information on their websites.

Second Chance Voting – To ensure uniformity throughout the State, the Secretary of State will develop education plans for each type of voting system to comply with the second chance voting requirement for over vote notification and correction. These plans will be made available to local election authorities that choose to meet the over vote notification and correction requirement through education.

Voter Information Program – In order to give full effect to the intent of HAVA and to achieve greater participation in the election process, it is essential that we have a

population that receives accurate, updated and uniform information regarding their rights and responsibilities as voters. The Voter Information Program is intended to be election specific and communicated prior to each election with the following non-exclusive information:

- Election dates and times
- Registration dates
- Who is eligible to vote absentee
- Location of polling sites
- Availability of sample ballots
- Guidelines for primary elections (such as the need to select a party ballot)
- Change of address requirements for voters
- Change of name requirements for voters

The data will appear on the SOS' and local election officials' websites, in local newspapers and, when possible, on local television stations. In addition, the SOS and local election officials' websites will be equipped with audio capability to service hearing impaired voters.

Voter Participation Program -- This component is targeted specifically toward college students and is designed to teach the value or benefit of voting and why they should participate in the process. In many instances courses in government and education do not cover the election process. Through the **College Poll Worker Program**, title V grants will be used so that students will have the opportunity to obtain first hand knowledge of the voting process through their experiences serving as poll workers or assistants.

To ensure the success of the program, the SOS will establish a unit within the SOS office to develop, oversee and monitor the statewide program. Colleges and universities will be asked to include information about the program in their course catalogs and on their website. The program will offer a stipend to any student, in cooperation with an institution of higher learning, who is willing to (i) apply for a grant and become a spokesperson within the school, and/or to a group of schools, and (ii) maintain records and forward reports as required.

ELECTION OFFICIAL EDUCATION AND TRAINING

Frequent changes in legal requirements and ever evolving practices, processes and technology make it imperative that election officials throughout the state be equipped with the tools and knowledge to conduct successful elections. As the state's chief election official, the SOS has the responsibility to insure the development of a comprehensive training package for this group of administrators. This plan will be developed using state academicians, election administrators and SOS staff in association with the certification program offered by the Missouri Association of County Clerks and Election Authorities. Elements of the training will include:

1. A core curriculum containing historical information about elections, federal and state legal requirements, management development courses, technical aspects of elections, and the role of technology in the election process.
2. Links to national, state and local election education organizations.
3. An ongoing review, evaluation and revision provision.

POLL WORKER TRAINING

The most critical component of election reform is the development of a comprehensive training and education component for poll workers, who are the front line of the election process. This program must incorporate every facet of the balloting process performed at the polling place and focus on basic customer servicing skills to be effective. If funding is made available, the SOS, in conjunction with the University of Missouri Outreach and Extension program and election administrators, will develop a comprehensive statewide training program designed to develop competent poll workers including, but not limited to the following elements:

- Basic customer servicing techniques -- a necessity for a cadre of individuals who will have direct contact with over 2.5 million citizens during a presidential election. No other government function has this level of contact with citizens in such a short time span.
- Sensitivity training -- poll workers encounter a diverse citizenry on election day. The public expects positive interactions with each voter, regardless of the poll worker's background.
- Services to voters with disabilities and special needs -- only a fraction of our poll workers have been exposed to training at any level that teaches how to service this ballooning population.
- Civil rights -- poll workers may have little or no understanding of the rights of voters and what steps must be taken to protect those rights. Often voters who encounter a problem with voting are treated as having done something wrong.
- Accounting/ballot security -- ballots are, in essence, like money, since any lost vote or ballot could potentially jeopardize an election. Ballot security and tracking of ballots are essential to the conduct of accurate and fair elections.
- Polling place procedures -- a step-by-step methodology for processing voters.
- Technical training -- as we move toward implementation of multiple types of equipment at polling places, training materials must reflect information on how to set up, operate, troubleshoot and maintain the equipment, in language that is easily readable and understood.
- Training for election judges who deliver absentee ballots as part of bipartisan teams.

The training program developed will also contain evaluation materials to ascertain program and poll worker effectiveness. The program developed will utilize multiple training methods such as videos, interactive internet applications, hands on and role playing techniques. Evaluation of the training program will be accomplished also by the use of surveys and questionnaires completed by poll workers after receiving the

training. Voter surveys or questionnaires will be made available whereby voters will be encouraged to provide feedback on poll worker effectiveness.

Implementation of each of the aforementioned facets of The State Plan for voter education, election official education and training and poll worker training will assist the state in meeting the requirements of title III.



**Help America Vote Act
State Plan**

Section 4

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Missouri law provides that before use by election authorities in this state, the Secretary of State shall approve electronic and/or computerized voting systems, and may promulgate administrative rules to carry out this function. § 115.225.1, RSMo Supp. 2002.

No electronic or computerized voting system shall be approved unless it:

- (1) Permits voting in absolute secrecy;
- (2) Permits each voter to vote for as many candidates for each office as a voter is lawfully entitled to vote for;
- (3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;
- (4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;
- (5) Permits each voter at a general election to vote for all candidates of one party by one punch or mark or to vote a split ticket, as a voter desires;
- (6) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;
- (7) Permits each voter at a presidential election to vote by use of a single punch or mark for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

(8) Accurately counts all proper votes cast for each candidate and for and against each question;

(9) Is set to reject all votes, except write-in votes, for any office and on any question when the number of votes exceeds the number a voter is lawfully entitled to cast;

(10) Permits each voter, while voting, to clearly see the ballot label;

(11) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. The provisions of this subdivision shall not be required for any system purchased prior to August 28, 2002.

§ 114.225.2, RSMo Supp. 2002. Furthermore, all computerized voting systems must provide a paper audit trail. § 115.225.3, RSMo Supp. 2002.

The Secretary of State, consistent with statutory authority, promulgated administrative rules to adopt uniform voting systems guidelines and processes consistent with the voting systems standards in section 301 of HAVA.

Moreover, the Secretary of State has already promulgated administrative rules defining what constitutes a vote for the three types of voting systems approved and in use in Missouri: punch card voting systems (15 CSR 30-9.010), optical scan voting systems (15 CSR 30-9.020), and paper ballots (15 CSR 30-9.030). The Secretary of State will promulgate administrative rules defining what constitutes a vote for any additional voting systems approved for use in Missouri in the future.

Missouri requires the testing of systems against the standards by independent testing authorities (ITAs) designated by the National Association of State Election Directors (NASIED) and meets the standards set forth by the Federal Election Commission.

Currently, Direct Recording Electronic (DRE) voting systems are not certified for use in Missouri. The Secretary of State will work to certify such voting systems as soon as it is feasible.



Help America Vote Act
State Plan

Section 5

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

- (5) 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.

As described in Section 2 of this State Plan, in 2002 the election reform legislation passed by the General Assembly established four grant programs to be administered by the Secretary of State subject to receipt of federal funds: (1) a program for the purpose of providing funds to election authorities to upgrade or improve the voting process or equipment (§ 115.074, RSMo Supp. 2002); (2) a program to provide funds to election authorities to improve accessibility of polling places and voting machines to disabled voters, as well as provide information about accessibility to disabled voters (§ 115.076, RSMo Supp. 2002); (3) a program to provide funds to election authorities to involve youth in the election process and improve the election process in federal elections (§ 115.801, RSMo Supp. 2002); and (4) a program to increase compensation of election judges (§115.098, RSMo Supp. 2002). In addition, House Bill No. 511 passed by the General Assembly and signed into law by the Governor in 2003 creates two new funds in the state treasury, both to be administered by the Secretary of State: (1) the "Election Administration Improvements Fund"; and (2) the "Election Improvements Revolving Loan Fund". These grant programs and funds give the Secretary of State much flexibility in distributing the federal money received pursuant to HAVA either through grants or low interest loans to local election authorities for meeting the requirements of HAVA.

The funds will be managed by the State Treasurer according to generally accepted accounting principles. Disbursements of funds will be managed and tracked by the Secretary of State, according to generally accepted accounting principles and auditing standards.

25



Help America Vote Act
State Plan

Section 6

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

- (6) 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.

Revenue Sources

Based on full appropriation of Federal Funds of 76.5 million dollars; 5% state match; maintenance of effort; local match; and SOS Technology fund.

Expenditures

Mandates ranked by priority

- 1) 10 million - Central Data Base funds
 - combination of Title I, Title II, and State Tech Fund
- 2) 15 million - 1 accessible DRE per polling place
 - Title II and (Title I Buyout money for participating jurisdictions)
- 3) 13 million - Second chance voting, precinct counters
 - Title II Funds
- 4) 2.5 million - Poll worker education/ poll worker equipment training
 - Title II Funds
- 5) 1.5 million - Voter education

26



Help America Vote Act
State Plan

-Title II Funds
6) 7 million – Continuing education, technical support, upgrades of equipment and software for local jurisdictions

-Title II Funds
Non Mandated proposals

7) 100 million – Purchase of statewide voting equipment (based on one device per 150 voters)

10 million Title II Funds
10.5 million punch card buyout
10 million local match
64.5 million annual appropriations bonds

Funds established in Sec 115.077 of HB 511 will be used as revenue source to pay off bonds

8) .5 million – Polling Place accessibility survey with cost estimate
-Sec. 261 Funds, Additional Title II Funds (only after full compliance of Title III has been reached

9) 3 million – Early voting, equipment and personnel
-Title II Funds

10) 100,000 – Grants for college workers
-Title V Funds

11) 750,000 – voting system development/testing grants
-Title I funds

Section 7

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(7) 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.

Under current law, Missouri has a "State Election Subsidy Fund" in the state treasury that is funded by appropriations from the General Assembly for the purpose of the State making advance payments of election costs to local election authorities. House Bill No. 511, passed by the General Assembly and signed into law by the Governor, would expand this fund to meet the State's funding obligation to maintain expenditures pursuant to HAVA. The proposed legislation requires the commissioner of administration to transfer annually to the State Election Subsidy Fund an amount not less than the amount expended in the fiscal year that ended June 30, 2000. At the end of each fiscal year, any amounts in the State Election Subsidy Fund not expended or obligated to meet the State's obligation for election costs to local election authorities shall be transferred to the Election Administration Improvements Fund and used to meet the maintenance of effort funding requirement of HAVA.

Missouri also will meet the maintenance of effort requirement by maintaining expenditures for the Elections Division of the Office of the Secretary of State at the same level or greater than for the state fiscal year ending June 30, 2000.



**Help America Vote Act
State Plan**

Section 8

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(8) 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.

Statewide Database/Provisional Voting

Performance Element	Statewide Voter Registration Database
Performance Goal	Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained and administered at the state level.
Performance Measures	Accuracy of voter registration roll
Performance Outcomes	<ul style="list-style-type: none"> Increase accuracy of voter registration roll Decrease voter fraud
Timeable	Complete by January 1, 2004.
Criteria Used to Measure Performance	Number of problems encountered with voter registration on election day.
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State

Performance Element	Provisional Voting
Performance Goal	Implementation of a free access system for provisional voters to determine whether their provisional votes counted, and if not, why not.
Performance Measures	Percentage of provisional ballots counted to voter registration.
Performance Outcomes	<ul style="list-style-type: none"> Lessen confusion at polling places Educate provisional voters about proper voter registration Increase voter satisfaction
Timeable	Complete by January 1, 2004.
Criteria Used to Measure Performance	<ul style="list-style-type: none"> Step one - The State will provide the election authority provisional ballot envelopes that are preprinted with sequential numbers and a tear-off system. The tear-off portion must identify in writing a manner in which the voter can validate whether their vote was counted, and if not, why not. The tear-off is given to the voter at the polling places and if desired, the election authority may also give the voter a handout with instructions. The projected cost for 150,000 envelopes is \$18,564 - \$5,354 or 30% higher than the original provisional ballot envelope. Step two - The election authority counts provisional ballots.

Process Used to Develop Criteria	The election authority documents provisional ballots not counted and why. The State will clarify rules for counting provisional ballots.
Responsible Official	<ul style="list-style-type: none"> Step three - The State will establish an 800 number that forwards all calls to the local election authority. The local election authority will answer phone calls from voters and verify the voter's identity using the pin# that they were given on the tear-off. Election authorities may provide additional information to provisional voters by giving local election jurisdiction web pages or local 800 numbers, if available. The projected cost will be 7 cents/minutes for the phone calls, a minimal or no set up fee, and staff time to answer calls which is undetermined at this time.
Criteria Developed by the State Plan Committee	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State

Equipment/Accessibility

Performance Element	Accessibility for individuals with disabilities
Performance Goal	Implementation of at least one accessible DRE in each polling place in Missouri.
Performance Measures	Number of polling places equipped with complying voting systems by deadline set by law
Performance Outcomes	<ul style="list-style-type: none"> Increase accessibility for voters with disabilities Increase voter satisfaction
Timeable	Complete by January 1, 2006.
Criteria Used to Measure Performance	Functional machine in each polling place
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities.

Performance Element	Statewide Grievance System
Performance Goal	Implementation of uniform, nondiscriminatory State-based administrative complaint procedures.
Performance Measures	Grievances handled within time limits set by law
Performance Outcomes	<ul style="list-style-type: none"> Increase voter confidence in voting process Resolve disputes Increase voter satisfaction
Timeable	Complete by January 1, 2004
Criteria Used to Measure Performance	Number of grievances with successful resolution
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State

Training/Education

Performance goals and objectives for the education and training portion of the State Plan will be developed by a committee of statewide stakeholders in the elections process appointed by the Secretary of State: i.e., state election administrators, election workers, elected officials, special interest groups and voters (The State Plan Committee). As the chief election official in the state, the Secretary of State (the "SOS") will assume the responsibility of ensuring that each performance goal is met. State Election Directors will have the ongoing task of monitoring, evaluating and revising the performance

evaluation process. Elements of the Plan, performance goals, performance measures, timetables and criteria used to measure performance follow.

Performance Element	<p>• Voter Education</p> <p>• Develop voter education pamphlets for distribution to election authorities, elementary and secondary schools and the public.</p>
Performance Goal	<p>• Pamphlets printed by January 1, 2004</p> <p>• Notice of availability posted on the SOS's and local election authorities' websites by January 15, 2004</p> <p>• Distributed to local election authorities by March 15, 2004</p> <p>• Distributed to schools by April 1, 2004</p>
Performance Measures	<p>• After reading the pamphlet, elementary and secondary students will have a better understanding of</p> <ul style="list-style-type: none"> • The electoral college • The history of voting, including the struggles of many groups to gain the right to vote • The history of voting equipment • The Voter's Bill of Rights • The purpose of registering to vote • The Secretary of State's role in administering elections
Performance Outcomes	<p>• Complete by April 1, 2004.</p> <ul style="list-style-type: none"> • Election officials will complete a reporting form developed by the SOS's office indicating: (1) initial date website posted with information; (2) initial date pamphlets were received; (3) number of pamphlets distributed; and (4) number of pamphlets distributed biennially. • Number of new voter registrations • Number of pamphlets requested by voters or potential voters • Number of schools participating • Number of calls to election authorities
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	<p>• Voter Education</p> <p>• Display posters containing required HAVA information at the polls.</p>
Performance Goal	<p>• Posters available by June 1, 2004</p> <p>• Number of polling places and number of posters displayed in August primary and November general elections</p>
Performance Measures	<p>• Decrease voter complaints</p> <p>• Increase voter awareness</p> <p>• Increase voter satisfaction</p> <p>• Increase voter turnout</p>
Performance Outcomes	<p>• Posters developed, designed and printed by June 1, 2004</p> <p>• Following each federal election, election officials will complete a reporting form developed by the SOS's office indicating: (1) initial date posters were available; (2) number of polling places in which posters were displayed; and (3) number and type of posters displayed.</p>
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	<p>• Voter Education</p> <p>• Develop two to three minute "How to Cast a Ballot" video segments and written and audio PSAs.</p>
Performance Goal	<p>• Videos and PSAs available by June 1, 2004.</p> <p>• Number and type of media outlets (newspapers, radio, TV) airing videos prior to August primary and November general elections.</p>
Performance Measures	

Performance Outcomes	<ul style="list-style-type: none"> • Increase voter awareness • Decrease confusion at the polls • Decrease voter complaints • Increase voter satisfaction • Increase voter turnout
Timetable	Complete production of videos and PSAs by June 1, 2004
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Media will be asked to report to the SOS the dates and times videos air • Election officials will report to the SOS the dates and times videos were viewed. • Feedback from public
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	<p>• Voter Education</p> <p>• Develop "Voting Equipment Installation Guide."</p> <p>• Guide available by January 1, 2004 or upon certification</p>
Performance Goal	<ul style="list-style-type: none"> • Decrease voter complaints • Increase poll worker expertise • Decrease troubleshooting jobs
Performance Measures	<p>• Complete by January 1, 2004 or upon certification</p> <p>• Following installation of new voting equipment, for three succeeding elections, election officials will report to the SOS:</p> <ul style="list-style-type: none"> • Adequacy of Guide and recommendations for revisions • Number of voters trained, by venue • Number of demonstrations scheduled and completed • Number and type of publicity campaigns used • Number of election judges trained • Number of test elections held • Outcome of voter surveys
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	<p>• Voter Education</p> <p>• Monitor Military and Overseas Voting ("MOV") Activity.</p>
Performance Goal	<p>• Sixty days following each federal election, election authorities will report to the SOS:</p> <ul style="list-style-type: none"> • Number of MOV applications received early • Number of absentee ballots sent/received from MOV • Number of oaths administered by Presidential designee • Number of applications rejected and the reason for each
Performance Measures	<ul style="list-style-type: none"> • Decrease voter complaints • Increase voter participation by military and overseas voters
Performance Outcomes	<p>• Initially complete by October 4, 2004, and January 2, 2005; biennially thereafter.</p> <p>• Timeliness of reports received.</p>
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	<p>• Voter Information</p> <p>• Provide election specific information to the voting public.</p>
Performance Goal	<p>• Provide all information in a timely manner:</p> <ul style="list-style-type: none"> • Election dates, registration dates, absentee voting information and sample ballots available 6 weeks prior to federal elections. • Location of polls and primary election procedures available two weeks prior to election • Instructions on change of address and procedures for re-
Performance Measures	

Performance Outcomes	<ul style="list-style-type: none"> • Registering to vote • Increase voter participation • Decrease voter complaints
Timetable	Complete by January 1, 2004
Criteria Used to Measure Performance	Each election official will report to the SOS the adequacy and timeliness of information and the media outlets used prior to each federal election.
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	Voter Education
Performance Goal	Develop voter education materials on change of address
Performance Measures	Available by June 1, 2004
Performance Outcomes	<ul style="list-style-type: none"> • Decrease number of changes filed at polling place on election day • Decrease number of voters being directed to another polling place • Decrease number of calls to election authority on election day • Decrease number of provisional ballots being cast
Timetable	Developed by June 1, 2004
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Number of changes filed at polls on election day • Number of phone calls to election authority on election day
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	Voter Participation
Performance Goal	Create College Poll Worker Program.
Performance Measure	Develop by January 1, 2005
Performance Outcomes	<ul style="list-style-type: none"> • Distribute to colleges and universities by March, 2005 • Provide new source of poll workers and assistants • Provide forum for students to learn about citizenship and their rights and responsibilities as voters • Encourage young people to register and vote
Timetable	Complete program development by January 1, 2005
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Election officials will report to the SOS the number of college poll workers used. • School coordinators will report to the SOS the number of college poll workers recruited.
Process Used to Develop Criteria	Criteria developed by State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities

Performance Element	Election Official Education and Training
Performance Goal	Develop Election Official Training Package.
Performance Measure	Develop by January 1, 2004
Performance Outcomes	<ul style="list-style-type: none"> • Conduct initial session by March 1, 2004 • Evaluate and revise by May 1, 2004 • Increase election official expertise and knowledge about federal, state and local election laws • Increase knowledge about basic voter information • Increase service to voters • Increase voter satisfaction • Decrease voter complaints
Timetable	Complete program development by January 1, 2004
Criteria Used to Measure Performance	The SOS will maintain records on the number of election officials attending training sessions and the number completing the certification process on an ongoing basis.
Process Used to Develop Criteria	Criteria developed by State Plan Committee.

Responsible Official	Secretary of State in conjunction with local election authorities
Performance Element	Poll Worker Training
Performance Goal	Develop Poll Worker Training Package.
Performance Measure	<ul style="list-style-type: none"> • Develop by January 1, 2004 • Conduct testing by March 1, 2004 • Evaluate, revise and retest by May 1, 2004
Performance Outcomes	<ul style="list-style-type: none"> • Increase expertise and knowledge of poll workers • Increase service to voters • Decrease voter complaints • Improve the voting process • Increase voter satisfaction
Timetable	Complete program development by January 1, 2004
Criteria Used to Measure Performance	<ul style="list-style-type: none"> • Number of election officials trained in advance of 2004 primary and general elections • Number and nature of polling place complaints received relative to election judge performance • Percent of accuracy in polling place reports completed by election judges • Number of positive comments received from voters • General assessment by election authorities about election judge performance compared to previous elections
Process Used to Develop Criteria	Criteria developed by the State Plan Committee.
Responsible Official	Secretary of State in conjunction with local election authorities



**Help America Vote Act
State Plan**

The Secretary of State is authorized to promulgate rules to execute these procedures. Therefore, the Secretary of State will promulgate rules to develop a uniform statewide complaint system that is consistent with State and Federal law.

Elements of Missouri's uniform statewide complaint system include the following:

- Who may file a grievance;
- What is the proper subject for a grievance;
- Grievance must be filed (notarized and in writing) with the Secretary of State within 30 days after the certification of the election;
- The Secretary of State shall designate a hearing officer;
- The hearing officer shall provide each party an opportunity to explain their positions in writing or, if the circumstances so dictate, a hearing on the record, within ten days of the filing of the complaint;
- The hearing officer shall issue a decision in writing;
- Any nonprevailing party may request a review of the hearing officer's decision by the Secretary of State or his designee and that review and determination will be final, to be judicially reviewable only through Chapter 536, RSMo.

Section 9

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

HAVA and House Bill No. 511 require the Secretary of State to establish state-based administrative complaint procedures to remedy grievances concerning a violation of title III of HAVA. These procedures shall:

- (1) Require complaints to be in writing and notarized, and signed and sworn by the person filing the complaint;
- (2) Allow complaints to be consolidated;
- (3) At the request of the complainant, require a hearing on the record which may be conducted exclusively by written testimony and information;
- (4) Provide an appropriate remedy for any substantiated violation of Title III of the Help America Vote Act of 2002;
- (5) Dismiss the complaint and publish the results of the procedures when there is a determination of no violation;
- (6) Require a final determination with respect to the complaint before the expiration of the ninety-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination; and
- (7) If the final determination is not completed within ninety days, resolve the complaint within sixty days under alternative dispute resolution procedures. The record and any other materials from proceedings conducted pursuant to this subsection shall be made available for use under the alternative dispute resolution procedures.



**Help America Vote Act
State Plan**

Section 102 Money

Missouri plans to participate in the punch card replacement program. Statewide there are 3,594 qualifying precincts that use punch card voting systems. Local election authorities have expressed an interest in using the section 102 money to upgrade to optical scan systems or accessible DRE systems. Missouri will not require local election authorities to participate; however, Missouri understands that it must repay the funds back to the federal government in an amount equal to the noncompliant precinct percentage of the funds provided to Missouri under the program.

Section 10

SEC. 254. (a) In General.—The State plan shall contain a description of each of the following:

(10) 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.

As noted earlier, Missouri is eligible to receive two types of title I payments: (1) payments for election administration improvements (section 101 money); and (2) payments for punch card replacement (section 102 money).

Section 101 Money

Missouri plans to use the section 101 money it receives to carry out the following activities:

1. Comply with the requirements of title III of HAVA, including but not limited to:
 - Develop and administer a statewide voter registration database;
 - Provide all polling places with at least one accessible direct recording electronic (DRE) voting system or other voting system equipped for individuals with disabilities;
2. Develop and administer this State Plan;
3. Provide for voter education;
4. Provide training and materials for election personnel;
5. Improve the administration of elections for federal office;
6. Improve, acquire, lease, modify or replace voting systems and technology and methods for casting and counting votes;
7. Improve the accessibility and quantity of polling places. House Bill No. 511 provides that after all of the requirements of HAVA have been met, any remaining section 101 money may be used to make polling places more accessible to individuals with disabilities.



Help America Vote Act
State Plan

Section 11

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(11) 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).

Day-to-day management of the State Plan will be the responsibility of the Elections Division of the Secretary of State. The Elections Division will work closely with local election authorities to implement all of the requirements and provisions of HAVA.

In addition, the State Plan Committee will meet once each year to review the progress of the provisions of the State Plan. The State Plan Committee will also review the State Plan and recommend any needed changes or improvements. The Secretary of State may call additional meetings of the State Plan Committee as deemed necessary to carry out the provisions of the State Plan.



Help America Vote Act
State Plan

Section 12

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(12) 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.

This State Plan is the initial plan required under HAVA, so no updates or changes are necessary. The Secretary of State will update this section in the next fiscal year to comply with this section.



Help America Vote Act
State Plan

Section 13

SEC. 254. (a) In General.--The State plan shall contain a description of each of the following:

(13) 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 and section 256.

Missouri State Plan Committee Members

Representatives to the Election Assistance Commission Standards Board

- State election official: Terry Jarrett, General Counsel, SOS (Republican)
- Local election official: Mary Berry, DeKalb County (Democrat)

Statewide Database/Provisional Voting/Voter Identification Subcommittee

- Co-Chair: Richard Struckhoff, Greene County
- Co-Chair: Pat Conway, Buchanan County
- David Welch, St. Louis County
- Charlene Davis, Jackson County
- Wendy Flannigan, Platte County
- Carol Bennett, Phelps County
- Kelly Christopher, Livingston County
- Dennis VonAllmen, Howell County
- Senator Malda Coleman, St. Louis
- Representative Bob May, Rolla
- Representative Jim Seigfreid, Marshall
- Glenn Nielsen, Libertarian Party
- Janice Brand, MO Dept. of Health
- Estil Fretwell, MO Farm Bureau
- Mark (Thor) Heame, MO Republican Party
- Dennis Bax, MO Dept. of Social Services
- Robert Honan, Governor's Council on Disability
- Rob Heggie, MO Democratic Party
- Mary Ratliff, NAACP
- Norma Hensiek, John Sappington, Ruth Redel, MO Dept. of Revenue
- Jim Kistler, Associated Industries of MO

Equipment/Accessibility Subcommittee

- Co-Chair: Judy Taylor, St. Louis County
- Co-Chair: Gilbert Powers, Johnson County
- Tom Herbst, former clerk, Franklin County
- Jim Sears, Randolph County
- Randy Taylor, Perry County
- Bob Nichols, Jackson County
- Glenda Mott, Laclede County
- Stan Whitehurst, Webster County
- Cindy Beale, MO Republican Party
- Diane Golden, MO Assistive Technology
- Dennis Miller, MO Council of the Blind
- Brian Wekamp, Natl. Federation of the Blind
- Jim Dejong, ADA Project
- Erica Stephens, Protection and Advocacy

Training/Education Subcommittee

- Co-Chair: Sharon Turner Bule, Kansas City
- Co-Chair: Gary Stoff, St. Louis City
- Rosemary Kochner, former election official, St. Louis County
- Mary Berry, DeKalb County
- Wendy Noren, Boone County
- Charles Isbell, Dunklin County
- Anita Groepper, Moniteau County
- Dave Berry, MO Press Association
- Gail Willis, MO State Teachers Association
- Daniel (Duke) McVey, MO AFL-CIO
- Kris Morrow, Dept. of Elementary & Secondary Education
- Laura Worstell, MO League of Women Voters
- Alyce Zerr, MO Farm Bureau
- Kay Roberts, poll worker, Columbia
- Carl Poehiman, AARP Missouri
- Dolores Hampton, MO Planning Council
- Tom Stevens, Natl. Federation of the Blind of MO
- Kelly Anthony, Paraguard
- Reid Forrester, MO Republican Party
- Michael Ferguson, MO Libertarian Party
- Jim Kottmeyer, MO Democratic Party
- Lee Bliernbaum/Khandicia Randolph, Assoc. Students of the Univ. of MO
- Rita Valenciano, Coalition of Hispanic Organizations
- Thomas W. Meyer, MO Fraternal Order of Police

State Plan Committee Meeting Schedule

The schedule below lists the dates, times, and locations of the committee meetings and regional public hearings in which the state plan was discussed. All of the committee meetings and regional hearings were open meetings. All interested parties were encouraged to attend as many of these meetings as possible. Individuals interested in making public comments for the record were encouraged to attend one or more of the regional public hearings. Transcripts were prepared with the testimony of all witnesses that testified at the public hearings and made available to all committee members.

**Help America Vote Act of 2002
Missouri State Plan Committee
Meeting Schedule**

Wednesday, February 26 10:00 am State Plan Committee Meeting

Interpretive Center, JCKSIC
600 West Main Street, Jefferson City

* All subcommittees will hold organizational meetings following the State Plan Committee meeting

Thursday, March 6

Paseo High School
4747 Flora, Kansas City 64110

4:30-7:30 pm Kansas City Public Hearing

Public Comments Accepted

Monday, March 10

Century Room A, Millennium Center, UMMSL
8001 Natural Bridge Road, St. Louis 63121

2:00-5:00 pm St. Louis Public Hearing

Public Comments Accepted

Wednesday, March 19

Interpretive Center, JCKSIC
600 W Main St, Jefferson City

1:00-4:00 pm Jefferson City Public Hearing

Public Comments Accepted

*Public Hearing will be followed by subcommittee meetings.

Thursday, March 20

Interpretive Center, JCKSIC
600 W Main St, Jefferson City

10:00 am State Plan Committee Meeting

Wednesday, March 26

The Library Center
Meeting Room A&B
4653 South Campbell, Springfield

2:30-5:30 pm Springfield Public Hearing

Public Comments Accepted

Thursday, March 27

Butler County Courthouse
100 North Main, Poplar Bluff

2:00-5:00 pm Poplar Bluff Public Hearing

Public Comments Accepted

Tuesday, April 15

Interpretive Center, JCKSIC
600 W Main St, Jefferson City

10:00 am Subcommittee Meetings
1:00 pm State Plan Committee Meetings

Tuesday, May 13

Interpretive Center, JCKSIC
600 W Main St, Jefferson City

10:00 am Subcommittee Meetings
11:00 am State Plan Committee

Tuesday, May 28

Roy Blunt Conference Room,
JCKSIC, 600 W Main St,
Jefferson City

10:00 am State Plan Committee

PRELIMINARY STATE PLAN

June 4, 2003

Dear Fellow Montanans:

Last year, Congress passed the Help America Vote Act (HAVA) to ensure that voters across the United States are treated equally. The significant changes brought about by HAVA will make the elections process even better; and, in bringing about these changes, my office is keeping the Montana voter in mind every step of the way.

HAVA brings with it many changes in our state election process. It requires us to replace punch-card ballots, make specialized voting equipment available in every precinct, and implement new statewide systems to address voter grievances, voter registration, and provisional balloting. These are all daunting tasks that bring powerful new responsibilities.


HAVA also requires Montana to adopt a state plan that identifies the priorities and specific steps our state will take to address election reform and bring Montana into compliance with the federal law.

It is with great pleasure I present the 2003 Preliminary State Plan for election reform. It was developed with the important assistance of an Election Reform Advisory Commission made up of 20 interested citizens. A list of these citizens and the organizations they represent is included in the plan. HAVA increases the state's responsibility for election administration in order to establish consistency across the state. Nonetheless, I realize the importance of our county election officials as they are charged with the conduct of elections. As we move forward to improve elections, I will continue to encourage coordination, cooperation, and collaboration between state and local officials.

Within this preliminary state plan, Montana encourages election accessibility for individuals with disabilities and those that speak other languages. We will continue to strive for integrity and accessibility in all aspects of the election process.

This plan is a living, breathing document. We will need to update and refine it as necessary over time, to reflect new election reforms. Overall, with funds appropriated by Congress, Montana is in a good position to meet the HAVA requirements. I welcome the challenges of HAVA and look forward to working with all Montanans to improve our elections.

Sincerely,



Bob Brown
Secretary of State

Montana, Secretary of State 5/27/03
Room 260, State Capitol
P.O. Box 202801
Helena, MT 59620-2801
Telephone: (406) 444-2034 Fax: (406) 444-2023

Montana
SECRETARY OF STATE
BOB BROWN

HELP AMERICA VOTE ACT OF 2002 (HAVA)

**For immediate release
January 24, 2003**

Brown Appoints Election Reform Advisory Committee

Secretary of State Bob Brown has appointed 20 Montanans to help him implement the federal Help America Vote Act, which Congress passed last fall.

The advisory committee members come from throughout the state and represent several interest groups and government entities that will be affected by the act.

"The Help America Vote Act stems from one of the biggest election controversies in recent history - the 2000 presidential race," Brown said. "And it represents the biggest overhaul of the nation's election laws in recent history. I think it's important to involve the public in implementing something so fundamental and far-reaching."

Members of the committee are:

- Peggy Beltrone**, Cascade County commissioner, Great Falls
- Elta Blouke**, League of Women Voters, Helena
- The Rev. Phillip Caldwell**, Chairman, State Advisory Commission on Civil Rights, Great Falls
- John Collins**, Project Vote Smart, Anaconda
- Janie Corbett**, AARP, Helena
- Major Janet Crestman**, Installation voting officer, Malmstrom Air Force Base, Great Falls
- Jamie Duggett**, Meagher County commissioner, White Sulphur Springs
- Constance Enaweller**, State coordinator, Americans with Disabilities Act, Helena
- Bernie Franke-Ongoy**, Montana Advocacy Program, Helena
- Cindy Maxwell**, Big Horn County clerk and recorder, Hardin
- Rep. Bernice Olson**, House District 76, Lakeside
- Sen. Carolyn Squires**, Senate District 34, Missoula
- Ellen Swaney**, Director of American Indian Minority Achievement, Office of the Commissioner of Higher Education, Helena
- Betty VanHigghem**, Montana Deaf and Hard of Hearing Services, Great Falls
- Myrtle Tompkins**, Montana Association for the Blind, Helena
- Shelley Vance**, Gallatin County clerk and recorder, Bozeman
- Dr. Craig Wilson**, Professor of political science, MSU-Billings
- Justus Wendland**, Carroll College student, Helena
- Duane Winslow**, Yellowstone County clerk and recorder, Billings
- Vickie Zeier**, Missoula County clerk and recorder, Missoula

The Help America Vote Act calls for a congressional appropriation of \$3.9 billion over three years to overhaul elections in the United States. The money will go to state and local governments to replace antiquated voting machines and to improve election administration. Among other things the act calls for:

- Better access to polling places for disabled voters;
- Specialized voting equipment for disabled voters;
- Replacement of punch-card voting machines;
- Provisional voting; and
- Voting systems that allow voters to correct ballot errors.

A budget bill to pay the costs of the Help America Vote Act is pending in Congress.

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TABLE OF CONTENTS

Introduction by Bob Brown, Montana Secretary of Statepage 2

Table of Contentspage 3

Press Release, January 24, 2003page 4

State Plan Required Elements

Outline of Required Elementspage 5

Section 1. How the State will use requirements paymentpage 8

Section 2. How the State will distribute and monitor requirements paymentpage 14

Section 3. How the State will provide for voter education, election official education and training, and poll worker trainingpage 15

Section 4. How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301page 17

Section 5. How the State will establish a fund, including fund managementpage 18

Section 6. State's proposed budget for activitiespage 18

Section 7. State's maintenance of effortpage 21

Section 8. How the State will adopt performance goals and measurespage 22

Section 9. Statebased administrative complaint procedurepage 26

Section 10. Title I paymentspage 27

Section 11. Ongoing management of State Planpage 28

Section 12. Changes to plan from previous fiscal yearpage 29

Section 13. State Planning Committee, development and members pagepage 31

Appendix A. Montana's Current Status as it relates to HAVApage 31

Appendix B. 2003 Montana Legislation pertinent to HAVApage 36

Help America Vote Act of 2002**Public Law 107-252 - October 29, 2002****(HAVA)****SEC. 254. STATE PLAN.**

(a) IN GENERAL. - The State plan shall contain a description of each of the following:

Section # 1

How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Section # 2

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 paragraph (1), including a description of -

- A) The criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).

Section # 3

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.

Section # 4

How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Section # 5

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.

Section # 6

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.

Section # 7

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.

Section # 8

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.

Section # 9

A description of the uniform, nondiscriminatory Statebased administrative complaint procedures in effect under section 402.

Section # 10

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.

Section # 11

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).

Section # 12

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.

Section # 13

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 and section 256.

Section 1

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

- (1) *How the State will use the requirements payment to meet the requirements of title III (equipment and administration), and, if applicable under section 251 (a)(2), to carry out other activities to improve the administration of elections. (Sec. 254, (a) (1))*

Recommended Language:**Section 301 Voting System Standards.**

Section 301 of the Help America Vote Act (HAVA) requires that voters have the opportunity, in a private and independent manner, to verify the votes they have selected, to change their ballot or correct any errors. It also requires election officials to notify the voter of the effect of selecting more than one candidate for a single office before a ballot is cast and counted. HAVA also directs states to adopt uniform and non-discriminatory standards that define what constitutes a vote, requires manual audit capacity and error rates standards of voting systems, and mandates access to the elections process by people with disabilities.

The state of Montana currently meets the private and independent provision for verifying votes, the opportunity for voters to change their ballot or correct any errors, and our voting systems preserve the privacy of the voter and confidentiality of the ballot (except for the visually impaired). These high standards will not waiver under HAVA. The state currently has no system in place to check ballots before being cast. Since the vast majority of Montana's counties use a paper ballot and central count voting system, the state of Montana will embark on a statewide voter education project, which will include the following:

- All voter education materials will be made available to the public in multi-accessible formats (formats, available upon request, include large print, talking book, and Braille).
- HAVA information will be available on the secretary of state's website.
- The secretary of state's office will work with tribal governments to meet the needs of Montana's Native American population.
- The secretary of state's office will work closely with the Montana Association of Counties (MACO) and the Montana Association of Clerk and Recorders in implementing HAVA.

- The state and counties will review and revise ballot materials and implement voter outreach programs with special emphasis on information to the specific voting systems to be used county to county.
 - Voter Education information will be included in our Voter Information Pamphlet (VIP) that is mailed to each registered voter in the State who is on the active voter list, except that two or more voters with the same mailing address and the same last name may be counted as one voter. This will happen 30 days before an election.
 - The state will consider sending a special mailing to every postal patron explaining the HAVA changes.
 - Information will be posted in polling places notifying voters about the effects of casting multiple votes for a single office and how to correct a 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).
 - Most Montana voting systems produce a record with an audit capacity and the Secretary of State's Office will ensure any new systems have this ability. Under HAVA voting systems will produce a permanent paper record with a manual audit capacity and shall provide the voter with an opportunity to change the ballot or correct any error before the permanent record is produced. The paper record shall be available as an official record for any recount conducted with respect to any election in which the system is used. The State will guarantee this by drafting rules that require these provisions on a statewide level.
 - The state of Montana has 56 counties with 694 polling places covering 146,000 square miles. In the 2000 general election six Montana counties used punch-card voting systems (12 percent) and the remainder used optical scan voting systems (80 percent) and paper-ballot systems (8 percent). Under HAVA Montana will be replacing punch-card voting systems in five counties (one county replaced their system after the 2000 election).
 - With the passage of HAVA, the state is also required to purchase DRE units or other accessible systems for each established polling location. The state of Montana will work with surrounding states to see if we can establish a "buying pool" to purchase the required machines. Due to quantity price breaks the state of Montana plans to purchase all of its machines at the same time. In order to thoroughly test their compatibility with current systems, our goal is to order our machines early in 2004. The state of Montana will purchase each DRE unit complete with a combination carrying case/booth. The state will contract for 710 DREs in order to have a few extras for training and educational purposes.
- Purchasing 710 DREs and training staff on how to use and maintain the machines will require substantial funding. The vendor who is awarded the contract for the purchase of these machines will be required to provide training and technical support.
- Public outreach/training will also be required to familiarize local elections staff, people with disabilities and the elderly about the new voting system. Montanans will be informed of the availability of these systems in each polling place through our educational efforts (done in accessible formats), through information at the polling place and in coordination with agencies that provide services for the disability community and the elderly.
- The state of Montana will be purchasing the 710 DREs but the storage of the DREs will be the responsibility of each county. After initial training from the vendor, it will also be the responsibility of each county to enter into a maintenance agreement with a vendor.
- Although the DREs will meet some of the accessibility for individuals with disabilities requirements under HAVA, they will not meet all of our state needs. Currently, the state of Montana has curb-side voting which includes taking a ballot to an elector with a mobility disability. This is done by the chief election judge who appoints two election judges who represent different political parties to take a ballot to an elector able to come to the premises where a polling place is located but unable to enter the polling place because of a disability. The elector may request assistance in marking his ballot as provided in state law. Most of our polling places meet ADA requirements for physical access. In addition, the state of Montana also allows absentee voting for *any* reason. Both of these conditions benefit people with disabilities. We will explore other options and opportunities to increase access for individuals with disabilities and access for the elderly.
- Montana has met the requirements for alternative language accessibility by providing interpreters in two counties (Rosebud County and Big Horn County) that meet the federal requirements for such accessibility. We have no further alternative language requirements at this time.
- Our error rates currently comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission. The state will continue to make sure the error rates are complied with under HAVA.
- The Election Task Force Committee made up of county election officials and staff from the secretary of state's office has already begun work on rules to define "what constitutes a vote." This committee is also working on new Montana registration forms that meet HAVA requirements.
- For those statutory and regulatory changes required, the secretary of state has successfully passed legislation to bring state terminology and procedures into conformance with HAVA. To that end, the 2003 Legislature passed House Bills 155, 190, 201 and 548 (copies of which are attached as Appendix B).

HB 155 and HB 190 specifically deal with this section of the statewide plan.

HB 155 is legislation allowing counties to choose voting systems that have been approved by the secretary of state. It directs the secretary of state to adopt benchmark performance measures that must be met by any voting system before it can be approved. The bill sets the parameters for determining what constitutes a valid vote - the secretary of state is required to adopt rules in accordance with those parameters. The primary considerations in counting a vote are the voter's intent and the fact that rules governing vote counts are consistently applied. The bill also cleans up language in Title 13 (Montana's Election Law) that is inconsistent, outdated and confusing.

HB 190 establishes election reforms mandated by HAVA. HB 190 defines "legally registered voter" and "statewide voter registration list" and other terms. The bill identifies the secretary of state as the contact point for a statewide voter registration list. It also establishes the parameters for the voter registration database and information sharing agreements between the motor vehicle licensing database and the social security administration information database. Montana went the extra step in requiring every voter to provide a form of identification at the polling place when voting. Since the vast majority of our voters register by mail, the secretary of state's office did not want to further burden our elections officials by having them identify first time voters and ask them for identification. The intent of HB 190 is to further meet the HAVA goals of providing a uniform and nondiscriminatory voting process. Montana's first time and transfer voters will not be treated differently.

Section 302: Provisional Voting and Voting Information Requirements

HB 190, mentioned above, defines provisional voting and the procedures for casting provisional ballots. It also gives the secretary of state's office rule-making authority for provisional voting. The state of Montana now requires everyone to show proof of identification to vote. The ID can be a photo identification or a current utility bill, bank statement, paycheck, tribal ID, Voter Registration Confirmation Card (due to redistricting, every registered voter will receive this card before January 1, 2004), government check or other government document, that shows the name and address of the voter. All voters will be treated fairly and uniformly. Under the legislation, all voters who claim they are registered to vote are allowed to vote provisionally. The ballots will be handled separately and later verified. Once our rules are written and adopted, the county election administrator will be able to use the statewide voter database to verify provisional voters. It is then up to the county election administrator to inform the voter whether or not their vote counted and to provide access to that information on an expedited basis to the proactive provisional voter who contacts the county election official. The method of notifying the provisional voter will be up to the county's discretion but must comply with the rules adopted by the secretary of state.

The state will develop informational posters and flyers for polling locations to include the following:

- How to cast a vote
- How to cast a provisional ballot
- Instructions for mail-in registrants
- The ID requirement for all voters
- General information on voting rights/provisional balloting and general information on federal and state laws.

A pamphlet will also be developed to hand out to provisional voters explaining their rights and responsibilities.

Section 303: Computerized Statewide Voter Registration List

Section 303 of HAVA requires states to implement a "single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level." The list must contain the name and registration information of every legally registered voter in the state and must assign a unique identifier to each voter in the state.

Montana currently has a central database but not all of the information required under HAVA is in our database. In addition, official voter registration records are created and maintained at the county level. Each county election official updates and separately maintains voter registration records. Software and vendors differ from county to county. Montana will establish a single, statewide voter management system with integrated election management capabilities for all 56 counties and the secretary of state's office. The needed legislation has already been passed by Montana's 2003 Legislature (in HB 190) that will greatly enhance our ability to establish the statewide management system.

The state of Montana will issue an RFP for a vendor to develop or enhance current existing systems for the statewide voter management system. The RFP will include training for elections officials on how to use the system as well as an extensive maintenance contract. The Montana secretary of state's office is highly sensitive to making sure we contract with a competent vendor who will help us through the process for the long haul.

The state of Montana will use requirements payments to the extent possible to accomplish this goal. Payments may be used for software, hardware for the statewide management system, hardware for local election officials to run the system, and connectivity between the counties and the state. Montana's statewide voter management system will contain the following:

Section 303 (b): Requirements for Voters Who Register by Mail
This section of HAVA includes new identification requirements for voters who register by mail and who have not previously voted in an election for federal office. These requirements took effect January 1, 2003. As part of the mandate, states must develop new voter registration forms that include:

- The question, "Are you a citizen of the United States of America?"
- The question, "Will you be 18 years of age on or before election day?"
- The statement, "If you check 'no' in response to either of these questions, do not complete this form."
- A statement informing the individual that if the form is submitted by mail, the individual is required to submit their driver's license number; or the last four digits of their social security number if they do not have a driver's license. Identification will be required at the poll and can include a valid photo identification or 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.

Recommended Language

The Montana secretary of state's office has been given rule-making authority to meet these requirements. Our office along with the Election Task Force Committee has created a new voter registration card to reflect the needed changes and will create a process for ensuring registration and voting are handled properly under the new law. Identification will be required of all voters in Montana.

Section 2

Sec 254. (a) IN GENERAL. - The State plan shall contain a description of each of the following:

- (2) 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 paragraph (1), including a description of -
- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).

- The voter system will be a centrally administered election management system maintained and administered by the Office of the Secretary of State which will interact with commercial election management systems (EMS) operating at the county level. The new system, under HAVA law, needs to replace current diverse county management systems.
- The system will ensure that names and registration information of every validly registered voter appear on the state's computerized list and will ensure, in coordination with county election officials, that only voters validly registered on the state list will be eligible to vote.
- The system will allow any election official in the state to obtain information contained in the computerized list and to update the registration information related to voters residing in their jurisdiction.
- The system will allow voter registration information obtained by any election official to be entered into the state computerized list on an expedited basis. Duplicate voter records and verification of driver's license numbers or the last four digits of social security numbers will be identified on an expedited basis as well.
- The system will authenticate new registration applications, using the driver's license number or last four digits of the social security number in coordination with the Department of Justice's Motor Vehicle Division. In addition, the system will provide for on-going verification of valid registrations by coordinating with computerized lists provided by the Department of Corrections to remove incarcerated felons, and computerized lists provided by the Department of Public Health and Human Services to remove deceased voters.
- The system will ensure that invalid registrations are removed in a timely manner. (i.e., the system will prevent or remove "moved out of state," duplicate, deceased, and incarcerated felon registrations from voter lists.)
- The system will assign a unique voter identifier number to each registered voter.
- The system will track and report changes made to voter records, as well as the voting history for each voter.
- The system will verify voter status to differentiate between active, inactive, canceled/suspended, and pending registrations.
- The system will track statistical data about voter registration activity at the state, county and precinct level including statistics required by the National Voter Registration Act of 1993.
- The system will provide adequate technological security measures to prevent unauthorized access to the system and the computerized voter list.
- The system will be implemented through a partnership between the counties, the Technical Advisory Committee and the secretary of state.
- The system will be designed around applicable state laws.

(3) 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.

Recommended Language

- Poll workers and elections officers will be kept abreast of changes in the law, including new laws. To maintain uniformity, the secretary of state will offer continuing education programs to election officials.
- Workshops will be provided at conventions and election information will be mailed or distributed in a timely manner. Workshops will cover the areas of voting system requirements, statewide voter management system requirements, methods of poll worker training, election recounts, accessibility for individuals with disabilities and alternative language requirements.
- The Election Judges Handbook will be updated to include HAVA information - with emphasis on implementing poll worker training and public display of HAVA information requirements at each polling place. A training video will be considered to help with these educational requirements.
- Marketing at county fairs and regional shows and will add marketing items to inform the public of the changes under HAVA. In addition, we will make presentations to students at the high school and collegiate level.
- The secretary of state's office will work with organizations that serve low-income and homeless Montanans to get the word out.
- The secretary of state's office will work with community based organizations including election administrators and county commissioners to define and identify groups that are effective in each community.
- The secretary of state's office will consider a contract with the Montana Historical Society to develop a history "trunk" on the history of elections including the historic changes under HAVA that can be used in our presentations to civic groups and schools.
- The secretary of state's office will consider working with the Office of Public Instruction and school boards on an election training module for high schools.
- The secretary of state's office will continue to use our website as an effective and efficient way to disseminate election information.
- The secretary of state's office will consider inserts in utility bills as a way of getting the word out about the HAVA changes.

Recommended Language

The secretary of state's office will manage the activities and projects funded by the HAVA requirements payments. The state will be responsible for accounting of all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

Funds will be distributed based on availability and set to the priorities established in this state plan. The secretary of state will use the funds to buy out punch card systems, buy DREs, establish a statewide voter election management system and carry out educational efforts. The state and/or counties will be responsible for the five percent match. If the available funds do not cover the costs of the DREs, management system and educational efforts, the state may consider a proportionate distribution of funds based on the number of polling places and registered voters. If we need to distribute funds proportionately, county voter registration statistics at the time of the 2002 General Election will be taken into consideration for proportionate distribution of any funds to counties.

Counties will submit to the secretary of state the portion of their county budgets that contain the 2000 election cycle maintenance of effort to establish baseline amounts for efforts already in place. All expenditures beyond the maintenance of effort will be coordinated with statewide efforts to be eligible for reimbursement of such efforts.

The explicit method of funding is described in section 6 (State's Proposed Budget). In general, the state will use the funds at the statewide level with as little cost, if any, to counties. The state has established a federal special revenue account to the credit of the secretary of state for money received under HAVA (HB 548). Funds will be spent in accordance with state and federal law and will come directly from this account.

The state may revise the state plan, using the procedures identified in section 11, to adjust the budget at any time.

The performance measures detailed in section 8 of this State Plan will be used to monitor compliance with the mandate of the Act. When the deadlines have passed, the secretary of state will produce a report on how the performance goals have been met.

Section 3

Sec 254. STATE PLAN (a) IN GENERAL. - The State plan shall contain a description of each of the following:

authority to make the necessary changes/updates (Appendix B). As the state implements a new voting system, we will maintain the current procedure and create new procedures, guidelines and processes as necessary.

In addition the state must provide DREs for every polling place and adopt language on what constitutes a vote.

Section 5

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

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

Recommended Language

House Bill 548 passed by the 2003 Legislature and signed into law by the governor creates a federal special revenue account to the credit of the secretary of state (Appendix B). The secretary of state shall be the single signing authority for administration of these funds, in compliance with HAVA. There is no appropriation identified with this legislation. It simply creates a mechanism to receive money. Funds will be spent in accordance with state and federal law.

Section 6

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

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

- The secretary of state's office will adopt voter education guidelines to inform voters that if they fail to cast a vote for a candidate or issue, the voter will not be notified of the undervote but may correct their ballot.

- The secretary of state's office plans on making presentations to local county commissioners and all other interested parties about the statewide plan and changes under HAVA.

- The secretary of state will use public service announcements as a way to inform voters of their rights and responsibilities under HAVA. These announcements will be in audio or video format.

- The secretary of state will consider taking out newspaper and magazine ads regarding the HAVA implementation.

- The secretary of state's office will prepare Media Kits for Montana media to use when reporting on all of the activities surrounding the implementation of HAVA. The secretary of state will also actively conduct interviews, write letters to the editor and prepare press releases to inform the public about the HAVA implementation process.

- The secretary of state will consider providing grants to entities to aid us with our educational efforts on a nonpartisan basis.

- The secretary of state will consider sending a flyer/letter to every postal patron in Montana explaining the requirements of HAVA and state law.

- The secretary of state will provide HAVA information in our Voter Information Pamphlet (VIP) at least 30 days before the election.

Section 4

Sec 254. (a) IN GENERAL. - The State plan shall contain a description of each of the following:

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Recommended Language

The state of Montana currently meets most of the voting system requirements required under HAVA as outlined on the first three pages of the attached table (Appendix A). For those areas that we do not meet, the 2003 legislature passed legislation giving the secretary of state rulemaking

- (C) the portion of the requirements payment which will be used to carry out other activities.

Recommended Language

The state of Montana's proposed budget appropriation, subject to full federal funding of the Help America Vote Act of 2002 (HAVA), includes the appropriations to fund programs to conform to the requirements of Title III. Montana has already received its "small state minimum" payment of \$5 million which is not subject to a 5 percent match. We currently expect additional payments of \$4.1 million under HAVA which will require a 5 percent match of \$205,000. **Subject to complete federal funding of HAVA, our current budget figures will be based on a total budget of \$9,305,000.**

Voting Accessibility

Montana will be replacing voting systems in counties where punch card systems were used in the 2000 general election. There are five counties in the state requiring new voting systems (one county replaced punch card systems after the 2000 election and will be reimbursed). The secretary of state will lead a statewide procurement effort to acquire these systems. The secretary of state will work with county election officials to ensure that all needs are met, including but not limited to:

- device acquisition;
- system maintenance;
- election preparation services; and
- election tabulation services.

The secretary of state will act as contract administrator to maximize the purchasing power. The counties will own, operate, and work with the vendor to maintain the new voting systems and will retain control of election services at the county level. Eligibility to participate in complete voting system replacement and to receive funds from the state election fund will require participating counties to:

- have operated punch card systems in the 2000 general election; and
- agree to have the state purchase replacement systems on their behalf.

Our estimated total cost to replace our punch card voting systems is approximately **\$350,000.**

The next budgetary item will include the purchase of 710 Direct Recording Electronic (DRE) devices or other voting system equipped for individuals with disabilities at each polling place to meet the accessibility requirements of Title III. We estimate the cost of this portion to be **\$2.8 million.**

Provisional Balloting

Provisional Balloting by this term is something new for Montana. Montana had a challenge voting process before the enactment of HB 190. The requirement to build a free

access system for the voter to determine the status of their provisional ballot is a new requirement that carries a cost with it. At this time, the secretary of state envisions this function as one that requires the state to develop rules and processes for counties to follow. However, we view the costs associated with this function to be the responsibility of the counties. Counties, within the statewide rules adopted, may choose the form in which they will provide access to their provisional voters. The counties will use the statewide voter management system to verify the status of provisional voters.

Voter Education, Election Official and Poll Worker Training

Some voter education is already a responsibility, and included in the maintenance of effort, of the secretary of state and county election officials. However, HAVA is going to require extensive educational efforts at the state and local level in a state as rural and large as Montana. Additional voter education will be funded at a rate of up to 10 percent of the state election fund. These funds will be used for various projects on a local and statewide level. **The total for this component is approximately \$930,500.**

Statewide Voter Management System

The secretary of state will implement a statewide voter management system to comply with HAVA Title III. The state of Montana will be applying for a waiver to have the system up and running by January 1, 2006. Working with county election officials and state information technology officials, the secretary of state will define functional requirements, roles and responsibilities of carrying out the functions of voter registration within the principles that the:

- Secretary of state shall acquire, maintain and support the statewide system;
- Counties will remain responsible for the operations of voter registration, including but not
- limited to: voter registration information maintenance, borders and boundaries of jurisdictions, poll resource management, local registration list information, and candidate registration for local contests;
- Counties will remain responsible for furnishing lists, reports, and other printing requirements, however the state will consider entering into a statewide contract to maximize purchasing power;
- Official voter registration list will remain under the central control of the secretary of state;
- Secretary of state will make the registration list available by request for a reasonable fee;
- Counties will be responsible for voter registration operations, printing, and legal requirements for supporting the statewide system as well as storage of voting systems;
- Counties and the state will initially maintain the statewide system with HAVA funds;
- counties will eventually be responsible for on-going maintenance costs.

The state of Montana will fund the management system program including software, hardware and initial maintenance. **We estimate the cost to be 35 percent of our total**

monies for a figure of \$3,256,750.

Precinct Counters Matching Funds

The state of Montana will be looking at a matching grants program to help counties with the purchase of precinct counters to aid in the HAVA requirements for under-voting and over-voting. These grants would be based on registered voters and would involve a direct county match. *We estimate the cost to be up to 6 percent of our total monies for a figure of \$558,300.*

Administration costs

To fulfill the requirements of Title III, the secretary of state will have to provide for the coordination, planning, operations and reporting on these programs. The secretary of state will use funds to administer the implementation of HAVA above the current maintenance effort for elections. *Montana will use its match money (\$205,500) to pay for administrative costs and will consider additional HAVA funds for administrative costs if needed.*

Maintenance of Systems and the "What-If's"

Because HAVA money is "no year" money we plan on retaining some funds to take care of future year maintenance and systems replacement. Any money left over from the budgeted items above will be set aside for these purposes.

BUDGET BREAKDOWN:

Voting Accessibility: \$3,150,000
 Voter Education, Election Official and Poll Worker Training: \$930,500
 Statewide Voter Management System: \$3,256,750
 Precinct Counter Matching Funds: \$558,300
 Administration Costs: \$205,500 (matching funds)
TOTAL ESTIMATED BUDGET EXPENSES: \$8,101,050
MONEY TO BE LEFT IN ACCOUNT (for future needs): \$1,203,950

Section 7

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(7) 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.

Recommended Language

The secretary of state 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.

The secretary of state and counties shall continue to provide maintenance of effort, as required in the Help America Vote Act of 2002 (HAVA), in providing election and voter education.

Section 8

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(8) 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.

Recommended Language

The secretary of state is responsible for ensuring the success in meeting each performance goal. Each county election official has a substantial responsibility in meeting performance goals by monitoring performance measures and reporting to the state at a time to be determined. The reporting will occur after the deadline for implementation of each HAVA requirement has passed.

When the deadlines have passed, the secretary of state in cooperation with the counties will produce a report on how performance goals have been met. The report will include specific data to disclose the successes and failures of counties in the implementation of the Help America Vote Act of 2002 (HAVA). The secretary of state will compile the data in the reports and create a statewide report on the programs. The report will include an indication of whether each county met the performance goals and where improvements can be made.

The performance goals are as follows:

<p>While each county election official is responsible for implementing the voting system in their county, the secretary of state is leading the statewide effort for acquisition and is therefore ultimately responsible for meeting this performance measure.</p>	<p>Description of official to be held responsible for ensuring each performance goal is met</p>
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Performance Goal 3: Centralized Statewide Voter Management System
 The state will have a centralized statewide voter management system operational by January 1, 2006 (Montana will be applying for a waiver to have the later deadline). The development of the central statewide voter management system is a new system of online voter registration and updates via online driver license renewal and address changes. The goal is to meet the requirements of HAVA, but also enhance the activities of the county election officials and the experience of the voter.

<p>Performance measure 3a and b</p> <p>a) Implementation of a "single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level." b) Number of counties with procedures in place to update the centralized voter registration database using the scale: 0 - Not updating 1 - updating on weekly batch mode 2 - updating on daily batch mode 3 - updating upon new information (batch mode) 4 - updating real-time 5 - using the management system for all voter registration processing</p>	<p>Timetable</p> <p>January 1, 2003 to January 1, 2006</p> <p>a) Having a system that is operational at the secretary of state's office b) Participation is measured on the scale of interaction, whereas a county that does not participate causes the score to be significantly low. Higher degrees of interaction result in higher scores on performance. a) System needs to be up and running by January 1, 2006 to meet HAVA requirement. b) Once developed, the success of the system will be dependent upon the actual usage of the system.</p>
<p>Performance measure 3a and b</p>	<p>Timetable</p> <p>January 1, 2003 to January 1, 2006</p> <p>a) Having a system that is operational at the secretary of state's office b) Participation is measured on the scale of interaction, whereas a county that does not participate causes the score to be significantly low. Higher degrees of interaction result in higher scores on performance. a) System needs to be up and running by January 1, 2006 to meet HAVA requirement. b) Once developed, the success of the system will be dependent upon the actual usage of the system.</p>
<p>Performance measure 3a and b</p>	<p>Timetable</p> <p>January 1, 2003 to January 1, 2006</p> <p>a) Having a system that is operational at the secretary of state's office b) Participation is measured on the scale of interaction, whereas a county that does not participate causes the score to be significantly low. Higher degrees of interaction result in higher scores on performance. a) System needs to be up and running by January 1, 2006 to meet HAVA requirement. b) Once developed, the success of the system will be dependent upon the actual usage of the system.</p>

Performance Goal 4: Provisional Ballots
 There are many requirements for provisional balloting in HAVA that need measuring: provisional ballot uniform processing, verification, and status availability. Our goal is to have the secretary of state's centralized voter management system designed to allow counties to verify provisional voter status to determine whether a vote should count or not. The goal is to have the uniform procedures in place, have each county in compliance and have the statewide system reporting back status of the provisional ballots. Data gathered on provisional balloting will be used to identify and remove barriers that result in uncounted provisional ballots.

Performance Goal 1: Elimination of punch card voting machines.
 Eliminating punch card voting machines requires two things once the appropriate funds are available: 1) development by the secretary of state of a statewide Request for Proposal (RFP) to contract for replacement voting systems with successful award of contracts, and 2) requisition and use by counties of alternative voting systems under the contracts. The measure of success for both elements is the successful replacement of all punch card voting machines by the 2004 General Federal election.

<p>Performance measure 1</p>	<p>Number of counties using punch card voting machines in the 2004 General Federal election</p>
<p>Timetable</p>	<p>January 1, 2003 to General Federal election 2004</p>
<p>Description of the criteria used to measure performance</p>	<p>Six Montana counties had qualifying precincts in the 2000 General Federal election according to HAVA descriptions of replacement voting systems.</p>
<p>Process used to develop the criteria</p>	<p>Success of meeting the performance goal will be based upon the number of punch card voting systems still in use by the General Federal election 2004.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>While each county election official is responsible for implementing the replacement voting system in their county, the secretary of state is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure.</p>

Performance Goal 2: Voting Accessibility
 In addition to assisting counties in assuring the elections process is in compliance with the American's with Disabilities Act, the secretary of state is committed to improving voting accessibility. As required by HAVA, this shall include accessibility for individuals with disabilities and alternative language accessibility as determined in Title III, Section 301 of HAVA, this will be accomplished by the secretary of state and county election officials in two steps: once the appropriate funds are available: 1) development by the secretary of state of a statewide Request for Proposal (RFP) to contract for DREs and/or addendum voting system devices with successful award of contracts, and 2) requisition and use by counties of DRE's and/or addendum voting system devices under the contracts. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines by the 2006 General Federal election.

<p>Performance measure 2</p>	<p>Compliance of counties using voting accessible compliant devices in the 2006 General Federal election January 1, 2003 to General Federal election 2006</p>
<p>Timetable</p>	<p>January 1, 2003 to General Federal election 2004</p>
<p>Description of the criteria used to measure performance</p>	<p>Six Montana counties had qualifying precincts in the 2000 General Federal election according to HAVA descriptions of replacement voting systems.</p>
<p>Process used to develop the criteria</p>	<p>All 56 Montana counties will require alternative voting accessibility devices in the 2006 General Federal election according to HAVA. Two counties need alternative language voting accessibility.</p>

<p>Performance measure 4</p> <p>With respect to the voter registration of each county, the following information will be collected to measure compliance performance:</p> <ul style="list-style-type: none"> The number of provisional ballots in each precinct The number of voters in each precinct The number of provisional ballots that were verified and counted in each precinct The number of provisional ballots not counted in each precinct and the reason for not counting Whether each voter was notified of the status of their ballot Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted 	<p>outreach initiatives</p> <ul style="list-style-type: none"> A comparison of voter turnout in a federal election with the voter turnout in the immediately preceding four-year cycle Actual posting of voter information materials at each polling place Annual questionnaire to determine how aware the public is of their voting rights and responsibilities <p>January 1, 2004</p> <p>The information will summarize the voter outreach and voter education methods employed by each county and state.</p> <p>The state and counties already provide voter education. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. The counties will include details of their efforts in the report they file with the secretary of state certifying their election results and process. Success will be measured in terms of how smoothly the election goes given all the changes.</p> <p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Timetable</p> <p>Description of the criteria used to measure performance</p>	<p>January 1, 2004</p> <p>The information will summarize the voter outreach and voter education methods employed by each county and state.</p> <p>The state and counties already provide voter education. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. The counties will include details of their efforts in the report they file with the secretary of state certifying their election results and process. Success will be measured in terms of how smoothly the election goes given all the changes.</p> <p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Process used to develop the criteria</p>	<p>The state and counties already provide voter education. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. The counties will include details of their efforts in the report they file with the secretary of state certifying their election results and process. Success will be measured in terms of how smoothly the election goes given all the changes.</p> <p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Process used to develop the criteria</p>	<p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>

Section 9
Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

Administrative Complaint Procedures under the Help America Vote Act

- A. Administrative Complaint Procedures
 1. The procedures in this section shall be uniform and nondiscriminatory.
 2. Under these 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.
 3. Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint, and include the full name, telephone number, and mailing address of the complainant.
 4. The Secretary of State may consolidate complaints filed under this section.
 5. The Secretary of State shall designate a presiding officer for any complaint under this section. The Secretary of State may, upon agreement of all the parties, resolve the complaint informally, and issue a final determination without a formal proceeding.

<p>Performance measure 5</p> <p>With respect to the voter registration of each county, the following information will be collected to measure compliance performance:</p> <ul style="list-style-type: none"> The number of provisional ballots in each precinct The number of voters in each precinct The number of provisional ballots that were verified and counted in each precinct The number of provisional ballots not counted in each precinct and the reason for not counting Whether each voter was notified of the status of their ballot Whether the uniform procedures were followed for determining whether a provisional ballot is counted or not counted 	<p>December 31, 2004</p> <p>The data in the report will provide specific information relating to how many provisional ballots are voted and provide a means for verifying the procedures for establishing whether the ballots are counted. HAVA requires uniform procedures for checking and verifying provisional ballots. The data in the report will provide specific information for the secretary of state to determine the success of implementation.</p> <p>The secretary of state is in the process of making needed changes in our rules regarding provisional balloting.</p> <p>County election officials are responsible for provisional ballot verification and compliance to procedures established by the state. Therefore the secretary of state is responsible for establishing the procedures, compliance requirements, reporting requirements and ultimately the success of this performance measure.</p>
<p>Timetable</p> <p>Description of the criteria used to measure performance</p>	<p>December 31, 2004</p> <p>The data in the report will provide specific information relating to how many provisional ballots are voted and provide a means for verifying the procedures for establishing whether the ballots are counted. HAVA requires uniform procedures for checking and verifying provisional ballots. The data in the report will provide specific information for the secretary of state to determine the success of implementation.</p> <p>The secretary of state is in the process of making needed changes in our rules regarding provisional balloting.</p> <p>County election officials are responsible for provisional ballot verification and compliance to procedures established by the state. Therefore the secretary of state is responsible for establishing the procedures, compliance requirements, reporting requirements and ultimately the success of this performance measure.</p>
<p>Process used to develop the criteria</p>	<p>The state and counties already provide voter education. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. The counties will include details of their efforts in the report they file with the secretary of state certifying their election results and process. Success will be measured in terms of how smoothly the election goes given all the changes.</p> <p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>

Performance Goal 5: Voter Education, Election Official and Poll Worker Training
 The goal of education and training is to lower the incidence of mistakes and lack of understanding. Measuring the success of such activities is subjective and difficult to analyze. The secretary of state will be looking at a lot of variables to determine our success in this arena.

<p>Performance measure 5</p> <p>With respect to the voter registration of each county, the following information will be looked at to measure performance (these measures are not in any order and may or may not imply success in and of themselves):</p> <ul style="list-style-type: none"> Voter turnout - including absentee and provisional Number of public service announcements Number of seminars providing voter education Number of locations where voting equipment is on public display Number of voter education and voter 	<p>December 31, 2004</p> <p>The data in the report will provide specific information relating to how many provisional ballots are voted and provide a means for verifying the procedures for establishing whether the ballots are counted. HAVA requires uniform procedures for checking and verifying provisional ballots. The data in the report will provide specific information for the secretary of state to determine the success of implementation.</p> <p>The secretary of state is in the process of making needed changes in our rules regarding provisional balloting.</p> <p>County election officials are responsible for provisional ballot verification and compliance to procedures established by the state. Therefore the secretary of state is responsible for establishing the procedures, compliance requirements, reporting requirements and ultimately the success of this performance measure.</p>
<p>Timetable</p> <p>Description of the criteria used to measure performance</p>	<p>December 31, 2004</p> <p>The data in the report will provide specific information relating to how many provisional ballots are voted and provide a means for verifying the procedures for establishing whether the ballots are counted. HAVA requires uniform procedures for checking and verifying provisional ballots. The data in the report will provide specific information for the secretary of state to determine the success of implementation.</p> <p>The secretary of state is in the process of making needed changes in our rules regarding provisional balloting.</p> <p>County election officials are responsible for provisional ballot verification and compliance to procedures established by the state. Therefore the secretary of state is responsible for establishing the procedures, compliance requirements, reporting requirements and ultimately the success of this performance measure.</p>
<p>Process used to develop the criteria</p>	<p>The state and counties already provide voter education. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. The counties will include details of their efforts in the report they file with the secretary of state certifying their election results and process. Success will be measured in terms of how smoothly the election goes given all the changes.</p> <p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The secretary of state and the county elections officials are all responsible for ensuring the success of voter education; however, the secretary of state is responsible for the success of all statewide coordinated efforts for voter education.</p>

Recommended Language

Pursuant to the Act and in anticipation of receiving full funding for Title I, money will be distributed to provide for punch card replacement for each county that was using a punch card voting system in the 2000 general election. Section 6 details how the federal funds will be spent to meet the requirements of Section 301 of the Help America Vote Act of 2002 (HAVA).

There are five counties in the state that will require new voting systems (one additional county that will be reimbursed). The secretary of state will lead a statewide procurement effort to acquire these systems. The secretary of state will work with county election officials to ensure that all needs are met, including but not limited to:

- device acquisition;
- system maintenance;
- election preparation services; and
- election tabulation services.

The secretary of state will act as contract administrator to maximize the purchasing power. The counties will own, operate, and work with the vendor to maintain the new voting systems and retain control of election services at the county level.

The secretary of state will implement a statewide voter management system to comply with the HAVA Title III. Working with the county election officials and state officials, the state will define functional requirements, and roles and responsibilities of carrying out the functions of voter registration. The system will serve as the single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level. This is a priority of the state's activities that is second only to the removal of all punch card systems. Should any Title I funds remain after the replacement of punch card systems, those funds may be allocated to other priorities as described in section 6.

Section 11

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(11) 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).**

Recommended Language

- The secretary of state shall conduct annual meetings with county elections officials to review standards and assess the goals and objectives of the HAVA State Plan.

6. At the request of the complainant, there shall be a hearing on the record. If a hearing on the record is requested, the complainant must so state. Any such hearing shall be held at a date and time and place determined by the Secretary of State and at the discretion of the Secretary of State the hearing may be conducted by telephone or upon written documentation. If the hearing is on consolidated complaints, then the complainants shall designate a single representative party to advocate for the consolidated complaint. If the presiding officer permits witnesses to testify, then they must be sworn in prior to their testimony being given. If a complainant fails to pursue a complaint, then the complaint shall be dismissed with prejudice.

7. If, under these procedures, the Secretary of State determines that there is a violation of any provision of title III, the State shall provide an informal opinion.

8. If, under these procedures, the Secretary of State determines that there is no violation or that the complainant did not follow the above procedures in filing the complaint or the complaint does not on its face allege a violation of Title III with regard to a federal election, the Secretary of State shall dismiss the complaint and publish the results of the procedures.

9. The Secretary of State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period that begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

10. If the Secretary of State fails to meet the deadline applicable under this section, 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.

11. If a final determination of a complaint was not made within ninety (90) days of the filing of the complaint and the complainant did not agree in writing to an extension, then the complaint shall be referred to a review panel comprised of three staff members of the office of the Secretary of State. The three-member review panel shall issue a final determination on the complaint within sixty (60) days of the referral. The review panel shall make its determination on the record of the hearing and shall not conduct any further proceedings, if the hearing was held and completed. If the hearing was not held or completed, then the review board shall conduct the hearing as prescribed above.

12. At any time before, during or prior to this process the complainant retains the right to file an action in any court of appropriate jurisdiction or to withdraw the complaint. No exhaustion of this administrative remedy is required.

Section 10

Sec. 254 (a) IN GENERAL -The State plan shall contain a description of each of the following:

(10) 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.

MEMBER NAME

Peggy Beltrone
 Rita Blouke
 Bob Brown
 Rev. Philip Caldwell
 John Collins
 Jean Corbett
 Jamie Doggett
 Constance Einzweiler
 Bernie Franks-Ongoy
 Major Daniel Keder
 Cyndy Maxwell
 Rep. Bernie Olson
 Sen. Carolyn Squires
 Ellen Swancy
 Betty Vantigham
 Myrie Tompkins
 Shelley Vance
 Dr. Craig Wilson
 Justus Wendland
 Duane Winslow
 Vickie Zeier

OFFICE / REPRESENTING

Cascade County Commissioner, Great Falls
 League of Women Voters, Helena
 Montana Secretary of State
 State Advisory Commission on Civil Rights, Great Falls
 Project Vote Smart, Anaconda
 AARP, Helena
 Meagher County Commissioner, White Sulphur Springs
 State Coordinator, Americans with Disabilities Act, Helena
 Montana Advocacy Program, Helena
 Installation Voting Officer, Malmstrom Air Force Base, Great Falls
 Big Horn County Clerk and Recorder, Hardin
 House District 76, Lakeside
 Senate District 34, Missoula
 Director of American Indian Minority Achievement, Helena
 Montana Deaf and Hard of Hearing Services, Great Falls
 Montana Association for the Blind, Helena
 Gallatin County Clerk and Recorder, Bozeman
 Professor of political science, MSU-Billings
 Carroll College Student, Helena
 Yellowstone County Election Administrator, Billings
 Missoula County Clerk and Recorder, Missoula

- If the secretary of state determines the State Plan requires material change, the secretary of state shall:
 1. propose the recommended changes within 60 days of the annual meeting;
 2. allow for public comment not less than 30 days; and
 3. publish in the federal register upon submitting the revised plan to the Election Assistance Commission.

Section 12

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:
 (12) 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.

This State Plan is the Preliminary State Plan required under the Help America Vote Act of 2002 (HAVA). This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

Section 13

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:
 (13) 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 and section 256.

Recommended Language

Pursuant to Section 255, on January 24, 2003, the chief state election official, Bob Brown, Montana Secretary of State, appointed a citizen advisory committee to help in the development of the State Plan (see press release page 4). The citizen advisory committee was named the Montana Election Reform Advisory Committee. Pursuant to Section 255 of the Help America Vote Act of 2002 (HAVA), the committee included the chief state election official, the election officials from the two most populous jurisdictions, other local election officials, stake holders and citizens. Secretary Brown made committee appointments including a cross-section of people throughout Montana, with representation of groups of individuals with disabilities and minority representation.

The State Planning Committee held open public meetings in compliance with the *Open Meeting Laws of the State of Montana* on April 14 and May 20, 2003. On June 2, 2003, the "preliminary" State Plan will be posted on the secretary of state's website and be made available for public review and comment for a period of 30 days. The secretary of state will announce through a statewide press release after June 2, 2003, the locations where the preliminary State Plan is available for public review and comment. Various media outlets will be requested to publish the preliminary State Plan and/or announce its availability as a public service announcement.
 Montana Election Reform Advisory Committee Membership list:

Requirement	State of Montana's Current Status <i>(Meets Requirement, Partially Meets, Does Not Meet)</i>	Actions Planned
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(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	More education and training provided to the voter on this self-regulating portion.
(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 <ul style="list-style-type: none">Up to three mistakes allowed per voter	More education and training provided to the voter on this self-regulating portion.
(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.	Does Not Meet <ul style="list-style-type: none">No system in place to check ballot before being cast	We have central count system so we will be doing the education component option.
(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		

APPENDIX A

Requirement	State of Montana's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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	Does Not Meet	The state and counties will review and revise ballot materials and implement a voter outreach program with special emphasis on this requirement.
(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)	Does Not Meet	The state and counties will review and revise ballot materials and implement a voter outreach program with special emphasis on this requirement.
(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.
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets.	No action needed.
(B) MANUAL AUDIT CAPACITY-		
(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-		

Requirement	State of Montana's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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. <ul style="list-style-type: none">• Visually impaired voters do not currently have access to service specifically designed for them.• Two elections officials representing different political parties can assist the voter at the voter's request.• ADA requirements met at most polling places	The state will meet this requirement through the purchase of DRE machines for use in each of its 56 counties.
(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 through the purchase of DRE machines for use in each of its 56 counties.
(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	The state will meet this requirement upon implementation of the voting system standards referenced above.
(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).		

Requirement	State of Montana's Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(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.	Does Not Meet	Legislation already passed giving us rule-making authority (HB 155 Subsection 2). Secretary of State and Election Task Force Committee to further define.

APPENDIX B

2003 Legislation to implement HAVA in Montana (HB 155, HB 190, HB 201 and HB 548) can be viewed in their entirety at Montana Secretary of State's website at: sos.state.mt.us

Help America Vote Act

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

TABLE OF CONTENTS

A Message from Secretary of State John Gale	2
Executive Summary	4
Introduction	7
Section 1	7
Section 2	9
Section 3	9
Section 4	11
Section 5	15
Section 6	15
Section 7	17
Section 8	17
Section 9	20
Section 10	22
Section 11	22
Section 12	23
Section 13	23

John A. Gale
Secretary of State

State of Nebraska
Final State Plan

August 1, 2003

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

A Message from Secretary of State John Gale

In October of 2002, Congress passed and President George Bush signed the Help America Vote Act. This Act is the beginning point in a new era of election administration in the United States.

The Act is uniquely American: it contains federal mandates to the states, but it doesn't federalize the system; it provides funding to the states, but the funding is not entirely just federal money due to the match requirement; the Act requires reporting and accounting but generally relies on the State Election Officers to carry out the goals of the Act in cooperation with local authorities.

In February 2003, the U.S. Congress in its Omnibus Appropriations bill included some \$1.5 billion to begin funding the reforms mandated under HAVA. In order to access its share, each State needs to create a State Plan Commission, which is broad-based, inclusive, and provides a voice for the various groups of citizens who have expressed concerns that their communities have not been well served. Those from the visually impaired and physically handicapped communities particularly come to mind.

This is truly an historic task. For the past century, the battle that has been fought has been over the issue of WHO shall vote. When our nation was founded, only white male adult landowners could vote. We have come a long way. The struggles to outlaw slavery and enfranchise blacks as citizens, to allow women to vote, and to reduce the voting age to 18 to give our youth a voice in their democracy, were tremendous struggles, finally leading to the Voting Rights Act of 1965, and the Civil Rights Act of 1974.

They were battles over inclusiveness in our democracy.

Now the struggle has shifted to issues of the fairness of the election system and the machinery of elections...the process of registering voters, casting ballots, and counting votes. What each State Commission does will be historic, and is part of the dynamic of changing the face of elections in America.

For the first time in 100 years, we have an opportunity to review and make significant improvements in our election systems. It's time to invest some money where our ballot boxes are. These federal dollars will help strengthen our elections process by improving access at the polls, increasing our technology levels, and helping us educate and train voters and poll workers alike.

2

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

The responsibility placed by the Federal government onto state election officials must be taken very seriously. The U.S. Congress has allocated unprecedented levels of funding to improve the machinery of elections nationwide, in order to accomplish a new level of fairness, reliability and inclusiveness, nearly uniform across the country. I approach this task as a clear mission delegated to my office, which we will not fail. We will use the funds wisely and meet the goals squarely. It will require a new form of relationship between state and local election officials, a new level of cooperation that will maintain the fair and uniform election process that Nebraska has developed, while effectively and efficiently developing processes to encourage every eligible citizen to participate in our system of democracy.

The first step in this journey was the appointment of the State Plan Commission. I convey my warmest thanks to those members who participated in the process. The long days and numerous hours spent discussing the intricacies of election administration were invaluable in the preparation of this Plan. I would be remiss if I did not acknowledge the efforts of Ms. Martha Gadberry, who as facilitator of the Commission meetings, was successful in getting the group to function not only as advocates for their particular constituency, but as a team working together to improve the election process.

The attached Plan was intended to be and should be treated as a living document. It will serve as a changing road map that will track not only the successes but also the failed initiatives along the way. To that end, I welcome everyone's input, not only during the 30 day comment period mandated by the Act, but at any time as this path is traveled. Please don't hesitate to contact my office with comments, suggestions or criticisms. Help us to make our democratic system be the best it can be to serve America.

With Best Wishes,

John A. Gale
Secretary of State
State of Nebraska

3

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Executive Summary

The Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. 15301-15545 ("HAVA") following passage by the U.S. Congress was signed into law by the President of the United States, George Bush on October 29, 2002. This legislation marks a significant step toward major change in our election systems nationwide. Each participating state is required to appoint a citizen advisory committee to advise the Chief Election Officer in the development of a State Plan to implement HAVA, which Plan is to be available for public comment and input before adoption.

Secretary of State John A. Gale, Chief Election Officer for the State of Nebraska, appointed a sixteen-member citizen advisory commission on February 28, 2003, to help in the development of the State Plan. The Commission is called the Nebraska State Plan Commission. Members include the election officials from Nebraska's two largest counties, a mid-size county election official, President of the Nebraska County Clerks Association, a representative from the Secretary of State's office and representatives from various advocacy organizations including the disabled community. Secretary Gale took recommendations for these appointments so that the Commission is representative of a wide cross-section of Nebraskans, including those with disabilities and minority designation.

In addition to the role played by Secretary of State Gale and the State Plan Commission, the public will have an opportunity for input in the process. In accordance with the Act, there will be a 30 day comment period, and those comments will be considered prior to publication of the plan in the Federal Register. Written comments may be submitted either through the web site www.sos.state.ne.us/election/HAVA, which contains details of Nebraska's efforts under the Help America Vote Act or by writing to the Secretary of State. There will also be a public hearing on the proposed plan during the 30 day comment period.

The State Plan has as its' foundation several basic principles that were adhered to in the drafting. These principles include:

Nebraska's Plan should comply with all federal requirements in the Help America Vote Act of 2002 (HAVA).

The plan should not pass initial costs of the implementation of HAVA on to the counties.

Allocation of adequate funds to purchase equipment to implement the central voter registration system, DRE requirements, and training mandates should be the primary objectives.

4

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

The State Plan consists of 13 sections on topics ranging from voter education and outreach to administration and budgeting for the plan. Section 1 describes the use of the Title II funding for the mandates in the Act. Included are descriptions of the mandates contained in Title III such as a centralized voter registration database, provisional voting, voter identification, and changes to the voter registration process. Several of these, provisional voting, voter identification and voter registration form changes, were addressed through state legislation during the 2003 legislative session.

Section 2 addresses how the funding will be distributed to local election officials or others. The proposal in this section calls for a grant program for voter education and outreach efforts. Section 3 addresses the issues surrounding voter and election official education and training. Notable components of this section include creation of a panel to examine voter turnout issues, an increased role for the Secretary of State's office in training local officials, and a more aggressive approach to ensuring that voters with disabilities are accommodated.

Section 4 outlines the requirements for vote tabulation equipment. The section outlines a plan to place a DRE or other disabled accessible device in each polling site, while maintaining the current central scan and hand count procedures historically used in Nebraska, these processes, coupled with an education effort, will address second chance voting issues; this approach was used due to future funding concerns and may be altered as the funding picture becomes clearer.

Section 5 describes the fund established to administer the program funding and Section 6 provides a general budget for the implementation effort. Section 7 addresses maintenance of effort requirements of the Act.

Section 8 describes performance measures for the various elements of the State Plan. Section 9 provides a description of the Administrative Complaint Procedure required by the Act.

Section 10 addresses the Title I or "early out" money and its uses. The current Plan anticipates using those funds to supplement the Title II funding to meet the mandates of the Act.

Section 11 addresses the State Plan Commission and how the Plan will be amended in the future. Section 12 is not applicable at this time as the purpose is to describe changes from the previous plan. Section 13 lists the members of the State Plan Commission and their procedures used to develop recommendations for this Plan.

This document will be made available for public comment for a thirty day period beginning on June 9, 2003. A public hearing on the State Plan will be held at the

5

John A. Gale
Secretary of State
State of Nebraska

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

State Capitol on June 25, 2003. Any person wishing to comment on the plan may either write the Secretary of State at Suite 2300, State Capitol, Lincoln, Nebraska 68509. Comments may also be made on the website, www.sos.state.ne.us/election/HAVA.

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Introduction

The following constitutes the State Plan for the implementation of the Help America Vote Act for the State of Nebraska. The federal statute requires addressing thirteen issues within the plan. Each required item is identified by a separate section.

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

Section 1

- (1) **How the State will use the requirements payment to meet the requirements of title III (equipment and administration), and, if applicable under section 251 (a)(2), to carry out other activities to improve the administration of elections.**

It is currently estimated that the requirements payment (Title II) to the State of Nebraska will be approximately \$4.9 million for federal fiscal year 2003. At this time it appears necessary that the entire amount of the requirements payment will be dedicated to two of the more expensive mandates contained in Title III: the Interactive Voter Registration System (Section 303) and providing a Voting System within each polling site that allows members of the disability community to vote in private and unassisted (Section 301(a)(3)). It is also anticipated that at least a portion Title I funds will be necessary to meet these two requirements.

The requirements of Title III include the following:

Sec. 301 This section describes the requirements for voting systems used at the polling sites. Details of these requirements are contained in below in Section 4.

Sec. 302 This section describes the requirements for what has been termed provisional voting and other voting information.

Through the 2002 election cycle Nebraska statute (Neb. Rev. Stat. 32-914.01 et seq.) provided for a process where a person who had previously registered to vote, but whose name did not appear on the list of eligible voters, could cast a ballot through either the use of a "conditional ballot" used to accommodate fail-safe voting under NVRA, or a provisional ballot for someone who had not changed their residence but for some reason their name did not appear on the list.

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

These provisions do not completely meet the requirements of Sec. 302, as there were no provisions for allowing the individual to ascertain the disposition of the conditional or provisional ballot.

LB 358, introduced and passed in 2003, combines the conditional and provisional processes into one procedure and provides for the development of a website and toll free line to determine whether the provisional ballot was counted and if not, why.

LB 358 also contains requirements that voter information be posted in each polling location including information on polling hours, instructions on how to vote, voting rights, instructions for certain voters that are required to provide identification, and sample ballots. While some of this information had been required to be posted previously, the provisions of LB 358 meet the requirements of Sec. 302.

Sec. 303 This section describes the requirements for a statewide interactive voter registration database. Among the requirements are that the system utilize driver's license numbers and the last four digits of the social security number or in the alternative assign a unique identifier. Other requirements include coordination with other state agency databases and list maintenance procedures as outlined in the National Voter Registration Act.

While Nebraska currently has a state voter registration database in place, it does not meet the requirements contained in Sec. 303. The state will need to explore either the modification of the current system or a replacement system that meets the requirements. A substantial amount of Title III monies (as well as Title I monies) will be necessary to meet this mandate. See Section 6 (budget information) for additional detail. The deadline for meeting this requirement is January 1, 2004, although a waiver until January 1, 2006 is available. It is anticipated that the state will apply for such a waiver.

Sec. 303 further requires that various changes be made to the voter registration process including the design of the voter registration form and the confirmation of the last four digits of the social security number. In addition, agreements with the Department of Motor Vehicles and other state databases are required to provide for list maintenance purposes. LB 359, passed and signed during the 2003 legislative session, contains the required changes and mandates the agreements with other state agencies.

The section also provides that first time voters, who register by mail, are required to produce identification prior to casting a ballot. This mandate was also met in LB 359.

8

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Section 2

- (2) **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 paragraph (1), including a description of -**

(A) *the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and*

Should funds be available after meeting voting system mandates, the Secretary of State should develop a grant program to encourage voter participation and education among population groups that historically have not been participating in the voting process, including but not limited to youth, disabled persons and minority populations. Such grants should be limited to non governmental, not for profit organizations serving affected voters. No individual grant should exceed \$60,000 per year and preference should be given to organizations that demonstrate an ability to attract other financial resources to maintain programs into the future.

(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 paragraph (8).*

Any entity receiving grant monies under (2)(A) will comply with any or all federal reporting requirements. Any entity receiving grant monies under (2)(A) should be required to submit a report to the Secretary of State within 12 months after receiving such a grant, that details the activities funded by the grant and a financial audit.

Section 3

- (3) **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 Secretary of State's Office understands the importance of education and training to a successful implementation of HAVA reforms in Nebraska.

The Secretary of State will initiate and plan for centralized, uniform training statewide. This may include but is not limited to providing election officials the training standards, including maintenance of current training efforts; a training

9

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Secretary of State will also focus on improving the process of reporting registrations from collaborating agencies, such as Health and Human Services.

video with basic information about HAVA to inform county clerks and poll workers; and information about increasing diversity of poll workers and election officials. This will be done by using regional networks for training election officials, such as NACO annual meetings and involving the vendor to provide training on specific election equipment. The Secretary of State's Office will also seek opportunities to collaborate with advocacy and community groups in an effort to inform not only election officials but the general public as well regarding voter accessibility and procedural changes. This includes but is not limited to the grant program described in Section 2.

Pursuant to LB 569, Nebraska will also establish a Blue Ribbon Panel to monitor the progress of HAVA election reforms.

Section 4

- (4) **How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.**

The requirements of section 301 include the following:

Sec. 301 Voting Systems Standards
(a)(1)(A)(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;

Currently Nebraska local jurisdictions use one of two methods for tabulating votes: hand counting of paper ballots or a central optical scan system for paper ballots. Either of these two systems meet the requirement that permits 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.

Currently, elections and election training are handled mainly at the local level. Training on election issues is provided twice yearly to the County Clerks by the Secretary of State's Office. County officials will continue to bear responsibilities to disseminate training materials and conduct training events within the counties to their poll workers. Content of the training will include, but not be limited to, accessibility issues (especially for the physically and visually impaired); identification requirements for certain first time voters as described in HAVA; changes to provisional voting for HAVA compliance; and information on the complaint procedure.

Voters with disabilities should be made aware of the new accessibility requirements and instructed on how to use the new DRE equipment. The Secretary of State's office will do this in a variety of ways, which may include but will not be limited to, producing a Braille brochure for statewide distribution; making DRE's available in places where people with disabilities or the elderly can get hands-on experience; showing DRE's in higher education student unions, high schools and nursing homes and assisted-living facilities; coordinating voter education projects with advocacy and community groups; educating the media through press releases, public access and service announcements; producing video or power point for presentations by advocacy groups for civic group meetings; improving signage at the polling place to indicate accessibility; and establishing an "Elections Information" website to inform the voters of changes before statewide elections.

County clerks will provide information to the voters regarding the identification requirements for first time voters who register by mail. When students are on college campuses, information on voting place options may be given during orientation activities. College students may also be recruited as poll workers, along with high school students, pursuant to new statutory allowances passed by the Nebraska Legislature.

(a)(1)(A)(ii) provide the voter with the opportunity to (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 other wise unable to change the ballot or correct any error); and

The voting systems currently in use meet this requirement. Neb. Rev. Stat. 32-917 allows a voter to receive a replacement ballot should the ballot be spoiled or an error occur.

The Secretary of State is committed to making voting more attractive and accessible to Nebraska's citizens. Registration forms will be revised to ensure compliance with HAVA reforms and user-friendliness to encourage voter registration. These forms will continue to be distributed in many places, such as the phone book, county clerk visits to high schools, and college voter drives. The

(a)(1)(A)(iii) if the voter selects more than 1 candidate for a single office—
(i) notify the voter that the voter has selected more than 1 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 for the office;

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

The current vote tabulation systems currently used by Nebraska jurisdictions do not meet this requirement. Potential solutions to meeting this requirement (other than the provisions of (B)) would require the use of precinct level optical scanners or the expanded use of DRE's at the polling sites. However, at this time the cost of such equipment on a statewide basis would require a disregard for one of the basic tenets of this plan: that costs not be passed onto the local jurisdictions. It is recommended that the current systems in use in the local jurisdictions continue to be used under the provisions of (B), but that this issue be revisited as continued federal funding of the Act becomes clearer.

(a)(1)(B) A state or jurisdiction that uses a paper ballot voting system, a punch card voting system, or a central county 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 and office; and

(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)

The current federal funding level is insufficient to completely replace the paper ballot and central optical scan systems currently in use. In light of this observation, a voter education program should be developed to meet the requirements of this subsection. The Secretary of State will develop materials that can be provided to each voter. Additional notices will be posted within the polling site and assistance will be provided if requested.

(a)(1)(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.

Any voter education developed under this subsection (B) should provide instructions and other information to each individual voter so that they may review the information in private and cast their ballot appropriately.

Should funding become available and it is feasible to provide DRE's or precinct level optical scan system, the system should provide a mechanism to preserve the privacy of the voter.

12

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

(a)(2) Audit Capacity

(A) The voting system shall produce a record with an audit capacity for such system.

The voting systems in place in Nebraska currently (hand count and central optical scan) currently meet this requirement. Any future equipment purchases to comply with (a)(1)(A)(iii) or (a)(3) shall meet the requirements of this section.

(a)(2)(B) Manual Audit Capacity

(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.

The voting systems in place in Nebraska currently (hand count and central optical scan) meet this requirement. Any future equipment purchases to comply with (a)(1)(A)(iii) or (a)(3) shall meet the requirements of this section.

(a)(2)(B)(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.

The voting systems currently in place in Nebraska (hand count and central optical scan) meet this requirement. Current state statute (32-917) allows a voter to receive a new ballot for any corrections that are necessary. Any future equipment purchases to comply with (a)(1)(A)(iii) or (a)(3) shall meet the requirements of this section.

(a)(2)(B)(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.

The voting systems currently in use in Nebraska (hand count and central optical scan) meet this requirement. Any future equipment purchases to comply with (a)(1)(A)(iii) or (a)(3) shall meet the requirements of this section.

(a)(3) The voting system shall

(a)(3)(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 others;

The voting systems currently in place in Nebraska (hand count and central optical scan) do not meet this requirement. The Secretary of State will

13

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

The voting systems currently in place in Nebraska meet this requirement. Any future purchases of vote tabulation equipment whether by the state or local jurisdictions should not only meet the error rate standards but any additional standards issued by the Federal Election Commission or by the Election Administration Commission.

(a)(3)(B) satisfy the requirement of subparagraph (A) through the use of 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

The voting systems currently in place in Nebraska (hand count and central optical scan) do not meet this requirement. The Secretary of State will purchase enough units to allow the placement of at least one voting station in each precinct. The Secretary of State may recommend the consolidation of polling sites, not only for the purposes of this section but also to ensure that all polling sites are AD compliant.

(a)(3)(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting systems standards for disability access (as outlined in this paragraph).

Any equipment purchased, either by the counties or by the State, after January 1, 2007 shall meet the disability standards as outlined in (A).

(a)(4) The voting system shall provide alternative language accessibility pursuant to the requirements of section 203 of the Voting Rights of 1965 (42 U.S.C. 1973aa-1a).

Currently, two Nebraska jurisdictions are required to provide alternative language accessibility. Colfax County is required to provide materials in Spanish and Sheridan County is required to provide assistance in Lakota Sioux. The current voting systems in place in Nebraska are capable of meeting the language accessibility requirements. Any new system purchased by either the local jurisdictions or the state will be capable of meeting not only the current required languages, but such additional languages as may be necessary in the future.

(a)(5) 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 established under 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.

14

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

The voting systems currently in place in Nebraska meet this requirement. Any future purchases of vote tabulation equipment whether by the state or local jurisdictions should not only meet the error rate standards but any additional standards issued by the Federal Election Commission or by the Election Administration Commission.

(a)(6) Each state shall adopt uniform and nondiscriminatory standards that define what constitutes a vote...

Current Nebraska statute (32-901) defines a valid vote for each of the systems currently in use in Nebraska. The statute was amended through LB 388 to define a valid vote for the anticipated DRE's that will be placed at each polling site pursuant to (a)(3)(B).

Section 5

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

Legislative Bill 14, signed into law on February 20, 2003, creates the Election Administration Fund. The Election Administration Fund consists of federal funds, state funds, interest, gifts, and grants appropriated for the administration of elections. The Secretary of State shall use the fund for voting systems, provisional voting, computerized statewide voter registration lists, voter registration by mail, training or informational materials for election officials and for the general public related to elections, and any other costs related to elections or to implementation of the Help America Vote Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Section 6

(6) 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

15

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

(C) the portion of the requirements payment which will be used to carry out other activities.

***Anticipated Revenue**

*These numbers are based on actual receipts (FY'03 Title I and State Match), appropriated amounts (FY'04 Title II) and estimates based on currently proposed funding levels (FY'04 & '05 State Match and FY'05 & '06 Title II). Fiscal years are based on state fiscal years that run from July 1 to June 30. While proposed funding levels are substantially below authorization levels in HAVA, this budget is based on conservative estimates.

	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005	Fiscal Year 2006
Title I Funding	\$5,000,000	\$0	\$0	\$0
Title II		\$4,900,000	\$2,800,000	\$2,800,000
State Match	\$260,000	\$150,000	\$150,000	\$150,000
Subtotal	\$5,260,000	\$5,050,000	\$2,950,000	\$2,950,000
*Other State Funding	\$241,000	\$251,000	\$251,000	\$251,000
Total	\$5,501,000	\$5,301,000	\$3,201,000	\$3,201,000

*This amount is similar to previous appropriations for election administration. FY'99-'00 expenditures for election administration totaled \$138,905. Maintenance of effort requirements in section 7 require a state to maintain the level of expenditures made for the purposes of the requirements payments. As the bulk of the requirements were not addressed or met by the state prior to HAVA, it is believed that no state funds were expended in FY'99-'00 that meet the requirements of section 7. The "Other State Funding" category is included to show that the state has maintained the historical level of election administration funding. See Section 7 of this plan for further information.

Expenditures	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005
Title III Requirements			
Disability Equipment (Section 301)		50,000	5,250,000
Central VR (Section 303)	50,000	3,200,000	250,000
Training and Ed. (Sec. 302, 303)		250,000	250,000
Administration (State Plan Committee, staffing, overhead)	50,000	230,000	230,000
Total	100,000	3,730,000	5,980,000

Section 7

(7) 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.

For Fiscal Year '99-'00, total state expenditures for elections were \$138,905. While none of these funds were used for activities specifically mandated by Title III of the Act, it should be noted that appropriations for Fiscal Years '03-'04 and '04-'05 (LB 407, 2003) for elections (Agency 09, Program 45) were for \$250,797 for each of the two fiscal years. This amount is an increase over total election expenditures for FY '99-'00.

Section 8

(8) 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

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State's office is responsible for the success of HAVA implementation and the meeting of performance goals. Local election officials also play a vital role in keeping information current and monitoring performance goals. The performance goals and specific instructions will be included in the elections manual. The counties will report their success with the HAVA implementation to the Secretary of State's Office, and the Secretary of State's Office will make these results available to the public.

Performance Goal 1: Central Voter Registration Database

This database will fully comply with the HAVA guidelines. It will be interactive between the counties and the Secretary of State's Office and will be compatible for updates with the Department of Motor Vehicles and Vital Statistics.

Performance Goal	Central Voter Registration Database
Timetable	303a to be implemented by January 1, 2006 303b to be implemented by January 1, 2004
Criteria used to measure performance	Compliance with HAVA requirements
Officials monitoring goal	Secretary of State, Deputy Secretary for Elections and Elections staff

Performance Goal 2: Voter Accessibility

Improving voter accessibility, as required by HAVA, shall include accessibility for individuals with visual and physical impairment and with alternative language issues as determined by Title III, Section 301.

Performance Goal	Improving Voter Accessibility
Timetable	Implemented by January 1, 2006
Criteria used to measure performance	Compliance with HAVA requirements
Officials monitoring goal	Secretary of State, Deputy Secretary for Elections and Elections staff

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Performance Goal 3: Provisional Ballots

The Secretary of State will set uniform procedures for provisional ballots to be in compliance with HAVA requirements. This procedure will be included in the elections manual.

Performance Goal	Provisional Ballots
Timetable	Implemented by January 1, 2004
Criteria used to measure performance	Compliance with HAVA provisions
Officials monitoring this goal	Secretary of State, Deputy Secretary for Elections and Elections staff and local election officials

Performance Goal 4: Voter Education

The Secretary of State's Office is committed to educating the voter regarding changes in election law and plans to implement the ideas expressed in section 3 of the State Plan.

Performance Goal	Voter Education
Timetable	Ongoing implementation to be completed January 1, 2006
Criteria used to measure performance	Compliance with measure described in elections manual. County officials will report any problems to the Secretary of State's Office.
Officials monitoring this goal	Secretary of State, Deputy Secretary for Elections and staff and County Election Officials.

Performance Goal 5: Poll worker training

The Secretary of State will define uniform procedures for poll worker training by local election officials. These standards and processes will be provided in the elections manual.

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Performance goal Timetable	Poll worker training Implementation beginning January 1, 2004 and ongoing
Criteria used to measure performance	Survey will be sent to poll workers to measure knowledge of new standards and procedures
Officials monitoring this goal	Secretary of State, Deputy Secretary for Elections and staff, Local election officials

Performance Goal 6: Election Official Training

The Secretary of State will perform extensive training session for local election

Performance goal Timetable	Election Official Training Implemented January 1, 2004; ongoing
Criteria used to measure performance	Election officials will be surveyed to measure knowledge of new standards and procedures
Officials monitoring this goal	Secretary of State, Deputy Secretary for Elections and staff

officials using such regional networks as NACO (Nebraska Association of County Clerks). The Secretary of State's Office will also provide staff and procedures for training of election officials.

Section 9

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

An Administrative Complaint Procedure has been developed by the Secretary of State that includes the following provisions:

I. Filing of Complaint and Response

Any person may file a complaint with the Secretary of State believes that a violation of Title III of the Help America Vote Act or corresponding sections of state statute has occurred, is occurring or is about to occur. Such complaint shall be filed on a form developed by the Secretary of State and shall contain the

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

name, address and phone number of the person making the complaint; the nature of the violation of Title III of the Help America Vote Act or corresponding state statutes, the date of the violation if the violation had previously occurred and other information deemed necessary by the Secretary of State. The form shall also allow the person making the complaint to indicate whether he or she desires a hearing on the record regarding the complaint. The complaint form shall be signed by the person making the complaint and shall indicate that the person believes the facts contained on the form to be true. The completed form shall be notarized.

The Secretary of State may, prior to hearing, respond to the complaint based upon the complaint and the Secretary of State's own investigation. Such response shall be in writing and may include a remedy. The complainant may waive the request for a hearing upon review of the Secretary of State's response. If the hearing request is not waived the hearing shall be held as described below. The response from the Secretary of State, whether or not favorable to the complainant, shall in no way effect the complainant's right to a hearing under these procedures.

II. Hearing Procedure

If a hearing is requested, the Secretary of State shall appoint a hearing officer to conduct a hearing on the record. Complaints of a similar nature may be combined for purposes of a hearing on the record. If the hearing officer determines that the complaint has merit, the hearing officer shall prepare a written finding and suggest potential remedies to the Secretary of State. The Secretary of State shall take action to ensure the violation is corrected. If the hearing officer determines that there is no violation, the hearing officer shall issue a written finding dismissing the complaint.

If no public hearing is requested, the Secretary of State shall investigate the complaint. If the Secretary of State finds that the complaint has merit, the Secretary of State shall issue a written finding and take action to ensure the violation is corrected. If the Secretary of State determines that there is no violation, the Secretary of State shall issue a written finding dismissing the complaint.

Any written finding, whether by the hearing officer or the Secretary of State, shall be issued within 90 days of the filing of the complaint. This deadline may be waived in writing by the person making the complaint.

III. Alternative Dispute Resolution Process

Should the finding not be issued within 90 days of the filing of the complaint, the complaint shall be submitted to a dispute resolution center approved by the office

John A. Gale
Secretary of State
State of Nebraska

John A. Gale
Secretary of State
State of Nebraska

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Help America Vote Act of 2002 (HAVA)
Preliminary State Plan

Upon review or suggestion by the State Plan Commission, any material changes to the State Plan shall be published and a period of public comment of not less than thirty days shall be provided.

of Dispute Resolution pursuant to the Dispute Resolution Act (Neb. Rev. Stat. §25-2901 et. seq.) for mediation. Any fees associated with such mediation shall be paid by the Secretary of State. The alternative dispute resolution process shall be completed within 60 days. Any records relating to the complaint shall be made available for the alternative dispute resolution process.

(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).

Section 10

No material changes to the State Plan shall be effective until at least 30 days after the date of publication in the Federal Register.

(10) 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.

As Nebraska had no qualifying punch card precincts, all Title I monies received were under Section 101. At the present time, it appears that the bulk (or perhaps all) of this payment will be needed to meet the mandates of Title III. (See Sections 1 and 6 for further information.) However, smaller amounts were used to fund the State Plan development. It is anticipated that some Title I monies will be available to conduct voter education and outreach efforts.

Section 11

(11) 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

The State Plan Commission will continue to exist after the development of this plan and will meet at least once each year to evaluate and make necessary changes to the State Plan. The State Plan Commission will continue to exist until such time as the Title I and Title III monies are exhausted.

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

Upon review or suggestion by the State Plan Commission, any material changes to the State Plan shall be published in the Federal Register.

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

Section 12

(12) 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.

This State Plan is the Preliminary Plan required under the Help America Vote Act of 2002. There was no plan in fiscal year 2001. This section will be updated in the next fiscal year to reflect changes made to the State Plan as well as summary of the successes in this first year.

Section 13

(13) A description of the commission which participated in the development of the State Plan in accordance with section 255 and the procedures followed by the commission under such section and section 256.

On February 28, 2003, Secretary John A. Gale, chief election officer for the state of Nebraska, appointed a sixteen member citizen advisory commission to help in the development of the State Plan. The Commission is called the Nebraska State Plan Commission. Members included the election officials from Nebraska's two largest counties, a mid-size county election official, president of the Nebraska County Clerks Association, a representative from the Secretary of State's office and representatives from various advocacy organizations. Secretary Gale took recommendations for these appointments so that the Commission was representative of a wide cross-section of Nebraskans, including those with disabilities and minority designation.

John A. Gale
 Secretary of State
 State of Nebraska

Help America Vote Act of 2002 (HAVA)
 Preliminary State Plan

The State Plan Commission held meetings on March 18 and 26, April 7 and 21, and May 12. Following the May 12 meeting, the recommendations of the Commission will be posted at the Secretary of State's website at <http://www.sos.state.ne.us/election/HAVA>. The State Plan developed from the recommendations of the Commission will be released on June 9, 2003. The Plan will be open for public comment and review for 30 days. The Plan will also be the subject of a Public Hearing held on June 25, 2003. In addition to the public hearing, written comments on the Plan shall be solicited, either via a website or by other means. Media outlets will be contacted to announce the completion of the Plan and the Public Comment period.

Members of the State Plan Commission:

Member Name	Office/Group Represented
Mike Scarpello	Acting Douglas County Election Commissioner Office
David Shively	Lancaster County Election Commissioner Office
DiAnna Schimik	State Senator/Chair of Government Committee
Paulette Gerver	President/Nebraska Clerks Association
Carlos Servan	Nebraska Commission of the Blind and Visually Impaired
Kathy Hoell	Statewide Independent Living Council
Lois Poppe	League of Women Voters
Wayne Houston	NAACP
Steve Virgil	Nebraska Applespeed Center
Amy Bracht	Assistant Secretary of State
Dr. D'Andra Orey	Professor/University of Nebraska—Lincoln
Dale Baker	Hall County Election Commissioner
Holly Burns	Hispanic Community Center
Dr. Sara Crook	Professor/Penn State College
Tim Shaw	Nebraska Advocacy Services
June Remington	Aging Services

STATE OF NEVADA FISCAL YEAR 2003-04 STATE PLAN

I. INTRODUCTION

On October 29, 2002, President Bush signed the Help America Vote Act (HAVA) into law. HAVA is a response to the irregularities in voting systems and processes unveiled during the 2000 Presidential Election. HAVA requires each state to develop a comprehensive plan for implementing the mandatory changes to the administration of elections that are called for in the legislation. HAVA will effect virtually every element of the voting process, including requiring a statewide voter registration system, replacing punch card voting machines, improving voter education and poll worker training, requiring provisional ballots, and requiring at least one voting machine available per polling place for voters with disabilities. HAVA will dramatically change the way future elections throughout the nation are conducted.

The following State Plan for the state of Nevada, developed in accordance with Section 254 of the Act, was created under the direction of Secretary of State Dean Heller through a State Plan Advisory Committee (Advisory Committee). Nevada'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 virtually every element of the voting process in our State, we anticipate that this plan will be updated and refined over the coming years to ensure the continued health of our democracy.

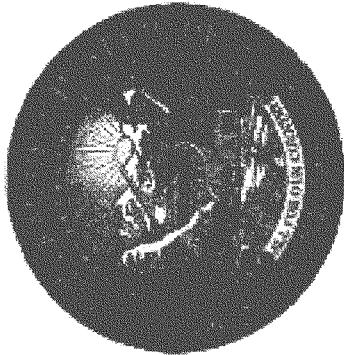
II. THE BACKDROP FOR NEVADA'S STATE PLAN

The Secretary of State is the Chief Officer of Elections for the state of Nevada, and, as such, is responsible for the execution and enforcement of state and federal laws relating to elections. Although HAVA dramatically increases the election administration responsibilities for the State, the efficient functions and cooperation of local governments continue to be critical to ensure elections are successfully conducted. Considerable time, effort and resources on the state and local level will be necessary for the State to meet HAVA's requirements.

Nevada is one of the fastest growing states in the country. Based on figures obtained from Census 2000, Nevada's population increased by 796,424 persons between 1990 and 2000. In addition, Nevada's largest county, Clark County, continues to add approximately 4,000 new citizens per month. Currently, the State has approximately 1,000,000 registered voters spread throughout its 17 counties and more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

Of the 17 counties in the State, seven (7) currently use punch card machines, nine (9) use optical scan machines, and one (1) uses direct record voting machines¹. Due to requirements outlined in HAVA, the State will need to substantially upgrade systems,

¹ This county uses punch cards for absentee ballots.



State of Nevada

Fiscal Year 2003-04 State Plan

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

Nevada Secretary of State's Office
 101 N. Carson Street, Suite 3
 Carson City, NV 89701
 June 16, 2003

requirements are already addressed either in existing Nevada statute or regulation or have been requested to be included in pending state legislation.

Nevada's 17 counties currently use a combination of punch card, optical scan and (DRE) voting systems.³ The seven (7) counties currently using punch card systems⁴ contain 83,031 registered voters and have a total combined population of 175,869. The nine (9) counties using optical scan systems⁵, contain 233,636 registered voters and have a total combined population of 446,626. Only one (1) county, Clark County, uses DRE; but that county uses punch cards for its absentee ballots. Clark County contains 571,215 registered voters, with a total combined population of 1,375,765.

Most of the federal funding that has been appropriated to date will be needed to upgrade voting systems throughout the State and to purchase new systems in order to meet the requirements of Title III. If adequate federal funding is available, the State's ultimate goal is to implement a uniform voting system for polling places throughout the state and a uniform system for absentee voting throughout the state. DRE touch screen voting systems are the preferred system, as such systems appear to meet all requirements of Section 301(a). Based on the current level of federal funding available, it appears more likely that the State will use requirements payments to replace all punch card voting systems in the State with touch screen DRE systems that meet the requirements of Section 301(a), and to provide at least one DRE touch screen system equipped for individuals with disabilities in each polling place in counties that continue to use optical scan voting systems. These voting system replacements will be accomplished by January 1, 2006.

To ensure proper training for election administrators and the voting citizens of Nevada, the State will use requirements payments to help educate those individuals about the proper use of the new voting systems. Requirements payments will also be used for maintaining, modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards.

B. 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 permitted.

HAVA requires provisional voting procedures in all states to ensure that no voter who appears at the polls and desires to vote is turned away, for any reason. The State does not currently have procedures for provisional voting in place. The Secretary of State submitted legislation, which was ultimately passed by the state Legislature and signed by the Governor (the "HAVA Legislation") to enact procedures to allow for

³ See Appendix A for a summary of voting systems used throughout the State.

⁴ Carson City, Churchill County, Douglas County, Lincoln County, Lyon County, Humboldt County, and Storey County.

⁵ Elko County, Esmeralda County, Eureka County, Lander County, Mineral County, Nye County, Pershing County, Washoe County, White Pine County.

re-design processes and provide updated and continual training for election administrators and the citizens of the State. In addition, Nevada does not currently have a statewide voter registration system in place. Based on the foregoing, meeting the requirements of HAVA and its ambitious timelines will be difficult, if not impossible, to achieve without adequate support, resources and funding from both the federal government and the Nevada Legislature.

In developing Nevada's State Plan, the Advisory Committee used as guidance the goal of developing and implementing a plan that delivers a timely, accurate and accessible voting process for all Nevadans. The strategies for achieving this goal were to: (1) obtain initial federal funding; (2) implement legislation fostering voter participation and compliance with HAVA; (3) conduct an assessment of the condition of the statewide voter registration process given these standards; and (4) develop and implement follow through accountability activities and feedback mechanisms for compliance.

Nevada'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 and, while the State intends to fully comply with the Help America Vote Act, 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. NEVADA'S STATE PLAN

1. Use of Requirements Payments

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(a)(2)⁷, 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.

A. Voting Systems Standards

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 in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) notify voters if they have overvoted, what happens in instances of an overvote, and provide the opportunity to correct the ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for the disabled through the use of at least one (1) Direct Recording Electronic (DRE) voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates in effect by the Federal Elections Commission (FEC); and (h) have a definition of what constitutes a vote and what will be counted. Most of these

⁷ Reference should be to Section 251(b)(2).

provisional voting⁶ throughout the State by January 1, 2004. These procedures meet the requirements of Section 302.

The State anticipates using requirements payments to create the free access system required by HAVA to provide voters who cast provisional ballots the ability to discover whether or not their ballot was counted. We may also use requirements payments to provide training and outreach concerning the ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist the local governments with funding offsets necessary to prepare and process provisional ballots.

In addition to provisional balloting requirements, Section 302 of HAVA mandates that a sample ballot and other voting information be posted at polling places on Election Day. Each registered voter currently receives a sample ballot in the mail prior to Election Day. In addition, the State requires some voting information be displayed at each polling place, but it does not require the extensive information contained in Section 302. The Secretary of State's HAVA Legislation ensures that state law requires all materials required by federal law be posted at each polling place⁷. The State, in cooperation with county clerks, will design the materials to be posted. We anticipate using requirements payments to defray the cost of developing, printing and posting this information.

C. 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.

Section 303 of HAVA requires that all states establish a statewide computerized registration list of all eligible voters. This "single, uniform, official, centralized, interactive, computerized statewide voter registration list" must be administered at the State level and is considered the official list of legally registered voters in the State. The State does not currently have a statewide voter registration list and voter registration records are created and maintained separately by each local jurisdiction.

The State will be purchasing a compliant voter registration system from one vendor to be implemented statewide and administered by the Secretary of State. The State is currently in the process of creating the requirements for the system and selecting the vendor. It is our goal to have all counties on-line and trained by January 1, 2004. The chosen system will comply with Section 303(a) of HAVA and will have the ability to interface with the State Department of Motor Vehicles and other appropriate agencies, as required by HAVA.

The State will expend a large portion of its requirements payments and Title I payments to fund the creation and maintenance of the statewide voter registration system. Specifically, in addition to the basic costs of the system, the State anticipates paying for all hardware and software necessary in connection with implementing the system as well as required training for county and city officials in the use of the system.

With respect to requirements for voters who register by mail, the State revised its voter registration form in January 2003 to meet the requirements of Section 303(b). The State may use requirements payments to defray the costs to the counties, the Department of Motor Vehicles and other agencies that are associated with printing these new forms.

The Secretary of State's HAVA Legislation modified the processes associated with voter registration and verification of identification at the time of registration, or at the polls for first-time voters who register by mail⁸.

D. Other Activities to Improve the Administration of Elections (Section 251(b)(2))

The State intends to use requirements payments to fund other activities to improve the administration of elections, including, but not limited to: (a) establishing a polling place accessibility program to ensure that all polling places in the state are and continue to be ADA compliant; (b) providing necessary assistance to persons with limited proficiency in the English language; (c) engaging in a variety of voter education and outreach activities including public service announcements, voting machine demonstrations, mass mailings and other related media avenues; (d) providing election official and poll worker training initiatives; and (e) establishing poll worker recruitment programs.

The State currently does not have the personnel and technical capacity required to fully achieve HAVA compliance. Ongoing operations and maintenance of the new requirements cannot be supported with the current State and local technical infrastructure and resources. The State anticipates the need for additional technology and elections personnel in the office of the Secretary of State to ensure continued compliance with HAVA. The State may use requirements payments to fund these positions.

2. 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 the payment; and
- (B) the methods to be used by the State to monitor the performance of the units or entities

⁶ Senate Bill 453

⁷ Assembly Bill 235 and Senate Bill 453

⁸ Senate Bill 453

to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 254(a)(8).

The Office of the Secretary of State will centrally manage activities funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels, program controls and outcomes. The Secretary of State, in conjunction with local election officials, will determine the appropriate level of support for local activities.

The criteria to be used for determining eligibility include, but are not limited to: (a) the priority of the project to which the distribution is intended to be applied as it relates to complying with HAVA; (b) the extent to which the recipient is in compliance with Title III of HAVA and all other state and federal election laws; (c) the recipient must maintain its current level of funding for its elections budget outside of any HAVA funds received; (d) the recipient must cooperate with the State in maintaining the statewide voter registration list and must timely implement list purging activities and reporting as required by the Secretary of State; (e) the need for the payment to ensure continued compliance with state and federal elections laws; (f) the availability to the recipient of other funding sources, including other HAVA related grants; (g) the recipient must acknowledge that it will be required to reimburse the State for all federal funds received if it does not meet the deadlines for compliance in HAVA; and (h) the recipient must develop a comprehensive accounting plan in accordance with federal criteria for separately identifying and tracking any federal funds received. The criteria for receipt of requirements payments will be agreed to in writing in advance by the Secretary of State and the unit or entity receiving the payment.

The Secretary of State will monitor the performance of each activity funded by requirements payments on a case-by-case basis. The methods to be used by the State to monitor the performance of the payment recipients include: (a) requiring the recipient to prepare and submit comprehensive monthly reports to the Secretary of State detailing the expenditures and their relation to complying with Title III of HAVA; (b) implementing financial controls that establish financial reporting methods; and (c) developing performance indicators on a case-by-case basis for all activities funded.

3. 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.

A. Voter Education

The Secretary of State has long believed that voter education is essential to ensuring a healthy democracy. Voters that are educated on the process and the issues remain involved in the process. As voter education spreads, voter registration and voter participation increases. In order to foster civic action, it is imperative that voters be educated about the proper procedures and about their rights. Currently, organized voter outreach programs within the State are limited due to fiscal restraints, and remain primarily within the purview of the main political parties in the State.

However, by law, each registered voter in the State receives a sample ballot in the mail before each election. In addition, the Secretary of State's Elections Division publishes a monthly *Elections Update* newsletter and throughout the year creates informative brochures designed to better educate Nevada's citizens. The Secretary of State's website also contains extensive information for voters.

During an election cycle, the Secretary of State issues many media advisories and news releases in an attempt to increase voter awareness and participation. The Secretary of State also holds public forums throughout the state relating to statewide ballot questions. Some of the larger counties in the State issue public service announcements, provide system demonstrations and issue other publications.

To expand voter education efforts in the State, the Secretary of State intends to create a voter outreach and education initiative, Nevada Voter Information Project (NVIP), in conjunction with local election officials, private businesses, political groups and other interested parties. NVIP will educate voters on the process, their rights as voters, the candidates and the issues, while at the same time reaching out to everyone in the community to encourage voter participation, and ensuring that historically disenfranchised groups such as college students, the elderly, disabled and minority groups are included.

B. Election Official and Poll Worker Training

Adequate training for election officials and poll workers is critical to any election being conducted successfully. It becomes even more crucial when election reform occurs. Currently, training programs in the State are predominantly localized and, in some cases, informal. The State does not have personnel available to take on the sole responsibility for providing training. Nevertheless, the Secretary of State will work with local election officials to produce training standards to be implemented statewide for training election officials and poll workers. All poll workers will be required to be trained against these standards.

4. Voting System Guidelines and Processes

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.

As stated above, Section 301 requires each voting system in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) notify voters if they have overvoted, what happens in instances of an overvote, and provide the opportunity to correct the ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for the disabled through the use of at least one (1) DRE voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates in effect by the FEC; and (h) have a definition of what constitutes a vote and what will be counted.

Existing Nevada law already provides for many of the voting system guidelines and processes set forth in HAVA. Legislation has been approved which modifies state law to

2003. Unfortunately, less than one-third of that sum was actually appropriated for FY 2003. In addition, as for FY 2004, the President's budget only calls for \$490 million for requirements payments, rather than the \$1 billion authorized in HAVA. To date, FY 2005 funding is unknown. Based on the foregoing, the State has created its HAVA budget assuming the following levels of funding:

Federal Fiscal Year	Appropriations	State's Share	5% Match
Title I Early Payments	\$650 Million	\$5 Million	n/a
2003	\$833 Million	\$5.7 Million	\$300,000
2004	\$490 Million	\$3.3 Million	\$180,000
2005	\$600 Million	\$4.0 Million	\$210,000
Total	\$2.573 Billion	\$18 Million	\$690,000

Because the actual level of funding that will be authorized through fiscal year 2005 is currently unknown, the State's proposed HAVA budget will be revised over time as actual federal funding becomes known. Following is the State's budget through FY 2005, based on our best estimates of the costs of such activities and the amount of funding as discussed herein:

Title III Requirements:

Voicing System Purchases/Upgrades:

- \$6.5 million to replace all punch card and optical scan voting systems in the State with new DRE touch screen systems, and to provide for optical scan absentee systems and tabulation compatibility.
- \$2 million to provide additional touch screen systems for Clark County.
- To be funded with Title I early payments, Title II requirements payments and state matching funds.

Establishing and Maintaining a Statewide Voter Registration List:

- \$3 to \$4 million base cost, plus ongoing maintenance costs of approximately \$100,000 per year.
- To be funded with Title I early payments, Title II requirements payments and state matching funds.

Provisional Voting and Voting Information Requirements:

- \$150,000 to create the free access system, provide necessary training and outreach, and develop voting information.
- To be funded with Title II requirements payments and state matching funds.

Voter Registration Form Revisions:

- \$60,000 to reimburse counties, and other agencies for revisions to voter registration form.
- To be funded with Title II requirements payments.

adopt all voting system guidelines and processes to be consistent with the requirements of Section 301, where such changes are needed.

In addition, the Secretary of State is responsible for certifying voting systems for use in the State. The Secretary of State, in accordance with state law, cannot certify any voting system in the State unless it meets or exceeds the standards for voting systems established in 2002 by the FEC. The Secretary of State will create new guidelines and processes as necessary to ensure all voting systems in the State are in compliance with Section 301.

5. Establishment of Election Fund

Section 254(a)(5) requires a description of how the State will establish a fund described in Section 254(b) for purposes of administering the State's activities under this part, including information on fund management.

(b) Requirements for Election Fund—

- (1) Election Fund Described.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:*
 - (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.*
 - (B) The requirements payment made to the State under this part.*
 - (C) Such other amounts as may be appropriated under law.*
 - (D) Interest earned on deposits of the fund.*

The Governor authorized the State Budget Office to submit legislation on behalf of the Secretary of State in order to create a special election fund in the state treasury that provides the Secretary of State with the authority to receive into this fund all federal HAVA dollars and any state matching funds appropriated⁹. On April 25, 2003, the Governor signed the legislation into law. The Secretary of State is working with the State Budget Office and the State Controller's office to follow and enforce all fiscal controls and policies required by both state and federal law.

6. Nevada's Proposed HAVA Budget

Section 254(a)(6) requires a description of 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 meet such requirements; and*
- (C) the portion of the requirements payment which will be used to carry out other activities.*

To assist states with meeting the new mandates imposed by HAVA, Congress authorized a total of \$650 million in Title I payments and \$3 billion in Title II requirements payments to be distributed over the next three years. More than half of the funding was to be distributed in FY

⁹ Senate Bill 417

Other Activities:

Ongoing assessment of polling place accessibility and ADA compliance
 --\$\$ To be determined based upon adequate funding.

Voter education and outreach activities
 --\$\$ To be determined based upon adequate funding.

Election official and poll worker training initiatives
 --\$\$ To be determined based upon adequate funding.

Additional technology and elections personnel in the office of the Secretary of State
 --\$ To be determined based upon adequate funding.

7. Maintenance of Effort

Section 254(a)(7) requires a description of 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.

Consistent with the maintenance of effort requirement contained in HAVA, in using any requirements payments, the State 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 maintained by the State for its fiscal year that ended prior to November 2000. The fiscal year that ended prior to November 2000 was fiscal year 2000, which began July 1, 1999 and ended on June 30, 2000. The total expenditures attributable to the Secretary of State's Elections Division for FY 2000 were \$151,207. The total expenditures attributable to the Division increased in FY 2001, 2002 and are anticipated to increase in FY 2003.

To maintain the level of funding required by HAVA, the Secretary of State's proposed budget for fiscal years 2004 and 2005 requests funding for the Elections Division of approximately \$280,000 in FY 2004 and \$294,000 in FY 2005. This request includes additional funding for the Division in excess of FY 2003 levels. The State Legislature has the ultimate power to approve these funding levels, and has been apprised of the maintenance of effort requirements contained in HAVA. In the event the additional funding request is denied, the projected state funded expenses for fiscal years 2004 and 2005 will still exceed \$250,000.

8. Performance Goals and Measures

Section 254(a)(8) requires a description of 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.

The Secretary of State, in collaboration with local election officials, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. This process will provide local election officials with structure and continued measurable targets for accomplishment. In addition, each local election official will be required to report the progress of such local jurisdiction in meeting the performance goals and measures to the Secretary of State within 60 days after every general election held in the State.

Performance Goals

The State's primary goal is to achieve election reform and compliance with HAVA through the successful implementation of the programs outlined in the State Plan. Following is a description of the timetable for meeting each element of the Plan and the title of the official responsible for ensuring each such element is met:

<u>Element</u>	<u>State/County Official</u>	<u>Timetable</u>
Voting Systems	State Elections Deputy County Election Official	By January 1, 2006
Voter Registration	State Elections Deputy County Election Official	By January 1, 2004*
Provisional Voting	State Elections Deputy County Election Official	By January 1, 2004
Additional Personnel	State Elections Deputy	By January 1, 2004
Polling Place Accessibility	State Elections Deputy County Election Official	By January 1, 2004
Voter Education/Outreach	State Elections Deputy County Election Official	Ongoing
Poll Worker Training	State Elections Deputy County Election Official	Ongoing
Complaint Procedures	Deputy Attorney General	By Certification of State Plan

*if the State certifies good cause for waiver, then by January 1, 2006

Performance Measures

The State will use the following criteria to measure performance:

- voter turnout
- functionality of voting systems
- accuracy of the data contained in the statewide voter registration list
- voter satisfaction with equipment (accomplished through surveys)

--complaints against poll workers
 --complaints versus complainants resolved
 --ADA compliance issues

These criteria were developed through the State Planning Process.

9. State-Based Administrative Complaint Procedure

Section 254(a)(9) requires a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. This state-based administrative complaint procedure must be in effect prior to certification of the State Plan, but no later than January 1, 2004; no waiver of the procedure is permitted.

The Advisory Committee has developed and adopted a procedure for complaints that meets HAVA requirements¹⁰. The Secretary of State intends on adopting emergency regulations to place these procedures into the State Administrative Code prior to certification of the State Plan.

In summary, the procedure provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is about to occur. Any person who believes a violation of any provision of Title II has occurred may file a complaint with the Secretary of State. The complaint must be written, signed, sworn to and notarized. At the request of the complainant, the Secretary of State will conduct a hearing on the record that will be conducted in accordance with HAVA requirements. The Secretary of State will provide the appropriate remedy and will provide a final determination within the timeframes specified in HAVA. The procedure provides for alternate dispute resolution if the Secretary of State does not make a timely final determination. Finally, the procedure requires the Secretary of State to make reasonable accommodations to assist persons in need of special assistance for utilizing the complaint procedure.

10. Effect of Title I Payments

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

On April 30, 2003, the State received \$5,000,000 in Title I payments. The affect this funding will have on the activities proposed by the State in this plan has been previously discussed throughout this plan. Section 6 of this Plan specifically sets forth the State's intended use for these funds.

11. Ongoing Management of the State Plan

Section 254(a)(11) requires a description of 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;

(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).

The State intends to use the State Plan as the foundation for its goals in achieving election reform and compliance with HAVA. To achieve these goals, the Secretary of State will appoint an internal committee in his office to be overseen by the Deputy Secretary for Elections. This committee will be responsible for conducting ongoing management of the State Plan. To carry out this function, the committee will be required to hold monthly meetings and to hold at least three (3) meetings each fiscal year with local election officials. The Deputy Secretary for Elections will be required to report to the State Advisory Committee the activities involved with the ongoing management of the Plan. The Secretary of State will hold an annual meeting of the State Advisory Committee to review and update the State Plan, as necessary. The Secretary of State may also convene the State Advisory Committee at other times during the year as deemed necessary.

12. Changes to the State Plan from the Previous FY

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, Section 254(a)(12) requires 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.

The State Plan contained herein is the first State Plan for the state of Nevada under HAVA.

13. Committee Description and Development of State Plan

Section 254(a)(13) requires 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 and section 256.

The State's Advisory Committee consists of fourteen (14) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders¹¹. The Secretary of State selected the committee membership and acted as Chairman for each meeting held.

Members of the State Advisory Committee and their qualifications are as follows:

Jonathan Andrews, Special Assistant Attorney General (Appointee of Attorney General, Brian Sandoval)
 LaVonne Brooks, Executive Director, High Sierra Industries
 Dan Burk, Washoe County Registrar of Voters
 Joseph Catania, Political Director, State Republican Party (Appointee of Senate Majority Leader, William Raggio)
 Jan Gilbert, Northern Nevada Coordinator for Progressive Leadership Alliance of Nevada (PLAN)
 Dean Heller, Secretary of State

¹⁰ See Appendix B for copy of Administrative Complaint Procedure.

¹¹ See Appendix C for Advisory Committee biographies and party affiliation.

APPENDIX A – VOTING SYSTEMS/STATE OF NEVADA

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
CARSON	PUNCH CARD 218 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1995 Last Modified: 2000	SEQUOIA PACIFIC SYSTEMS TEAMWORK MODEL 25 Year Purchased: Last Modified:	ES&S Oracle In-House Server	ES&S
CHURCHILL	PUNCH CARD 78 Units SEQUOIA PACIFIC DATA VOTE Year Purchased: 1978 Last Modified: 2000	DOCUMENTATION CARD READER Year Purchased: Last Modified:	IBM AS400 with ADS software	NONE
CLARK	DIRECT RECORDING EQUIPMENT 2186 UNITS SEQUOIA PACIFIC AVC ADVANTAGE Year Purchased: 1994 Last Modified: 2000	SEQUOIA PACIFIC TEAMWORK MODEL 25 WINNER Year Purchased: Last Modified:	VOTEC ELECTION MANAGEMENT & COMPLIANCE SYSTEM	VOTEC ELECTION MANAGEMENT & COMPLIANCE SYSTEM
DOUGLAS	PUNCH CARD 200 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1972 Last Modified: 1997	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT) Year Purchased: Last Modified:	ES&S Oracle In-House Server	ES&S
ELKO	OPTICAL SCAN 2 Units AIS 15 Series Model 150 Year Purchased: 1997 (No Modifications)	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT) Year Purchased: Last Modified:	COUNTY MAINFRAME AS-400	ADS

1

Brian Kagele, Director of Technology, Office of the Secretary of State
 Larry Lomax, Clark County Registrar of Voters
 Barbara Reed, Douglas County Clerk
 Tony F. Sanchez, III, President, Latin Chamber of Commerce; Partner, Jones Vargas Law Firm
 Dr. Richard Siegel, President, ACLU of Nevada
 Monica Simmons, City Clerk, City of Henderson
 Vicky Thimmesch Oldenburg, Senior Legal & Policy Analyst to the Governor (appointee of
 Governor Kenny Guinn)
 Scott Wasserman, Chief Deputy Legislative Counsel (appointee of Assembly Speaker Richard
 Perkins)

Advisory Committee Staff and their qualifications are as follows:
 Renee L. Parker, Esq., Chief Deputy Secretary of State
 Ronda L. Moore, Esq., Deputy Secretary of State for Elections
 Patricia Blasius, Committee Secretary, Administrative Assistant in the office of the Secretary of
 State

To develop the State Plan, the State Advisory Committee met two to three times each month
 beginning in February 2003¹². Initially, the Advisory Committee discussed the requirements of
 HAVA and the various methods for achieving compliance. During the month of March, the
 Committee began working from a draft plan that incorporated requirements they had already
 approved and allowed for discussion and analysis of the remaining items. Committee meetings
 were publicly held and noticed in accordance with the State's Open Meeting Law¹³.

A preliminary version of the State Plan was made available for public inspection and comment
 for a 30-day period prior to submission of the plan. The Secretary of State published notice of
 such availability in his offices and on his website and in the Nevada State Library, all main
 County Libraries throughout the State, all City and County Clerk's offices throughout the State,
 and at various other agencies throughout the State. The Secretary of State also announced that
 he would take public comment in the form of e-mails, letters, faxes, etc. No public comments
 were received.

¹² See Appendix D for schedule of meeting dates and corresponding meeting agenda.
¹³ Chapter 241 of the Nevada Revised Statutes.

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
EUREKA	OPTICAL SCAN 1 Unit AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	COUNTY MAINFRAME AS-400	NONE
HUMBOLDT	PUNCH CARD 69 Units SEQUOIA PACIFIC DATA VOTE Year Purchased: 1986 Last Modified: 1996	SEQUOIA PACIFIC TEAMWORK MODEL 25 Year Purchased: 1992 Last Modified:	IBM AS-400 with ADS software	DIMS PC/BETA
LANDER	OPTICAL SCAN 1 Unit AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	IBM AS400 with ADS software	NONE
LINCOLN	PUNCH CARD 25 Units 228 VOTOMATIC BRC / ES&S Year Purchased: pre-1986 (No Modifications)	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT) Year Purchased: 1999 Last Modified:	IBM AS400 with ADS software	NONE
LYON	PUNCH CARD 163 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1985 Last Modified: 1999	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT) Year Purchased: 1997 Last Modified:	IBM AS400 with ADS software	ADS
MINERAL	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1993 Last Modified: 1995	AIS Series Model 150 Year Purchased: 1993 Last Modified: 1995	IBM AS400 with ADS software	NONE

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
NYE	OPTICAL SCAN 2 Units AIS Series Model 150 Year Purchased: 1996 (No Modifications)	AIS Series Model 150 Year Purchased: 1996 (No Modifications)	IBM AS400 with ADS software	ADS
PERSHING	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1995 (No Modifications)	AIS Series Model 150 Year Purchased: 1995 (No Modifications)	IBM AS400 with ADS software	NONE
STOREY	PUNCH CARD 16 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1997 (No Modifications)	SEQUOIA PACIFIC TEAMWORK MODEL 25 Year Purchased: 1997 Last Modified:	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT)	NONE
WASHOE	OPTICAL SCAN 143 Units GES ACCU-VOTE ES 2000 Year Purchased: 1995 Last Modified: 2000	GES ACCU-VOTE ES 2000 Year Purchased: 1995 Last Modified: 2000	DIMS	DIMS
WHITE PINE	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1995 (No Modifications)	DOCUMENTATION CENTER BRC/3001 Year Purchased: 1995 Last Modified:	IBM AS400 with ADS software	NONE

Appendix B

STATE OF NEVADA

SECRETARY OF STATE

Help America Vote Act Administrative Complaint Procedure

(Provisions in italics are those required by Title III of the Help America Vote Act of 2002)

.01 Scope.

This chapter provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of the Help America Vote Act of 2002, including a violation that has occurred, is occurring, or is about to occur.

.02 Definitions.

In this chapter, the following terms have the meanings indicated, unless the context otherwise requires:

(1) "Complainant" means the person who files a complaint with the Secretary of State under this chapter.

(2) "Respondent" means any State or local election official whose actions are asserted, in a complaint under this subtitle, to be in violation of Title III.

(3) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§15481-15485.

.03 Who May File.

Any person who believes that there is a violation of any provision of Title III may file a complaint.

.04 Form of Complaint.

A. Writing and Notarization. A complaint shall be in writing and notarized, signed and sworn by the Complainant.

4

B. The Secretary of State may prescribe a form to be used in filing a complaint.

.05 Filing of Complaint

A. Place for Filing. A complaint shall be filed with the Secretary of State's Office in Carson City.

B. Time for Filing. A complaint shall be filed within 60 days after the occurrence of the actions or events that form the basis for the complaint, including the actions or events that form the basis for the Complainant's belief that a violation is about to occur, or, if later, within 60 days after the Complainant knew or, with the exercise of reasonable diligence, should have known of those actions or events.

C. Copy for Respondent. The Complainant shall mail or deliver a copy of the complaint to each Respondent.

D. Screening of Complaint. The Secretary of State or his designee shall screen all complaints to determine if they state a violation of Title III. If a complaint clearly on its face does not state a violation of Title III, it shall be dismissed without further action, with notice to the Complainant. A Complainant whose complaint has been dismissed for failure to state a violation may refile a complaint one time in order to state a violation.

.06 Processing of Complaint.

A. Consolidation. *The Secretary of State may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.*

B. Record. The Secretary of State shall compile and maintain an official record in connection with each complaint under this subtitle.

C. Hearing.

(1) At the request of the Complainant, made at the time of filing the complaint, the Secretary of State shall conduct a hearing on the record. This hearing is not intended to be a "contested case" within the meaning of the Nevada Administrative Procedure Act, Chapter 233B of Nevada Revised Statutes.

(2) The hearing shall be conducted no sooner than 10 days and no later than 30 days after the Secretary of State receives the complaint. The Secretary of State shall give at least 5 business days' advance notice of the date, time, and place of the hearing:

(a) By mail, to the Complainant, each named Respondent, and any other interested person who has asked in writing to be advised of the hearing;

(b) On the Secretary of State website; and

(c) By posting in a prominent place, available to the general public, at the office of the Secretary of State.

(3) The Secretary of State or his designee shall act as hearing officer.

(4) The Complainant, any Respondent, or any other interested member of the public may appear at the hearing, in person or by teleconference, and testify or present tangible evidence in connection with the complaint. Each witness shall be sworn. The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views. The hearing officer may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing.

(5) A Complainant, Respondent, or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

(6) There shall be no right of cross-examination, but a person may testify or present evidence to contradict any other testimony or evidence. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence subsequently presented, that person is not entitled to be heard again, but may make a written presentation to the hearing officer.

(7) The proceedings shall be tape-recorded by and at the expense of the Secretary of State. The recording shall not be transcribed as a matter of course, but the Secretary of State, a local board of elections, or any party may obtain a transcript at its own expense. If a board or party obtains a transcript, the board or party shall file a copy as part of the record, and any other interested person may examine the record copy.

(8) Any party to the proceedings may file a written brief or memorandum within 5 business days after the conclusion of the hearing. No responsive or reply memoranda will be accepted, except with the specific authorization of the hearing officer.

6

D. Final Determination.

(1) If there has been no hearing under §C of this regulation, the Secretary of State or his designee shall review the record and determine whether, under a preponderance of the evidence standard, a violation of Title III has been established.

(2) At the conclusion of any hearing under §C of this regulation, the hearing officer shall determine, under a preponderance of the evidence standard, whether a violation of Title III has been established.

(3) Form of Determination.

(a) *If the Secretary of State or his designee, whether acting as hearing officer or otherwise, determines that a violation has occurred, the Secretary of State shall provide the appropriate remedy. The remedy so provided may include an order to any Respondent, commanding the Respondent to take specified action, or prohibiting the Respondent from taking specified action, with respect to a past or future election; however, the remedy may not include an award of money damages or attorney's fees.*

(b) If the complaint is not timely or not in proper form, or if the Secretary of State or his designee whether acting as hearing officer or otherwise, determines that a violation has not occurred or that there is insufficient evidence to establish a violation, the Secretary of State shall dismiss the complaint.

(4) The Secretary of State or his designee shall explain in a written decision the reasons for the determination and for any remedy selected.

(5) *Except as specified in subsection 6 of this section, the final determination of the Secretary of State shall be issued within 90 days after the complaint was filed, unless the Complainant consents in writing to an extension. The final determination shall be mailed to the Complainant, each Respondent, and any other interested person who has asked in writing to be advised of the final determination. It shall also be published on the Secretary of State website and made available on request to any interested person.*

(6) *If the Secretary of State cannot make a final determination within 90 days after the complaint was filed, or within any extension to which the Complainant consents, the complaint shall be referred for final resolution under §E of this regulation. The record compiled under §B of this regulation shall be made available for use under §E.*

7

E. Alternate Dispute Resolution.

(1) If, for any reason, the Secretary of State or his designee does not render a final determination within 90 days after the complaint was filed, or within any extension to which the Complainant consents, the complaint shall be resolved under this section.

(2) On or before the 5th business day after a final Secretary of State determination was due, the Secretary of State shall designate in writing to the Complainant the name of an arbitrator to serve on a panel to resolve the complaint. Within 3 business days after the Complainant receives this designation, the Complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Within 3 business days after the Complainant's designation, the two arbitrators so designated shall select a third arbitrator to complete the panel.

(3) The arbitration panel may review the record compiled in connection with the complaint, including the tape recording or any transcript of a hearing and any briefs or memoranda, but shall not receive additional testimony or evidence. In exceptional cases, the panel may request that the parties present additional briefs or memoranda.

(4) The arbitrators shall determine the appropriate resolution of the complaint by a majority vote.

(5) The arbitration panel must issue a written resolution within 60 days after the final Secretary of State determination was due under §D of this regulation. This 60-day period may not be extended. The final resolution of the panel shall be transmitted to the Secretary of State and shall be the final resolution of the complaint. The final resolution shall be mailed to the Complainant, each Respondent, and any other interested person who has asked in writing to be advised of the final resolution. It shall also be published on the Secretary of State website and made available on request to any interested person.

.07 Appeal. The final determination of the Secretary of State under Regulation .06D, or the final resolution of an arbitration panel under Regulation .06E of this chapter, shall not be subject to appeal in any State or federal court.

.08 Accommodation. The Secretary of State shall make reasonable accommodations to assist persons in utilizing this complaint procedure.

8

APPENDIX C

ADVISORY COMMITTEE BIOGRAPHIES AND PARTY AFFILIATIONS

NAME	TITLE ORGANIZATION	PARTY AFFILIATION	
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Democrat	<i>Bachelors and Masters in Organizational Management and Development. First Hispanic female appointed to serve as a City of Reno Planning Commissioner and appointed to serve as Vice Chair on the Governor's Task Force for Provider Rates in 2001 & 2002. Prior to joining HSI, LaVonne worked for an international consulting firm for 2 years and spent 14 years with a computer manufacturing company. She then owned her own training & development company specializing in improving performance through computer upgrades.</i>
Burk, Dan	Registrar of Voters, Washoe County	Nonpartisan	<i>B.A. in Public Administration, U of Northern Texas (1970). M.A. in History, U of Northern Colorado (1977). Worked over 20 years in all aspects of election procedures in Oregon, from Director of Records and Elections, Liaison Officer in the Archive Division to membership on the committee for the implementation of the ADA (American Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.</i>
Gilbert, Jan	Northern Nevada Coordinator PLAN	Democrat	<i>B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN) and the Nevada Empowered Women's Project, a non-profit organization. Representing low-income women. Prior to working on economic and environmental justice issues at the state legislature for 19 years, she began advocacy work for the League of Women Voters. She has received several Humanitarian Awards including the Women's role Model Award from the Attorney General and the Hannah Humanitarian Award from the Committee to Aid Abused Women. She also served on the Department of Human Resources Block Grant Commission for 7 years and was Chairman for two of those years.</i>
Guinn, Kenny C.	Governor	Republican	<i>Undergraduate degree in Physical Education from Fresno State University, doctorate in Education from Utah State University. In 1964 he began working for the Clark County School District and shortly was named Superintendent of Schools for Clark County. He served as Superintendent until 1978 and then began applying his management skills in business for Nevada Savings and Loan in Las Vegas, which later became PriMerit Bank. He soon was appointed Chairman of the Board of Directors of the Las Vegas-based bank and was also recruited to the energy business as the President of Southwest Gas Corporation becoming the Chairman of the Board of Directors of that utility in 1993. In 1994, Guinn was recruited by the University of Nevada Board of Regents to serve as interim president of the University of Nevada-Las Vegas. He was elected Governor of Nevada in 1998.</i>

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	
Appointment of Governor: Vicky Thimmesch Oldenburg, Esq.	Senior Legal & Policy Analyst to Governor Guinn	Appointee: Nonpartisan	Vicky joined the Governor's Office in April 2001. She earned her J.D. degree and Certificate in Environmental and Natural Resources Law, Lewis and Clark college, in 1992. Vicky is a member of the Cornelius Honor Society, and received the American Jurisprudence award for her achievement in the 1991-1992 Environmental Law Natural Resources Attorney for the City of Reno. She subsequently became an associate at the Nevada law firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks, focusing on issues relative to the proposed high-level nuclear waste repository at Yucca Mountain and is the Governor's liaison to the Nevada Department of Conservation and Natural Resources, and the Nevada Department of Business & Industry.
Heller, Dean	Secretary of State	Republican	B.A. in Business Administration, specializing in finance and securities analysis from USC in 1985. Assemblyman in the Nevada Legislature from 1990-1994. First elected Secretary of State in 1994 and re-elected in 1998 and 2002. He serves on several boards including the Board of Examiners, State Prison Board, and the Tahoe Regional Planning Agency. Additionally, he holds the position of Western Region Vice President on the National Association of Secretaries of State (NASS) and is the Chair of NASS' Securities Committee.
Kagele, Brian	Director of Technology, Secretary Of State	Republican	B.S. in Business from Chadwick University. Over 25 years of IT (Information Technology) Experience including operations, programming, internal auditing, and project management. Prior to his current position as Director of Information Technology for the Secretary of State, Brian worked as the Quality Assurance Manager for the Department of Information Technology (DOIT) for two years.
Lomax, Larry	Registrar of Voters, Clark County	Nonpartisan	B.A. in English Literature, Stanford University (1967) and Master of Business Administration from University of North Dakota (1977). He was a Distinguished Graduate From the Air Force's Officer Training School and as a pilot flew over 4,000 hours in a 30 year career. He served on the Joint Staff in Washington D.C. and had the opportunity to work with legislators and staff members on a wide range of issues. He began his career as Assistant Registrar for Registrations in January of 1998 overseeing the training of 7,000 election board officers, processing of petitions, and election night logistics and was appointed Registrar of Voters with full responsibility for the County's Election Department in March of 1999.
Perkins, Richard	Assembly Speaker	Democrat	University of Nevada, Las Vegas, B.A., Criminal Justice, B.A., Political Science. Deputy Police Chief. Speaker of the House. Nevada Assembly 1993-2003.
Appointment by Speaker: Scott Wasserman	Chief Deputy Legislative Counsel	Appointee: Nonpartisan	B.A. University of Connecticut (1981) and J.D. University of Pacific, McGeorge School of Law (1985). Chief Deputy Legislative Counsel for the Nevada Legislature. Counsel to the Senate Committee on Government Affairs having jurisdiction over election laws in the Nevada Senate. Past two sessions served as the Committee counsel to the Assembly Committee on Elections, Procedures and Ethics, and Legal Adviser to the Committee on Reapportionment matters since 1987.

10

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	
Raggio, William	Senator	Republican	Louisiana Tech: University of Oklahoma: University of Nevada, Reno, B.A.; University of California, Berkeley, Boalt Hall School of Law. Senator. Attorney at Law.
Appointment by Senator: Joseph Cabrera	Political Director, Nevada State Republican Party	Appointee: Republican	B.A. History, University of Nevada Las Vegas (2001). Interned with the Venetian Hotel Casino government relations office for one year. He was M.I.S. Director in charge of providing database and I.T. services to Governor Guinn's re-election along with other state and local election races. He is currently Political Director for the Nevada State Republican Party.
Reed, Barbara	County Clerk, Douglas County	Republican	Barbara was first elected Clerk-Treasurer in 1986 but has worked in the Douglas County Clerk-Treasurer's office since November of 1973. Her key interest and commitment is the election process and the advancements currently being taken to allow voters easy accessibility to vote.
Sanchez, Tony F. III	Attorney, Jones Vargas President, Latin Chamber of Commerce	Democrat	B.A. UNLV (1988), Arizona State University College of Law (J.D. 1991). Served as Assistant Legislative Counsel to U.S. Senator Richard H. Bryan (1992-1995), Assistant General Counsel for the NV Public Utilities Commission (1995-1998) and Executive Assistant to Governor Bob Miller (1998-1999). President, Latin Chamber of Commerce 2002 and 2003; Trustee, Las Vegas Chamber of Commerce (2001-Present); Clark County Early Advisory Board 2001 and Vice President, Latino Bar Association 2000-01. Partner, Jones Vargas Law Firm with emphasis in Legislative and Government Relations, Utility And Transportation Law, Administrative Law, Planning and Zoning and Civil Litigation.
Sandoval, Brian	Attorney General	Republican	Graduated from the University of Nevada and the Ohio State University College of Law. He served two terms in the Nevada Legislature before receiving an appointment to the Nevada Gaming Commission in 1998. One year later, he was named by Governor Guinn as Chairman of the Commission. Sandoval also spent three years as the Nevada at-large member of the Tahoe Regional Planning Agency Governing Board. He is a member of the Nevada State Board of Pardons, Prisons, Examiners, Transportation, Domestic Violence and Private Investigators and on the Boards of Trustees for Children's Cabinet of Reno, KNBP Channel 5, St. Jude's Ranch and the Washoe County, Nevada Law Library.
Appointment by Attorney General: Jonathan Andrews	Special Assistant Attorney General	Appointee: Democrat	He was sworn in as Nevada's Attorney General on January 6, 2003. B.A. English Literature, University of Nevada-Reno; J.D., McGeorge School of Law. One year private law practice. (1981-2000) Nevada Attorney General's Office; (1990-2000 Chief, Civil Division), (2000-2003 Nev. Dept. of Human Resources, Deputy Director) and (2003-Present), Special Assistant Attorney General.

11

NAME	TITLE ORGANIZATION	BIOGRAPHICAL INFORMATION
Siegel, Dr. Richard	President, ACLU of Nevada	<i>Political Scientist at the University of Nevada, Reno since 1965. His academic specialties are foreign policy and international human rights. He served on the National Board of Directors of the American civil Liberties Union from 1975-1988 and currently is President of the ACLU of Nevada. He is also active with the Nevada Faculty Alliance, the Nevada Committee on Foreign Relations, and the Progressive Leadership Alliance of Nevada.</i>
Simmons, Monica	City Clerk, City of Henderson	<i>Appointed City Clerk for the City of Henderson in 1998, her responsibilities include Administration of municipal elections. Monica began her tenure with the City of Henderson City Attorney's Office in 1979 serving through her appointment as City Clerk. Having completed Seattle University's Northwest Academy in 2002, she was accepted into the post-certification Master Municipal Clerk Academy. She received her business accreditation from Southern Utah University in 1977 and is currently completing a degree in Public Administration. She serves as a member of the Clark County Election Department Accuracy & Certification Board and Early Voting Board. She chairs the City of Henderson Latino Advisory Board and remains active in the Election Center, IIMC, Nevada Municipal Clerks Association, and League of Cities. She maintains her legal administrator accreditation and associate membership with the American Bar Association.</i>

**APPENDIX D
ADVISORY COMMITTEE
SCHEDULE OF MEETINGS**

Meeting Locations	Locations	Vide Conferencing
Department of Education (DOE) 700 East Fifth Street Carson City, NV State Board Conference Room 101	Department of Education 1820 East Sahara Las Vegas, NV Suite 205	Department of Education 1820 East Sahara Las Vegas, NV Suite 205
Public Utilities Commission (PUC) Commission (PUC) 1150 East William Street Drive Suite 250 Carson City, NV	Public Utilities 101 Convention Center Las Vegas, NV	Public Utilities 101 Convention Center Las Vegas, NV
Hearing Room A	Hearing Room A	Room A
Legislative Counsel Bureau (LCB) Bureau (LCB) 401 South Carson Street Building Carson City, NV Room 2144 & LCB INTERNET	Legislative Counsel Grant Sawyer Office 555 East Washington Las Vegas, NV Room 4406 & LCB	Legislative Counsel Grant Sawyer Office 555 East Washington Las Vegas, NV Room 4406 & LCB
INTERNET		

**HELP AMERICA VOTE ACT OF 2002
(HAVA)**

Formation of Advisory Committee
 February 4, 2003 9 a.m.
 Old Supreme Court
 3rd Floor – Chamber Room

- I. Welcome**
Dean Heller, Secretary of State
- II. Formation of Advisory Committee Membership**
Dean Heller, Secretary of State
- III. Informational Presentation on HAVA**
A. Renee Parker, Chief Deputy Secretary of State
B. Susan Bilyeu, Deputy Secretary for Elections
- IV. Review of HAVA Material**
Susan Bilyeu, Deputy Secretary for Elections
- V. Establishment of Meeting Schedule**
Dean Heller, Secretary of State

*This notice of meeting has been posted at the following locations:
 The Capitol Building, 101 North Carson Street, Carson City, NV
 Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
 The State Legislative Building, 401 South Carson Street, Carson City, NV*

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

A G E N D A

CALENDAR of MEETINGS

(ALL MEETING TIMES ARE SCHEDULED 9 A.M. – NOON)

FEBRUARY

	LOCATION
Tuesday, February 4, 2003 (Formation of Advisory Committee)	Old Supreme Court Chamber Room
Thursday, February 20, 2003	DOE

MARCH

Thursday, March 6, 2003
DOE

APRIL

Tuesday, April 1, 2003
DOE
 Tuesday, April 15, 2003
DOE
 Tuesday, April 29, 2003
PUC

JUNE

Monday, June 16, 2003

HELP AMERICA VOTE ACT Advisory Committee

Thursday, February 20, 9:00 a.m.
Department of Education
700 East Fifth Street
Carson City, NV
State Board Conference Room 101

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Overview of State Plan Requirements**
Dean Heller, Secretary of State
Renee Parker, Chief Deputy Secretary of State
- III. **Establishing Committee Procedure**
 - a. Public Notification of Meetings
 - b. Public Comment Period During Meetings
 - c. Public Notice of State Plan
 - d. Public Comment on State Plan
 - e. Publication of State Plan in Federal Register
- IV. **Approval of Committee Description**
- V. **The State-based Administrative Complaint Procedure**
 - a. Current Process
 - b. Alternatives
 - c. Committee Recommendation
- VI. **Public Comment**
- VII. **Adjournment**

This notice of meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

16

HELP AMERICA VOTE ACT Advisory Committee

Thursday, March 6, 2003 9:00 a.m.
Department of Education
700 East Fifth Street
Carson City, NV
State Board Conference Room 101

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Approval of Minutes from February 20, 2003 Meeting**
Dean Heller, Secretary of State
• Action to be taken.
- III. **Final Approval of Committee Description**
(Item returned from February 20, 2003 Advisory Meeting)
• Action to be taken.
- IV. **The State-based Administrative Complaint Procedure**
 - a. Proposed Procedure – *Jonathan Andrews*
Special Assistant Attorney General
 - b. Committee Recommendations
• Action to be taken.
- V. **Report on Establishment of State Fund - - \$254(a)(5)**
Renee Parker, Chief Deputy Secretary of State
- VI. **Maintenance of Expenditures Report - \$254(a)(7)**
Renee Parker, Chief Deputy Secretary of State
Peter Harrington, Accounting Secretary of State's Office
- VII. **Public Comment**
- VIII. **Adjournment**

This notice of hearing has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

17

AGENDA

HELP AMERICA VOTE ACT Advisory Committee

Tuesday, April 1, 2003 9:00 a.m.
Department of Education
700 East Fifth Street
Carson City, NV
State Board Conference Room 101

A G E N D A

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Approval of Minutes from March 6, 2003 Meeting**
Dean Heller, Secretary of State
 - Action to be taken.
- III. **Election Day Registration**
 - A. Committee Discussion
 - B. Committee Recommendation
 - Action to be taken.
- IV. **Review Proposed State Plan**
 - A. Committee Discussion
 - B. Committee Recommendation
 - Action to be taken.
- V. **Committee Members' Comments**
- VI. **Public Comment**
- VII. **Adjournment**

Notice of this meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV
The State Library and Archives, 100 North Stewart Street, Carson City, NV

Notice of this meeting was posted on the following website: <http://sos.state.nv.us>

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

HELP AMERICA VOTE ACT Advisory Committee

Tuesday, April 15, 2003 9:00 a.m.
Public Utilities Commission (PUC)
1150 East William Street
Carson City, NV
Hearing Room A

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Approval of Minutes from April 1, 2003 Meeting**
Dean Heller, Secretary of State
 - Action to be taken.
- III. **Update on Status of HAVA Legislation**
 - A. Committee Discussion
 - B. Committee Recommendation
 - Action to be taken.
- IV. **Review and Approve Proposed State Plan**
 - A. Committee Discussion/Proposed Amendments
 - B. Committee Recommendation
 - Action to be taken.
- V. **Comments of Committee Members**
- VI. **Public Comment**
- VII. **Adjournment**

Notice of this meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV
The State Library and Archives, 100 North Stewart Street, Carson City, NV

Notice of this meeting was posted on the following website: <http://sos.state.nv.us>

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

HELP AMERICA VOTE ACT Advisory Committee

Tuesday, April 29, 2003 9:00 a.m.
Department of Education (DOE)
700 East Fifth Street
Carson City, NV
State Board Conference Room 101

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Approval of Minutes from April 15, 2003 Meeting**
Dean Heller, Secretary of State
 - Action to be taken.
- III. **Update on Status of HAVA Legislation**
 - A. Committee Discussion
 - B. Committee Recommendation
 - Action to be taken.
- IV. **Review and Approve Proposed State Plan**
 - A. Committee Discussion/Proposed Amendments
 - B. Committee Recommendation
 - Action to be taken.
- V. **Comments of Committee Members**
- VI. **Public Comment**
- VII. **Adjournment**

Notice of this meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV
The State Library and Archives, 100 North Stewart Street, Carson City, NV

Notice of this meeting was posted on the following website: <http://sos.state.nv.us>

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

20

HELP AMERICA VOTE ACT Advisory Committee

Monday, June 16, 2003 10:00 a.m.
Public Utilities Commission (PUC)
1150 East William Street
Carson City, NV
Hearing Room B

- I. **Introduction and Welcome**
Dean Heller, Secretary of State
- II. **Approval of Minutes from April 29, 2003 Meeting**
Dean Heller, Secretary of State
 - Action to be taken.
- III. **Review Public Comment on Proposed State Plan**
 - A. Committee Discussion
 - B. Committee Recommendation
 - Action to be taken.
- IV. **Review and Approve State Plan**
 - A. Committee Discussion/Proposed Amendments based on Public Comment
 - B. Committee Recommendation
 - Action to be taken.
- V. **Discussion Regarding Legislative Action and HAVA Compliance**
 - Action to be taken.
- VI. **Comments of Committee Members**
- VII. **Public Comments**
- VIII. **Adjournment**

Notice of this meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV
The State Library and Archives, 100 North Stewart Street, Carson City, NV

Notice of this meeting was posted on the following website: <http://sos.state.nv.us>
We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Election's Division at the Secretary of State's office by calling (775) 684-5705.

21

A G E N D A



New Hampshire Secretary of State
State Plan

TABLE OF CONTENTS

INTRODUCTION BY THE SECRETARY OF STATE (STATE ADMINISTRATOR OF ELECTIONS)..... 3

BACKGROUND 4

SECTION 1: USE OF REQUIREMENTS PAYMENTS TO MEET TITLE III..... 6

SECTION 2: MONITORING THE DISTRIBUTION OF REQUIREMENTS PAYMENTS..... 17

SECTION 3: PROVIDING FOR EDUCATION OF VOTERS AND ELECTION OFFICIALS 18

SECTION 4: ADOPTING VOTING MACHINE GUIDELINES AND PROCESSES 21

SECTION 5: ESTABLISHING AN ELECTIONS FUND 22

SECTION 6: COST OF MEETING TITLE III REQUIREMENTS 23

SECTION 7: MAINTAINING THE STATE ELECTIONS EXPENDITURES 30

SECTION 8: ADOPTING PERFORMANCE GOALS AND MEASURES 31

SECTION 9: ADMINISTRATIVE COMPLAINT PROCEDURES 38

SECTION 10: HOW TITLE I PAYMENTS WILL BE SPENT 39

SECTION 11: PLAN MANAGEMENT 42

SECTION 12: HOW THE PLAN REFLECTS CHANGES FROM THE PREVIOUS YEAR 43

SECTION 13: DESCRIPTION OF THE HAVA STATE PLAN COMMITTEE 44

APPENDIX A: COMPLIANCE WITH HAVA TITLE III REQUIREMENTS

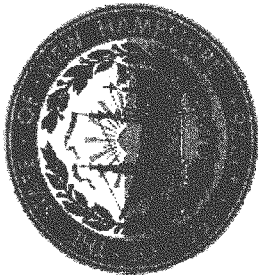
State of New Hampshire

State Plan

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

William M. Gardner
Secretary of State
State House, Room 204
Concord, NH 03301-4989

September 30, 2003





New Hampshire Secretary of State
State Plan

Introduction by the Secretary of State (State Administrator of Elections)

I am pleased to offer the New Hampshire State Plan for implementing the Help America Vote Act of 2002 (HAVA). This State Plan, developed in conjunction with the State Plan Committee, establishes a framework for achieving compliance with HAVA. The committee and several task forces are comprised of a cross-section of New Hampshire election officials from town, city, and State government, individuals with disabilities and other interested citizens.

This new Federal law requires each state to develop a long-range plan for implementing the Act. The State Plan is organized as specified in HAVA, Section 254. It provides a description of current election procedures used in New Hampshire and outlines how New Hampshire will meet the new requirements mandated by HAVA. We will update and refine the State Plan as necessary over time, to reflect election law changes and future plans.

New Hampshire has long maintained a high level of participation in elections. Our election procedures rely in large part on local election officials and their knowledge of their citizens and communities. As our State has grown, increasing demands have been placed on local election officials to serve as a resource for voters with disabilities and as the primary defenders against voting fraud.

HAVA will help fund a statewide electronic voter registration database, voting machines that will enable voters with disabilities to vote privately and independently, and educational and administrative support provided by the State. HAVA requires some alterations to current election processes and systems, but with the appropriate Federal financial support, the State of New Hampshire will bring local election officials the necessary training and equipment.

Local election officials played an integral role in the development of New Hampshire's State Plan. Implementation of HAVA will be a collaborative effort between the State and the towns and cities of New Hampshire.

I would like to thank the volunteers who served on the State Plan Committee and its task forces, who donated many hours to help ensure the successful implementation of HAVA.

William M. Gardner
Secretary of State

9/30/2003

3



New Hampshire Secretary of State
State Plan

Background

In New Hampshire, local election officials are responsible for conducting the voting process in their communities for all Federal, State and local elections. Town and city clerks receive and process voter registration applications. Elected supervisors of the checklist also receive and process applications for voter registration and are responsible for approving all additions, changes, and deletions to the voter checklist. Moderators, with the help of town, city and ward clerks, selectmen, supervisors of the checklist and other appointed election officers, are responsible for overseeing the conduct of voting. Town and city budgets substantially fund elections in New Hampshire.

In Federal and State elections, the Secretary of State is responsible for the following:

- (a) designing, printing and distributing ballots,
- (b) tallying and certifying the vote, and
- (c) conducting recounts as needed.

This plan will describe the additional responsibilities imposed by HAVA.

New Hampshire has ten local jurisdictions which are subject to Section 5 of the Voting Rights Act of 1965, which requires pre-clearance for any changes in the electoral process.

New Hampshire's voting age population reported in the 2000 Federal census was 911,000. There were 856,516 registered voters at the time of the presidential election in November, 2000.¹

A qualified individual may register to vote at the town or city clerk's office, with the supervisors of the checklist in each voting precinct at their regular meetings, or at the polling place on election day. Qualified individuals may register to vote in person. Qualified individuals may register by mail if they:

- (a) are temporarily residing in another location and do not intend to be present in the city or town in which they are eligible to vote on election day,
- (b) have a disability that prevents registering in person,
- (c) are absent due to military service, or
- (d) are prevented from registering in person due to a religious belief.

Eligible voters may walk into the polls on election day, register, and vote on the same day. This election day registration system is only available in four other states.²

¹ Federal Election Commission, Voter Registration and Turnout 2000, printout dated April 29, 2003

² Minnesota, Wisconsin, Wyoming and Idaho have election day registration procedures similar to New Hampshire's. Other similar states include North Dakota, which has no voter registration requirement, and Maine, which offers election day registration, but does not require it at the polling place.

9/30/2003

4



New Hampshire Secretary of State
State Plan

If a voter's registration application is incomplete, the town or city clerk or the supervisors of the checklist notify the voter and provide the voter an opportunity to properly complete the application.

New Hampshire has 13 cities, 223 towns³ for voting purposes and 309 polling places.

In the 2000 presidential election, voter turnout was 62.5% of the voting age population, compared with a national average of 51.3% - the sixth highest state turnout in the nation.

In the 2002 Federal and State elections, 162 polling places utilized optical scanners to count ballots, and 147 polling places hand counted their ballots. Towns and cities choose from among approved optical scanning devices and are responsible for purchasing and maintaining them. Currently, there are no polling places utilizing direct recording electronic (DRE) voting systems in New Hampshire. A significant component of HAVA is to replace punch card voting systems. New Hampshire eliminated punch card machines when the Ballot Law Commission decertified them in 1986.

Voting absentee by mail is an alternative voting method available to New Hampshire voters who are unable to be present to vote at their assigned polling place. Any qualified voter in New Hampshire may apply to receive an absentee ballot by mail if he/she will be absent from their town or city on election day, is disabled and unable to vote in person, or if religious observance prevents the voter from being in public on election day. A new absentee ballot application must be completed for each election. Absentee ballots are available from town or city clerks prior to an election. Voters must request the absentee ballot application from the clerk or submit a request in writing, which must include the voter's name, voting address, mailing address and signature. Clerks may accept completed absentee ballots submitted in person by the voter until 5 p.m. the day before an election or until 5 p.m. on election day if received through the mail.

Individuals seeking to cast ballots are subject to challenge by another voter. An individual so challenged, voting in person, will be allowed to vote provided he/she signs a challenged voter affidavit attesting to his/her identity and qualifications as a voter. The ballot of an absentee voter who is challenged will be cast and counted if the appropriate election official determines the challenge is not well grounded. Otherwise, the ballot is preserved with other ballots, but not counted.

In recent years, regular improvements in the laws have been enacted and carried out for persons with disabilities. Surveys of polling place compliance with accessibility laws were conducted by the Voting Rights Access Committee and the Attorney General's office between 1996 and 2002. Further survey work will be planned to establish the baseline of compliance statewide. With HAVA, the State will continue to be proactive in affording people with disabilities an equal opportunity to vote.

³ The number of towns reflects 2 unincorporated places organized only for the purpose of voting.

9/30/2003

5



New Hampshire Secretary of State
State Plan

Section 1: Use of Requirements Payments to Meet Title III

Sec 254. (a) IN GENERAL. - The State plan shall contain a description of each of the following:

(1) How the State will use the requirements payment to meet the requirements of Title III (equipment and administration), and, if applicable under Section 251 (a)(2), to carry out other activities to improve the administration of elections.

The Help America Vote Act of 2002 (HAVA), public law 107-252, establishes minimum election administration standards for votes cast in Federal elections. HAVA provides election reform across the nation with an objective of ensuring that the right to vote has an equal meaning throughout each State. It specifically requires the State of New Hampshire to:

- Provide at least one voting machine in each polling place in the State to enable most voters with disabilities to vote privately and independently;
- Create a new uniform centralized statewide database of registered voters that shall be the source for the official checklist for each town and city;
- Assist towns and cities in ensuring their polling places are accessible for people with disabilities and the elderly;
- Certify new and existing voting systems according to national standards;
- Ensure each qualified individual has an equal right to register and vote through statewide uniform election procedures and standards;
- Provide voter and election official education; and,
- Maintain a statewide complaint system for the uniform, nondiscriminatory investigation and resolution of complaints.

New Hampshire's election law has long established a uniform procedure for registering to vote and casting votes. The Secretary of State is designated as the chief election officer for the State. The Secretary of State publishes an election procedures manual which provides guidance to local election officials regarding: voter qualification; voting system certification; what constitutes a vote; procedures for military or absentee ballots; tabulating and reporting election results. New Hampshire has adopted election day registration.

Legislation is pending before the New Hampshire Legislature to implement those changes in New Hampshire election law required by HAVA. The Secretary of State is revising the State election procedures manual to reflect these changes to New Hampshire law and to ensure election procedures conform to HAVA.

The Federal government is providing funding to the State of New Hampshire for the implementation of HAVA. Congress has authorized \$20 million over three years for New Hampshire, however, currently \$5.0 million in early monies and \$4.2 million in matching funds have actually been appropriated. In order to qualify for funding, the State must meet the

9/30/2003

6



New Hampshire Secretary of State
State Plan

requirements of Title III, maintain the same level of expenditures in the areas funded with HAVA monies as were funded in State fiscal year 2000 and provide five percent matching funds for a portion of the Federal money.

The State has legislation pending that will establish a State election fund, in which monies from HAVA will be deposited. The State has legislation pending that will appropriate 5% of the total Title II funds to be deposited in the State election fund for State fiscal years 2004-2005. State and Federal funds in the election fund are restricted to be used for the purposes allowed by HAVA. The State will certify the establishment of the State election fund and the appropriation of matching funds upon enactment of the pending legislation.

New Hampshire will implement the most comprehensive program of election enhancements possible based on the level of future Federal funding provided. Except for the 5% match required by HAVA, New Hampshire will endeavor to fund the programs set forth in this plan and their future maintenance without seeking additional State funds. This plan calls for limiting the economic effect of HAVA's mandates on New Hampshire's cities and towns, where possible requiring only the shifting of existing resources.

Major HAVA Programs:

HAVA will include the following major programs:

- **STATEWIDE DATABASE.** The Secretary of State will establish in a uniform and nondiscriminatory manner a single, uniform, official, centralized, interactive computerized statewide voter registration list which he will define, maintain, and administer. The centralized checklist will contain the name and registration information of every legally registered voter in the State. The Secretary of State will work with local election officials and other departments of the State to define the functional requirements of the statewide registration list and the responsibilities of each participant in the system. The system will allow local election officials to register voters easily and conveniently, will emphasize ease of registration for voters, and will incorporate all practical means of detecting and deterring voter fraud.

- **ACCESSIBILITY OF THE BALLOT MARKING PROCESS.** Both HAVA and New Hampshire law requires that the voting process be accessible to persons with disabilities. New Hampshire will engage in a statewide effort to ensure the accessibility of voter registration, voting systems, voting information, and voting locations. The prime component of the HAVA accessibility program will be to provide each polling place in New Hampshire with an electronic voting machine or system equipped to enable most persons with disabilities to vote independently and privately. New Hampshire plans to select one or more devices that will produce a printed paper record, possibly in the form of a pre-printed ballot that has been marked by the machine at the direction of the voter, for each voter who uses the system. Implementation of HAVA will not require towns or cities to change the manner in which they count ballots,

9/30/2003

7



New Hampshire Secretary of State
State Plan

although it could impose a need to upgrade equipment in certain cases. The HAVA accessibility program will also include expansion of voter and election official education and a structured program for ensuring compliance with accessibility requirements.

- **ACCESSIBILITY OF THE POLLING PLACE.** The New Hampshire Constitution, as well as State and Federal laws, requires that polling places be accessible for individuals with disabilities. HAVA will provide the State with funds to monitor and ensure that towns and cities maintain accessible polling places. HAVA funds will be used for accessibility equipment for polling places, assessment of compliance, education, and if sufficient Federal funds are made available, assistance for local governments.

VOTER AND ELECTION OFFICIAL EDUCATION.

HAVA funds will be used to establish and maintain training programs and tools for use in educating both voters and election officials. The State will prepare and distribute training resources that will include an expanded election procedure manual, a 1-800-help line number for election officials and a 1-800-voter complaint line for voters. Training resources may include short video instruction tapes on how to vote, how to conduct the polling place, and how to count ballots, informational posters, brochures, and public service announcements.

ELECTION LAW ENFORCEMENT.

HAVA funds will be used to establish a formal complaint procedure to investigate and resolve allegations that voting rights protected by Title III of HAVA have been violated. Resources will be allocated to the Attorney General's Office for investigatory, prosecutorial, and educational services in support of ensuring compliance with Federal and State election law.

To ensure that HAVA reform is sustained, the State will also simplify and extend reporting requirements to gauge performance of the State and local officials. These reports will not only provide public access to information on election process performance, but will also be the foundation to determine future modifications required in law, training, or the State election procedures manual.

State role in the administration of elections.

The New Hampshire Secretary of State, several Department of State employees who allocate a portion of their time to elections, and the Attorney General are responsible for administering and supervising State elections conducted by the 236 towns and cities.⁴ The local election officials and their respective local governments have the majority of legal and fiscal responsibility for elections. Collaboration between the local officials and the Secretary of State is essential to the conduct of successful elections. In addition to fulfilling Federal election

⁴ This number reflects two unincorporated places in New Hampshire which are organized only for the purpose of voting.

9/30/2003

8



New Hampshire Secretary of State
State Plan

responsibilities, the State's elections community works cooperatively to serve State government and, ultimately, the voters.

New Hampshire law assigns responsibility for establishing polling places, registering voters, and conducting balloting in local, State, and Federal elections to the towns and cities. Local government bears the expenses of personnel, equipment, and polling places. The Secretary of State is the chief election officer for the State. The Department of State, with cooperation from local government, manages the filing of State and Federal candidates and preparation of ballots for State and Federal elections. It also tallies the results of voting for State and Federal elections. The Secretary of State publishes an election manual that sets forth guidelines for the election process. The Attorney General is responsible for enforcement of the election laws.

This State Plan is organized as specified in HAVA Section 254. Each section of this document corresponds to a subsection of 254 and addresses a State Plan requirement specified in HAVA. The Plan outlines program milestones to address large-scale system or procedural changes. Additionally, where appropriate, compliance matrices are appended to outline the detailed requirements of HAVA, describe the State's current status in regard to those requirements, and define the actions planned to help the State meet those requirements.

In developing the New Hampshire State Plan, the State Plan Committee used the following themes as a guide:

- Emphasize collaboration with those affected by Federal and State elections;
- Where answers are not known, identify the steps necessary to obtain answers.

9/30/2003

9



New Hampshire Secretary of State
State Plan

Section 301(a), Voting Systems Standards Requirements

Deadline for Compliance: January 1, 2006; no waiver permitted.

In the 2002 Federal and State elections, 147 polling places hand counted their ballots and 162 polling places used optical scanning machines to count votes. For local elections, some towns with optical scanning machines switch to hand counts. In 2002, 39 polling places utilized the Optech III model of scanners and 123 used the Accuvote OS ES-2000 model. The new accessible voting machines will not change how jurisdictions count most of their ballots.

Cities and towns spend an estimated \$400 or more to program an optical scanning machine for each election. In an effort to provide ballots which do not jam or stick in the optical scanning machines, cities and towns using optical scanners purchase heavy paper to print their ballots on, often spending \$0.20 cents or more per printed ballot. There may be ways to reduce such expenditures.

The accessible voting machines will produce a paper record, possibly by marking a pre-printed ballot, that may be counted by hand or by using an optical scanner.

The State anticipates equipping polling places with at least one voting machine accessible to voters with disabilities. To achieve economies of scale and minimize the burden on towns, the State anticipates managing the maintenance of the accessible machines. The State will work with towns and cities to determine the most cost-effective means of programming these machines. In doing so, it must determine whether to centralize programming at the State level, or to provide programming mechanisms to the towns and cities. The programming process may yield efficiencies, such as:

- 1) by producing the lay-out design for printing of paper ballots for the State and the towns and cities;
- 2) by programming optical scanning equipment for the towns and the cities.

I. Voting Systems Standards

A. Voter verification

The paper ballot allows voters to verify what they have marked by using their eyes to review the completed ballot. Accessible voting machines would allow voters to verify how they voted in different ways, depending on the media used.

B. Ballot correction and replacement ballots

New Hampshire will continue to use paper ballots. HAVA requires additional voter education focused on how to correct errors made when marking a ballot, for example when to request a replacement ballot. New Hampshire will engage in direct voter education and will provide

9/30/2003

10



New Hampshire Secretary of State
State Plan

local election officials with additional voter education resources. Educational materials may include pamphlets, posters, websites, and public service announcements.

Optical scanning devices in use in New Hampshire have the capability to detect and report over votes - ballots where the voter has voted for more candidates than allowed. The optical scanners will be set to reject such ballots, affording voters the opportunity to correct over votes.

C. Manual audit capacity

New Hampshire citizens are accustomed to seeing close races resolved by recounts that rely on hand counts. New Hampshire RSA 656:41 and 656:43-a require that no voting machine or device shall be used unless it reads the voter's choice on a paper ballot.

D. Privacy and Independence

New Hampshire intends to purchase direct recording equipment (or the equivalent) voting machines for each polling place so that most voters with disabilities may cast their vote independently and privately.

E. Define what constitutes a legal vote

New Hampshire's Statutes, as interpreted by the New Hampshire Supreme Court and the New Hampshire Ballot Law Commission, define what constitutes a legal vote in New Hampshire. The Secretary of State summarizes these findings in the Election Procedures Manual and provides examples of how to count ballots with common mis-markings.

II. Uniform State Voting Systems Program Milestones

The State is taking actions to ensure full compliance with HAVA Section 301(a) requirements. **Phase I** of the State voting systems program is in progress:

- 1) Plan voting system compliance
 - Assess procurement options;
 - Establish user group of relevant internal affected participants to discuss next phase of implementation, lessons learned, and guide the voting system program through planning, managing and implementing phases;
 - Create schedules and work plans.
- 2) Manage the implementation effort through a standardized project management framework
 - Develop reporting structures and performance measures to track progress;
 - Track issues and risks to ensure smooth transition to new uniform voting systems.
- 3) Implement compliant voting systems
 - Procure equipment and services pursuant to the State's procurement law;
 - Deliver equipment and services;

9/30/2003

11



New Hampshire Secretary of State
State Plan

- Ensure proper training and change management for affected participants using new uniform systems.

Phase II of the State's voting systems program will be operations and maintenance:

- 1) Operating & Maintaining new uniform State voting systems
 - Maintain and improve voting system software
 - Maintain technical infrastructure for software

The matrix in Appendix A outlines the HAVA Section 301(a) requirements, the State's current status with regard to these requirements and actions planned, where applicable.

9/30/2003

12



New Hampshire Secretary of State
State Plan

Section 302, Provisional Voting and Voting Information Requirements

Provisional Voting

HAVA Section 302 addresses the process of provisional voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to vote. New Hampshire law allows election day registration. This enables an individual eligible to vote to register at the polls on election day and then vote in that election.

New Hampshire, pursuant to HAVA Section 302 (a), is exempt from the requirement for provisional voting.

The State's laws allow a voter to be challenged. However, the voter will be allowed to vote provided they sign a challenged voter affidavit.

Details on the current status of challenged balloting and actions planned are found in the compliance matrix in Appendix A.

Posting of Statutes

In addition to provisional voting requirements, HAVA Section 302 mandates that states publicly post specific information at the polls on election day. The State currently displays voting information at each polling place. Legislation has been adopted that would require that the postings comply with HAVA requirements.

The Secretary of State, in cooperation with the Attorney General, will comply with HAVA requirements for voting information by preparing posters containing the information required by HAVA and distributing adequate posters to each polling place.

The HAVA requirement that certain laws be posted will be incorporated into training and educational materials will be provided to election officials. The Department of State intends to track and report on the success of posted voting information.

Details on the current status of voting information and actions planned are found in the compliance matrix in Appendix A.

Extended Hours Voting

HAVA Section 302 further provides that voters who vote (pursuant to a court or other order), during extended hours after the normal close of a polling place, cast provisional ballots. Under HAVA, these ballots must be kept separate from other ballots.

New Hampshire is otherwise exempt from the requirement that there be a system of provisional voting. Legislation is pending that will satisfy the intent and purpose of this HAVA requirement. The legislation requires that, in the event that a court orders a polling place to remain open during extended hours, ballots shall be marked on the back with the letters "EH"

9/30/2003

13



New Hampshire Secretary of State
State Plan

and segregated in storage. This procedure will afford the opportunity for the ballots cast during extended hours to be retrieved, counted, and deducted from the election results should a court determine that these ballots should not have been cast.

The compliance matrix in Appendix A includes the specific requirements of HAVA Section 302, the current status and actions planned.

9/30/2003

14



New Hampshire Secretary of State
State Plan

Section 303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for Section 303(a) compliance to January 1, 2006.

Official State voter registration records are created and maintained at the local jurisdiction level. Local election officials update and separately maintain voter registration records for their jurisdictions. The Secretary of State does not maintain an aggregate list in database format. After each State and Federal election, local election officials send paper checklists to the Secretary of State's Division of Records Management and Archives and these are scanned and organized in a read-only database of images. This list of images is accessible to persons who approach the Secretary of State to examine the checklists or obtain copies. Because information is not organized according to database fields, the Secretary of State is unable to perform checks for voter registration duplicates from this file.

The State's file of checklist images is not the "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA. Moreover, information gathered and maintained on State voters does not uniformly include driver's license numbers or partial social security numbers, as required by HAVA.

The mail-in voter registration form requires redesign to accommodate information on proof of identity, age, and domicile, as required by HAVA. Voter registration processes must be modified to allow for the verification of identification for first-time voters who register by mail.

Statewide Registered Voter Database. Program Milestones

The Secretary of State's Statewide Registered Voter Database program (hereinafter "Statewide Database") will ensure HAVA compliance in both technical and procedural areas of voter registration data management. The Secretary of State, with the assistance of the State Plan Committee and a task force on the Statewide Database, has started the planning and RFP development process.

Planning, using the following steps:

- Assess HAVA Section 303 to determine requirements for system and necessary changes in procedures and regulations/legislation;
- Establish a user group of key participants to guide the Statewide Database program through all phases and milestones;
- Develop a training plan, leveraging expertise from the local election officials. (Note: refer to Section 3 Voter Education, Election Official Education and Training, and Poll Worker Training);
- Research and assess Statewide Database options (Commercial software packages, custom programmed software, synergy of paralleling the vital records system);
- Determine options for development of data verification between Secretary of State and Department of Health and Human Services (DHHS), Department of

9/30/2003

15



New Hampshire Secretary of State
State Plan

Safety (DOS), and the Department of Safety's data verification with the U.S. Social Security Administration;

- Determine the personnel required by the Department of State to maintain the Statewide Database.

Managing the voter Statewide Database effort through a standardized project management framework:

- Create a comprehensive resource plan, schedule, and work plan;
- Develop reporting structures and performance measures to track progress;
- Monitor issues and risks to ensure smooth rollout of the transition from local records systems to the new Statewide Database.

Implementing the new Statewide Database:

- Implement necessary changes to procedures and regulations/legislation;
- Select and procure software and services;
- Design, build, test, and deploy the Statewide Database;
- Develop and deliver appropriate training and support to ensure successful Statewide Database implementation.

Operating and Maintaining the Statewide Database:

- Maintain and improve Statewide Database software;
- Utilize a user group to assist Secretary of State in maintaining and improving voting system software;
- Maintain the communications infrastructure between the Statewide Database and towns and cities;
- Ensure electronic access as required by Section 303 (a)(1)(A)(v).⁵

The compliance matrix in Appendix A includes the specific requirements of HAVA Section 303, the current status and actions planned.

⁵ It is anticipated that electronic access will be provided through the computer installed in the town or city clerk's office by the Vital Records program. The current plan does not provide for the statewide database to be available at each polling place.

9/30/2003

16



New Hampshire Secretary of State
State Plan

Section 2: Monitoring the Distribution of Requirements Payments

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

(2) 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 paragraph (1), including a description of -

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (6).

There may be a few circumstances in which the State would pay local governments to carry out some of the responsibilities of HAVA. No such areas have been identified. It is expected that the State will implement HAVA by providing equipment, supplies, and services to the towns and cities. In certain circumstances, however, payments to local governments may be appropriate and necessary. This Section describes generally how they would be carried out.

New Hampshire will fulfill its obligations under Title III using federal and State funds deposited in the State Election Fund. The State will administer contracts and disbursements consistent with the State budget plan described in Subsection 6 of HAVA Section 254 (a).

The process for uploading existing data to the statewide database has yet to be established, but may include making a payment to town or city clerks or supervisors of the checklist for keying data maintained on paper records or making a payment for technical services provided by towns or cities whose data is uploaded from an electronic record. It is expected that towns and cities would be afforded the option of having the State send personnel to their offices to perform these functions.

9/30/2003

17



New Hampshire Secretary of State
State Plan

Section 3: Providing for Education of Voters and Election Officials

Sec 254. STATE PLAN (a) IN GENERAL - The State plan shall contain a description of each of the following:

(3) 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 Secretary of State in cooperation with the Attorney General will enhance the existing system of providing regular training to local election officials. HAVA funds will be used to provide regular regional training programs, to produce and distribute training materials, and to establish other training resources. For State fiscal year 2004 and in preparation for the 2004 first-in-the-nation presidential primary, the Secretary of State and the Attorney General will conduct at least 12 regional training programs throughout the State.

The Secretary of State may use public service announcements in the major media markets in the State as a forum to conduct voter education.

The Secretary of State will include additional training on the Help America Vote Act requirements in the election officer training program. The Secretary of State will include material in the procedures manual for implementing poll worker training and accessible voting systems.

The Secretary of State will adopt voter instructions that will inform each voter that if he or she fails to cast a vote for a candidate or issue, the voter will not be otherwise notified of the under vote (when a voter casts votes for fewer than the permitted number of candidates that he or she is entitled to).

The successful implementation of HAVA, in particular the first use of accessible voting machines, will require comprehensive public education and election official training programs. The proposed educational programs seek to ensure that voters and election officials accept these changes and understand the benefits of the enhancements HAVA brings to voting in New Hampshire.

Currently, training programs in the State are predominantly localized. The Secretary of State distributes an election procedures manual to each town and city. The moderators and town and city clerks are then responsible for how the information is delivered to staff members, poll workers, and the public. Often, knowledge is distributed informally, in meetings and at conferences, rather than in formal training sessions. Turnover of election officials is significant for each biennial election. The Department of State has limited human resources available to support training missions. The Secretary of State provides extensive one-on-one telephone consultation on election procedures, operating what is in effect an election official help line.

9/30/2003

18



New Hampshire Secretary of State
State Plan

The Department of State also maintains a web site providing access to information on registering, voting, polling places, and election laws as well as most public filings related to elections. Training conducted at the State level is usually organized by each distinct area (voter registration, voting systems, etc.). Formal training is usually presented in a paper-based, person-to-person format, with limited use of technology in creating or delivering training.

New Hampshire recognizes that extensive election official and voter education will be required leading up to the first use of accessible voting machines. The State intends to monitor the experiences of those States that use these devices now and adopt as an element of a future New Hampshire State Plan the best practices derived from their experience. This State Plan budgets funds for personnel to research the experiences of other jurisdictions and start development of a New Hampshire program. Emphasis will be placed on a collaborative process that draws from the experience and expertise of local election officials and members of the disabilities community. The training program will also recognize the unique character of New Hampshire's election officials and poll workers.

Training and Outreach Program Milestones

Standardized training and support will help ensure the successful implementation of HAVA.

Managing Training and Outreach Program

The Department of State, with assistance from the Attorney General, will train personnel and develop resources for initial training and ongoing support of local election officials. HAVA funds are budgeted for the Departments of State and Justice for this purpose. The Secretary of State plans to utilize State or private sector personnel qualified in the areas of adult education to assist in developing and implementing training and support efforts.

Planning Training and Outreach Program

Conduct a training needs assessment based on the actions planned to address HAVA requirements. The assessment will include identifying current election officers and documenting current and desired skill levels for voters and election officials.

Training will be based on research and proven methods. New Hampshire's approach to training and support will emphasize web-based and live one-on-one support designed to answer questions and address complaints when the issues surface on election days. HAVA funds are budgeted to establish and maintain toll-free phone numbers for election officials and for voters. New Hampshire plans to staff these help lines with sufficient personnel to satisfy election day demand. For elections occurring during the period covered by this Plan, the Departments of State and Justice along with trained volunteers will staff these help lines in anticipation of a large volume of calls as election law changes prompted by HAVA are implemented.

Implementing Training and Outreach Program

Design, build, test, and implement training. The training method will vary dependent on the approach determined in the planning phase. Regardless of whether training is instructor-led,

9/30/2003

19



New Hampshire Secretary of State
State Plan

on-line, paper-based, etc., the training must still go through the design and build phases and be subject to testing to ensure its success before it is delivered to trainees.

Implement Support and Communication Plan

The Secretary of State and the Attorney General will deliver various training or training resources on a timely basis.

Voter Education Program may include the following:

- Improved web site and other free access systems for voters to obtain voter registration and election information. The web site will include information on or links to local web sites with information on polling place locations, hours, etc.
- Increased delivery of election information through public and commercial television.
- Coordinated voter education and awareness efforts with organizations such as Kids Voting and National Parent/Student Mock Election and community groups, including groups providing services to individuals with disabilities.
- Targeted voter education efforts to address the needs of the disabilities community.
- Improved and increased public notices, public service announcements, and posters used in the polling places.

9/30/2003

20



New Hampshire Secretary of State
State Plan

Section 4: Adopting Voting Machine Guidelines and Processes

Sec. 254. (a) IN GENERAL. - The State plan shall contain a description of each of the following:

- (4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

The State currently meets some of the voting system requirements required under HAVA as outlined in the matrix in Section 1 of Appendix A. The State has procedures established for conducting recounts on a statewide level. The State has a procedure established for voting machine certification. Refer to RSA 656:41. As the State implements a new voting system including incorporation of accessible machines, it will maintain the current procedure and create new procedures, guidelines and processes as necessary. New processes and guidelines may take the form of internal procedures, regulations, changes to Ballot Law Commission rules or State law. Legislation will be proposed to amend RSA 656:41 to allow the use of voting machines designed to assist persons with disabilities casting votes privately and independently, as required by HAVA.

9/30/2003

21



New Hampshire Secretary of State
State Plan

Section 5: Establishing an Elections Fund

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

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

House Bill 577 pending before the 2003 legislative session establishes the Elections Fund to implement HAVA. The proposed legislation limits use of election fund monies, consistent with the limitations on use of these funds established by HAVA. New Hampshire plans to ensure the continued maintenance of equipment and programs established to implement HAVA by preserving sufficient monies in the Elections Fund so that interest from the Fund will, over time, fund annual maintenance expenses.

9/30/2003

22



New Hampshire Secretary of State
State Plan

Section 6: Cost of Meeting Title III Requirements

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following: (6) 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.

A. Voting Machines for Persons with Disabilities.

The Secretary of State will utilize HAVA funds to achieve the following:

- Plan and design new voting systems, including upgrading existing systems to interface efficiently with the new systems required by HAVA;
- Purchase, own, maintain and program at least one direct recording machine (DRE), or its equivalent, in each of the polling places in the State;
- Ensure voting machines programming process to be compatible with existing ballot design, printing, and counting;
- Train election officials and voters to utilize the new voting machines;
- Employ management for project implementation;
- Employ ongoing program management.

Subject to complete Federal funding for HAVA, this program will be funded at a rate of 25 percent of the State Election Fund (10 percent for acquisition and 15 percent for operation).

B. Voter Registration New Hampshire (Statewide Database)

The Secretary of State will implement a Statewide Database of registered voters to comply with HAVA Title III.

- Secretary of State shall plan for, acquire, maintain and support a Statewide Database;
- Working with town and city clerks, State election officials, and other participants, the State will define functional requirements, roles and responsibilities of carrying out voter registration data management;
- Plan, purchase and execute installations of communications and security systems that allow the towns and cities to access the Statewide Database;
- Enable towns and cities to interact with the Statewide Database to register voters, import and input voter registration information to the Statewide Database, delete voter registration information, poll resource management, and enable candidate registration for local contests;

9/30/2003

23



New Hampshire Secretary of State
State Plan

- Enable towns and cities to continue to be the point of contact for public access to information on registered voters, the point of purchase for checklists of registered voters in their jurisdictions;
- Enable towns and cities to print checklists from the Statewide Database for use at elections;
- Establish and maintain a system to allow a match of Database records with the motor vehicle records maintained by the Department of Safety and other agencies as required by HAVA;
- Prompt local election officials to complete tasks assigned by law to local elections officials, and will be used by the Attorney General to ensure compliance with those laws;
- Implement training program for election officials and voters in order to communicate HAVA procedural, technological, and legal changes and minimize risks to voting process;
- Enable data entry by city and town clerks into module which permits the State, towns and cities to monitor the degree of their success in fulfilling HAVA requirements - to be used by the Attorney General to ensure compliance with HAVA;
- Employ management for project implementation;
- Employ ongoing program management.

Subject to complete Federal funding of HAVA, the Statewide Database program will be funded at a rate of 60 percent of the State Election Fund (16 percent for acquisition and 44 percent for operation).

C. Voter, Election Official and Poll Worker Training

Voter, election official and poll worker training is already a responsibility, and included in the maintenance of effort for the Secretary of State. Implementation of HAVA will require significant enhancement of the training effort. The existing training program will be augmented with a statewide voter education program as described elsewhere in the Plan. Subject to complete Federal funding of HAVA, additional election official training will be funded at a rate of 4 percent of the State Election Fund (0.7 percent for initial administration and 3.3 percent for operation). Election official and voter education is also included under Section 301 (Voting Machines) and Section 303 (Statewide Database) above.

D. Administrative Complaint Procedures

The Attorney General will implement a statewide administrative complaint procedure to comply with HAVA Title IV. Working with the town and city clerks, moderators, State election officials, and the Secretary of State, the Attorney General will define functional requirements, roles and responsibilities of complaint procedures as defined in Section 9 of the State Plan. Subject to complete Federal funding of HAVA, the Grievance System will be funded at a rate of 6 percent of the State Election Fund (1.2 percent for initial administration and 4.8 percent for operation).

9/30/2003

24



New Hampshire Secretary of State
State Plan

E. Physical Accessibility of Polling Places

HAVA Section 261 provides for use of monies to improve physical accessibility to polling places. The State management of funds to be distributed by the U.S. Secretary of Health and Human Services has not yet been established. Subject to this Plan complying with Federal regulations yet to be published, New Hampshire may use Fiscal Year 2003 physical accessibility funds to provide improved illumination and vision aids for polling booths. New Hampshire is also planning to provide assistance to towns and cities whose polling places require modification to be fully accessible in the form of either direct equipment and services or grants based on need. Physical accessibility funds managed by the U.S. Department of Health and Human Services will be managed by the State in compliance with HHS regulations, which are yet to be published. New Hampshire plans to spend 100% of those funds on equipment or services.

Most of the money New Hampshire will spend on this program will derive from a portion of HAVA spending which is allocated to the U.S. Department of Health and Human Services in a grant program to make polling place facilities accessible to voters with disabilities. There is no state match requirement. In addition to the latter funds, New Hampshire expects to utilize up to \$20,000 initially from the Section 101 payments for this purpose. Subject to complete Federal funding of the HAVA and receipt of monies from the U.S. Department of Health and Human Services, State spending on disability access will be funded at a rate of 1 percent of the State Election Fund (0.8 percent for initial administration and 0.2 percent for operation).

F. HAVA Program Administration Costs

To fulfill the requirements of Title III, the Secretary of State will have to provide for the coordination, planning, operation and reporting on these programs. Subject to complete Federal funding of HAVA, the Secretary of State will use funds to administer the implementation of HAVA above the current maintenance effort for Federal elections at a rate of 4 percent of the State Election Fund (0.8 percent for initial administration costs and 3.2 percent for operation).

HAVA appropriations, to date, are significantly less than the amounts authorized. The following table outlines the assumptions regarding Federal funding that the State used in creating its budget for HAVA activities.

Table 6.1: Federal Funding Assumptions for New Hampshire

Federal Fiscal Year	Total Federal Funds	New Hampshire Share	5% State Match Requirement***	Federal Funding Yet?
Early payments	\$650,000,000	\$5,000,000	0	Yes*
2003	\$833,000,000	\$4,165,000	\$219,211	Yes*
2004	\$783,500,000	\$3,917,500	\$206,184	No**
2005	\$783,500,000	\$3,917,500	\$206,184	No**
Total	\$3,650,000,000	\$20,000,000	\$789,474	

* Federal money has been appropriated.
 ** State money has been authorized, but not appropriated.
 *** 5% State Match requirement. To determine the 5% of the total of the State Match portion plus the Federal requirements payment portion of cost. To determine the 5% State Match based on Federal requirements payment amount, use .052632 as the multiplier (i.e., 505 - 0.052632).

Based on these funding levels, the State HAVA budget is representative of the activities necessary to implement and conduct operations and maintenance through calendar year 2005 for the HAVA Title III requirements and "other" activities. The budget will be revised in future State plans based on the most current information available regarding Federal funding. If it is necessary to revise the percentage allocations, priority will be given to equipping each polling place with an accessible voting machine and establishing the Statewide Database.

The duration for the State's budget is based on HAVA deadlines and funding. The State is concerned, however, that beyond the three years of Federal funding, the ongoing costs of operating and maintaining the new voting system and Statewide Database will be considerably higher than the State's maintenance of effort level (see Section 7 of the State Plan). New Hampshire plans to retain in the election fund sufficient funds so that the interest earned on those funds, over time, fund annual maintenance costs for all new programs implemented to comply with HAVA. HAVA was presented as a funded Federal program, not an unfunded



Table 6.2: New Hampshire's budget for HAVA Activities (in millions)

HAVA Requirements	Total Cost	Total Federal Funds	HAVA 101	HAVA 252, 257	HAVA 261	State 5% match	Implementation period	Operations & Maintenance
Title III Requirements								
A) 301 Voting system requirements	5.20	5.00	1.21	3.79	0	.20	1/2003 to 12/2005	1/2006 indefinitely
B) 303 Computerized statewide voter registration list requirements and requirements for voters who register by mail	12.48	12.00	2.91	9.09	0	.48	1/2003 to 12/2005	1/2006 indefinitely
C) 254(3) Voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III	.82	.79	.29	.50	0	.03	10/2003 to 11/2006	12/2006 indefinitely
Other HAVA Requirements								
D) 402 State-based administrative complaint procedures to remedy grievances	1.26	1.21	.28	.93	0	.05	1/2003 to 10/2003	11/2003 indefinitely
E) State Plan, Section 6 Physical access to polling places by disabled voters	.21	.21	.02	0	.19	0	1/2003 to 10/2003	11/2003 indefinitely
F) State Plan, Section 11, Program Management	.82	.79	.29	.50	0	.03	1/2003 to 11/2006	12/2006 indefinitely
TOTALS	20.79	20.00	5.00	14.81	.19	.79		



The State's proposed budget for activities to meet HAVA requirements is provided in Table 6.2. These numbers will ultimately be determined with the Legislature. Pending legislation appropriates the aggregate Federal and State monies in the election fund for the purposes of implementing HAVA.

mandate. It is New Hampshire's plan to endeavor to avoid seeking State tax dollars to support Federally mandated programs, except for the 5% matching funds.



New Hampshire Secretary of State
State Plan



New Hampshire Secretary of State
State Plan

Note:

1. State's portion of HAVA funding is estimated based on the funding assumptions outlined in Table 6.1. Source for the State's portion of these funds is the Congressional Research Service, *Funds Allocations to States Based on P.L. 107-252: the Help America Vote Act of 2002* (November 15, 2002).

Section 7: Maintaining the State Elections Expenditures

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

(7) **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.**

In State Fiscal Year 2000, New Hampshire conducted one statewide election, the presidential primary. This is a once-every-four-years event; therefore to maintain this effort, the State will expend this level of funding only during each year when a presidential primary is held. New Hampshire conducts a statewide primary and general election which includes Federal offices every two years. During those years New Hampshire anticipates spending more than the amount set forth below to maintain its efforts relative to activities funded by HAVA.

Consistent with HAVA Section 254(a)(7), in using any requirements payment, New Hampshire 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. In State fiscal year 2000, New Hampshire expended \$275,541 for activities that will be, or could be, funded with requirements payments.

• Statewide Database	\$0
• Accessibility of the balloting process	0
• Accessibility of the polling place	0
• Election official education	2,200
• Ballots, forms, postage, envelopes, telephone, printing	167,126
• Temporary personnel, benefits and travel	63,515
• Full-time personnel, benefits	30,000
• Election law enforcement	12,700
TOTAL	\$275,541

New Hampshire will expend no less than \$ 275,541 in State funds to maintain the State's fiscal year 2000 level of effort during comparable fiscal year periods in each year in which a presidential primary is held.



New Hampshire Secretary of State
State Plan

Section 8: Adopting Performance Goals and Measures

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

(8) 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.

The Secretary of State and the Attorney General, in collaboration with local election officials, will establish performance goals and will institute a process to measure progress toward the achievement of these goals. The Secretary of State and the Attorney General will develop and monitor a uniform performance evaluation process. The process will include self-monitoring by the cities and towns. The Secretary of State, the Attorney General, and the cities and towns will create a report that will include specific data to disclose each jurisdiction's degree of success with HAVA compliance. The Attorney General will also use these reports to help ensure compliance with State and Federal election laws.

The Secretary of State, the Attorney General and local election officials, as designated by State law, are responsible for ensuring the success in meeting each performance goal and objective. The Moderator, Selectmen, Supervisors of the Checklist and the Town Clerk or the equivalent officials in the cities also have a substantial responsibility for meeting performance goals and objectives. Towns and cities will monitor performance measures and will report to the State on a periodic basis. The performance goals and measurement guidelines will be included in the State's election procedures manual. The process will provide local election officials with measurable goals.

The report will be completed for each election and will be filed with the Secretary of State within a certain number of days after each election. The Secretary of State will compile the data in the reports and create a statewide report on election law compliance and the success of implementation of HAVA. The report will include an indication of whether each town or city met the performance goals and objectives.

The Secretary of State has worked with the local election officials and representatives of other affected groups to establish mission, vision, goals, objectives and measurements for HAVA implementation. The HAVA State Plan Committee and four task forces listed below have held a total of seven meetings and a trade fair displaying accessible voting machines:

- Statewide Centralized Voter Registration Database Task Force
- Disabilities Access and Voting Systems Task Force

9/30/2003

31



New Hampshire Secretary of State
State Plan

- Election Officials Education Task Force
- Voter Education Task Force

Summarized results, supplemented by the Secretary of State, are set forth in the table below.

Performance Goal 1: Voting Accessibility

Improving voting accessibility, as required by HAVA, which shall include accessibility for individuals with disabilities as determined in Title III, Section 301 of HAVA, will be accomplished by the Secretary of State and town and city election officials in two steps once the appropriate funds are available:

- 1) Development by the Secretary of State of a statewide Request for Proposal (RFP) to provide accessible voting machines, and
- 2) Distribution of machines and implementation. The measure of success for both elements is the successful acquisition, deployment, and use by voters of accessible voting machines by the 2006 Federal election.

Performance measure 1.a	Compliance of cities and towns using accessible voting machines in the 2006 Federal elections
Timetable	January 1, 2003 to Federal election 2006
Description of the criteria used to measure performance	All 305 New Hampshire polling places will require accessible voting machines in the 2006 Federal elections. Success of meeting the performance goal will be based upon the number of registered voters at polling places using voting accessible machines in the 2006 Federal elections.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force.
Description of official to be held responsible for ensuring each performance goal is met	Attorney General, Secretary of State.

9/30/2003

32



New Hampshire Secretary of State
State Plan

Performance Goal 2: Centralized Statewide Voter Registration Database System ("Statewide Database")

The State will have a centralized statewide voter registration database ("Statewide Database") operational by January 1, 2006. The Statewide Database will provide towns and cities with a convenient and efficient means to maintain records on registered voters, conduct purges, and produce election day checklists while providing voters with a uniform and user-friendly voter registration process and deterring voter fraud by detecting duplicates and information inconsistent with motor vehicle records.

<p>Performance measure 2.a</p>	<p>The number of registered voters in towns and cities who are utilizing the Statewide Database over the statewide total number of registered voters.</p>
<p>Timetable</p>	<p>January 1, 2003 to the 2006 Federal Election</p>
<p>Description of the criteria used to measure performance</p>	<p>Participation is measured on the scale of interaction. A town or city that does not participate causes a low performance score. Higher degrees of interaction result in higher scores on performance. Success of the Statewide Database will be dependent upon the successful capture, migration and standardization of voter registration information into the central voter registration database as a percentage of the total number of registered voters statewide.</p>
<p>Process used to develop the criteria</p>	<p>The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Statewide Voter Registration Database Task Force.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The Secretary of State is responsible for implementing the statewide database and coordinating the efforts of all 318 town, city and ward clerks to meet this performance measure.</p>

Performance Goal 3: Statewide Administrative Complaint Procedure

The Department of Justice will implement a statewide administrative complaint procedure. Working with the moderators, town and city clerks, State election officials, and the Secretary of State, the Department of Justice will define functional requirements, roles and responsibilities of the participants. The measurement of success of the statewide administrative complaint procedure will be the ease of access to the process and the timeliness of complaint resolution.

9/30/2003

33



New Hampshire Secretary of State
State Plan

<p>Performance measure 3.a</p>	<p>With respect to the voter registration of each town or city, the following information will be collected to subjectively measure performance:</p> <ul style="list-style-type: none"> • Number of complaints resolved <ul style="list-style-type: none"> ○ Number of complaints resolved in 30 days or less ○ Number complaints resolved in 60 days ○ Number of complaints resolved in 90 days • Number of complaints unresolved • Description of reason complaint was left unresolved
<p>Timetable</p>	<p>December 31, 2003 and biennially thereafter</p>
<p>Description of the criteria used to measure performance</p>	<p>The Attorney General will review the total number of complaints received and resolved. Success of the program may be determined by percentage of resolution of all complaints. A formal complaint process will be set up by the 2004 Federal Election. To measure performance, data will be provided covering the number of complaints received, the number of complaints resolved and the timeframe for resolution of complaints.</p>
<p>Process used to develop the criteria</p>	<p>The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The Department of Justice is responsible for ensuring each performance goal is met, with the assistance and cooperation of each town or city clerk and local election official.</p>

Performance Goal 4: Physical Accessibility

One of the primary goals of HAVA is to improve accessibility of the voting process. This goal is to monitor and report the level of compliance with the physical accessibility standards.

<p>Performance measure 4.a</p>	<p>Towns and cities will report the number of polling places that are 100 percent accessible pursuant to guidelines in the State election procedures manual. For those polling places that are not in compliance, list the number of registered voters, reason for non-compliance, and the steps taken to bring polling place into compliance.</p>
<p>Timetable</p>	<p>January 1, 2004 to December 31, 2004, biennially thereafter.</p>

9/30/2003

34



New Hampshire Secretary of State
State Plan

<p>Description of the criteria used to measure performance</p>	<p>Moderators will complete an inspection of their polling places and determine the accessibility for each polling place. Accessibility requirements for polling places will be included in the State election procedures manual. It is the duty of selectmen to establish accessible polling places. Success will be measured by compliance with the law on physical accessibility. Cities and towns will describe measures taken to bring inaccessible polling places into compliance.</p>
<p>Process used to develop the criteria</p>	<p>The Attorney General and the Secretary of State adopted this criteria based on advice from the HA VA State Plan Committee and the Disabilities Access and Voting Systems Task Force.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>Attorney General; Secretary of State; Selectmen.</p>
<p>Performance measure</p>	<p>The Secretary of State, Attorney General and the Governor's Commission on Disability, using internal staff and trained volunteers, will conduct an inspection of all polling places in New Hampshire on the date of the presidential primary in 2004. Compliance with accessibility laws will be assessed.</p>
<p>Timetable</p>	<p>January 2004</p>
<p>Description of the criteria used to measure performance</p>	<p>Each polling place will be scored for compliance with all applicable accessibility laws. Disability access compliance instruments currently in use by the Governor's Commission on Disability/Attorney General will be used.</p>
<p>Process used to develop the criteria</p>	<p>The Attorney General and the Secretary of State adopted this criteria based on advice from the HA VA State Plan Committee and the Disabilities Access and Voting Systems Task Force.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>Attorney General; Secretary of State; Selectmen.</p>

Performance Goal 5: Voter Education

Measuring the success of voter education is more complicated than just measuring voter participation. Variables that dictate voter participation range from weather, uncontested races, and controversial ballot measures, causing highly subjective results.

9/30/2003

35



New Hampshire Secretary of State
State Plan

<p>Performance measure</p>	<p>With respect to the voter registration of each town and city, the following information will be measured by exit polling and direct observation:</p> <ul style="list-style-type: none"> • Number of public service announcements • Compliance with the statutory information posting requirements. • Number of voter education and voter outreach initiatives, including: <ul style="list-style-type: none"> o Description o Estimated costs o Participation • A comparison of voter turnout in a Federal election with the voter turnout in the immediately preceding four-year cycle
<p>Timetable</p>	<p>January 1, 2004 and biennially thereafter</p>
<p>Description of the criteria used to measure performance</p>	<p>The information will summarize the voter outreach and voter education methods employed by the State and each town and city. The cities and towns, with the cooperation of the State, already provide some voter education. By the 2004 Federal Election, additional steps will be taken to ensure voter knowledge of changes in voter registration and voting caused by this act. These steps will be incorporated into the State election procedures manual. The cities and towns will include details of their efforts in the report they file with the Secretary of State certifying their election results and process. Success will be local compliance with the State election procedures manual sections on voter education.</p>
<p>Process used to develop the criteria</p>	<p>The Attorney General and the Secretary of State adopted this criteria based on advice from the HA VA State Plan Committee and the Voter Education Task Force.</p>
<p>Description of official to be held responsible for ensuring each performance goal is met</p>	<p>The Secretary of State, the town and city clerks and other local election officials are all responsible for ensuring the success of voter education. However, the Secretary of State is responsible for the success of all statewide coordinated efforts for voter education.</p>

Performance Goal 6: Election Official Training

Election official training results in positive experiences and smooth elections for voters and the State of New Hampshire. The performance goal is to measure election official training in respect to HAVA.

9/30/2003

36



New Hampshire Secretary of State
State Plan



New Hampshire Secretary of State
State Plan

Performance measure 6.a	With respect to the voter registration of each town and city, the following information will be collected to measure election official training performance: <ul style="list-style-type: none"> • The percentage of people who are authorized to receive voter register applications who have received training. • The percentage of people who serve as an election official at a polling place who have received training. <ul style="list-style-type: none"> o % trained directly by State trainers o % trained by other local election officials o % trained by other means (video, website interactive, CD rom)
Timetable	December 31, 2003 and biennially thereafter
Description of the criteria used to measure performance	Completion of training. The cities and towns, with the cooperation of the State, already provide some election official training. By the 2004 Federal election, additional steps will be taken to ensure election official knowledge of changes in voter registration and voting as it relates to HAVA.
Process used to develop the criteria	The Attorney General and the Secretary of State adopted this criteria based on advice from the HAVA State Plan Committee and the Election Officials (Poll Workers) Task Force.
Description of official to be held responsible for ensuring each performance goal is met	The Secretary of State is responsible for election official training and reporting, as well as the responsibility of establishing the guidelines, reporting requirements and ultimately the success of this performance measure. Each moderator is responsible for ensuring that all poll workers have adequate training.

9/30/2003

37

Section 9: Administrative Complaint Procedures

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

New Hampshire will modify its existing administrative complaint procedure to comply with HAVA. The Department of Justice will be the agency designated to receive administrative complaints. A 1-800 number and an internet/e-mail address will be established and publicized for individuals to initiate the process of filing an administrative complaint.

Administrative complaints related to future or ongoing conduct, for example denial of registration or voting on election day will be immediately assigned to an Assistant Attorney General or paralegal who will make all reasonable efforts to determine if the complaint is valid and if so to correct the situation prior to the close of the pertinent polling place.

Formal administrative complaints, those received in writing which are properly notarized, will be assigned to an Assistant Attorney General. The Attorney General will appoint a hearing officer to conduct the hearings required by HAVA. Pending legislation authorizes the Attorney General to issue State administrative rules defining the administrative complaint procedure and establishing that the Ballot Law Commission shall serve as the alternative dispute resolution body. If the complaint is not resolved by the Attorney General within the timeframe required by HAVA the complainant will be entitled to bring the matter to the Ballot Law Commission for resolution.

The Attorney General is currently drafting administrative rules and plans to initiate the statutory rule adoption process upon enactment of the pending legislation.

9/30/2003

38



New Hampshire Secretary of State
State Plan

Section 10: How Title I payments will be spent

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 Section 254 (a) (10)

Section 101. Payments to States for activities to improve administration of elections.

New Hampshire is eligible for and has received \$5 million under Section 101. These funds will be used for implementation and maintenance for activities to meet the following requirements:

301: Accessible voting machines,	\$1,210,000
303: Statewide centralized database system	2,910,000
254(3), 301, 302, 303: Voter education, election official training	290,000
402: Administrative complaint procedure	280,000
Physical accessibility of polling places	20,000
<u>Program management</u>	<u>290,000</u>
Total	\$5,000,000

Any activities carried out under the Plan will be aimed at improving the administration of elections for Federal office, and the election process as a whole. Subsequently, all activities undertaken by the Division with Title I monies will comply with the requirements under Title III.

Upon receipt of Title I monies, it is the intent of the Secretary of State to use the funds for one or more of the following:

A. Section 301: Improving, acquiring, leasing, modifying or replacing voting systems and technology and methods for casting and counting votes. Establishing voting system standards.



New Hampshire Secretary of State
State Plan

- Establish management staff to plan, implement and manage the programs required for HAVA compliance.
- The Department of State will undertake studies and analysis and hire consultants as required to prepare a Request for Proposal for the purchase of voting systems accessible to the disabled for each polling place in the State and integrated with existing voting systems.
- The State will induce vendors to develop test sites to permit evaluation.
- Purchase accessible voting machines.
- Educate voters concerning voting procedures, voting rights, and voting technology.
- Train election officials, poll workers, and election volunteers.
- Develop improved training systems with the goals of training more election officials and poll workers close to the election.
- Establish voting system standards consistent with HAVA Section 301.

B. Section 303: Planning, designing the statewide centralized database system

- Conduct studies and analysis, hire consultants as required to prepare for Request for Proposal for statewide centralized database system.
- Establish management staff to plan, implement and manage the programs required for HAVA compliance.
- Engage town and city clerks or supervisors of the checklist to enter and upload data as required for the new system. The process and personnel to be used for data entry will be designed to ensure the accuracy and reliability of the statewide database and will recognize the authority of the supervisors of the checklist to make all final determinations as to entering or deleting any person from the checklist.
- Acquire and implement centralized database system.
- Educate voters concerning voting procedures, voting rights, and voting technology. A preliminary investment is needed to increase voter outreach through voter education, public service announcements. Modifications of the Department of State forms, web site, free-access system and training materials used by voters are necessary to comply with the Act.



New Hampshire Secretary of State
State Plan

- Develop improved training systems with the goals of training more election officials and poll workers close to the election about changes in election law, registration requirements, etc.

- Train election officials, poll workers, and election volunteers.

C. Section 402: Begin planning process and engage legal staff to establish administrative complaint procedures.

- Administrative rules will be drafted to implement an administrative complaint procedure that is compliant with HAVA.
- The draft will be reviewed by the HAVA State Plan Committee.
- The rules will be submitted to the Joint Legislative Committee on Administrative Rules (JLCAR) for revision and approval.
- Upon receipt of JLCAR approval, the administrative rules will be adopted and published.



New Hampshire Secretary of State
State Plan

Section 11: Plan Management

Sec. 254 (a) IN GENERAL. - The State plan shall contain a description of each of the following:

- (1) 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).

The Secretary of State will manage the implementation of the New Hampshire State Plan in the manner described elsewhere in this document. New Hampshire will not make any material changes in the administration of the plan unless the change is adopted in conformance with the requirements for changes set forth in Section 254 (a)(1) of HAVA.

- The Secretary of State shall conduct meetings with the HAVA State Plan Committee and Task Forces as necessary to review standards and assess progress in meeting the goals and objectives of the HAVA State Plan.
- The Secretary of State, with the cooperation of the HAVA State Plan Committee and HAVA Task Forces will comply with HAVA deadlines for submitting HAVA State plans in subsequent years.
- The Secretary of State will comply with State planning requirements for implementing new information technology.

9/30/2003

41

9/30/2003

42



New Hampshire Secretary of State
State Plan

Section 12: How the Plan Reflects Changes from the Previous Year

Sec. 254 (a) IN GENERAL - The State plan shall contain a description of each of the following:

(12) 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.

This State Plan is the State Plan required under the Help America Vote Act of 2002 (HAVA). This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

9/30/2003

43



New Hampshire Secretary of State
State Plan

Section 13: Description of the HAVA State Plan Committee

Sec. 254 (b) IN GENERAL - The State plan shall contain a description of each of the following:

(13) 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 and Section 256.

Pursuant to Section 255 of the Help America Vote Act of 2002, on February 7, 2003, the chief State election official, William M. Gardner, New Hampshire Secretary of State, appointed a citizen advisory committee to help in the development of the State Plan. The citizen advisory committee, named the New Hampshire HAVA State Plan Committee, established four task forces listed below to make recommendations on their assigned subject to the HAVA State Plan Committee:

- Voter Registration Database Task Force
- Disabilities Access and Voting Systems Task Force
- Poll Worker Education Task Force
- Voter Education Task Force

Pursuant to Section 255 of HAVA, the HAVA State Plan Committee and its task forces include the chief State election official, the election officials from the two most populous jurisdictions, other local election officials, stake holders and citizens. Committee and task force membership includes a cross-section of people from throughout New Hampshire, including representation of groups of individuals with disabilities.

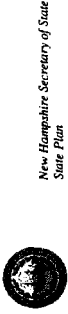
On March 6, 2003, the Secretary of State established the website at <http://www.nh.gov/sos/HAVA/index.htm> as an open forum for public review and comment of the HAVA State Plan Committee meeting agendas, minutes of meetings, and back-up material for the State Plan. This information has been available for public inspection during the duration of time the public meetings were held.

The HAVA State Plan Committee held an organizational meeting on February 7, 2003, in compliance with New Hampshire's Open Meeting Laws RSA 91-A:2, and established the four task forces above. Subsequently, the HAVA State Plan Committee's task forces held six public meetings and voting machines trade fair. The HAVA State Plan Committee met again on May 1, 2003 and June 23, 2003 to review versions of the State Plan.

The State Plan has been posted on the Secretary of State's website and made available for public review and comment for a period of more than 30 days. A statewide press release announced the locations where the State Plan was available for public review and comment. Public

9/30/2003

44



New Hampshire Secretary of State
State Plan

hearings on the State Plan were held on August 19, 2003 in Concord and on August 28, 2003 in North Conway.

New Hampshire State Plan Committee membership list:

MEMBER NAME	
David M. Scanlan, Chair	Deputy Secretary of State
Paul R. Bergeron	Nashua City Clerk
Michael P. Dennehy	Citizen member
Christine Dupre	Candia, Town Clerk, Legislative Committee of NH City and Town Clerks Association
Orville B. (Bud) Fitch II	Department of Justice
Hon. Natalie S. Flanagan	Atkinson, State Representative, House Committee on Election Law
Jay W. Flanders	Senate Majority Policy Director; Past Chair, Durham Supervisors of the Checklist
Gary R. Gilmore	Dover, Supervisor of Checklist
William M. Gardner	Secretary of State (ex-officio member)
Linda S. Jette	Atkinson, Town Clerk, Executive Committee, NH City and Town Clerks Association
Leo R. Bernier (Alternate: Carol A. Johnson, Deputy City Clerk)	Manchester City Clerk
Hon. Lionel W. Johnson	Manchester Ward 4, Selectman, State Representative, Hillsborough - 51, Founder and President, Manchester Black Scholarship Foundation, Past President, Manchester N.A.A.C.P. Governor's Commission on Disability
Carol A. Nadeau	Assistant Secretary of State
Anthony B. Stevens	Columbia, Selectman, State Representative, Coos - House Committee on Municipal and County Government
Hon. Eric G. Stohl	Auburn, Moderator; Member, Standards Board of Federal Election Assistance Commission; Past Chair, House Election Law Committee, (ex-officio member)
C. Donald Stritch	Bow, Supervisor of Checklist, Budget Committee
Sarah H. Swenson	Orford, Moderator; Coordinator, Highway Safety Agency
Peter M. Thomson	

The HAVA State Plan Committee assigned work to four task forces, which held meetings on the dates identified below:

Statewide Voter Registration Database Task Force	February 28, 2003 March 7, 2003
Disabilities Access and Voting Systems Task Force	March 14, 2003 March 28, 2003
Election Official (Poll Worker) Task Force	March 21, 2003
Voter Education Task Force	April 4, 2003

On April 15, 2003, the HAVA State Plan Committee and the Disabilities Access and Voting Systems Task Force hosted a Voting Machines Trade Fair, which featured displays by seven vendors and the New Hampshire Association for the Blind. Attendees included the Governor, and members of the House of Representatives and its leadership, the House Election Law Committee, the Ballot Law Commission, the HAVA State Plan Committee, the Disabilities Access and Voting Systems Task Force, local election officials, and the general public.

APPENDIX A:

Compliance with HAVA Title III Requirements

The following chart provides a point-by-point summary of how New Hampshire will satisfy every requirement in Title III of HAVA.

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(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 requirement.	Additional voter education and instructions planned. See 301 (a)(1)(B).

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(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 requirement.	Additional voter education and instructions planned. See 301 (a)(1)(B).
(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.	Partially Meets. Non-compliant. Systems identify over-voting. Require poll workers to inform voter of the error. The Systems do not show error to voter directly.	The State will partially meet this requirement through installation of accessible voting machines. The State will require optical scanning systems to reject ballots with over votes.
(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	Partially meets requirement.	Addition voter education and instructions planned.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(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 requirement.	Additional voter education planned.
(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.	Partially Meets requirement.	Uniform use of privacy envelopes for optical scan envelopes will be required. Additional election official education is planned.
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets requirement.	No action needed.
(B) MANUAL AUDIT CAPACITY-		
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets requirement.	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 requirement.	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 requirement.	No action needed.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-		
(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;	Does not meet. Optech IIIIP does not meet requirements; requires human assistance. Accuvote OS ES-2000 does not meet requirements; requires human assistance.	Acquire at least one accessible voting machine, certified to meet applicable standards, per 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.	Acquire at least one accessible voting machine, certified to meet applicable standards, per 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	The State plans to be fully compliant prior to January 1, 2007.
(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).	Currently not applicable, no New Hampshire communities are subject to the language requirement.	New Hampshire plans to purchase only disabled accessible voting machines with a foreign language capacity.

A51

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action planned
(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.	Partially meets. Optech IIIIP optical scanners are not certified by NASED. Accu-Vote optical scanners are certified by NASED.	Both Accu-Vote and Optech IIIIP should be certified by Federal Elections Assistance Commission.
(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.	Partially Meets requirement. New Hampshire statutes and case law define what constitutes a vote. The Election Procedure Manual, "Guidelines in Determining Legal Ballots" summarizes the law, providing guidelines on what constitutes a legal vote.	New Hampshire will expand the Election Manual guidelines for determining voter intent, consistent with State Supreme Court decisions.

A52

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		
(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(B) eligible to vote in that election.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(4) if the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	New Hampshire is exempt pursuant to HAVA section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	New Hampshire is exempt pursuant to HAVA Section 302 (a). New Hampshire's election day registration law obviates the need for provisional voting.	No action needed.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Not applicable.	Refer to (5)(A) above.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	Meets requirement. New Hampshire is exempt from NVRA, and therefore has an exemption from the provisional voting requirement.	No action needed.
(b) VOTING INFORMATION REQUIREMENTS-		
(1) PUBLIC POSTING ON ELECTION DAY- The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for federal office.	New Hampshire law requires posting of State statutes related to purity of elections. Partially meets requirement.	Legislation is pending to amend this statute to include the HAVA requirements for posting Federal laws.
(2) VOTING INFORMATION DEFINED- In this section, the term 'voting information' means--		
(A) a sample version of the ballot that will be used for that election;	Meets requirement.	No action needed

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
(B) information regarding the date of the election and the hours during which polling places will be open;	Meets requirement.	No action needed
(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	Partially Meets. New Hampshire is exempt from the provisional ballot requirement.	The State will enhance the voter instruction card to address over votes.
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Does Not Meet. Information not included in current posting	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Partially Meets. Need more detail for full compliance	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Partially Meets. Federal statutes not listed on the current purity of elections posters.	Legislation is pending to amend the State posting statute to include the HAVA requirements for posting this information.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirement, Partially meets, Does not meet)	Action needed
<p>(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE- Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.</p>	<p>Does not meet.</p>	<p>Under HAVA, these ballots must be kept separate from other provisional ballots. Pending legislation will require: such ballots to be counted, but requires the ballots be marked with the letters ("EH"), indicating a court had ordered "extended hours".</p>

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
<p>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</p>		
<p>(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-</p>		
<p>(1) IMPLEMENTATION-</p>		
<p>(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:</p>	<p>Does Not Meet. No registration data exists in a central database. 236 towns and cities – non-uniform local systems, using different data fields, and many different applications, including paper. Official voter registration records are those maintained at the local level.</p>	<p>The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.</p>

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Does Not Meet. Official voter registration records are those maintained at the local level. Individual checklists are submitted to State Archives after an election, but no central database is created from such lists. Checklist data is managed locally.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Does not meet. New Hampshire currently does not have a database that collects voter registration information at the State level.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(iv) The computerized list shall be coordinated with other agency databases within the State.	Does Not Meet. No direct coordinated link with the Department of Motor Vehicles. No direct coordinated link with the Division of Vital Records, although municipal clerks can obtain up-to-date death records on-line, or upon request.	Secretary of State will work 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.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(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.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(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).	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	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.	Does Not Meet. Official list currently created and maintained at the local level.	The State will meet this requirement upon implementation of the Statewide Database program described above. Pending legislation will establish the necessary statutory authorization.
(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.	Not applicable.	
(2) COMPUTERIZED LIST MAINTENANCE-		
(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).	Not applicable.	No action needed.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	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	Partially Meets. Convictions not periodically sent to local election officials, or methodically processed against voter registration rolls. Death information database sent from Division of Vital Records to municipal clerks upon request.	SOS will work with other State agencies to meet this requirement.
(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.	Applicable to NH. State law calls for removal of names of ineligible voters at least once every ten years, but permits more "purges" if deemed necessary.	New Hampshire is a state described in 4(b) of the NVRA. New Hampshire's database purges must reflect State law requirements.
(B) CONDUCT- The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that-		

A63

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) the name of each registered voter appears in the computerized list;	Does not meet. No computerized list.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Does not meet. No computerized list.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(iii) duplicate names are eliminated from the computerized list.	Does not meet. Data entry methods of names not standardized. Date-of-birth not consistently entered in database field.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(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.	Does not meet. Each municipality establishes its own process for administering security	The State will meet this requirement upon implementation of the Statewide Database program described above.

A64

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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:		
(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 <i>et seq.</i>), 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.	Not applicable.	No action needed.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets.	No action needed.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS-		

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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.	Does Not Meet. No procedures for this currently.	The State will meet this requirement upon implementation of the Statewide Database program described above.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	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.	Does Not Meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(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.	Does not meet.	Pending legislation establishes that an applicant for registration must provide the information required by this subparagraph .
(B) REQUIREMENTS FOR STATE OFFICIALS-		

A67

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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.	Does Not Meet.	SOS will work with DMV to meet this requirement.
(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)).	Does not meet.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-		
(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--	See below.	
(A) the individual registered to vote in a jurisdiction by mail; and	See below.	

A68

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(B)(i) the individual has not previously voted in an election for Federal office in the State; or	See below.	
(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).	See below.	
(2) REQUIREMENTS-	See below.	
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--	See below.	
(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;	Partially meets. Current voter registration and polling place voter identification procedures are established by the supervisors of the checklist in each town and city, most require proof of identity, age, citizenship and domicile.	The State will meet this requirement upon implementation of the Statewide Database program described above.

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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.	Partially meets. Current voter registration and absentee voting procedures require an affidavit that these proofs would be provided were the voter to vote in person.	The State will meet this requirement upon implementation of the Statewide Database program described above.
(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).	Not applicable. As an Election Day registration state, NH is exempt from 302(a). Provisional ballot not applicable; person may follow existing Election Day registration procedure.	An applicant for election day registration may register and vote without proofs required by (A)(i) provided they swear to required affidavit(s).
(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).	Not applicable. As an Election Day registration state, NH is exempt from 302(a). Provisional balloting not applicable.	Under proposed legislation, this will result in a challenged ballot cast but not counted, unless a court determines ballot shall be counted.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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	Not applicable, because New Hampshire is exempt from the NVRA.	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;	Not applicable, because New Hampshire is exempt from the NVRA.	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		
(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	Does Not Meet. Voter registration forms and procedures are being updated to collect the appropriate numbers. Does Not Meet. Voter registration forms and procedures being updated to require the matching of records.	The State will meet this requirement upon implementation of the Statewide Database program described above. The State will meet this requirement upon implementation of the Statewide Database program described above.
(C) who is--		

A71

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Partially meets, New Hampshire law exempts UOCAVA voters who are qualified voters from certain pre-registration requirements.	No action needed.
(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	Partially meets, current law allows a qualified absentee voter to register if they attest that if they registered in person they would produce the referenced proofs.	New Hampshire requires that every polling place be accessible, therefore, the referenced exemption is never utilized.
(iii) entitled to vote otherwise than in person under any other Federal law.	N/A	The State procedure will recognize this exemption.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-		
(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:		
(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.	N/A New Hampshire is exempt from the NVRA.	No action planned.

A72

New Hampshire Secretary of State
State Plan

Requirement	New Hampshire's Status (Meets requirements, Partially meets, Does not meet)	Action needed
(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.	N/A	No action planned.
(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	N/A	No action planned.
(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.	N/A	No action planned.
(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).	N/A.	No action planned.

INTRODUCTION

It is fundamental to a free and democratic society that elections are conducted in a fair manner, with all qualified citizens having an equal opportunity to vote and to have their votes counted. It is for this reason that as the Chief Election Official of New Jersey, I welcome the unprecedented federal support that the states will receive under the "Help America Vote Act of 2002" (HAVA). Enacted on October 29, 2002, HAVA is intended to provide federal monies to assist in the upgrading of a state's voting equipment and to provide for the implementation of procedures that will protect each citizen's right to vote, while maintaining confidence in the integrity of the state's election system.

HAVA provides, among other things, for the replacement of the antiquated lever voting machines and punch card machines. It sets forth voting system standards to assure accurate vote counts. It mandates the creation of a statewide voter registration system. It sets forth identification requirements for first-time mail registrants and for the use of provisional ballots, with the provisional ballot voter to be given the opportunity to ascertain the disposition of her or his ballot. Polling places will have additional notices to inform voters as to voting procedures and rights. It is further intended that voters with disabilities will be able to vote confidentially and independently in fully accessible polling places.

Under Section 101 of Title I of HAVA, states can receive funds for a broad range of activities for the overall improvement of their election structure and administration. Section 102 of Title I provides for funding for the replacement of lever and punch card machines. Title II of HAVA of establishes the Election Assistance Commission, a federal agency charged with a variety of election-related responsibilities. For example, it will act as an informational resource, conduct studies relating to voting technology and promulgate guidelines and recommendations to the states.

Title III of the Act sets forth substantive electoral requirements for the states, such as statewide voter registration systems, provisional balloting, identification requirements for first-time mail registrants and additional notices in polling places of voter rights. Title III also provides for the largest portion of federal funding to assist the states in implementing HAVA. Title III provides for a three-year plan for receipt of federal funds. To receive a share of section 252, Title III monies, commonly referred to as "requirements payments", a state must submit a written plan known as a State Plan, setting forth the manner in which the state intends to comply with Title III and detailing the contemplated use of the federal funds. Funds distributed to a state pursuant to HAVA can be used for the Title III requirements relating to voting systems, statewide voter registration, provisional balloting and can also be used for voter education efforts, election official training and overall improvement of a state's election administration.

States also will receive under section 261 of Title III monies to be used for voters with disabilities, for the purpose of polling place accessibility, equal access to voting, voting information and sensitivity training for district board workers.

New Jersey has a strong record of commitment to the election process through the efforts of its election officials and the interest and participation of our voters and various constituency groups. It has been a long-standing requirement to send sample ballots to registered voters before each election. New Jersey has used provisional ballots since the 1996 General Election and in 2001, it replaced punch card voting machines that had been used for decades in two counties. HAVA will now provide the State with the ability to further strengthen its electoral commitment. New Jersey has already received \$16,836,817 under Title I. A large portion of Title I monies will be used for the replacement of the lever voting machines that are now used in seven counties. Under Section 252 of Title III, it is estimated that the State is eligible to receive, for the federal fiscal year of 2003, approximately \$23 million. Under Section 261 of Title III, New Jersey will be eligible to receive \$352,485,000. The State applied for Section 261 funds on July 7, 2003.

This State Plan details how New Jersey intends to further comply with HAVA requirements in order to receive Title III funds. It specifically addresses the thirteen requisite categories, in accordance with Section 254 of Title III of HAVA. In accordance with HAVA, in my capacity as New Jersey's Chief Election Official, I appointed a diverse group of election officials and other citizens to assist in the preparation of the State Plan. I asked this group, the New Jersey State Plan Committee ("SPC"), to take this opportunity to not only consider how New Jersey can meet the specific mandates of HAVA, but how we can provide for even greater improvement in the manner in which elections are conducted. We are particularly mindful that one of the fundamental goals of HAVA is to promote statewide uniformity and that this goal can be met if we move toward a more coordinated and centralized system at the state level.

As further required by HAVA, there was a public comment period. Although the federal law only required a 30-day public comment period, we decided to extend this time by an additional 15 days, from June 20 through August 4. The Preliminary State Plan was posted on the State's website. I further directed that "we take the plan to the people" by way of public hearings of which there were eight, conducted throughout the State. We heard a variety of comments, particularly from members of advocacy groups for persons with disabilities as well as persons with disabilities. They expressed the need for their direct input on such matters as polling place accessibility and district board worker training. This proposal had already been stated in the Preliminary Plan. It remains in the final State Plan and will be the cornerstone of New Jersey's efforts to ensure that all persons with disabilities have equal and fair access to each aspect of the electoral process. It need not be stated that the efforts to improve such access will have a positive effect for all voters, as noted by one of the members of the SPC.

The two most common themes heard throughout the public hearings, as well as the SPC work sessions, were: one, the necessity for continued and effective communication between and among all election officials, from the municipal clerks to State officials, and interested members of the public; and two, the need for effective voter education that reaches all segments of our society. These interests are reflected in the State Plan and will be the guiding principals as we move forward into the implementation phase of HAVA.

That being said, we are mindful that the changes required under HAVA will not occur overnight. All states, including New Jersey, will have until no later than January 1, 2006 to replace antiquated lever voting machines and implement a statewide voter registration system. The required "free access system," which will enable provisional ballot voters to check the disposition of their ballots, will be available in New Jersey as of the 2004 June Primary. Some of the changes proposed for our State will require legislation and regulatory changes. Our ability to fully realize all of the contemplated modifications to our electoral system is dependent upon full federal funding over the next three year period, as set forth in HAVA. You have our assurances, however, that we will work to achieve these goals to better serve our citizens, as we appreciate that an informed and involved citizenry is an indispensable part of a viable election process.

Peter C. Harvey
Attorney General
State of New Jersey

Section 1

How the State will use the requirements payments to meet the requirements of Title III to improve the administration of elections.

Voting systems

Section 301 of Title III of HAVA sets forth the standards for voting equipment and voting procedures to be used in federal elections, for the purpose of protecting the individual right to vote and assuring the accuracy of, and confidence in, the electoral process.

First, all voting systems in the United States must provide for the following: 1) a system which allows voters to review the accuracy of their selections indicated on the voting machine before the ballot is finally cast; 2) a means to allow the voter to correct any votes, including any overvotes; 3) the provision of an audit of the votes cast, or a "permanent paper trail" of the votes cast, which would facilitate a more efficient and reliable recount; 4) a means to ensure that voters with disabilities, including voters with visual impairments, will be able to vote independently without third party assistance by providing each polling place with at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities; 5) the furnishing of multi-lingual ballots in required election districts; 6) a system which produces an error rate that does not exceed the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission; 7) establishment of uniform and non-discriminatory standards as to what constitutes a "vote."

These voting system requirements must be achieved no later than January 2006. If a state applies for funds under Title I to replace lever and punch card voting machines, it must replace them in time for the November 2004 general election, unless the state applies for a waiver until January 1, 2006.

Although HAVA provides that no state is necessarily required to replace any existing lever machines or punch card machines used in the polling places, New Jersey, like other states, has determined that the lever machines will be not able to meet the new federal standards and, therefore, must be replaced. While no punch card machines are in use in the polling places in New Jersey, some counties use them for counting absentee ballots.

Under Title 19, Election Laws of New Jersey, the current statutory authority for the purchase and maintenance of voting machines in New Jersey lies with each of the State's twenty-one counties. An individual county can purchase a machine that is on the list certified by the Attorney General. Once a voting machine has been subjected to examination by a Committee appointed by the Attorney General and approved by this Office, the machine may legally be used in any election within the State.

As of this date, there are seven counties in New Jersey that use lever voting machines: Camden, Cape May, Cumberland, Essex, Hudson, Mercer, and Monmouth Counties. Currently, these counties own a total of approximately 3,581 voting machines, corresponding to 2,295 election districts total. These seven counties use a total of 1,376 polling places.

(¹ Mercer County has contracted to purchase electronic voting machines, which shall be in use in 2004.)

COUNTY	NUMBER OF REGISTERED VOTERS	NUMBER OF ELECTION DISTRICTS	NUMBER OF POLLING PLACES	TYPE OF VOTING MACHINE	NUMBER OF VOTING MACHINES
Atlantic	136,660	161	125	Electronic	230
Bergen	476,631	554	394	Electronic	1200
Burlington	237,903	359	170	Electronic	500
Camden	292,668	331	219	Mechanical	730
Cape May	63,823	131	50	Mechanical	167
Cumberland	74,663	93	68	Mechanical	110
Essex	382,443	568	335	Mechanical	695
Gloucester	154,273	231	115	Electronic	510
Hudson	265,323	452	258	Mechanical	530
Hunterdon	166,200	111	43	Electronic	127
Mercer	405,706	284	170	Mechanical	599
Middlesex	370,189	437	245	Electronic	662
Monmouth	286,085	395	302	Mechanical	757
Morris	319,803	326	198	Electronic	805
Ocean	228,206	288	346	Electronic	704
Passaic	319,803	288	170	Electronic	420
Salem	39,051	45	132	Electronic	160
Somerset	149,266	277	132	Electronic	290
Sussex	79,746	107	78	Electronic	351
Union	257,300	443	180	Electronic	500
Warren	56,327	85	49	Electronic	95
Total	4,537,144	6,275	3,789	-----	10,142

As previously indicated, there are no counties that currently use punch card machines in the polling places. Salem and Sussex Counties had used such machines up until the November 2001 General Election. After the 2000 Presidential Election, the New Jersey Legislature determined that the use of punch card machines should no longer be permitted in the polling places, and opted to purchase electronic voting equipment for those two counties. There are still two New Jersey counties, Cape May and Somerset, that continue to use punch card machines for absentee ballots. These machines should also be replaced.

¹ While Mercer County currently has a punch card system for absentee ballots, it has just purchased an optical scan system which will be in use for the November 2003 general election.

In terms of an accessible voting system for voters with disabilities, including voters with visual impairments, Salem and Sussex Counties are the only two counties in the State that are fully compliant. Each of the voting machines in those two counties is fully accessible for voters with disabilities.

In compliance with Title I and Title III of HAVA, all lever machines will be replaced with voting machines capable of meeting all of the federal standards. Furthermore, Atlantic County has older electronic voting equipment, which is in constant need of repair and for which some of the parts can no longer be obtained. Therefore, this is an appropriate time for that county's voting systems to be replaced. Atlantic County currently owns 230 voting machines for 161 election districts. It now has 125 polling places. The remaining eleven counties in the State have electronic machinery. Nine of these counties have the capability to modify their existing systems to accommodate voters with disabilities, including the capacity to install audio assistance. These include Bergen, Burlington, Gloucester, Hunterdon, Middlesex, Morris, Ocean, Somerset and Union Counties. There are currently a total of 10,398 voting machines owned by these counties for a total of 3,293 election districts. There is a total of 1,833 polling places in these counties.

Passaic County and Warren County have voting machines that cannot be retrofitted to fully accommodate voters with disabilities, particularly voters with visual impairments. Passaic County currently owns 420 voting machines for 288 election districts and has 169 polling places. Warren County owns 95 voting machines for 85 election districts and has 49 polling places.

It will have to be determined if these two counties should obtain a new set of voting machines or whether they can continue to use their current machines in conjunction with a separate accessible voting system for each election district. There is legitimate concern as to whether using a different voting machine for voters with disabilities, in particular voters with visual impairments, will compromise the secrecy of their votes. There is also the administrative concern of having to program and set up two types of voting machines for each election district. These issues will require further study and input from all interested persons, including members of the disability community. Any decision must be based on the overriding interest in assuring voters with disabilities the realization of their rights as protected under HAVA. The cost differential between the two proposals should not determine the outcome of this decision.

Funds should also be dedicated for the replacement of the punch card absentee ballot counters.

Because the replacement and/or modification of the above-noted affected voting machines is one of the highest priorities under HAVA, and because of the number of voting machines involved, it is anticipated that a significant amount of the replacement monies will need to be dedicated to this purpose. While the State has already received close to \$17 million of Title I funding, it is believed that amount will not be sufficient to fully cover the cost of voting machine replacement. Accordingly, a portion of Title III funds will be required for voting machine replacement and adaptation purposes. The Attorney General will develop a formula, in a manner to be determined, which will be based upon appropriate need factors to allocate a fair proportional share of federal funds. Dependent upon full federal funding over the three year period for which monies have been authorized under HAVA, it is anticipated that dedicated-HAVA funds can absorb, at a minimum, half of the counties' voting machine replacement and adaptation expenses.

To meet the new requirements under HAVA, however, it will be necessary for New Jersey to make a major capital investment in its registration infrastructure. It will be necessary to develop and purchase all required components to have an interconnecting system among, at a minimum, the offices of the Division of Elections, the twenty-one County Commissioners of Registration, the MVC, the Department of Health and Senior Services, the Social Security Administration and those agencies with criminal history information. The twenty-one County Clerks and the 566 Municipal Clerks, who are also election officials, will need access to the system as well. There should also be consideration of interfacing with all of the other voter registration agencies in the State, so designated under the NVRA and which are identified above. It is anticipated that this will require significant funding, although the final outlay will likely depend upon whether it is deemed appropriate to retain an outside vendor to create the system, or to have the project developed completely in-house by State Information Technology personnel. The cost factor may also vary depending upon whether maintenance and service of the system will require a vendor or will be done in-house. In any event, it is likely that a full-time technical support unit within the Department will be needed.

It will also be necessary to dedicate funds for initial training of the offices of the County Commissioners of Registration regarding the new statewide voter registration system.

During the course of the SRC work sessions and public hearings, there were a number of discussions on the possibility of New Jersey enacting a same-day voter registration system. While there were varying opinions expressed on this matter, it was fairly understood that any rational consideration of this procedure would be dependent upon a viable statewide voter registration system. Same-day voter registration, therefore, is a concept for a later time. The enactment of a statewide voter registration system may also lead to consideration of the viability of an Internet-based voter registration system. This, too, is a concept for future consideration.

Provisional Balloting and Voting Information at the Polling Place

Section 302 of Title III creates the right of voters in federal elections to cast provisional ballots if they fail to provide the required identification information, or if they are voting after the polls close by way of a federal or state court order. New Jersey has provided for provisional balloting since 1996. The procedure originated by way of a federal consent decree for the 1996 Presidential Election. Since 1999, these original procedures have been codified into law in New Jersey. Provisional ballots are utilized for any voter who moves to another address within the county of registration and fails to notify the county commissioner of registration of the move. These ballots are also utilized if there is deficient information in the poll book for the voter, such as a missing signature. At the polling place, the provisional ballot voter is provided with a ballot and envelope on which there is a detachable affirmation statement. The provisional ballot voter completes the statement by providing his or her name, current address, former address and the reason why this ballot is being used (i.e., either because of a move within the county or because the registration information in the poll book is not complete). All of the provisional ballots are secured at the polling place in a provisional ballot bag, and are returned, at the close of the polls, to the appropriate County Commissioner of Registration for verification. If it is determined that the person is not a registered voter, the ballot is not counted. It is common practice to send the unregistered individual a voter registration form so that he or she can register to vote in future elections.

It is the further intention of the Attorney General to undertake a study of the recent national discussion by computer scientists regarding the security of software programs for voting systems and the capability of a voter to view a "paper verification" of his or her votes before casting the ballot. To elaborate, there is an articulated position that all voting machines should be capable of allowing the voter to see his or her votes on a secured piece of paper. The voter would only be allowed to view this document, but not to take it out of the polling place. The document would remain in the custody of the election officials. Any such procedure would have to appropriately safeguard the secrecy of the ballot. Congressman Rush Holt of New Jersey has recently introduced federal legislation on this matter.

Statewide Voter Registration

Section 303 of Title III requires that each state implement a "single, uniform, official, centralized, interactive, computerized state-wide voter registration list that is defined, maintained and administered at the state level." Such a system must provide for the elimination of duplicate registrations and the purging of ineligible voters, in accordance with the National Voter Registration Act, 42 U.S.C.A. 1973gg-1 et. seq. ("NVRA").

The system must interface with the computerized records of other State agencies, such as the New Jersey Motor Vehicles Commission ("MVC") for verification of driver's license numbers and the New Jersey Department of Health and Senior Services for decedent verification. There must also be an appropriate interface with those agencies which can provide criminal history information, as any person who is currently serving a sentence of incarceration, on parole or on probation as the result of a conviction for an indictable offense is disqualified from voting under State law. The system will also be connected to the Social Security Administration for verification of the last four digits of a registrant's social security number.

The system must be in place by January 2004, unless a state seeks a waiver until January 2006.

New Jersey does not now have a state-wide registration system, as defined by HAVA. In accordance with NVRA, in 1996 New Jersey did establish an interconnecting computer system among the twenty-one offices of the County Commissioners of Registration and the Division of Elections, through which counties provide the State with their master voter registration lists.

The purpose of the system is to allow the State to fulfill its reporting requirements to the Federal Election Commission with respect to the number of voter registrations received by mail and those collated from the designated voter registration agencies (such as the MVC), public assistance agencies, social service agencies, and agencies that serve people with disabilities. The State must also report the number of active, inactive and deleted voters, as defined by the NVRA.

By way of the current system, New Jersey is also able to notify the counties of duplicate registrations. Duplication can occur when a currently registered voter re-registers in a new county.

It has been suggested that the provisional ballot law be further amended so that the provisional ballot affirmation statement could constitute a voter registration form in cases where it is determined that the person is not currently registered to vote. In other words, instead of sending the person a voter registration form to complete, the County Commissioner of Registration could use the information contained on the affirmation statement for registration purposes. This idea on its face appears to be valid, but will require further study. At a minimum, the information required on the affirmation statement would have to be expanded to include all of information required on the voter registration form.

To comply with HAVA, New Jersey will need to expand its use of provisional ballots in several ways. First, HAVA provides that any voter who casts a ballot after the close of the polls under state law pursuant to a federal or state court order, in effect ten days before a federal election, shall be voting by provisional ballot. In New Jersey, there has been a longstanding practice for the State courts to issue orders permitting a voter to cast an absentee ballot in a cases where the person is deemed eligible to vote by the court but, because of the hour of the court's ruling, is unable to timely return to the polling place. State legislation should be enacted to provide for the use of provisional ballots in all cases where a court rules on election day that a person is qualified to vote but is not able to vote in the polling place because of time constraints (e.g., the polling place is closed). Second, provisional ballots are to be used for voters who do not provide the requisite identification information as detailed below.

It is not expected at this time that the expanded use of provisional ballots will cause a significant increase in expense for the County Clerks, who are responsible for the printing of all the ballots, or for the County Superintendents of Elections or County Boards of Election who process those ballots.

Requirements for first-time Voters who Register by Mail

Section 303(b)(1) of HAVA provides that any person who, on or after January 1, 2003, registers to vote for the first time by mail shall have to provide identification. HAVA further requires all states to be prepared to accept this identification information as of January 2003, with enforcement authority to commence as of January 2004. (Note: These HAVA identification requirements will have no force or effect for any election held in New Jersey in 2003, but will be in force for such mail-in registrants beginning with the June 2004 primary election.)

If a state does not have statewide voter registration, the identification requirement also applies to a new registration in a county. At present, New Jersey does not have a statewide voter registration system. Therefore, the identification requirement will apply to any voter registering in a county for the first time, even if that person had previously voted for any length of time in another county of the State.

Except as provided below, under HAVA, such voters will have to provide a form of identification at the polling place the first time they appear to vote in the county. The federal law specifies the types of acceptable identification as follows: "a current and valid photo identification," or "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." If the first-time voter votes by absentee ballot, a copy of one of the above identifying documents must be provided with the ballot.

The requirement to provide identification at the polling place does not apply if: 1) the state requires the registrant to provide a copy of one of the above-noted identifying documents with the voter registration form; 2) the registrant provides, along with the registration form, the driver's license number or the last four digits of the social security number, and the state is able to verify such information. If the registrant does not have a driver's license or a social security number, he or she would be able to provide a copy of one of the above-specified identifying documents; or 3) the voter is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.A. 1973fff-1, et seq.; the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C.A. 1973ee-1(b)(2)(B)(ii); or is entitled to vote otherwise than in person under any other federal law.

Beginning with the June 2004 Primary Election, if a first-time voter who has registered by mail for the first time in the applicable jurisdiction (which, in New Jersey, is the county, as stated above) and has not previously submitted the identification information required by HAVA, the person will be asked to present a copy of an identifying document at the polling place. If such voters do not present an identifying document, they will not be permitted to vote in the voting machine, but instead will be provided a provisional ballot. If an absentee ballot voter who was required to provide identifying information did not do so by the time of the submission of the absentee ballot, that person's absentee ballot will be processed as a provisional ballot.

Several related issues which merit consideration were raised by members of the State Plan Committee. One issue concerns the extent of the applicability of the identification requirement. Current New Jersey law imposes no identification requirement as part of the registration process or for first-time voters. Support was expressed for the position that this requirement not be extended beyond the requirements of HAVA to apply to those voters who do not use the mail for delivery of their registration application. Concern has been expressed that extending the identification requirement could have the effect of frustrating voter registration.

In addressing the State's interest in enhancing accountability in the registration process, consideration should be given to requiring an appropriate third party certification in cases where an application is delivered by a person other than the applicant.

A second issue concerns the point in the election process at which the requisite voter information should be requested, i.e., at the polling place or at the time of registration. As a matter of convenience for the affected voters who must present identification in accordance with HAVA, as well as for the convenience for the other voters who will appear to vote at the polling place on an election day and who might otherwise be delayed, the identifying information should be requested during the registration process.

The final issue concerns the types of identifying documents that should be accepted from those registrants who are unable to provide either driver's license number or the last four digits of their social security numbers. New Jersey should take an expansive view of this requirement, so that no qualified registrant is unduly burdened because he or she does not possess conventional identifying documents. Recognizing that not every appropriate document can be legislatively enumerated, the Attorney General should be accorded the authority to issue an expansive and comprehensive list that may be updated to include credible and reliable documents that are issued or identified in the future.

"Free Access" System

There is another Title III provision regarding provisional ballots, however, which will require the establishment of a procedure new to New Jersey. Each voter who casts a provisional ballot, as of the 2004 Primary Election, will be entitled to make use of a "free access" system, to be established by the Attorney General, to ascertain whether his or her ballot was counted and, if not, the reason for rejection. This could be accomplished by way of a toll-free telephone number or by the Internet, to establish such notification process for provisional ballot voters, as well as for absentee ballot voters. Such a procedure will likely require the expenditure of federal funding. This system must also be accessible to voters with disabilities. For example, any telephone system must include a TTY phone number and any Internet-based system must be similarly accessible to voters with disabilities. It is anticipated that Title III funds will be used for this purpose.

New Jersey also will be required, under Title III, to expand the number of notices provided in a polling place on election days. There will be a cost factor for such implementation. Under New Jersey's current practice, sample ballots, which include the hours and day of the particular election, must be posted in every polling place. There is also the required notice of the challenge procedure, voting machine instructions, and the availability in the polling places of complaint forms with stamped return envelopes pre-addressed to the applicable County Commissioner of Registration.

In accordance with Title III, as of the June 2004 Primary Election, each polling place will also be required to provide a notice of the identification requirements for first-time voters, and a Notice of Rights to all voters, which identifies the office to contact with any complaints or questions and provides general information regarding federal and state laws concerning electoral fraud and misrepresentation.

The Attorney General will design these new notices to ensure uniformity and consistency. The Attorney General will incur administrative costs, including personnel, to perform this task. Therefore, some Title III money will be expended on this statutory requirement.

Pursuant to Section 303 of HAVA, all mail voter registration forms must include check-off boxes as to minimum age and citizenship of the applicant. If the applicant answers "no" to either being 18 years of age or having United States citizenship, there is to be a statement on the form advising the applicant not to submit the document. The voter registration form should also have a provision for the registrant to provide his or her driver's license number or last four digits of the social security number. There must also be notice requirements regarding identification requirements for first-time voters who register by mail.

Such items are not currently included on New Jersey's form, which is used for all registration purposes whether it be a mail-in or an in-person process. Any legislation to authorize the Attorney General to redesign the form should specify that the form should be fully inclusive as to the type of identifying document that will be acceptable so that no qualified registrant is disenfranchised because he or she may not have common identifying documents. The absentee and provisional ballot materials will also need to be revised to include the information relating to identification requirements. Consideration should also be given to developing a standardized format for voting machine ballots.

Modification of Forms for Voters with Disabilities

Consistent with one of the principal purposes of HAVA to allow for full access to the electoral process by voters with disabilities, election forms, such as the voter registration application, the sample ballot as well as the absentee and provisional ballot materials, must be provided in alternative forms, such as large print, braille and audio. It has also been suggested that the voter registration application could include provisions to permit an applicant to "check-off" if he or she requires accommodations or alternate forms of election materials, or to indicate that he or she uses a rubber signature stamp in lieu of a handwritten signature. Accordingly, it is anticipated that a portion of Title III funds will be utilized for the design and printing of these materials.

Education and Training

As detailed in Section Three of the Plan, New Jersey intends to formalize its training for election officials, in particular, the County Boards of Election, the County Clerks and the County Superintendents of Elections, along with key personnel in those offices, to ensure consistent and informed application of law. Section Three of this Plan also details the manner in which New Jersey plans to upgrade and expand its voter outreach to increase electoral participation for all voters. It is anticipated that increased training and public outreach will require the expenditure of public funds, including Title III monies, and that such funds will also be required to employ and train sufficient support staff at the State level to monitor and oversee these activities.

Section 2

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 paragraph (1) of Section 254 (a) of Title III, including a description of (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8) of Section 254 (a) Title III.

Distribution and Eligibility for Requirements Monies:

Voting Systems

Any county that does not have a fully HAVA-compliant voting system, including an accessible voting system for individuals with disabilities in each polling place, will be eligible to receive a portion of Title I and Title III monies. Any county that purchased HAVA-compliant voting systems after the November 2000 election will also be eligible to apply to the State for a portion of the federal funds for reimbursement purposes. For example, as noted in Section One of the Plan, Mercer County recently entered into a contract to replace its lever voting machines with electronic machinery for use in the 2004 elections. As further noted in Section One of the Plan, the State paid for the replacement of the punch card voting machines which were used in the polling places in Salem and Sussex Counties up until the November 2001 election.

Six remaining counties will need to move forward on a plan to replace their lever voting machines. Atlantic County will need to obtain more up-to-date voting machines and decisions need to be made on the voting systems for Passaic and Warren Counties. As set forth in Section One of the Plan, the current law bestows upon the counties the exclusive authority to purchase voting machines for use in their respective jurisdictions. The sole legal limitation is that the voting machine must be a model that has been certified for use by the Attorney General. Accordingly, the certified list of voting equipment issued by the Attorney General must be revised to reflect that all future purchases must be restricted to HAVA-compliant equipment. In addition, it may be appropriate to consider State legislation to condition the disbursement of any federal monies to the counties upon the purchase of HAVA-compliant equipment. Receipt of funds could further be conditioned upon the counties having a program for voter education, subject to the approval of the Attorney General, on the use of the new voting system.

There has been discussion of having the State, rather than the individual counties, contracting for the purchase of the voting equipment that would be used and maintained by the counties. It has been suggested that such approach could have cost-savings benefit and would further uniformity of the State's electoral process by resulting in the purchase of the same voting machines in the affected counties. Because such contract would be for goods (i.e., voting equipment) which are not used by State government, but rather are used by a local governmental unit (the county), legislation would be required to alter the current purchasing authority set forth in Title 19.

Another alternative would be for the affected counties themselves to act in concert as a single purchasing unit. This would likely not require legislative approval, as the counties would be retaining their current purchasing power. As with a State contract, this approach could further uniformity and enhance the ability to get the best contract in terms of price and other negotiable issues, such as servicing and maintenance of the machines, but would require cooperation and ultimate consensus among the counties.

In order to complete the acquisition of HAVA-compliant voting equipment for the entire State and meet the other requirements of Title III, it is estimated that it will require a combination of federal, state and county monies. The federal and State monies will be deposited in the "Election Assistance Fund" (hereinafter referred to as the "Fund") that has been established by the State Treasurer. The Attorney General will determine, in an appropriate and informed manner, the portion of the Fund that each county will receive. It is anticipated that there will be insufficient monies in the Fund to fully cover the cost of all of the required voting equipment for the polling places. As the counties have the existing statutory fiscal obligation for the purchase of voting machines, it is expected each county will provide for the remaining funds, after its allocation from the Fund, to pay for its voting equipment.

To provide for fully compliant voting systems throughout the State, there must be a comprehensive plan, with appropriate allocation of funds, to accomplish the following tasks: (1) the replacement of the oldest lever voting machines in the State which are now in use in the Counties of Camden, Hudson and Monmouth. The votes from these older machines must be manually transcribed by the district board workers at the close of the polls; (2) the replacement of the other type of lever machine, which is used in the Counties of Cape May, Cumberland and Essex. The votes on this machine are on a print-pak. There is no need for the district board workers to transcribe the votes; (3) the replacement of Atlantic County's voting machines; (4) the implementation of an effective compliance plan for Passaic and Warren Counties' voting systems; (5) the provision of all the required equipment for the affected counties to retrofit existing voting machines so that there will be at least one fully accessible voting system for individuals with disabilities in each polling place; (6) the replacement of the punch card voting systems for absentee ballots in the two counties; and (7) a reimbursement scheme for the HAVA-compliant voting machines purchased since the 2000 November election.

Statewide Voter Registration System

Federal funds will be used for the State to develop and maintain a HAVA-compliant statewide voter registration system. Development of such a system will require the State to survey the individual counties to evaluate the current county systems and the extent of the local needs to bring the State system into HAVA compliance. The State will also need to survey the needs of the other other governmental offices identified above.

Because HAVA requires that the State develop and maintain the statewide voter registration system, it is not expected, at this time, that any HAVA-dedicated monies will be directly distributed to the county or local election offices for this initial purpose. The final plan for the system will determine whether it will be necessary to disburse any such monies to other State agencies, such as the MVC, Department of Health and Senior Services or criminal history information offices, for the start-up of the program.

It is further recognized that there will be ongoing maintenance and servicing requirements at the State and local levels. This would be a negotiable issue for a State contract. If the State opts to develop the system in-house, it should then consider whether any requirements monies will be distributed to the counties to defray their costs for maintenance and servicing or whether that responsibility for bearing the costs for those functions will remain with the counties, as under current law.

Voter Education and Election Officials' Training

It is anticipated that the State will use HAVA funding for a statewide marketing campaign for voter education and to develop uniform training programs. Depending upon the amount of funding that may be available after the effectuation of these State initiatives and following determination of the final costs for voting machine replacements and the statewide voter registration system, and further dependent upon full three-year federal funding, some of the monies may be distributed to the counties for voter education and training.

Monitoring of the Disbursements

The State will develop an effective system for monitoring of the counties, primarily to ascertain that the voting systems are HAVA-compliant and that the statewide voter registration system is being properly maintained and utilized. There should be a requirement for the counties on a biannual basis (after the June primary and November general elections) to report on the performance of the voting systems, with the emphasis on identifying any malfunctions or any other problems with the use of the voting machines at the polling place on election day. As for the statewide voter registration system, its maintenance and functionality will necessitate on-going interaction between the Division of Elections and those agencies that will be inputting information (such as MVC and the County Commissioners of Registration) and the agencies that will be providing identification information (MVC, Department of Health and Senior Services, criminal history information agencies and the Social Security Administration), as well as those other governmental offices that will have access to the system. The State will develop a reporting system to ensure that all voter registrations are being properly recorded and maintained and that confirms that continued access is provided to the required agencies to verify identification information.

Section 3

How the State will provide for programs for voter education, election official education training and poll worker training which will assist the State in meeting the requirements of Title III.

Voter Education

General Outreach

The fundamental goal of any electoral process, at any level of government, is to have the largest number of qualified voters turn out to vote, whether it be for the filling of public elective offices or the decision-making on public referenda. The more inclusive and participatory the process is, the stronger and more secure is our democratic form of government. This is clearly one of the goals of HAVA, to engage as many qualified voters in exercising the franchise. One of the ways to achieve this goal is through education. In New Jersey, there are currently some methods in place to reach out to voters. There are required newspaper notices to inform the electorate of an upcoming election, the related deadline for voter registration, the availability of absentee ballots and the challenge procedures in the polling places. Voters are also sent sample ballots immediately before each election: school, non-partisan municipal, primary and general. It has been suggested, however, that the sample ballot be redesigned to attract the attention of the voter. In the polling places on election day, State law requires that sample ballots be posted, and there must be written instructions outside of the voting machine for the voter to review before entering the booth.

While the current statutory procedures serve the public interest, voter education and outreach must be expanded to better utilize current mass marketing techniques and to do so on an uniform, statewide basis. It is a common practice for some of the counties to take advantage of free access cable television to disseminate electoral information. For example, some counties have utilized cable television to recruit district board workers and have also relied upon this medium to demonstrate the use of a voting machine that is being introduced into a county. The State will use public service announcements on the radio to advise the public of registration deadlines for upcoming elections.

This use of mass media, however, needs to be done on a broad, uniform basis throughout the entire State. Therefore, the Attorney General will promulgate guidelines regarding the use of public service announcements in various media and produce model announcements so that every citizen will receive notice no matter where he or she lives in the State. Such guidelines should also encourage the development of innovative outreach programs by county and local election officials, who will be most familiar with communication modes that may be unique to their populace.

The State, in conjunction with county election officials, could also provide voter information in such public forums as shopping centers, libraries and other facilities that are commonly frequented by our citizens. Eye-catching posters that are strategically placed in such areas can be an effective, yet relatively inexpensive means by which the State can advise the public of how to register to vote and the office to contact with any election-related questions or problems. Advertising on buses and trains can also be an effective media outreach to a large portion of our citizens.

There is also need for more-readily located and easier-to-read election websites at the State and local levels and for statewide use of cable television access. An "800" number should be established to provide voter information. The State should also design an official elections "logo" that can be used for "advertising" purposes. The State should also encourage and support programs, such as Freedom's Answer, which are committed to educating and engaging our children, from grammar school through high school, in the electoral process. Several persons who spoke at the public hearings also advocated for better educating our school children, through civic courses in the schools, on the importance of active participation in the electoral process.

A comprehensive education and outreach program must also encompass the needs of those citizens with limited, or no, English language proficiency. The bottom line is that an effective voter education program must be framed within the various lifestyles and daily lives of our citizens. Also, it may be appropriate to consider if voter turn-out could be increased by providing for all mail-in voting for municipalities with a de minimis number of voters or for certain elections of narrower scope.

Outreach for Voters with Disabilities

There needs to be effective and appropriate outreach to individuals with disabilities. Any such program must be developed with the input of disability advocacy groups and other interested persons, to ensure that all stages of the voting process from registration to casting ballots will be fully accessible to individuals with disabilities. This sentiment was expressed repeatedly by speakers at the public hearings. The State may consider contacting with appropriate disability organizations to achieve these goals. Effective outreach may be done in a number of ways. First, election forms and notices must be available in alternate formats, such as large print, braille and TDD. Newspaper notices as to upcoming elections or absentee ballot availability should include a telephone number where voters can get information as to alternate formats of election materials.

It has also been suggested that such notices be provided to interested organizations that have regular dealings with persons with disabilities. As detailed in Section One of this plan, the voter registration application should be modified to accommodate the needs of voters with disabilities. Sample ballots should not only be available in alternate formats, but should include information about the availability of absentee ballots or how a voter can be assigned to an accessible polling place if the polling place for her election district is not currently accessible. Some of these recommendations may require legislative enactments.

In each of the twenty-one counties, there is a County Board of Election, which is comprised of four members on an even bipartisan basis. These Boards appoint the district board workers (also commonly known as poll workers), certify the use of polling places; count the absentee and provisional ballots, and act as the County Board of Canvassers to generally certify county and municipal election results. Board of Election members are typically appointed by their respective county political party leaders, whose two-year appointments are then commissioned by the Governor.

None of these county election officials or their staff currently receives formal, certified training. This contrasts with the municipal clerks, who must be certified under State law through a series of educational classes on all subject matters for which they are responsible. This education requirement is an ongoing obligation, conducted on a yearly basis. The county election officials, however, through their respective State organizations, do regularly convene for educational conferences. The Attorney General, who, on a daily basis, represents the County Superintendents of Elections and the County Boards of Election, routinely has members of his legal staff lecture at such gatherings, which are statewide as well as regional. In addition, the Attorney General, as required, issues instructional memoranda to these county officials on a general basis and to individual offices, as necessary.

To better prepare election officials to carry out their statutory duties, however, the State must develop and implement educational programs for these officials and key administrative support staff in the election offices, similar to that which is now required for municipal clerks, county tax board members and housing authority board members and executive directors. Any training program should include both initial training and provisions for continuing education to maintain qualifications and to keep up with new developments and requirements. Training materials and programs must include information about disability issues developed with input from appropriate disability organizations.

The Attorney General intends to advocate for legislation that would establish a mandatory certification program for election official training.

Poll Worker Training

Pursuant to current State law, all poll workers are required to receive training every two years. The respective County Boards of Election are responsible to carry out this mandate. The County Board must develop its own individual program, as there are no uniform, statewide procedures for training. The training is typically offered in a classroom format, with the workers receiving lectures on election law and procedures. There are also voting machine demonstrations. The size of the class and the style of presentation are determined by the individual County Board. For example, some Boards use power point slides along with a lecture, while other County Board classes are strictly tutorial. Each County Board issues its own board worker manual which the workers will usually have with them in the polling place on an election day.

In order to determine whether the County Board training for the district board workers is sufficient, the Attorney General intends to develop, with input from the county election officials, uniform guidelines for training. The Attorney General will also prepare a standard manual to be provided to all board workers in the State, with the one exception to uniformity being the section on voting machines, as not all the Counties presently or in the future will have the same voting system. As with proposed county election officials' training, the training for board workers must include information about voters with disabilities as provided by input from appropriate disability organizations.

Notice for Persons With Restored Voting Rights

There should also be a requirement that any person whose voting rights have been restored, because that person is no longer subject to a criminal disqualification to voting, should be specifically advised of the right to register to vote. Under current law, if a person is serving a sentence of imprisonment or is on probation or parole as a result of a conviction for an indictable offense under any State or federal law, that person cannot register to vote or, if registered, is automatically removed from the registry list. There is currently no requirement of notice of the restoration of the right to participate in the electoral process after such person is no longer subject to disqualification upon completion of the criminal penalty.

Legislation should be enacted to require the appropriate public officials to so notify these individuals as part of the State's effort to further the goal of HAVA to enable and encourage all qualified citizens to exercise their right to vote. Specific notice should be provided to these citizens who may otherwise believe themselves still excluded from the electoral process. Such notice would also serve the State interest of having such individuals fully re-enter and assimilate back into society. At one of the public hearings, this procedure was endorsed by a constitutional lawyer who has represented clients in such situations.

New Voting Systems Education

In anticipation of new voting systems being introduced into several counties, an organized and broad-reaching plan must be developed and implemented to educate voters on the proper use of the machines before their first official use. At the local level, there will need to be public demonstrations of the new machines at such locations as schools, municipal buildings and shopping malls. In addition, there will need to be voting system demonstrations provided with the coordination of such non-profit groups as the League of Women Voters, senior citizen groups such as the AARP, and other civic groups. Such demonstrations may be particularly critical for some long-time voters who have been voting on the antiquated lever machines for all of their voting years and who may be uncomfortable with computerized technology. For voters with disabilities, alternate forms of communication must be developed which will enable them to independently use the new voting systems.

Election Official Training

In New Jersey, primary responsibility for the conduct of elections lies in several different offices at the county level. In each county, it is the County Clerk who designs and prints the ballot and who is responsible for the review and issuance of absentee ballots applications and the issuances thereof. The County Clerk is also the filing officer for nomination petitions for county offices in the June primary election, as well as for independent petitions for local and county offices for the November general elections. The office of the County Clerk is an elected position.

By law, in ten of the State's counties, there is an office of County Superintendent of Elections. This official is appointed by the Governor with the advice and consent of the State Senate for a five-year term. The County Superintendent serves as the Commissioner of Registration and custodian of the voting machines and is vested with law enforcement powers regarding any violations of election law.

There must also be consideration of amending the law to mandate annual training for board workers.

Section 4

How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

Voting Systems

As set forth in Section One of the Plan, HAVA establishes specific standards for all voting systems in the United States, which must be in effect no later than January 1, 2006. It is fair to say that these standards are intended to ensure that the ballots cast accurately reflect each voter's true, intended choice and that those votes are cast in a private and secure manner. These standards particularly safeguard the rights of voters with disabilities, and facilitate the full participation in the electoral process of certain groups of voters with limited, or no, English language proficiency.

New Jersey has had long-standing statutory requirements for voting machines, some of which mirror the HAVA requirements. Voting machines must be certified before being used in any election in New Jersey, and no voting machine may be certified unless it meets the following standards

- 1) assuring voter privacy;
- 2) preventing overvoting;
- 3) permitting the voter to cast votes for all offices for which he or she is entitled to vote;
- 4) allowing for write-in voting, except for the party offices of delegates to national conventions;
- 5) protecting accurate vote counts;
- 6) having integrity mechanisms, such as locking capability and protective and public counters; and
- 7) affixing an emergency ballot box to each machine for use of paper ballots in cases of machine malfunctions.

These standards have applied equally to mechanical and electronic (including optical scanning systems) voting machines. As stated in Section One of the Plan, a voting machine must first be certified by the Attorney General before it may be used in an election. Title 19 requires the convening of a three-member Committee to be composed of a patent attorney and two mechanical voting machine experts. In practice, the Committee, now convened by the Division of Elections when requested, does consist of a patent attorney, one voting machine expert and an information technology expert. This Committee requires a demonstration of the machine to determine if it meets the current statutory requirements, as noted above. The Committee further requires that the machine has been approved and certified by a recognized Independent Testing Authority (ITA), which will test voting equipment for compliance with the voluntary standards developed by the Federal Election Commission. Copies of such certifications must be provided to the Committee.

Once a voting machine is certified and purchased by a county for use, the law further requires that it be subject to public inspection and testing before an election day. Pursuant to Title 19, it is the legal responsibility of the County Commissioner of Registration to have all voting machines prepared in working order for an election and thereafter to make them subject to inspection. Notice of the place and time of the inspection is required to be given to the political party county committee chairs and, typically, the candidates on the ballot.

In order to come into compliance with HAVA, which envisions the abolition of the lever voting machines, it will be necessary for the Attorney General to promulgate rules and regulations that comport with the latest technology of voting machines. The current voting machine examination committee must formally be redefined to include individuals with the expertise to properly analyze electronic machinery and to address other issues that may arise, such as security of software and access for voters with disabilities. The request for ITA certification must also be formalized.

Further, explicit power should be granted to the Attorney General, on the basis of the voting machine committee recommendation, to de-certify any voting system that is shown to not meet HAVA requirements. In short, current law has been outpaced by the growing technological advances and must be revised. Any such revision to statutes or regulations should be flexible enough to consider the capability of a voting system to adapt to changes in voting procedures, such as proportional or cumulative voting, which are concepts being considered in other jurisdictions.

Definition of "Vote"

HAVA further requires each state to define what constitutes a vote; what will count and what will not count. There are longstanding provisions in Chapter 16 of Title 19 that define the validity and non-validity of a paper ballot vote. Again, new definitions are required to comport with the emerging voting technology. This will require legislation.

Polling Place Accessibility in Relation to Voting Systems

As stated above, HAVA requires that there be at least one accessible voting system in each polling place for voters with disabilities. The voting system must be able to accommodate voters with a range of disabilities, such as the mobility-impaired voter, including those who use wheelchairs, to the voter with visual impairment who may require audio assistance to vote independently. Access to such systems for voters with disabilities is unattainable, however, if the voter is denied physical access to the polling place in the first place. Therefore, the issue of accessible voting systems is intrinsically tied to the issue of accessible polling places.

In New Jersey, the County Boards of Election, which certify polling places, are mandated to locate voting facilities that are physically accessible. The New Jersey Division of Elections distributes the reporting forms and checklists that are to be used to determine if a polling place is accessible.

Section 6

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 specified 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 payments which will be used to meet such requirements; and
- (C) the portion of the requirements payment which will be used to carry out other activities.

Title III Requirements: Estimated Costs for each Item; Portion of requirements money to be allocated.

At the outset, it must be stated that the following projections and estimates of the use of requirements money are based on the information the State currently possesses regarding the amount of Title III funds New Jersey will receive. For the federal fiscal year of 2003, it is estimated that New Jersey will receive approximately \$23 million. Following the commentary in a chart of the projected or estimated costs for the Title III requirements and the other activities under HAVA. We add the caveat, as other states have provided in their State Plans, that the ability of New Jersey to succeed in the goals envisioned by HAVA will require federal funding for the two succeeding fiscal years of 2004 and 2005. If New Jersey does not receive federal monies for those years, it would cause an undue burden not only on the State but on the counties.

Voting Systems

In order to meet the voting system standards of Title III of HAVA, and as set forth in Section One of the plan, lever voting machines must be replaced and otherwise accessible voting machines in other counties must be retrofitted to accommodate voters with visual impairments. It has also been determined that the electronic voting machines of Atlantic County must be replaced, along with the punch card absentee ballot counters in two counties. Further, there needs to be a determination on whether the voting machines in Passaic and Warren Counties are to be replaced or augmented with an additional accessible voting system. If there were to be full replacement of those two counties' machines along with all the other replacement and adaptation needs, the estimated cost is approximately \$39 million.

As noted in Section One of the Plan, the State received close to \$17 million of Title I monies. Even if all of these funds were used for voting equipment, it clearly would not be a sufficient amount. The voting system needs of New Jersey, therefore, will require a substantial portion of Title III monies. Dependent upon full three-year federal funding, it is anticipated that the affected counties could receive at least 50% of the cost of their voting machine replacement and adaptation expenses.

Statewide Voter Registration

As stated in Section One of the Plan, New Jersey does not have a statewide voter registration system, as defined by HAVA. The registration system will have to include a central computer mainframe at the State level. It will be necessary to establish connectivity with the governmental offices identified in Section Two of the Plan. The State will need to contract for this

The polling place accessibility standards are based upon the State's Uniform Construction Code, Barrier Free Subcode, N.J.A.C. 5:23-7. In order to make an informed assessment, there must be a physical inspection of the site. The review must be from the parking lot to the entrance into the building and straight into the voting machine. Under current law, if it is determined that there is no accessible polling site for an election district, the County Board may apply to the Attorney General for a waiver. Because 100% accessible polling places are the commitment and goal of the Attorney General and the State, waivers are disfavored; any such request is now carefully scrutinized and requires photographic documentation and a review of alternate locations investigated in order to allow the Division of Elections to better assess the request.

Achieving this goal will require a multi-faceted approach. First, there must be adequate training for those individuals charged by the County Boards of Election with the duty to inspect polling sites and those county representatives charged with the duty to review the findings, as to the variables of accessibility. For example, this requires an understanding of the various types of motorized equipment and their individual access requirements. This training must be standardized and uniform throughout the State, and will necessarily require the input of disability advocacy groups and those with specialized knowledge in this field. It has been suggested that the Advisory Groups should be reconstituted in the various Counties. Creative ways of accessibility that are not cost-prohibitive, such as portable ramps, also must be explored.

Fundamental to this mission, however, is enforcement. The State must provide the oversight and monitoring of this statutory duty, by dedicating necessary resources. This must be a component of the State's management of HAVA compliance. It should also be considered as to whether criminal penalties should be imposed, by way of legislative enactment, for willful failure to ascertain accessible polling places. It has been further suggested that the statutory distance restriction of going beyond the boundaries of an election district be relaxed to allow for more location options that may be fully accessible for voters with disabilities.

It was suggested that consideration be given to closing public schools on the day of a general election, in order for the schools to be more fully available for election use. It was articulated that this proposal would also alleviate school safety concerns. Conversely, it may be argued that closing the schools on general election day could reduce voter turnout, as parents may be unable to arrange child care on election day to facilitate their ability to go to the polls.

In consideration of the importance of providing polling place access to voters with disabilities, the above recommendations and proposals should receive all due attention.

Section 5

How the State will establish an elections fund for purposes of administering the State's activities under HAVA, including information on fund management.

The State has already created a separate fund in the State Department of Treasury for the deposit of federal monies received under HAVA. All federal monies received under HAVA, along with appropriated state monies, will be deposited into this account. The interest accrued on these monies will also be deposited into this account. The fund will be managed by the Department of Law and Public Safety.

system, which, at a minimum, will entail the purchase of software and hardware. It is estimated that the cost could be approximately \$20 million.

Provisional Balloting

New Jersey has had provisional balloting since 1996. This provisional balloting is currently funded and managed at the county level. While HAVA will likely result in the same increase in the use of provisional balloting, it is estimated that the cost will be minimal and will likely may not require the expenditure of any Title III monies. As for the free access system that the Attorney General must establish, it is estimated that this system can be initiated with the minimal investment in a toll-free telephone access number, with the State studying the feasibility of eventual Internet access. The sum of \$1 million is estimated to be needed to fully develop an Internet-based system.

Election Forms and Documents

To meet the requirements of HAVA, New Jersey will need to revise its voter registration forms and its absentee and provisional ballot materials. It is estimated that the initial costs for reprinting will be approximately \$500,000.

"Other Activities" for Which the Use of Requirements Payments is Anticipated. Voter Education

Currently, in accordance with New Jersey election law, the public receives electoral information by way of legal notices in the newspapers and sample ballots which are sent to the registered addresses of voters in anticipation of upcoming elections. In addition to these legally mandated notices, election officials at the State and county levels will, at individual discretion, communicate with the electorate through additional resources such as cable television access, the Internet, and public service announcements on the television and radio. Counties will also expand voter education efforts when a new voting system is being introduced into a county, by way of public demonstrations at a number of locations, and will likewise utilize cable television and the Internet.

It is intended that the State will expand voter education and outreach with the use of modern marketing techniques to reach all qualified citizens. There needs to be special emphasis on reaching voters with disabilities to encourage their full participation in elections. It is estimated that \$3 million will be needed for this purpose.

Disability Access

In addition to the installation of accessible voting systems, voter education and outreach for voters with disabilities, it is expected that there will be costs involved in assuring polling place accessibility and providing election materials in alternate forms. It is estimated that, in addition to the Section 261 funds, \$750,000 will be needed for this purpose.

Election Officials' Training

The Attorney General will develop formal training curricula and will provide classroom instruction for the county election officials and chief administrative support staff in those offices. The Attorney General also will develop a uniform training program, including a statewide board worker manual and classroom instruction, for district board workers. It is estimated that such programs could cost \$1 million, depending upon the selected method of financing. It would be appropriate to consider cost-sharing at all levels of government to enable the provision of continued training programs for future election officials and personnel.

Administrative Complaint Procedure

In accordance with Section 402 of HAVA, the State must establish an administrative complaint procedure for any alleged violations of HAVA. This will require New Jersey to expand the administrative procedure it developed under NVRA. This can be accomplished either by legislation or through administrative rulemaking. It is estimated that the expansion of this procedure will cost \$250,000 to implement this procedure.

State Management Costs

It is estimated that it will cost an estimated \$3 million for the State to undertake the management of a statewide voter registration system, to monitor the implementation of HAVA and to initiate standard educational criteria for election officials.

Allocation of Title III Funds

The estimated costs set forth in the above Chart amount to roughly \$68 million. For federal fiscal year 2003, it is anticipated that the State will receive approximately \$23 million, based upon the Congressional appropriation. We do not know with any certainty at this point if there will in fact be any future appropriations, although HAVA authorizes an appropriation of \$1 billion for fiscal year 2004 and an appropriation of \$600 million for fiscal year 2005.

The State will allocate a significant portion of the Title III funds to comply with the mandated requirements of Title III: compliant voting systems; a statewide voter registration system; a "free access" system for provisional ballot voters; and the revised voter registration form. Because of the significant portion of funds that will be required for the voting systems and the statewide voter registration system, the estimates for the "Other Activities" are conservative because of the present uncertainty of future federal funding. Funding for the "Other Activities" will increase if there is future funding.

CHART OF ESTIMATED COSTS

The following is subject to full federal funding:

HAVA Requirements	Estimate	Deadline
I. Title III requirements	d Costs*	
A. Voting Systems (Sec. 301)		
1. Replacement of lever machines	\$25.8M	2006
2. Replacement of Atlantic County machines	\$2.3M	
3. Replacement of punch card absentee ballot counters	\$75,000	
4. Adaptations for Accessibility	\$3M	
5. Replacement of voting machines in Passaic County	\$6M	
6. Replacement of voting machines in Warren County	\$1.5M	
B. Statewide Voter Registration (Sec. 303)	\$20M	2006
C. Provisional Balloting Free-access System (Sec.302)	\$1M	2004 (Mandatory)
D. Revised Forms and Notices (Sec. 302/303)	\$500,000	2004 (Mandatory)
II. "Other" Activities		
A. Disability Access (excluding voting systems)	\$750,000	
B. Administrative Grievance Procedure	\$250,000	2004 (Mandatory)
C. Voter Education	\$3M	
D. Election Officials' Training	\$1M	
E. State Management	\$3M	
*Funding Sources		
101	258 + 5	261**
\$8,141,208	\$8,695,609	\$352,485
	**	
	\$24.2M	
	(fy	
	2003)	

**Payment to Section 208 (requirements payments) and Section 201 (access for voters with disabilities payments) there should be an appropriations under these sections for fiscal years 2004 and 2005. We do not know at this time the amounts of funding New Jersey will receive in those years.

Section 7

How the State, consistent with HAVA, will maintain expenditures of the State for activities funded by the payments at a level equal to or greater than the level of such expenditure in State FY2000.

In New Jersey, the bulk of fiscal responsibility for the conduct of general and primary elections falls upon the counties. Each county pays for its voting equipment, ballot printing, administrative election offices, and a portion of the district board workers' salary. Election expenses at the State level are primarily related to the State Division of Elections, which is housed in the Department of Law and Public Safety. In light of this State/county allocation of fiscal responsibilities relating to elections, in order to satisfy the mandate of HAVA that no state appropriation for elections be less than the amount expended for fiscal year 2000, all counties and the State must maintain at a minimum the level of operating expenses for elections that was incurred in fiscal year 2000, in addition to any federal funding received.

Section 8

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 processes used to develop such criteria and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Attorney General will be the State official responsible for the monitoring of the implementation of the State Plan and assuring all required implementation by State officials, including those NVRA designated voter registration agencies, and county election officials. In order to provide for accountability, the Attorney General will develop a performance management program. It will include regular reporting requirements from election officials and staff members working at the county and state level, evaluations from field studies and analysis of data collected from individuals involved in elections.

In order to assess the performance of voting systems and the statewide voter registration system, the Attorney General will develop reporting requirements from the counties and develop a format for State evaluations on a case-study basis. The contemplated performance assessments will be conducted after the June and November elections, and should include review of any voting machine malfunctions, any difficulties in using the machines and any problems related to the voter registration system. It is the Attorney General's intention to seek legislation that would mandate this type of reporting system.

Because of the number of voting systems that need to be replaced or modified and because the State has to create a statewide voter registration system, it is anticipated that New Jersey may need to seek waivers for the specified deadlines related to voting systems and implementation of the statewide voter registration system. However, this is not to suggest that New Jersey will not expend its best efforts to meet the initial 2004 deadlines. The overall goals of the State Plan and the criteria to determine compliance are as follows:

<p>had provisional balloting in the Primary Election since 1996. The goal is to expand the process to include voters who lack the requisite identification requirements or who vote by court order after polling hours; and to provide a free access system to ascertain the disposition of such ballots.</p>	<p>Presidential Primary Election</p>	<p>free-access system at each county office and the number of provisional ballots issued to voters at the polling place who did not have the requisite identification.</p>	<p>will be responsible for the set-up of the system and the free access system and the county boards for implementation of the system and training and supervision of the Board workers regarding the identification requirements and the expanded use of the provisional ballots.</p>
<p>Post notices in every polling place in the State, the required notices set forth in Title III.</p>	<p>June 2004 Presidential Primary Election</p>	<p>Number of polling places in State with required notices as of the June 2004 Primary Election.</p>	<p>The Attorney General will provide to the county boards of election the requisite signs. The county boards will be responsible to ensure that the district board workers post the signs.</p>
<p>A revised voter registration form in conformance with HAVA requirements.</p>	<p>January 1, 2004</p>	<p>A revised form that is printed, distributed and in use as of the above date. Further, the number of revised forms submitted in comparison to old forms.</p>	<p>The Attorney General will be responsible for the printing and distribution of the forms. The registration agencies will be responsible for use.</p>

Goal	Timeline	Criteria to Measure Goal	Responsible Official
<p>A. Voting Systems 1. Lever Machines</p>	<p>January 2004, unless a waiver is required until January 2006</p>	<p>There are seven counties in the State that currently use lever machines. Success will be based upon how many counties are no longer using lever machines as of January 1, 2006.</p>	<p>The Attorney General will provide the statewide replacement.</p>
<p>2. Absentee Ballot Counters</p>	<p>January 2004, unless a waiver is required until January 2006</p>	<p>There are two counties in the State that use counters. Success will be measured by the number of counties that do not have this type of counter by January 1, 2006.</p>	<p>The Attorney General will provide the statewide replacement.</p>
<p>3. Accessible Voting Systems for Disabled Voters</p>	<p>January 1, 2006</p>	<p>The number of accessible systems purchased and in use, relative to the number required.</p>	<p>The Attorney General will provide the statewide replacement.</p>
<p>B. Statewide Voter Registration System</p>	<p>January 2004, unless a waiver is required until January 2006</p>	<p>The number of governmental offices that will be connected to the statewide system and the operation of the system, as intended under HAVA.</p>	<p>The Attorney General will be responsible to oversee the development and start-up of the system, and will be responsible for monitoring its operation, and all connected governmental offices with related duties, will be subjected to oversight.</p>
<p>C. Provisional Balloting</p>	<p>June 2004</p>	<p>Implementation of</p>	<p>Attorney General</p>

II. "Other Activities" under HAVA			
Goal	Measurable	Criteria to Measure Goal	Responsible Official
Expand the number of outlets to inform the public of voter registration requirements and other election matters.	January 1, 2004	The number of outlets used for the 2004 Primary Election in comparison to the number used for the 2003 General Election; voter turnout.	The Attorney General and the designated voter registration agencies will be responsible.
1. County election officials and critical support staff.	January 2005	The development and implementation of a statewide training program. A certified program will require legislation.	Attorney General and County Election Officials.
2. District Board Workers	January 2005	The implementation of a program, including a standard manual and classroom instruction. Success will be reduction of election day problems.	The Attorney General in conjunction with the County Boards of Election and County Superintendents of Elections will be responsible.
An administrative grievance procedure in conformance with Section 402 of HAVA.	January 1, 2004	Success of the procedure will be measured by the number of complaints received; their disposition and the time it took for resolution.	The Attorney General will be responsible for the intake of the complaint and to assure proper resolution, which may require the involvement of another election office.

Section 9

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

Under the current rules and regulations of the Attorney General, consistent with the NVRRA, there is a citizen complaint procedure relating to voter registration. Pursuant to the New Jersey Administrative Code, N.J.A.C. 13:17-1.9, any person who believes that he or she has been denied the opportunity to register, or to decline to register, to vote, or to choose a political party preference, may file a complaint with the Attorney General. The complaint must be in writing, signed and dated by the complainant. The Attorney General is obligated to review the complaint and refer it to the appropriate office for action as deemed necessary.

There is a 90-day deadline for administrative handling of the matter. If the violation is not corrected by this deadline, or within 20 days if the violation occurred within 120 days of a federal election, the complainant can file suit in federal district court. A complainant has the right to file suit in federal district court, without first providing any notice to the Attorney General, if the alleged violation occurs within 30 days of a federal election. There is no provision for attorneys fees, costs or damages with the regulatory process.

HAVA requires that there be an administrative complaint procedure to address any alleged violations of Title III as follows. First, the subject matters of the complaint process will include the requirements and rights provided for in HAVA, and therefore, not be limited to the registration process for voting as the above State procedure now encompasses. Second, the complaint will need to be notarized and sworn to by the complainant. Third, the Attorney General, as the chief election official, will have the authority to consolidate complaints. Fourth, the complainant will have the right to request a hearing. Fifth, the Attorney General must establish an "alternate dispute resolution procedure" for those complaints which are not resolved within 90 days. This alternate procedure must be concluded within 60 days.

The HAVA-mandated administrative complaint procedures could be incorporated into New Jersey's electoral process by way of legislation or through supplementation of the existing regulations noted above.

Either way, the institution of the HAVA administrative complaint procedure, as with the current citizen complaint procedure, should not affect the current statutory procedures relating to election recounts or contests, as set forth in Title 19. It has also been suggested that consideration be given to providing information on the availability of legal resources when a person submits a complaint.

Section 10

A description of how the State's receipt of Title I funds will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Pursuant to Title I of HAVA, the State of New Jersey timely applied for and received from the General Services Administration a total of \$16,836,817 in Title I funds.

Section 13

A description of the committee which participated in the development of the State plan in accordance with section 255 of Title III and the procedures followed by the committee under such section and section 256.

As New Jersey's Chief Election Official, Attorney General Peter C. Harvey undertook to form a diverse committee of individuals with a demonstrated commitment to the State's election process and who are notably interested in improving elections for the benefit of all of our citizens. Selection decisions were made in conformance with the criteria set forth in HAVA. First, the chief election officials for the two largest jurisdictions in the State were appointed. In New Jersey, these officials are Carmine Casciano, the Essex County Superintendent of Elections, and Patricia DiConstanza, the Bergen County Superintendent of Elections. Superintendent Casciano has been in office for the past 13 years and is a former Essex County Freeholder. Superintendent DiConstanza has been an election official for the past 17 years, having previously served as a member of the Bergen County Board of Election.

HAVA further required that representatives of disability groups be on the SPC. Attorney General Harvey appointed Sheri-Rose Rubin, Esq., of the New Jersey Protection and Advocacy, Inc., a private, non-profit, consumer-directed corporation dedicated to protecting the civil, human, and legal rights of individuals with disabilities, which is the designated protection and advocacy system for individuals with disabilities in New Jersey. On election days, this office places attorneys in the counties to assist any voter with disabilities. Ethan Ellis, of the Monday Morning Project, was also appointed. This group promotes registration, education and accessibility for voters with disabilities.

Section 254 of the Act further required that local election officials be on the SPC. The following individuals come within this category. Joanne Armbruster, the Atlantic County Superintendent of Elections, is also the newly-elected President of the New Jersey State Association of Election Officials and was chosen by her county election official colleagues to be one of the two New Jersey representatives for the yet-to-be established federal Standards Board. She brings over 30 years of experience as a County Board of Election member and Superintendent of Elections. James Parent, the Chief Clerk of the Cumberland County Board of Election, has been in the election field for close to 30 years. Mr. Parent is also a former President of the New Jersey League of Municipalities. Jane Williams-Warren is the Municipal Clerk of the City of Paterson, Passaic County, which has non-partisan municipal elections in May and for which the Clerk has substantial electoral duties. Ms. Warren-Williams is chiefly responsible for the development and teaching of an innovative master board worker program in Passaic County, which has been most effective in assisting voters and board workers on election days. Union County Clerk Joanne Rajoppi heads an election division in her office that is responsible for the printing of election ballots and absentee ballot applications. Union County has used electronic voting equipment for elections for the past seven years, so her expertise in this area assisted one of the core missions of HAVA.

It is anticipated that the majority of these funds will need to be dedicated to voting machine replacement, as nearly half of the State's counties currently have voting systems in the polling places that do not meet all of HAVA's voting standards and, as stated in Section Six of the Plan, the replacement costs are substantial.

A portion of the Title I monies may also be dedicated to assist in the start-up costs for the state-wide voter registration system.

Section 11

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).

The Attorney General, in his capacity as the State's chief election official, will determine if there needs to be a material change to the State Plan. Any individual will have the right to request a material change. This request will need to be submitted in writing to the Attorney General. Furthermore, the Attorney General will solicit, in a manner he deems appropriate, the input of the county and local election officials and members of the Legislature regarding the implementation of the Plan. If the Attorney General determines that a material change to the Plan is necessary, he will proceed to change the Plan in accordance with the procedures set forth in Section 255 of HAVA. Thereafter, the Attorney General will provide for public comment and publication in the Federal Register. Only after these steps are taken, would any material change to the Plan be effected.

Section 12

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 for the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such fiscal year.

New Jersey had no State plan, as such term is described in HAVA, for the previous fiscal year.

Concluding Remarks

This State Plan was developed to provide the citizens of New Jersey with notice as to how the State will comply with the requirements of HAVA and how it intends to use all of the federal funds that will be provided to the State. We have attempted to provide this information in a straightforward manner and to provide as much detail as we reasonably could. It has also been our intent to provide reasonable expectations as to what the State will be able to do to improve its election process.

As was stated in the introduction, change will not occur overnight. We are confident that what has been proposed in the Plan, however, can be accomplished with the continued, selfless commitment of our State's election officials at all levels and the willingness of all interested constituencies, from public interest groups to elected officials and the public at large, to work together to achieve these goals. No Plan can be realized without such joint effort.

The SPC's deliberations have been a learning process for all directly involved. Each member offered their unique insight and perspective into the election process and how it can be improved. For example, the county election officials were an invaluable resource regarding the intricacies of election administration and the members of public interest groups offered insight regarding individual voter concerns and the dynamics of voter registration drives. Such discussions imparted a deeper appreciation for the need to balance the fundamental interest of expanding the voting process while safeguarding its integrity. I wish to extend, on behalf of the Department, my deepest appreciation to each member of the SPC for his or her time, commitment and expertise.

I am also appreciative of the members of the public who attended the public hearings, whether they publicly commented or simply came to listen. Because of the varied perspectives of the members of the SPC and their attention to detail during their deliberations, a number of issues raised by members of the public, particularly those pertaining to voters with disabilities, were already addressed in the Preliminary Plan. The comments from members of the public also were a reaffirmation of the SPC's stance that the electoral process in New Jersey can be improved by way of a strong uniform commitment to voter education to all segments of the public. HAVA has presented us with the unprecedented opportunity to entertain creative and unique ways to encourage our citizenry's fuller and better informed participation in our democratic form of government.

Public input also underscored the value of providing a forum for our citizens to address matters of concern to us all. While the formal HAVA public comment period may be over, the opportunity for public comment to this Department is not. I invite anyone to reach out through the Department's website or by letter if they wish to offer further thoughts and comments as it relates to elections in New Jersey. Although we cannot promise that all of your ideas can be realized, they will be given due consideration and they may lead to further study. For example, while the SPC was specifically charged under HAVA to address the thirteen points that are in the Plan, we also had the opportunity to raise additional concepts for future consideration such as Internet-based voter registration systems, voter-verified paper trails for voting systems and same-day voter registration.

The Act also mandated the chief election official to appoint a variety of citizens to the SPC. Attorney General Harvey chose Juan Cartagena, Esq., a New Jersey resident and a public interest lawyer who works for the Community Service Society of New York. Mr. Cartagena has been involved with some of the most significant lawsuits relating to the conduct of elections in New Jersey, one of which was the catalyst for statutory reform protecting the right of any voter not to be challenged on his or her right to vote on racial, ethnic or political preference grounds. Mr. Cartagena was also instrumental in developing the voter registration and voting procedures for qualified voters residing in state psychiatric hospitals. Mr. Cartagena is also a member of the Hispanic Bar Association of New Jersey.

Two other members of the SPC are associated with Rutgers University, the State University of New Jersey. Ernest Reock, a retired professor, is affiliated with the Rutgers Center for Government Services, whose mission is to conduct educational courses for such governmental officials as county tax board members, housing authority board members and municipal clerks. Part of the curriculum for the clerks encompasses their election duties. Professor Reock is also noted for his expertise in redistricting. Ingrid Reed is with the Eagleton Institute of Politics, which studies a variety of public issues and conducts public opinion polls. Ms. Reed, whose specific interests relate to campaigns and elections from the point of view of the voter, recently completed a study of the 2001 New Jersey election.

The following members of the SPC are members of public interest organizations that promote voter participation. Sandra Matsen is a past President of the New Jersey League of Women Voters, a non-partisan group, nationally-renowned for voter education, in part, by the sponsorship of pre-election candidate forums. Marilyn Askin is the President of the New Jersey AARP, which represents senior citizens, a segment of society with a strong record of voter participation. Lionel Leach, a New Jersey resident, is the East Coast Regional Director for the NAACP National Voter Fund. Throughout the country, the NAACP has long stood for protecting the right of all citizens to have a voice in the democratic process. Mr. Leach has also been directly involved in educational programs for young voters. That is the core mission of the national organization known as Freedom's Answer and for which SPC member Cole Kleitsch spearheads the New Jersey Chapter. Mr. Kleitsch has recently been involved in the implementation of a recent state law that permits 16 and 17 year old students to act as board workers. Charles Wokanach is the President of the New Jersey AFL-CIO, which has long been involved in voter registration. Denise Velazquez-Marrero worked as the South Jersey representative for the office of Hispanic communities in the State. She is now with the New Jersey Division of Motor Vehicles, which is a voter registration agency.

The SPC held its organizational work session on May 12, 2003 and met thereafter on a regular basis. Commencing with the third session, the sessions were open to the public to observe the discussion. Eight public hearings were held in various locations around the State. During the course of its work sessions, the SPC posted information regarding its work on the Department of Law and Public Safety website, in which it invited written public comment. The Preliminary Plan was made available for public comment on June 20, 2003. The comment period ended on August 4, 2003.

It is fair to say that the implementation of HAVA will be a work in progress. We need to remain committed to the goals of this new federal law in terms of upgrading the infrastructure of elections and safeguarding the votes of all qualified citizens. We will need to be responsive to making necessary adjustments and modifications as we strive toward achieving these goals. The continued interest of the citizens of New Jersey will be an invaluable component in this effort.

Peter C. Harvey
Attorney General
State of New Jersey

**NEW MEXICO STATE PLAN
TABLE OF CONTENTS**

Introduction.....page 2

Preliminary State Plan Summary.....page 2

Background.....page 3

Voting System Standards.....page 4

Vote Verification.....page 4

Ballot Correction, Overvote Notification and Replacement Ballots.....page 4

Manual Audit Capacity.....page 5

Disability Access.....page 5

Alternative Language Accessibility.....page 5

Error Rates and Definition of Vote.....page 6

Provisional Voting and Voting Information.....page 6

Provisional Voting.....page 6

Voting Information.....page 6

Computerized Statewide Voter Registration System and Requirements for Voters Who Register by Mail.....page 7

Voter Registration System.....page 7

Mail-In Voter Registration.....page 7

Training and Voter Outreach.....page 8

Training.....page 8

Voter Education.....page 9

Administrative Complaint Procedure.....page 10

Funding Distribution and Controls.....page 12

Audits and Internal Controls.....page 13

Maintenance of Effort.....page 13

Performance Goals and Measures.....page 14

Ongoing Plan Maintenance.....page 14

NEW MEXICO STATE PLAN

Rebecca Vigil-Giron, Secretary of State
Santa Fe, New Mexico

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

NEW MEXICO STATE PLAN

Introduction

This New Mexico State Election Plan is proposed in accordance with Public Law 107-252, Help America Vote Act 2002, Section 253(b). The Help America Vote Act (HAVA) was signed into law on October 29, 2002 and was enacted to assist States in the administration of Federal elections and to "establish minimum standards for States and units of local governments with the responsibility for the administration of Federal elections." The Act includes provisions for statewide voter files, voting systems that are accessible to the disabled and language minorities, provisional voting, voter education, and election official training. The Act requires each State to submit a Plan that meets the requirements of the Act.

In January of 2003, Secretary of State Rebecca Vigil-Giron began the process of appointing a HAVA Advisory Commission comprised of county clerks, legislators, representatives from the disabled community, language minorities, and other stakeholder advocacy groups. Meetings of the Commission were held in April and May of 2003. This Plan incorporates comments and ideas developed by the Commission on how the Secretary of State should proceed in implementing the provisions of the Help America Vote Act.

Because of New Mexico's progressive leadership in the administration of elections, it is in a unique position to implement HAVA. Many of the provisions of the Act are already in State law and the State was in the process of instituting certain portions of HAVA prior to its eventual enactment. The Plan identifies those areas of HAVA where New Mexico is already in compliance. It also identifies those areas where the State does not comply and addresses steps needed to bring the State into compliance. The Plan will also address those areas where there is technical compliance, but where there is still room for improving the process.

The public comment period was from June 23, 2003 through July 23, 2003. Public notice was provided through the media, on the agency web page and press releases. Copies of the plan were available at all county clerk's offices, on the agency web page, at the Office of the Secretary of State and through dissemination to Advisory Commission members. Twenty-five written comments were received and all but six of these were received by e-mail. There were approximately 20 telephone comments. Two written comments have been received from Advisory Commission members and several suggestions have been incorporated into this final plan. The final Plan will be submitted for inclusion in the Federal Register in compliance with the provisions of HAVA.

Preliminary State Plan Summary

The Plan recommends that New Mexico adopt the following action items in response to the Help America Vote Act:

- 1) complete the installation of a computerized statewide voter registration file that is a single, interactive database of all registered voters;
- 2) purchase and install in each polling place in New Mexico a HAVA compliant voting device with audio assist for persons with disabilities and alternate language speakers;

3) increase access to the elections process for all voters of the state through the design and dissemination of election information, necessary improvements to polling places, voter education and election official training;

4) formulate a comprehensive and intense informational program informing voters on how to receive provisional and replacement ballots and on the use of the toll-free telephone line for determining provisional ballot status;

5) establish an intensive certification training program for local election officials; and

6) gradually replace the state's current inventory of older direct recording electronic voting systems.

New Mexico has certified that it has established a State Election Fund that is separate from the General Fund and has included provision for an administrative complaint procedure in statute. The Plan will be updated over time to reflect the state's progress and, with appropriate support through federal funding, will comply with all of the required mandates of HAVA.

Background

The State of New Mexico has continuously improved its election process over the past twenty years. Beginning in the mid-1980's, New Mexico began its transition from lever voting machines to direct recording electronic and optical scan voting systems. In recognition of the cost of voting systems acquisition, the state established the Voting Machine Revolving Fund, which is a no-interest funding mechanism that counties may use to purchase new systems. Gradually, the debt ceiling of the fund has been raised to \$6.5 million, of which a portion is New Mexico's HAVA matching funds. New Mexico began acquiring touch-screen voting devices for use in the 2002 primary election.

New Mexico adopted the Federal Election Commission's Voting Systems Standards in 1993 and State law requires that all systems certified by the State must be independently tested and meet federal performance and test standards.

In the late 1980's New Mexico installed its statewide automated records system, which included an integrated voter registration system. The State was made responsible for the integrity of the voter file. In 1999, the legislature approved funding and the Office of the Secretary of State began the process towards installation of a new and more interactive system that incorporates voter registration with election management. The new system has been installed now in over half of the state's 33 counties and will be enhanced to meet HAVA requirements with a portion of the requirements payment.

New Mexico's Election Code is uniformly applied in all thirty-three counties and the code requires that a uniform ballot be used throughout the entire state. In order to maintain uniformity, the Office of the Secretary of State approves all ballot content and layout.

In 1991, four years prior to the effective date of the National Voter Registration Act, New Mexico began registering voters at motor vehicle offices.

Recognizing the need to expand opportunities for voting, the legislature approved "early voting" in 1993. Since then, beginning three weeks prior to an election, New Mexico's voters have been able to cast their ballots in person on a voting machine at alternate locations. Early voting has

will be included in the ballot materials and the Secretary of State will post instructional materials for all voting systems on its web page. The State will also instruct county clerks to post the information on their web pages. Instructional materials and the information presented in signs at polling places will be made available in alternative, accessible formats for persons with disabilities.

MANUAL AUDIT CAPACITY

New Mexico statute requires that every voting system must have a manual audit capacity and the ability to produce a paper record. Other statistical information required is election date, precinct number, polling place, number of voters and number of votes cast, precinct board members, opening and closing of polls.

DISABILITY ACCESS

The Help America Vote Act requires voting systems to be accessible to voters with disabilities and senior citizens needing special assistance. There must be the same opportunity for access, privacy, participation and independence as all other voters enjoy.

New Mexico will use federal funding provided under HAVA to purchase one HAVA compliant voting system with audio assist for each polling place in the State.

This purchase will be one of the highest priority items and will include training counties in programming and maintenance. A voter education program will also be developed to ensure disabled voters are fully educated on the use of the new HAVA compliant voting systems. Poll worker training programs will also be developed to provide workers with the necessary skills to operate the system on Election Day.

Also, New Mexico has long recognized the importance of providing accessible polling places as part of its voter outreach efforts. Since 1979, New Mexico has required that all polling places be accessible to the mobility impaired and also requires a physical inspection of polling places by county clerks prior to each primary election. To ensure compliance, the Office of the Secretary of State has provided instructional materials to county clerks to enable them to evaluate polling place accessibility. In keeping with this program, the state intends to collaborate with New Mexico Protection and Advocacy System in updating all instructional materials and finding ways to encourage those with disabilities to exercise their right to vote in a private and secure manner. Contingent on additional funding, a variety of methods, including the use of independent consultants and local disability groups, will be used to assure that each polling place in New Mexico is surveyed for disability access, and a remedial plan is developed to address any deficiencies.

The State's voting system certification process will require that any voting system purchased for use by the State will meet all federal and state standards.

ALTERNATIVE LANGUAGE ACCESSIBILITY

The Help America Vote Act requires voting systems to provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965.

New Mexico has provided, under both Constitution and statute, that all election materials be provided in both Spanish and English. Where a minority language is historically unwritten, all proclamations, registration or voting notices, instructions, assistance or other information

become popular for the convenience it provides the voter.

In 1998 New Mexico began the use of an electronic election canvassing system to ensure accuracy of results and elimination of manual entry and mathematical errors. New Mexico is only one of three states nationally, which has a triple audit of election returns. After counties audit the canvass, the state audits each county's returns through a system of duplicate returns that are forwarded directly from the precinct to the Office of the Secretary of State. After the Bureau of Elections completes its audit, independent auditors contracted by the state again examine the returns. Through this triple audit process, New Mexico can ensure that the integrity and accuracy of its canvass is maintained at the highest level.

Finally, since statehood, New Mexico's constitution and statutes have been committed to providing all of its election materials in both English and Spanish. In addition, in the late 1980's the Office of the Secretary of State established the Native American Election Information Program. This program is staffed with two full time employees who are fluent in Native American languages. They ensure the translation of ballots into eight native languages for radio broadcast and provide assistance to county coordinators in compliance with the language provisions of the Voting Rights Act.

Voting System Standards

Section 301 of the Help America Vote Act sets forth specific standards for voting systems. HAVA requires each voting system to: (a) permit voters before casting their vote to verify the candidates or questions they have voted for; (b) allow voters to change or correct their vote in a private and independent manner, inform voters if they have overvoted (voting for more than one candidate for a single office) and provide information to the voter on the opportunity to receive a replacement ballot; (c) have the capacity to produce a paper record with a manual audit capability; (d) be accessible for the disabled through the use of at least one HAVA compliant voting system located at each polling place; (e) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; and (f) comply with error rates established under the provisions of HAVA. In addition, each State is required to adopt uniform and non-discriminatory standards that define what constitutes a vote and what will be counted as a vote for each voting system used in the State.

VOIE VERIFICATION

The Direct Recording Electronic voting systems in use in New Mexico provide a full face ballot so voters can verify their ballot before it is cast and counted.

BALLOT CORRECTION, OVERVOTE NOTIFICATION AND REPLACEMENT BALLOTS

Direct Recording Electronic voting systems in New Mexico already provide an opportunity for voters to correct their ballots.

HAVA provides an opportunity for States using optical voting systems to comply with the requirements of the Act by establishing a voter education program specific to each voting system that notifies voters of the effect of overvoting. This notification requirement includes providing voters with instructions on how to correct the ballot.

New Mexico has long had both statutory language and administrative procedures in place for voters voting on optical scan voting systems at the polls. Additional instructional signs will be placed in all polling places. Instructions on obtaining a replacement ballot for absentee voters

relating to the electoral process shall be made available orally in the respective minority language, through the media when practicable, in public meetings and on election day at the polls.

The Office of the Secretary of State created its Native American Education Information Program in 1988. Two Native American Bureau of Election employees provide intensive and detailed election information to tribes in the State. Election Proclamations and the content of proposed ballot questions are translated into 9 native languages and radio broadcast in counties with pueblo and tribal citizens to inform them of the intent and effect of these questions.

In addition, counties with large native populations have local programs and Native American staff members who serve the surrounding populations and provide registration and election information programs. The Office of the Secretary of State provides training and assistance to local Native American coordinators. Counties with native populations provide translators at polling places on election day and the same voting system which will provide audio assistance to the visually impaired will also provide alternative language accessibility.

ERROR RATES AND DEFINITION OF VOTE

HAVA requires that the error rate of all voting systems used to conduct federal elections shall comply with the current error rate standards established by the Federal Election Commission. These error rates are errors attributed to the voting system, not to actions attributed to individual voters.

All voting systems certified in New Mexico are required to meet the federal standards under state statute. Any future systems acquired in compliance with HAVA requirements will also meet established federal error rates.

HAVA also requires that States adopt "uniform and non-discriminatory standards" for what constitutes a vote and what will be counted as a vote. Because New Mexico has seen an extraordinary increase in the use of absentee ballots by voters, the state has established by statute, a uniform, statewide definition of what constitutes a vote on paper ballots. The state has also defined a vote on each of its direct recording electronic systems.

Provisional Voting and Voting Information

PROVISIONAL VOTING

HAVA requires every State to provide a provisional ballot (also referred to as "fall safe voting" under the National Voter Registration Act) to any individual who declares that they are a registered voter and are eligible to vote in a federal election. The Act also requires the State to provide a "free-access" system so that an individual who casts a provisional ballot may determine whether or not their vote was counted.

New Mexico has used the "fall safe" voting provisions of the National Voter Registration Act of 1993. Provisional Voting has been enacted into state law and will be a welcome expansion of "fall safe" voting. New Mexico will develop a provisional voting program, with all election materials necessary to allow voters to take full advantage of provisional ballots. In order for voters to determine the disposition of their provisional ballot, the Office of the Secretary of State will make available its toll free phone line. County election officials will provide a report on the disposition of each provisional ballot to the Secretary of State's Bureau of Elections. An administrative rule has been enacted which establishes procedures for provisional voting.

VOTING INFORMATION

HAVA requires certain voting information to be posted at every polling place on election day, including a sample ballot; instructions on how to vote and cast a provisional ballot; instructions for mail-in registrants and first time voters; and general information on voting rights and voter fraud. This notice will be developed with the assistance of the state's HAVA commission and each voter will be given the Secretary of State's toll free number. Informational materials, and the information presented in signs at polling places, will also be made available in alternative, accessible formats for persons with disabilities.

New Mexico currently posts and publishes voter information in a variety of media at a variety of locations. Election Proclamations are published in legal notices for five consecutive days and constitutional amendments are published in legal notices, in every county, four times, in weeks prior to an election. These notices are also posted on the Secretary of State Rebecca Vigil-Giron's web page and broadcast in Native American languages. The Office of the Secretary of State also publishes a voter guide with a listing of offices and candidates on the ballot and the content (including pro and con arguments) of each constitutional amendment or general obligation bond. The Office of the Secretary of State has had a toll free telephone number for over 25 years so all voters of the state can receive voting assistance, inquire about the electoral process, or report irregularities at the polls.

In addition to the information currently provided, New Mexico is making plans to comply with all other voting information requirements of the Help America Vote Act.

Computerized Statewide Voter Registration System and Requirements for Voters Who Register by Mail

VOTER REGISTRATION SYSTEM

HAVA requires States to establish a "single, uniform, official, centralized, interactive, computerized state voter registration list defined, maintained and administered at the State level..."

In 1989, the New Mexico Election Code was amended to include the Automated Voter Records System Act, which requires the Office of the Secretary of State to establish a statewide computerized voter registration system. Office Information Systems staff coordinated with counties in monthly reports which noted any addressing errors or discrepancies; duplicate social security numbers (New Mexico is permitted under the Privacy Act of 1974 to require the entire social security number for voter registration); duplicate voters between counties; and deletions from county to county.

In 1999, the Secretary of State's office received legislative funding and began working with a committee of county clerks and data processors to establish a new statewide Voter Registration and Election Management System (VREMS). The committee developed system requirements; interviewed vendors; sought references from other states and worked with the State Purchasing Department in development of the Request for Proposals. After a selection was made by the committee, installation in the pilot county began in early 2000. Since then 16 counties have been fully converted, the state system is in the process of installation and all other counties are in various stages of data conversion and installation.

It is the intent of the Office of the Secretary of State that all counties will be converted and the system will be in statewide use for the 2004 Presidential Election. The system will meet all HAVA standards and is designed to meet the list maintenance requirements of the National

Voter Registration Act. It will be centrally administered by the Office of the Secretary of State.

MAIL-IN VOTER REGISTRATION

Section 303 of the Help America Vote Act requires that first time voters who register by mail are required to submit documentation such as a valid photo identification, copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. HAVA also requires that the mail-in voter registration form ask separate "yes" or "no" questions regarding citizenship and age. The form also must contain a statement that informs voters that if they respond "no" to either question, then they are not to complete the form. The Act also requires that the form contain language informing the first time registrant by mail of the identification requirements.

The State of New Mexico has created a new registration form in compliance with these requirements and a process so the county clerks properly process these registrations and inform the first time applicants when they have failed to file the required documents.

Training and Voter Outreach

HAVA requires States to provide training programs for local election officials and poll workers. States are also required to establish programs for voter education.

TRAINING

Currently, the Secretary of State, as the chief election officer of the State, is required by the election law to "obtain and maintain uniformity in the application, operation and interpretation of the Election Code." As such, the Secretary of State has been required to conduct schools of election for all counties and to supervise the training of poll workers in the largest counties. In addition, the Secretary of State develops, prints and distributes precinct board manuals. State law provides that all forms and instructions used must be prescribed by the Secretary.

The Secretary of State conducts election schools for county clerks prior to each statewide election. These 2-3 day schools cover many aspects of election administration and include the training of voting machine technicians. Additional technician training is also made available upon request. In addition, the Secretary's Bureau of Elections regularly attends county clerk affiliate meetings to inform local election officials of their duties and of any changes to state or federal law.

The Office of the Secretary of State intends to expand training for both local election officials, as well as poll workers throughout the state. The Secretary of State will develop an election official certification program in conjunction with the New Mexico County Clerk's Affiliate, whereby county election officials may earn credit for classroom training, on-the-job experience and attending seminars and meetings on election administration. Certification may include a process for the testing of election officials and on-site reviews of county election practices and procedures. After completion of sufficient credit hours, a certificate will be awarded. Ongoing certification will require continuous training and the attendance at seminars and meetings, as well as regular evaluation of administrative practices.

The Secretary of State also plans greater emphasis on training for voting machine technicians to assure that counties do not rely on vendors for the operation and programming of their voting systems.

As a part of the state's training requirements, precinct board manuals will be updated regularly and, if sufficient funding is available, video instructional materials will be developed appropriate to each voting system in use. Also being considered, is the use of role playing in the training of poll workers; the use of visual aids; the self-testing of poll workers following various training sessions; and ways of dealing with the shortage of poll workers in certain areas.

Training will be provided to poll workers and election officials on the needs and legal rights of persons with disabilities, senior citizens, and others with special needs as they relate to the registration and voting process. In consultation with Protection and Advocacy System, the Governor's Committee on Concerns of the Handicapped, the New Mexico Commission for the Blind, American Association of Retired Persons, and other interested groups, training materials for this purpose will be developed and provided. As funds permit, a training video on these topics will be developed and used for such training.

The Bureau of Elections, within the Office of the Secretary of State, as part of its mission, provides training and technical assistance and responds to queries from both county clerks and poll workers. The bureau's staff will monitor and supervise poll worker training across the state.

VOTER EDUCATION

User-friendly, non-technical voter outreach materials are important to inform voters of the requirements for registration, use of voting systems and their rights as a voter. One tool used in New Mexico is the Secretary of State's Voter Guide, published prior to General Elections, which includes a listing of offices and candidates on the ballot; a list of ballot questions; and an analysis of ballot questions in both English and Spanish. Similar information is provided to non-written Native American language speakers through radio broadcast.

The pamphlet is provided on the Secretary of State's web site. Depending on funding availability, it is hoped that the Voter Guide can be mailed to every household in the state.

Registration instructions and requirements are included on the certificate of registration and on the Secretary of State's web page. Instructions to voters on the operation of voting systems are posted inside the privacy booth and absentee ballot instructions are included in the materials sent to voters. The Office of the Secretary of State intends to enhance its web page with the creation of a web-based voter query system with information on polling places, sample ballots and instructions on the voting system in use at each polling place. Instructions on provisional balloting will be placed on the web page and signs posted at the polls. Other web-based enhancements will be additional information provided to military and overseas voters, instructions for compliance with federal identification requirements for registration by mail, how to vote absentee, how to obtain a replacement absentee ballot, how to report suspected fraud, and how to file an administrative complaint. Informational materials will also be provided in alternative, accessible formats for persons with disabilities. The Secretary of State will remind relevant state agencies of their obligation to provide information about the voter registration and the opportunity to register through the state agency. This effort will include state agencies serving persons with disabilities.

The agency's Native American Election Information Program will coordinate with Navajo and Pueblo tribal administration to make native language video presentations of all materials.

Other voter outreach programs being considered is a contest among the State's school children to develop a slogan and logo that can be used as part of a statewide effort to increase voter turnout; poll site information in alternative formats; access to polling place location information; the use of local access television and radio; recognition of voters with perfect

402(a)(2)(A).

B. As they have always done, the county clerks and the Secretary of State will continue to address oral complaints in an attempt to resolve the problem informally and quickly. However, a formal complaint alleging a Title III violation must be submitted in writing to the Secretary of State's Bureau of Elections. A complaint form will, at minimum, be available from any county clerk and the Secretary of State, and be accessible on-line. HAVA § 402(a)(2)(B); Ch. 356, § 5(B).

C. A formal complaint alleging a Title III violation must be submitted to the Secretary of State's Bureau of Elections in writing, must be signed and sworn by the complainant, and must be notarized. HAVA § 402(a)(2)(C); Ch. 356, § 5(C).

D. If the Secretary of State receives duplicative or repetitive complaints alleging Title III violations, the Secretary may consolidate these for assessment, investigation and resolution. HAVA § 402(a)(2)(D); Ch. 356, § 5(B).

E. If the Secretary of State determines that a written complaint alleges an actual Title III violation and the complainant requests a hearing on his complaint, the Secretary of State will appoint a hearing officer to conduct a hearing on the record. If the complaint is directed at a county election official, the hearing officer may be an employee of the Secretary of State, or another person selected at the Secretary's discretion. If the complaint is directed at the Secretary of State, the Secretary shall appoint a neutral hearing officer with no working or personal relationship with the Office of the Secretary of State. The record will include, at minimum, the written complaint, any written response to the complaint, all documentation provided in support of or in defense of the complaint, and the written or audio record of any formal proceedings conducted with regard to the complaint. HAVA § 402(a)(2)(E); Ch. 356, § 5(D).

The investigation and resolution process may include, among other things, the following steps or actions by the Secretary of State, as she deems appropriate under the circumstances:

- (1) send an acknowledgement letter to the complainant, and notify him that he is entitled to a hearing on the record;
- (2) make an initial assessment of the complaint and determine whether it alleges a bonafide Title III violation;
- (3) seek a response from the election official against whom a complaint is made;
- (4) provide the complainant with a copy of any response received from the election official against whom a complaint is made and give the complainant an opportunity to reply;
- (5) engage in informal resolution with the parties through a meeting, teleconference, or other means; or
- (6) dismiss the complaint based on its clear failure to allege a Title III violation.

F. If the Secretary of State determines that a Title III violation has in fact occurred, the State shall provide a remedy appropriate to the violation. Any remedy shall be in compliance with the provisions of the New Mexico Election Code. Because neither HAVA nor Ch. 356 defines what an "appropriate remedy" might be for a Title III violation, the State has the flexibility not only to fix the problem, but to ensure that the problem does not recur. In no event shall the remedy involve either the payment of money to the complainant or a finding that an election official is subject to civil penalties. An appropriate remedy may include a written finding that Title III has been violated and the plan for rectifying the particular violation, an assurance that additional training will be provided to election officials so as to ensure compliance with HAVA and the New Mexico Election Code, a commitment to better inform voters of their rights, etc. By posting a notice on its website, and by distributing news releases as it deems appropriate, the Secretary of State's Office shall publicize the results of its assessment

voting records for an extended period of time; and the development of programs to encourage greater youth participation in the voting process.

Additional voter outreach will be undertaken to make sure the elections process is accessible and will always take into account the voter's needs, including curbside voting and ballot access for those with medical emergencies on Election Day. To promote access for the deaf and hard of hearing, the offices of the Secretary of State and the county clerks will obtain TDDs if they do not have and use them already, provide training to their staff on the use of these devices, and install separate communication lines for them if necessary. Through direct publicity campaigns and through state and community-based-disability organizations, the state will undertake outreach efforts designed to educate people with disabilities about their right to register and vote, and how and where to do so.

Counties will be encouraged to apply for grants, under Section 261 of the Help America Vote Act, to upgrade facilities for better voter access.

Administrative Complaint Procedure

HAVA § 402(a)(1) requires New Mexico to establish and maintain a state-based administrative complaint procedure to remedy grievances under HAVA Title III, i.e. regarding voting systems standards, provisional voting and voting information requirements, and computerized statewide voter registration list requirements and requirements for voters who register by mail. HAVA sets forth the specific requirements of this administrative complaint procedure, and N.M. law [Laws 2003, Ch. 356, § 5 ("Ch. 356")] essentially mirrors these requirements. Following the development of the HAVA State Plan, the Secretary of State will adopt rules for this administrative complaint procedure in accordance with the State Rules Act [NMSA 1978 §§ 14-4-1 through 14-4-11 (1995)].

The administrative complaint procedure is intended both to be informal in nature and to work toward an administrative, not a judicial, resolution of the problem, in this case a complaint that there is a violation of HAVA Title III. The procedure will be flexible in addressing and resolving such complaints at the administrative level.

New Mexico's Election Code has long been structured and implemented to, in most instances, prevent or minimize the occurrence of voting problems. If any voting problems do occur, the State's Bureau of Elections and its county clerks all strive to immediately address and remedy the problem. Over the years, these election officials have been very successful in doing just that. Thus, New Mexico is in a good position to build upon its current problem-solving process through the implementation of the administrative complaint procedure envisioned by HAVA. New Mexico currently complies with most of the HAVA Title III requirements and has enacted changes to its Election Code to meet the Title III requirements that are new to the State. Consequently, New Mexico anticipates very few allegations of Title III violations that cannot be resolved informally as election officials have been doing for years.

The State anticipates that all aspects of its administrative complaint procedure will be open to the public. To meet the specific requirements of both HAVA and Ch. 356, New Mexico will adopt rules implementing an administrative complaint procedure as follows:

A. Any complaint filed under the procedure must be limited to alleging a specific violation of Title III. In educating its voters, New Mexico will inform all voters about not only Title III's provisions but the procedures for filing a complaint. To ensure that the procedure is uniform and nondiscriminatory, both the information provided to voters and the administrative complaint procedure itself will be available in alternative languages and formats. HAVA §

not available to the state. It is anticipated that the initial \$5,000,000 requirements payment will be used to complete installation of the statewide voter file and begin to purchase HAVA compliant voting systems with audio assist for each polling place in the State.

New Mexico has established an election fund account, separate from the State's General Fund and interest earned will be credited to this fund. The Secretary of State will centrally manage projects funded by HAVA requirements payments. Depending on the eventual level of federal funding, it may be possible to pay the costs of maintenance and ongoing improvements required by HAVA. To ensure uniformity in training and education, it is envisioned that the State will prepare all materials for dissemination to counties.

Estimated cost of HAVA activities is as follows:

- Statewide Interactive Voter Registration System Implementation Phase

Year 1	\$ 4,197,413
Year 2	\$ 841,973
Year 3	\$ 910,934
	\$ 980,346

Yearly expenses include maintenance contracts, support services and redundancy hosting.

- Title III Voting System Requirements

One HAVA Compliant Voting Machine Per Polling Place Software	\$6,267,500
	\$1,925,000
- Voter Education Programs

(Video production/distribution, web page up-grades, printing, radio broadcasts, mailing)	\$5,585,000
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- Polling Place Improvements/Increased Accessibility

(Anticipated in addition to improvements done with accessibility grants. Enhancement of media appropriate training for disabled and/or visually impaired).	\$1,750,000
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- Training

(Poll Workers/Election Administrators Certification Program/Standardized Media Training).	\$4,400,000
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The State of New Mexico also anticipates additional costs to upgrade certain of its voting systems. Because the state did not qualify for punchcard or lever machine buyouts, it will be necessary to begin to replace some of the state's first generation DRE machines with systems that are more accessible to the disabled. Replacement cost is estimated at \$6,657,000.

No funds will be made available to private organizations.

Audits and Internal Controls

The State Auditor conducts audits of the Office of the Secretary of State and its programs. Audits conducted by the State Auditor will be conducted according to generally accepted auditing standards for financial audits issued by the Comptroller General of the United States.

The Secretary of State will ensure that all records are maintained and available for audit.

and investigation of the complaint that results in a finding that a Title III violation has occurred. HAVA § 402(a)(2)(F); Ch. 356, § 5(E).

G. If the Secretary of State determines that Title III has not been violated, the State shall dismiss the complaint. By posting a notice on its website, and by distributing news releases as it deems appropriate, the Secretary of State's Office shall publicize the results of its assessment and investigation of the complaint that results in a finding that no Title III violation has occurred. HAVA § 402(a)(2)(G); Ch. 356, § 5(E).

H. The Secretary of State shall make a final determination regarding a written complaint within 90 days after the complaint has been filed with the Secretary of State, unless the complainant consents to extending the deadline. This final determination shall be in writing, and will be provided to the complainant and the election official against whom the complaint was made. All efforts will be made to ensure that this 90-day timeline is met, but if additional time is needed, the State must request an extension of time from the complainant. If the complainant refuses to consent to an extension, either the State must make its final determination or the complaint will automatically proceed to alternative dispute resolution. HAVA § 402(a)(2)(H); Ch. 356, § 5(F).

I. If the Secretary of State fails to make a final determination within the 90-day timeline or as extended by consent of the complainant, the complaint shall be resolved pursuant to the procedures set forth in the New Mexico Governmental Dispute Resolution Act [NMSA 1978 §§ 12-8A-1 through 12-8A-5 (2000)]. This Act provides that the parties shall develop an agreement which will govern the alternative dispute resolution process. All the records and materials from the hearing shall be made available for use in the alternative dispute resolution procedure. The Secretary of State must adopt the agreement reached by the parties to the alternative dispute resolution procedure within 60 days after the complaint is referred for resolution under the New Mexico Governmental Dispute Resolution Act. HAVA § 402(a)(2)(I); Ch. 356, § 5(F).

HAVA gives the State the discretion to choose what it deems to be the most appropriate methods of complying with the elements of its HAVA State Plan. HAVA § 253(C). Generally, the right to judicial review is specifically provided by statute. Neither HAVA nor Ch. 356 provides a statutory right to judicial review of a determination made by the State pursuant to the administrative complaint procedure. The New Mexico Administrative Procedures Act only "appl[ies] to agencies made subject to coverage by law," NMSA 1978, § 12-8-23 (1969), and because Ch. 356 does not make the Secretary of State subject to this Act, the HAVA administrative complaint procedure need not comply with the Administrative Procedures Act requirements. New Mexico's administrative complaint procedure will build upon existing law and procedures, thus providing an informal and flexible approach to resolving Title III violations and, therefore, this procedure will not include judicial review provisions.

Funding Distribution and Controls

The Help America Vote Act requires States to include in their Plans information on how they plan to establish funds used to make expenditures to meet the various requirements of the Act; information on fund management; and information on estimated costs.

The Secretary of State intends to use federal funds first to address the requirements placed on the State and counties by the Help America Vote Act and any discretionary election improvements will be funded later.

Because New Mexico has no punch card or lever voting systems, federal replacement funds are

Maintenance of Effort

The Help America Vote Act requires a State that receives "requirements" payments to maintain the expenditures of the State 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. This portion of the Act is often referred to as the "maintenance of effort" clause.

In New Mexico, HAVA funding will be used for new programs or enhanced efforts permitted under the Act, not for normal operating funding at the state or county level. The New Mexico State Legislature is aware of HAVA's maintenance of effort clause.

Performance Goals and Measures

The Secretary of State will, in collaboration with county clerks, establish performance goals and institute a process to measure progress. Activities include, but are not limited to:

Voter Education Materials	January 1, 2006
One HAVA Compliant DRE per Polling Place	January 1, 2006
Provisional Voting Requirements	September 1, 2003
Computerized Statewide Voter Registration System	January 1, 2004
Revised Mail-in Voter Registration Form	January 1, 2003
Election Official Training	January 1, 2006
Poll Worker Training	January 1, 2006
Administrative Complaint Procedure	January 1, 2004

The following areas of each project will be measured and performance data will be collected for each: Scope (measure events affecting cost, implementation, schedule or quality); Schedule (progress toward goals); Resources (measures personnel and financial investment); Quality (measures effectiveness); and Risk (measures impact of certain events on operations). New Mexico has already enacted performance-based budgeting for all state agencies.

Ongoing Plan Maintenance

HAVA requires States to include in their Plan comments on how they will conduct the ongoing management of the Plan.

The New Mexico Secretary of State is the "chief state election official" responsible for the coordination of all State responsibilities under the Act. This Plan will be an essential component in New Mexico's continuing effort to improve the elections process and comply with the provisions of the Help America Vote Act. While this Plan is meant to meet the requirements of HAVA, it is also a matter of policy that the Plan be considered a living, flexible, working document designed to assist New Mexico in the management of the elections process.

The Secretary of State understands and agrees to comply with HAVA requirements related to the ongoing management of the Act. The Secretary of State will not make any material change to this Plan unless the change:

- is developed and published in the Federal Register in accordance with Section 255 of the Act;
- is subject to public notice and comment in accordance with Section 256 of the Act in the same manner as the State Plan; and
- takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register.

New York State Help America Vote Act Plan

TABLE OF CONTENTS

New York State HAVA State Plan Introduction -1-

Outline of the State Plan -3-

Section 1: How the State Will Use the Requirements Payment -5-

 A. Voting Systems Standards (§301) -5-

 B. Provisional Voting and Information Requirements (§302) -6-

 (i) Provisional Voting -6-

 (ii) Information Requirements -7-

 C. Computerized Statewide List, Voters who Register by Mail and Voter Identification (§303) -7-

 (i) New York Voter Registration List -7-

 (ii) Voters who Register by Mail and Voter Identification -9-

 • Replacement of lever voting machines and punch card voting devices. -10-

 • Voting Equipment Accessibility -10-

 • Alternative Language Accessibility -11-

 • Provisional Ballots -12-

 • Centralized Statewide Voter Registration List -13-

 • State Board Administrative Complaint Procedure -14-

Section 2: How the State will Distribute and Monitor Requirements Payments -16-

Section 3: Voter Education, Election Official and Poll Worker Training -18-

Section 4: Voting System Guidelines and Processes -22-

Section 5: How the Election Fund will be Established and Managed -24-

Section 6: Budget for Title III Requirements -25-

 Voting Accessibility -26-

 New York State Voter Registration List -26-

 Physical Accessibility -27-

 Provisional Balloting -27-

 Voter Education -27-

 Statewide Complaint System -27-

 Election Administration Grant Program -27-

 Administration Costs -28-

Section 7: Maintenance of Effort -29-

**NEW YORK STATE
HELP AMERICA
VOTE ACT**

**STATE
IMPLEMENTATION
PLAN**

**NEW YORK STATE BOARD OF ELECTIONS
AUGUST, 2003**

New York State Help America Vote Act Plan

New York State Help America Vote Act Plan

Section 8: Performance Goals and Measures

- Replacement of lever voting machines and punch card voting devices. -30-
- Voting Equipment Accessibility -31-
- Alternative Language Accessibility -32-
- Provisional Ballots -33-
- State Board Administrative Complaint Procedure -34-
- Election Official and Poll Worker Training -35-
- Voter Education -35-
- Centralized Statewide Voter Registration List -36-

Section 9: Administrative Complaint Procedure -38-

Section 10: Title I Payments -40-

Section 11: Management of the State Plan -41-

Section 12: Changes to State Plan from Previous Fiscal Year -43-

Section 13: The Planning Committee and its Procedures -44-

Section 14: Public Comments -48-

New York State HAVA State Plan Introduction

For the first time in the history of the United States, the federal government has committed to fund sweeping election reforms which enhance the voting process in this country. The Help America Vote Act (HAVA) of 2002, requires all states to meet minimum standards for voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot.

HAVA is the result of 18 months of negotiations between congressional representatives and members of the elections community, advocates for persons with disabilities, and members of ethnic and language minority groups. The problems surrounding the 2000 Presidential election were the catalyst for this legislation. In order to guarantee the intended results, HAVA leaves very little discretion to the states in enacting the changes mandated by the legislation. For example, while states may decide which voting system(s) it wishes to use, the system selected must meet the stringent minimum standards set out in the federal legislation.

The implementation of HAVA in New York State requires several changes which will improve the conduct of elections and our voter registration procedures. Among the major changes required by HAVA are:

- replacement of 19,843 lever machines used in 15, 571 election districts in the November 2000 election with voting system(s) which increases the accessibility for persons with disabilities; provides alternate language accessibility as required by the Voting Rights Act of 1965; and gives all voters an opportunity to assure the accuracy of their vote before it is cast;
- establishment of a single, interactive computerized statewide voter registration list, maintained by the state, which will enable the elimination of duplicate registrations;
- verification of voter identification information, enhancing New York's ability to maintain complete and correct voter registration lists;
- creation of a state-based administrative procedure for hearing and resolving citizen complaints involving violations of HAVA provisions, and
- use of provisional ballots.

HAVA provides significant federal funding for the many mandates placed upon the states, including replacement of lever machines and punch card voting devices, the training of election officials and workers, the education of the general public, and the creation of a statewide voter registration system. The statute requires each State intending to use these funds to apply for and certify that the funds will be used for the purposes outlined in the statute. Additionally, the law requires the submission of a plan which outlines how the State will use the funds to meet the requirements of the law, and how it will monitor and disperse those funds. The procedure for developing the state plan, as well as the contents of the plan, are set out in detail in the statute.

Because federal money has been appropriated in the 2002-2003 federal fiscal year budget which ends in September of 2003, New York needs to submit its plan before the end of that fiscal year to ensure our fair share of federal money. New York is meeting the requirements of

New York State Help America Vote Act Plan

HAVA through the development of this plan through the HAVA Task Force. The Task Force, through five public meetings, where an open and free discussion of members and the public ensued, defined issues, posited alternative methods for resolving those issues and established priorities for the State in implementing HAVA.

This State Plan is the result of the work of the Task Force and the supplemental groups which provided information and advice to the Task Force. It provides a framework within which the State of New York will work to meet the statutory requirements of HAVA. That framework includes goals and a time frame for meeting them, as well as standards for determining the success of our progress. While this plan provides the framework to allow New York access to its fair share of federal money, it is not intended to provide definitive answers to all of the questions which need to be addressed for the implementation of HAVA. The federal law provides for a three-year implementation period and ongoing discussions and decisions in New York are needed to fully implement this important piece of legislation. We are committed to engaging in these discussions with all interested parties, as we have throughout this initial process.

New York State Help America Vote Act Plan

Outline of the State Plan

Section 254 of the Help America Vote Act of 2002 outlines the required elements for the State Plan. New York's State Plan follows the 13 subsections found in Section 254 and uses them as a series of questions which the State Plan then addresses in detail.

The State Plan contains a description of each of the following:

- Section (1):** How the State will use the requirements payment to meet the requirements of title III; (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303), and to carry out other activities to improve the administration of elections.
- Section (2):** 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 (1), including a description of—
- The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
 - 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 (8).
- Section (3):** 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.
- Section (4):** How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.
- Section (5):** How the State will establish a fund for the purposes of administering the State's activities under this part, including information on fund management.
- Section (6):** 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—
- The costs of the activities required to be carried out to meet the requirements of Title III;
 - The portion of the requirements payment which will be used to carry out activities to meet such requirements; and
 - The portion of the requirements payment which will be used to carry out other activities.

New York State Help America Vote Act Plan

Section (7): 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.

Section (8): 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.

Section (9): A description of the uniform, nondiscriminatory state-based administrative complaint procedures in effect under Section 402.

Section (10): 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.

Section (11): 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 —

- is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State plan;
- is subject to public notice and comment in accordance with Section 256 in the same manner as the State plan; and
- takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

Section (12): 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.

Section (13): 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 and Section 256.

4

New York State Help America Vote Act Plan

Section 1: How the State Will Use the Requirements Payment**OBJECTIVE:**

Describe how the State will use the requirements payment to meet the requirements of Title III (Voting Systems Standards (§301); Provisional Voting and Information Requirements (§302); Computerized Statewide List and Voters who Register by Mail (§303)), and to carry out other activities to improve the administration of elections.

GOAL:

- The Help America Vote Act of 2002 (HAVA), public law 107-252, establishes minimum election administration standards for states. It specifically requires the State of New York to:
- Replace all lever machines and punch card voting devices used by counties for elections;
 - Certify new and existing voting systems according to national standards;
 - Improve voting equipment accessibility, to include physical and language accessibility;
 - Enhance existing provisional voting system requirements;
 - Establish a statewide compliant system;
 - Provide training for election officials and poll workers;
 - Increase voter education for new voting systems; and,
 - Create a new uniform statewide voter registration list.

PRESENT STATUS:

The State of New York, while facing significant challenges in upgrading its voting systems, is in a relatively good position to implement the requirements of HAVA. Many standards or activities required in HAVA are already in place and being successfully executed. Uniformity across New York is achieved through state statute and rules and regulations covering topics surrounding elections, including: voter qualification; voting system certification; what constitutes a vote; election official and poll worker training; alternative language requirements; uniform provisional ballot procedures; procedures for military and absentee ballots; and tabulating and reporting of votes cast. The State is in compliance with the National Voter Registration Act of 1993, and therefore already has sound procedures for voter registration and maintenance of the voter registration rolls.

PROPOSED PLAN:**A. Voting Systems Standards (§301)**

The State Board of Elections has certified two lever machines and three DRE systems for use in the State. Presently, voting machines are owned by cities, towns, and villages, with the exception of the City of New York and the counties of Monroe, Nassau and Suffolk, where the boards of elections own the voting machines. In the federal election of November 2000, there were 15, 571 election districts in New York State. The vast majority of voters in those districts

5

New York State Help America Vote Act Plan

voted on one of the 19, 843 lever machines in use at that time. Absentee voting systems are owned by the local boards. There are three absentee voting systems certified for use in New York State.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws.

Accessibility, whether a physical disability or a language barrier, is addressed in state law and is largely maintained under the current efforts of the State Board and county election officials. However, given the intent of HAVA to further enhance accessibility, the state will engage in statewide efforts to ensure accessibility to voting systems and all procedures directly connected to the election process.

To ensure that HAVA reform is sustained, the State Board will also extend current reporting requirements to gauge performance of county election officials. These reports will be the foundation to determine future modifications required in law or state election procedures.

To meet these efforts, the State Board will incur administrative costs associated with the coordination, planning, operations and reporting on these programs. In addition, the State Board will need to expand its voting system certification efforts and election official training, as well as develop uniform guidelines for all training relative to election processes. These costs, along with portions of infrastructure and support systems, will be funded through the state election fund.

B. Provisional Voting and Information Requirements (§302)

(i) Provisional Voting

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose name does not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was, thus, not canvassed.

New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the reason for the casting of the affidavit ballot.

New York State Help America Vote Act Plan

(ii) Information Requirements

1 - 800 - FOR VOTE is the State Board's current toll-free election information line. This system will be expanded to implement the initial call-in element of a statewide complaint tracking system. The statewide complaint system will allow for the comprehensive coordination of response by the State Board and county election officials with the initial complaint handled by phone call with an avenue for a written process when needed.

The State Board shall develop the "Voter's Bill of Rights" to be posted in each polling place and provided to each voter, upon request, which describes: information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and when and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under Section 303(b); general information on voting rights under applicable Federal and State laws, including information on how to contact the appropriate election officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

C. Computerized Statewide List, Voters who Register by Mail and Voter Identification (§303)

(i) New York Voter Registration List

Pursuant to the State Constitution, Article II, §6, a voter's registration is valid as long as they reside in the jurisdiction where they registered. There are 62 county boards of elections which have responsibility for the registration of voters in their respective counties. One central board of elections serves the City of New York, with offices in each of the five boroughs (counties). Each board is responsible for, among other things: keeping the registration list accurate and current; removing individuals who are no longer eligible to vote in their jurisdiction; and notifying voters of the dates and times of all elections and the location of their polling place. The voter registration list maintained by the county boards is also used by school districts, villages, towns and other special districts for their particular elections.

All New York State counties use some type of computerized system for storing voter registration information. The boards of elections use different types of computer platforms to maintain their registration lists and perform various other functions. Network servers are used by 45 boards; 8 boards use a mini mainframe system; 4 use personal computers and NYC uses a combination mainframe and network. The software packages that run these various systems were developed by the local board in 19 instances; 32 boards use one vendor; and 7 boards use another vendor. Although most of the local boards, (34), house, manage and maintain their computer systems at their offices, 23 systems are located in county information/technology centers, and the NYC system is housed and maintained at the City data processing center.

As of November 5, 2002, county boards maintained records for 11, 246, 262 registered voters in the state of New York. The number of registered voters within these county jurisdictions

New York State Help America Vote Act Plan

ranges from just over 5,000 to 1.2 million. Those voters were either enrolled in one of eight recognized political parties as follows: Republican: 3,132,161; Democrat: 5,255,521; Independence: 257,281; Conservative: 163,314; Liberal: 86,242; Right-to-Life: 49,482; Green: 29,528; and Working Families: 15,763, or opted not to enroll in any recognized political party. Those voters numbered 2,257,070.

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of elections, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

The State Board will determine, define and establish all technical and functional requirements and shall establish the hierarchy of responsibilities for the implementation and administration of the list.

The State Board shall develop the list and make it available to county election officials for the registration of voters and for the maintenance and retrieval of voter information.

Registration information for all currently registered voters will be incorporated into the list. Duplicate voter registrations will be identified and voting residency will be resolved.

The official voter registration list will be maintained by the State Board according to industry standards and best practices for information management and security.

Counties will remain responsible for all related aspects of voter registration. This shall include, but not be limited to, the receipt and processing of voter registration applications, registering qualified voters, maintaining voter registration information, and maintaining the borders and boundaries of jurisdictions within their purview.

Counties will be responsible for maintaining local infrastructure components relative to the list.

The State Board will develop and implement a Memorandum of Understanding with the New York State Department of Motor Vehicles for the use of their database, which includes access to the Social Security Administration, for verification of voter registration identification.

The State Board will seek access to other statewide databases for the purposes of verification of voter registration identification. These databases will be evaluated for the ability to assist in the verification of voter identification, while realizing that privacy laws may prevent access to some records.

New York State Help America Vote Act Plan

(ii) Voters who Register by Mail and Voter Identification

HAVA requires, in very specific language, that all new applicants provide one's driver's license number or the last four digits of their social security number. The enacted legislation also requires first-time applicants who register by mail to provide identification when they register and for voters who do not provide ID at the time they register, ID must be presented at the time one casts their first vote. New York is strongly committed to diminishing the number of persons required to provide ID when they vote, by contacting those voters by mail, prior to election day, to provide another opportunity to submit identification information, and by utilizing access to Department of Motor Vehicles files and related databases to verify the information provided on registration applications.

Voter identification only applies to:

- mail registration applications,
- voters who have not voted in a prior federal election,
- registrants who do not supply either a driver's license number or the last four digits of their social security number.

For those who need to provide identification, they can supply it either at the time of registration or when they first vote. HAVA specifically provides that acceptable voter identification includes any current and valid photo ID, or 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.

Anyone who needs to provide identification at the polling place but does not do so, may vote by provisional (affidavit) ballot.

The State will assess the reliability and accuracy of available social security information. In conjunction with this proposal, the State will explore the use of other databases to accomplish the goal of verifying voter data.

New York shall develop an avenue for first-time applicants who register by mail and do not provide identification at that time, and for whom no match could be made in the state database verification program, to present that identification at the time of their first vote. New York currently provides for a voter to sign in when they vote, in a designated box which appears next to a facsimile of their signature, in digitized poll books. At present, messages can appear in the signature box, which direct inspectors to be aware that the voter has voted an absentee ballot. New York intends to upgrade message capabilities in poll books, to include an advisory to the inspector that a particular voter will be required to present identification when they present themselves to vote for the first time.

Instructions for election inspectors will be provided in each poll book. The instructions will include a list of the types of identification that may be presented to the inspectors and a

New York State Help America Vote Act Plan

reminder for inspectors to provide the voter with the "notice to voters." The "notice" will contain the options the voter may choose from, in order to cast their vote at that election, including casting a provisional ballot. The inspector handbook will be amended to reflect this new requirement.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Replacement of lever voting machines and punch card voting devices.
New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria Establish number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.

Description of the criteria used to measure performance 62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions of replacement voting systems.

Performance measure Number of counties using lever machines and punch card voting devices in the 2004 Federal election.

Timetable January 1, 2003 to January 1, 2006

Description of official to be held responsible for ensuring each performance goal is met Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

- Voting Equipment Accessibility

Improving voting equipment accessibility, as required by HAVA, shall include accessibility for individuals with disabilities and alternative language accessibility as determined in HAVA and the Voting Rights Act of 1965. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines by the 2004 Federal election.

The State Board will encourage private-public partnerships to enhance the voting participation of all voters with disabilities in coordination with the Help America Vote Foundation established by HAVA. While beyond the scope of this state plan, activities of such groups may be incorporated into

New York State Help America Vote Act Plan

performance reporting to complement physical accessibility goals.

Cities and towns currently designate and inspect all polling places for physical accessibility. Beginning with the 2004 Federal election, and with an eye toward monitoring and uniformly addressing physical accessibility in the polling place, the inspection results will be added to a report that counties already file with the State Board. Success will be measured by compliance with the state and federal laws and regulations on physical accessibility. County reports on accessibility will include data from on-site inspections of polling places, the number of polling places that are accessible, and will describe measures taken to bring inaccessible polling places into compliance.

Process used to develop the criteria Establish number of counties using accessible devices in the 2000 Federal election.

Description of the criteria used to measure performance All 62 New York counties will require alternative voting accessibility devices in the 2004 Federal election according to HAVA.

Performance measure Number of counties using voting accessible compliant devices in the 2004 Federal election

Timetable January 1, 2003 to Federal election 2004

Description of official to be held responsible for ensuring each performance goal is met The State Board is responsible for the certification of HAVA compliant voting equipment in the state.

- Alternative Language Accessibility

The goal of providing useful and ample language accessibility has always been, and continues to be, compliance with the Voting Rights Act of 1965. The entire election process, from voter registration to casting the ballot, is enhanced with providing alternative language accessibility. Voters requiring alternative languages are represented in percentages based on census figures. Success will be determined by the provision of types and quantities of materials available in required alternative languages.

Process used to develop the criteria The state and counties already provide language accessibility as required by the Voting Rights Act of 1965. By the 2004 Federal election, the State Board will ascertain that jurisdictions identified by U.S. Department of Justice requiring alternative language accessibility are in compliance.

Description of the criteria used to measure Counties will provide the state with a report of alternative language capabilities with reference to ballots, publicity pamphlets, voter

New York State Help America Vote Act Plan

Performance registration forms and voter education materials. The data provided will allow the State Board to determine if the uniform procedures for providing alternative language accessibility have been successful.

Performance measure With respect to each county, information will be collected to measure the number of languages required and the number of languages provided for alternative language accessibility for publicity pamphlets, ballots, voter registration forms and voter education materials.

Timetable Federal election 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met The county boards are responsible for ensuring each performance goal is met, with the assistance and cooperation of the State Board.

• **Provisional Ballots**

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose names do not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was thus, not canvassed.

New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the reason for the casting of the affidavit ballot.

Process used to develop the criteria The State Board will review the current statutes and county board procedures and make any changes needed for provisional (affidavit) balloting.

Description of the criteria used to measure performance Modify the current notice to voters to: add an explanation of instances where failure to present ID can be overcome by the casting of an affidavit ballot; add the phone number of county board of elections, to ensure toll-free access for voters to follow-up on their ballots; and create a voter's bill of rights, for distribution and posting in all poll sites

New York State Help America Vote Act Plan

Performance measure Each county board will report the following information:
 • The distribution of revised notices in election day supplies.
 • The addition of revised procedures to any state or local inspector and voter education initiatives.
 • A review of amended processes added to inspector training curriculum.

Timetable Notices to be modified and documents to be distributed by May 2004, to inaugurate the process and to ensure full implementation by the 2004 Federal election.

Description of official to be held responsible for ensuring each performance goal is met County election officials are responsible for provisional ballot distribution verification and compliance with procedures established by the State Board. The State Board is responsible for reviewing compliance reports submitted by counties.

• **Centralized Statewide Voter Registration List**

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of election, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

Process used to develop the criteria Evaluation of the legislation, Task Force sessions, in-house work sessions with appropriate staff, consultation with other state agencies having related expertise, and on-site visits to other states and county boards to review voter registration systems.

Description of the criteria used to measure performance Implementation of a single, uniform, statewide voter registration list accessible to all counties and having appropriate verification capabilities.

Performance measure The State Board has identified three stages for the creation of the statewide list.

- Stage 1: Planning:
 - Completion of business analysis.
 - Establishment of database architecture.
- Stage 2: Development:
 - Development of the database model.

New York State Help America Vote Act Plan

- Determination of hardware and software components of the database architecture.
- Acquisition of the requisite hardware and software components of the database.
- Development of a single statewide uniform user interface.
- Development of the necessary computer network with local boards of elections.
- Testing with regards to all of the above.
- Stage 3: Implementation:
 - Migration of local voter registration data into statewide list.
 - Training of appropriate personnel.
 - Rollout of the system to local boards of elections.
- Troubleshooting with regards to items outlined in Stage 2.
- Establishment of fully operational system.
- Testing with regard to all of the above.

January 1, 2003 to Federal election 2004

Timetable

Description of official to be held responsible for ensuring each performance goal is met

- State Board Administrative Complaint Procedure

The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

Process used to develop the criteria

Description of the criteria used to measure performance

Performance measure

- The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance:
 - Number of complaints received
 - Number of complaints resolved
 - Number complaints resolved in 60 days

New York State Help America Vote Act Plan

- Number of complaints resolved in 90 days
- Number of complaints unresolved
- Description of reason complaint is left unresolved

January 1, 2004.

Timetable

Description of official to be held responsible for ensuring each performance goal is met

State Board of Elections.

New York State Help America Vote Act Plan

Section 2: How the State will Distribute and Monitor Requirements Payments

OBJECTIVE:

Describe 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 (1), including a description of -

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 (8).

GOAL:

To have the State Board centrally manage initiatives funded by requirements payments for the purpose of maintaining uniformity of voting equipment purchases and other expenditures.

PRESENT STATUS:

Currently the State of New York does not provide any funding to county boards of elections.

PROPOSED PLAN:

The State Board will administer the resulting contracts and disbursements consistent with state budget plan described in Section 6 of this plan. The commitments under Title III will be based on federal and state funds deposited in the state election fund.

Funds will be distributed based on availability and the priorities established in this state plan. County voter registration statistics may be taken into consideration for any proportionate distribution of funds to counties for which they qualify under the various elements of distribution. County boards of elections will submit their county budgets that contain the 2000 election cycle maintenance of effort, to establish baseline amounts for efforts already in practice. All expenditures beyond the maintenance of effort will be coordinated with statewide efforts to be eligible for reimbursement of such efforts.

The explicit method and eligibility for each element of distribution is described in Section 6. In general, the distribution of funds to county boards of elections will be in accordance with Memorandums of Understanding (MOU). Each MOU will be the contract between the state and the county to enable payment from the state election fund, and therefore all service levels or compliances required by the MOU will dictate disbursement. Upon receipt and validation of documentation of compliance with the MOU, the State Board will issue disbursements from the

New York State Help America Vote Act Plan state election fund.

The State Board will require, as part of the MOU, that each county use established accounting practices for all aspects of project management to monitor the implementation of the elements in Section 6. Project management and time schedules for these efforts will be conducted by the State Board in coordination with the county election officials. Compliance with the terms of any applicable MOU and with the project management and time schedules established for each element in Section 6 will establish eligibility to receive payments from the state election fund. Any portions not in compliance, or not completed on the time schedule, will delay payments until such time as the county has complied with the necessary requirements. If a county has failed to comply on an effort that prohibits other counties, or the state, to proceed with the time schedule of that same effort, the State Board may postpone all other payments to that county until such time of compliance.

The performance measures detailed in Section 8 of this state plan will be used to evaluate participation and effectiveness of disbursements. Monitoring performance measures will be completed annually during the filing of detailed reports required by the State Board. The reports will include specific data to disclose each county's performance as it relates to the implementation of HAVA.

New York State Help America Vote Act Plan

New York State Help America Vote Act Plan

Section 3: Voter Education, Election Official and Poll Worker Training

OBJECTIVE:

Describe how the State will provide 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.

GOAL:

The goal of providing voter education has always been foremost with the State Board, as well as with county boards of elections. The State Board views education of the voter as a key component in the entire election process. Voter education is particularly important in the implementation of HAVA which includes the introduction of new voting systems. The State anticipates devoting significant resources available under HAVA to voter education efforts. The proposed plan delineated below provides initial components of a voter education program necessary to successfully implement HAVA in New York. Additionally, New York recognizes the value of and intends to develop a uniform, statewide comprehensive training program for poll workers and election officials.

PRESENT STATUS:

The county boards of elections administer local, county, state and federal elections. They recruit, hire and train election inspectors and voting machine custodians. Local election officials administer their own training for staff and poll workers. The State Board provides each county with a "Guide to Operating a Board of Elections" for training of board staff. The State Board supplies county boards with Election Inspector Handbooks for use in their training and on Election Day. The State Board supplies local boards of elections with educational brochures for the public on various aspects of the voting process. Voting system vendors are required to provide training for election officials, voting machine custodians and election day workers, as part of their contractual obligations.

The State Board takes pride in the working relationship it has with the county boards of elections. The Board has been successful in launching new forms and procedures, due to its policy of empaneling focus groups of election commissioners, who assist in evaluating all aspects of the concept or form being discussed. Additionally, the State Board includes other experts, such as postal officials, literacy and forms experts, and others who lend their skills and talents to the discussion and production phases of these efforts. The State Board intends to continue to utilize all the expertise available to it, to ensure a full analysis of any initiative and/or any forms which are a result of that initiative.

PROPOSED PLAN:

The State Board intends to contract with a professional training organization to develop training curriculum and methodology for the delivery of a statewide training program to be made available to all county boards of elections. Topics for the training program shall include, but not be limited to, use of the new voting machines, sensitivity in dealing with voters with disabilities, the elderly, and those voters with accessibility issues.

The State Board of Elections will develop a statewide training program which will provide for the uniform and nondiscriminatory treatment of voters in determining: a) who is offered a provisional ballot, b) whose provisional ballots are counted, c) who may provide assistance to voters in the polling booth, d) who is asked for identification at the polls, e) what forms of identification are accepted upon registration, f) how registration applications are processed and approved, g) how voters' names are removed from the list because of ineligibility or duplication and h) how voter education requirements are carried out.

The State Board will provide through this statewide training process that the same procedures are used in all polling places.

The State Board will work with voting system vendors to enhance and deliver required training programs to election officials, voting machine custodians, election day workers and voters.

The State Board plans to develop and deliver a voter outreach/education campaign, via media and direct mail, to every registered voter, with information on the use of new voting machines and election day processes (available in multiple languages, including Braille). Outreach efforts shall include ample opportunities for voters to become familiar with new voting machines. The program will include contacts with state associations, community and/or private companies, and corporations, to further distribute voter outreach/education materials. A component of the program will be the development of a voter's handbook with information on registration, voting machines, ballot layouts, and how and where to obtain assistance. The handbook will be available in multiple languages and distributed through boards of elections, schools, community groups, libraries, government agencies, television, radio, videotape(s) and websites.

The State Board expects to explore new and innovative poll worker recruitment programs, including the utilization of the "Help America Vote College Program."

Each county board of elections is urged to have a website that provides information and which links voters to comprehensive, useful and downloadable election information and forms. The State Board will develop a model website which would be available for utilization by county boards of elections.

New York State Help America Vote Act Plan

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

• Voter Education

The goal of providing useful and ample voter education has always been a priority of the State Board and county election officials. The State Board views the entire election process, from voter registration to casting the ballot, as voter education. Therefore, success will be determined by the subjective inspection of many factors revolving around the voter.

The counties and certain community/political groups already provide voter education opportunities. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voting systems and election day procedures required by this Act. The counties will include details of their efforts in the annual reports they file with the State Board.

The assimilation by the voter of new election day processes will be determined by the number of problems occurring on election day.

Performance measure

With respect to each county, the following information will be collected to measure performance:

- Number of public service announcements,
- Number of locations where voting equipment is on public display,
- Number of other voter education and voter outreach initiatives, including:
- Description of initiative
- Estimated costs
- Participation in initiative
- Number and nature of problems on election day.

Timetable

January 1, 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met

The State Board and the county boards are all responsible for ensuring the success of voter education; however, the State Board is responsible for the success of all statewide coordinated efforts for voter education.

New York State Help America Vote Act Plan

• Election Official and Poll Worker Training.

The State Board is committed to effective election official and poll worker training which will result in positive voter experiences and fair and orderly elections. Poll workers will be trained in new procedures and the operation of new voting equipment. Significant HAVA resources will be devoted to the training of poll workers and election officials to ensure the successful introduction of new voting systems and procedures in New York. In addition, the State Board will develop a model training program for use by county boards of elections. Poll worker training is essential to the successful implementation of HAVA in New York State. Each person should be provided with sufficient knowledge and information to intelligently perform their role in the process whether as a voter or election worker.

Process used to develop the criteria Evaluate existing training programs and corresponding manuals in conjunction with new HAVA requirements.

Description of the criteria used to measure performance Analyzing the number of election officials/poll workers trained in each county will allow the State Board and county boards to determine whether the uniform training, as implemented, was successful.

Performance measure

With respect to each county, the following information will be collected to measure election official/poll worker training performance:

- The number of election officials to be trained in each county.
- The total number of poll workers to be trained in each county.
- The number of election officials that are trained in each county.
- The total number of poll workers that are trained in each county.

Timetable

Spring 2004 training on new election day processes; training on new equipment when acquired by locality.

Description of official to be held responsible for ensuring each performance goal is met

County election officials are responsible for poll worker training and reporting, however, the State Board is responsible for establishing the guidelines, reporting requirements and ultimately the success of this performance measure.

New York State Help America Vote Act Plan

New York State Help America Vote Act Plan

Section 4: Voting System Guidelines and Processes

OBJECTIVE:

Describe how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

GOAL:

New York intends to replace all lever voting machines used in the state, which numbered 19,843 at the 2000 Presidential Election, with voting systems which are HAVA-compliant, under the provisions of the most recent and adopted Federal Voting System Standards.

New York intends to replace its two remaining county-based punch-card, absentee voting systems.

PRESENT STATUS:

- New York currently has voting system rules and regulations in place, and was one of the first states in the country to address this issue, by developing and adopting rules in the mid 1980's.
- The State Board of Elections has adopted the existing federal voting system standards as its own, which specifically address issues of accessibility, secrecy, prevention of over votes, review of one's ballot prior to casting, and the accurate counting of every vote cast.
- National Association of State Election Directors (NASED) certification, which tests to federal standards, is required before certification in New York can be sought.
- Current statute and regulations in New York require additional certification testing of NY-specific aspects of the voting process, which are not addressed in the NASED certification program, namely multiple party endorsements for a single candidate. This is currently accomplished within the State Board's Election Operations Unit, in consultation with an independent testing consultant.
- New York's current statute defines what constitutes a vote.
- The performance of logic and accuracy tests is required before each election, and is conducted at the county level, pursuant to formulas and procedures developed and distributed by the State Board, thus ensuring consistent correct vote counts for all offices and uniformity throughout the state.
- Current statute and/or regulations require the conduct of acceptance testing of each piece of voting equipment purchased in the State, under the guidance and with the participation of State Board personnel.

PROPOSED PLAN:

- The State Board will develop, in consultation with county election officials, strategies for the purchase and statewide implementation of new election day voting systems which are HAVA-compliant.
- The State Board will work with the two remaining counties using punch card technology for absentee ballot purposes, to replace these systems with optical scan technology.
- The State Board will also develop procedures to review and decertify systems that no longer meet adopted Voting System Standards.

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

- Replacement of lever voting machines and punch card voting devices.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The procurement effort will also ensure that voting accessibility standards for persons with disabilities are met. This effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria

Establish the number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.

Description of the criteria used to measure performance

62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions for replacing voting systems.

Performance measure

Number of counties using lever machines and punch card voting devices in the 2006 Federal election.

Timetable

January 1, 2003 to January 1, 2006.

Description of official to be held responsible for ensuring each performance goal is met

Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

New York State Help America Vote Act Plan

Section 5: How the Election Fund will be Established and Managed

OBJECTIVE:

Describe how the State will establish an Election Fund for purposes of administering the State's activities under this part, including information on fund management.

GOAL:

To establish a state fund for the purposes of administering the receipt and distribution of funds under HAVA.

PRESENT STATUS:

Separate funds are established in New York by legislation, allowing state agencies overseeing a federally funded program to establish guidelines for distribution of monies to local governments. Since neither the State nor the Federal government has ever distributed funds to localities for election purposes, no such program currently exists.

PROPOSED PLAN:

As part of the Governor's 2003-2004 proposed budget, over \$70 million was earmarked for the State Board. Of that money, \$3 million was targeted for the preliminary development of a statewide voter registration list, and \$65 million was to be placed in a separate fund in anticipation of federal monies for HAVA-related implementation of new voting systems and related administrative initiatives. The State will establish the mechanism to distribute the money as outlined in Section 2 of this plan.

New York State Help America Vote Act Plan

Section 6: Budget for Title III Requirements

OBJECTIVE:

Describe 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.

GOAL:

Provide for effective and efficient use of available federal funds, to implement election reforms required by HAVA.

PRESENT STATUS:

Separate funds are established in New York by legislation which allows state agencies overseeing the program to establish guidelines for distribution of monies to local governments. Since neither the State nor the Federal government has ever distributed funds to localities for election purposes, no such program currently exists.

PROPOSED PLAN:

New York's proposed budget outlined below, subject to federal funding of HAVA, includes funding for programs to conform the State to the requirements of Title III. In order to qualify for funding, the State must: meet the requirements of Title III; provide the same maintenance of effort for election operations as in the budget year prior to the 2000 general election; and provide matching funds of five percent of the federal dollars. Funding under HAVA also provides funding under Section 101 for the Administration of Elections and under Section 102 for Lever Machine and Punch Card Replacement. All of the funds provided under HAVA are "no year" money, meaning that they are not required to be expended by the close of the specific federal fiscal year.

Proposed Budget for State Plan for Fiscal years 2003-2005(dollars in millions)				
Program Area	Total Proposed Budget	From Section		% of Title I money (\$101, 102)
		101	102 & 257*	
A total of \$55 million (Sections 252 and 257 for fiscal year 2003 only) and \$67 million as early monies (Sections 101 and 102) is projected.				
				% of Title I money II money (\$252, 257)

New York State Help America Vote Act Plan

Voting Accessibility - Lever Voting Machine Replacement program	140	50	90	75.8	53
New York State Voter Registration List	20	3	17	4.5	10
Physical Accessibility	10		10		6
Provisional Balloting	0				
Voter Education	20	9	11	14	6
Poll Worker and Election Official Training	2.5	0.9	1.6	1	1
Statewide Complaint System	0.1	0.1		0.2	
Election Administration Grant Program	40		40		24
Administration costs	3	3		4.5	
TOTALS	235.6	16	169.6	100**	100**

* subject to 5% matching funds
 ** some rounding is necessary to equal 100%

Voting Accessibility

New York will initiate a program to facilitate lever machine and punch card replacement. All 62 counties in New York currently use lever voting machines and 2 counties still use punch card systems for absentee ballot purposes. The State Board will explore a procurement effort to acquire new voting systems. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: device acquisition; system maintenance; election preparation services; and election tabulation services.

The plan proposes that counties own and operate the systems and work with vendors to maintain the new voting systems and retain control of election services at the county level.

New York State Voter Registration List

The State Board will implement a statewide voter registration list to comply with HAVA Title III. Working with county election officials, the State Board will define functional requirements and roles and responsibilities of carrying out the functions of voter registration. The State Board shall develop, maintain and support the statewide list as the official voter registration list. County boards will remain responsible for the operations of voter registration, including but not limited to: maintaining voter registration information, borders and boundaries of political subdivisions, poll resource management, registration list information, and ballot access filings. County boards will also remain responsible for furnishing their lists, reports, and other printing requirements. Counties will be responsible for common infrastructure requirements for supporting the statewide list. Counties and the State Board will maintain the statewide list through existing maintenance of effort appropriations.

New York State Help America Vote Act Plan

Physical Accessibility

The State will provide funds through a grant program administered by the State Board, to be used by localities to improve the physical accessibility of polling places. Additionally, HAVA provides for other monies to improve physical accessibility of polling places. Counties may apply for funds for this purpose under Section 261 of HAVA.

Provisional Balloting

Provisional balloting is already a county board responsibility, and is included in the maintenance of effort of the county election officials as prescribed in law.

Voter Education, Poll Worker and Election Official Training

Voter education is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology, there will be costs associated with voter education above the current maintenance of effort.

Poll worker training is already a county board responsibility, and included in the maintenance of effort of county election officials. Because all jurisdictions will be changing voting technology and election day procedures, there will be costs associated with poll worker training above the current maintenance of effort.

Election official training is already a State Board responsibility, and included in the maintenance of effort of the State Board. Due to changes in voting technology and election day procedures, there will be costs associated with election official training above the current maintenance of effort.

Statewide Complaint System

The State Board will implement a statewide complaint system to comply with HAVA Title IV, in order to qualify for Title III funding. Working with the county election officials, the State Board will define functional requirements, roles and responsibilities of complaint procedures as defined in Section 9 of the State Plan.

Subject to federal funding of HAVA, the complaint procedure will be funded for development and additional efforts for maintaining the system.

Election Administration Grant Program

The State will develop the Election Administration Grant Program, to be utilized by counties for the improvement of electoral processes. All grants are subject to a five percent match by the receiving entity. The State Board will develop a mechanism to evaluate grant applications and the related distribution of funds.

New York State Help America Vote Act Plan

Administration Costs

To fulfill the requirements of Title III, the State Board will provide for the coordination, planning, operation and reporting on these programs. Subject to federal funding of HAVA, the State Board will use funds to administer the implementation of HAVA above the current maintenance effort.

28

New York State Help America Vote Act Plan

Section 7: Maintenance of Effort**OBJECTIVE:**

Describe 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.

GOAL:

Meet statutory mandate for maintenance of effort.

PRESENT STATUS:

The State Board does not provide funds for any activities identified in Title III. Costs for voting systems, provisional balloting, voting information requirements, voter registration lists, and registration by mail are borne by county boards of election.

PROPOSED PLAN:

County boards shall continue to provide maintenance of effort in providing election and voter education as required in HAVA.

29

New York State Help America Vote Act Plan

Section 8: Performance Goals and Measures

This section represents a consolidation of performance goals and measures found in other parts of this plan.

OBJECTIVE:

Describe 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 carrying out the plan. This plan includes 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.

GOAL:

HAVA establishes minimum election administration standards for states. It specifically requires New York to:

- Replace all lever machines and punch card voting devices used by counties for elections;
- Certify new and existing voting systems according to national standards;
- Improve voting equipment accessibility, to include physical and language accessibility;
- Enhance existing provisional voting system requirements;
- Establish a statewide complaint system;
- Provide training for election officials and poll workers;
- Increase voter education for new voting systems; and,
- Create a new uniform statewide voter registration list.

PROPOSED PLAN:

The State Board is ultimately responsible for ensuring the success in meeting each performance goal. Each county election office also has a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state annually.

The State Board and the counties will enhance current reporting requirements to include specific data to disclose the successes and failures of their jurisdiction as it relates to the implementation of HAVA. The State Board will compile the data in the reports, and create and distribute a statewide report on the programs on an annual basis.

New York State Help America Vote Act Plan

- Replacement of lever voting machines and punch card voting devices.

New York will undertake a statewide effort to facilitate replacement of voting systems in counties where lever machines are used. The effort will also ensure that voting accessibility standards for persons with disabilities are met. This procurement effort will comply with all state procurement rules and laws. The measure of success is the replacement of all lever machines and punch card voting devices.

Process used to develop the criteria Establish the number of counties using lever voting machines and punch card voting devices in the 2000 Federal election.

Description of the criteria used to measure performance 62 New York counties had qualifying precincts in the 2000 Federal election according to HAVA descriptions of replacement voting systems.

Performance measure Number of counties using lever machines and punch card voting devices in the 2004 Federal election.

Timetable January 1, 2003 to January 1, 2006.

Description of official to be held responsible for ensuring each performance goal is met Each county board of elections is responsible for implementing the replacement voting system in their county, however, the State Board is leading the statewide effort for replacement and is therefore ultimately responsible for meeting this performance measure. The State Board is responsible for the certification of all new voting equipment.

- Voting Equipment Accessibility

Improving voting equipment accessibility, as required by HAVA, shall include accessibility for individuals with disabilities and alternative language accessibility as determined in HAVA and the Voting Rights Act of 1965. The measure of success for both elements is the successful acquisition and deployment of accessible voting machines by the 2004 Federal election.

The State Board will encourage private-public partnerships to enhance the voting participation of all voters with disabilities in coordination with the Help America Vote Foundation established by HAVA. While beyond the scope of this state plan, activities of such groups may be incorporated into performance reporting to complement physical accessibility goals.

Cities and towns currently designate and inspect all polling places for physical accessibility. Beginning with the 2004 Federal election, and with an eye toward monitoring and uniformly addressing physical accessibility in the polling place, the inspection results will be added to a report that counties already file with the State Board. Success will be measured by compliance goals.

New York State Help America Vote Act Plan

with the state and federal laws and regulations on physical accessibility. County reports on accessibility will include data from on-site inspections of polling places, the number of polling places that are accessible, and will describe measures taken to bring inaccessible polling places into compliance.

Process used to develop the criteria

Establish number of counties using accessible devices in the 2000 Federal election.

Description of the criteria used to measure performance

All 62 New York counties will require alternative voting accessibility devices in the 2004 Federal election according to HAVA.

Performance measure

Number of counties using voting accessible compliant devices in the 2004 Federal election

Timetable

January 1, 2003 to Federal election 2004

Description of official to be held responsible for ensuring each performance goal is met

The State Board is responsible for the certification of HAVA compliant voting equipment in the state.

- Alternative Language Accessibility

The goal of providing useful and ample language accessibility has always been, and continues to be, compliance with the Voting Rights Act of 1965. Voters requiring alternative languages are represented in percentages based on census figures. The entire election process, from voter registration to casting the ballot, is enhanced with providing alternative language accessibility as required by the Voting Rights Act of 1965. Success will be determined by the provision of types and quantities of materials available in required alternative languages.

Process used to develop the criteria

The state and counties already provide language accessibility as required by the Voting Rights Act of 1965. By the 2004 Federal election, the State Board will ascertain that jurisdictions identified by U.S. Department of Justice requiring alternative language accessibility are in compliance.

Description of the criteria used to measure performance

Counties will provide the state with a report of alternative language capabilities with reference to ballots, publicity pamphlets, voter registration forms and voter education materials. The data provided will allow the State Board to determine if the uniform procedures for providing alternative language accessibility have been successful.

New York State Help America Vote Act Plan

Performance measure

With respect to each county, information will be collected to measure the number of languages required and the number of languages provided for alternative language accessibility for publicity pamphlets, ballots, voter registration forms and voter education materials.

Timetable

Federal election 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met

The county boards are responsible for ensuring each performance goal is met, with the assistance and cooperation of the State Board.

- Provisional Ballots

Provisional ballots, called affidavit ballots in New York, are currently provided for in statute. They are a fail-safe option for voters whose name does not appear in a poll book, for those who have moved but not yet notified their respective board of elections, or in Primary elections for voters for whom their stated enrollment does not match the enrollment specified in a poll book. The current statute requires that a notice, with a registration form, be sent to each person who cast an affidavit ballot which was deemed invalid and was thus, not canvassed.

New York intends to enhance existing statutory requirements for provisional (affidavit) ballot voting, to encompass offering said ballot to those voters for whom identification must be provided at the time one votes, but who fail to present identification. The notification process will be amended to provide for notice of the disposition of each affidavit ballot cast to those respective voters. Additionally, the affidavit ballot envelope will be amended to reflect appropriate selection by the voter as to the reason for the casting of the affidavit ballot.

Process used to develop the criteria

The State Board will review the current statutes and county board procedures and make any changes needed for provisional (affidavit) balloting.

Description of the criteria used to measure performance

Modify the current notice to voters to: add an explanation of instances where failure to present ID can be overcome by the casting of an affidavit ballot; add the phone number of county board of elections to ensure toll-free access for voter to follow-up on their ballots; and create a voter's bill of rights for distribution and posting in all poll sites.

Performance measure

Each county board will report the following information:

- The distribution of revised notices in election day supplies.
- The addition of revised procedures to any state or local inspector and voter education initiatives.

New York State Help America Vote Act Plan

- A review of amended processes added to inspector training curriculum.

Timetable

Notices to be modified and documents to be distributed by May 2004, to inaugurate the process and to ensure full implementation by the 2004 Federal election.

Description of official to be held responsible for ensuring each performance goal is met

County election officials are responsible for provisional ballot distribution verification and compliance with procedures established by the State Board. The State Board is responsible for reviewing compliance reports submitted by counties.

- State Board Administrative Complaint Procedure

The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

Process used to develop the criteria

Evaluation of the legislation, Task Force sessions, and in-house work sessions with appropriate staff.

Description of the criteria used to measure performance

Measurement of success for the statewide complaint procedure will be the availability and performance of the system, as well as the experience for the voter.

Performance measure

The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance:

- Number of complaints received
- Number of complaints resolved
- Number of complaints resolved in 60 days
- Number of complaints resolved in 90 days
- Number of complaints unresolved
- Description of reason complaint is left unresolved

Timetable

January 1, 2004.

Description of official to be held responsible for ensuring each performance goal is met

State Board of Elections.

New York State Help America Vote Act Plan

- Election Official and Poll Worker Training

The State Board is committed to effective election official and poll worker training which will result in positive voter experiences and fair and orderly elections. Poll workers will be trained in new procedures and the operation of new voting equipment. Significant HAVA resources will be devoted to the training of poll workers and election officials to ensure the successful introduction of new voting systems and procedures in New York. Poll worker training is essential to the successful implementation of HAVA in New York State. Each person should be provided with sufficient knowledge and information to intelligently perform their role in the process whether as a voter or election worker.

Process used to develop the criteria

Evaluate existing training programs and corresponding manuals in conjunction with new HAVA requirements.

Description of the criteria used to measure performance

Analyzing the number of election officials/poll workers trained in each county will allow the State Board and county boards to determine whether the uniform training as implemented, was successful.

Performance measure

With respect to each county, the following information will be collected to measure election official/poll worker training performance:

- The number of election officials to be trained in each county.
- The total number of poll workers to be trained in each county.
- The number of election officials that are trained in each county.
- The total number of poll workers that are trained in each county.

Timetable

Spring 2004 training on new election day processes; training on new equipment when acquired by locality.

Description of official to be held responsible for ensuring each performance goal is met

County election officials are responsible for poll worker training and reporting, however, the State Board is responsible for establishing the guidelines, reporting requirements and ultimately the success of this performance measure.

- Voter Education

The goal of providing useful and ample voter education has always been a priority of the State Board and county election officials. Measuring the success of voter education, however, is complicated and includes variables such as uncontested races, controversial ballot measures, and complicated ballot layouts. The State Board views the entire election process, from voter registration to casting the ballot, as voter education. Therefore, success will be determined by

New York State Help America Vote Act Plan

the subjective inspection of many factors revolving around the voter.

Process used to develop the criteria
 The counties and certain community/political groups already provide voter education opportunities. By the 2004 Federal election, additional steps will be taken to ensure voter knowledge of changes in voting systems and election day procedures required by this Act. The counties will include details of their efforts in the annual reports they file with the State Board.

Description of the criteria used to measure performance
 The assimilation by the voter of new election day processes will be determined by the number of problems occurring on election day.

Performance measure
 With respect to each county, the following information will be collected to measure performance:

- Number of public service announcements,
- Number of locations where voting equipment is on public display,
- Number of other voter education and voter outreach initiatives, including:
 - Description
 - Estimated costs
 - Participation
 - Number and nature of problems on election day.

Timetable
 January 1, 2004 and annually thereafter.

Description of official to be held responsible for ensuring each performance goal is met
 The State Board and the county boards are all responsible for ensuring the success of voter education; however, the State Board is responsible for the success of all statewide coordinated efforts for voter education.

- Centralized Statewide Voter Registration List

The State Board will implement a statewide voter registration list. The State Board's goal is to meet the requirements of HAVA, while maintaining the current level of election services at the local level, and at the same time enhancing the administration of voter registration and the election process for the citizens of New York. Working with the county boards of elections, the State Board will define functional requirements, roles and responsibilities of carrying out the functions of voter registration to enhance the operations of these offices. In order to comply with the requirements of Title III of HAVA, the State Board "shall implement, in a uniform and non-discriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list."

New York State Help America Vote Act Plan

Process used to develop the criteria
 Evaluation of the legislation, Task Force sessions, in-house work sessions with appropriate staff, consultation with other state agencies having related expertise, and on-site visits to other states and county boards to review voter registration systems.

Description of the criteria used to measure performance
 Implementation of a single, uniform, statewide voter registration list accessible to all counties and having appropriate verification capabilities.

Performance measure
 The State Board has identified three stages for the creation of the statewide list.

Stage 1: Planning

- Completion of business analysis
- Establishment of database architecture

Stage 2: Development

- Development of the database model
- Determination of hardware and software components of the database architecture
- Acquisition of the requisite hardware and software components of the database
- Development of a single statewide uniform user interface
- Development of the necessary Wide Area Network (WAN) with local boards of elections
- Testing with regards to all of the above

Stage 3: Implementation

- Migration of local voter registration data into statewide list
- Training of appropriate personnel
- Rollout of the system to local boards of elections
- Troubleshooting with regards to items outlined in Stage 2
- Establishment of fully operational system
- Testing with regard to all of the above

Timetable
 January 1, 2003 to Federal election, 2004

Description of official to be held responsible for ensuring each performance goal is met
 The State Board is responsible for implementing and operating the statewide voter registration list.

New York State Help America Vote Act Plan

New York State Help America Vote Act Plan

Section 9: Administrative Complaint Procedure

PERFORMANCE GOALS AND MEASURES: (also repeated in Section 8)

OBJECTIVE:

Provide a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Title IV.

The State Board will implement a statewide complaint procedure. Measurement of the success of the statewide procedure will be the availability and performance of the system, as well as the experience for the voter.

GOAL:

New York shall develop a procedure for the processing of any complaints for alleged violations of Title III of HAVA.

Process used to develop the criteria Evaluation of the legislation, Task Force sessions, and in-house work sessions with appropriate staff.

Description of the criteria used to measure performance Measurement of success for the statewide complaint procedure will be the availability and performance of the system, as well as the experience for the voter.

PRESENT STATUS:

The State Board currently provides the opportunity for any person to file a complaint about provisions of the Election Law, election day procedures, election administration and voter registration. This includes complaints relating to the National Voter Registration Act. In addition, complaints may be also made to any county board of elections.

Performance measure The State Board will review the total number of complaints received and resolved. The following information will be collected to objectively measure performance:

- Number of complaints received
- Number of complaints resolved
- Number of complaints resolved in 60 days
- Number of complaints resolved in 90 days
- Number of complaints unresolved
- Description of reason complaint is left unresolved

PROPOSED PLAN:

Initially, any complaints made at the local level may be resolved there in an informal manner. Thus, the officials closest to the problem may correct it in the most efficient and timely way possible.

1 - 800 - FOR VOTE is the State Board's current toll-free election information line (with TDD capability). This system will be expanded to implement the initial call-in element of a statewide complaint procedure. The statewide procedure will allow for the comprehensive coordination of response by the State Board and county election officials with the initial complaint handled in person or by phone call and progressing to a written process when needed.

The State Board will set up a method for processing written complaints received in compliance with HAVA requirements. The State Board will assist any person with disabilities in making a complaint.

As required by HAVA, the process will provide for an opportunity for any complainant to request a hearing on the record. The procedure will also provide that the State Board will make a final determination of a complaint within 90 days, unless the time limit is waived by the complainant. If the State Board fails to meet this deadline, an alternative dispute resolution procedure will be used to resolve the complaint within 60 additional days.

Timetable

January 1, 2004.

Description of official to be held responsible for ensuring each performance goal is met

State Board of Elections.

New York State Help America Vote Act Plan

Section 11: Management of the State Plan**OBJECTIVE:**

Describe 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 is developed and published in the Federal Register in accordance with Section 255 in the same manner as the State Plan; is subject to public notice and comment in accordance with Section 256 in the same manner as the State Plan; and takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

GOAL:

The State Board will ensure proper management of obligations set forth in HAVA.

PRESENT STATUS:

Presently the State Board has oversight responsibilities for all 62 county boards of elections. The various mechanisms used at the present time, for conducting related monitoring and educational activities, include the following:

- on-site board visits, followed by written reports (to the State Board, County Board, and local legislative leaders, as appropriate)
- annual report statistical review, encompassing a quantitative summary of board activities
- extensive subject-specific surveys regarding procedures, processes or events
- certifications by county boards on the performance and outcome of certain statutory tasks (such as required mailings to voters, polling place evaluations, etc.)
- presentation of an annual conference, for all election officials in the state (usual attendance exceeds over 200 participants), including a Professional Practices component
- participation in two statewide conferences sponsored by the New York State Election Commissioners Association, at which the State Board presents workshops on specific topics
- creation and distribution of a "Guide to Operating a Board of Elections", to assist election officials in standardizing and professionalizing day-to-day and election-specific operations
- numerous memos on procedure and performance suggestions, to assist county boards in the development of operational procedures
- creation and distribution of model procedures which are task-specific, and serve as an easy reference and guide for the conduct and anticipated outcome of certain procedures (such as the NYRA-related List Maintenance Directory)

41

New York State Help America Vote Act Plan

Section 10: Title I Payments**OBJECTIVE:**

Describe how any payment under Title I will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

GOAL:

Provide for effective and efficient use of available federal funds.

PRESENT STATUS:

The Federal government has never distributed funds to New York State for election purposes.

PROPOSED PLAN:

Pursuant to HAVA and in anticipation of receiving full funding for Title I, money will be distributed to provide for lever machine replacement for each county where a lever machine system is in use. Section 6 details how the federal funds will be spent to meet the requirements of Section 301 of HAVA.

New York will initiate a program to facilitate voting system replacement. Every county in the State will require new voting systems. The State Board will explore a procurement effort to acquire these systems. The scope of the program will be the replacement of voting systems. The State Board will work with county election officials to ensure that all needs are met, including but not limited to: system acquisition; system maintenance; election preparation services; and election tabulation services.

This Plan proposes that counties own and operate the systems and work with vendors to maintain the new voting systems and retain control of election services at the county level.

The State Board will implement a statewide voter registration list to comply with the HAVA Title III. Working with the county election officials, the State Board will define functional requirements and roles and responsibilities of carrying out the functions of voter registration. The State Board will define, maintain and administer at the state level "the single, uniform, official, centralized, interactive computerized statewide voter registration list."

Any remaining funds will be used for the other programs described in Title I, Section 101 (b) (1). Section 6 of the State Plan details how such funds will be allocated.

40

New York State Help America Vote Act Plan

PROPOSED PLAN:

All of these existing components will be enhanced to include reviews, assessments, reporting and certification of HAVA requirements, to ensure the uniform, professional and consistent implementation of all aspects of this federal legislation

If the State Board determines the State Plan requires material change, the State Board shall propose the recommended changes to the Chief State Election Official, allow for public comment for not less than 30 days; and publish in the Federal Register upon submitting the revised plan to the Election Assistance Commission.

New York State Help America Vote Act Plan

Section 12: Changes to State Plan from Previous Fiscal Year

OBJECTIVE:

Describe 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.

GOAL:

To establish a mechanism to address changes in subsequent years of the state planning process pursuant to HAVA.

PRESENT STATUS:

Since this is the first round of state planning, no process currently exists.

PROPOSED PLAN:

This State Plan is the Preliminary State Plan required under HAVA. This Section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

New York State Help America Vote Act Plan

New York State Help America Vote Act Plan

Section 13: The Planning Committee and its Procedures

OBJECTIVE:

Provide 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 and Section 256, including the membership of the committee and its activities, such as hearings or other forms of public input, publications, notices, comments, and actions taken as a result of comments.

DESCRIPTION OF THE DEVELOPMENT OF THE STATE PLAN:

Pursuant to Section 255, on February 7, 2003, the Chief State Election Official, Peter S. Kosinski, Deputy Executive Director of the New York State Board of Elections, appointed a task force to advise in the development of the State Plan, designated the Help America Vote Act State Implementation Plan Task Force (Task Force). The group included persons who provided expertise and meaningful input to the formation of the Plan, as well as representatives of groups mandated by HAVA.

Representatives of various government groups were appointed, including the Governor's Office; the New York State Senate and Assembly; the New York State Department of Motor Vehicles; New York State Office for Technology; the Secretary of State's Office and the Division of the Budget. The Secretary of State's Office and the Division of the Budget assisted with local government interaction issues and budgetary concerns, respectively.

Also mandated by HAVA and included on the Task Force, were representatives from the boards of elections of the two largest jurisdictions in the state, New York City and Suffolk County. Representatives from two upstate county boards of elections and an official representing county government also served as Task Force members.

In light of the provisions of HAVA concerning persons with disabilities, a representative of disability groups, as well as New York's Advocate for Persons with Disabilities, were appointed. A representative of each of the major state political parties and the New York State League of Women Voters also served on the panel.

The Chief State Election Official designated a portion of the State Board of Election's website at www.elections.state.ny.us as a place for the public to view the Task Force's composition, meeting schedule, minutes of meetings, and back-up resource for the State Plan.

The Task Force held open, public meetings on February 26, March 5, 12, 19, and 26, 2003 and advised and provided feedback to the Chief Election Official on elements for the State Plan.

Composition of Task Force

Member	Organization
Laurence Adamezyk	Commissioner of the Erie County Board of Elections
Aimee Alland	League of Women Voters
Maggie Brooks	Monroe County Clerk
Randy Daniels	New York Secretary of State
Member of Assembly RoAnn Destito	New York State Assembly
James Dillon	Chief Information Officer for New York State
John Haggerty, Jr.	New York State Republican Party
Peter James Johnson, Jr.	Governor's Office
Anita S. Katz	Commissioner of the Suffolk County Board of Elections
Douglas Kellner	New York State Democratic Party
Helen M. Kiggins	Commissioner of the Onondaga County Board of Elections
Raymond Martinez	Commissioner NYS Department of Motor Vehicles
Jerry Minot-Scheuermann	New York State Division of the Budget
Senator Thomas Morahan	New York State Senate
John Ravitz	Executive Director for the NYC Board of Elections
Senator Nicholas A. Spano	New York State Senate
Richard Warrender	New York State Advocate for Persons with Disabilities
Brad Williams	New York State Independent Living Centers
Member of Assembly Keith Wright	New York State Assembly

New York State Help America Vote Act Plan

Representatives of the following groups attended and participated at the Task Force meetings:

Accenture
 Adrian Legal Defense Fund
 Office of Assemblyman Peter Rivera
 Associated Reporters
 Brennan Center for Justice
 Center for Independence
 Citizen's Union
 Citizens for Instant Runoff Voting
 Common Cause/NY
 DEMOS
 District Council 37
 Eastern Paralyzed Veterans Association
 Election Systems and Software
 Gannett News Service
 Green Party
 Liberty Election Systems
 NTS Data Services
 NY Immigration Coalition
 NY Statewide Senior Action
 NY Public Radio
 NY Public Interest Research Group
 NYC Mayor's Office
 NYS Senate Minority Counsel
 NYS Commission on Quality of Care
 NYS Office of General Services
 NYS Association of Community & Residential Agencies
 NYS Independent Living Center
 Orange County Board of Elections
 Patricia Lynch Associates
 Schenectady County Board of Elections
 SENSES
 Sequoia Pacific Voting Systems
 The Century Foundation
 Western NY Independent Living Program

46

New York State Help America Vote Act Plan

The Drafting Committee did extensive research and utilized a variety of resources from inside and outside the agency to create the plan.

The Drafting Committee was composed of:

Peter S. Kosinski, Chief Election Officer
 Thomas Wilkey Executive Director, NYSBOE
 Lee Daughlan, Public Information Officer
 Tim Mattice, Special Projects Coordinator
 William McCann, Special Deputy Counsel
 Patricia Murray, First Deputy Counsel
 George Stanton, Director of Information Technology
 Anna Svizzero, Director of Election Operations
 Todd Valentine, Special Counsel
 Stanley Zalen, Enforcement Counsel

47

New York State Help America Vote Act Plan

Section 14: Public Comments

To comply with Section 256 of the Help America Vote Act, New York State made a preliminary version of the state implementation plan available for public inspection and comment on June 20, 2003. The Plan was made available through the State Board of Elections' web site and at every public library throughout the state.

Three public hearings were conducted throughout the state during the public comment period affording interested persons and groups an opportunity to present comments to the chief election official, State HAVA Task Force members and staff of the State Board of Elections. Comments were also received by e-mail and regular mail. The public comment period extended to July 23, 2003. Each of the comments was thoroughly reviewed by the State and considered in the final plan. The following is a list of the most common comments that were presented with a response to each comment.

Public Comment:

The Plan should provide more specificity on issues such as types of identification first-time voters present, databases intended to be used to verify voters, the voting machines the state intends to purchase, and other HAVA mandates.

Response:

The Plan is intended to be a broad and living document, pursuant to the intent and spirit of HAVA's provisions. The Plan, as drafted, creates a series of avenues which the State can follow to implement all of HAVA's requirements once legislative and other related issues are identified and resolved. Specific answers can only be provided after an analysis of the results of that debate. The Plan, therefore, is an ongoing process, also acknowledged by HAVA legislation, which allows the State to update its Plan as changes in state statute or policies necessitate.

Public Comment:

The Plan did not provide for sufficient detail of accessibility standards for voting systems or polling places.

Response:

Accessibility for voting machines is anticipated under HAVA to be a national issue. The Election Assistance Commission is to set voting machine accessibility standards with the assistance of the voting systems standards advisory group. New York's existing regulations on voting machine standards already require voting machines to meet the federal standards. These standards are not a state-by-state criteria and therefore are not appropriate for the State Plan. Accessibility for polling places is addressed through HAVA by the establishment of a

New York State Help America Vote Act Plan

separate fund to be administered by the Department of Health and Human Services. The State has submitted a proposal to access federal funds administered by the Department of Health and Human Services. To augment this fund the plan did provide for additional monies that could be used to improve polling place accessibility.

Public Comment:

The Plan does not adequately address the security of new voting systems.

Response:

HAVA's intent is to have in place national standards for the integrity and performance of voting systems in use throughout the country. HAVA requires the use of DRE (direct electronic recording) voting systems to maximize access for persons with disabilities. In order to facilitate these concepts, HAVA provides for a national certification program for voting equipment, which may be complemented at the state level with additional testing processes. Technical and scientific professionals will be responsible for creating thorough and stringent national security standards and for identifying testing facilities for the execution of tasks related to ensuring same, through the certification process. In addition, advocacy and other groups representing the sciences and accessibility communities are represented in those debates at the national level, to ensure that all concerns are addressed. These issues, therefore, need not be addressed separately in a State Plan.

Public Comment:

The Plan does not address New York's full-face ballot requirement.

Response:

Present statute requires that all voting systems support a full-face ballot layout. Some public hearing comments expressed an interest in exploring options for systems that do not. New York's State Plan was written from the perspective of the current statute, as it relates to ballot layout. The Plan was not meant to select any certain system, nor was there any intent, desire or ability to foresee actions the Legislature might choose to take with regard to voting systems or ballot layout. The Plan does provide however, an overall concept for the acquisition and implementation of any voting equipment which will reflect any modifications attributed to legislative consideration of changes to existing ballot layout requirements.

New York - STATEPLANms word1 version.doc

New York State Help America Vote Act Plan

Public Comment:

The Plan should include a comprehensive list of identification cards which will be acceptable under HAVA for verification purposes.

Response:

One of the underlying purposes of HAVA is the prevention of voter registration fraud through the verification of a voter's identity. Voter identification is one of the methods that may be used for this purpose. There are hundreds of agencies, both public and private, which issue identification documents. In order to accept identification, the State must be reasonably assured that they were issued only after the issuing agency verified the individual's identity. Certainly identifications issued by government agencies are among those that will satisfy HAVA. However, there is not sufficient information available at this time for the Plan to include a comprehensive list of issuing agencies whose identification documents will qualify for HAVA verification purposes.

Public Comment:

The Plan should include implementation of a training program for poll workers and election officials relative to persons with disabilities.

Response:

The Plan provides that the State Board of Elections will be collaborating with a professional training organization to develop a statewide training program for all county boards of elections. In the development phase of this program, the training professionals will be consulting with the community of individuals with disabilities. This consultation will result in a training program which include how to professionally and appropriately succeed in guaranteeing an independent, positive and smooth process for the voter with a disability. This process will include, but not be limited to, dealing with the person who is blind, persons using a wheelchair, the hearing impaired, persons with developmental disabilities, individuals with language barriers, and the elderly. The goal of the training program will be that ALL voters who arrive at their polling place will not have to overcome barriers to exercise their right to vote.

North Carolina State Board of Elections

NORTH CAROLINA

STATE PLAN Help America Vote Act of 2002

INTRODUCTION 1

RECENT ELECTIONS CONTEXT 4

STATE PLAN (HAVA §254)..... 8

1. §254(a)(1) Title III Requirements and Other Activities..... 9
 §301(a), Voting Systems Standards 9
 §302, Provisional Voting and Voting Information..... 12
 §303, Computerized Statewide Voter Registration and Voters Who Register by Mail..... 14
 §311 & 312 Adoption of Voluntary Guidance by Commission..... 24

2. § 254(a)(2) Requirements Payment 25

3. § 254(a)(3) Voter Education, Election Official Education and Training, and Poll Worker Training..... 26

4. § 254(a)(4) Voting System Guidelines and Processes 27

5. § 254(a)(5) HAVA Election Fund Management 28

6. § 254(a)(6) North Carolina's HAVA Budget..... 29

7. § 254(a)(7) Maintenance of Effort..... 32

8. § 254(a)(8) HAVA Performance Goals and Measures..... 36

10. § 254(a)(10) Effect of Title I Payments..... 42

11. § 254(a)(11) HAVA State Plan Management 43

12. § 254(a)(12) Changes to State Plan from Previous Fiscal Year..... 45

13. § 254(a)(13) State Plan Committee..... 46

APPENDIX A - HOUSE BILL 842 (= S 858).....48

APPENDIX B - NORTH CAROLINA VOTER REGISTRATION FORM65

APPENDIX C WELLNESS CHECK.....67

APPENDIX D - SUMMARY OF ACCESSIBILITY PROVISIONS.....79

Date: 02/23/2003

Introduction

The mission of the North Carolina State Board of Elections is to promote among the citizens of the state confidence in the integrity of the free election process through the consistent administration and equal application of all election and campaign finance laws, rules, and regulations.

Overall, the State Board is responsible for supervision of elections and campaign finance disclosure across the State. The five-member Board, appointed by the Governor, is the only statutory, bipartisan, quasi-judicial directory board in North Carolina State government. The Office is composed of three functional units:

- **Administration**
General supervision of the 100 county boards of elections (and the four remaining municipal boards of elections) in the administration of elections and related laws, certification of election results, voter outreach, voter registration, absentee voting, education/training, investigations/audits, and legal matters.
- **Campaign Finance Reporting**
Assistance and training to candidates and political committees, disclosure tool development, report auditing, amendment assistance to committees, training for boards of elections, investigating complaints, conducting research and preparing for State Board evidentiary hearings, providing for electronic filing, and public education and access to disclosure reports.
- **Information Systems**
Implementation, enhancement, and maintenance of the state election information management system, providing assistance to counties, and providing statewide election data to the public.

The State Board supervises all primary and general elections held in the State through

- Enforcing the election laws
- Promulgating guidelines, rules, and opinions governing the conduct of primaries and elections
- Hearing complaints regarding the conduct of a county board of elections or a county board member
- Conducting investigations, when necessary or advisable, of the administration of election laws and any potential fraud or irregularities in elections

Date: 6/23/2003

1

- Ordering of a new election upon the vote of no fewer than four of the five members of the Board when sufficient evidence exists that alleged election irregularities, fraud, or violations of election laws have occurred and affected the outcome of the election or tainted the results of the entire election and cast doubt on its fairness.

The State Board of Elections HAVA Advisory Committee recommends the following initial steps for North Carolina's compliance with the Help America Vote Act (HAVA):

1. Expand the use of the Statewide Election Information Management System (SEIMS) from the current 94 North Carolina counties to all 100 as soon as practicable but not later than January 1, 2006. Because the State database will be the official voter registration information, the State Board will initiate, support and be fiscally responsible for the list maintenance effort, including verification and confirmation mailings. This will bring uniformity to the voter registration records.
2. Replace non-compliant voting systems used in November 2000 with compliant voting systems as soon as practicable but not later than January 1, 2006. The replacement voting systems must be compliant with Sec. 301.
3. Perform a needs assessment study to provide increased accessibility for persons with disabilities through compliant voting systems, improvements to voting sites, and expanded distribution of public outreach information.
4. Insure thorough uniform training of poll workers and election officials that all persons presenting themselves to vote are able to cast a regular or provisional ballot. The provisional voter will be told how to learn whether the ballot was counted and, if not counted, the reason. A free access method to obtain this information will be provided.
5. Provide each polling place with information to be posted containing instructions on casting regular and provisional ballots, general information on voting rights and federal and State laws regarding prohibitions on acts of fraud and misrepresentation, and information on how to contact appropriate officials.
6. Supplement the State Board of Elections Certification Program and in cooperation with the North Carolina Community College System, establish a training and civics curriculum for elections officials and interested public, including support materials and other media and

Date: 6/23/2003

2

Recent Elections Context

The North Carolina State Board of Elections is composed of five members appointed by the Governor. Historically, three members are affiliated with the political party of the incumbent Governor and the two remaining members are affiliated with the largest other political party. The State Board appoints the three members of each of the State's 100 county boards of elections. Historically, the two members of each county board are affiliated with the political party of the incumbent Governor and the remaining member is affiliated with the remaining major political party.

The State Board, acting on its own initiative and in response to directives from the North Carolina General Assembly, has taken a number of steps in recent times to facilitate voter participation and to improve the administration of elections in the State.

Absentee Voting. The 2001 North Carolina General Assembly amended the absentee voting laws to allow all voters to cast an absentee ballot, eliminating the historic eligibility requirements of illness or anticipated absence. The State Board developed rules to facilitate the use of facsimiles and electronic mail for absentee voting by military and overseas citizens.

Certification Program. Begun in June 1995, the North Carolina Program for Certification in Elections has served as a means of enhancing election expertise, promoting uniformity and equal application of election laws throughout the state, and raising the level of professionalism of elections officials. Central to the program are 13 "core" courses, which include topics such as voter registration, election laws, campaign finance reporting requirements, and budget preparation.

Spanish Language Expansion. According to records with the State's Division of Motor Vehicles, there are at least 110,000 driver examinations administered in Spanish per year, and the State Board has provided Spanish-language voter registration application forms for use at the Division of Motor Vehicles (DMV) and other sites throughout the State. Other election-related documents have been translated into Spanish and are available on the State Board's website at www.sboe.state.nc.us. The State Board office provided ballot instructions in Spanish for all 100 counties for the 2002 General Elections.

Accessibility for Persons with Disabilities. Studies conducted by researchers from Rutgers University show that participation in elections among citizens

Date: 06/23/2003

4

provide funding for non-partisan voter education programs. Training shall include, but not be limited to, cultural and disability awareness curriculum and polling place access in response to the increasing diversity of voters.

7. Speed improvements in technology at county board of elections offices and voting sites through a purchasing program by the State. By purchasing equipment in volume, the State will be able to negotiate favorable rates with vendors.
8. Implement a voter education program for the general public. In addition to Citizens Awareness Month and statewide voter registration drive, the program will include an Elections Help Desk and an enhanced State Board of Elections website containing a polling place registry, accessibility information, polling place maps and directions to polling sites, connections to the sample ballots for each voter, public service announcements, Voter Guides and training videos for elections officials and voters. Public terminals and printers will be located in each county board of elections office for the public to access information and print reports.
9. There are several references to North Carolina Statutes and rules in the plan. The North Carolina Election Laws and Administrative Code can be accessed on the North Carolina Board of Elections Web site at WWW.SBOE.STATE.NC.US.

Date: 06/23/2003

3

North Carolina State Board of Elections

with disabilities is about 20% lower than participation among citizens without disabilities. According to information provided by the State Division of Vocational Rehabilitation and the State Division of Services for the Blind, approximately 19% of North Carolinians have a disability. Some reports show that nearly a half million North Carolinians with disabilities are of voting age.

A State Board survey conducted by county board of elections offices indicated that over 80% of North Carolina's polling places were accessible. The State Board staff lowered that estimate dramatically, however, when polling places were examined under federal accessibility guidelines. To educate county board members and their staffs about federal accessibility standards, the State Board staff made an extensive education and training effort. Part of this effort was to develop a training video. This video developed by the staff of the State Board received national recognition and is used as a training device in several states.

Wellness Checks. The State Board has general supervision over the primaries and elections in the State and conducts training for the county boards of elections for the administration of election laws. To fulfill this mandate and ensure compliance, the State Board of Elections staff and investigators perform wellness checks at each county elections offices, a preventative maintenance program, and when necessary conducts formal audits of county elections offices. If found to be non-compliant the county board is provided a rehabilitation process through the staff of the State Board to ensure that upcoming elections are conducted with integrity, fairness, and according to law. The public terminals provided by HAVA will also be added to the wellness check process.

Statewide Computerized System. In 1996 the General Assembly directed the State to develop and implement a computerized statewide elections management system to support efforts of the State and county boards. The resulting State Election Information Management System (SEIMS) is a suite of applications that automates and standardizes voter registration and elections management processes. It now links all 100 counties electronically to facilitate the exchange of information for voter registration reports, maintenance and elections management. The central database is used to perform cross-county checking of voter registrations for duplications, distribute DMV voter registration information and validate and distribute reports of deaths and felony status to the counties. Counties were given the option of using the State system for local processing or conforming to the State's standards and providing the county data to the State Board on a weekly basis. Ninety-five counties are using the state system for local processing of voter registration and all 100 counties use SEIMS to report and certify election results.

Data Quality Management. The State Board is aggressive in seeking ways to improve the accuracy of information regarding all aspects of elections, but especially with regard to the voter file. One of the ways the software system

Date: 6/23/2003

North Carolina State Board of Elections

assures that voters are assigned to correct voting districts is through the use of a street file or "geocode" system. When implementation of SEIMS began, there were approximately 40 distinct voter registration systems within the 100 counties. Of the 40 systems, only about five systems had street files and used the information to assign voter jurisdictions by residence address. Many systems allowed county override, which has sometimes resulted in voter jurisdictional assignments being different from street jurisdictional assignments. The improvement in data quality has been the primary focus from the onset and during the conversion process staff and contractors found data anomalies in all counties' legacy data. Other work includes improving removal programs for duplicates, deaths and felons.

Automated Data Transfer. Several enhancements in the past year have improved the accuracy of voter registration data and the efficiency of the county boards of elections. One was the implementation of the automatic transfer of DMV registrations into the county systems. Registrations from DMV are now automatically entered into the voter registration system for the 95 counties using SEIMS, eliminating data entry for approximately 60% of new registrations. County personnel can now spend their time verifying the data rather than performing data entry tasks.

Service to the Public. The State Board has enhanced its service to the public through its WEB site. It is now possible for anyone to search and review campaign finance reports, search for voter registration records for voters in all counties of the State, and view statewide election results on election night. Using the WEB site to post information in a timely manner has greatly reduced the time and resources of the staff in answering questions and providing data and reports. For example, voter registration data for all 100 counties is updated automatically each week. Some examples of the volume of requests handled by the WEB site are listed below:

	Daily Average Number of Requests	Peak Daily Number of Requests
Election Results	1,420	143,986
Voter Registration Search	1,770	33,952
Campaign Finance Data	206	1,640

In one of the most popular features of the WEB site, a voter can check the status of his or her own voter registration online. Voters may search across all 100 counties for their registration, check their registration data, search their voter history records, find their district and polling places, and generate maps and directions to their polling places.

Date: 6/23/2003

North Carolina State Board of Elections

State Plan (HAVA §254)

In the pages that follow, North Carolina presents its Preliminary State Plan in compliance with Section 254 of HAVA. The Plan is presented in the sequence set out in Section 254 as follows:

1. § 254(a)(1) Title III Requirements and Other Activities to Improve Elections Administration
 - § 301(a), Voting Systems Standards
 - § 302, Provisional Voting and Voting Information
 - § 303, Computerized Statewide Voter Registration List and Voters who Register by Mail
 - § 311 and § 312, Adoption of Voluntary Guidance by Commission
2. § 254(a)(2) Requirements Payments
3. § 254(a)(3) Voter Education, Election Official Education and Training, and Poll Worker Training
4. § 254(a)(4) Voting System Guidelines and Processes
5. § 254(a)(5) HAVA Election Fund Management
6. § 254(a)(6) North Carolina's HAVA Budget
7. § 254(a)(7) Maintenance of Effort
8. § 254(a)(8) HAVA Performance Goals and Measures
9. § 254(a)(9) State-Based Administrative Compliant Procedures
10. § 254(a)(10) Effect of Title I Payments
 11. § 254(a)(11) HAVA State Plan Management
 12. § 254(a)(12) Changes to State Plan from Previous Fiscal Year
 13. § 254(a)(13) State Plan Committee

North Carolina State Board of Elections

Provisional Voting. Provisional voting has been available in North Carolina since the late 1980s. The procedure for provisional voting is contained in the State Board publication "Administration of Voter Registration, Policies and Procedures for the Implementation of the NVRA of 1993" and in Article 13A, Chapter 163 of the North Carolina General Statutes. Eligibility of the voter is determined under current State voter registration laws.

Date: 6/23/2003

7

Date: 6/23/2003

8

North Carolina State Board of Elections

certification by an independent testing authority, manual audit capacity, and compliance with current federal standards for voting systems.

The State Board will advise the county boards on securing replacement voting equipment for non-compliant voting systems used in 2000. County boards will be required to maintain their systems in proper working condition consistent with State Board rules as published in the North Carolina Administrative Code and to provide certified evidence of such maintenance to the State Board.

Determining voter intent. North Carolina statutes require all legally cast votes to be counted, even if irregularly marked, if the intent of the voter can be clearly determined. Ballots are initially counted at the precincts by the precinct officials after the close of the polls in the presence of any witnesses who choose to attend. The precinct officials provide a preliminary report of the vote totals to the county board of elections following the close of the polls.

The statutes and State Board rules provide that in those instances where voter intent must be determined, the county board exercises that duty, using uniform guidelines contained in North Carolina Administrative Code, Title 8, Chapter 9.

SEC. 102. REPLACEMENT OF PUNCH CARD OR LEVER VOTING MACHINES.	Currently met by NC	Change Required	Comments
Ensure that all punch card voting systems or lever voting systems in the qualifying precincts within that State have been replaced in time for the regularly scheduled general election for federal offices to be held in November, 2004.		X	A waiver will be requested until 2006

SEC. 301. VOTING SYSTEMS STANDARDS	Currently met by NC	Change Required	Comments
(A) VOTING SYSTEM REQUIREMENTS			
(i) permit the voter to verify the ballot before the ballot is cast	X		
(ii) provide the voter with the opportunity to change the ballot	X		
(iii) if the voter votes for more than 1 candidate for a single office—			
(I) notify the voter selected more than 1 candidate		X	
(II) notify the voter of the effect of casting multiple votes		X	
(III) provide the voter with the opportunity to correct the ballot.		X	NC is partially compliant
(B) jurisdictions that use paper ballots, punch cards, or central count voting system (including mail-in absentee ballots and mail-in ballots), may meet the requirements by—	X		
(i) establishing a voter education program		X	

Date: 6/23/2003 10

North Carolina State Board of Elections

1. §254(a)(1) Title III Requirements and Other Activities

§301(a), Voting Systems Standards

Deadline for Compliance: January 1, 2006; no waiver permitted.

To be used in North Carolina, a voting system must be certified by the State Board of Elections. Currently about one-half of the counties use optical scan systems and slightly more than one-third use direct record electronic systems. Recent actions and purchases indicate that direct record electronic systems are preferred by the State Board, the counties and many voters. Some of the systems currently in use can be upgraded to become accessible for those with disabilities. Currently only three counties utilize traditional paper ballots.

Ballot privacy and correction. Section 301 of HAVA requires that voters must have a private and independent manner to mark, verify, and cast their ballots. Instructions detailing the procedure for correcting an error on the ballot including replacement of the ballot, and notification of the effect of an overvote must be provided to voters.

North Carolina statutes provide for privacy in voting through the requirement of poll booths. Voters are permitted to request up to three replacement ballots to correct errors prior to casting the ballot. However, North Carolina law does not currently provide for the overvote effect information.

Non-compliant voting systems utilized in the 2000 General Election will be replaced with Section 301 compliant voting systems. Voting systems will notify the voter of an overvote before the ballot is cast. Printed informational signs at all of the State's precincts will instruct voters about the procedures for correcting an error on the ballot or replacing a ballot and about the effect of an overvote. When appropriate, these informational signs will be provided in Spanish as well as English.

Voters with disabilities will be provided access through the use of Election Assistance Commission (EAC) compliant voting systems at each precinct and one-stop absentee voting site. Voters with disabilities will continue to have the option to vote by absentee ballot, either in person at a designated site or through the mail. North Carolina does not require any excuse to vote by absentee. Attached as Appendix D is a summary of current and proposed accessibility provisions pertaining to voting in North Carolina.

Certification requirements. State Board rules governing the certification of voting systems set requirements related to the casting of votes by the voter,

Date: 6/23/2003 9

North Carolina State Board of Elections

§302, Provisional Voting and Voting Information

Deadline for Compliance: January 1, 2004; no waiver permitted.

Provisional ballots. Provisional ballots have been in use in North Carolina since the late 1980s. The written policy is contained in a State Board publication entitled, "Administration of Voter Registration Policies and Procedures for the Implementation of the National Voter Registration Act of 1993" and in Article 13A, Chapter 163 of the North Carolina General Statutes. The State Board of Elections will review and amend the procedures as soon as practicable but not later than January 1, 2004, to meet HAVA requirements so voters that cast a provisional ballot will be easily able to learn whether their ballot was counted, and if not, the reason.

SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

PROVISIONAL VOTING REQUIREMENTS	Currently met by NC	Change Required	Comments
(1) Notify individuals they may cast a provisional ballot.		X	Changes will be made to affirmatively offer provisional ballot.
(2) Permitted to cast a provisional ballot upon the execution of a written affirmation stating the individual is— (A) a registered voter in the jurisdiction (B) eligible to vote in that election.	X		
(3) An election official shall transmit the ballot to an appropriate official for verification	X		
(4) If the election official determines the individual is eligible the provisional ballot shall be counted.	X		
(5) Individual who casts a provisional ballot will be able to ascertain (A) whether the vote was counted (B) the reason that the vote was not counted.		X	Changes will be made to allow the voter to readily obtain this info
(6) Establish a free access system that allows (A) individuals who cast a provisional ballot to discover whether the vote was counted, (B) if the vote was not counted, the reason that the vote was not counted. (C) Access to information shall be restricted to the individual		X	Changes will be made to allow the voter to readily obtain this info
(7) Voters who vote after the polls close vote by casting a provisional ballot		X	

Date: 6/23/2003

North Carolina State Board of Elections

SEC. 301. VOTING SYSTEMS STANDARDS	Currently met by NC	Change Required	Comments
(ii) providing the voter with instructions on how to correct the ballot.	X		
(C) The voting system shall ensure privacy and confidentiality	X		NC is partially compliant
(D) AUDIT CAPACITY.— produce a record with an audit capacity (i) produce a permanent paper record (ii) provide the opportunity to change the ballot. (iii) The paper record shall be available as an official record for any recount.	X X X		
(E) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall— (i) be accessible for individuals with disabilities, accessibility for the blind; (ii) voting system equipped for individuals with disabilities at each polling place; (iii) meet the voting system standards for disability access		X X X	
(F) PROVIDE ALTERNATIVE LANGUAGE ACCESSIBILITY	X		
(G) THE ERROR RATE COMPLY WITH STANDARDS SET BY THE FEC.	X		
(H) ADOPT A UNIFORM DEFINITION OF WHAT CONSTITUTES A VOTE	X		

Date: 6/23/2003

North Carolina State Board of Elections

Voting information. The State Board will provide to each polling place, information to be posted containing instructions on casting regular and provisional ballots, general information on voting rights and federal and State laws regarding prohibitions on acts of fraud and misrepresentation, and also information on how to contact the appropriate officials.

The State Board will expand the Certification Program and in cooperation with the North Carolina Community College System, implement a training and civics curriculum for elections officials and interested citizens, develop support materials and provide other media. Training shall also include cultural and disability awareness curriculum in response to the increasing diversity of voters. An Elections Help Desk, an enhanced State Board website containing a polling place registry with connection to the Sample ballots for each voter, Public Service Announcements, Voter Guide and training videos for elections officials and voters will be developed in addition to training already required for elections officials. Funds will be provided for non-partisan voter education programs. The public will have access to a public computer terminal and printer at each county board of elections to use for election information and to print reports.

Comments will be invited from county boards of elections and voters for improvements and recommendations for additions to the information provided.

	Currently met by NC	Change Required	Comments
PUBLIC POSTING OF INFORMATION			
(A) a sample version of the ballot	X		
(B) the date of the election and hours when polling places will be open;		X	
(C) instructions on how to vote	X		
(D) instructions for mail-in registrants and first-time voters;		X	
(E) general information on voting rights including 1. information on the right of an individual to cast a provisional ballot 2. instructions on how to contact the appropriate officials, if these rights are alleged to have been violated		X	
(F) general information on federal and State laws regarding prohibitions on acts of fraud and misrepresentation.		X	

Date: 6/23/2003

North Carolina State Board of Elections

\$303, Computerized Statewide Voter Registration and Voters Who Register by Mail

Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for §303(a) compliance to January 1, 2006.

By statute (N.C.G.S. 163-82.11), the North Carolina General Assembly directed the State Board to develop and implement a computerized statewide elections management system to support efforts of the State Board and county boards to conduct legal and orderly elections. In 1997, the State Board issued an RFP for the system. The implemented system, SEIMS, is a suite of applications that automates and standardizes voter registration and elections management processes. It links all 100 counties electronically to facilitate the exchange of information for voter registration reports, voter list maintenance, and elections management. The central database is used to perform cross-county duplicate checking of voter registrations, distribute DMV voter registration information, and validate and distribute reports of deaths to the counties.

Counties were given the option of using the State system for local processing or using their own local systems and conforming to the State's standards. Ninety-five counties are currently using the State system for local processing and all 100 counties use SEIMS to report and certify election results. Data is replicated real time from 96 counties to the State database. Counties that are not using SEIMS as a county application update the State database weekly.

SEIMS meets many of the requirements of § 303, but will require updates to fully comply. Doing away with the county option to use their own systems for local processing, and thus having a common system supported by the State in all counties will be necessary to insure the consistent execution of State and Federal election law.

The recent levels of State appropriation have been insufficient to permit the State Board to provide the minimum level of support required to keep SEIMS fully operational. Current resources are insufficient to allow for some critical upgrades to be made. The result could be system failures during the 2004 election cycle. Current resources are also insufficient to insure compliance with HAVA. Several of the basic components have become obsolete (non-supported) since the initial installation. The components that must be upgraded are the database server to SQL/2000

Date: 6/23/2003

for counties, server operating system to MS 2000, workstation operating system to Windows XP, Visual Basic and the server hardware to new processors.

Design overview. SEIMS is a distributed system, designed as two physically separate parts that operate as a single logical system. One part is made up of servers that reside in the counties and have software and a database to perform local functions. The other part is a central State server containing software and a database. These parts are interconnected through the use of the statewide area telecommunications network. The data and functions that are processed at a county level, such as poll worker processing and data, are maintained at the county level. Data that is required at both the State and county level is mirrored through software replication functions. These replication functions update the State and county databases in real time and keep the data synchronized between

(A diagram is inserted here in the version on the State Board of Elections WEB site)

the two physical locations. Voter registration and voter history data are updated and maintained in this manner.

Date: 6/23/2003

15

Functions performed at the county level include registering voters, verifying addresses, recording voter history, mailing absentee ballots, printing poll lists, administering polling places, and recording and reporting election results. The State server is used to perform centralized functions. These include cross-county duplicate checking, interfacing with the Department of Health and Human Services for death notifications, interfacing with the Department of Corrections for notification of felon status, producing NVRA reports, and receiving and processing voter registrations from the DMV. Registrations from Driver License Offices are electronically put into the SEIMS counties verification queue. This removes the need for data entry for these registrations. Approximately 60% of new registrations come from Driver License Offices.

In effect, SEIMS provides a logically central and consolidated database that is physically distributed among the counties. This provides support that meets the needs of the HAVA legislation by enforcing consistency across the State while leaving the execution of local functions such as data entry and poll list printing at the county. With SEIMS the county also continues to be responsible for the final determination of voter identification, voter eligibility, voter card processing and petition processing.

List Maintenance. As detailed above, the State system currently performs cross-county duplicate checking for all one hundred counties. Interfaces with the Department of Health and Human Services system are used for death notifications and an interface with the Department of Corrections is used for timely notification of felon status. As HAVA is implemented the State will take on additional responsibilities to insure the accuracy and timeliness of updates to the data. This will include the management of the list maintenance processes, verification and confirmation mailings.

Support. The State Board is the defacto IT support group for a majority of the counties. It provides support for the SEIMS software on the county servers and for the State-provided server hardware and operating system. The State Board is currently supporting 95 remote mirror database servers and 450 workstations in the counties using SEIMS for local processing. When HAVA is fully implemented in all 100 counties this will grow to 100 remote mirror database servers and approximately 600 workstations.

As detailed above, current resources do not permit adequate support for the system. HAVA funding will be used to provide that support in order to implement the new requirements of HAVA. Integrate the five counties

Date: 6/23/2003

16

not using the system into SEIMS, and maintain the viability for the counties currently using the system.

Work items and requirements. SEIMS has to be updated and modified over time for several reasons. One reason is to meet the requirements of new federal legislation such as HAVA or state legislation. Another is to address upgrades to the underlying hardware and systems software to increase performance, improve reliability, and maintain support of the system. The third is to address requirements from the county boards to improve their efficiency.

County Requirements

When SEIMS was first installed in the counties a user group was established. The user group for SEIMS, known as SASS (State Association of SEIMS Supporters) promotes open communication among users of SEIMS. It acts as a source for determining enhancements and upgrades to the SEIMS software. Most importantly, it provides a means of presenting a united position on issues and communicating issues and enhancement requests to the State. The State Board uses input from this group to help determine the validity and priority of requests. Any county can be a member of the association. SASS has established a board of directors with representation from each of the districts of the North Carolina Association of Directors of Elections.

SASS requests usually are for changes that will make the process more efficient, improve the usability and increase the reliability of the system. Sometimes the requests are aimed at reducing county overhead and State support costs. The five counties that have not been converted to SEIMS have functions, in their existing systems, which are not implemented in SEIMS. To successfully convert these counties the State Board must augment SEIMS so it will:

- Support differing ballot styles and interface to smart cards
- Provide petition support
- Provide improved Geocode processing
- Provide image scanning

Guilford County has a system with petition support. Mecklenburg County has support for differing ballot styles

Date: 6/23/2003

17

interfacing to smart cards and improved Geocode processing. Forsyth and Wake counties have image scanning support.

Hardware and System Software Updates

Several of the basic SEIMS components have become obsolete (non supported) since the initial installation. The components that must be upgraded are the database server to SQL/2000 for counties, server operating system to MS 2000, workstation operating system to windows XP, Visual Basic and the server hardware to new processors.

SQL Server 2000

A migration from SQL Server 6.5 to SQL Server 2000 must be completed as soon as possible in order to get vendor support. Microsoft discontinued support for SQL Server 6.5 January 2002. The State Board has been managing this exposure since then. The central State database has been updated to SQL 2000. To continue support for the SEIMS application in the counties the code must be upgraded to Microsoft SQL/Server 2000, re-tested and the new version of the application and SQL/Server must be installed in the 95 counties using SEIMS for their local processing. The required code updates are completed and are in the process of being tested.

Server Operating System And Hardware

The Server hardware installed in the counties was ordered in 1997 and installed in some of the counties at that time. The servers are now beginning to fail due to age and must be replaced. The State Board staff has been maintaining the servers by taking parts from failed servers to fix other servers. There are now only two spare servers. A migration from NT 4.0 to Windows 2000 must be completed in order to retain vendor support. This migration should be done in parallel with updating the servers. The workstation operating systems supported must also be upgraded to include windows XP. New PCs can only be ordered with Windows 2000 or XP, neither of which is supported by SEIMS.

State Legislation. State law requires the State Board to move to a paperless interface for DMV registrations. Movement to a DMV electronic signature interface will allow the counties to electronically receive input from DMV for voters registering there, including image of the voter's

Date: 6/23/2003

18

North Carolina State Board of Elections

signature. The registration data and signature will be automatically entered into the county records for verification. Electronically transmitting this data and signature to the county board of elections will eliminate the delay waiting for paper forms before the voter is entered and will reduce the number of provisional ballots cast.

HAVA Requirements. HAVA will require the implementation of new capabilities in SEIMS and the conversion of all 100 counties to SEIMS. The following table summarizes the current SEIMS implementation and HAVA requirements.

COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS	Currently met in NC All SEIMS Counties	Change Required	Requires All Counties on SEIMS
1. A single system for storing and managing the official list of registered voters throughout the State.			X
2. Contains the name and registration information of every legally registered voter in the State.	X		
3. A unique identifier is assigned to each legally registered voter in the State.		X	
4. Coordinated with other agency databases within the State.			X
5. Immediate electronic access.		X	X
6. Voter registration electronically entered at the time the information is provided to the local official.	X		
7. Chief State election official shall provide such support as may be required so that local election officials are able to enter information as described.			X
8. Serve as the official voter registration list for the conduct of all elections for Federal office.	X		X
LIST MAINTENANCE & ACCURACY OF STATE VOTER REGISTRATION RECORDS			
1. Removing names of ineligible voters from the official list of eligible voters	X		
2. Coordinate the computerized list with State agency records on felony status	X		
3. Coordinate the computerized list	X		

Date: 6/23/2003

North Carolina State Board of Elections

COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS	Currently met in NC All SEIMS Counties	Change Required	Requires All Counties on SEIMS
with State agency records on death.			
4. Duplicate names are eliminated from the computerized list.	X		
4. 5. Remove registrants who have not responded to a notice and who have not voted in 2 consecutive general elections for Federal office	X		
VERIFICATION OF VOTER REGISTRATION INFORMATION			
1. If an applicant has a current valid driver's license must include the applicant's driver's license number		X	
2. Otherwise the last 4 digits of the applicant's social security number		X	
3. If no driver's license or a social security number, assign a unique identifying number		X	X
SHARING INFORMATION IN DATA BASES.			
1. Agreement to match information in the database of the statewide voter registration system with motor vehicle authority to verify the accuracy of voter registration data		X	
2. State motor vehicle authority agreement with the Commissioner of Social Security to verify applicable information		X	

Systems Conversions for Non-SEIMS Counties. To meet the requirements of HAVA, all counties will have to use SEIMS. The counties to be converted are Forsyth, Guilford, Mecklenburg, Vance and Wake. This list includes the four most populous counties in the State, home to more than 25% of the voters. Wake and Forsyth use the same base software as the state system. The SEIMS system was built starting with the Wake County source code. No conversions should be scheduled where they would interfere with the 2004 primary or general election schedules.

HAVA Functions
SEIMS already meets many of the requirements of HAVA. Several software changes will be required to conform completely with the legislation. The capabilities that will have to be added to SEIMS are:

Date: 6/23/2003

North Carolina State Board of Elections

	Currently met by NC	Change Required	Comments
(i) remove voters in accordance with the provisions of NVRA	X		processes to perform these functions. RAVA funding will be used to manage and improve these processes.
(ii) For purposes of removing names— (I) coordinate with State agency records on felony status (II) coordinate with State agency records on death.	X		
(B) The list maintenance performed ensures that (i) the name of each registered voter appears in the list (ii) voters not registered or not eligible to vote are removed (iii) duplicate names are eliminated.	X		
(3) SECURITY MEASURES TO PREVENT UNAUTHORIZED ACCESS		X	Measures are in place but will be improved as the State system is implemented
(4) ACCURACY OF STATE VOTER REGISTRATION RECORDS.— (A) remove registrants who are ineligible to vote (B) ensure that eligible voters are not removed in error	X		
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION (A) REQUIRED INFORMATION (i) the applicant's driver's license number; (ii) if no driver's license, the last four digits of the applicant's social security number. (iii) applicants without driver's license or social security number assigned a unique identifying number (iv) determination of validity of numbers provided	X	X	
(B) REQUIREMENTS FOR STATE OFFICIALS (i) State election official and the State motor vehicle authority match information (ii) State motor vehicle authority and Commissioner of Social Security match information		X	Work is currently underway with the NCDMV

North Carolina State Board of Elections

- Allow entry of the drivers license number or last four digits of the social security number
- Permit indication that ID was provided or is still required when a registration is made by mail
- Implement an indicator on the poll list that shows ID is required.
- Assign a unique identifier to each legally registered voter in the State. This includes performing a duplicate check on the State database to see if the voter already exists in the system.
- Validate the driver's license number or last four digits of the social security number by interfacing with the DMV systems. DMV will have to implement an interface with the Social Security Administration to validate the last four digits of the SSN.
- Implement mailings to voters when the identification information given does not validate correctly.
- Provide county personnel with immediate electronic access to the State database voter registration records.
- Implement a method of accessing provisional voting information.
- Initiate support and be fiscally responsible for the List Maintenance Effort, including verification and confirmation mailings.

The increase in workload will require additional personnel to support the statewide computer system. Initially the work will be done by contracted personnel.

SEC. 303. STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS -

	Currently met by NC	Change Required	Comments
(1) Implement State Level Centralized Computerized Voter Registration List (i) single system for storing and managing the official list of registered voters throughout the State. (ii) name and registration information of every voter (iii) a unique identifier assigned to each registered voter (iv) coordinated with other agency databases (v) Any election official may obtain immediate electronic access. (vi) voter registration information obtained by local officials entered at the time the information is provided (vii) The State shall provide support required (viii) the official voter registration list for all Federal elections	X	X	Waiver to 2006 In place for 95 of 100 counties
(2) Computerized List Maintenance. (A) perform list maintenance on a regular basis:	X		Partially met through Internet access Met by 96 counties In place for 95 of 100 counties Legislation is in the process of being adopted NC currently implements

Voter Identification Requirements

Effective for all federal elections after January 1, 2004.

Changes in North Carolina law to comply with HAVA requirements, including voter identification, are found in SESSION LAW 2003-226 attached as Appendix A.

§303, Requirements for Voters Who Register by Mail	Currently met by NC	Law/Rule Change Required	Comments
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION			
(A) REQUIRED INFORMATION			
(i) the applicant's driver's license number;		X	Legislation is in the process of being adopted
(ii) if no driver's license, the last four digits of the applicant's social security number.		X	
(iii) applicants without driver's license or social security number assigned a unique identifying number		X	
(iv) determination of validity of numbers provided		X	
(B) REQUIREMENTS FOR STATE OFFICIALS			
(i) State election official and the State motor vehicle authority match information		X	Work is currently underway with the NC DMV
(ii) State motor vehicle authority and Commissioner of Social Security match information		X	

Voter Registration Forms

Effective for persons registering after January 1, 2003.

Section 303(b) of HAVA sets out new identification requirements for voters who register by mail, and mandates that certain questions be placed on all voter registration forms.

The State Board administers all voter registration laws and is the agency responsible for coordinating and maintaining compliance with the National Voter Registration Act of 1993. In addition to registering to vote at county boards of elections offices, citizens may register or initiate information changes at driver license offices, public assistance offices, employment offices, libraries, high schools, and colleges. To ensure the proper administration of the State's various voter registration programs, the State Board supervises and coordinates the conduct of the programs at approximately 800+ agency-based voter registration sites.

North Carolina's voter registration form has been revised to meet the HAVA requirements, precleared by the U.S. Department of Justice, and distributed to the 100 county boards of elections offices. The voter registration form utilized by driver license offices and the Spanish version are in the process of preclearance and will be distributed as soon as preclearance is received and they are received from the printer. A voter registration form is available on the State Board website and is included in Appendix B.

At the time of the November 5, 2002, General Election, there were 5,038,828 registered voters in the State.

§311 & 312 Adoption of Voluntary Guidance by Commission
Sections 311 and 312 of HAVA.

The State Board of Elections will incorporate as appropriate the voluntary recommendations adopted by the Election Assistance Commission as a part of the State Plan, and will include the standards in any subsequent versions of the State Plan.

2. § 254(a)(2) Requirements Payment

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 paragraph (1), including a description of --

- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8). -- HAVA §254 (a)(2)*

Central management. The State Board will centrally manage initiatives funded by requirement payments, and will account for all expenditures, funding levels, program controls, and outcomes. North Carolina will follow all applicable law and regulations regarding the distribution of federal reimbursements.

Performance measures for local units. The State Board will continuously monitor and semi-annually audit the initiatives for which those funds are authorized in the following areas:

- **Financial Controls:** The State Board will develop and use standard financial reporting for all initiatives funded by requirements payments.
- **Compliance with Standards:** The State Board will develop and use standard program management reporting for all initiatives that are funded by requirements payments.
- **Program Results:** The State Board will develop key performance indicators for each initiative funded by requirements payments.

Date:6/23/2003

25

3. § 254(a)(3) Voter Education, Election Official Education and Training, and Poll Worker Training

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. -- HAVA §254 (a) (3)

The North Carolina Program for Certification in Elections began in 1995. The program is a means of enhancing election expertise, providing uniformity and equal application of election laws throughout the State, raising the level of professionalism of elections officials, and encouraging them to expand their election knowledge through continuing education. Central to the program are 13 "core" courses, which include topics such as voter registration, election laws, campaign finance reporting requirements, and budget preparation. The program boasts the total of 161 active certified members.

The State Board appoints, trains, and supervises 400 county board members and directors and an additional 300 county-level staff. It has oversight and training of the four remaining municipal boards of elections and their supervisors. Further, the State Board supervises the appointment and training of precinct officials and other election-day staff, a total in excess of 20,000 people. Citizens Awareness Month and statewide voter registration drives are directed and managed by the State Board of Elections.

The program establishes stringent requirements for certification. A candidate for certification must complete a requisite number of "core" courses and electives, attend continuing education through State Board seminars and those conducted by the North Carolina Institute of Government, and pass a written examination. Once certified for the initial two-year period, officials and administrators must complete continuing education to maintain certification. Such training will outline HAVA requirements, including pollworker sensitivity to those with disabilities and those who use an alternative language.

The State Board will supplement the Certification Program and in cooperation with the Community College System establish a specialized training and civics curriculum for the training of elections officials and interested public, produce support materials and other media. It is anticipated this will eventually become a recruitment pool for pollworkers.

Date:6/23/2003

26

North Carolina State Board of Elections

Training videos and on-line training courses are very real possibilities for making pollworker training more accessible. Also, the training videos will be distributed to public access television channels and libraries for use by the public. The State Board website has several tools available now and plans for enhancing that site to include a Voter Guide. Additional focus will be directed to non-partisan voter education programs.

4. § 254(a)(4) Voting System Guidelines and Processes

How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301. -- HAVA §254 (a) (4)

In addition to meeting the requirements of § 301 of HAVA, voting systems used in North Carolina must be approved by the State Board and must comply with the requirements of General Statute 163-165.7 and the North Carolina Administrative Code, Title 8, Chapter 4. Voting systems that do not meet § 301 requirements will be replaced with § 301 compliant voting systems as soon as practicable but not later than January 1, 2006.

A vote cast on any voting system used in North Carolina is counted, even if irregularly marked, so long as it clearly indicates the intent of the voter. To determine the intent of the voter, county boards follow the uniform guidelines set forth in General Statute Section 163-182.1 and those adopted by the State Board contained in North Carolina Administrative Code, Title 8, Chapter 9.

Date: 6/23/2003

27

North Carolina State Board of Elections

5. § 254(a)(5) HAVA Election 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)

The legislature has established a new fund for HAVA election reform monies that is separate and distinct from all other program funds within the State Board of Elections.

The State Board will work with the State Comptroller and Office of State Budget and Management to ensure that all mandated fiscal controls and policies are put into effect.

Date: 6/23/2003

28

North Carolina State Board of Elections

6. § 254(a)(6) North Carolina'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)

The following table is based on assumptions regarding federal funding that the State used in creating its budget for HAVA activities.

	Federal Funds		State Matching Funds	State Maintenance of Effort Funds
	HAVA 101	HAVA 102 HAVA 252		
2003 Based on Appropriated Federal Funds	\$7,900,000	\$876,498	\$22,600,000	\$1,791,935
2004 Estimate			\$13,944,000	\$1,791,935
2005 Estimate			\$13,944,000	\$1,791,935
Total	\$7,900,000	\$876,498	\$50,485,000	\$2,524,400

HAVA BUDGET FUNDING BY FISCAL YEAR OF FUNDING

	2003	2004	2005
Title III Requirements			
Sect 301 Voting Systems	\$1,000,000	\$1,000,000	
Accessible Equipment	\$26,213,896	\$876,498	\$10,696,200
Voting Equipment	\$37,213,896	\$11,876,498	\$10,696,200
Sub Total	\$74,427,792	\$13,753,996	\$21,392,400
Sect 302 Provisional Voting & Voting Information Requirements			
Informational Signs	\$300,000	\$300,000	
1-800 Help Desk	\$100,000	\$25,000	\$75,000
Video/TV/Teleconference/Public TV Access Channels	\$150,000	\$150,000	
Web Site	\$100,000	\$100,000	
PSAs & Voter Outreach	\$1,000,000	\$1,000,000	

Date: 02/23/2003

HAVA BUDGET FUNDING BY THE YEAR OF FUNDING

	2003	2004	2005
Title III Requirements			
3 Year Total	\$1,650,000	\$1,575,000	\$75,000
Sub Total			
Sect 301 Statewide computer system & requirements for voters registering by mail	\$5,000,000	\$5,000,000	
SRMS	\$2,000,000	\$2,000,000	
Verification Confirmation and List maintenance mailings	\$7,000,000	\$5,000,000	\$2,000,000
Subtotal	\$14,000,000	\$12,000,000	\$2,000,000
Other Election Reform Activities			
Funding to make polls accessible	\$1,000,000	\$1,000,000	
Focus group studies	\$50,000	\$50,000	
Polling place registry/Sample Ballot/Request for Service	\$75,000	\$75,000	
Additional one-stop absentee voting sites	\$1,000,000		
Certification programs for election officials, support materials & media, and non-partisan voter education programs	\$1,500,000	\$1,500,000	
Public computer terminals	\$300,000	\$300,000	
Electronic Records Access at Polling Place	\$10,000,000	\$10,000,000	
County Technology Improvements	\$2,000,000	\$1,130,000	\$870,000
State Board of Elections personnel for HAVA Activities	\$5,575,000	\$1,791,935	\$1,791,935
Subtotal	\$21,390,000	\$15,946,935	\$3,661,935
Total	\$35,990,000	\$28,438,935	\$16,433,135

** Funding has no fiscal year limit. The expenses are shown in the year appropriated but the expense is actually incurred in the year the activity is completed. The North Carolina General Assembly included funding for each activity in the budget for the 2003-2004 fiscal year, based on the understanding of the HAVA legislation at the time the budget was drafted. This will be updated if necessary in the short session.

Assumptions. Funding from Title I early payments to the states is divided into Section 101 and Section 102 payments. Section 101 was funded by Congress at \$325 million and these funds will be distributed as grants without the need for matching funds. The funds will not have fiscal year limitations on expenditures. North Carolina will use these Section 101 funds to improve election administration. At this point, the GSA estimates that North Carolina will receive \$8.5 million in Section 101, Title I funds.

Section 102 funds must be used for the replacement of punch card and lever voting systems. Each State will receive a grant without the need for matching funds and without fiscal year limitations. HAVA had provided that \$4,000 would be given to a State for each precinct in the state that used either lever or punch card voting systems in the November 2000 election. However, HAVA also provided that if there was not enough money to give \$4,000 to each qualifying precinct then the award per precinct would be reduced pro rata. As of today, the GSA estimates the grant to be \$3,054 per qualifying precinct instead of \$4,000. The State Board finds that 241 precincts used punch card and 46 precincts used

Date: 02/23/2003

North Carolina State Board of Elections

lever-voting systems in November 2000 in North Carolina. These figures would produce a \$876,498 under Section 102.

HAVA guarantees each state \$5 million in grants under Title I, and calls for a prorated reduction in all grants to make this minimum payment to each state. It appears that this will cause the total Title I grant to North Carolina to be reduced from \$9,376,498 to \$8,776,498. This is the best estimate for the Title I grant based upon the latest figures obtained from the GSA on March 12, 2003.

Title II of HAVA allows for requirements payments to be made to the States for those election activities set out in Title III of HAVA. \$830 million was appropriated by Congress for fiscal year 2003 for funding, out of which \$20 million went to fund non-Title II and Title III grants. (HAVA had authorized up to \$1.4 billion to be appropriated for Title II requirements payments in fiscal year 2003, but budget concerns generated the reduced appropriations). This leaves \$810 million for Title II grants to the States in fiscal year 2003. These funds require a matching 5.26% State expenditure and a maintenance of effort upon the part of the State that requires at least the level of 2000 State spending for any items that receive Title II grants in the current State budget. There is no fiscal year limitation on the expenditure of these funds.

President Bush is currently recommending that Title II funding for both fiscal years 2004 and 2005 be set at \$500 million for each year. HAVA authorized funding for Title II up to \$1 billion in fiscal year 2004 and \$600 million in fiscal year 2005. It is possible that Congress may fund Title II of HAVA in excess of the \$500 million that the President proposes for the next two years, but the estimated HAVA budget set out herein is based upon the \$500 million the President is currently recommending each year for fiscal years 2004 and 2005.

The amount of Title II grant to North Carolina and the other States has not been calculated by a federal agency based upon the actual funding of \$810 million. These grants will be administered by the Election Administration Commission (EAC), which has yet to be appointed.

A November 2002 estimate created by the Congressional Research Service as to Title II funding based upon full funding for three years indicates that North Carolina would have received \$83.7 million in Title II funds over the three-year period. However, as noted above, full funding will not occur. Comparing the 2003 funding of \$810 million to the funding total used in the November 2002 estimate of \$3 billion yields a ratio of 27%. Using that ratio to the November 2002 estimate of \$83.7

Date: 6/23/2003

31

North Carolina State Board of Elections

million yields an estimate of \$22.6 million to North Carolina in Title II funds in 2003. Comparing the President's proposed funding of \$500 million for 2004 and 2005 would yield a ratio of 16.66% to the \$3 billion funding figure in the November 2002 estimate. That ratio would yield \$13,944,000 HAVA Title II funding for North Carolina in both 2004 and 2005. At the current 2003 funding level and the current proposed funding for 2004 and 2005, it appears that \$50,488,000 will be granted to North Carolina in Title II HAVA funds over a three-year period.

North Carolina must match funds granted under Title II of HAVA at a rate of 5.26%. Based on the assumptions about federal funding, this requires matching State funds of \$1,130,000 in 2003, \$697,200 in 2004, and \$697,200 in 2005. In addition, the State must make expenditures equal to its 2000 expenditures, thus the maintenance of effort requirement was calculated from previous budget documents.

HAVA increases the responsibilities and workload of the State Board. As part of the budgeting and planning process the State Board is anticipating an additional staffing requirement to implement and manage these new responsibilities and workload. The current increase in necessary staffing is estimated to be:

- 3 Programmers
- 1 Business Analyst
- 2 Help Desk
- 1 Certification Program/Outreach Coordinator
- 1 Certification Program/Outreach Coordinator Assistant
- 2 Election Technicians
- 2 Office Support

Funding will also be required for support of HAVA-related activities including travel, subsistence, office equipment and supplies.

7. § 254(a)(7) 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)

In using any requirements payment, North Carolina will maintain expenditures of the State for activities funded by the payment at a level

Date: 6/23/2003

32

North Carolina State Board of Elections

HAVA Requirements Budget Based on Funding Source	Estimate	Funding Source										
		HAVA 101	HAVA 102	HAVA 252			State Match			Maint. Of Effort		
				2003	2004	2005	2003	2004	2005	2003	2004	2005
Title III Requirements												
Appropriated/Estimated Funding **		\$7,800,000	\$876,498	\$22,600,000	\$13,944,000	\$13,944,000	\$1,130,000	\$697,200	\$697,200	\$1,791,935	\$1,791,935	\$1,791,935
Sect 301 Voting Systems												
Accessible Equipment	\$11,000,000			\$11,000,000								
Voting Equipment	\$26,213,898		\$876,498	\$10,519,404	\$13,944,000			\$176,796	\$697,200			
Sub Total	\$37,213,898		\$876,498	\$11,000,000	\$10,519,404	\$13,944,000		\$176,796	\$697,200			
Sect 302 Provisional Voting & Voting Information Requirements												
Informational Signs	\$300,000			\$300,000								
1-800 Help Desk	\$100,000			\$25,000	\$75,000							
Videos/TV/Teleconference/Public TV Access Channels	\$150,000			\$150,000								
WEB Site	\$100,000			\$100,000								
PSAs & Voter Outreach	\$1,000,000			\$1,000,000								
Sub Total	\$1,650,000			\$1,575,000	\$75,000							
Sec 303 Statewide Computer system & requirements for voters registering by mail												
SEIMS	\$5,000,000	\$5,000,000										
Verification Confirmation and List maintenance mailings	\$2,000,000				\$2,000,000							
Subtotal	\$7,000,000	\$5,000,000			\$2,000,000							
Subtotal	\$45,863,898	\$5,000,000	\$876,498	\$12,575,000	\$12,594,404	\$13,944,000		\$176,796	\$697,200			
Other Election Reform Activities												
Funding to make polls accessible	\$1,000,000	\$1,000,000										
Focus group studies	\$50,000	\$25,000		\$25,000								
Polling place registry/Sample	\$75,000	\$75,000										

Date:6/23/2003

34

North Carolina State Board of Elections

equal to or greater than the level of such expenditures in State FY 2000 - a total of \$1,791,935.

The North Carolina General Assembly is currently in the budget approval process and legislation is moving forward to appropriate the Maintenance of Effort Funds. The current estimates of this funding is shown below:

33

Date:6/23/2003

North Carolina State Board of Elections

8. § 254(a)(8) 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 Board will establish performance objectives and measurement processes to monitor the progress under the State Plan. The performance goals and measurements will provide a high-level view of a project's progress towards achieving compliance with HAVA requirements. The State Board will measure critical areas of each project.

The State Board will continuously monitor and at a minimum audit semi-annually the performance of each initiative that is funded by requirements payments in three areas: financial controls, compliance with standards, and program results.

- Financial Controls: The State Board will develop and use standard financial reporting for all initiatives funded by requirements payments.
- Compliance with Standards: The State Board will develop and use standard program management reporting for all initiatives that are funded by requirements payments.
- Program Results: The State Board will develop performance indicators for each initiative funded by requirements payments. These will include scope, schedule, and resources usage. State Board personnel will develop the metrics and measurements required to monitor this progress.

The State Board will ensure that the State and any recipient of payments under HAVA maintains records in accordance with the record-keeping requirements of the Act (section 902) and all such records will be available for audit. This will include Quality Assurance Reviews. State Board staff will utilize the Wellness Check Program to ensure compliance with all HAVA requirements by county boards of elections. See Appendix C of this document for the Wellness Check Form.

36

Date: 6/23/2003

North Carolina State Board of Elections

HAVA Requirements Budget Based on Funding Source	Estimate	Funding Source												
		HAVA 101	HAVA 102	HAVA 252			State Match			Maint. Of Effort				
				2003	2004	2005	2003	2004	2005	2003	2004	2005		
Ballot/Request for Service														
Additional one stop absentee voting sites	\$1,000,000				\$1,000,000									
Certification programs for election officials, support materials & media and non-partisan voter education programs	\$1,500,000	\$1,500,000												
Public computer terminals	\$300,000	\$300,000												
Electronic Records Access at Polling Place	\$10,000,000			\$10,000,000										
County Technology Improvements	\$2,000,000				\$349,596		\$1,130,000	\$520,404						
State Board of elections personnel for HAVA Activities	\$5,375,805											\$1,791,935	\$1,791,935	\$1,791,935
Subtotal	\$21,300,805	\$2,900,000		\$10,025,000	\$1,349,596		\$1,130,000	\$520,404				\$1,791,935	\$1,791,935	\$1,791,935
Total	\$67,164,703	\$7,900,000	\$878,498	\$22,800,000	\$13,944,000	\$13,944,000	\$1,130,000	\$697,200	\$697,200			\$1,791,935	\$1,791,935	\$1,791,935

** Funding has no fiscal year limit. The expenses are shown in the year appropriated not the year the expense is actually incurred. The North Carolina General Assembly appropriated five percent matching funds in the current budget for the 2003-2004 fiscal year based on the understanding of the HAVA legislation at the time the budget was drafted. This will be updated if necessary in the short session.

Date: 6/23/2003

35

9. § 254(a)(9) 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 Board has developed and adopted the following procedure for complaints that meets HAVA requirements.

HAVA Administrative Complaint Procedure

Under the provisions of Section 17(a) of House Bill 842, a new statute, §163-91, was created that authorized the State Board of Elections to adopt a uniform, nondiscriminatory procedure, as required under § 402 of Title IV of HAVA for the resolution of any complaint alleging a violation of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is about to occur. Among other things, §163-91 provides that no provision of Chapter 150B of the North Carolina General Statutes shall apply to allegations, complaints, hearings, or appeals as to an alleged violation of HAVA by the Board or a local board of elections. The procedure is set out as follows:

Definitions

- (a) In this subtitle, the following terms have the meanings indicated:
- (1) "Board" shall mean the North Carolina State Board of Elections.
 - (2) "Complainant" means the person who files a complaint with the State Board under this subtitle.
 - (3) "Designee(s)" means one or more Board members or others assigned by the Board to perform any or all functions of the full board under this procedure.
 - (4) "HAVA" shall mean the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§15481-15485.
 - (5) "Respondent" means any State or local election official whose actions are asserted, in a complaint under this subtitle, to be in violation of Title III.

- (6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§15481-15485.

Complaint

(a) Any person who believes that there is a violation of any provision of Title III may file a complaint. A complaint shall be in writing and notarized, signed and sworn by the Complainant. The Complainant may use:

- (1) The form prescribed by the Board, which is available from the Board or from any local board of elections, or which may be downloaded from the Board website; or
 - (2) Any other document providing the same information required in the Board-prescribed form.
- (b) A complaint shall be filed within 30 days after the occurrence of the actions or events that form the basis for the complaint, including the actions or events that form the basis for the Complainant's belief that a violation is about to occur, or, if later, within 30 days after the Complainant knew or, with the exercise of reasonable diligence, should have known of those actions or events. The Complainant shall mail, fax, e-mail or otherwise deliver a copy of the complaint to each Respondent.
- (c) The Board may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

Hearing

- (a) At the request of the Complainant or upon the Board's own motion, the Board shall conduct a hearing on the record. The hearing shall be conducted no sooner than 10 days and no later than 20 days after the Board receives the complaint. The Board shall give at least 5 business days' advance notice of the date, time, and place of the hearing by mail, fax, e-mail, or any other means of delivery, to the Complainant, and each named Respondent.
- (b) The Board or the Board's designee(s) shall act as hearing officer(s). The designee(s) may be authorized by the Board to perform any or all duties the Board might have as to a complaint filed under this article.
- (c) The Complainant, any Respondent, or any other interested member of the public may appear at the hearing and testify or present tangible evidence in connection with the complaint. The North Carolina Rules of Evidence, §8C-1.

shall not apply to the hearing. Subpoenas for witnesses shall not be issued at the request of a party; each party shall be responsible for providing their own witnesses. However, the Board may subpoena any person to testify in a hearing when the Board determines it will serve the public interest. Each witness testifying shall be sworn. The hearing officer may limit the testimony, if necessary, to ensure that all interested participants are able to present their views. The hearing officer may recess the hearing and reconvene at a later date, time, and place announced publicly at the hearing. There shall be no right of cross-examination, but a person may testify or present evidence to contradict any other testimony or evidence. At the discretion of the Board, hearings may be transcribed or otherwise recorded and made available to the public.

Final Determination

- (a) If there has been no hearing requested, the Board or the Board's designee(s) shall review the record and determine whether, under a preponderance of the evidence standard, a violation of Title III has been established.
- (b) At the conclusion of any hearing under this Article, the Board or its designee(s) shall determine, under a preponderance of the evidence standard, whether a violation of Title III has been established.
- (c) If the Board or the Board's designee(s) determines that a violation has occurred, the Board, acting through the Board or designee, shall provide the appropriate remedy. The remedy so provided may include an order to any Respondent, commanding the Respondent to take specified action, or prohibiting the Respondent from taking specified action, with respect to a past or future election. However, the remedy may not include an award of money damages or attorney's fees.
- (d) If the complaint is not timely or not in proper form, or if the Board or the Board's designee, whether acting as hearing officer or otherwise, determines that a violation has not occurred or that there is insufficient evidence to establish a violation, the Board or designee(s), shall dismiss the complaint.
- (e) The final determination of the Board shall be issued within 90 days after the complaint was filed, unless the Complainant consents in writing to an extension. The final

determination shall be mailed, faxed, e-mailed, or otherwise delivered to the Complainant, and each Respondent.

Alternate Dispute Resolution

- (a) If the State Board cannot make a final determination within 90 days after the complaint was filed, or within any extension to which the Complainant consents, the complaint shall be referred for final resolution, using alternate dispute resolution. Any record or materials compiled, as a result of a complaint proceeding shall be made available for use under alternate dispute resolution.
- (b) On or before the 5th business day after a final Board determination was due, the Board shall designate in writing to the Complainant the name of a proposed arbitrator, knowledgeable in election matters, to resolve the complaint. Within 3 business days after the Complainant receives this proposal, the Complainant shall either agree to the proposed arbitrator or counter with the name of a different proposed arbitrator, also knowledgeable in election matters. Within three days the Board shall indicate if the proposed arbitrator of the Complainant is acceptable. If it is not, then the names of both proposed arbitrators shall be placed in a container and the arbitrator shall be determined by lot drawn by the Complainant. The Board shall be responsible for any reasonable costs (not to exceed the rate of \$75 per hour) and expenses generated by the arbitrator in determining the complaint.
- (c) The arbitrator may review the record compiled in connection with the complaint and any briefs or memoranda previously filed in the action, but shall not receive additional testimony or evidence.
- (d) The arbitrator must issue a written resolution within 60 days after the final Board determination was due. This 60-day period may not be extended. The final resolution of the arbitrator shall be transmitted to the Board and shall be the final resolution of the complaint. Under no circumstances may the final determination of an arbitrator order action to be performed except in the complaint at hand or order a change in state law, federal law or Board policies, procedures, or rules.

No Appeal

North Carolina State Board of Elections

The final determination of the Board, or the final resolution of an arbitrator, shall not be subject to appeal in any State court, State administrative hearing or panel, or federal court. If the alleged Title III HAVA violation supports a legal cause of action independent of Title III of HAVA, the Complainant shall not be precluded from filing such legal action as a result of making a complaint under this procedure.

Record of all Proceedings

At the discretion of the Board hearings within the requirements of §254(a)(9) shall be transcribed.

10. § 254(a)(10) 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)

North Carolina expects the following Title I payments.

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

North Carolina is eligible for approximately \$7.9M under §101. These funds will be used for activities to meet the requirements contained in the Chart in Section 6.

§102. Replacement of punch card or lever voting machines.

According to the GSA, North Carolina is eligible for approximately \$876,498 under §102, as calculated in the following chart. North Carolina understands that there has been a pro rata reduction to the maximum payment amount based on the total national participation under this section. The effect of this is to reduce the payment to each eligible precinct from \$4,000 to \$3,054 (GSA estimate).

Voting Equipment used November 2000

PUNCHCARD	
County	Number of Precincts
Cabarrus	42
Duplin	19
Forsyth	101
McDowell	17
Mitchell	4
Onslow	23
Vance	16
Watauga	13
LEVER	
County	Number of Precincts
Bertie	11
Chowan	6
Hoke	13
Scotland	10
Swain	5
Total	280

North Carolina State Board of Elections

Date: 02/3/2003

North Carolina State Board of Elections

11. § 254(a)(11) 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)

North Carolina will use the State Plan as the basis for managing the activities necessary for the implementation of HAVA requirements. The Executive Director, under the guidance of the State Board, will be responsible for the continuous management and implementation of the State Plan. This will include Quality Assurance Reviews.

The Executive Director is responsible for implementation of the plan that will be carried out at the State level, with involvement from counties on various projects. The State is responsible for tracking resource requirements, approving and tracking expenditures of HAVA funds, coordinating decision making, and ensuring implementation activities are on track. The State Board staff manages the day-to-day coordination and implementation of projects within the HAVA plan. Responsibilities will include reporting project activities, progress, and resource needs/expenditures.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the state plan. Material changes in the administration of the State Plan will not be made unless the change is developed and published in the Federal Register in accordance with HAVA §255, is subject to public notice and comment in accordance with HAVA §256, and takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

The initial proposed implementation schedule is shown below:

	2003	2004	2005	2006	2007	Comments s- start e- end
Title III Requirements						
Sec 301 Voting Systems						
ADA Equipment						Waiver to 2007
Voting Equipment						Waiver to 2006
Sec 302 Provisional Voting & Voting Information Requirements						
Provisional voting						
Informational Signs						
1-800 Help Desk						
Videos/TV/television/Public TV Access Channels						
WEB Site						
PSAs & Voter Outreach						
Sec 303 Statewide Computer Systems & Requirements for Voters Registering by Mail						
SEIMS: State-wide Voter Registration System						Waiver to 2006
Verification Confirmation and List maintenance meetings						
Voters who Register by Mail - ID Requirements						New voter cards complete. Process for indicating id received in place. Poll list changes will be made by 2004 election
Other Election Reform Activities						
Grants to make polls accessible						
Focus group studies						
Polling place registry/Sample Ballot/Request for Service						
Additional one stop absentee voting sites						
Certification program for election officials support materials & media, and non-partisan voter education programs						
Public computer terminals						
Electronic Records Access at Polling Place						
County Technology Improvements						

Date: 6/23/2003

North Carolina State Board of Elections

11. § 254(a)(11) 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)

North Carolina will use the State Plan as the basis for managing the activities necessary for the implementation of HAVA requirements. The Executive Director, under the guidance of the State Board, will be responsible for the continuous management and implementation of the State Plan. This will include Quality Assurance Reviews.

The Executive Director is responsible for implementation of the plan that will be carried out at the State level, with involvement from counties on various projects. The State is responsible for tracking resource requirements, approving and tracking expenditures of HAVA funds, coordinating decision making, and ensuring implementation activities are on track. The State Board staff manages the day-to-day coordination and implementation of projects within the HAVA plan. Responsibilities will include reporting project activities, progress, and resource needs/expenditures.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the state plan. Material changes in the administration of the State Plan will not be made unless the change is developed and published in the Federal Register in accordance with HAVA §255, is subject to public notice and comment in accordance with HAVA §256, and takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

The initial proposed implementation schedule is shown below:

	2003	2004	2005	2006	2007	Comments s- start e- end
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ADA Equipment						Waiver to 2007
Voting Equipment						Waiver to 2006
Sec 302 Provisional Voting & Voting Information Requirements						
Provisional voting						
Informational Signs						
1-800 Help Desk						
Videos/TV/television/Public TV Access Channels						
WEB Site						
PSAs & Voter Outreach						
Sec 303 Statewide Computer Systems & Requirements for Voters Registering by Mail						
SEIMS: State-wide Voter Registration System						Waiver to 2006
Verification Confirmation and List maintenance meetings						
Voters who Register by Mail - ID Requirements						New voter cards complete. Process for indicating id received in place. Poll list changes will be made by 2004 election
Other Election Reform Activities						
Grants to make polls accessible						
Focus group studies						
Polling place registry/Sample Ballot/Request for Service						
Additional one stop absentee voting sites						
Certification program for election officials support materials & media, and non-partisan voter education programs						
Public computer terminals						
Electronic Records Access at Polling Place						
County Technology Improvements						

Date: 6/23/2003

North Carolina State Board of Elections

12. § 254(a)(12) 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 North Carolina's initial plan under HAVA. Updates to the FY 2004 Plan will be provided in this section as appropriate.

Date: 6/23/2003

45

North Carolina State Board of Elections

13. § 254(a)(13) State Plan 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 State's committee consists of individuals representing a cross-section of election stakeholders. The State Plan Committee was selected by the chief State election official of North Carolina, Gary O. Bartlett, Executive Director of the North Carolina State Board of Elections.

HAVA Advisory Committee

State Board Members:

Genevieve C. Sims, 313-200 S. Blount St., Raleigh 27601 Chair
Lorraine G. Shinn, 3798 Brick Kiln Rd., Greenville 27858 Vice Chair
Larry Leake, 701 BB&T Building, Asheville 28801
Robert B. Cordic, 214 N. Tryon St., Suite 3800, Charlotte 28202-2137
Charles Winfree, 201 W. Market St., Suite 408, Greensboro 27401

Political Parties:

Wade Chestnut, 220 Hillsborough St., Raleigh 27603; Democratic Party
William Peaslee, P.O. Box 12905, Raleigh 27605; Republican Party
Barbara Howe, 5046 Tar Hill Drive, Oxford 27565; Libertarian Party
Bob Hall, 5706 Old Stony Way, Durham 27705; Democracy North Carolina
Margaret Currin, 1700 Pineview Street, Raleigh 27608; former U.S. Attorney
Edna Campos, 201 Glen Woods Ct., Asheville 28803; El Pueblo
Allison Bowen, Governor's Advocacy Council for Persons with Disabilities, 2113 Cameron St., Suite 218, Raleigh 27605
Susan B. Hansell, Vote for America, P.O. Box 6100, Raleigh 27628-6100
Ron Aycock, P.O. Box 1488, Raleigh 27602; Executive Director, North Carolina Association of County Commissioners
Frances C. Waser, 550 Moor Lane, Brevard 28712; Member, Transylvania County Board of Elections
Thomas Eatmon, 1000 Aycock St., Wilson 27893; Chairman, Wilson County Board of Elections
Cherie Poucher, P.O. Box 695, Raleigh, NC 27602-0695; Director, Wake County Board of Elections
Michael Dickerson, P.O. Box 31788, Charlotte 28231-1788; Director, Mecklenburg County Board of Elections

Date: 6/23/2003

46

Appendix A

APPENDIX A - House Bill 842 (= S 858)

2003-2004 Session

Short Title: Help America Vote Act Compliance.

Attributes		Sponsors	
P	*	Prime Sponsors: <u>Michaux; Starn;</u>	
		Co-Sponsors: <u>Alexander;</u>	

Date	Action
04/01/2003	Filed
04/02/2003	H Ref To Com On Election Law and Campaign Finance Reform
04/07/2003	HA Reptd Fav Com Substitute
04/07/2003	H Cal Pursuant Rule 36(b)
04/08/2003	H Placed On Call For 4/9/2003
04/08/2003	H Postponed To 4/15/2003
04/21/2003	HA Amend Adopted #1
04/21/2003	H Amend Pending #2
04/22/2003	H Amendment Withdrawn #2
04/22/2003	H Amendment Withdrawn #3
04/22/2003	HA Amend Adopted #4
04/22/2003	H Amendment Withdrawn #5
04/22/2003	H Passed 2nd & 3rd Reading
04/24/2003	S Rec From House
04/24/2003	S Ref To Com On Judiciary I
05/28/2003	S Reptd Fav Com Substitute
05/28/2003	SA Com Substitute Adopted
05/29/2003	S Withdrawn From Call
05/29/2003	S Placed On Call For 6/3/2003
06/03/2003	S Passed 2nd & 3rd Reading
06/05/2003	H Rec To Concur S Com Sub
06/05/2003	H Cal Pursuant Rule 36(b)
06/10/2003	H Placed On Call For 6/10/2003
06/10/2003	H Consumed In S/Com Sub
06/11/2003	H Ratified
06/16/2003	H Pres. To Gov. 6/12/2003

ABBREVIATIONS KEY

- H - House
- P - Public Bill
- S - Senate
- L - Local Bill
- R - Ratified
- \$ - Affects Appropriations
- F - Failed
- * - Bill Text Has Changed
- A - Amendment Adopted

Appendix A

North Carolina State Board of Elections

Janice McKenzie Cole, 1072 Harvey Point Road, Suite 106, Hertford 27944; former U.S. Attorney Julie Rehder, 1413 Hattie Road, Apex 27502; United Way of North Carolina.

The State Board of Elections scheduled and/or participated in the following assemblies/meetings during the development of the State Plan: HAVA Advisory Committee State Board of Elections Conference Room March 26, 2003 April 14, 2003 May 2, 2003

"Who Gets to Vote in North Carolina" - Advocates People's Briefing and Strategy Meeting State Board of Elections Conference Room March 31, 2003

North Carolina Association of Directors of Elections Quality Inn Boone, NC April 8-9, 2003

State Board of Elections Meeting for Elections Officials/Interested Public and Advocates New Bern, NC May 5-6, 2003

Public Hearings May 16, 2003:

Asheville, N.C.County Commissioners' Room (Room 204), Buncombe County Courthouse, 60 Court Plaza.

Charlotte, N.C. ...Mecklenburg County Board of Elections Office, Suite 202, 741 Kenilworth Ave.

Greenville, N.C.City Council Chambers, Municipal Building, 201 Martin Luther King Jr. Drive.

Raleigh, N.C. State Board of Elections Office, 506 North Harrington St. **Wilmington, N.C.** .. County Commissioners' Room (Room 301), New Hanover Historical Courthouse, 24 North 3rd Street.

Winston-Salem, N.C. ..Courtroom 6B, Forsyth County Hall of Justice, 200 N. Main Street.

The State Plan was available on the State Board of Elections' website (www.sboe.state.nc.us) for public review and comment through Wednesday, June 4, 2003.

Date: 6/23/2003

Appendix A

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2003-226
HOUSE BILL 842

AN ACT TO PROVIDE FOR A SYSTEM FOR ALL NORTH CAROLINA
ELECTIONS THAT COMPLIES WITH THE HELP AMERICA VOTE ACT
AND TO HELP PREVENT DUPLICATE NAMES ON JURY LISTS.

The General Assembly of North Carolina enacts:

SECTION 1. The purpose of this act is to ensure that the State of North Carolina has a system for all North Carolina elections that complies with the requirements for federal elections set forth in the federal Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 U.S.C. §§ 15481-15485.

The General Assembly finds that the education and training of election officials as required by G.S. 163-82.34 has met and continues to meet the mandate for the education and training of precinct officials and other election officials in section 254(a)(3) of the Help America Vote Act of 2002. The General Assembly further finds that the establishment, development, and continued operation of the statewide list maintenance program for voter registration set forth in G.S. 163-82.14 has met and continues to meet the mandates of section 303(a)(2) of the Help America Vote Act of 2002.

In certain other areas of the election statutes and other laws, the General Assembly finds that the statutes must be amended to comply with the Help America Vote Act.

SECTION 2. G.S. 163-82.10(a) reads as rewritten:
"(a) Official Record. - The State voter registration system is the official voter registration list for the conduct of all elections in the State. A completed and signed registration application form, if available, described in G.S. 163-82.3, once approved by the county board of elections, becomes backup to the official registration record of the voter. Electronically captured images of the signatures of voters, full or partial social security numbers, and drivers license numbers that may be generated in the voter registration process, by either the State Board of Elections or a county board of elections, are confidential and shall not be considered public records and subject to disclosure to the general public under Chapter 132 of the General Statutes. Disclosure of drivers license numbers in violation of this subsection shall not give rise to a civil cause of action. This limitation of liability does not apply to the disclosure of drivers license numbers in violation of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The county board of elections shall maintain custody of any paper hard copy registration records of voters in the county and shall keep them in a place where they are secure."

SECTION 3. G.S. 163-82.10 is amended by adding a new subsection to read:

"(a1) Paperless, Instant Electronic Transfer. - The application described in G.S. 163-82.3 may be either a paper hard copy or an electronic document."

SECTION 4. G.S. 163-82.6(b) reads as rewritten:

"(b) Signature. - The form shall be valid only if signed by the applicant. An electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used."

SECTION 5. G.S. 132-1.2 reads as rewritten:

§ 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

- (1) Meets all of the following conditions:
 - a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
 - b. Is the property of a private "person" as defined in G.S. 66-152(2).
 - c. Is disclosed or furnished to the public agency in connection with the owner's performance of a public contract or in connection with a bid, application, proposal, industrial development project, or in compliance with laws, regulations, rules, or ordinances of the United States, the State, or political subdivisions of the State.
 - d. Is designated or indicated as "confidential" or as a "trade secret" at the time of its initial disclosure to the public agency.
- (2) Reveals an account number for electronic payment as defined in G.S. 147-86.20 and obtained pursuant to Articles 6A or 6B of Chapter 147 of the General Statutes or G.S. 159-32.1.
- (3) Reveals a document, file number, password, or any other information maintained by the Secretary of State pursuant to Article 21 of Chapter 130A of the General Statutes.
- (4) Reveals the electronically captured image of an individual's signature, drivers license number, or a portion of an individual's social security number if the agency has those items because they are on a voter registration document."

SECTION 6. G.S. 163-82.11 reads as rewritten:

§ 163-82.11. Establishment of statewide computerized voter registration.
(a) Statewide System as Official List. - The State Board of Elections shall develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central database containing voter registration information for each county. The system shall serve as the single system for storing and managing the official list of registered voters in the State. The system shall serve as the official voter registration list for the conduct of all elections in the State. The system shall encompass both software development and purchasing of the necessary hardware for the central and distributed-network systems.
(b) Uses of Statewide System. - The State Board of Elections shall develop and implement the system so that each county board of elections can do all the following:

- (1) Verify that an applicant to register in its county is not also registered in another county.
- (2) Be notified automatically that a registered voter in its county has registered to vote in another county.

Appendix A

Appendix A

Appendix A

- (3) Receive automatically data about a person who has applied to vote at a drivers license office or at another public agency that is authorized to accept voter registration applications.
- (c) Compliance With Federal Law. — The State Board of Elections shall update the statewide computerized voter registration list and database to meet the requirements of section 303(a) of the Help America Vote Act of 2002 and to reflect changes when citizenship rights are restored under G.S. 13-1.
- (d) Role of County and State Boards of Elections. — Each county board of elections shall be responsible for registering voters within its county according to law. Each county board of elections shall maintain its records by using the statewide computerized voter registration system in accordance with rules promulgated by the State Board of Elections. Each county board of elections shall enter through the computer system all additions, deletions, and changes in its list of registered voters promptly to the statewide computer system.
- (e) Cooperation on List for Jury Commission. — The State Board of Elections shall assist the Division of Motor Vehicles in providing to the county jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters in the county and all persons in the county with drivers license records.

"§ 163-82.12. Promulgation of guidelines relating to computerized voter registration.

The State Board of Elections shall make all guidelines necessary to administer the statewide voter registration system established by this Article. All county boards of elections shall follow these guidelines and cooperate with the State Board of Elections in implementing guidelines. These guidelines shall include provisions for all of the following:

- (1) Establishing, developing, and maintaining a computerized central voter registration file.
- (2) Linking the central file through a network with computerized voter registration files in each of the counties.
- (3) Interacting with the computerized drivers license records of the Division of Motor Vehicles and with the computerized records of other public agencies authorized to accept voter registration applications.
- (4) Protecting and securing the data.
- (5) Converting current voter registration records in the counties in computer files that can be used on the statewide computerized registration system.
- (6) Enabling the statewide system to determine whether the voter identification information provided by an individual is valid.
- (7) Enabling the statewide system to interact electronically with the Division of Motor Vehicles system to validate identification information.
- (8) Enabling the Division of Motor Vehicles to provide real-time interface for the validation of the drivers license number and last four digits of the social security number.
- (9) Enabling the statewide system to assign a unique identifier to each legally registered voter in the State.
- (10) Enabling the State Board of Elections to assist the Division of Motor Vehicles in providing to the jury commission of each county, as required by G.S. 20-43.4, a list of all registered voters

Appendix A

51

Appendix A

in the county and all persons in the county with drivers license records.

These guidelines shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the guidelines and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those guidelines shall be made available to the public upon request or otherwise by the State Board.

SECTION 7.(b) G.S. 163-82.19 reads as rewritten:
"§ 163-82.19. Voter registration at drivers license offices; coordination on data interface.

(a) Voter Registration at Drivers License Offices. — The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register to vote or to update his registration if the voter has changed his address or moved from one precinct to another or from one county to another. The person taking the application shall ask if the applicant is a citizen of the United States. If the applicant states that the applicant is not a citizen of the United States, or declines to answer the question, the person taking the application shall inform the applicant that it is a felony for a person who is not a citizen of the United States to apply to register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9.

Registration shall become effective as provided in G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this section until the deadline established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.

All applications shall be forwarded by the Department of Transportation to the appropriate board of elections not later than five business days after the date of acceptance, according to rules which shall be promulgated by the State Board of Elections. Those rules shall provide for a paperless, instant, electronic transfer of applications to the appropriate board of elections.

(b) Coordination on Data Interface. — The Department of Transportation jointly with the State Board of Elections shall develop and operate a computerized interface to match information in the database of the statewide voter registration system with the drivers license information in the Division of Motor Vehicles to the extent required to enable the State Board of Elections and the Department of Transportation to verify the accuracy of the information provided on applications for voter registration, whether the applications were received at drivers license offices or elsewhere. The Department of Transportation and the State Board shall implement the provisions of this subsection so as to comply with section 303 of

Appendix A

52

Appendix A

the Help America Vote Act of 2002. The Department of Transportation shall enter into an agreement with the Commissioner of Social Security so as to comply with section 303 of the Help America Vote Act of 2002."

§ 20-43.4. Current list of licensed drivers to be provided to jury commissions.

The Commissioner of Motor Vehicles shall provide to each county jury commission an alphabetical list of all persons that the Commissioner has determined are residents of the county, who will be 18 years of age or older as of the first day of January of the following year, and licensed to drive a motor vehicle as of July 1 of each odd-numbered year, provided that if an annual jury list is being prepared under G.S. 9-2(a), the list to be provided to the county jury commission shall be provided annually. The list shall include those persons whose license to drive has been suspended, and those former licensees whose license has been canceled. The list shall contain the address and zip code of each driver, plus the driver's date of birth, sex, and drivers license number, and may be in either printed or computerized form, as requested by each county. Before providing the list to the county jury commission, the Commissioner shall have computer-matched the list with the voter registration list of the State Board of Elections to eliminate duplicates. The Commissioner shall include in the list provided to the county jury commission names of registered voters who do not have drivers licenses, and shall indicate the licensed or formerly licensed drivers who are also registered voters, the licensed or formerly licensed drivers who are not registered voters, and the registered voters who are not licensed or formerly licensed drivers. The list so provided shall be used solely for jury selection and election records purposes and no other. Information provided by the Commissioner to county jury commissions and the State Board of Elections, under this section shall remain confidential, shall continue to be subject to the disclosure restriction provisions of G.S. 20-43.1, and shall not be a public record for purposes of Chapter 132 of the General Statutes."

§ 9-2. Preparation of jury list; sources of names.

(a) It shall be the duty of the jury commission on July 1 of every odd-numbered year to prepare a list of prospective jurors qualified under this Chapter to serve in the biennium beginning on January 1 of the next year. Instead of providing a list for an entire biennium, the commission may prepare a list each year if the senior regular resident superior court judge requests in writing that it do so.

(b) In preparing the list, the jury commission shall use the list of registered voters and persons with drivers license records supplied to the county by the Commissioner of Motor Vehicles pursuant to G.S. 20-43.4. The commission may use fewer than all the names from the list if it uses a random method of selection. The commission may use other sources of names deemed by it to be reliable.

(c) The jury commission shall merge the entire list of names of each source used and randomly select the desired number of names to form the jury list.

(d) The jury list shall contain not less than one and one-quarter times and not more than three times as many names as were drawn for jury duty in all courts in the county during the previous biennium, or, if an annual list is being prepared as requested under subsection (a) of this section the jury list shall contain not less than one and one-quarter times and not more than three times as many names as were drawn for jury duty in all courts in the county during the previous year but in no event shall the list include fewer than 500 names, except that in counties in

Appendix A

53

Appendix A

which a different panel of jurors is selected for each day of the week, there is no limit to the number of names that may be placed on the jury list.

(h) As used in this section 'random' or 'randomly' refers to a method of selection that results in each name on a list having an equal opportunity to be selected."

SECTION 8. Article 13A of Chapter 163 of the General Statutes is amended by adding a new section to read:

§ 163-166.7A. Voter education and information.

(a) Posting the Information. - For each election that involves candidates for federal or State office, each county board of elections shall post at each active voting place the following information in a manner and format approved by the State Board of Elections:

- (1) A sample ballot as required by G.S. 163-165.2.
 - (2) The date of the election and the hours the voting place will be open.
 - (3) Instructions on how to vote, including how to cast a vote or correct a vote on the voting systems available for use in that voting place.
 - (4) Instructions on how to cast a provisional ballot.
 - (5) Instructions to mail-in registrants and first-time voters on how to comply with the requirements in section 303(b) of the Help America Vote Act of 2002 concerning voter identifications.
 - (6) General information on voting rights under applicable federal and State law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if the voter believes those rights have been violated.
 - (7) General information on federal and State laws that prohibit acts of fraud and misrepresentation as to voting and elections.
- (b) Intent. - The posting required by subsection (a) of this section is intended to meet the mandate of the voting information requirements in section 302(b) of the Help America Vote Act of 2002."

SECTION 9. G.S. 163-82.4 reads as rewritten:

§ 163-82.4. Contents of application form.

(a) Information Requested of Applicant. - The form required by G.S. 163-82.3(a) shall request the applicant's:

- (1) Name,
- (2) Date of birth,
- (3) Residence address,
- (4) County of residence,
- (5) Date of application,
- (6) Gender,
- (7a) Race,
- (8) Ethnicity,
- (8) Political party affiliation, if any, in accordance with subsection (c) of this section,
- (9) Telephone number (to assist the county board of elections in contacting the voter if needed in processing the application),
- (10) Drivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant's social security number,

and any other information the State Board finds is necessary to enable officials of the county where the person resides to satisfactorily process the application. The

Appendix A

54

Appendix A

form shall require the applicant to state whether currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. The portions of the form concerning race and ethnicity shall include as a choice any category shown by the most recent decennial federal census to compose at least one percent (1%) of the total population of North Carolina. The county board shall make a diligent effort to complete for the registration records any information requested on the form that the applicant does not complete, but no application shall be denied because an applicant does not state race, ethnicity, gender, or telephone number. The application shall conspicuously state that provision of the applicant's telephone number is optional. If the county board maintains voter records on computer, the free list provided under this subsection shall include telephone numbers if the county board enters the telephone number into its computer records of voters.

(a) No Drivers License or Social Security Number Issued. — The State Board shall assign a unique identifier number to an applicant for voter registration if the applicant has not been issued either a current and valid drivers license or a social security number. That unique identifier number shall serve to identify that applicant for voter registration purposes.

(b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of Confidentiality. — The form required by G.S. 163-82.3(a) shall contain, in uniform type, the following:

(1) A statement that specifies each eligibility requirement (including citizenship) and an attestation that the applicant meets each such requirement, with a requirement for the signature of the applicant, under penalty of a Class I felony under G.S. 163-275(4).

(2) A statement that, if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(3) A statement that, if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(c) Party Affiliation or Unaffiliated Status. — The application form described in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163-96, or a preference to be an "unaffiliated" voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as "unaffiliated", except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to "unaffiliated" unless the registrant clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163-119, but may vote in any other primary or general election. The application form shall so state.

(d) Citizenship and Age Questions. — Voter registration application forms shall include all of the following:

(1) 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.

Appendix A

(2) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether the applicant will be 18 years of age or older on election day.

(3) The statement "If you checked "no" in response to either of these questions, do not complete this form."

If the voter fails to answer the question set out in subdivision (1) of this subsection, the person filling out the registration shall be notified of the omission and given the opportunity to complete the form in a timely manner in order to be registered for the next election.

SECTION 10. G.S. 163-82.10A reads as rewritten:

The statewide voter registration system shall assign to each voter a unique registration number. That number shall be permanent for that voter and shall not be changed or reassigned by the county board of elections."

SECTION 11. G.S. 163-165.7 reads as rewritten:

"§ 163-165.7. Voting systems; powers and duties of State Board of Elections. The State Board of Elections shall have authority to approve types, makes, and models of voting systems for use in elections and referenda held in this State. Only voting systems that have been approved by the State Board shall be used to conduct elections under this Chapter, and the approved systems shall be valid in any election or referendum held in any county or municipality. The State Board may use guidelines, information, testing reports, certification, decertification, recertification, and any relevant data produced by the Election Assistance Commission, its Standards Board, its Board of Advisors, or the Technical Guidelines Development Committee as established in Title II of the Help America Vote Act of 2002 with regard to any action or investigation the State Board may take concerning a voting system. The State Board may use, for the purposes of voting system certification, laboratories accredited by the Election Assistance Commission under the provisions of section 231(2) of the Help America Vote Act of 2002. The State Board may, upon request of a local board of elections, authorize the use of a voting system not approved for general use. The State Board may also, upon notice and hearing, disapprove types, makes, and models of voting systems. Upon disapproving a type, make, or model of voting system, the State Board shall determine the process by which the disapproved system is discontinued in any county. If a county makes a showing that discontinuance would impose a financial hardship upon it, the county shall be given up to four years from the time of State Board disapproval to replace the system. A county may appeal a decision by the State Board concerning discontinuance of a voting system to the superior court in that county or to the Superior Court of Wake County. The county has 30 days from the time of the State Board's decision on discontinuance to make that appeal.

Subject to the provisions of this Chapter, the State Board of Elections shall prescribe rules for the adoption, handling, operation, and honest use of voting systems, including, but not limited to, the following:

- (1) Types, makes, and models of voting systems approved for use in this State.
- (2) Form of official ballot labels to be used on voting systems.
- (3) Operation and manner of voting on voting systems.
- (4) Instruction of precinct officials in the use of voting systems.
- (5) Instruction of voters in the use of voting systems.
- (6) Assistance to voters using voting systems.
- (7) Duties of custodians of voting systems.
- (8) Examination of voting systems before use in an election.

Appendix A

Appendix A

- (9) Compliance with section 301 of the Help America Vote Act of 2002."

SECTION 12. G.S. 163-165.4A reads as rewritten:

"§ 163-165.4A. Punch-card ballots and lever machines.

(a) No ballot may be used in any referendum, primary, or other election as an official ballot if it requires the voter to punch out a hole with a stylus or other tool.

(a1) No lever machine voting system may be used in any referendum, primary, or other election as a means of voting the official ballot. A lever machine voting system is a voting system on which the voter casts a vote by pressing a lever and the vote is mechanically recorded by the machine.

(b) In any counties that used punch-card ballots as official ballots or lever machines in the election of November 2000, and in any municipalities located in those counties, this section becomes effective January 1, 2006. It is the intent of the General Assembly that any county that uses county funds to replace voting equipment to satisfy this section shall be given priority in appropriations to counties for voting equipment."

SECTION 13. G.S. 163-182.1 reads as rewritten:

"§ 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
 - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.
 - b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
 - c. The voter's choice can be clearly determined.
- (7) Straight-party ticket and split-ticket votes shall be counted in general elections according to the following guidelines:
 - a. If a voter casts a vote for a straight-party ticket, that vote shall be counted for all the candidates of that party, other than those for President and Vice President, in the partisan ballot items on that official ballot except as otherwise provided in this subdivision.

Appendix A

- b. If a voter casts a vote for a straight-party ticket and also votes in a partisan ballot item for a candidate not of that party, the official ballot shall be counted in that ballot item only for the individually marked candidate. In partisan ballot items where no mark is made for an individual candidate, the official ballot shall be counted for the candidates of the party whose straight ticket the voter voted.
- c. If a voter casts a vote for a straight-party ticket and also casts a write-in vote in any partisan ballot item, the straight-party ticket vote shall not control the way the official ballot is counted in that ballot item, except to the extent it would control in the case of crossover voting under this subdivision. The following principles shall apply:
 - 1. If the write-in vote is proper under subdivision (6) of this subsection, that write-in candidate shall receive a vote.
 - 2. If the write-in vote is not proper under subdivision (6) of this subsection and no other candidate is individually marked in that ballot item, then no vote shall be counted in that ballot item.
 - 3. If the straight-ticket voter casts both write-in votes and individually marked votes for ballot candidates in a ballot item, then the write-in and individually marked votes shall be counted unless the write-in is not proper under subdivision (6) of this subsection or an overvote results.

(b) Procedures and Standards. – The State Board of Elections shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record systems, those procedures and standards shall provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:

- (1) Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
- (2) Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.
- (3) Provide the voter with the opportunity to correct the official ballot before it is accepted and counted."

Appendix A

SECTION 14. G.S. 163-166.01 reads as rewritten:**"§ 163-166.01. Hours for voting.**

In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30 P.M. In extraordinary circumstances, the county board of elections may direct that the polls remain open until 8:30 P.M. If any voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

Any voter who votes after the statutory poll closing time of 7:30 P.M. by virtue of a federal or State court order or any other lawful order, including an order of a county board of elections, shall be allowed to vote, under the provisions of that order, only by using a provisional official ballot. Any special provisional official ballots cast under this section shall be separated, counted, and held apart from other provisional ballots cast by other voters not under the effect of the order extending the closing time of the voting place. If the court order has not been reversed or stayed by the time of the county canvass, the total for that category of provisional ballots shall be added to the official canvass."

SECTION 14.1. G.S. 163-166.7 reads as rewritten:**"§ 163-166.7. Voting procedures.**

(a) **Checking Registration.** - A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

(b) **Distribution of Official Ballots.** - If the voter is found to be duly registered and has not been successfully challenged, the official assigned to distribute the official ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter shall be directed to the voting equipment that contains the official ballot. No voter in a primary shall be permitted to vote in more than one party's primary. The precinct officials shall provide the voter with any information the voter requests to enable that voter to vote as that voter desires.

(c) **The State Board of Elections shall promulgate rules for the process of voting.** Those rules shall emphasize the appearance as well as the reality of dignity, good order, impartiality, and the convenience and privacy of the voter. Those rules, at a minimum, shall include procedures to ensure that all the following occur:

- (1) The voting system remains secure throughout the period voting is being conducted.
- (2) Only properly voted official ballots are introduced into the voting system.
- (3) Except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure during the time voting is being conducted there.
- (4) All improperly voted official ballots are returned to the precinct officials and marked as spoiled.
- (5) Voters leave the voting place promptly after voting.

Appendix A

59

Appendix A

- (6) Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.

- (7) Information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections.

- (8) The registration records are kept secure.

- (9) Party observers are given access as provided by G.S. 163-45 to current information about which voters have voted.

- (10) The voter, before voting, shall sign that voter's name on the pollbook, other voting record, or voter authorization document. If the voter is unable to sign, a precinct official shall enter the person's name on the same document before the voter votes."

SECTION 15. Article 13A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-166.11. Provisional voting requirements.

If an individual seeking to vote claims to be a registered voter in a jurisdiction and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

- (1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.

- (2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction in which the individual seeks to vote and is eligible to vote in that election.

- (3) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

- (4) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board of Elections. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board of Elections.

- (5) The county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote."

Appendix A

60

Appendix A

SECTION 16. Article 13A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-166.12. Requirements for certain voters who register by mail.

(a) Voting in Person. — An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

- (1) A current and valid photo identification.
 - (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
- (b) Voting Mail-In Absentee. — An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

- (1) A copy of a current and valid photo identification.
 - (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
- The county board of elections shall note the type of identification proof submitted by the voter and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

This subsection shall not apply to persons entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.

(c) The Right to Vote Provisionally. — If an individual is required under subsection (a) or (b) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

- (d) Exemptions. — This section does not apply to any of the following:
 - (1) An individual who registers by mail and submits as part of the registration application either of the following:
 - a. A copy of a current and valid photo identification.
 - b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
 - (2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration.
 - (3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.
 - (4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(i) of the Voting Accessibility for the Elderly and Handicapped Act.

Appendix A

61

Appendix A

- (5) An individual who is entitled to vote otherwise than in person under any other federal law."
- SECTION 17(a)** Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 8A.

"§ 163-91. Complaint procedure.

(a) The State Board of Elections shall establish a complaint procedure as required by section 402 of Title IV of the Help America Vote Act of 2002 for the resolution of complaints alleging violations of Title III of that Act. (b) With respect to the adoption of the complaint procedure under this section, the State Board of Elections is exempt from the requirements of Article 2A of Chapter 150B of the General Statutes. Prior to adoption or amendment of the complaint procedure under this section, the State Board of Elections shall complete all of the following:

- (1) Publish the proposed plan in the North Carolina Register at least 30 days prior to the adoption of the final complaint procedure.
 - (2) Accept oral and written comments on the proposed complaint procedure.
 - (3) Hold at least one public hearing on the proposed complaint procedure.
- (c) Hearings and final determinations of complaints filed under the procedure adopted pursuant to this section are not subject to Articles 3 and 4 of Chapter 150B of the General Statutes."

SECTION 17(b) G.S. 150B-1(c) is amended by adding a new subdivision to read:

- "(c) Full Exemptions. — This Chapter applies to every agency except:

- (6) The State Board of Elections in administering the HAVA Administrative Complaint Procedure of Article 8A of Chapter 163 of the General Statutes."

SECTION 18. G.S. 163-256 reads as rewritten:

"§ 163-256. Regulations of State Board of Elections.

(a) The State Board of Elections shall adopt rules and regulations to carry out the intent and purpose of G.S. 163-254 and 163-255, and to ensure that a proper list of persons voting under said sections shall be maintained by the boards of elections, and to ensure proper registration records, and such rules and regulations shall not be subject to the provisions of Article 2A of Chapter 150B of the General Statutes.

(b) The State Board of Elections shall be the single office responsible for providing information concerning voter registration and absentee voting procedures to be used by absent uniformed services voters and overseas voters as to all elections and procedures relating to the use of federal write-in absentee ballots. Unless otherwise required by law, the State Board of Elections shall be responsible for maintaining contact and cooperation with the Federal Voting Assistance Program, the United States Department of Defense, and other federal entities that deal with military and overseas voting. The State Board of Elections shall, as needed, make recommendations concerning military and overseas citizen voting to the General Assembly, the Governor, and other State officials."

SECTION 19. G.S. 163-245 reads as rewritten:

"§ 163-245. Persons in armed forces, their spouses, certain veterans, civilians working with armed forces, and members of Peace Corps may register and vote by mail.

Appendix A

62

Appendix A

(a) Any individual who is eligible to register and who is qualified to vote in any statewide primary or election held under the laws of this State, and who is absent from the county of his residence in any of the capacities specified in subsection (b) of this section, shall be entitled to register by mail and to vote by military absentee ballot in the manner provided in this Article.

(b) The provisions of this Article shall apply to the following persons:

- (1) Individuals serving in the armed forces of the United States, including, but not limited to, the army, the navy, the air force, the marine corps, the coast guard, the Merchant Marine, the National Oceanic and Atmospheric Administration, the commissioned corps of the Public Health Service, and members of the national guard and military reserve.
- (2) Spouses of persons serving in the armed forces of the United States residing outside the counties of their spouses' voting residence.
- (3) Disabled war veterans in United States government hospitals.
- (4) Civilians attached to, and serving outside the United States with the armed forces of the United States.
- (5) Members of the Peace Corps.

(c) An otherwise valid voter registration or absentee ballot application submitted by an absent uniformed services voter during a year shall not be refused or prohibited on the grounds that the voter submitted the application before the first date on which the county board of elections otherwise accepts those applications submitted by absentee voters who are not members of the uniformed services for that year.

(d) If any absent uniformed services or overseas voter submits a voter registration application or absentee ballot request, and the request is rejected, the board of elections that makes the rejection shall notify the voter of the reasons for the rejection.

(e) The requirement for any oath or affirmation to accompany any document as to voter registration or absentee ballots under this Article may be met by use of the standard oath prescribed by the Presidential designee under section 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act."

SECTION 20. G.S. 163-247(3) reads as rewritten:

"(3) If a single application from an absentee uniformed voter is received by an election official, it shall be considered a valid absentee ballot request with respect to all general, primary, and runoff elections for federal, State, county, or those municipal offices in which absentee ballots are allowed under the provisions of G.S. 163-302, held through the next two regularly scheduled general elections for federal office. This subdivision does not apply to a special election not involving the election of candidates, unless that special election is being held on the same day as a general or primary election."

SECTION 21. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.27. **Help America Vote Act of 2002.**

As used in this Chapter, the term 'Help America Vote Act of 2002' means the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 U.S.C. §§ 15481-15485. Citations to titles and sections of the Help America Vote Act of 2002 are as they appear in the Public Law. The State Board shall have the authority to adopt rules and guidelines to implement the minimum requirements of the Help America Vote Act of 2002."

Appendix A

63

Appendix A

SECTION 22. Sections 1, 3, 4, 5, 12, 18, 21, and 22 of this act are effective when this act becomes law. Sections 11 and 13 of this act become effective January 1, 2006. The remainder of this act becomes effective January 1, 2004. All sections of this act apply with respect to all primaries and elections held on or after the date they become effective.

In the General Assembly read three times and ratified this the 11th day of June, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:48 p.m. this 19th day of June, 2003

Appendix A

64

APPENDIX B - North Carolina Voter Registration Form

North Carolina Voter Registration Application/Update Form

A. Information

If you are not sure if you are registered, call your county board of elections office.

You can use this form to:

Register to vote in your county of residence in North Carolina or change your voter information.

Qualifications:

- You may only register to vote in the county where you reside.
You must be a US citizen by birth or naturalization.
You must be 18 years of age by the next general election.
If you have been convicted of a felony, your rights of citizenship must be restored.

Requirements:

- Complete the sections below by printing legibly.
Information required to process this application includes: name, residence address, date of birth, and signature.
You may mail or hand-deliver this form to the board of elections in the county where you live.

If you choose to use this form to register to vote, the location where you have received this form will remain confidential and will be used only for voter registration purposes. If you declined to be registered to vote, the fact that you so declined will remain confidential and will be used only for voter registration purposes.

Please detach before mailing

Continued on the next page --

B. Cancel Your Previous Registration (in another County or State)

If you were previously registered to vote in another county or if you live in a rural or nontraditional place, please show below where you live. Include street names and house numbers. Cross streets and landmarks are helpful.

Name: _____

Previous Name: _____

Previous Address: _____

Previous City/State/ Zip Code: _____

County of Previous Residence: _____

Date of Birth: ____/____/____ Place of Birth: _____

Signature: _____ Date: ____/____/____

In order to vote in an election, this form must be postmarked or delivered no later than the 25th day before that election.

C. Application to Register to Vote (Print Information and Sign Below) New Registration Change of Information

1) Are you a citizen of the United States of America? yes no 2) Will you be 18 years of age on or before election day? yes no

If you checked "yes" in response to either of these questions, do not complete this form.

Form with fields for Last Name, First Name, Middle Name, Maiden Name, Apt/Lot, City, County, State, NC, Zip, Address, Date of Birth, Gender, Ethnicity, Race, Political Party Affiliation, Drivers License Number, and Signature.

STICKY FOR MAILING - STICKY FOR MAILING

APPENDIX C Wellness Check

General Information:

The following is a checklist developed to evaluate the overall operation of your county board of elections office. In order to provide the most comprehensive evaluation, certain documents will need to be submitted and certain procedures explained. Please be prepared for the auditing method indicated beside each item on the checklist. If we have indicated copies or samples are needed, please have them available prior to the wellness check. If no specific instructions are given beside the item, simply complete the information on this document prior to our visit.

County:	
Date of Wellness Check:	
Wellness check conducted by:	
Director's Name:	
# of full-time staff:	
Names and positions of additional staff:	
# of part-time staff:	
Names and job descriptions of part-time staff:	
Mailing address:	
Physical address:	
Telephone Number:	
Fax Number:	
E-mail Address:	
# of registered voters:	
Hours of operation:	
Is above in accordance with Chapter 5, N.C. Administrative Code?	
Description of office arrangement:	
# of rooms:	
Has Board adopted its own personnel policy or has Board adopted the county personnel policy?	Provide copy of personnel policy

Interview with Director:

Describe in as much detail as possible the working relationship between board members, office staff, and you.	
Short-term vision/plans for office:	
Long-term vision for office:	
How best could the State Board office assist in achieving those goals?	DRAFT
What is your office's best practice?	
What are the strong points of your agency?	
What are you needing improvement?	DRAFT
What voter outreach or specialty programs does your agency take part in to provide service to the voters?	
Describe the relationship between your county board of elections and other county officials.	County Manager - County Commissioners - County Mapping/GIS - County IT - Other Agencies/Officials -
Any additional information from director:	

Voting Equipment and Supplies:

Type of voting machines/tabulators does your county use?	
Company name of voting machines/tabulators used?	
Total number of voting machines?	
Is the same type of voting machines/tabulators used for Absentee/One-Stop voting?	
If no, please explain what is used.	
Company(s) used to print ballots?	
Were any paper ballots used in your last election?	
If yes, what was the reason?	
Is this in accordance with (08 NCAC 06B.0002)?	
Does your county have a Hispanic population of 6% or more?	
If yes, are ballot instructions provided in Spanish?	
(N.C. Gen. Stat. 163-165.5A)	
Location of voting equipment:	Visual Inspection
Is voting equipment secure (08 NCAC 04.0006)?	Visual Inspection
Voting equipment/supplies maintained according to N.C. Gen. Stat. 163-165.5A?	Visual Inspection
Voting machines tested before last election according to 08 NCAC 04.0007?	Visual Inspection
Proper documentation of testing of voting machines maintained according to 08 NCAC 04.0007?	Provide Copies
Does your CBOE have a maintenance agreement with anyone?	
If yes, who is the maintenance agreement with?	Provide Copies
How many machines did maintenance company test (before last election)?	
How many machines were tested by board members/staff?	
Is your election results software or tabulator software escrowed?	

Notices:

Public notices posted according to N.C. Gen. Stat. 163-33(b) with 20-day requirement?	Provide copies of last five notices
Are candidates notified regarding campaign reporting requirements?	Verbal explanation of procedure
Proper notice given to board members of meetings?	Verbal explanation of procedure

Reference Materials:

Are the following documents accessible?	Visual Inspection
Administration of Voter Registration: Policies and Procedures Manual	Visual Inspection
Have updated procedures been inserted?	Visual Inspection (List missing numbered memoranda)
Numbered State Board of Elections Memoranda (Admin.) - How are these Memoranda maintained?	Visual Inspection (List missing numbered memoranda)
Numbered SEIMS Memoranda - How are these Memoranda maintained?	Visual Inspection
Voter Registration Application Forms (06, 07, and 08)	Visual Inspection
No. on hand:	06 = 07 = 08 =
No. of Federal forms on hand:	
Map of precinct boundaries displayed (N.C. Gen. Stat. 163-128)?	Visual Inspection
A Public Trust (Video)	Visual Inspection
Protecting the Voice of Democracy (Video)	Visual Inspection
Maintaining the DRAFT	Visual Inspection
Nine Steps to a Successful Hearing (Video)	Visual Inspection
Elections Access Video Series (2 Videos)	Visual Inspection
Minutes from County Board Meetings	Provide copies from last three meetings
Duties and responsibilities of the Director adopted by Board	Provide copy
Information sheets for groups conducting voter registration drives?	Provide copy
Brochures regarding the registration of voters?	Provide copy
Copies of local Acts pertaining to elections on file in office?	Visual Inspection
Any partisan information on display in office?	Visual Inspection

Appendix C - Wellness Check - (County)

Provides selective lists to anyone?	Verbal explanation of procedure
Cost of lists, labels, or data on magnetic media in accordance with N.C. Gen. Stat. 163-82.10?	Verbal explanation of procedure
Followed N.C. Gen. Stat. 163-82.14(a) in conducting 4-Year List Maintenance Program?	Verbal explanation of past procedures used and future implementation plans and procedures
Records from Vital Records and Registrar of Deeds maintained?	Visual Inspection
Deceased persons removed from the list according to N.C. Gen. Stat. 163-82.14(b)?	Verbal explanation of procedure
Records from AOC and Federal Courts maintained?	Visual Inspection
Felons removed from the list according to N.C. Gen. Stat. 163-82.14(c)?	Verbal explanation of procedure
Are notices sent to felons as prescribed in N.C. Gen. Stat. 163-82.14(c)(3)?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation. DRAFT
Confirmation notices sent according to N.C. Gen. Stat. 163-82.14(d)?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Confirmation procedures followed and status and reasons assigned to voter record according to Administration of Voter Registration manual?	Verbal explanation of procedure
Have contact with local agency personnel? N.C. Gen. Stat. 163-82.19 - 23	Verbal explanation of procedure
Confidentiality of DRIVER DRIVER cards?	Visual Inspection
Social Security Numbers and VR Cards?	Visual Inspection
Drivers Identification Numbers on VR Cards?	Describe Procedures.
Describe the procedures used to assure confidentiality requirement is adhered to.	
Record-keeping requirements adhered to as prescribed on page XIII-1 of the Administration manual?	Verbal explanation of procedure
New registrations tracked by source?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Changes of information tracked by source?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Duplicates tracked by source?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Verification mailings tracked?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Confirmation mailings tracked?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Agency declinations tracked?	Explain Method

Appendix C - Wellness Check - (County)

Proper notice given to media and members of the public?	Verbal explanation of procedure
Is the CBOE in compliance with open meetings law?	
Voter Registration:	
Does the office demonstrate the following: All forms described in N.C. Gen. Stat. 163-82.3 are accepted according to N.C. Gen. Stat. 163-82.6(a)? Applications and changes on file are authorized by the voter's signature according to N.C. Gen. Stat. 163-82.6(b)?	Verbal explanation of procedure
Are records maintained in uniform and secure manner?	Visual Inspection
Do selected records contain necessary information?	Visual Inspection
Do the hard copy records reflect the electronic record?	Visual Inspection
Are records of removed voters or inactive voters placed in a separate file?	Visual Inspection
Are notices generated in the time frame set by law?	Verbal explanation of procedure
Are notices generated in the time frame set by law? Upon receipt of an application for voter registration, is the verification notice sent compliant with N.C. Gen. Stat. 163-82.7(b)?	Verbal explanation of procedure
Was the verification notice approved by the State Board office as per N.C. Gen. Stat. 163-82.8(b)?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation. DRAFT
Are denial notices sent to ineligible applicants?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Do the denial notices comply with N.C. Gen. Stat. 163-82.7(b)?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Are Voter Identification Cards issued (N.C. Gen. Stat. 163-82.8)?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
Complies with N.C. Gen. Stat. 163-82.9 in sending notices of cancellation to other jurisdictions?	Verbal explanation of procedure
Contains up to date addresses for other county boards?	Visual Inspection
Contains up to date addresses for other states/jurisdictions?	Visual Inspection
Sends out of state DMV cancellations to the State Board office?	Verbal explanation of procedure
Maintains custody of official records according to N.C. Gen. Stat. 163-82.10?	Visual Inspection
Are they secured?	Visual Inspection
Provides free lists to the political parties?	Verbal explanation of procedure

In last election, how many precinct officials served who were outside the precinct? How long have these precinct officials served outside their Precinct?	
Please list any precinct training practices that you have incorporated into training that have been beneficial.	
Does county have documentation to be posted at each polling site, concerning the Help America Vote Act laws and policies?	
Does county have documentation to be posted at each polling site, concerning provisional voting?	

DRAFT

Election records:

Is traditional pollbook or voter authorization slips used?	
If voter authorization is used, is approval letter from SBE on file?	
Obtain sample for SBE records.	Provide copy
Are voters asked to sign signature at the polls?	Visual Inspection
Have ballots been locked, sealed, and preserved for specified time period?	Visual Inspection
Method of reporting results to public.	Verbal explanation of procedure
On what date the board canvassed the last election?	
Was pollbook kept according to law in the last primary election?	Visual Inspection
Is the records and retention schedule followed?	Visual Inspection of retention schedule and explanation of procedures used last time schedule was followed for destruction of records.

Budget and Training:

Board, director and staff provided with adequate travel and subsistence funding?	
Board of elections housed within adequate office space to perform duties?	Visual Inspection
Have county board members attended State Board training in compliance with N.C. Gen. Stat. 163-82.24?	Provide copy of log indicating training attended by board members
Has director attended required training in compliance with N.C. Gen. Stat. 163-82.24?	Provide copy of log indicating training attended by Director

Describe the procedure used to process new voter registrations with the implementation of the Help America Vote Act ID requirement.	Explain Process
Participated in Statewide voter registration drive (N.C. Gen. Stat. 163-82.25)?	Provide copy of written outreach plan
Public Terminal	Is terminal accessible to all interested public, does it provide quick and easy access to information pertinent to voter?
Does the office have a logbook for voter application sign-outs?	Provide Copy

Challenges/Complaints:

Proper challenge forms available as prescribed in Article 8?	Provide copy
Last challenge filed in county properly executed?	Visual Inspection
Proper forms for election complaints?	Visual Inspection
Last hearing concerning a request for a new election complaint was either transcribed or audiotaped?	Visual Inspection
Are proper challenge forms available for complaints concerning Title 3 of the Help America Vote Act.	Visual Inspection

DRAFT

DRAFT

Petitions:

Explain the procedures used to verify petitions in order to ensure compliance.	Verbal explanation of procedure; if focal petition has been submitted a visual inspection will be completed
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Precincts:

Do all precincts comply with ADA requirements and Title 8, Chapter 8, N.C. Administrative Code?	Visual Inspection of ADA inspection forms for all precincts.
Does county have precinct official instructional manual? (attach copy for office)	Visual Inspection - Provide Copy
Appointment of precinct officials complies with N.C. Gen. Stat. 163-41?	Verbal explanation of procedure
Has training of precinct officials been conducted according to requirements?	Verbal explanation of procedures used at last training of precinct officials.
% participation of precinct officials in last required training?	
Are vacancies filled according to law?	Verbal explanation of procedure
In last election, how many split shift workers?	
In last election, how many emergency precinct officials were appointed?	

Is copy of itemized bill for last municipal election available (if so attach to audit)?	Provide copy
Are precincts combined for municipal elections?	
Do you have different precincts and polling places for municipal elections?	

Campaign Reporting:

Does the office have a public viewing area where the public can view disclosure reports?	Visual Inspection
Are the following materials present in the public viewing area:	Visual Inspection
Reporting Schedule?	Visual Inspection
2002 Campaign Reporting Manual (Public Copy)?	Visual Inspection
Forms (at least one full set of new campaign reporting forms)?	Visual Inspection
List of all active committees?	Visual Inspection
The fact sheet (paper copies)?	Visual Inspection
Fact sheet on running for office?	Visual Inspection
Are there individual files for each committee?	Visual Inspection
Are all candidate committee files filed alphabetically?	Visual Inspection
Are PACs and Referendum Committees filed separately from candidate committees and alphabetically?	Visual Inspection
Does each file contain the following materials:	Visual Inspection
Statement of Organization (CRO-2100)?	Visual Inspection
Certification of Treasurer (CRO-3100)?	Visual Inspection
**FOR COMMITTEES NOT CHECKING BOX #19 (certifying under the threshold) on the Statement of Organization are the following materials present in each file?	
Copy of Notice of Candidacy?	EXAMPLE - Visual Inspection
Organizational Report?	EXAMPLE - Visual Inspection
All required Disclosure Reports?	EXAMPLE - Visual Inspection

Is County Board of Elections satisfied with approved budget?	
Is overtime authorized by board for director and staff?	
Board members active or passive on budget preparation and/or approval?	
Is adequate coverage provided for times when the director is out (1-person offices)?	
Do board minutes authorize a board member to act as an employee of the board?	Provide copy of minutes giving authorization to board member(s)

Absentee:

Applications reflect current law (addition of religious observance as reason)?	Provide copy
One-stop provisions comply? Adequate spaces?	Verbal explanation of procedure (if written plan is available, please provide)
Absentee pollbook from last election complies with Article 20?	Visual Inspection
Absentee ballots, container-return envelopes, and instruction sheets comply with N.C. Gen. Stat. 169-229?	Provide copy
Procedures for simulating absentee followed?	Verbal explanation of procedure
Minutes from last election meetings kept and contain no irregularities?	Provide copies of last three absentee meeting
In last election, how many emergency absentee ballots were issued after 5 p.m. on Friday?	
Is board consistent in considering absentee ballots? (Example: board consistently approves or denies with missing pieces of information.)	
Did your county implement additional one-stop no excuse voting sites in the last election?	
If so, is a copy of plan available?	Provide copy
If so, explain your experiences.	
Are Elections Assistance Commission (EAC) compliant voting systems available for all one-stop voting sites?	

Municipalities:

If municipality is in two separate counties, is there a memorandum of understanding between the county boards regarding the conduct of the election?	If so, provide copy
Is adequate funding requested/provided for the conduct of municipal elections?	

and records?	Visual Inspection
Copies maintained in a separate file of all Report of Independent Expenditures and Contributions (CRO-2210)?	Visual Inspection
Street Files/Jurisdictions/Maps:	
Do you have procedures in place to receive updated information from the county and municipalities for new annexations?	Verbal explanation of procedure
Are there procedures in place to verify board of election street file data with county street information?	Verbal explanation of procedure
Detail each procedure used.	DRAFT
What sources do you use for updating physical maps?	Verbal explanation of procedure
What procedures are in place for verifying the accuracy of your maps?	Verbal explanation of procedure
Do you have maps or map overlays that cover every jurisdiction in the county?	Visual Inspection
Is physical street data consistent? (Ex. Jones-Howard Rd. and Jones Howard Rd.)	Visual Inspection
Are voting jurisdictions automatically assigned?	If an alternate method, other than what is provided by SEIMS is used, please provide a copy and explanation.
	DRAFT
Describe procedures used to add new streets, ranges, and jurisdictional information.	Verbal explanation of procedure

Are the following items found on the Disclosure Reports:	Visual Inspection
Date stamp on each report received?	Visual Inspection
Envelope retained if report received after due date?	EXAMPLE - Visual Inspection
Completed Audit Checklist (ICR-003) with each report filed within 30 days of receipt of report?	EXAMPLE - Visual Inspection
If items checked on checklist, are there copies of discrepancy letters sent? (ICR-001)	EXAMPLE - Visual Inspection
If no report filed, are there copies of Certification of Delinquent Reports? (ICR-201)	EXAMPLE - Visual Inspection
If late report, are there copies of Certification of Late Reports (ICR-202)	DRAFT
Are reports made available to the public within 8 hours of receipt?	
Are copies provided?	
What are the costs?	
Do all forms filed have the proper signature of the candidate or treasurer?	Visual Inspection
Are all components of the Audit Checklist (ICR-003) on all forms filed?	Visual Inspection
Is the Campaign Reporting Procedures Manual maintained by the Director or designated staff member?	Visual Inspection
Copies of CRO Numbered Memos? How kept?	Visual Inspection
Copies of Official Notices of Report Due (ICR-101) with attached list of every candidate and committee that was sent a notice?	EXAMPLE - Visual Inspection
Copy of County Committee Registration Log (ICR-301)?	EXAMPLE - Visual Inspection
Copies of 5 Days Friendly Reminder List?	EXAMPLE - Visual Inspection
Copies of friendly reminder postcards in each file?	EXAMPLE - Visual Inspection
Copies of all campaign reporting complaints maintained in a file?	Visual Inspection
Copies of each complaint filed with the committee file?	Visual Inspection
Provides for a five (5) year retention of campaign reports	

Appendix D - Summary of Accessibility Provisions in the State HAVA Plan and Current State of Voter Accessibility in North Carolina

Appendix D - Summary of Accessibility Provisions

Summary of accessibility provisions in the state HAVA plan and current state of voter accessibility in North Carolina. This document is an appendix to the State HAVA Plan. Its purpose is to highlight parts of the HAVA plan and current North Carolina law that deal with accessibility issues. This document also contains discussion as to possible developments in the accessibility aspects of elections.

I. Voting Equipment

- **Direct Recording Electronic or DRE voting system** - are equipped for voters with disabilities, which allows the voter to: 1) verify their vote in a private and independent manner before the ballot is cast and counted; and 2) change or correct the ballot privately and independently before the ballot is cast and counted; and notify the voter if they have selected more than one candidate for a single office and allow the voter the opportunity to correct the ballot. HAVA mandates that every precinct must have at least one accessible voting machine available for use by voters with special needs. DRE voting systems are the only technology that may meet the HAVA accessibility requirements at this time.

- **The cost of the voting equipment must include the cost of the:**

1. Software and upgrades
2. Service and maintenance contracts
3. Storage and delivery charges
4. Training for staff to program, and
5. Tally equipment.

- **Accessibility requirements of the Voting Machines**

1. Americans with Disabilities (ADA) access standards (ADAAAG).
 2. Voluntary guidelines that will be developed and adopted by the Election Assistance Commission which the State Board chooses to follow.
 3. Audio box with headphones for the visually impaired
 4. All voting machines procured by the State to comply with HAVA should be voting systems that are accessible for those with mobility, dexterity and hearing disabilities.
- The State Board of Elections, as set out in HAVA, may follow all rules, guidelines, and regulations set forth by the Election Assistance Commission as to voting systems accessibility.

79

Appendix D - Summary of Accessibility Provisions in the State HAVA Plan and Current State of Voter Accessibility in North Carolina

- The County Board of Elections should purchase no equipment unless the equipment is certified compliant for accessibility as required by Section 301 of HAVA. However, if equipment is not certified, the vendor commits to upgrade the equipment to DRE access standards that may apply without cost to the State or County governments.
- The HAVA State plan directly addresses accessibility issues and specifically allocates funds for these programs. \$1.5 million dollars will be spent to educate the public through the Community College System and other non-partisan voter programs. Another \$1 million will be given for actual voter outreach programs.
- \$11 million dollars is in the State HAVA plan is for upgrading existing and purchasing new voting equipment that will be accessibility compliant according to the EAC standards that will be determined.

II. Access to Voting Places by Persons with Disabilities

- **Scope of Accessibility** - If a voter cannot access a polling place because of physical barriers, there is no way that the "voting system" is accessible and provides for the same opportunity for access and participation to persons with disabilities as for other voters. HAVA requires that all polling places must be accessible by January 2004. Therefore, precincts must provide the following access on a permanent or temporary basis on election day or one-stop absentee voting. Curbside voting, voting assistance, and absentee voting, both required by North Carolina law, offer options that persons with disabilities may use to vote, but are not considered substitutes for accessibility mandates.
 - **Path of travel** - no obstacles such as steps, broken pavement, grass, loose stones or gravel.
 - **Parking** - accessible spaces clearly marked by symbol in space and on post on level ground; locate at shortest possible distance to entrance of facility; the number of accessible spaces should be no less than 4% of the total number of spaces. If the building that houses the voting enclosure has other business functions on election day, the accessible spaces must be sufficient to accommodate voters as well as other personnel on the site.
 - **Entrances and exits** - doorways wide enough to accommodate wheelchairs; lightweight doors, preferably automatic door systems; thresholds not to exceed 1/2 inch in height; lever handles on doors which prevent twisting or pinching of wrists; precinct assistants should be hired to monitor the door if any of these requirements are not provided

80

Appendix D - Summary of Accessibility Provisions in the State HAVA Plan and Current State of Voter Accessibility in North Carolina

the request of a voter, and is certainly not the only option for voters with disabilities.

- **Voting Assistance, N.C.G.S. 163-152** - Assistance to voters in primaries and general elections. In a primary or general election, a registered voter qualified to vote in the primary or general election shall be entitled to assistance in getting to and from the voting booth and in preparing ballots in accordance with the following rules:
 - Any voter shall be entitled to assistance from a near relative of his [her] choice.
 - Any voter in any of the following four categories shall be entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union:
 1. One who, on account of physical disability, is unable to enter the voting booth without assistance;
 2. One who, on account of physical disability, is unable to mark his ballots without assistance;
 3. One who, on account of illiteracy, is unable to mark his ballots without assistance;
 4. One who, on account of blindness, is unable to enter the voting booth or mark his ballots without assistance.

- **Reassignment Of Polling Place, N.C.G.S. 163-130** - If a disabled voter does not wish to vote curbside, and the polling place is not sufficiently equipped to allow comfortable or adequate entrance to the building, there is another option in G.S. 163-130:
 - "G.S. 163-130. Satellite voting places. A county board of elections may, upon approval of a request submitted in writing to the State Board of Elections, establish a plan whereby elderly or disabled voters in a precinct may vote at designated sites within the precinct other than the regular voting place for that precinct. The State Board of Elections shall approve a bounty board's proposed plan if:
 1. All the satellite voting places to be used are listed in the county's written request;
 2. The plan will in the State Board's judgment overcome a barrier to voting by the elderly or disabled [persons];
 3. Adequate security against fraud is provided for; and
 4. The plan does not unfairly favor or disfavor voters with regard to race or party affiliation.

Appendix D - Summary of Accessibility Provisions in the State HAVA Plan and Current State of Voter Accessibility in North Carolina

- Inside voting area - non-slip floors; rugs securely fastened to floor; provide seating to those who require it; sufficient maneuverability for all voters; booths which provide total access for wheelchair users as well as access for those with sensory disabilities for voting independently and privately
- Voting materials - all voting related materials must be provided in alternative formats
- Problem resolution - If someone with a disability is not able to access a precinct, for any reason, a phone number (with TTY) should be provided at that precinct for this individual to report and correct the problem.

• **Addressing the polling places concerns.**

1. This will be accomplished through polling place registries on the SBE website, which will include pictures of actual polling places with the ability to view the actual accessibility of the precinct and review notes on accessibility at that particular site.
2. Non-compliant polling places can and will be temporarily made compliant.
3. Sample ballot in various media will make for more efficient use of poll time.
4. The State Board website already has the capability to show and print map from voter's home to polling place.
5. Public access terminals in each county board office with the ability to search and print polling place information will aid those persons in need of such information that do not have computer access.
6. Provide a handicap transfer form on the website for a voter to transfer from a non-compliant polling place to an ADA compliant polling place.

Other options for polling place accessibility

- **Curbside Voting, G.S. 163-155** - Aged and disabled persons allowed to vote outside voting enclosure. In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability and physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place. . . . This option can only be provided at

Appendix D - Summary of Accessibility Provisions in the
State HAVA Plan and Current State of Voter Accessibility in
North Carolina

III. Possible HAVA Funded Contracts with Disability-Related Organizations

- Potential contracts to include independent living centers, advocacy agencies, and grassroots organizations, etc., which are familiar with voting rights and requirements, with specific expertise regarding compliance with HAVA.
- Augment the surveying already conducted by the State Board of Elections to formalize a reporting mechanism when access problems are determined. The surveys will be a joint effort; the boards will partnership from the official government agency that signs off on all public buildings concerning ADA specifications and the ADA coordinator in each county.
- Provide sensitivity training to poll workers. Disability etiquette training must be a statewide curriculum and may include written tests of poll workers. The Agency has already produced videos and training guides for election officials, and the agency plans to implement a program through the community college system in order to not only "train the trainers" but to train all poll workers to deal with accessibility issues and compliance.
- There should be a recruitment effort for people with disabilities to become poll workers. The State HAVA plan allocates \$1 million dollars to voter outreach programs, part of this will be spent on educating the general voting public about new voting procedures and part will be spent on the website to help educate on accessibility issues.

IV. County Accessibility Technology in the State HAVA Plan

- **Public access terminals** in each County Board of Elections Office. Efforts will be made to make these terminals accessible. \$300,000 has been allocated in the State HAVA plan for this.
- **Laptops** in polling places for each precinct perhaps with email or "Instant Messaging" capabilities that will allow accessibility problems to be more promptly addressed. \$11 million has been allocated in the plan for this purpose.
- **Grants** –
 - **Upgraded PCs, PC workstations, printers, scanners, laptops, Smart cards, phone systems, TTY machines**
 - **Automate the precincts and county offices with Electronic Poll books or Electronic Tablets with the voter registration database loaded to capture signatures and transfers.**

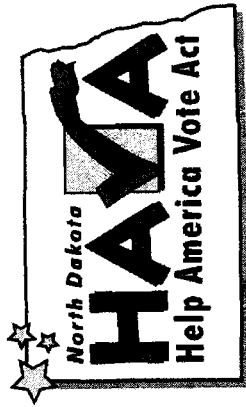


NORTH DAKOTA STATE HAVA PLAN

TABLE OF CONTENTS

SECTION	PAGE
State Overview	3
Governing Power.....	3
Voting Equipment.....	3
Voter Outreach.....	3
Statewide Database - Voter Registration.....	4
Required Changes	4
HAVA Compliance.....	4
Senate Bill 2248.....	4
Senate Bill 2394.....	4
Senate Bill 2409.....	5
Required Descriptions	5
Section 1 – Use of Requirements Payments.....	5
Section 2 – Distribution of Requirements Payments.....	6
Section 3 – Programs for Voter, Election Official & Poll Worker Education.....	8
Section 4 – Voting System Guidelines.....	9
Section 5 – Election Fund.....	9
Section 6 – Proposed Budget.....	10
Section 7 – State Maintenance of Effort.....	11
Section 8 – Performance Goals.....	11
Section 9 – Administrative Complaint Procedure.....	13
Section 10 – Title I Payment Activities.....	14
Section 11 – Ongoing Management of State HAVA Plan.....	14
Section 12 – Committee Descriptions.....	15
Timeline	17
Contact Information	17
Appendix	18

NORTH DAKOTA



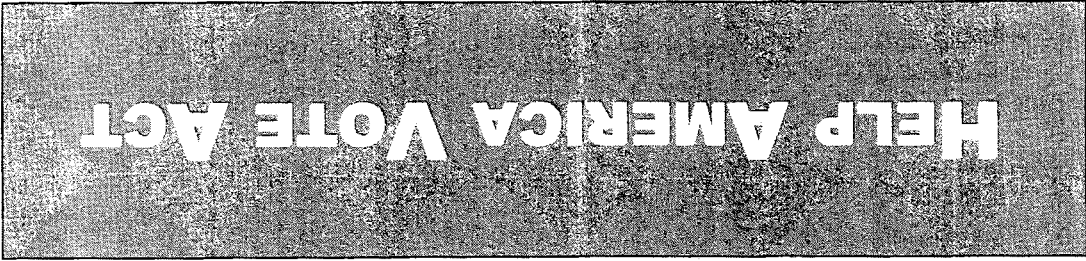
HAVA PLAN

A Cooperative Effort By:



*Secretary of State's Office
Al Jaeger, Secretary of State*

and





STATE OVERVIEW – BACKGROUND AND CURRENT PRACTICES

◆ GOVERNING POWER

Elections in the state of North Dakota are administered at the county level. North Dakota has 53 demographically diverse counties. The most populous, Cass County, has 90,599 residents within their county seat of Fargo. Conversely, Amidon, the county seat of Slope County, has a population of 26 citizens and is followed closely by the 49 residents of Manning, the county seat of Dunn County. The number of voting precincts administered per county ranges from three to 67, which totaled 666 precincts in the 2002 general election. The counties are served by a combination of elected and appointed county election officials. North Dakota's county election officials are responsible to the Secretary of State for administering all aspects of election management within their respective counties, including state election laws, rules and regulations [NDCC 16.1-01-07].

As the state's chief election official, the Secretary of State is elected and charged with the oversight of all elections, including administration of state election law, election official training, candidate filings, candidate certification, campaign finance and disclosure oversight, and compilation of election results [NDCC 16.1-01].

◆ VOTING EQUIPMENT

For elections, North Dakota has 44 counties that use optical scan voting systems, eight counties that use hand-count paper ballot voting systems, and one county that uses a punch-card voting system. Williams County, the only county using a punch-card voting system, will be used as a model pilot project for equipment replacement, precinct administration, and training for election officials and voters in 2004.

In addition to traditional Election Day voting methods, North Dakota also offers absentee voting to all qualified electors wishing and requesting to vote absentee.

Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all qualified electors have access to the election process.

◆ VOTER OUTREACH

Because of varying degrees of comfort with technology among the state's voting population, state and county election officials need to utilize resources that connect with all voters, regardless of their abilities. The Internet is currently used as a primary tool for providing and distributing information to voters. Other major mediums, including television, radio and print, are resources that will be utilized more extensively in the future. The state will work cooperatively with private, public and tribal entities, including institutions of government and higher education, to better educate specific citizen groups and general citizens about voting and the election process. The state will achieve this by using voter educational material in a variety of accessible formats, along with hands-on instruction and training on the new voting systems that will be used.

◆ STATEWIDE DATABASE – Voter Registration

North Dakota is the only state in the nation without some form of voter registration. It was one of the first states to adopt voter registration prior to 1900, and it was the first state to abolish it in 1951.

North Dakota's system of voting and lack of voter registration is rooted in its rural character, illustrated by numerous small precincts, where local election boards know most of the voters who enter the polls to vote on Election Day and may detect those who should not be voting in the precinct.

Because of North Dakota's unique election system, which does not require voters to register, the state is exempt from the National Voter Registration Act of 1993, along with several provisions of the Help America Vote Act of 2002 (HAVA), including but not limited to:

1. The implementation of a centralized voter registration system;
2. The implementation of certain provisional voting requirements; and
3. The voter identification requirements.

REQUIRED CHANGES – LEGISLATIVE CHANGES AND ACTIONS

◆ HAVA COMPLIANCE

The Fifty-eighth Legislative Assembly of North Dakota adopted significant election reform legislation by the passage of Senate Bills 2248, 2394, and 2409, which revised North Dakota's election laws to make them HAVA compliant.

Senate Bill 2248 changed existing state law to make it compliant with uniformed and overseas voter sections of HAVA. Further changes will be made by future rule making. Revised state law includes the following initiatives:

- Permits a United States citizen who is eighteen years of age or older, who has never lived in the United States and whose parent is a qualified elector of the state, to vote absentee in North Dakota, for federal offices only [NDCC 16.1-07-07].
- Establishes the Secretary of State's office as the single office in the state for providing information regarding eligible absentee voting by military and overseas citizens [NDCC 16.1-07-07].
- Directs the Secretary of State to establish uniform procedures for county election officials to follow when transmitting and receiving voting materials to and from military and overseas voters [NDCC 16.1-07-16].
- Directs the Secretary of State to establish uniform procedures for county election officials to follow when notifying military or overseas voters that their absentee ballot was rejected [NDCC 16.1-07-17].

Senate Bill 2394 authorized the creation of a centralized electronic voter database linked between the Secretary of State's office and the offices of county election officials. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud, for ensuring efficiency and accuracy, and for generating accurate, up-to-date Election Day poll books [NDCC 16.1-02].



with a voting system capable of notifying the voter if corrections are necessary on his or her ballot (known as second-chance voting), and allows persons with disabilities, and others, to vote unassisted. Counties are authorized to continue using central counting machines to count absentee ballots. In addition to voting system upgrades, polling locations will also provide educational voter information in alternative formats to accommodate the needs of all persons eligible to vote.

- b. **Provisional Voting**
North Dakota does not register voters and is, therefore, exempt from complying with certain provisional voting requirements contained in HAVA.
- c. **Voting Information Requirements**
Voting information, provided in "easy to understand language," will be posted and made available in accessible alternative formats in each polling location, to include information regarding federal laws pertaining to voting rights and prohibited acts of voter fraud; instructions for filing a complaint and contacting the appropriate election officials when voting rights are alleged to have been violated; and the date and hours of voting in each polling place.
- d. **Voter Registration List**
North Dakota does not register voters and is therefore exempt from complying with the centralized voter registration and peripheral identification requirements required by HAVA.

2. Section 254(e)(2). How the State will distribute and monitor the distribution of the requirements set forth in this section to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of: (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; 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 requirements applicable and procedures adopted under paragraph (1).

The Office of the Secretary of State will manage all expenditures funded by HAVA. The state will be responsible for accounting for all expenditures, program controls, and outcomes in accordance with state and federal laws.

Based on a target number of precincts established for each county, the state will calculate an allowable expense for voting equipment upgrades in each county. The target number of precincts for each county will be determined by a formula established by the county election officials appointed to the Steering Committee, as defined in Section 12. The formula shall take into account a number of variables, which include but are not limited to, the number of existing precincts, the number of votes cast per county in the last gubernatorial election, the number of eligible voters per county that are over age seventeen, and the size of each county in square miles. The formula shall provide funding incentives for the counties to reduce the number of precincts from the total number of precincts operated in 2002. A county may submit an informal written appeal of the formula or the county's target number of precincts to the Secretary of State. The



Senate Bill 2409 allows the Secretary of State's office and county election officials to plan and take immediate steps to comply with HAVA requirements. Impacting several areas of North Dakota's election laws and phasing in HAVA implementation over the course of the next several years, the legislation adds the following initiatives to state law:

- Establishes by law the state's Election Fund for depositing payments and grants made to the state and funds appropriated by the state to carry out HAVA. The Election Fund shall be used for the exclusive purpose of carrying out activities of HAVA [NDCC 16.1-01-15].
- Requires and authorizes the Secretary of State to establish a state-based grievance procedure to handle complaints of violations under Title III of HAVA [NDCC 16.1-01-16].
- Requires additional information to be posted at the polling place on Election Day in accordance with HAVA [NDCC 16.1-06-19].
- Requires and authorizes the Secretary of State to adopt rules for the purpose of certifying and decertifying electronic voting systems and electronic counting machines to ensure compliance with federal standards; and to establish guidelines for determining what constitutes a vote on each electronic voting system authorized to be procured and used in the state [NDCC 16.1-06-28].
- Eliminates all references to voting machines (lever machines), and punch-card electronic voting systems and counting machines, and punch-card supplies [NDCC 16.1-06-10 repeated].
- Authorizes the use of direct recording electronic voting systems, more commonly referred to as DREs (including touch screen voting devices) that are intended to accommodate the disability requirements contained in Title III of HAVA [NDCC 16.1-06-1].
- Clarifies and expands the duties of the Secretary of State as they relate to the administration of elections and the implementation of changes necessary to comply with HAVA [NDCC 16.1-06-01].
- Authorizes the Secretary of State to promulgate administrative rules for implementing the provisions of Title 16.1 and any other requirement imposed upon the state by HAVA [NDCC 16.1-06-01].
- Changes the number of voting booths or compartments and electronic voting system devices required in each precinct [NDCC 16.1-13-29].
- Requires voters who cast ballots as a result of a polling place remaining open after normal voting hours by court order to cast provisional ballots in accordance with HAVA. Provisional ballots cast according to this provision must be segregated from other votes cast [NDCC 16.1-13-34].

◆ **REQUIRED DESCRIPTIONS** [Sec 254, HAVA 2002]

1. Section 254(f). How the State will use the expenditures payment to meet the requirements of Title III and applicable laws, section 254(g)(2), to carry out other activities to improve the administration of elections.

- a. **Voting System Standards**
Revised state law authorizes the use of voting systems within North Dakota that will comply with both second-chance voting and disability access requirements, as required by HAVA. Each polling location in North Dakota will be equipped



Secretary of State shall consider appeals of the formula or target number of precincts in a county based on a review of the written record and determine if the formula or target number of precincts is fair and reasonable. The decision of the Secretary of State is final. The voting system upgrades for the targeted number of precincts within each county would be paid for at the following rate:

- 95% HAVA Contribution
- 2.5% State of North Dakota Contribution
- 2.5% County Contribution

Counties choosing to operate a total number of precincts or polling locations at a rate less than the targeted number of precincts calculated according to the formula outlined in this plan will only be responsible for providing matching funds for upgrading the voting systems in those precincts or polling locations that are operated by the county. Counties choosing to operate precincts in addition to the targeted number of precincts calculated according to the formula outlined in this plan will be responsible for the full cost of upgrading the voting systems in those precincts to match the voting system used in the other precincts in the county.

The state, through the Secretary of State's Office and an advisory group of county election officials and interested parties, will negotiate through the state's established procurement process the best-valued state contract for voting systems. Once a qualifying voting system has been selected, the Secretary of State and counties will enter into a joint powers or other agreement, and may include authorized negotiated agreements with other states, for the purpose of procuring a state-wide voting system that meets the requirements of HAVA and state standards.

Any revenue or interest generated by the state from any HAVA funds will be returned to the state's Election Fund to pay the expenses for technical service support and programming, for equipment maintenance and replacement, as necessary; and for future election related technology upgrades.

In order to meet state standards and be eligible to enter into the joint powers or other agreement, counties must:

1. Address minimum physical accessibility needs of polling places within the county as deemed necessary by the state. Accessibility needs in counties will be based on the results of an independent inspection arranged by the Secretary of State, in coordination with a qualifying authority and the county;
2. Provide storage and security for voting systems;
3. Comply with state-based grievance procedures;
4. Post the required voter information at the polling place, as provided by the state;
5. Provide the 2.5% match toward the initial purchase of voting systems authorized for the county based upon the target number of precincts; and
6. Meet any deadlines established by HAVA and this plan for the replacement of non-qualifying voting systems, voter education and election official training requirements, and any other requirements of HAVA or this plan.



3. Section 204(e)(3). 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.

a. Election Officials and Poll Worker Education and Training

Currently, the Secretary of State's office holds training sessions for county election officials prior to the election cycle in each election year. The county election officials and the State's Attorney, in turn, hold training sessions for their election officials and poll workers prior to each election (NDCC 16.1-05-03). Improvements for election official training and recruitment may be accomplished through, but are not limited to:

- Increasing training of county election officials in the areas of HAVA implementation and overall election administration through funding of grants to counties to participate in national election education programs.
- Establishing and implementing an on-going local election official continuing education program open to county, city, and school board officials to be coordinated through Secretary of State, North Dakota Association of Counties, North Dakota League of Cities, North Dakota School Board Association, United Tribes of North Dakota, the North Dakota Association of Tribal Colleges, and other institutions of higher education.
- Creating a uniform and standardized training program designed by the state, which would be presented in addition to local election information by each respective county election official, for all local election workers by the 2006 election. All election workers will be required to attend the newly created training program following its initial introduction.
- Coordinating cooperative efforts between media outlets and the state's political parties, League of Women Voters and other interest groups to establish programs to enhance election official recruitment and training, and encourage employers to allow time for election officials to serve.
- Developing web-based training sessions, which will be archived and allow for tutoring, testing, and possibly online certification of election officials and poll workers.
- Using the Interactive Video Network (IVN) for election training classes at remote sites.
- Creating and implementing training videos and compact discs to be made available to all election officials.

b. Voter Education

Improvements to voter education may be accomplished through, but are not limited to:

- Creating an Advisory Board responsible for coordinating voter education and outreach programs with youth organizations.
- Working with advocates for persons with disabilities, the aging community, and other groups to establish an outreach and education program designed to educate voters on the election process and new voting systems in North Dakota.
- Working cooperatively with public, private, and tribal entities, including institutions of local government and higher education, to establish an outreach program designed to educate voters on the election process and new voting systems in North Dakota.



- Developing and implementing a statewide precinct locator capable of providing quick and easy online information to voters about where to vote.
- Demonstrating new voting systems in public places.
- Producing a one-time mailer outlining voting and voter access information to be sent to every household in North Dakota.
- Developing and implementing web-based education and voter outreach, to include descriptions and maps of voting precincts, polling locations, and instructions for voting on voting devices.
- Continuing to publish sample ballots and analyses of the measures appearing on the ballot in each county's official newspaper, to include voter education information.

4. Section 254(a)(4): How the State will adapt voting system guidelines and processes which are consistent with Section 301.

The revisions to state law, approved by North Dakota's Fifty-eighth Legislative Assembly, provide a process to certify and decertify voting systems in the state. The Secretary of State will adopt rules that may take into account standards created by and results of testing conducted by the Federal Election Commission and/or the Election Assistance Commission, for certifying and decertifying electronic voting systems authorized by law, including any software, hardware and firmware components used as a part of an electronic voting system or electronic counting machine for use in the state. An electronic voting system, a single device of an electronic voting system, and any update or enhancement made to them, in use by a county prior to August 1, 2003, will be reviewed by the Secretary of State by April 1, 2004, and must meet the requirements of the rules, or must be replaced by another electronic voting system or electronic counting machine, a single device of an electronic voting system or electronic counting machine, or any update or enhancement made to them, that meets the requirements of the rules by January 1, 2006.

North Dakota will implement a voter education plan with the counties for second-chance voting, including statewide and local efforts to promote voting accuracy.

5. Section 254(a)(5): How the State will establish a fund described in subsection (b) for the purpose of administering the State's activities under the plan, including information on fund management.

As required by HAVA, the Secretary of State has established and is maintaining an Election Fund for the exclusive purpose of carrying out activities of HAVA. Following the receipt of HAVA payments, any subsequent deposits consisting of interest or revenue generated from HAVA money will be returned to the state's Election Fund to pay the expenses for the technical service support and programming; for equipment maintenance and replacement, as necessary; and future election related technology upgrades.



- 6. Section 254(a)(6):** The State's proposed budget for activities under this part, based on the State's best estimates of the costs for 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 this part;
 - (B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and
 - (C) The portions of the requirements payment which will be used to carry out other activities.

The Fifty-eighth Legislative Assembly authorized \$105,000, just over 2.5%, in matching funds for federal election reform. Funding estimates are based on the assumption Congress will allocate a minimum of an additional \$4.15 Million to the state for the purpose of election reform.

No.	Activity	Funding Estimates*	Description
1.	Voting System Upgrades and Improvements • Punch-card replacement (Williams County) • Second-Chance Voting and Disability Access	Between \$5,000,000 AND \$6,000,000	• Replace punch-card equipment in Williams County • Placement of at least one voting system in each precinct consisting of equipment capable of offering second-chance voting and unassisted voting access for persons with disabilities
2.	Statewide Voter Registration Database	NA	• North Dakota is exempt
3.	Voter Education for Second-Chance Voting Requirement	\$100,000	• Develop and execute a publicity campaign and system specific voter education materials
4.	Voting Information Posting Requirements	\$100,000	• Develop and distribute posters containing required information and other instructional materials
5.	Provisional Voting	NA	• North Dakota is exempt from certain portions of provisional voting as required by HAVA
6.	State-Based Grievance Procedure	\$50,000	• Adopt, train, and administer a state-based grievance procedure
7.	Requirements for first time voters who register by mail	NA	• North Dakota is exempt
8.	Voter Education	\$200,000	• Develop and execute programs to provide quality voter education in harmony with Activity No. 3, 4 and 6
9.	Election Official Education and Training and Poll Worker Training	\$120,000	• Develop and execute programs to provide quality election official training and poll worker training
10.	Central Voter File	\$1,000,000	• Develop and implement



	a centralized database of voters for purposes of preventing and detecting fraud, and creating Election Day poll books	
11.	Adopt and Develop Voting System Standards and a Voting System Test Process	\$30,000
12.	Monitoring Performance Goals and Production of Report	\$100,000
13.	Development of State Plan and On-going Management of the State Plan	\$270,000
	Total	Between \$6,970,000 AND \$7,970,000

*Activity Funding Estimates are 'best estimates' and are likely to increase and/or decrease in the process of actual implementation. All funding estimates are based on the calculated amount of federal election reform funding being allocated to North Dakota.

7. Section 254(a)(7) 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 the number 2006.

North Dakota 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 FY2000, which was \$35,841. This number is a reflection of state expenditures only and does not reflect expenses incurred by counties.

8. Section 254(a)(8) How the State will adopt performance goals and measures based on the State's performance in addressing the success of this federal government's program in carrying out the plan, including timeliness of meeting each of the elements of the plan, and how the State will ensure that the State will be able to measure performance and how the State will be able to ensure that the State will be able to measure performance and how the State will be able to ensure that the State will be able to measure performance.

The Secretary of State's office, with the cooperation of the county election officials and the assistance of the North Dakota Association of Counties, is responsible for ensuring success in meeting each performance goal. A comprehensive performance report will be produced following the January 1, 2006, complete compliance deadline.

Performance goals include:

- a. Elimination of punch-card voting equipment.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Replacement of punch-card voting equipment and compliance with Title III HAVA requirements for Williams County, the only county to utilize punch-card equipment in the 2000 General Election.
 - How Criteria is Judged: Success of implementing this performance goal is based on the implementation of a compliant voting system in Williams County by January 1, 2006.
 - iv. Responsible Official: Secretary of State, with cooperation of the Williams County election official, and assistance of the North Dakota Association of Counties.
- b. Voter education program on how to correctly cast a ballot for each type of voting system, and how to utilize the second-chance voting capabilities of each.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system, clearly explaining to voters how to correctly cast a ballot, correct an error, obtain a replacement ballot, and the effect of casting multiple votes for an office. Materials and training will be available in alternative, accessible formats and will be designed to meet the needs of a diverse audience.
 - How Criteria is Judged:
 - a) Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed and coordinated with county election officials; and
 - b) Through comparison of the number of incorrect ballots cast prior to the implementation of voter education program and the number of incorrect ballots cast following the implementation of the voter education program.
 - iv. Responsible Official: Secretary of State with the cooperation of county election officials, and the assistance of the North Dakota Association of Counties.

- c. Accessibility for individuals with disabilities.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Implementation of an accessible voting system meeting the requirements of HAVA and assuring the minimum physical accessibility of polling places, as deemed necessary by the state, has been met.
 - How Criteria is Judged: Success of meeting this performance goal is based on the placement of an accessible voting system meeting the requirements of

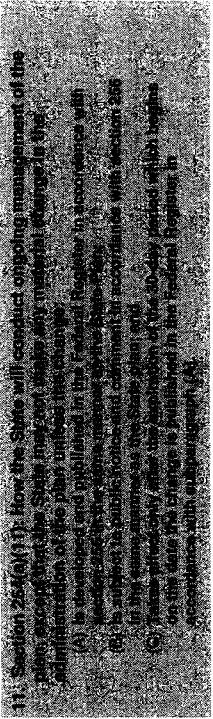


10. Section 204(a)(10): If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Williams County, the only county using a punch-card voting system, will be used as a model pilot project in upgrading voting systems to the requirements of HAVA and state law, precinct administration, and training for election officials and voters. Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all individuals have access to the election process. To ensure uniformity, each polling location in North Dakota will be equipped with an accessible voting system capable of notifying the voter if corrections are necessary to his or her ballot (known as second-chance voting) and allows persons with disabilities, and others, to vote unassisted. To achieve this goal, the state will attempt to implement a new voting system, or parts thereof, in Williams County and other counties by June 1, 2004. All counties will be required to be in full compliance by January 1, 2006. These requirements are subject to voting system availability.

North Dakota is exempt from the National Voter Registration Act of 1993, along with the voter registration and certain provisional voting requirements contained in the Help America Vote Act of 2002.

Revised state law authorizes the creation of a centralized electronic voter database that will link the Secretary of State's office with county election officials' offices. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud and generating accurate, up-to-date Election Day poll books.

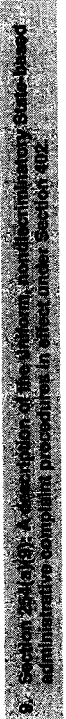


Ongoing management of the State Plan is the responsibility of the Secretary of State. Minor changes will be administered by the Steering Committee. In the event of a material change to the proposed plan, a State HAVA Planning Committee, including representation from local government, voter interest groups, and general citizens, may be reconvened for review and consultation. All members recognize HAVA as a constantly evolving program requiring significant enhancements in the administration of elections in North Dakota. To ensure proper and comprehensive daily administration, the Secretary of State, county election officials, and the North Dakota Association of



HAVA and the number of valid accessibility-related complaints received by the Secretary of State.
Responsible Official: Secretary of State with the cooperation of county election officials, and the assistance of the North Dakota Association of Counties.

- iv. Posting of voting information in polling locations.
 - i. Timetable: January 1, 2006
 - ii. Criteria: Posting of the required voting information in "easy to understand language," and in alternative, accessible formats in each polling location. Voter information on new voting systems will be posted in conjunction with new voting system implementation in each county
 - iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information and its availability in accessible, alternative formats in each polling location in the state.
 - iv. Responsible Official: Secretary of State with the cooperation of county election officials.



The secretary of state shall establish a uniform state-based administrative complaint procedure to remedy grievances according to section 402 of the Help America Vote Act of 2002 (HAVA) [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15512]. The complaint procedure must be uniform and nondiscriminatory and address complaints of violations of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is about to occur. A complaint filed under the complaint procedure must be in writing, notarized, and be signed and sworn by the person filing the complaint and state the alleged violation of federal or state law. The secretary of state is authorized to consolidate complaints. At the request of a complainant, the secretary of state shall establish a procedure for providing a review on the record. If the secretary of state determines there is a violation of a provision of Title III of HAVA [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15481-15502], the secretary of state shall determine and provide an appropriate remedy. If the secretary of state determines that a violation of Title III of HAVA has not occurred, the secretary of state shall dismiss the complaint and publish the results of the review. The secretary of state shall make a final determination with respect to a complaint within ninety days of the date the complaint is filed with the secretary of state, unless the complainant consents to a longer period of time for the secretary of state to make a determination. If the secretary of state fails to meet the ninety-day deadline for determining a complaint, the complaint must be resolved within sixty days under an alternative dispute resolution procedure. [NDCC 16.1-07-16]



Countries will continue to build and rely on the unique trust and cooperation which characterizes the relationship between North Dakota's state and local governments.

12. Section 256(1)(3): 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 and section 256.

Two separate committees were organized to complete drafting, advocate voter interest, and review the State Plan. Both committees were staffed and facilitated by the Secretary of State and the North Dakota Association of Counties.

◆ **STEERING COMMITTEE**

The Steering Committee researched and drafted the State Plan. Membership includes county election official representation from two large, two medium and two small population counties, with a cross-section of punch-card, paper ballot and optical scan voting equipment representation. Future membership of the Steering Committee shall consist of representation from the North Dakota Association of Counties, to include the HAVA Coordinator, the Secretary of State's office, and county election officials, representing large, medium, and small population counties, who are appointed by the North Dakota Association of County Auditors.

Cory Fong	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Beth Innis	Williams County Auditor
Roy Steiner	Hettinger County Auditor
Susan Ritter	Renville County Auditor
Dave Senger	Ward County Auditor
Sherry Hosford	Sargent County Auditor
Jim Brownlee	Grand Forks County Auditor
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Ambie	Executive Assistant, North Dakota Association of Counties



◆ **STATE HAVA PLANNING COMMITTEE**

The State HAVA Planning Committee represents a broad cross-section of interests and consists of eighteen members, including county and local officials, representation from the disabilities community, the technology sector, voter interest groups, along with everyday citizens. Future membership of the State HAVA Planning Committee shall consist of representation from local government, voter interest groups, and general citizens.

Mike Montplaisir	Chairman, Cass County Auditor (most populous jurisdiction)
Kevin Giatt	Burleigh County Auditor (second most populous jurisdiction)
Ruth Graf	Kidder County Auditor
Edward McGough	Barnes County Auditor
Dennis Schlenker	League of Cities
David Blackstead	North Dakota School Board Association
Patty Carblom	North Dakota County Commissioners
Corinne Hofmann	Protection and Advocacy
Jason Sherek	North Dakota Republican Party
Renee Pfanning	North Dakota Democratic NPL Party
Sue Tohm	League of Women Voters
Sheyna Henry*	People First of North Dakota
Janelle Olson*	North Dakota Indian Affairs Commission
Phil Baird	American Association of Retired People (AARP)
Bruce Hagen	North Dakota Association of Counties Information Technology
Steve Kalsch	General Citizen
Tim Reuer	General Citizen
Betty Svihovec	General Citizen
Roger Bailey	General Citizen
FACILITATORS:	
Cory Fong	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Ambie	Executive Assistant, North Dakota Association of Counties

* Shared membership



◆ APPENDIX A (1)

**Possible Funding Formula
Maximum Precincts to Be Funded**

The average of:
 Number of Existing Precincts as of 2002 **3**
 Votes Cast in last Gubernatorial Election (In Thousands-Rounded) **1**
 Eligible Voters (<17 Pop.) (In Thousands-Rounded) **1**
 Five times the area in Square Miles (In Thousands-Rounded) **1**

	2002 Existing Precincts	2000 Votes Cast for Governor (Thousands)	2000 Population Over 17 Thousands	Area in 1000 Sq. Mi. Times	Funded Precincts (Average of Factors)	Difference From Existing Precincts
Weight	3	1	1	5	6	
Adams	3	1	2	5	3	0
Hettinger	3	2	2	6	3	0
Towner	3	1	2	5	3	0
Dickey	3	3	4	6	4	1
Billings	4	1	2	6	3	-1
Bowman	4	2	2	6	4	0
Golden Valley	5	1	1	5	4	-1
Steele	5	1	2	4	4	-1
Logan	5	1	2	5	4	-1
Renville	5	1	2	4	4	-1
Folette	5	4	9	5	6	1
Slope	6	1	1	6	4	-2
Sheridan	6	1	1	5	4	-2
Burke	6	1	2	6	5	-1
Divide	6	1	2	6	5	-1
Eddy	6	1	2	3	4	-2
McIntosh	6	2	3	5	5	-1
Sargent	6	2	3	4	5	-1
Wells	6	2	4	6	5	-1
Oliver	7	1	1	4	5	-2
Grogs	7	2	2	4	5	-2
Grant	7	1	2	8	5	-2
Nelson	7	2	3	5	5	-2
Flansom	7	3	4	4	5	-2
Benson	8	2	4	7	6	-2
Kidder	9	1	2	7	6	-3
Sioux	9	1	2	5	6	-3



◆ **TIMELINE**

- April 30 First meeting of HAVA Steering Committee
- May 1 NDACo Legislative Wrap-up, Bismarck
- May 22 First meeting of HAVA State Planning Committee
- June 2 Draft review by Secretary of State and NDACo
- June 5 Second meeting of HAVA State Planning Committee
- June 10-13 ND County Auditor's Convention, Grand Forks
HAVA presentation by Doug Lewis
(Review of plan to-date and recommendations)
- June 19 Third meeting of HAVA State Planning Committee
- June 25-July 25 Public Comment Period, population centers in the state
- July 31 Fourth and final meeting of HAVA State Planning Committee
- August 4 Final plan review by Secretary of State
- August 11 Submission of HAVA State Plan to Election
Administration Commission and/or other appropriate federal
agencies*
- September 2003 Procurement Materials provided to Voting System Vendors
- September 2003 Certification of State Plan by Governor, following publication in
Federal Register*
- September 30 Deadline for Title III Funds Application to EAC*
- October 5-7, 2003 Voting System Exhibition, North Dakota Association of Counties
Annual Conference, Bismarck
- January 1, 2006 Voter Information Posted in Polling Locations
- January 1, 2006 Complete HAVA Compliance
*Pending establishment of EAC or designation of other appropriate governing federal agency

FOR MORE INFORMATION, CONTACT

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 State of North Dakota
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 Bismarck ND 58505
 (701) 328-3360
 cfong@state.nd.us

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 HAVA Coordinator
 ND Association of Counties
 1661 Capitol Way
 Bismarck ND 58501
 (701) 328-7318
 danette.odenbach@ndaco.org



◆ APPENDIX A (2)

RAW DATA	2000 Population		2000 Population Over 17		Area Square Miles		2000 Votes Cast for Governor	
	Total	Over 17	Population	Over 17	Square Miles	Area	Population	Votes Cast for Governor
Adams	2,593	1,992	988	1,227				
Hettinger	2,715	2,081	1,132	1,554				
Towner	2,876	2,188	1,025	1,230				
Dickey	5,757	4,388	1,131	2,843				
Billings	888	667	1,152	536				
Bowman	3,242	2,462	1,162	1,523				
Golden Valley	1,924	1,379	1,002	827				
Steele	2,258	1,634	712	1,234				
Logan	2,308	1,786	993	1,204				
Flenville	2,610	2,001	875	1,352				
Rolette	13,674	8,689	902	4,485				
Slope	767	573	1,218	456				
Sheridan	1,710	1,344	972	954				
Burke	2,242	1,775	1,104	1,061				
Divide	2,283	1,821	1,259	817				
Eddy	2,757	2,106	632	1,306				
McIntosh	3,380	2,734	975	1,738				
Sargent	4,366	3,211	859	2,229				
Wells	5,102	3,953	1,271	2,437				
Oliver	2,065	1,489	724	1,061				
Griggs	2,754	2,133	708	1,502				
Grant	2,841	2,175	1,660	1,471				
Nelson	3,715	2,895	982	1,876				
Flansom	5,890	4,419	863	2,784				
Benson	6,964	4,451	1,389	2,213				
Kidder	2,753	2,115	1,352	1,289				
Sioux	4,044	2,414	1,084	1,073				
Mountain	6,631	4,771	1,824	2,958				
Foster	3,759	2,774	685	1,761				
Emmons	4,331	3,256	1,510	2,031				
Pierce	4,675	3,560	1,018	2,040				
LaMoure	4,701	3,563	1,147	2,534				
McHenry	5,987	4,553	1,874	2,823				
Dunn	3,600	2,614	2,010	1,759				
Trail	8,477	6,373	862	4,224				
Ransom	12,066	9,047	1,186	5,061				
Pembina	8,585	6,445	1,119	3,838				



Appendix A (1) Continued

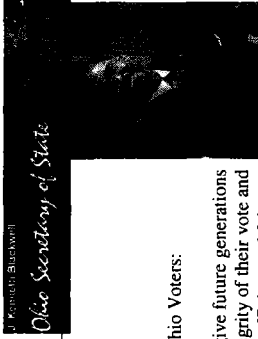
	2002 Existing Precincts	2000 Votes Cast for Governor (Thousands)	2000 Population Over 17 (Thousands)	Area in 1000 Sq. Mi Times	Funded Precincts (Average of Factors)	Difference From Existing Precincts
Mountain	9	3	5	9	7	-2
Foster	10	2	3	3	6	-4
Emmons	11	2	3	8	8	-3
Pierce	11	2	4	5	7	-4
LaMoure	11	3	4	6	8	-3
McHenry	11	3	5	9	8	-3
Dunn	12	2	3	10	9	-3
Trail	13	4	6	4	9	-4
Ransom	13	5	9	6	10	-3
Pembina	14	4	6	6	10	-4
Bottineau	15	4	6	8	11	-4
Mercer	15	4	6	5	10	-5
Stark	15	10	17	7	13	-2
McLean	16	5	7	11	12	-4
McKenzie	17	2	4	14	12	-5
Walsh	18	5	9	6	12	-6
Williams	18	8	15	10	15	-3
Stutsman	18	9	17	11	15	-3
Morton	18	11	18	10	16	-2
Cavalier	22	2	4	7	13	-9
Richland	22	8	14	7	16	-6
Barnes	23	6	9	7	15	-8
Ward	32	23	43	10	29	-3
Burleigh	38	35	52	8	35	-3
Grand Forks	43	29	50	7	36	-7
Cass	67	59	94	9	61	-6
	666	292	480	345	525	-141



Appendix A (2) Continued

	2000 Population		2000 Population Over 17	Area Square Miles	2000 Votes Cast for Governor
	Total	5,562			
Bottineau	7,149	5,562	6,131	1,669	3,728
Mercer	8,644	6,131	16,855	1,045	4,414
Stark	22,636	16,855	7,099	1,338	9,937
McLean	9,311	7,099	2,742	2,110	4,719
McKenzie	5,737	3,981	9,298	1,282	2,385
Walsh	12,389	9,298	14,569	2,071	5,255
Williams	19,761	14,569	16,903	2,222	7,999
Shutsman	21,908	16,903	18,480	1,926	9,236
Morton	25,303	18,480	13,561	1,489	11,352
Cavaller	4,831	3,643	9,151	1,437	2,424
Richland	17,998	13,561	43,372	1,492	8,178
Barnes	11,775	9,151	2,013	2,013	5,807
Ward	58,795	43,372	52,241	1,633	22,682
Burlingame	69,416	52,241	50,374	1,438	34,777
Grand Forks	66,109	50,374	94,290	1,766	28,641
Cass	123,138	94,290	481,351	1,766	59,394
	642,200	481,351			292,249

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan



June 16, 2003

Dear Election Assistance Commission and Ohio Voters:

I can think of no greater gift we can give future generations than an electoral process that ensures the integrity of their vote and provides them with an election system that is efficient and fair.

At the very least, we need an election system that assures every vote counts and every voice is heard in electing those who will serve in government and decide the many critical issues we face as citizens. No voter should be excluded from the process because of a disability, as no voter should be excluded because of inadequate, outdated and imprecise voting mechanisms.

That's what this report is all about. That's what the Help America Vote Act of 2002 is all about -- fair elections and empowering every voter to exercise their obligation, responsibility and privilege to fully engage in the election process.

Democracy, after all, is a fragile system that relies on the voices and participation of all its citizens, not just a chosen few. Every voter and every vote cast strengthens our democracy and enhances the opportunity to choose the best people for the job of leading our government, at all levels, and deciding those issues that affect our local community, state and nation.

My thanks to the State Plan Committee who worked so diligently to help me create this document that will open a new era for the way we vote in Ohio. Truly, we are dramatically changing the election landscape in our state and in our nation. That is a good thing and probably one of the most important contributions we can make to future generations of Ohioans.

In the final analysis, the Help America Vote Act of 2002 is about inclusion more than it is about all the technical change and new administrative processes and procedures called for in this plan. Inclusion is, after all, the thread that binds the fabric of democracy.

Very truly yours,

J. KENNETH BLACKWELL
Ohio Secretary of State

June 16, 2003

2

Changing the Election Landscape in the State of Ohio



A State Plan to implement the Help America Vote Act of 2002 in accordance with Public Law 107-252, §253(b)

"The Act appropriately respects the primacy of state and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in federal elections by providing federal governmental support for that vital endeavor."

PRESIDENT GEORGE W. BUSH
THE WHITE HOUSE,
October 29, 2002

The Ohio Secretary of State gratefully acknowledges the State Plan Committee for their participation and assistance in the preparation and development of this plan for the strategic implementation of election reforms in the State of Ohio, pursuant to the Help America Vote Act of 2002.

HELP AMERICA VOTE ACT

The State Plan Committee

Chairman **Dana Walsh**, Director of Election Reform, Office of the Secretary of State

Ms. **Donna Alvarado**, Commissioner, Ohio Commission on Hispanic/Latino Affairs

Ms. **Linda Carr**, Director of Institutional Initiatives, University of Toledo

Mr. **Tom Coyne**, Chairman, Cuyahoga County Board of Elections

Mr. **Eric Duffy**, Director of Field Services, National Federation of the Blind

Ms. **Daisy Duncan Foster**, Coordinator of Academic Services, University of Dayton

State Rep. **Nancy Hollister**, R-Marietta

Mr. **Larry Lang**, Executive Director, County Commissioners Association of Ohio

State Sen. **Mark Mallory**, D-Cincinnati

Mr. **Jeff Matthews**, Director, Stark County Board of Elections and President, Ohio Association of Election Officials

Mr. **Gay Reeves**, Director, Franklin County Board of Elections

Ms. **Catherine Turcer**, Legislative Director, Ohio Citizen Action

Pastor **Aaron Wheeler**, Chairman, Ohio Civil Rights Commission

Table of Contents

I. Introduction and Overview Page 6

- Overview of the Help America Vote Act of 2001 and its Objectives

II. Ohio Demographics Page 8

III. State Political/Governmental Structure Page 9

IV. State of Ohio's Election Systems Page 10

- State's Current Election System and How Change will be Effected as a Result of HAVA

V. Voter Trends: the Context for Change and Reform Page 17

VI. How Ohio Developed its State Plan Page 18

- Overview of State Plan Strategy, Testimony, Hearings and Public Input

VII. Federal Funding Assumptions Page 20

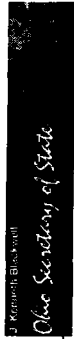
- Title I Payments

VIII. Distribution of Resources to Local Government Page 22

- Eligibility
- Performance Measurement

IX. §301. Meeting the Voting System Standards of the Act Page 25

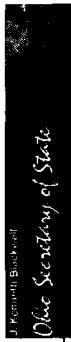
- General Requirements
- Audit Capacity
- Disability Access



- *Alternative Language Accessibility*
- *Error Rates*
- *Uniform Definition of a Vote*

X.	Voter Education, Election Official and Poll Worker Training	Page 30
XI.	§302. Provisional Voting and Voting Information	Page 33
XII.	§303. Statewide Voter Registration and Registration by Mail	Page 35
XIII.	§402. Administrative Complaint Procedure	Page 36
XIV.	Ongoing Performance Measurement	Page 38
XV.	Requirements Payments: Maintenance of Effort	Page 39
XVI.	Timelines for Implementation	Page 40
XVII.	Plan Submission Presumes Full Federal Funding	Page 40
XVIII.	The State Plan Committee: HAVA and Beyond	Page 41
XIX.	Summary of the State Plan	Page 44
	Secretary of State's Certification of the State Plan	Page 49

Attachments and Addendum



Help America Vote Act of 2002

I. Introduction and Overview

On Oct. 29, 2002, President George Bush signed into law the Help America Vote Act of 2002. The legislation was passed in the U.S. House in late 2001 and was approved by the U.S. Senate the following year.

Much of the law embraces recommendations advanced by the National Commission on Federal Election Reform, a group that included both former Presidents Jimmy Carter and Gerald Ford as its honorary co-chairs. The commission observed that democracy is a precious birthright. But they also noted that each generation must nourish and improve the processes of democracy for its successors.

The Help America Vote Act logically embraces the goals of election reform by expecting all levels of government to provide a democratic process that:

- maintains an accurate list of citizens who are qualified to vote;
- encourages every eligible voter to participate effectively;
- uses equipment that reliably clarifies and registers the voter's choice;
- handles close elections in a foreseeable and fair way;
- operates with equal effectiveness for every citizen and every community; and
- reflects limited but responsible federal participation.

In Ohio, the Secretary of State and the State Plan Committee used those broad parameters, principles and guidelines as the foundation objective for developing this plan. From that platform, the Secretary and State Plan Committee formulated the Ohio Plan to address the following specific issues to meet and exceed the minimum standards of the Help America Vote Act. In greater detail, this report addresses:

1. How Ohio will use requirement payments, distribute and monitor the allocation of these funds to county governments, and what criteria will be used to determine eligibility for these funds.
2. How Ohio will measure the performance of county governments to ensure they are in compliance with the Act.
3. How Ohio will develop programs to provide voter education, election official and poll worker education and training to meet the standards of the Act.
4. How Ohio will establish voting system guidelines and processes.
5. How Ohio will administer these activities and budget for administrative costs, as well as establishing a budget for overall implementation of the plan based on our best estimate of costs.
6. How Ohio will use the requirement payments without reducing state support for voter and election activities below what the state was spending in November, 2000.
7. How Ohio will establish performance goals and measures for county government.

8. How Ohio will create and develop a uniform administrative complaint procedure.
9. How payments under Title I will be used for punch-card replacement in Ohio and how that will affect and enhance the overall implementation of the plan.
10. How Ohio intends to conduct ongoing oversight and management of election reforms and improvements.

The size and composition of Ohio's population is a challenge to implementation of wholesale election reform in the state, but Ohio also is challenged because of the prevalence of punch-card voting. Nationally, it is estimated that 34.4 percent of the nation's voters cast their ballot on punch-card voting devices. In Ohio, 72 percent of the state's voters use this ballot method.

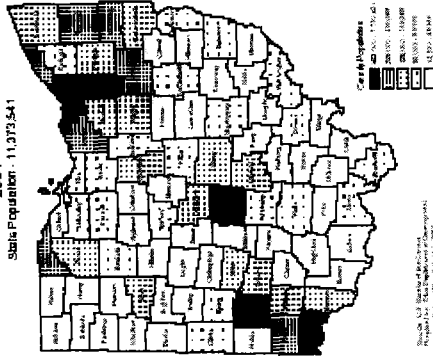
As the following section of the report suggests, election reform as envisioned by the Help America Vote Act is not a casual undertaking in Ohio. The demographics of the state reveal a broad mix of urban, rural and mid-size communities. Ohio, for example, has eight urban markets that include three large metropolitan cities — Cleveland, Columbus and Cincinnati. Smaller urban centers include Toledo, Youngstown, Dayton, Akron and Steubenville. Each enjoys its own community culture and election traditions.

In addition to these larger urban centers are mid-size communities like Mansfield and Lima, which represent the balance of Ohio's Metropolitan Statistical Areas (MSA's) according to the U.S. Census Bureau. But beyond those 10 communities and the counties they represent are 78 other Ohio counties that reflect a more rural population, including a large portion of Southeast Ohio that is designated as part of the Appalachian region.

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Given that context, we offer the following demographic overview of the

Population Distribution
2001
State Population - 11,373,541



Source: U.S. Census Bureau, 2001
Printed by the Ohio Secretary of State
State of Ohio, Department of Public Safety

State of Ohio to provide the Election Assistance Commission with what we regard to be a valuable foundation perspective for the implementation of election reforms in Ohio.

II. Ohio Demographics

While Ohio remains one of the nation's leading manufacturing centers, the state, during the past two decades, has made the transition to a more service-industry economy. Nearly 28 percent of Ohio's 5.4 million employee workforce is now classified as service employees. From 1990 to 2000, the state's population grew from 10.8 million to 11.3 million.

The state is comprised of 88 counties that occupy nearly 41,000 square miles of land. Ohio is bounded on the south and east by the Ohio River and on the north by Lake Erie. About 11.5 percent of that population is African-American and 1.9 percent is Hispanic/Latino, according to the most recent Census data. In total, Ohio's minority population is about 16 percent of the total population.

The median age in the state is 36.2 years of age and, like many other states, is trending older. About two-thirds of Ohio residents live in owner-occupied households and about 29 percent live in renter-occupied dwellings.

The state has a wealth of educational institutions with 15 public four-year universities and 62 private colleges and universities. There are 25 two-year colleges in the state. The largest counties, in rank order and based on 2000 Census data, are:

Rank	County	Population
1	Cuyahoga	1,393,978
2	Franklin	1,068,978
3	Hamilton	845,303
4	Montgomery	559,062
5	Summit	542,899
6	Lucas	455,054
7	Stark	378,098
8	Butler	332,807
9	Lorain	284,664
10	Mahoning	257,555

The state's major employers include such corporate notables as AK Steel, Daimler Chrysler, Delphi Automotive Systems, Ford Motor Co., General Electric Co., General Motors Corp., Goodyear Tire & Rubber Co., Honda Motor Co. Ltd., Kroger, Nationwide Insurance, Procter & Gamble, TRW Inc. and Wendy's International.

In total, there are about 240,000 active businesses in Ohio, including about 80,000 farms that represent 14.9 million acres.

The state boasts 115 state parks that provide nearly 115,000 acres of recreational space for Ohio residents. There are six airports in the state with scheduled airline service and another 164 commercial airports and 10 commercial heliports. Transportation arteries in the state include 1,572 miles of interstate highways, 3,918 miles of U.S. highways, and

more than 14,000 miles of state highways. The Ohio Turnpike that ribbons through northern Ohio covers 241 miles from the Indiana state line to the Pennsylvania state line.

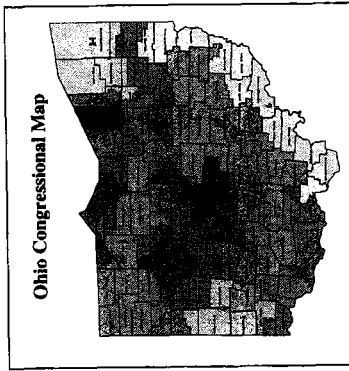
III. State Political/Governmental Structure

Ohio is governed by five major statewide officeholders including Gov. Bob Taft, Attorney General Jim Petro, State Auditor Betty Montgomery, Secretary of State J. Kenneth Blackwell and Treasurer Joseph Deiter. The Ohio General Assembly includes 99 members of the Ohio House of Representatives and 33 members of the Ohio Senate.

Since 1992, both statewide officeholders and elected legislators are subject to term limits. Statewide officeholders are limited to two four-year terms. In the Ohio General Assembly, House members are limited to four two-year terms and State Senators are limited by two four-year terms.

Some local government officials also are subject to term limits as a result of local ballot initiatives in some Ohio communities.

The Ohio Supreme Court includes seven justices who are elected statewide. The Supreme Court is not subject to term limits. The Chief Justice of the Ohio Supreme Court is Thomas Moyer.



The local government structure in Ohio includes a mix of city and county elected officials, with most cities and villages in Ohio administered by a mayor/council form of government. Some municipalities have an appointed city manager form of government in which an executive is appointed to administer local municipal affairs.

In Ohio local government, there are "statutory" cities that operate largely on the basis of state statutory law and "charter" cities that may adopt so-called "home rule" guidelines to conduct the affairs of local government.

On the county level, 87 of 88 Ohio counties are governed by a Board of County Commissioners, which oversee county administration. Summit County is the only county in Ohio with a county executive/council form of government. The Summit County Council is comprised of eight district council members and three who are elected at large. Ohio counties also elect county auditors, prosecutors, treasurers, clerks of court, judges and county sheriffs.

The state is represented by 18 elected members of the U.S. House of Representatives and, of course, two U.S. Senators.

IV. State of Ohio Elections Systems

Ohio is, pervasively, a punch-card voting state. In total, 69 of Ohio's 88 counties use punch-card voting. Those 69 counties represent 72.5 percent of all the registered voters in Ohio and 74 percent of the 11,756 voting precincts in the state.

Among the 19 counties that use voting devices other than punch-card ballots, two use automatic voting machines, six have electronic voting devices, and 11 use optical scanning equipment.

The table below (that continues on the following pages) shows a county-by-county listing of the types of voting devices in each of Ohio's 88 counties. The table also reflects the number of precincts and registered voters in each of those counties as reflected in the November, 2002 General Election, which we use as base data throughout this report (unless otherwise indicated.)

COUNTY	PRECINCTS	REGISTERED VOTERS	TYPE DEVICE
ADAMS	35	15,446	PUNCHCARD
ALLEN	139	65,382	SCAN
ASHLAND	65	31,735	SCAN
ASHTABULA	127	58,022	PUNCHCARD
ATHENS	69	39,813	PUNCHCARD
AUGLAIZE	43	29,656	PUNCHCARD
BELMONT	84	42,800	PUNCHCARD
BROWN	55	25,415	PUNCHCARD
BUTLER	289	210,920	PUNCHCARD
CARROLL	26	18,799	PUNCHCARD
CHAMPAIGN	53	26,900	PUNCHCARD
CLARK	112	82,889	PUNCHCARD
CLERMONT	191	117,207	SCAN
CLINTON	32	23,529	PUNCHCARD
COLUMBIANA	103	73,355	PUNCHCARD
COSHOCTON	43	20,623	SCAN
CRAWFORD	67	28,992	PUNCHCARD
CUYAHOGA	1464	861,113	PUNCHCARD
DARKE	53	36,176	PUNCHCARD
DEFAANCE	46	24,536	PUNCHCARD

State Plan Committee
 Help America Vote Act 2002
 Preliminary State Plan

J. Kenneth Blackwood
Ohio Secretary of State

DELAWARE	122	82,215	PUNCHCARD
ERIE	101	51,523	SCAN
FAIRFIELD	118	76,212	PUNCHCARD
FAYETTE	38	13,676	PUNCHCARD
FRANKLIN	780	706,668	ELECTRONIC
FULTON	36	26,740	PUNCHCARD
GALLIA	36	21,646	PUNCHCARD
GEAUGA	96	57,087	SCAN
GREENE	142	93,742	PUNCHCARD
GUERNSEY	71	22,149	PUNCHCARD
HAMILTON	1025	522,307	PUNCHCARD
HANCOCK	62	44,603	SCAN
HARDIN	38	17,764	AVM
HARRISON	24	10,861	PUNCHCARD
HENRY	33	18,529	PUNCHCARD
HIGHLAND	46	25,360	PUNCHCARD
HOCKING	32	16,889	PUNCHCARD
HOLMES	27	16,638	PUNCHCARD
HURON	69	35,103	PUNCHCARD
JACKSON	40	23,431	PUNCHCARD
JEFFERSON	93	52,971	PUNCHCARD
KNOX	53	31,630	ELECTRONIC
LAKE	217	150,137	ELECTRONIC
LAWRENCE	84	38,636	PUNCHCARD
LICKING	125	99,182	PUNCHCARD
LOGAN	52	28,698	PUNCHCARD
LORAIN	246	166,092	PUNCHCARD
LUCAS	518	281,500	AVM
MADISON	44	23,288	PUNCHCARD
MAHONING	312	177,445	ELECTRONIC
MARION	84	39,580	PUNCHCARD

State Plan Committee
 Help America Vote Act 2002
 Preliminary State Plan

J. Kenneth Blackwood
Ohio Secretary of State

MEDINA	145	101,054	PUNCHCARD
MEIGS	27	14,685	PUNCHCARD
MERCER	40	26,724	PUNCHCARD
MIAMI	82	66,743	SCAN
MONROE	29	9,866	PUNCHCARD
MONTGOMERY	593	334,787	PUNCHCARD
MORGAN	22	8,600	PUNCHCARD
MORROW	36	21,354	PUNCHCARD
MUSKINGUM	85	48,175	PUNCHCARD
NOBLE	27	8,173	PUNCHCARD
OTTAWA	78	26,905	SCAN
PAULDING	30	13,374	PUNCHCARD
PERRY	46	20,815	PUNCHCARD
PICKAWAY	53	27,505	ELECTRONIC
PIKE	24	17,849	PUNCHCARD
PORTAGE	129	94,711	PUNCHCARD
PREBLE	46	28,108	PUNCHCARD
PUTNAM	51	24,360	PUNCHCARD
RICHLAND	133	83,151	PUNCHCARD
ROSS	76	37,478	ELECTRONIC
SANDUSKY	73	39,768	SCAN
SCIOTO	107	43,062	PUNCHCARD
SENECA	73	35,707	PUNCHCARD
SHELBY	45	29,776	PUNCHCARD
STARK	364	246,562	PUNCHCARD
SUMMIT	507	334,515	PUNCHCARD
TRUMBULL	274	132,957	PUNCHCARD
TUSCARAWAS	81	53,930	PUNCHCARD
UNION	47	25,880	PUNCHCARD

VAN WERT	39	19,525	PUNCHCARD
VINTON	20	7,770	PUNCHCARD
WARREN	148	101,207	PUNCHCARD
WASHINGTON	81	37,705	SCAN
WAYNE	97	60,048	PUNCHCARD
WILLIAMS	44	24,670	PUNCHCARD
WOOD	104	75,660	PUNCHCARD
WYANDOT	40	14,780	PUNCHCARD
TOTAL	11,756	7,104,549	

While the Secretary of State notes that punch-card voting is not explicitly prohibited under the Help America Vote Act, other requirements of the Act make it impractical to use punch-card voting as a primary voting device in the state. In a study of "over" and "under" voting in Ohio, it was clearly demonstrated that punch-card voting was unreliable to the extent votes cast by thousands of Ohioans were not being counted in the final election tabulation. Over-voting occurs when a voter casts a vote for more than one candidate in an election and thus disqualifies their vote in that election. Under-voting occurs when a voter fails to mark a ballot in a particular race or votes for fewer than the number of candidates to be elected.

The following table tracks the combined under/over vote phenomenon in the 2000 presidential election in Ohio's 88 counties:

County	2000 Voting System	Total Votes Cast	Total Votes Counted	Percent Difference	
Holmes	PUNCHCARD	9,937	9,145	792	7.97%
Pike	PUNCHCARD	11,084	10,560	524	4.73%
Vinton	PUNCHCARD	5,184	4,946	238	4.59%
Adams	PUNCHCARD	10,727	10,235	492	4.59%
Meigs	PUNCHCARD	10,228	9,795	433	4.23%
Noble	PUNCHCARD	6,210	5,988	222	3.57%
Monroe	PUNCHCARD	7,377	7,115	262	3.55%
Jackson	PUNCHCARD	12,918	12,490	428	3.31%
Gallia	PUNCHCARD	13,203	12,776	427	3.23%
Summit	PUNCHCARD	232,252	224,839	7,413	3.19%
Harrison	PUNCHCARD	7,380	7,161	219	2.97%
Tuscarawas	PUNCHCARD	38,246	37,118	1,128	2.95%
Mercer	PUNCHCARD	18,848	18,294	554	2.94%
Paulding	PUNCHCARD	9,214	8,946	268	2.91%
Belmont	PUNCHCARD	31,039	30,141	898	2.89%
Lawrence	PUNCHCARD	25,180	24,452	728	2.89%
Montgomery	PUNCHCARD	237,580	230,987	6,593	2.78%
Scioto	PUNCHCARD	30,786	29,945	841	2.73%
Guernsey	PUNCHCARD	15,855	15,430	425	2.68%
Morgan	PUNCHCARD	6,158	5,993	165	2.68%
Muskingum	PUNCHCARD	33,570	32,624	946	2.67%
Cuyahoga	PUNCHCARD	590,473	574,782	15,691	2.66%
Sandusky	PUNCHCARD	26,441	25,744	697	2.64%
Brown	PUNCHCARD	16,862	16,429	433	2.57%
Highland	PUNCHCARD	15,854	15,447	407	2.57%
Hocking	PUNCHCARD	11,034	10,756	278	2.52%
Carroll	PUNCHCARD	12,576	12,261	315	2.50%
Perry	PUNCHCARD	13,147	12,828	319	2.43%
Richland	PUNCHCARD	54,088	52,779	1,309	2.42%

Of note, two of Ohio's largest counties – Cuyahoga and Hamilton counties – currently use punch-card ballot devices, as do two other large urban centers in Ohio, Montgomery and Summit counties. Those four counties, alone, account for nearly 3,600 of Ohio's 11,756 precincts, and more than 2 million of the state's 7.1 million registered voters. Another large urban center in Ohio, Lucas County, is a lever-machine county. In February 2001, the Secretary of State conducted an "Elections Summit."¹

Participants included academics, members of the media, local election officials, legislators, and community groups. The group reported the following:

1. Public confidence in the accuracy of punch card voting systems has been seriously undermined.
2. Boards of elections should upgrade their voting systems to new, more trustworthy technology.
3. Comprehensive voter education is critical to successful election operations.
4. A combination of federal, state, and local dollars may be appropriate to fund these technological improvements.
5. Ohio's current elections standards, based on a combination of secretary of state directives, advisory opinions and rulings, should be codified by the General Assembly.
6. These goals demand immediate attention, or our state runs the risk of repeating the problems of our nation's most recent presidential election – and suffering irreparable damage to the most important and basic concepts of democracy.

Subsequent to the Summit, a separate committee met to study Ohio's election systems. They concluded (by a 6-5 committee vote) that because of the safeguards and procedures in Ohio election law, the punch-card voting method was adequate and there was no overwhelming need for a statewide overhaul, particularly without available funding.

¹ Ohio Elections Summit Report, Office of the Secretary of State, published May 2001.

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan



Mahoning	SCAN	116,889	114,119	2,770	2.37%
Morrow	PUNCHCARD	13,145	12,839	306	2.33%
Seneca	PUNCHCARD	24,931	24,351	580	2.33%
Wyandot	PUNCHCARD	10,059	9,827	232	2.31%
Jefferson	PUNCHCARD	35,449	34,636	813	2.29%
Erie	SCAN	35,836	35,015	821	2.29%
Crawford	PUNCHCARD	19,622	19,176	446	2.27%
Putnam	PUNCHCARD	17,743	17,344	399	2.25%
Ashabula	PUNCHCARD	40,378	39,472	906	2.24%
Clark	PUNCHCARD	58,876	57,559	1,317	2.24%
Trumbull	PUNCHCARD	98,440	96,239	2,201	2.24%
Deafiance	PUNCHCARD	16,610	16,242	368	2.22%
Champaign	PUNCHCARD	16,035	15,680	355	2.21%
Marion	PUNCHCARD	25,371	24,815	556	2.19%
Darke	PUNCHCARD	23,784	23,267	517	2.17%
Fayette	PUNCHCARD	9,484	9,278	206	2.17%
Washington	SCAN	27,080	26,515	565	2.09%
Lorain	PUNCHCARD	114,480	112,180	2,300	2.01%
Greene	PUNCHCARD	66,524	65,204	1,320	1.98%
Stark	PUNCHCARD	163,061	159,844	3,217	1.97%
Lucas	PUNCHCARD	21,788	21,360	428	1.96%
Madison	PUNCHCARD	14,960	14,567	393	1.96%
Logan	PUNCHCARD	18,823	18,455	368	1.96%
Clinton	PUNCHCARD	15,366	15,070	296	1.93%
Clermont	SCAN	71,242	69,877	1,365	1.92%
Columbiana	PUNCHCARD	45,294	44,427	867	1.91%
Van Wert	PUNCHCARD	13,471	13,219	252	1.87%
Preble	PUNCHCARD	18,506	18,166	340	1.84%
Portage	PUNCHCARD	64,026	62,899	1,127	1.76%
Henry	PUNCHCARD	13,484	13,252	232	1.72%
Athens	PUNCHCARD	25,888	25,447	441	1.70%
Hamilton	PUNCHCARD	384,336	377,899	6,437	1.67%
Wayne	PUNCHCARD	43,151	42,436	715	1.66%
Miami	SCAN	43,555	42,841	714	1.64%
Butler	PUNCHCARD	138,992	136,737	2,255	1.62%
Licking	PUNCHCARD	63,490	62,466	1,024	1.61%
Auglaize	PUNCHCARD	20,212	19,892	320	1.58%
Coshocton	SCAN	14,493	14,268	225	1.55%
Williams	PUNCHCARD	16,170	15,919	251	1.55%
Union	PUNCHCARD	17,288	17,024	264	1.53%
Fairfield	PUNCHCARD	54,913	54,094	819	1.49%
Warren	PUNCHCARD	70,109	69,078	1,031	1.47%
Medina	PUNCHCARD	67,850	66,883	967	1.43%
Fulton	PUNCHCARD	19,161	18,896	265	1.38%
Ashland	SCAN	21,535	21,258	277	1.29%
Ross	ELECTRONIC AVB: scan	26,348	26,016	332	1.26%

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan



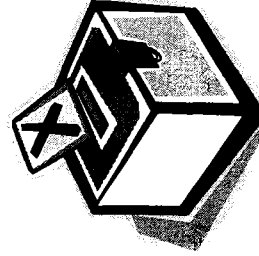
Wood	PUNCHCARD	52,832	52,194	638	1.21%
Hancock	SCAN	30,958	30,617	341	1.10%
Ottawa	SCAN	20,185	19,968	217	1.08%
Knox	ELECTRONIC AVB: scan	21,488	21,260	228	1.06%
Delaware	PUNCHCARD	55,959	55,403	556	0.99%
Pickaway	ELECTRONIC AVB: scan	17,912	17,740	172	0.96%
Allen	SCAN	44,207	43,795	412	0.93%
Franklin	ELECTRONIC AVB: Punchcard	417,800	414,074	3,726	0.89%
Geauga	SCAN	42,963	42,600	363	0.84%
Lake	ELECTRONIC AVB: Punchcard	103,347	102,564	783	0.76%
Hardin	Precinct: AVM AVB: Punchcard	12,159	12,068	91	0.75%
Lucas	Precinct: AVM AVB: Punchcard	186,419	187,350	1,069	0.57%
Shelby ²	PUNCHCARD	19,670	19,670	0	0.00%
TOTALS		4,795,989	4,705,457	90,532	1.89%

The data shows 29 counties with the highest over/under vote percentage in the 2000 election were all counties that use the punch-card method of voting. The seven counties with the lowest over/under vote percentage in the 2000 election were all counties that did not use punch cards as their primary voting system.

The Ohio challenge in meeting the voter and election reforms envisioned by the Help America Vote Act is obvious. In simplest terms, Ohio is a large and populous state with a diverse mix of urban and rural voters that predominantly relies on punch-card voting as its prevailing voting mode. Modernizing the state's election systems will require widespread change throughout the state and in its most populous counties.

The transition will require a solution that must consider large and small counties, rural and urban areas, and adjustments that will affect an overwhelming majority of Ohio voters. The obvious corollary challenge is selecting a system configuration that meets the needs of all those counties, training election officials and poll workers to use new voting systems, and familiarizing Ohio voters with new voting devices.

While on its face, this appears to be a daunting challenge, we are confident Ohio's State Plan logically anticipates those factors and will meet the guidelines, demands, timetables and expectations of the Help America Vote Act.



² Shelby County, a punch-card county, reported no over/under vote in the county's vote tabulation in the 2000 presidential election cycle. This would appear to be a reporting error.

V. Voter Trends: the Context for Change and Reform

We pause only for a moment in this report to reflect on voter turnout in Ohio. We do so for several reasons, not the least of which Ohio contemplates election reform and system modernization to take place in a presidential election year when voter turnout is higher and demand on the election system is greatest.

We also explore voter turnout and trends as context for meeting the most desirable benefit and objective of the Act: to restore public confidence in the election system and, subsequently, increase voter participation. While new, more technologically proficient systems, increased voter registration, accessibility and accuracy are hallmarks of Help America Vote, the more encompassing aim of the Act is to invite more voters into the process to exercise their rights and responsibilities as qualified electors.

In developing the State Plan, we must anticipate that voter participation will increase, voter turnout percentages will climb, and demand on the election system will be greater. We can only gauge those factors based on Ohio's experience in past elections and the historical trends that will serve as a predictor of future trends.

The following table tracks Ohio voter turnout in both gubernatorial elections and presidential elections during the past 24 years.

Year	Gubernatorial Election Years		Presidential Election Years	
	No. of Electors Voting	Turnout Percentage	No. of Electors Voting	Turnout Percentage
1978	3,017,326	58.23%	4,378,937	73.87%
1982	3,551,995	62.36%	4,664,223	73.65%
1986	3,261,870	54.38%	4,505,264	71.79%
1990	3,620,469	61.23%	5,043,094	77.15%
1994	3,570,391	57.29%	4,638,108	67.83%
1998	3,534,782	49.81%	4,800,009	63.73%
2002	3,356,285	47.24%		

The chart shows that during the course of the past six gubernatorial elections, voter turnout has averaged about 55.79 percent. During the past six presidential elections, voter turnout in Ohio has averaged 71.33 percent. Based on this historical data, Ohio can generally anticipate about 1.25 million more voters in a presidential election year than in a gubernatorial election cycle.

Even a modest 5 percent gain in that average means 62,500 more voters. Subsequently, based on projected population growth and increased voter participation as a result of election reforms and modernization, our State Plan assumes 150,000 new voters during peak presidential elections growing at an annual rate, after initial implementation of new systems and election reforms, of 3 percent per annum.

As a result, our Plan assumes that growth rate and the recommended voting systems design model proposed in this report anticipates that growth and demand on the state's election system in future peak presidential voting years. We use the presidential voting cycle as a base for our plan because that assumes the heaviest potential voter turnout and the busiest times for local boards of elections.

Since 1978, voter participation in the state's gubernatorial elections has grown from 3 million voters to about 3.3 million voters. Since 1980, voter participation in presidential elections has grown from about 4.3 million voters to about 4.8 million voters. Factoring population growth during those decades, those statistics would imply that voter participation has remained relatively flat and, in all likelihood, is trending lower.

We have a high confidence level that the election reforms of the Help America Vote Act will produce more voter activity and a greater number of voters. Ohio doesn't view the Act as a final effort to produce greater voter participation, but the beginning of an expanded effort to entice more voters to exercise their rights and responsibilities to participate in the election process.

We believe modernization and reform require us to actively engage in voter education and to continue to evaluate programs that will produce greater participation in the democratic process. We pledge our effort to continue to explore new and innovative programs that will achieve those objectives.

VI. How Ohio Developed its State Plan

In development of the State Plan, we insisted on inclusion in both creation of the State Plan Committee and in public input into the process. This report represents a broad outreach to minorities, senior citizens, people with disabilities, elected officials, election officials, public interest groups and the public at large.

Our foundation principle in developing this plan was based on the view that such far-reaching reforms to a system so vital to the most fundamental democratic process in our state and nation required a fair, open and dynamic process where there is an opportunity for every voice to be heard. We were proactive in developing a structure to embrace that principle.

As a first step in our process, we widely publicized hearing dates and created a web site that invited public comment and input. We invited written testimony from groups and organizations who wanted to lend their perspective to election reform in Ohio. Additionally, we actively solicited input from critical stakeholders for our public hearings, including key representative voices from among groups such as the Urban League, the League of Women Voters, the Disability Policy Coalition, and the American Association of Retired Persons (AARP).

Our lead-off witness was Chet Kalis of the House Administration Committee, who worked closely with U.S. Rep. Bob Ney, R-Ohio, primary sponsor of the Help America Vote Act of 2002. We asked Mr. Kalis to lay the groundwork for our committee by providing them with a foundation perspective of the Act, its mission, aims and objectives.

The State Plan Committee also heard from Doug Lewis, executive director of The Election Center, a national nonprofit organization serving the elections and voter registration profession. Mr. Lewis developed and authored the Professional Education Program for elections/registration officials - named the best continuing education program in the nation by the National University Continuing Education Association.

Mr. Lewis was able to provide the committee with a national view of election reform and voter registration from the valuable perspective of someone with intricate knowledge of election systems across the nation.

To provide the perspective on Ohio, Dr. Herb Asher, professor emeritus of political science at The Ohio State University, brought election reform home for our State Plan Committee. Few voices are more respected than the voice of Dr. Asher as a knowledgeable expert and commentator about the political and election process in Ohio.

While the State Plan Committee itself included representation from boards of elections, we reached out to three other boards to provide the committee with a strong representative sample of the diverse local election operations in the state. Among those invited to testify were Janet F. Clair, director of the Lake County Board of Elections, Rita Yarman, deputy director of the Knox County Board of Elections, and Terry Burton, deputy director of the Wood County Board of Elections.

The testimony of the three elections officials was particularly valuable to the Committee because Lake and Knox counties are two jurisdictions that recently modernized their election systems. In addition, four other counties – Ross, Pickaway, Mahoning and Franklin counties – currently have electronic-based voting systems. Wood County represents one of the Ohio counties facing an extensive overhaul of its system under the Help America Vote Act.

Dolores Blankenship, advocacy volunteer from AARP, offered the State Plan Committee an incisive look at the election process through the eyes of a senior citizen, and eight witnesses representing the Disability Policy Coalition offered riveting testimony about the Election Day challenges facing voters with disabilities.

The strong presence of people with disabilities in these hearings underscores the importance Ohio attaches to this issue and our resolve to provide physically challenged voters with every opportunity to cast their ballot in a setting that assures their access to the polls and their right to cast a ballot unrestrained by barriers and obstacles that preclude their full participation in the voting process.

Peg Rosenfeld, a former state elections official and now a representative of the League of Women Voters of Ohio, provided testimony on behalf of that voter advocacy group, and Ernest Perry of the Columbus Urban League was the voice for that group.

The final witness was Eric Seabrook, chief counsel to the Ohio Secretary of State, who described the administrative complaint procedure envisioned by Secretary of State Blackwell and the potential contracting procedures under review to establish an election system that meets the uniform voting standards of the Help America Vote Act.

The State Plan Committee met in public session on April 3-4 to hear testimony from these witnesses and then reconvened on April 17 for a focused facilitated work session to refine and finalize the State Plan.

We believe the process used to develop the State Plan in Ohio is one of the most aggressive public outreach efforts in the nation. While the aim of the process was to be as inclusive as possible, we think it had the added benefit of educating and informing the committee and citizens of our state about the Help America Vote Act and its far-reaching implications for an improved voting and election system in Ohio.

The open and proactive design of our process signaled to every Ohioan the importance of enacting voter and election reforms in the state, and how that reform was likely to affect their participation in the electoral process.

In addition to the public hearings, the Secretary of State solicited all Ohioans to provide input to the plan by providing written communications with his office or to communicate ideas via the Secretary of State's website. This communication was provided to members of the State Plan Committee and is attached as part of the State Plan.

VII. Federal Funding Assumptions of the Act

The Help America Vote Act of 2002 makes available certain federal funding to help achieve requirements and mandates of the Act. The funding components of the Act are reflected in Title I, Title II, Title IV and Title V. In summary, the federal government has agreed to the following federal funding thresholds for each of the Title sections of the Act:

Title I – Antiquated Machine Buy-Out

- \$325 million for buying out punch-card and lever voting machines.
- \$325 million in payments to states to improve election administration.

Title II – Election Assistance

- Requirement Payments
- \$3 billion for meeting requirements, poll-worker training, voter education, and improving administration of elections.

Access Grants

- \$100 million for increasing polling place access for voters with disabilities

Research Grants

- \$20 million for research and development to improve voting technology

Pilot Program Grants

- \$10 million for pilot programs to test new voting systems and equipment.

Protecting and Advocacy Systems Payments

- \$40 million for state protection and advocacy systems.

Title V – Help America Vote College Program

- \$5 million to encourage college students to participate in the political process by volunteering as poll workers.

Title VI – Help America Vote Foundation

- \$5 million to encourage high school students to participate in the political process by volunteering as poll workers.

Of obvious, primary and immediate importance to the State of Ohio is the Title I funding and the state's share of Title II monies for Requirement Payments for poll-worker training, voter education, and improving administration of elections, as well as federal funds available for Access Grants to make election sites more accessible to people with disabilities. These three specific funding sources enable Ohio to address what we regard to be the core modernization and reform of its election system.

The buy-out program under Title I has special implications for Ohio because of the prevalent use of punch-card voting in the state. Likewise the \$325 million being allocated to states to improve election administration is important because these funds represent resources that will be allocated for development of a centralized voter registration system in the state.

Title I largely represents base funding for Ohio to address the mechanical implementation of the Help America Vote Act. Title II payments represent a source of funding to train, educate and administer the state's election program once the transition is made from punch-card voting to a more modern mode of voting, and to make poll sites more accessible to people with disabilities. Later in the plan, we discuss allocating a portion of Title II funds to voting system upgrades.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of Ohio's citizens with disabilities. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible.

Of note and as it relates to Title V and Title VI of the Act, the Ohio Secretary of State's office is currently conducting research related to poll worker issues. A component of that research anticipates a greater role for high school and college students in the electoral process, as well as other initiatives that will enhance the identification, selection, education and training of poll workers.

As this State Plan is being submitted, we anticipate that research will be completed and recommendations forthcoming in the next few months about how Ohio will maximize poll-worker recruitment and training, and ensure the presence of quality, qualified poll workers in every precinct.

Such initiatives underscore our determination to not only meet the minimum requirements of the Help America Vote Act of 2002, but to make Ohio a model state for implementation of these reforms and to lead the nation in development and

implementation of a modern, fair, reliable and accurate election system. As U.S. Rep. Bob Ney led the federal initiative to enact the Help America Vote Act, it was the mandate of our State Plan Committee to formulate a plan that makes Ohio a showcase for election reform.

VIII. Distribution of Resources to Local Governments

We first explore our proposed distribution of aid to local government under Title I. Under guidelines of the Act, these funds must be used assuming the following criteria:

- These funds may be used as a reimbursement for costs associated with punch-card or lever machine replacement incurred after Jan. 1, 2001.
- There is a presumption states must ensure compliance in time for the November, 2004 Federal Election.
- Within six months after the date of enactment, Ohio must certify that the state will use the money for punch-card/lever machine replacement, the state will comply with federal laws, and the voting system will meet new voting system standards.

We anticipate that no change in state law or new legislation will be required to carry out the activities required for certification.

At this writing, the Congressional Research Service (CRS) estimates that full-funding under the Act, for both Title I and Title II receipts, will total \$155,251,155. CRS estimates \$116,423,155 of that amount represents Title II funding under the Requirements Payments component of the Act.

In addition, the state has appropriated \$5.8 million in matching funds for Title II payments, as required by the Act, which means total available funds for implementation of the State Plan in Ohio will be approximately \$161 million.

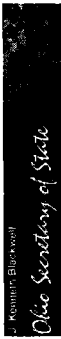
All money in Title II is based on the state's portion of the nation's voting age population. The most recent estimate is that Ohio's 8.5 million voting-age population represents 3.97 percent of the nation's voting age population of 215.1 million.

Because of the prevalence of punch-card voters in Ohio, we are keenly focused on the distribution of funds under Title I and, more precisely, the buy-out program. The Act stipulates the funds will be distributed to states by multiplying the number of qualifying precincts by \$4,000. However, based on available federal funds for this purpose and the number of punch-card and lever-machine jurisdictions in the U.S., it now appears that number likely will be about \$3,354 per precinct. As previously mentioned, Ohio has 69 counties designated as punch-card counties.

In addition, two Ohio jurisdictions — Hardin and Lucas counties — feature lever voting machines and would be eligible for funding under the guidelines.

In total, under the formula, the 69 punch-card counties and two lever-machine counties in Ohio means the state would be eligible for about \$31 million in federal funds under the buyout program.

The state will apply for research and pilot program grants. But for now, our focus is to first establish a reliable, accurate and fair election system, conduct the training and education necessary to make that system work, and to ensure accessibility of the disabled and physically challenged citizens of our state. The Secretary of State believes Ohio should be particularly aggressive in seeking available federal funds under Title II for access grants to make Ohio's polling places more accessible to the disabled.



While much of the focus is on the counties with punch card and lever-machine voting systems, in reality, all 88 Ohio counties will be expected to conduct some form of system modification and upgrade to make the system in Ohio uniform and compliant with the Act. Subsequently, the premise of the Ohio Plan is to look at the voter and election system statewide, based on the distribution of registered voters in each of the 88 counties. Viewed in that context, the \$136 million to be allocated to the counties will be distributed in the following priority order, as federal funds become available:

- Replacement of punch-card and lever-machine voting equipment to the extent that new voting systems would be installed immediately in the 71 affected counties;
- Installation of voting devices compliant with the disability requirements of the Act in all 88 counties;
- Bringing remaining counties into compliance with Section 301 of the Act by funding necessary upgrades and refinements of all other existing systems and equipment.

The Secretary of State reserves the right to distribute the funds to counties based on need and special circumstances. The Secretary of State defines "need and special circumstances" to mean that it is possible some counties will need less funding and others more funding to meet the compliance standards of the Help America Vote Act. On that basis, the Secretary of State will shift funds as he deems necessary to bring all counties into compliance.

The Secretary of State acknowledges that one county, Mahoning County, took the initiative to convert their voting system to electronic voting after Jan. 1, 2001. Funding consideration will be given to all six Ohio counties using electronic voting equipment to bring those counties into compliance with HAVA.

We think this model provides us with great flexibility to allocate Title I and Title II funds in a way that assures full compliance with the requirements of the Act. Invariably some funds would be shifted away from counties that demonstrate a lesser need and reallocated to counties that demonstrate a greater need. But the allocation method is a fair method that will further assure all counties that adequate funds will be available to fully fund the requirements of the Act at the local level.

The Ohio Secretary of State will establish guidelines as part of the performance measurement for county compliance. When compliant systems are purchased for the counties, the Secretary of State will require transition to new voting systems by all punch-card and lever-machine counties by Feb. 1, 2004. The Secretary of State will provide counties with a list of acceptable vendors to supply the new voting equipment and counties must choose from that approved list by no later than Sept. 1, 2003.

Since the Secretary of State will centralize and oversee this process, the Secretary will ensure compliance with all requirements of the Help America Vote Act. The performance timeline requires the Secretary to establish the list of approved vendors by Aug. 1, 2003, providing county boards of elections with ample time to review the list, choose the vendor and establish transition to the new voting systems between Sept. 1, 2003 and Feb. 1, 2004.

However, we know \$31 million is insufficient for the counties to purchase modern, reliable voting systems capable of meeting requirements of the Act. Subsequently, our budget for voter and election reforms in Ohio presumes the state will require about \$24.2 million to establish a centralized voter registration database and related support for voter education and poll worker training. Our plan calls for the remainder of the Title funds to be allocated to Ohio's 88 counties to help subsidize installation of new systems and implement other required activities under the Act.

Following is the budget we envision for distribution of the \$161 million in funds in Ohio to meet requirements of the Help America Vote Act:

Activity	Fund Distribution	Jurisdiction	Purpose
Voter Registration Database	\$5 million to \$10 million	State	Develop statewide voter registration database
Voter Education	\$5 million to \$10 million	State	Administered by the State in coordination with the counties
Poll Worker Training	\$5 million	State	To be distributed as grants to counties
Administrative Expenses	\$2 million	State	For state personnel to administer and monitor HAVA implementation
Provisional Voter Hotline	\$250,000	State	To establish a state hotline for provisional voters
Miscellaneous	\$2 million	State	For associated costs of implementing HAVA
Voting Equipment and other Activities	\$136 million	State on behalf of Counties	For new voting equipment and to meet other HAVA requirements

In simplest terms, this allocates Help America Vote funds where the money is needed most: in Ohio counties. While it is the responsibility of the Ohio Secretary of State to monitor performance and ensure implementation of the Act, the execution of the Ohio plan, ultimately, will take place at the county level. On that basis, we believe it prudent to maximize resources for election reform in the counties where election reform will occur.

To ensure uniformity and compliance, the Secretary of State will stipulate design specifications for voting equipment. If a county fails to select a vendor by Sept. 1, 2003, the Secretary of State will designate a vendor for that county and order installation of new voting equipment in that jurisdiction by the Feb. 1, 2004 deadline.

Although the Act requires the replacement of punch-cards and lever machines by the General Election in 2004, the Secretary of State wants these new systems in place in Ohio for the Primary Election to ensure a smooth, seamless transition and full operational capability in time for the presidential election.

The Secretary of State has already established a fund account for all federal monies designated for Ohio under the Act and those funds, as applicable, will be disbursed from that account as our plan is implemented. This account is segregated to reflect federal funds designated for county buy-outs, election administration and Requirements payments.

Reports will be generated to show the allocation and distribution of these funds and that report will be forwarded to the Election Assistance Commission along with a performance report to show the state's progress and performance in implementing provisions of the Act.

IX. §301. Meeting the Voting System Standards of the Act

The Help America Vote Act requires "uniform and nondiscriminatory election technology" that meets specific voting system standards. Ohio has opted for a program that specifically addresses the requirements of the Act, but provides counties with some degree of flexibility in choice of vendor and how they implement and develop voting systems to meet the particular needs of their region.

Assurance that the state will meet voting system standards specified in the Act is the responsibility of the Secretary of State, so system specifications will be drafted by the Secretary and the list of available vendors will reflect only those companies that submit bids demonstrating their ability to meet the rigorous and unambiguous system specifications and timelines established by the Secretary.

To ensure compliance with the Act, the Secretary of State will appoint a committee comprised of knowledgeable persons in the Secretary's office who have the technical capability to review vendor proposals for electronic voting equipment and tabulating devices and the committee will recommend final adoption of a list of approved vendors that meet system specifications. The committee will review standards set by the Standards Board and

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

make recommendations to the Secretary based on tabulating systems meeting the standards set by the Federal Election Commission.

Additionally, the Secretary of State will ask the state's Board of Voting Machine Examiners to review the recommendations of the committee to ensure the vendors and systems meet not only the requirements of the Act, but are reasonable based on their knowledge of Ohio counties and their voting needs. The Board of Voting Machine Examiners currently provide a valuable service to the Secretary of State in the certification of voting equipment to ensure the equipment meets established certification criteria set by the National Association of State Election Directors.

It is logical this group assist the Secretary in this important endeavor to modernize and reform Ohio's voting systems.

Providing counties with the ability to choose among a list of qualified vendors preserves the involvement of the counties in the vendor process while maximizing the buying power of the state under a state term contract procedure. The Secretary of State will serve as the primary contractor for voting devices in the State of Ohio, embracing the concept that the ultimate beneficiaries of the contract are the counties.

Ultimately, the responsibility for ensuring compliance with the Help America Vote Act of 2002 falls to the chief elections official in the state. But the Secretary of State recognizes the execution of the Act will take place at the county level.

Each vendor chosen to participate in the selection process must demonstrate a capability to serve the whole of the state and, potentially, all 88 counties. Successful vendors must also certify their ability to provide the volume of equipment required to service the state, and demonstrate the organizational capacity to provide statewide support, training and service to county clients.

Eligible vendors must assure their equipment meets a high threshold of security, accuracy and ease of use. They must also ensure timely delivery of equipment to meet the deadlines established by the Secretary of State for full implementation and operation by Feb. 1, 2004. Finally, the financial viability of the vendor will be a consideration for the awarding of contracts.

The Secretary of State believes training and education are essential to the successful deployment of new voting machine equipment. The best technology available is rendered useless unless vendors can provide adequate training and education to ensure both election officials and voters know how to use the equipment efficiently and effortlessly.

To achieve the education and training objective, some states have earmarked a portion of available money specifically for that purpose. We will request vendors designate how much of their proposal specifically applies to training and education.

Absent a recitation of detailed technical requirements listed in the request for proposal that will be issued by the Secretary of State, the Secretary insists successful bidders must provide a system that, at minimum, accomplishes the following:

General Requirements

- Guarantees voters will be able to verify their ballot before it is cast and counted. This means the system must include features that allow voters to

vote, review their ballot choices and decisions, and correct errors or omissions before submitting their vote for final tabulation.

- As part of the review and correction process, if a voter selects more than the permissible number of candidates for a single office, the system will alert the voter of the selection and its impact, or prevent over-voting. Additionally, the system must give the voter an opportunity to correct the ballot before it is processed and counted.
- In addition to providing equipment, hardware and applicable software to accomplish these features, vendors will be required to include, as a supplement to the system, information materials clearly explaining the operations and functions of the voting equipment, the effect of casting multiple votes for one office, and corrective procedures and processes available to voters. The system also must alert voters when they have failed to vote for a candidate or issue. We envision a simple pamphlet or brochure that will be available to every voter written in clear language with amplifying graphics.
- The system must ensure the privacy of the voter and confidentiality of the ballot.

Audit Capacity

- While the system allows the vote to be counted and tabulated electronically, the system also must be capable of producing a permanent paper record that can be audited manually. The paper record must be produced in such a way as to function as an official record for any potential recount or any question that might arise subsequent to the election.

This issue was addressed by several witnesses and State Plan Committee members during our public hearings. Almost everyone agrees that to ensure public confidence in any voting system, there must be a paper trail that will provide election officials, the public and media with a permanent, retrievable and readily accessible record and history of the election and provide a traceable mechanism to accommodate questions, election-related issues and recounts.

Ms. Rosenfield of the League of Women Voters told the State Plan Committee that an audit capacity in the form of a paper record was critical to reassure the public and the media that an open and fair election was conducted. We agree and this component is essential to any system configuration advanced by all prospective vendors.

Disability Access

- The system must be accessible for individuals with disabilities, including non-visual accessibility for people who are blind or who have visual impairments,

ensuring the same standards for privacy and confidentiality afforded to people without disabilities. This means the voting system for people with disabilities must allow them to vote unassisted. At least one voting device must be available at each polling location that includes, at minimum, audio features. Additional features could include keypad functions and enlarged font size. The system must also include features that accommodate people who have limited mobility. That means the device must be of a sufficient weight and size to be transported within the environs of the voting location in those facilities that may not be readily accessible and sufficiently adjustable to match voters' eye levels.

During the hearings, we heard from several witnesses with first-hand knowledge of disabilities who underscored for us the importance of not only focusing on voting devices, but the accessibility of polling places. Technology, we were told, does not remedy polling locations that are difficult for people with disabilities to navigate or facilities that lack adequate amenities, such as accessible restrooms.

Karla M. Lortz of Delaware, Ohio, reminded us that voting is a basic American right that should not be restricted or diminished because of a disability. She also emphasized the need to train and educate poll workers about persons with disabilities.

But all of those with disabilities who testified stressed the need to be vigilant about the selection of poll and voter sites to ensure they are barrier free and accessible. Ohio law requires that a polling place is considered accessible if it is free of barriers that would impede ingress and egress of people with disabilities. The law requires the entrance to be level or feature a nonskid ramp of not more than 8 percent gradient. Doors must be a minimum of 32-inches wide (R.C. 3501.29).

The Secretary of State will require that all election sites and facilities be reviewed for access to ensure these voting locations meet and, if possible, exceed these minimum standards. At the recommendation of committee member Eric Duffy, the Secretary also will convene a committee to study this issue and to make recommendations about how the state can best address the needs of voters with disabilities.

Alternative Language Accessibility

- Where applicable and in those precincts where substantial non-English speaking populations exist, voting systems must provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965. This alternative-language accommodation shall be available in any precinct where it is determined that 5 percent or more of the registered voters in any precinct might be non-English speaking voters. Each county board of elections is required, 30 days prior to any election, to assure that alternative language mechanisms are available, as mandated by law.

Based on the current composition of the state's population, there is no concentration of non-English speaking populations that warrant specific activities in this

regard. However, as the composition of the state's population changes, counties will be required to address this issue as the need arises.

Error Rates

- All voting systems in the state must achieve an error rate threshold that complies with error-rate standards established by the Federal Elections Commission (FEC) which are in effect 30 days prior to any election. The Secretary of State will take steps and facilitate measures to require performance of logic and accuracy tests by counties before elections and will require counties to have all system tabulating equipment and programs tested to ensure the correctness of the vote count cast within the error parameters established by the FEC.

Additional Considerations

Although we explore this later in our discussion of voter education, we offer two additional vendor considerations for our system specifications. The Secretary of State invites vendors to consider, as part of their proposal, a model or "practice" voting device that simulates the actual voting machine at the polling place. We believe this feature would provide voters with an opportunity to become more familiar with the voting equipment before actually casting their vote.

In addition, the Secretary of State will ask vendors to make available software that would enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

These so-called simulators, we believe, would provide some voters with a greater comfort level at the polling place if they are provided an opportunity to "practice" on a simulated voting device.

In addition, the Secretary of State will ask vendors to make available software that will enable voters to access such simulators on the Secretary's website via the internet. This feature would enable voters, at their leisure, prior to Election Day, to learn more about the equipment they will use at the voting place and practice using the equipment and devices on the internet.

While we regard this to be part of our proposed voter education program, we think these innovations would help voters better understand the new technology, ease their apprehension about the use of new voting technology, and speed the voting process at the polling place.

We think these elements would minimize much of the confusion that invariably will accompany the conversion of voting systems in the majority of Ohio counties. As more and more Ohioans enjoy expanded access to the internet and world wide web,

cyberspace would seem to be a logical environment to offer these features as an enhancement to Ohio's voter education program.

Uniform Definition of Vote

Ohio law grants broad authority to the Ohio Secretary of State with regard to election rules and regulations. H.B. 5 passed by the Ohio Legislature in the 124th General Assembly gives the Secretary authority to issue directives and these directives have the same weight as law when applied to election-related matters and issues.

We note this authority in the Secretary's ability to establish a uniform definition of a vote. Currently, Ohio law addresses the definition of a vote for punch-card ballots. Similar legislation was considered for "optical scan" voting devices, but with passage of H.B. 5, the Secretary of State embraced a definition of vote for optical scanning equipment as part of his directives authority.

As is evident, the Secretary of State has the power and authority, via directive, to adjust, modify, revise and refine a uniform definition to meet the state's needs based on the voting systems adopted in the state. However, the Secretary will consult guidelines established by the Federal Election Commission, the Voting Rights Act and all other federal authority in establishing a uniform definition of a vote in Ohio.

We include with the plan, as an attachment, the language that gives the Secretary of State this authority.

X. Voter Education, Election Official and Poll Worker Training

Achieving the mechanical and technological change of the Help America Vote Act of 2002 is only part of the challenge of enacting true modernization and reform of Ohio's voting system. While devices will enhance the efficiency of Ohio's voting and election process, voter education and training of election officials and poll workers is critical to full implementation of the reforms to the benefit of Ohio voters.

Earlier in this report, we alluded to research currently being conducted by the Secretary of State's office to improve poll worker recruitment, training, education and retention. That effort addresses the reality that many of our current poll workers are from a generation that places a premium on voting, elections and the democratic process. Many of our poll workers are senior citizens who very much value freedom and free election processes as a result of their experiences in growing up in the World War II and Korea era. To these marvelous citizens, voting isn't just a right, it's an obligation and a

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process.

precious American birthright that has been paid for with the blood, sweat and tears of those who sacrificed their lives on foreign soil. As these citizen patriots retire from the poll worker ranks in Ohio's election system, we are looking to the future to determine how best we can recruit the next generation of poll workers who will embrace this important Election Day service with the same degree of commitment, enthusiasm and competence of our older poll workers.

We are mindful of an exciting objective of the Help America Vote Act: to engage high school and college students in the process. Several State Plan Committee members noted the desire to better engage young Ohioans in the election process as both a means to recruit bright, knowledgeable students as poll workers and as an opportunity to make more young people stakeholders in the process. Our research is exploring that challenge and opportunity to pass the torch to the next generation. But the research is also looking at other creative options to ensure Ohio has a ready, able and competent corps of poll workers.

Obviously, these poll workers must be adequately trained to render assistance to voters in a competent and knowledgeable way, not only in terms of helping them understand and use the new technology that accompanies election reform, but also by applying the laws and addressing the myriad of Election Day issues that invariably arise.

Provisional voting, for example, was a challenge for many of our poll workers during past election cycles as Ohio aggressively implemented new procedures to accommodate provisional voters. Our poll workers have successfully navigated provisional voting and have successfully met the needs of provisional voters.

But to adequately train poll workers, we must first train election officials. The Secretary of State will meet that challenge with a number of programs and initiatives. New training seminars will precede each election in Ohio where election directors and their staff will be given an opportunity to learn about new procedures and changes.

The Secretary of State also will enhance its electronic communication with election officials by providing updates and advisories about changes in state and federal election law. Our goal is to provide this information as soon as we have the information in hand.

Additionally, the Secretary of State will conduct an inventory of current training materials and produce new information and guidelines in both written and video formats. The Secretary also has asked his staff to provide election directors with new materials that can supplement the training of poll workers.

To ensure seamless transition to new voting systems, we are asking system vendors to partner with us in the production of clear, graphically-driven pamphlets and brochures that tell voters how the voting devices work. Earlier we mentioned the use of simulators and internet-based simulation of new voting devices to provide voters with an opportunity to try out the new technology even before they enter the voting booth to cast their official ballot.

We think these enhancements and initiatives will advance our implementation of the Help America Vote Act in Ohio and pave the way for a smooth transition to new voting devices and election processes. Some of our preparation for new election processes in Ohio includes some structural changes. We are asking each county board of

elections, for example, to designate a training coordinator who will communicate directly with an election training coordinator in the Secretary of State's office.

It is our aim for these coordinators to meet frequently throughout the year, exchange information and help us think about ways to improve the election system in Ohio.

After the election, we will gather from all 88 counties a report from these coordinators detailing issues, questions and problems they encountered and how they addressed the situation. From these reports, the Secretary of State will use that data and information to respond to election issues and disseminate that information to election directors so they can make refinements at the local level in subsequent elections.

But to glean a voters-eye view of the process and how we can improve the election system, we will distribute to a selected sample of voters in every county a short survey device that will track their voting experience and give them an opportunity to provide us with feedback on how we can improve the process. The survey will be distributed to a pre-determined number sample of voters throughout the state as they exit the voting booth.

We think this innovation is important to better understand voter needs and to view our election process through the eyes of the "consumer." Information we collect from both coordinators and the sample voters will guide us in developing relevant and meaningful training materials for both election officials and poll workers in future elections.

The Secretary of State also will develop a new "get-out-the-vote" program in Ohio that will encourage more voters to participate in the election process. While such programs currently exist in the Secretary of State's office, personnel will be dedicated to conducting research and learning more about voter behavior in Ohio.

In many states, the appeal is often directed at those who are registered to vote, were registered to vote or who have voted in the past. The Secretary of State would like to target potential new first-time voters by coordinating voter recruitment with civics and government teachers in high schools throughout Ohio where there is a captive audience of potential new voters. Additionally, the Secretary would like to initiate research that targets Ohioans who have never voted to learn more about their decision not to

participate in the election process and to determine if there are programs and initiatives that can be implemented to address their concerns and entice them to the polls.

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

The proposed budget for these activities is \$10 million to \$15 million, with \$5 million to \$10 million earmarked for voter education, and \$5 million set aside for election official and poll-worker training. We propose making election official and poll-worker training funds available as state

Understanding more about voter behavior and non-voter behavior, we believe, is a proactive step we must take to fully embrace the spirit, intent, principles and objectives of the Help America Vote Act.

grants to the counties to supplement local activities and initiatives of the county boards of elections.

As counties deliberate equipment and voting systems, we will encourage them to consider appropriation of available residual funds to voter education and poll worker training. In crafting local budgets to achieve the objectives of the Help America Vote Act, we believe counties must give consideration to these initiatives to supplement state efforts for education and training.

In order to qualify for these funds, counties must submit to the Secretary of State a detailed plan that identifies proposed programs and initiatives and how the funds would be used. After each General Election, counties would be required to report on the deployment of these programs and their assessment of the value of the education and training.

XI. § 302. Provisional Voting and Voting Information

The critical role of provisional voting in election reform was underscored by a college newspaper in Ohio several years ago that reported only 5.4 percent of registered students at Ohio University actually voted during one election cycle in the late 1990s.³

Provisional voting makes it possible for many more of those students to engage and participate in the elections process. Provisional voting is a way to ensure every eligible voter who shows up at the polls on Election Day can cast a ballot.

The National Voter Registration Act, or so-called "motor voter" law, protects those who changed their residence, but what about those who, for example, were incorrectly purged from the voter registration list?

Ohio is sensitive to this issue and the Secretary of State is committed to making sure every voter and every vote counts. The Secretary understands that no matter what reforms are enacted, human error will always be a factor in voter registration. No voter should be disenfranchised just because someone made a mistake, or the paperwork on a change of address was overlooked, misplaced, incorrectly recorded or just didn't get entered into the database in time to be reflected on the voter rolls.

Ohio's system of provisional voting has been successful and voters who otherwise might have been denied a ballot were given an opportunity in recent elections to cast a provisional ballot, and for local boards of elections to determine if those ballots were valid. We have guidelines and procedures in place to address provisional voting in Ohio

³ The (Ohio University) Post, *Voters still have time*, Oct. 11, 2001.

and we will continue to refine and expand the scope of provisional voting in the state to comply with the spirit, intent and letter of the law in the Help America Vote Act.

The Act requires provisional voting as a condition for receiving federal funding for election reform and Ohio is poised to meet all such requirements. We anticipate the Federal Election Commission will continue to explore this issue and we will make adjustments to provisional voting regulations in the state as those guidelines and adjustments are released.

The Secretary of State also will review, prior to each election, procedures for the handling and processing of provisional votes to ensure full compliance with state and federal guidelines. To provide fullest utilization of the provisional voting mechanism, every local board of elections will be required to adopt provisional voting policies that are weighted more toward inclusion in the voting process than challenges and exclusion in the ballot process.

For purposes of our State Plan, suffice that Ohio and the Secretary of State, as a matter of public policy, embraces the concept that every effort should be made at every board of elections in the state to accommodate every voter who, for whatever reason, does not appear on the certified list of registered voters in any jurisdiction of the state. Provisional voting is a valuable fail-safe mechanism that is an essential component of election reform in Ohio.

Further, we believe those who cast a provisional ballot should have access to mechanisms and procedures that tell them whether their ballot was counted. Toward that end, our budget presumes establishment of a toll-free hotline that will enable provisional voters, after the election, to learn whether their ballot was counted and to receive an explanation about why it wasn't counted if, indeed, a determination was made that it was not a valid vote. We have allocated \$250,000 in our State Plan budget to create and maintain such a hotline and encourage local boards to prominently display information by whatever means to advise provisional voters of this follow-up option.

Additionally, information will be available at every precinct and voting location to explain provisional voting procedures and who may cast a provisional vote. Such information should also be readily available on the Secretary of State's website and all county election board websites, where such sites exist.

As part of the National Voter Registration Act, Ohio has endeavored to forge a partnership with other state public agencies in voter registration and it is logical to extend an invitation to these agencies to also educate, advise and alert prospective voters about their provisional voting options in these venues.

Ohio also would expect to partner with the state's media in making voters aware of the provisional option. We contemplate deployment of a series of public service commercials on local television stations in the days preceding elections advising voters of their options for casting a provisional vote. We think a compelling argument can be made to broadcast outlets around the state that full citizen participation in the election process is public service of the highest order.

XII. §303. Statewide Voter Registration and Registration by Mail

Maintaining a viable voter registration list is an essential ingredient in conducting fair and participatory voting processes. Centralizing registration in a single statewide database is a sensible change that ensures uniformity, consistency and reliability. To accomplish this task, the Secretary of State will seek one vendor to develop a registration system that must meet the needs of voters and elections officials alike.

The system must be sufficiently functional that all eligible voters can register to vote with ease and simplicity. The system must accommodate both written (mail-in registration and in-person registration) and electronic means for voters to initiate the registration process. Registration sites, locations and opportunities must be varied and plentiful.

It is not sufficient that voters would be required to register only at boards of elections or obtain registration materials only at governmental venues. The successful vendor must anticipate a variety of locations and opportunities for citizens to register in both public and private settings. The system must contemplate a solution for converting current voter registration data now housed in local boards of elections and transferring that data to the centralized database in the Secretary of State's office.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state. The system must include sufficient data that provides local election officials with the means to segregate voters by political and geographic boundaries to the extent these officials can create and develop voter lists by precinct and voting location.

The system must include features that permit local elections officials to track the voting history of registered voters, identify those no longer legally registered, and readily accommodate change of address or voting status.

And, finally, the system must anticipate that these records are public records and must be maintained in a way that conforms to state public records law and all other applicable state and federal laws that pertain to voter registration currently in effect.

Our budget presumes a \$5 million to \$10 million allocation for creation and development of a statewide voter registration system.

Closely akin to the registration issue are voter identification requirements. It was the consensus of both witnesses who testified before the State Plan Committee and the committee itself that the Secretary of State should establish policies that expand rather than restrict the types of instruments used by voters as a means of identification. We believe this is in keeping with the spirit and intent of the Help America Vote Act.

The statewide voter registration system must meet technical demands that will readily allow local boards of elections to seamlessly and effortlessly interface with the state database in a way that assures instant access to all qualified registered voters in their jurisdiction and the state.

As no voter should be denied an opportunity to cast a provisional ballot in those circumstances where their name might not appear on the voter rolls, neither should a voter be denied an opportunity to vote because of arbitrary and restrictive identification requirements. While it is logical the Secretary of State should work in coordination with agencies such as the Ohio Bureau of Motor Vehicles to validate the identity of new voters, such identification requirements must, by definition, extend beyond identification devices such as a valid state drivers' license.

As several Ohioans with disabilities testified, many people with disabilities do not have a drivers' license. It is the intention of the Secretary of State to extend identification requirements to include any reasonable means of identification such as utility bills, rent receipts or any legal or quasi-legal instrument that bears the name and address of the prospective voter.

The policy of the Secretary of State is that voter challenges on the basis of identification should be judged on a liberal construction of voter ID rather than a restrictive construction that would deny the voter an opportunity to cast a ballot.

Based on testimony provided by Mr. Perry of the Columbus Urban League, the Secretary of State also would like to more closely examine the issue of restoring voter rights to persons released from incarceration in the state's Department of Rehabilitation and Corrections. There is a widespread perception that these persons, as a result of felony convictions, have forever forfeited their right to participate in the election process. Such is not the case.

Persons who have had their voting rights taken away because of a felony conviction are subject to re-enfranchisement as legal voters to restore their right to vote. As these persons have presumably paid their debt to society as a result of their incarceration, full integration back into society as fully functioning citizens should also presume their eventual re-engagement and participation in the election process.

For these persons, identification also is an issue because drivers' licenses might have expired during their period of incarceration. At minimum, the Secretary of State pledges to educate election officials and poll workers about the rights and processes available to these individuals.

The complaint and grievance procedures developed by the Secretary of State are constructed of a non-adversarial complaint process where the desired remedy of the problem, rather than a highly evidentiary process.

XIII. §402. Administrative Complaint Procedures and Grievances

To fully facilitate implementation of the Help America Vote Act of 2002, Ohio will establish an administrative complaint procedure to address allegations by any citizen who believes their voting rights have been violated under Title III of the Act.

The complaint and grievance procedures developed by the Secretary of State are constructed toward development of a non-adversarial complaint process where the desired outcome is a

solution or remedy of the problem, rather than a highly evidentiary process.

The process adopted by the Secretary of State includes an alternative dispute resolution component that invites parties to seek equitable resolution in that venue as well as through a formal hearing process. When a valid complaint or grievance is filed as part of this process, it is ultimately the state, and more specifically the Secretary of State, that must provide the appropriate remedy.

We attach, as an addendum to this report, the full text of the proposed procedure. Following, in summary, are the relevant elements of the complaint procedure:

- Any Ohio citizen who believes there is a violation of any provision of Title III of the Help America Vote Act may file a complaint.
- All complaints must be in writing, signed, notarized and be sworn under oath.
- The complainant must be identified by name and mailing address, and the complaint must include a description of the violation alleged to have occurred.
- The complaint must be filed with the Secretary of State along with proof of delivery of a copy of the complaint to each respondent.
- In addition to failure to include any of the foregoing, the Secretary of State may reject the complaint if more than 90 days have lapsed since the final certification of the federal election at issue.
- The Secretary of State must establish procedures and schedules addressing when the complaint will be heard and considered.
- The Secretary of State or designated hearing officer must compile and maintain an official record of any proceeding and include submissions and evidence provided.
- Complaints must be heard and determined by the Secretary of State or designated hearing officer, who is required to prepare a report expressing an opinion about whether a violation did occur within 20 days of the filing of such a complaint.
- Any hearings conducted pursuant to the filing of a complaint must be tape recorded.
- Dates, times and locations of hearings must be established and all parties must be given at least five days notice of such hearings.
- All relevant parties, including the complainant and all respondents may appear at the hearing, testify and present evidence. There is no requirement that any

June 16, 2003

37

complainant, respondent or any other party to the proceeding be represented by an attorney.

- The Secretary of State or a designated hearing officer is required to prepare a transcript of the tape recorded hearing and that transcript is a public record under Ohio's public records law.
- A final decision must be rendered within 60 days after the complaint is filed.
- If a violation is determined to have occurred, a determination must be issued specifying the appropriate remedy. If a violation is deemed not to have occurred, the complaint must be dismissed.
- The remedy may not include any award of monetary damages, costs or attorney fees, and may not include the invalidation of any election or a determination of the validity of any ballot or vote.
- The decision under this process is final and is not subject to judicial review.
- The complaint and grievance procedure does not preclude any other legal action provided by law.

XIV. Ongoing Performance Measurement

Each year, boards of election throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their elections operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

As Ohio anticipates successful implementation of reforms and modernization of its election systems and processes to accomplish its objectives under the Help America Vote Act of 2002, we believe performance measurement is an essential and ongoing requirement to ensure a fair and inclusive election system.

Each year, boards of elections throughout Ohio prepare annual budgets anticipating costs and expenses for conducting elections. We recommend that while each board is preparing their budgets that they also take time to review the improvements they have made in their election operations during the past year and report their progress in meeting election reform objectives under the Help America Vote Act.

The Secretary of State will compile these annual reports and submit a summary of initiatives, improvements and progress to the Election Assistance Commission. We think this is a way for

June 16, 2003

38

all election officials in Ohio to remain vigilant of our obligation to continue measuring our performance in making the election process fair and accessible to all Ohioans.

As stated earlier in this report, we view this opportunity to reform Ohio's election system not as an end process, but as the beginning of a renewed effort to fully engage our citizens in their most vital civic responsibility in a democratic process. Election reform, after all, is a futile exercise unless citizens view themselves as stakeholders in their local community, their state and the nation.

Our guiding principle in developing this state plan is that voters should willingly and enthusiastically participate in the electoral process, free of obstacles that might inhibit them from participating. To accomplish that, we, as election officials, are obligated to provide them with the best and most modern tools available so they can exercise their right to vote with assurance that every vote and every voter counts and will be counted on Election Day.

No legal voter should be taken for granted and no legal vote should be discounted or, worse, not counted. Every vote cast, every ballot submitted must be treated as if our very system of government and our way of life depends on it, simply because it does. No greater is the obligation of every eligible voter to be an active, knowledgeable and willing participant in the election process, and no greater responsibility as election officials do we have than to ensure those voices are heard and those votes are counted.

XV. Requirements Payments: Maintenance of Effort

As a condition for receiving Requirements payments under the Help America Vote Act, states must maintain expenditures for funded activities "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."

Attached to the State Plan are budget materials that document state spending on election and election administration through the Secretary of State's office for Fiscal Year 2000 (July 1, 1999 – June 30, 2000).

The total amount of \$2,739,159.04 million does not include reimbursements to county boards of elections for advertising costs related to state issue ballot advertising. The total budget request of the Secretary of State's office for FY 2004 and FY 2005 are sufficient to fund continued investment in elections at this annual level.

Additionally, the Secretary of State shall include a HAVA-compliance and funding report as part of future biennial budget requests of the Ohio Legislature to certify HAVA-compliant funding and continue Ohio's maintenance of effort.

XVI. Estimated Timelines for Implementation of the State Plan

Following are key dates and the proposed timetable for implementation of our State Plan:

- **March 18, 2003:** State Plan Advisory Committee named, public input process defined.
- **April 3-4, 2003:** State Plan Advisory Committee conducts public hearings.
- **April 9, 2003:** RFP released for statewide voter registration system.
- **April 17, 2003:** State Plan Advisory Committee reconvenes to review draft State Plan.
- **May 7, 2003:** Competitive bids due for voter registration system.
- **May 13, 2003:** State Plan finalized and published for 30-day review.
- **May 16, 2003:** RFP released for voting system vendors.
- **June 2, 2003:** Secretary of State awards bids for voter registration system.
- **June 16, 2003:** State Plan submitted to federal Elections Assistance Commission for publication in the Federal Register. Competitive bids due for election system.
- **Aug. 1, 2003:** Secretary of State awards bids for election systems. County boards of elections notified of eligible system vendors.
- **Sept. 2, 2003:** County boards of elections must notify Secretary of State which vendor they have chosen for election system improvements.
- **Dec. 1, 2003:** Statewide voter registration system installed and fully operational.
- **Feb. 1, 2004:** Replacement of punch-card and lever-machine complete.
- **March 2, 2004:** Primary Election. (Ohio General Assembly considering change of Primary to May, 2004.)
- **Nov. 2, 2004:** General Election

XVII. Plan Submission Presumes Full Federal Funding

Submission of this plan presumes full and timely federal funding. In order for Ohio to meet the ambitious schedule outlined in this State Plan, it is imperative that federal monies be made available to the state on a schedule that is consistent with implementation of the base components of the plan.

Ohio reserves the right to seek waivers stipulated in the Help America Vote Act that allow us to delay implementation of this plan if federal funding is not forthcoming in a timely manner that will enable us to accomplish the objectives outlined in this report to the Election Assistance Commission.

Proceeding without a guarantee of federal funds would create a financial burden for the State of Ohio and its 88 county jurisdictions. While Ohio is anxious to meet and exceed the standards of the Help America Vote Act, implementation is not possible without the federal guarantees that accompany the Act.

The preponderance of unacceptable voting devices in the state underscore the necessity for reform, but it shows the very real and special challenges Ohio faces in fully

complying with the Act and the funding that will be required to reconstruct and reconfigure the voting and election systems in the state.

Our pledge is to implement reforms, as outlined in this State Plan, as federal funds become available.

XVIII. The State Plan Committee: HAVA and Beyond

We reserve this section of the report to capture the comments and thoughts of our State Plan Committee. While many of the committee's recommendations and much of their input is reflected in preceding sections of the report, it was clear this panel of distinguished Ohioans went beyond merely thinking about minimum requirements of the Help America Vote Act and insisted on expanding their mission to address issues that will produce broad and meaningful election reform in our state.

That kind of visionary thinking is precisely what the Secretary of State had in mind when he impaneled the State Plan Committee.

If there was a universal theme that resonated from the committee's deliberations, it was consensus that Ohio must aggressively engage the next generation of voters and make young people in our state understand their role as stakeholders in the democratic process. It is insufficient, the panel said, to merely invite high school and college students into the election process. Ohio, the State Plan Committee said, must be proactive in educating young people about the election process and instill a deeper commitment to engendering student participation in the election process.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio.

Linda Carr, Daisy Duncan Foster and Pastor Aaron Wheeler were particularly passionate in their remarks about this issue and said Ohio should be creative in developing new programs and initiatives to bring young voters into the process. The Committee urged the Secretary of State to aggressively seek available funds under Title V and Title VI funding of the Help America Vote Act to accomplish this critical task.

Additionally, some committee members recommended working with the Ohio Department of Education and the Ohio Board of Regents to explore ways to better educate and encourage political participation by high school and college students. Pastor Wheeler suggested Ohio public schools should ponder curriculum requirements that focus exclusively on voting and election processes.

State Rep. Nancy Hollister noted that this report should underscore for Ohioans that implementation of the Help America Vote Act in Ohio signals a "change in the governance of the election system" in the state. HAVA, she said, places more

responsibility on the Secretary of State to assure a fair, equitable and inclusive election process in Ohio. "We need to acknowledge that," she said.

But Rep. Hollister and other committee members said that shift in governance does not minimize the necessary independence, ongoing role or responsibility of counties to execute election policies within the new governing framework created by the Help America Vote Act.

Committee member Jeff Matthews said county boards of elections must be independent to effectively achieve the objectives of the Help America Vote Act, and Ms. Duncan Foster said boards of elections must feel "some ownership of the process." In that context, it was the consensus of the State Plan Committee that full compliance with the Help America Vote Act requires critical coordination and a strong working relationship between the Secretary of State's office and local boards of elections. Election officials Guy Reece and Tom Coyne, along with Mr. Matthews, agreed that innovation doesn't end with the Help America Vote Act. They said Ohio must constantly be looking for new methods, new procedures and new ideas to keep the election process viable and invite more Ohioans to exercise their right to vote.

Mr. Reece invited future exploration of election innovations being tested in other states such as open voting, early voting, ballot on demand and expanded availability and use of absentee ballots. Catherine Turcer asked that the Secretary of State consider the flexibility of voting devices that would allow for concepts such as instant runoff voting and proportional representation.

Ms. Turcer also recommended the Secretary of State ensure that the RFP for new voting equipment carefully consider the necessity for strong auditing capability that would provide a spot-check feature for pre-testing. Ms. Turcer and Donna Alvarado said alternative language capability also should be included in the RFP in anticipation of changing future demographics in the state.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

Ms. Alvarado noted the projected growth of Hispanic populations both nationally and in the State of Ohio. Several committee members agreed that rather than addressing this issue later and incurring cost for conforming equipment, the RFP should anticipate the language requirement and it should be purchased now while federal funds are available to help Ohio make the transition to new voting equipment.

She said language requirements also need to be considered in education products produced by vendors and election officials in how to use the new voting equipment, as well as in training of poll workers and election officials. She said alternative language issues need to be considered in creation and execution of the grievance process and procedures.

She suggested the Secretary of State consider alternative language policies that exceed the 5 percent threshold.

While preceding sections of the report address monitoring procedures for implementation of the Help America Vote Act in Ohio, Ms. Alvarado said compliance monitoring should be "futuristic" and focus on outcomes. While measuring accomplishments, she said the state and local jurisdictions also should be forward looking and report, for example, where the state expects to be in the next five years and beyond.

She said monitoring and compliance should address issues such as where Ohio wants to be as a state, how we achieve those objectives, who is responsible for implementing these plans, what the funding sources will be for implementation and what will be different when changes, modifications or new procedures are implemented in the election process.

Rep. Hollister agreed there needs to be periodic evaluation of Ohio's progress in meeting voting and election reforms. She suggested a need to pause from time to time to reflect on what has been accomplished, what future reforms need to be considered, and what revenues are available to achieve those objectives.

A primary focus in the deliberation of the State Plan Committee was how Ohio could best address disability issues related to implementation of the Help America Vote Act. Eric Duffy said the issue of physical barriers is a real and pressing issue that calls for creative solutions in Ohio. He emphasized that Ohio must consider not only what takes place inside the voting place, but what physical barriers exist that hinder access outside the building.

Pastor Wheeler, chairman of the Ohio Civil Rights Commission, offered the assistance of that agency in working with the Secretary of State in exploring solutions to that issue.

As expected, much of the panel's deliberation was focused on funding and whether the federal allocation to Ohio was adequate to effect the wholesale change in voting systems in the state. A key voice in that discussion was Larry Long, executive director of the County Commissioners Association of Ohio.

Mr. Long noted that there is concern among county commissioners about whether the federal funding anticipated for implementation of the Help America Vote Act is sufficient to purchase the voting equipment needed to make Ohio HAVA compliant. But

a comparable concern, he said, is consideration of future maintenance and replacement costs, as well as related cost issues such as storage requirements for the new equipment. He acknowledged that there might be offsetting costs and efficiencies that could be realized from conversion to electronic voting systems, but he stressed the necessity for full funding of the plan and timely allocation of federal payments to the state to avoid financial burdens on counties already adversely affected by the economy and cuts imposed by the State Legislature.

Rep. Hollister also discussed the funding issue, suggesting the state, at some future date, might consider bonding options to assist in paying for ongoing costs associated with implementation of the Act, as well as making funds available for voter education, system upgrades and youth participation in the election process.

Further, she said that although there appears to be no immediate need for sweeping changes in state election laws, the state should constantly evaluate that need and enact legislative change as required.

Mr. Coyne emphasized the need for the Secretary of State and local boards of elections to fashion voter system reforms in a way that keeps the process from becoming "vendor-driven." He said county boards need time to assess and evaluate the unique demands in each jurisdiction and recommended the Secretary of State consider meeting the disability requirements of HAVA in time for the 2004 election, but proceed more deliberately on installation of new voting equipment.

XIX. Summary of the State Plan

Section 254 of the Help America Vote Act of 2002 lists the required components of the State Plan and this document fulfills those requirements.

This report demonstrates that Ohio, because of its widespread use of punch-card voting, is perhaps challenged more than other states to reform its election methods and modernize its voting systems. The size of the state, ranking seventh among the 50 states in total population, and the mix of rural and urban population makes the transition even more challenging.

Recognizing the enormity of the task confronting Ohio, some members of the State Plan Committee and witnesses who testified before the committee counseled the Secretary of State to invoke waivers that would allow the state to delay its full implementation of the plan until the 2006 election cycle.

The Secretary of State, however, believes Ohio cannot afford to delay its implementation of the plan because every election cycle that passes is another election where voters are potentially disenfranchised and Ohio votes are lost or miscounted. Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the

Ohio, the Secretary of State believes, must be a full participant in the election process and every eligible voter must be afforded the opportunity to be counted as we ponder our local decisions affecting our local communities, state and nation.

opportunity to be counted as we ponder the critical decisions affecting our local communities, state and nation.

As election officials, if we know voters are disenfranchised and that legitimately cast ballots are being discounted, we have not only a moral obligation to immediately embrace a solution, but a legal obligation to find a remedy and enact measures to prevent that from happening. If even one voter is denied the right to vote, we are obligated, by law, to determine the cause and forge a solution. The evidence is overwhelming that thousands of Ohio voters have been disenfranchised by antiquated voting equipment and that many thousands more have lost confidence in the reliability and accuracy of voting devices currently in use in most of Ohio's 88 counties.

The Secretary of State has confidence in the election professionals who conduct and administer elections in the State of Ohio, and believes Ohio has the capability to enact reforms that have already taken place in other states.

We are emboldened in our decision to press forward with implementation of this plan based on the experience of Knox and Lake counties in executing successful elections after implementing new systems only weeks before the General Election. The Knox County Board of Elections, which has only four employees, received delivery of new electronic voting devices in October, 1996, a presidential election year, and deployed them in the November General Election.

Lake County issued a request for proposal in April 1999, awarded bids in July of that year, took delivery of a new voting system the following September, and conducted a successful election weeks later in the November General Election.

Under the timetable established in this plan, new voting systems would be installed and operational in time for the Primary Election in 2004, providing local boards of elections with an opportunity to test the new systems before fully engaging them in the 2004 presidential election cycle.

However, we refer to the preceding section of this plan. Full implementation of this plan presumes full funding by the federal government. If the Secretary of State determines that federal funding for implementation of this plan is not forthcoming from the federal government in a timely manner, we will notify the Elections Assistance Commission of our intent to revise this plan and adjust the timetable for implementation.

Boards of Elections should be assured that the Secretary of State will focus all of its available personnel and resources to assist counties in enacting these reforms and meeting the requirements of the Help America Vote Act.

Boards should also be assured the Secretary of State will work with county officials and elections administrators to ensure available resources are distributed as quickly as possible and that cost containment efforts will be undertaken to minimize implementation costs to counties. Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We include in this definition of electronic voting devices the option for some counties to choose optical scanning devices that are HAVA compliant. In counties which have invested in this equipment and prefer these optional voting devices, the Secretary of State will consider deployment of this equipment as acceptable if certain modifications are made to ensure compliance with statewide voting standards. These counties, however, would be required to feature at voting locations electronic voting equipment that accommodates the needs of people with disabilities.

Based on our analysis, which was reinforced in the testimony of Doug Lewis of The Election Center, we believe conversion of the state's punch-card voting system to direct recording electronic (DRE) voting devices will generate certain cost efficiencies we believe will minimize cost and expenses to counties, or at least offset some of the implementation costs.

We presume the transition to electronic voting equipment will, at minimum, reduce printing costs in most counties. We believe there are further savings and efficiencies that will be derived from electronic voting that will reduce personnel and labor costs.

The DRE option also will introduce added efficiencies in the election process that will eliminate issues related to "over-votes," recounts and ensuring full voter participation by persons with disabilities. We also believe an electronic-based voting system will enhance training and education across the spectrum for election officials, voters and poll workers if the system is sufficiently user-friendly.

Based on the foregoing, following is a summary of the State Plan for Ohio based on the requirements delineated in Section 254 of Public Law 107-252:

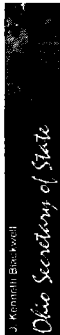
- (1) How the State will use the requirement payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Ohio will implement new voting systems and procedures that meet the general requirements of Title III ensuring the systems have audit capacity, disability access, and alternative language accessibility, where applicable, and that the systems meet error rate thresholds established by the Federal Elections Commission.

- (2) 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 paragraph (1).

Ohio anticipates federal funding and state matching funds will be about \$161 million. The Secretary of State will allocate about \$136 million of that amount for installation of new voting equipment and upgrades of existing voting equipment in Ohio counties, and use the remaining portion to implement statewide voter registration and establish a provisional voting hotline. Disbursements in the amount of \$5 million will be

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan



available to Ohio's 88 counties for election official and poll worker training. Additionally, the Secretary of State will make \$5 million to \$10 million available for administration of a statewide voter education program. The Secretary of State will draft guidelines and reporting requirements to monitor distribution of these funds and to ensure county compliance with the Help America Vote Act of 2002.

- (3) **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.**

See response to No. 2. Additionally, the Secretary of State, in establishing an authorized vendor list for deployment of new voting equipment, will require vendors to include, as part of their bid proposal, fund allocation that includes voter education, election official education and training, and poll worker training. The Secretary of State also will implement new programs and procedures to supplement these vendor requirements and efforts at the county level to address these issues.

- (4) **How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.**

See preceding responses. Ohio will replace punch-card voting in the State and require deployment and installation of electronic-based voting devices that meet the requirements of the Act. The request for proposal for new voting equipment will be crafted to presume required features and safeguards that ensure a uniform voting standard and compliance in all Ohio counties with specific requirements of the Act.

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

Such a fund has already been established by the Secretary of State and will be monitored by both the Secretary of State and the Auditor of State, as Ohio law applies to state auditing requirements and reporting procedures. Fund management procedures include quarterly reports to the Election Assistance Commission to detail receipt and expenditure of funds, and how those funds were used to meet the objectives of the Act.

- (6) **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.**

See response to No. 2 and the fund distribution table on page 23 of the State Plan. The Secretary of State believes full implementation of the plan will require all available federal funding and state matching funds to meet the requirements of the Act.

June 16, 2003

47

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan



- (7) **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.**

(See Section XV, *Requirements Payments: Maintenance of Effort*.) Attached to this State Plan are budget materials that show the level of spending for election services by the Secretary of State in FY 2000 and projected levels of spending for FY 2004-05. The Secretary certifies that no federal funds for Requirements payments earmarked for voter reforms and system modernization will be used to supplement the state budget for operation and administration of the office.

- (8) **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 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.**

The Secretary of State assumes full responsibility for ensuring compliance with the Act. Specific timetables are included in this plan which requires all punch-card and lever machine counties to install and deploy new voting equipment that meets the uniform standards of the Act by Feb. 1, 2004. All other counties will be compliant with the Act by Jan. 1, 2006. The plan calls for a statewide voter registration system to be in place and fully operational by Dec. 1, 2003. See Section XIV for ongoing performance measurement. Additionally, the Secretary of State will ensure compliance of all county boards by Sept. 1, 2003 by assigning a vendor to any county which has failed to select a vendor for election system improvements.

- (9) **A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.**

See attached procedure and refer to Section XIII of the State Plan, Administrative Complaint Procedures and Grievances.

- (10) **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.**

See response to No. 2. Ohio will use funds from Title I for antiquated systems buyout and to improve election administration activities and procedures. See the fund distribution table on page 23 of the State Plan and allocation and distribution formula described on page 24.

June 16, 2003

48

State Plan Committee
Help America Vote Act 2002
Preliminary State Plan

J. Kenneth Blackwell

Office Secretary of State

(11) How the State will conduct ongoing management of the plan.

See Section XIV, Ongoing Performance Measurement. Throughout this State Plan is a description of the management practices and procedures outlined by the Secretary of State to ensure compliance with the Act. Any material change in this plan will result in a resubmission of the Plan in accordance with Sections 255 and 256 of the Act.

(12) 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 how the State succeeded in carrying out the State Plan for such previous fiscal year.

This State Plan represents Ohio's initial submission of a State Plan to the Elections Assistance Commission.

(13) 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 and section 256.

See page 3, The State Plan Committee, and Section VI, How Ohio Developed its State Plan.

This State Plan respectfully submitted to the Elections Assistance Commission, in accordance with U.S. Public Law 107-252, this 16th day of June, 2003.



J. KENNETH BLACKWELL
Secretary of State
The State of Ohio



Oklahoma State Election Board

The State Election Board provides training materials — an Instructor's manual, participant materials and, in recent years, a video — for Precinct Official training. All Precinct Officials are trained in even-numbered years prior to the start of the statewide election season. (This training may begin in late 2003 because Oklahoma's 2004 Presidential Preferential Primary Election has been moved to February 3, 2004.)

Supply Inventory

Materials used for voter registration services and to conduct elections also are provided by the State Election Board. All forms used in the conduct of an election, as well as such items as paper clips, pens, ballot transfer boxes, and absentee ballot envelopes, are provided to the County Election Board by the State Election Board. The State Election Board keeps records of the election supply inventory in County Election Board offices and ships new supplies and materials in the summer of even-numbered years and at other times as necessary.

Statewide System

By the late 1980s, four counties (Oklahoma, Tulsa, Cleveland and Canadian) were using optical scan vote counting devices in their precincts, and three of those counties (Oklahoma, Tulsa, and Cleveland) had computerized their voter registration records. Procedures for using these systems were worked out by the County Election Board personnel. Although the State Election Board staff provided advice and adapted materials when requested to accommodate the different voting device and voter registration systems, it soon became apparent that if individual counties continued to acquire their own vote counting systems, Oklahoma's uniform statewide election system would be rapidly and irrevocably lost.

In 1989, the Oklahoma Legislature authorized a project that soon became known as the Oklahoma Election Management System (OEMS). OEMS is comprised of the hardware and software needed to automate and computerize most of the basic administrative functions of the County Election Board office. OEMS was implemented in three stages beginning on July 1, 1990, when the statewide voter registration and absentee voting functions went online, through March 10, 1992, when the optical scan precinct vote counting devices were used for the first time in the Presidential Preferential Primary Election.

Acquisition of the computer and voting device hardware and the development of software was borne by the state, paid by a special bond issue. As with other aspects of Oklahoma's election system, the ongoing maintenance of OEMS hardware and software is funded by the state.

HAVA Requirements

Many of the administrative changes required by HAVA on a national basis are already in place in Oklahoma, implemented in stages over two decades from the mid-1970s through the mid-1990s. As for those elements of HAVA that are not already part of Oklahoma's system of election administration, our system can and will be adapted to accommodate the newly prescribed tasks and responsibilities.

August 18, 2003

Page 2



Oklahoma State Election Board

State of Oklahoma Plan for Implementation of the Help America Vote Act of 2002 INTRODUCTION

The Help America Vote Act of 2002 (HAVA) requires significant changes in methods used by state and local jurisdictions to conduct elections and administer voter registration. The Act authorizes new funds to improve election administration at both the state and local levels. HAVA also increases the involvement, for most states, of state officials in the conduct of elections at the local level.

Authority of State Election Board Secretary

In Oklahoma, we understand both the concept and the advantages of a uniform system of election administration. The system in place in Oklahoma today was born on January 1, 1975, when a new set of election laws became effective. One of the most important features of Oklahoma's election system is the authority of the Secretary of the State Election Board.

"The Secretary of the State Election Board shall be the administrative officer of the State Election Board and shall have general supervisory authority over county election boards. . . . The Secretary may promulgate, repeal or modify such rules or regulations as he deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws. . . ." [Title 26 O.S. 2001, Section 2-107]

The Secretary of the State Election Board has used the rulemaking authority granted by the statute to create and implement uniform procedures governing every aspect of the operations of the 77 County Election Boards in Oklahoma. Beginning with the first publication of the *Secretary's Digest* (a compendium of the administrative rules, illustrations and other material) in 1975, and continuing to this day, the Oklahoma State Election Board provides the County Election Boards both with a consistent interpretation of the election laws and with instructions and procedures necessary to implement those laws on a daily basis.

Training

The Oklahoma Election Code of 1974 (Title 26 of the *Oklahoma Statutes*) also included stringent training requirements for county and precinct election officials. In order to meet this duty, the State Election Board staff conducts training for new County Election Board Secretaries, Assistant Secretaries and/or Chief Clerks at the time of their appointment/employment. The training consists of a self-guided workbook course called the *Independent Study Program* which is completed in the County Election Board office, and a two-day course in the use of the Oklahoma Election Management System software conducted in the State Election Board's office in Oklahoma City. Additionally, training workshops for County Election Board Secretaries and their staffs are held at locations across the state in the fall of odd-numbered years.

August 18, 2003

Page 1



Oklahoma State Election Board

Committees

State Election Board Secretary Michael Clingman recently formed two committees (see page 27 for membership lists and additional information) to assist the State Election Board staff with the preparation of the state plan and with development of procedures for the provisional voting and voter identification requirements of HAVA.

Administrative Rules

Our immediate plan is to promulgate emergency administrative rules, as provided in Title 75, Section 253 of the Oklahoma Statutes, that prescribe procedures for provisional voting and voter identification. These emergency rules will be in effect for the Presidential Preferential Primary Election in early 2004. Additional emergency rules will be promulgated following enactment of HAVA compliance legislation next year, with permanent administrative rules finally being promulgated in early 2005.

Legislation

Legislation that will conform Oklahoma's election laws to the requirements in HAVA will be introduced in the 2004 regular session of the Oklahoma Legislature. Recommendations concerning that legislation will be developed over the coming months by the Secretary, in consultation with County Election Board personnel and other interested parties.

The election officials involved in the development of this first state plan are committed to the standard of a single set of procedures for all elections they conduct — federal, state, county, municipal and school district. They believe it imperative that HAVA requirements — especially provisional voting, but others as well — be extended to all elections by the Oklahoma Legislature in 2004.

State Plan

In the following pages, Oklahoma's initial plan for implementing the requirements of HAVA is outlined. Many specific decisions concerning implementation have not yet been made; therefore, the plan is primarily a statement of intent and a description of the methods we expect to use to arrive at those decisions. It should be noted that we intend to meet the various deadlines of the major HAVA requirements, although it is possible that the solution employed to meet those deadlines may not be the final, long-term solution of choice. We anticipate much of this plan will change over the next three to five years as Oklahoma election officials make the new requirements of HAVA part of their daily routine. The uncertain availability of federal funding for HAVA beyond the current fiscal year's appropriations will impact the future of this plan.



Oklahoma State Election Board

Required Provisions of State Plan

SEC. 254. STATE PLAN. (42 U.S.C. 15404)

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

- (1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.
- (2) 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 paragraph (1), including a description of—
 - (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).
- (3) 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.
- (4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.
- (5) How the State will establish a fund described in sub-section (b) for purposes of administering the State's activities under this part, including information on fund management.
- (6) 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.
- (7) 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.
- (8) 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.



Oklahoma State Election Board

- (9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.
- (10) 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.
- (11) 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).
- (12) 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.
- (13) 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 and section 256.

August 18, 2003

Page 5



Oklahoma State Election Board

Section 254 (a):

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

Oklahoma plans to use the requirements payment to implement the following election and voter registration administration changes and/or improvements as required by HAVA.

- **Implementation of provisional voting [Sec. 302(a)].** Provisional voting as described in HAVA does not currently exist in Oklahoma. The Secretary of the State Election Board is in the process of developing procedures for provisional voting, in consultation with the Local Election Officials Working Committee members, which will be promulgated as emergency rules in time to be implemented for the Presidential Preferential Primary Election in early 2004. Such emergency rules will be applicable only to elections involving federal offices. State law must be amended to extend provisional voting to other elections in Oklahoma.
- **Implementation of voter identification requirements [Sec. 303(b)(2)].** Voter identification requirements for first time voters in the Presidential Preferential Primary Election will be implemented by emergency administrative rules. Procedures for Precinct Election Officials and for County Election Board personnel are being developed by the State Election Board staff and the Local Election Officials Working Committee members. Like the emergency rules for provisional voting, the emergency voter identification rules will be applicable only to elections involving federal offices. State law must be amended to extend voter identification requirements to other elections in Oklahoma.
- **Coordination of state databases [Sec. 303(a)].** Since the implementation of the National Voter Registration Act in Oklahoma in 1995, the State Election Board has been interested in coordinating the voter registration database with the Department of Public Safety's driver's license database. Although some discussions on the subject were conducted with DPS officials in 1994 and 1995, no solution could be devised that either agency could afford to implement. New discussions will be held with DPS officials and we are confident that a solution eventually will be developed.
- **Upgrades for state voter registration database [Sec. 303(a)].** The statewide voter registration database in place in Oklahoma since 1990 is compliant with most of the requirements of HAVA. The existing database can be upgraded only on the platform on which it resides currently. Therefore, any discussion of "upgrading" the Oklahoma voter registration database is actually a discussion of replacing both the database and the hardware platform.

August 18, 2003

Page 6



Oklahoma State Election Board

- Improved processes for minority language voters [Sec. 301(a)(4)].** The Bureau of the Census determined in 2002 that, as a result of the 2000 federal Census, two counties in Oklahoma (Harmon and Texas) are required to provide minority language services to Hispanic voters. The State Election Board staff and the Secretaries of those two County Election Boards took a number of emergency steps to ensure that such services were provided in the 2002 elections. We intend to adapt the language material used in those two counties for use statewide, as well as to continue to improve language accessibility services and materials in those counties.
- Improvement in voter outreach programs.** Voter outreach has not been a priority for the State Election Board for many years, although in the late 1970s and early 1980s several ambitious voter education and outreach projects were coordinated by the State Election Board staff. We recognize that successful implementation of many of the changes to election procedure at the polling place (provisional voting, voter identification requirements and, eventually, new voting devices) all will require carefully designed and targeted voter education and outreach programs.
- Study on implementation of all-mail elections in Oklahoma.** The issue of all-mail elections was considered in Oklahoma several years ago, but not pursued because we could not realize the kinds of savings claimed by Oregon and other jurisdictions considering the process. However, the issue is worth revisiting in light of the potential expense of placing several DRE touch-screen devices in every precinct.
- Precinct Official training.** Precinct Official training, always considered by Oklahoma election officials as one of our most important election preparation duties, will be even more vital as we prepare for the 2004 Presidential Preferential Primary Election on February 3, 2004. The training program for Precinct Officials will be revised for the Presidential Preferential Primary Election, based on procedures adopted as emergency administrative rules. Following the 2004 session of the Oklahoma Legislature, when we anticipate HAVA compliance legislation to incorporate HAVA requirements into state law and to apply those requirements to all elections conducted by the State and County Election Boards, it is possible that a second round of Precinct Official training may occur prior to the Primary Election on July 27, 2004, in order to accommodate any differences between the procedures established in the emergency rules and new state law.

August 18, 2003

Page 8



Oklahoma State Election Board

- Polling place technology enhancements [Sec. 301].** Oklahoma election officials and voters are generally well-pleased with the Optech IIP-E optical scan voting devices used here since 1992. However, in order to comply with the disability access requirements of HAVA, our system must either be modified or replaced by January 1, 2006. Although we cannot at this time know what the best course for Oklahoma will be, we do know that a large percentage of the HAVA funding due to Oklahoma will be applied to polling place technology.
- Design and/or evaluation of new voting device system.** One of the first steps to implementing the polling place technology enhancements referred to in the previous paragraph will be to evaluate existing voting device systems and to investigate methods for integrating new technology with our existing optical scan devices. We anticipate that another working group of election officials interested in evaluating voting systems and making recommendations to the Secretary of the State Election Board and to the Legislature will be formed later this year. State Election Board staff members already have attended a vendor show in Jackson, Mississippi, and we anticipate they will attend other similar events in the future. Expenses connected with these efforts will be paid with a portion of the requirements payments.
- Support for newly created federal agencies.** The State Election Board will reimburse expenses incurred by Oklahoma's representatives on the Standards Board as they travel to meetings.
- Improved process for uniformed services and overseas voters [Title VII and UOCAVA].** Legislation (SB358) was passed in the 2003 session of the Oklahoma Legislature to implement the provisions of Title VII of HAVA and to codify a solution to the ongoing problem of insufficient ballot transit time for UOCAVA voters for Oklahoma's Runoff Primary Election. Implementation of this legislation will require promulgation of new and amended emergency rules and permanent rules; design, production and distribution of several new forms and instructional materials for UOCAVA voters; and revision of some other absentee voting materials used by UOCAVA voters. However, another bill (SB260) that changes the dates of the candidate filing period and of the Primary and Runoff Primary Elections in 2004 already has been passed by the Legislature and signed by the Governor. The new election schedule does not alleviate the ballot transit time problem for the Runoff Primary and actually reduces the amount of time available prior to the Primary Election.
- Improved processes for disabled voters [Sec. 301(a)(3)].** We expect to apply a large portion of the funds available to us to acquire appropriately accessible polling place technology to meet the HAVA mandates. We also expect to use HAVA funding to improve access to other services and information provided to disabled voters.

August 18, 2003

Page 7



Oklahoma State Election Board

Section 254 (a):

(2) 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 paragraph (1), including a description of—

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).

As stated in the introduction, many of the duties and responsibilities that HAVA shifts from local jurisdictions to the states were assumed by the State of Oklahoma in stages over a period of almost twenty years. Acquisition and maintenance of election equipment, database resources, training, and many other functions of election administration are funded by the State through budget appropriations to the State Election Board. In turn, the State Election Board has several mechanisms in place to purchase and distribute supplies and other materials to the County Election Boards and to reimburse county governments for a variety of expenditures related to elections and the operations of County Election Board offices. Any new equipment will be purchased and owned by the state and provided to the County Election Boards at no cost.

We anticipate no change in this system of state-funded election administration as HAVA is implemented. Resources will be allocated to the County Election Boards based upon population and voter registration levels, numbers of precincts, minority language assistance requirements, and many other factors, in the same way that state resources are allocated now.

However, it is possible that when HAVA is fully implemented in Oklahoma, county governments will incur some expenses that do not exist at the present time. As in the past, the State Election Board staff will make every reasonable effort to keep any such new expenses to a minimum and to assist with those expenses whenever and however possible.

The Secretary of the State Election Board will monitor the performance of the County Election Boards through a variety of methods that will include, but not be limited to, the following.

- **Regular reports on various aspects of election administration and HAVA-related requirements.** County Election Board Secretaries are required by administrative rule (OAC 230:10-7-51; 230:40-3-23; 230:40-5-84; 230:40-7-118) to file "election analysis reports," following all regular and special statewide, county, municipal, and school district elections. These reports include figures on the number of voters who cast ballots at polling places, the numbers of absentee ballots cast, the outcome of the elections, and the expenses associated with the election. These reports are compiled by State Election Board staff and provide a great deal of valuable information about elections of all types in Oklahoma.



Oklahoma State Election Board

- **Information collected by Regional Coordinators.** Regional Coordinators are County Election Board Secretaries, Assistant Secretaries or Chief Clerks who work with the State Election Board staff to provide information to the County Election Boards and to provide feedback to the State Election Board staff on many subjects. The members of the Regional Coordinator program are an absolutely invaluable resource both to the State Election Board staff and the County Election Boards and they will play a vital role in the successful implementation of HAVA. (See Appendix B for more information about Regional Coordinators.)



Oklahoma State Election Board

Section 254 (a):

(3) 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 Election Board staff develops training programs for County Election Board Secretaries, Assistant Secretaries and/or Chief Clerks and other employees, for County Election Board members, and for Precinct Officials. Information on the new procedures required by title III, especially provisional voting and voter identification requirements, will be incorporated into existing training materials. Additionally, special training will be provided as needed to any election official charged with direct implementation of a procedure that affects individual voters.

Two events already are in the planning stages for the second half of 2003. First, the 2003 Summer Seminar is scheduled in July and will feature information about HAVA. Summer Seminars have been held regularly since the late 1980s and are intended to provide County Election Board personnel with information and ideas about a variety of election administration topics and the viewpoints of their counterparts in other states.

Second, in the fall of odd-numbered years, the State Election Board regularly conducts workshops at several locations around the state. Attendance at Fall Workshops is mandatory for County Election Board Secretaries and Assistant Secretaries or Chief Clerks. These programs provide County Election Board personnel with instruction on new laws and procedures, and usually involve several members of the State Election Board staff, usually including the State Election Board Secretary and Assistant Secretary. The Fall Workshops for 2003 have not yet been scheduled, but most of the subject matter will be related to HAVA.

HAVA funding will be used to educate Oklahoma voters about provisional voting, voter identification requirements, and, eventually, about the new precinct voting system. No specific voter education plans have been made at this time. However, we publish and distribute several informational items to County Election Boards, candidates, and the general public during election years and all these documents will be revised to include pertinent HAVA-related information. [A list of State Election Board's publications for County Election Boards and for the general public is included in Appendix C.] A few examples:

- **Voter information brochures.** A series of four brochures are provided for voter information and education. The topics covered by these brochures are voter registration, absentee voting, voter assistance, and elections. All four brochures will be revised to include relevant information concerning HAVA in 2004.
- **A Guide to the Statewide Elections.** This booklet is prepared for candidates, the news media and the general public. It contains basic information about candidate filing, voter registration, absentee voting, and election day procedures, as well as

August 18, 2003

Page 11



Oklahoma State Election Board

information on recounts and other contests of elections. This publication will be revised to include information about HAVA. It will be available prior to the candidate filing period in 2004.

- **Press Release Kit.** The State Election Board staff has prepared a set of generic, fill-in-the-blank press release forms for County Election Boards to use to provide local newspapers and radio stations with basic information about all elections they conduct. Existing press releases in the Kit will be revised and new ones added as necessary in 2004 to accommodate information about HAVA.

- **Vote Oklahoma! Vote Oklahoma!** is a publication designed for use in the classroom. It includes information on the history of voting in the United States, exercises, and materials and instructions for mock voter registration and mock election activities. It will be revised to include information about HAVA.

- **The Oklahoma Ballot Box.** *The Oklahoma Ballot Box*, a newsletter published by the Secretary of the State Election Board and distributed to County Election Board members, alternate members, Secretaries and staff is an ideal vehicle for keeping County Election Board personnel informed about new issues and changing procedures. Published monthly from 1974 until 2002, and now published bimonthly, the *Ballot Box* regularly features articles on such topics as proofreading ballots, new legislation and procedures, new personnel in various counties, and ideas for organizing offices and election supplies. At least two articles were published about HAVA in 2002, and an announcement of the formation of the State Plan Advisory Committee and of the Local Election Professionals Working Committee appeared early in 2003. More coverage is planned in the months ahead.

- **The State Election Board website.** Our website (www.elections.state.ok.us) will be an important avenue for the dissemination of voter information in the coming years. At the present time, it includes information about the formation of the State Plan Advisory Committee, the Local Election Professionals Working Committee, and summaries of the meetings held by each committee. The state plan also will be posted when it is completed.

Prior to the first statewide use of optical scan voting devices in 1992, County Election Board Secretaries were encouraged to conduct a number of public demonstrations of the devices, using a mock election entitled "The Best of Oklahoma." Following instructions and procedures soon to be used to set up the real Presidential Preferential Primary Election, State and County Election Board staff members created a mock primary election. Ballots were printed by the State Election Board for the election and distributed to the counties. County Election Board Secretaries and staff members then conducted the demonstration election over a period of several days by taking voting devices to community events, local schools, club meetings, churches and many other gathering places such as malls and grocery stores and offered voters the opportunity to mark a ballot and

August 18, 2003

Page 12



Oklahoma State Election Board

insert it in the device. Personnel staffing the Best of Oklahoma demonstrations were able to answer questions from voters concerning the device itself, the correct way to mark a ballot, etc.

Later, at a specified time, County Election Board personnel across the state began uploading the data from voting device memory packs into the computer system and "certified" the results to the State Election Board. The State Election Board staff tested the new statewide results accumulation software and eventually certified statewide results of the demonstration election. The Best of Oklahoma demonstration election provided a very effective and informative dress rehearsal for all aspects of the new system a few weeks prior to the Presidential Preferential Primary Election.

The Best of Oklahoma demonstration election and ballots are still used for classroom presentations and other demonstration purposes.

We anticipate developing similar education and outreach programs to implement various elements of HAVA.

August 18, 2003

Page 13



Oklahoma State Election Board

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

We anticipate receiving input from County Election Board personnel, from state legislators, other state officials, and the public before any decision is made concerning a new precinct vote counting system in the State of Oklahoma. Additionally, the voluntary voting system guidelines to be recommended by the Technical Guidelines Development Committee will be considered. Oklahoma officials will not pursue acquisition of a voting system that fails to meet the requirements stated in section 301 or one that lacks a proven record of accuracy and reliability in the field.

Procedures concerning the use of a new voting system by County Election Board personnel and Precinct Officials will be developed by the State Election Board staff, in consultation with the vendor and County Election Board personnel, especially those who are members of the Regional Coordinator program. Such procedures eventually will be promulgated by the Secretary of the State Election Board as administrative rules under the provisions of the Oklahoma Administrative Procedures Act (75 O.S. 2001, § 250 et seq) and published in both the Oklahoma Administrative Code (Title 230) and in the *Secretary's Digest*.

August 18, 2003

Page 14



Oklahoma State Election Board

Section 254 (a):

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

Senate Bill 192 has been passed by the Legislature and signed by the Governor. It creates two new funds in the State Treasury, the "State Election Board Election System Revolving Fund" and the "State Election Board Help America Vote Act Revolving Fund," for the receipt and expenditure of HAVA funds. Both funds are continuing funds not subject to fiscal year limitations. The bill contained an emergency clause making it effective immediately upon passage and approval.

Both new funds will be subject to procedures of the State Treasurer's office and the Office of State Finance and to audit by the Office of the State Auditor and Inspector. The funds will be managed by State Election Board personnel responsible for managing our other financial resources with personnel from these other state agencies performing oversight and review functions.



Oklahoma State Election Board

Section 254 (a):

(6) 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.

(A) Oklahoma may receive requirements payments of as much as \$40 million if HAVA is fully funded beyond the current fiscal year's appropriations. The title III mandates are listed below in several broad categories along with an estimated amount to be budgeted for implementing each.

Provisional Voting	\$500,000.00
Voter ID requirements for voters who register by mail on or after January 1, 2003	\$165,000.00
Voting System Standards	\$33,400,000.00
• technical enhancements and adaptations to integrate current optical scan devices with a compliant DRE in each polling place — \$900,000.00	
• purchase and support of approximately 2500 compliant DREs (one per polling place) — \$13,000,000.00	
• replacing all precinct vote counting devices and central count devices used in largest counties — \$19,500,000.00	



Oklahoma State Election Board

Database requirements and hardware platform

\$11,100,000.00

- coordination of state agency databases --- \$300,000.00
- replacing election management system, including study, design, purchase, implementation, training and support for new hardware and software --- \$10,800,000.00

TOTAL:

\$45,165,000.00

(B) If the State provides additional funding for these projects, we expect to use not less than 70% of the requirements payments for completion of these activities.

(C) We expect to use approximately 30% of the requirements payments to fund other activities which are related to these activities but not directly part of them, such as general voter outreach and public information projects.



Oklahoma State Election Board

Section 254 (a):

(7) 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.

The maintenance of effort requirements of HAVA should pose no problem in Oklahoma, which, as previously stated, has made significant investments in the election system. The State of Oklahoma will continue to fund the election system at or above the level required by HAVA. HAVA funds will be used only for the new and enhanced programs and procedures required by HAVA.



Oklahoma State Election Board

Section 254 (a):

(8) 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.

The State Election Board staff, in consultation with County Election Board personnel, especially those who serve in the Regional Coordinator program (see Appendix B), will identify the performance goals and define the measures to be used to determine the success of the State and County Election Boards in implementing the plan.

The Secretary of each County Election Board will be responsible for meeting the performance goals at the county level. Ultimately, the Secretary of the State Election Board is the official responsible for ensuring that each performance goal is met by the County Election Boards and by the State of Oklahoma.

Information routinely collected by the County Election Boards and reported to the State Election Board can be used to determine successful implementation of HAVA requirements. Existing reports will be revised to include information about HAVA, and new reports may be created to monitor provisional voting, voter identification requirements, etc.

Following is a list of some reports compiled by the State Election Board staff. This list is not all-inclusive, but is representative of the areas in which we already monitor performance of the County Election Boards.

Voter registration statistics

- **January Registration Report.** No later than January 15 each year, the State Election Board compiles a report on voter registration by county. The report lists the number of voters registered as members of each recognized political party or political organization or as Independent (nonpartisan) voters. The report also lists the number of precincts in each county. The January 15 report on voter registration is the official statement of voter registration in Oklahoma. In even-numbered years, a supplemental report is prepared on November 1 to provide a more accurate count prior to the General Election. The report is compiled by OEMS.

- **Monthly Administration and Registration Reports.** This report, created automatically by OEMS in each county every month, details voter registration transactions in the county – new registrations and changes of address, name, or political affiliation – and cancellations of registrations. It also lists the numbers of voter registration applications received by source category (County Election Board



Oklahoma State Election Board

office, by mail, motor license agencies, public assistance agencies, disability service agencies, armed forces recruitment offices, and other agencies), and inactive voters restored to active status as a result of voting or submitting a change to their voter registration. A statewide version of the monthly administration and registration report is also compiled and summarized by OEMS at the State Election Board. The January administration and registration report is the source of the official annual January 15 report.

Polling place accessibility

- **Physical accessibility of facility.** The State Election Board requires biennial reports on the physical accessibility of polling places at General Elections. County Election Board Secretaries are required to maintain records in OEMS on the physical accessibility of their polling places and to survey potential polling place locations for accessibility. The survey form used was developed several years ago and is based on survey forms recommended by the Federal Election Commission when biennial reports on accessibility still were required under the Voting Accessibility for the Elderly and Handicapped Act of 1984.

- **Numbers of voters who require assistance as provided by Oklahoma statutes.** State law currently allows assistance to blind and visually disabled voters, to physically incapacitated voters, to physically incapacitated voters who cannot enter the polling place, and to illiterate voters. These statistics are collected as part of the election analysis reports filed by the County Election Board Secretary following elections.

Absentee voting statistics. Absentee voting statistics are included in each county's election analysis report. The reports from each county are compiled by State Election Board staff members. The absentee voting statistics include the numbers of applications for absentee ballots received, ballots mailed; voted ballots returned; ballots counted and ballots not counted.

Precinct Official training. County Election Board Secretaries are required to maintain records on the training of each Precinct Official appointed in their counties. Questions concerning the correct use of certain forms and materials on election day and the frequency of certain common errors by Precinct Officials have been used for years by the State Election Board staff to evaluate the effectiveness of Precinct Official training.

County Election Board financial information. The State Election Board staff routinely tracks certain information about funds appropriated to County Election Boards by the counties using data entered in OEMS and information collected by Regional Coordinators during their quarterly county visits. Regional Coordinators and the State Election Board staff also monitor use of the County Election Board Special Depository Account. Election expense information also is included on the election analysis reports.



Oklahoma State Election Board

Voting device usage and maintenance. County Election Boards submit regular reports to the State Election Board on the use of the voting devices. The State Election Board staff maintains records on maintenance performed on the devices and related equipment.



Oklahoma State Election Board

Section 254 (a):
(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

The Secretary of the State Election Board will adopt emergency administrative rules to create and implement a complaint procedure to be in effect for the 2004 Presidential Preferential Primary Election. The complaint procedure will meet the requirements outlined in Sec. 402(a)(2) and will apply only to complaints concerning suspected violations of title III in elections involving candidates for federal offices. The complaint procedure may be expanded to suspected violations in other elections conducted by County Election Boards after the Oklahoma Legislature enacts HAVA compliance legislation in its 2004 session.



Oklahoma State Election Board

Section 254 (a):

(10) 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.

We anticipate using funds received under title I (\$5 million) for a variety of projects, including but not necessarily limited to the following.

- Reimbursement of expenses incurred in connection with the activities of the State Plan Advisory Committee and the Local Election Professionals Working Committee.
- Promulgation of emergency rules needed to comply with the HAVA requirements that become effective January 1, 2004.
- Obtaining the services of appropriate consultants to assist the State Election Board staff with the development and implementation of procedures, systems and materials necessary to meet the requirements and established deadlines of HAVA.
- Development of materials and implementation of training for Precinct Officials that include new procedures established by said emergency rules prior to the 2004 Presidential Preferential Primary Election.
- Obtaining the services of training professionals to assist with and/or to conduct training for Precinct Officials.
- Information and training for County Election Board personnel on the requirements of HAVA and its effect on the Oklahoma election system.
- Software updates for OEMS to identify those voters who must provide identification when voting for the first time as required by Section 303(b).
- Updates for the Voter Information Request System (VIRS) software included in OEMS.
- Expanding Internet capabilities and improving the State Election Board website.
- Redesigning forms, such as the Oklahoma Voter Registration Application form and absentee ballot applications, and revising, printing and distributing publications to include HAVA requirements.
- Planning for database replacement.

August 18, 2003

Page 23



Oklahoma State Election Board

- Examining and perhaps testing DRE systems in anticipation of acquiring these devices to meet the requirements of Section 301(a)(3)(B).
- On-site evaluation of voting systems in other jurisdictions.

August 18, 2003

Page 24



Oklahoma State Election Board

Section 254 (a):

(11) 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).

The Secretary of the State Election Board and the staff of the State Election Board will manage the activities described in this plan and required by HAVA in the same way all other agency activities are managed. We are fortunate in the Oklahoma election system already to have in place excellent working relationships between the State Election Board staff and the 77 County Election Boards. We also have the experiences of implementing OEMS in 1989 through 1992 and of implementing NVRA in 1995 to draw upon as we look toward the implementation of new procedures and, eventually, a new voting device system.

In the event that consultants are hired to assist with the development and implementation of systems, procedures and materials, those consultants may be required to monitor and manage certain activities and to report regularly on those activities to the Secretary of the State Election Board and/or to designated State Election Board staff members.

Any material change in Oklahoma's state plan will be developed in consultation with County Election Board personnel, especially the members of the Regional Coordinator program, and with other state officials. Any such material changes will be subject to public comment and, once adopted, they will be published in the Federal Register before taking effect.

August 18, 2003

Page 25



Oklahoma State Election Board

Section 254 (a):

(12) 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.

This is the first state plan.

August 18, 2003

Page 26



Oklahoma State Election Board

Section 254 (a):

(13) 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 and section 256.

The Secretary of the State Election Board is the chief state election official responsible for the implementation of HAVA. In January, 2003, State Election Board Secretary Michael Clingman appointed two committees to advise the State Election Board staff on the development of the state plan.

State Plan Advisory Committee

The first committee, the State Plan Advisory Committee, reflects the membership requirements outlined in Section 255.

- **Doug Sanderson**, Secretary, Oklahoma County Election Board
- **Scott Orbison**, Secretary, Tulsa County Election Board
- **Connie Parnell**, Secretary, Cherokee County Election Board
- **Harvey Bush**, Secretary, Grant County Election Board
- **Paula Roberts**, Secretary, Cleveland County Election Board
- **Lee Slater**, Oklahoma City attorney-at-law, former State Election Board Secretary
- **Steve Stokes**, Oklahoma Office of Handicapped Concerns
- **Ed Romo**, League of United Latin American Citizens
- **Dolores Martin**, League of Women Voters
- **Opio Toure**, State Representative

Oklahoma, Tulsa, and Cleveland Counties are the first, second, and third most populous counties in Oklahoma, respectively. The population of Cherokee County is in the mid-range in Oklahoma and Grant County is one of the smallest.

All the committee members bring unique perspectives to the discussions. Summaries of the discussions during the State Plan Advisory Committee's meeting are included in Appendix D.

Local Election Officials Working Committee

The second committee appointed by Clingman to work with the State Election Board staff on HAVA-related issues is the Local Election Professionals Working Committee. This committee also has reviewed and offered feedback on early drafts of the state plan. However, the Working Committee also has been charged with researching methods for implementing provisional voting and the new voter identification requirements. As mentioned in another section, the Secretary of the State Election Board must promulgate emergency administrative rules to implement these requirements at the Presidential Preferential Primary Election in early 2004. The Working Committee also may participate in the drafting of recommendations for HAVA compliance to the Legislature in 2004.

August 18, 2003

Page 27



Oklahoma State Election Board

Members of the Local Election Professionals Working Committee are listed below.

- **Doug Sanderson**, Secretary, Oklahoma County Election Board
- **Shelly Boggs**, Assistant Secretary, Tulsa County Election Board
- **Connie Parnell**, Secretary, Cherokee County Election Board
- **Paula Roberts**, Secretary, Cleveland County Election Board
- **Pam Strawn**, Assistant Secretary, Cleveland County Election Board
- **Terri Thomas**, Secretary, Rogers County Election Board
- **Joy Naifeh**, Secretary, Creek County Election Board
- **Joyce Smith**, Secretary, Grady County Election Board
- **Joyce Thornburgh**, Secretary, Alfalfa County Election Board

The combined experiences and talents of the Working Committee members resulted in productive meetings. Summaries of the Local Election Professionals Working Committee's meetings are included in Appendix E.

In addition to these two committees, members of the Regional Coordinator program also reviewed early drafts of the state plan and offered valuable feedback on its contents. Regional Coordinators who are not also serving on the Working Committee are listed below.

- **Dondee Klein**, Secretary, Logan County Election Board
- **Jane Roach Crawford**, Secretary, Blaine County Election Board
- **Jan Lacy**, Chief Clerk, Custer County Election Board
- **Barbara Squires**, Secretary, Dewey County Election Board
- **Diana Knight**, Secretary, Pottawatomie County Election Board
- **Yvonne Shively**, Assistant Secretary, Washington County Election Board

August 18, 2003

Page 28



Oklahoma State Election Board

Appendix A: Organization of Oklahoma Election System

State Election Board

The State Election Board was created at statehood in 1907 by the Constitution of the State of Oklahoma:

Article III. Suffrage.

Section 2. State Election Board - Creation - Membership.

The Legislature shall create a State Election Board to be charged with the supervision of such elections as the Legislature shall direct. Not more than a majority of the members of said Board shall be selected from the same political party.

The details of the Board's membership, organization, and responsibilities are defined by the Legislature in the Oklahoma Statutes, Title 26, Section 2-101, et seq, and are summarized below.

The State Election Board consists of three members, appointed by the Governor from lists of nominees provided by the state central committees of the two political parties with the largest numbers of registered voters as shown on the January registration report. Two members are appointed from the party with the largest number of registered voters, and one member from the party with the second largest number of registered voters. The Governor's appointments to the State Election Board are subject to the advice and consent of the State Senate.

State Election Board members serve four-year terms, beginning on the first Monday in April in odd-numbered years following the election of the Governor. The three members meet on that day to elect a Chairman and Vice Chairman.

The State Election Board is charged by law with the responsibility of appointing County Election Board members and Secretaries, with certifying the results of state elections and of hearing contests of candidacy involving candidates for state offices. The members of the State Election Board have no responsibility for the day-to-day operation of the election system or for the activities of the State Election Board staff.

Secretary of the State Election Board

The Secretary of the State Senate also serves as Secretary of the State Election Board. The Secretary of the State Election Board was a member of the State Election Board until 1981, when new laws (26 O.S. § 2-101.5 and 2-101.6) provided for the appointment of a third member of the Board who is not the Secretary.

August 18, 2003

Page 29



Oklahoma State Election Board

The duties of the Secretary are outlined in the Oklahoma Statutes:

26 O.S. § 2-107. Secretary's duties

The Secretary of the State Election Board shall be the administrative officer of the State Election Board and shall have general supervisory authority over county election boards and shall have the authority to provide administrative supervision to any county election board, as well as the authority to stand in the place of the secretary of the county election board for the purpose of employing county election board personnel when a vacancy exists in the office of the secretary of the county election board. The Secretary shall have the authority to employ and fix the salaries and duties of such personnel as may be necessary to perform the duties of the State Election Board. The Secretary may promulgate, repeal or modify such rules or regulations as the Secretary deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws and a maximum degree of correctness, impartiality and efficiency in administration of the election laws; provided, however, that such rules or regulations, to be binding and effective, must have been officially adopted by the Secretary of the State Election Board; the procedure and adoption of such rules and regulations shall be subject to the provisions of the Administrative Procedures Act. The Secretary shall promote and encourage voter registration and voter participation in elections. The Secretary shall be the chief state election official responsible for coordination of state responsibilities under the National Voter Registration Act of 1993. The Secretary shall have the authority to implement programs for confirmation of voter registration and for removal of ineligible voters in compliance with general Oklahoma election law and requirements of the National Voter Registration Act of 1993.

The Secretary of the State Election Board is responsible for the day-to-day operation of the Oklahoma election system and of the State Election Board staff.

State Election Board Staff

The State Election Board staff currently consists of 22 employees organized in four divisions: General Services, Support Services, Information Services and Election Services.

County Election Boards

The County Election Boards are established by the Oklahoma Statutes:

Section 2-110 - County Election Boards - Number of Members.

A county election board shall be appointed in each of the seventy-seven counties of Oklahoma and shall be composed of three (3) members.

County Election Board members are appointed by the State Election Board from nominations submitted by the county central committees of the two political parties with the largest numbers of registered voters in the state, based on the latest January 15 registration report. One member is

August 18, 2003

Page 30



Oklahoma State Election Board

shall be equal to one-half (1/2) of the salary of the highest salaried first or chief deputy or assistant to any county officer in the same county, or ninety percent (90%) of the scheduled salary of the secretary in the same county, whichever is lower. The salary limitation contained in this section shall not operate to reduce the salary of any person employed as an assistant secretary or chief clerk on May 1, 2003. Salaries of additional personnel, including personnel employed temporarily, shall not exceed the salary of the assistant secretary or chief clerk and shall be comparable to salaries paid for the same positions in other offices within the county. The salaries of the assistant secretary, chief clerk and other personnel shall be paid from county funds on a monthly basis. [1] In the event that the secretary, assistant secretary, chief clerk, or any other essential county election board employee must be away from work for a period of time due to personal illness, family illness, or family emergency, the county election board shall be required to fund compensation of appropriate temporary personnel during the employee's absence.

The salary of the County Election Board Secretary is set by statute according to a schedule based on the number of active registered voters in the county. The County Election Board Secretary's salary and benefits are paid from county funds but are reimbursed to the county by the State Election Board with funds appropriated for that purpose by the Legislature.

County Election Board staffs

The same statute (26 O.S. § 2-117) also requires the employment of an Assistant Secretary or Chief Clerk of the County Election Board and establishes a minimum salary for that individual, based upon the number of registered voters in the county. The County Election Board Secretary also is authorized by administrative rule (OAC 230:10-3-15) to employ additional staff as required to perform the duties of the office. The salaries of the Assistant Secretary or Chief Clerk and any additional personnel are paid from county funds.



Oklahoma State Election Board

appointed from each party. In addition to the County Election Board members, an alternate member is also appointed from each party. The alternate serves in the absence of the member of the same party to provide a quorum in order to certify elections and/or to conduct other business of the Board in a timely manner. County Election Board members and alternates serve four-year terms, and are appointed no later than May 1 in odd-numbered years following election of the Governor. The County Election Board members meet on the first Monday in June following their appointments to elect a Chairman and Vice Chairman.

The members of the County Election Board have no responsibility for the day-to-day operation of the county election system. Their duties include appointment of Precinct Officials, hearing contests of candidacy for county, school and municipal offices, and the canvassing and certification of election results.

County Election Board Secretaries

The Secretary of each County Election Board is appointed by the State Election Board. The Secretary serves a two-year term which begins on May 1 in odd-numbered years. The Secretary of the County Election Board is a voting member of the County Election Board, but may not be elected as either Chairman or Vice Chairman of the Board.

The Secretary of the County Election Board is responsible for the day-to-day operation of the county election system. The basic duties of the Secretary of the County Election Board are outlined in the Statutes:

2-117 - Secretary's Duties - Appointment of Assistant Secretary and Chief Clerk - Compensation.

The secretary of the county election board shall be the administrative officer of the county election board and shall have general supervisory authority over the several precinct election boards within the county. In counties having seventeen thousand five hundred or more registered voters, the secretary shall have the authority to employ and/or terminate an assistant secretary and such other employees as are necessary to perform the duties of the county election board. In counties having fewer than seventeen thousand five hundred registered voters, the secretary shall employ a chief clerk and such other employees as are necessary to perform the duties of the county election board. In the event a vacancy exists in the office of the secretary of the county election board, the Secretary of the State Election Board shall have the authority to stand in the place of the secretary of the county election board for the purpose of employing necessary county election board personnel. The secretary shall be charged with the operational responsibilities of the board, including, but not limited to, supervision, defining job positions and responsibilities of the employees, preparation of the annual budget, preparation and filing of all reports, and the implementation of policy, findings and actions lawfully prescribed or determined by the county election board. The minimum salary of the assistant secretary shall be equal to ninety percent (90%) of the scheduled salary of the secretary in the same county, but shall not exceed the salary of the highest salaried first or chief deputy or assistant to any county officer, excluding the under sheriff, in the same county. The minimum salary of the chief clerk



Oklahoma State Election Board

Appendix B: Regional Coordinator Program

The State Election Board's Regional Coordinator Program, now in its twentieth year, is a linchpin in the Oklahoma election system. Regional Coordinators are County Election Board Secretaries, Assistant Secretaries and/or Chief Clerks who work with the State Election Board staff to fulfill the requirements of Title 26 O.S., Section 3-109:

"The Secretary of the State Election Board shall cause regular inspections to be made of each county election board to achieve uniformity in administration of the election laws."

These "inspections" occur in the form of quarterly visits by the Regional Coordinator to the County Election Boards in his or her assigned region. The topics of the visits are planned up to a year in advance, beginning at the annual Regional Coordinator workshop in June and continuing through monthly meetings at the State Election Board office in Oklahoma City. In the early years of the program, the visit topics and materials were developed by the Regional Coordinator Supervisor, the State Election Board staff member responsible for the day-to-day operation of the program. Today, however, the Regional Coordinators collaborate fully in the development and implementation of their program. A copy of a typical Regional Coordinator quarterly visit checklist is included.

There are ten Regional Coordinator positions in the program for 2002 – 2003. Each year, at least one Regional Coordinator leaves and a new Coordinator is selected. The Regional Coordinators are asked to recommend other County Election Board personnel to the program. Several State Election Board staff members, including the Regional Coordinator Supervisor, the Director of Support Services, and the Assistant Secretary, participate in the selection process and make recommendations to the State Election Board Secretary, who makes the final decision concerning personnel changes within the program.

Regions are usually, but not always, geographically contiguous groups of counties. A Regional Coordinator may be assigned counties that are located near his or her own home county, but occasionally a Coordinator may be assigned to counties in another part of the state. When regions are designed each year, an effort is made to assign each returning Regional Coordinator to a few counties he or she has not previously visited.

When the Regional Coordinator program was launched in 1983, it was described as a "feedback loop" and that characterization remains valid. Regional Coordinators take information from the State Election Board to the County Election Board personnel in their regions, and return information from the counties to the State Election Board staff. Regional Coordinators play an important role in the development of procedures to implement new law. Several current and former Regional Coordinators are serving on the HAVA State Plan Advisory Committee and/or on the Local Election Professionals Working Committee. In the past, Regional Coordinators served on a task force that made recommendations to the Legislature for the implementation of the National

Voter Registration Act, and on design committees for each phase of the Oklahoma Election Management System project. Regional Coordinators also helped the State Election Board staff conduct training for each phase of OEMS.

Regional Coordinators participate in the administrative rulemaking process by reviewing drafts of proposed new and amended rules throughout the year. Their comments, often the only ones received during the formal comment period required by the Administrative Procedures Act, help reveal errors and unintended consequences in new procedures long before the rules are adopted by the Secretary and distributed to County Election Boards in the *Secretary's Digest*.



Oklahoma State Election Board

History of the Secretary's Digest

The first *Secretary's Digest* was published in 1975. Prior to 1975, most of the things that Oklahoma election officials take for granted today as routine and necessary tools of their trade did not exist. A new County Election Board Secretary arriving at the County Election Board office would have found a copy of the Oklahoma Election Laws. Not only was there no *Digest*, but also no *Ballot Printing Kit*, no Precinct Official training materials — only the Election Laws.

In 1974, however, a new Election Code was enacted by the Legislature. It became effective January 1, 1975. The new Election Code included requirements for training County Election Board personnel, Voter Registrars, and Precinct Officials. The new law gave the Secretary of the State Election Board "general supervisory authority over the several county election boards," and also gave the Secretary the authority to "promulgate, repeal or modify such rules or regulations as he deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and interpretation of the state and federal election laws"

The *Secretary's Digest* was created in 1975 to provide County Election Board Secretaries with uniform policies and procedures with which to implement the new election laws. Designed to be the "official" interpretation of the new election law, the *Secretary's Digest* is the foundation upon which Oklahoma's present uniform, unitary election system was built.

Organization of the Secretary's Digest

The *Secretary's Digest* is organized by chapters and subchapters. Chapters represent a broad subject area, while subchapters represent specific topics within that subject area. For example, the first chapter in the *Digest* is "The County Election Board." Subchapters within this chapter are "Personnel," "Training," and "Administration."

Within each subchapter are numbered paragraphs. These numbered paragraphs are referred to as Sections. A Section is a rule. Sections are identified by their numbers, for example: Section 1-1 is the first Section — the first rule — in the *Secretary's Digest*. Sections also have tag lines. The tag line for Section 1-1 is "Membership."

Illustrations are included in some, but not all, subchapters. When illustrations are included, they are printed on green paper to make them more easily distinguishable.

Updates of the Secretary's Digest

The *Secretary's Digest* has been revised many times since 1975. Traditionally, *Digest* "updates" are prepared once or twice each year to provide County Election Board personnel with current information and correct procedures to accommodate changes in the law. In addition to these regular updates, completely new, comprehensive editions of the *Digest* are prepared every three to five years. (The most recent comprehensive edition was published July 1, 2001.)

August 18, 2003

Page 36



Oklahoma State Election Board

Appendix C: State Election Board Publications

Secretary's Digest

The *Secretary's Digest* is one of the most important resources available to the election administrator in Oklahoma. Sometimes referred to as the County Election Board "bible," the *Secretary's Digest* contains almost everything that County Election Board personnel need to know to conduct an election and to provide voter registration services. Persons new to the election system in Oklahoma are directed to the *Secretary's Digest* to begin learning about their new responsibilities. Veteran election administrators turn to the *Digest* daily to answer questions both simple and complex from candidates, voters and others.

One question that people new to the election system often ask is this: What exactly is the *Secretary's Digest*?

What is the Secretary's Digest?

The *Secretary's Digest* is a publication compiled by the staff of the State Election Board. It contains the text of the administrative rules of the State Election Board as well as illustrations and examples intended to aid in understanding the rules. The *Digest* also contains several items that are not part of the administrative rules but that are valuable sources of information and help to County Election Board personnel in the daily performance of their duties.

Once this brief explanation is offered, the next question is likely to be "What's an administrative rule?" This answer is neither brief nor simple, but it is very important.

Some state agencies, including the State Election Board, are granted "rulemaking authority" by the Oklahoma Legislature. These agencies are entitled to make rules — procedures, policies, regulations — to implement laws passed by the Legislature and to discharge the responsibilities assigned to the agencies by the Legislature. Rules are made according to procedures established in the Administrative Procedures Act (APA) in the Oklahoma Statutes [Title 75 § 250 et seq]. A rule that has been enacted according to the APA has the force of law unless it is struck down by a court.

Another question that County Election Board personnel sometimes ask about the *Secretary's Digest* is this: "What part of the *Digest* is the law and what part is just procedure?" In light of the preceding definition of an administrative rule, the simplest answer is that, as far as any County Election Board Secretary is concerned, every word of the *Secretary's Digest* is the law.

August 18, 2003

Page 35



Oklahoma State Election Board

Every effort is made by the State Election Board staff to keep the contents of the *Secretary's Digest* up-to-date. However, before updates can be distributed to County Election Boards, the revisions must first be formally adopted and approved according to procedures established by the Administrative Procedures Act. For this reason, there is sometimes a gap between the time a new law becomes effective and the time *Digest* updates are distributed. When such gaps occur, the State Election Board staff provides the County Election Board Secretary with all the information needed to comply with the new law until *Digest* updates are ready for distribution. Sometimes the information is provided in a "Dear Secretary" letter, and occasionally by a "draft" copy of the revised *Digest* subchapter printed on colored paper. Only one such draft copy is provided per county, and it is not intended to be inserted into the *Digest* binder. When draft copies are received, each County Election Board staff member should have the opportunity to read them and should know where they are kept. When the next set of *Digest* updates is received, the draft copy should be discarded immediately.

When *Digest* updates are prepared and distributed, each *Digest* user will receive a completely new copy of each subchapter containing changes. The entire subchapter usually is replaced even if only one page is affected.

When a new Section must be added between two existing Sections, the new Section will be given a decimal number. For example, if it were necessary to add a new rule between existing Sections 1-1 and 1-2, the new Section would be assigned the number "1-1.1." Also, when a Section is revoked (deleted), the Section number will remain in the *Digest* so that subsequent Sections will not have to be renumbered. For example, if Section 5-10 were revoked, the number would remain in the *Digest* with a notation that the text of the Section had been revoked: **5-10. Revoked.**

Many State Election Board materials and publications contain references to *Digest* Sections. If the Sections in a subchapter are renumbered every time a new Section is added or an old one is revoked, all the other materials and publications also must be revised to correct the *Digest* Section references in them. By maintaining revoked Section numbers and assigning decimal numbers to new Sections, the process of keeping other materials and publications updated is easier and less expensive.

Over time, however, a subchapter may be amended many times and may come to contain too many decimal numbers and revoked numbers to be read easily. When that happens, the entire subchapter will be renumbered.

Oklahoma State Election Board



OEMS Manual

The *OEMS Manual* is the user's guide for the Oklahoma Election Management System (OEMS) — our computer system. The two-volume *OEMS Manual* contains instructions for using the OEMS hardware and software. The *OEMS Manual* has four divisions that correspond to the major functions of the computer system.

Every County Election Board has one complete copy of the *OEMS Manual*. Additional copies of the *OEMS Manual* are not available.

Computer Usage, Hardware, and Training — Volume 1. This part of the *OEMS Manual* contains the three individual sections indicated in the title. "Computer Usage" contains basic information about using the computer system. It includes a glossary of computer terms as they are used in OEMS and also a list of all the reports and processes available on the system. "Hardware" contains information about each of the hardware components in OEMS and instructions for basic maintenance. It also includes instructions for requesting backups and for turning the system on and off. The "Training" section, printed on pink paper, is a self-paced training program for the Voter Registration System. New employees must complete these "pink pages" before they can be authorized to do any work in OEMS. Additional training on the other functions of OEMS is provided in a two-day workshop held at the State Election Board office in Oklahoma City.

Voter Registration System — Volume 1. This part of the *OEMS Manual* contains five individual sections covering the functions of the Voter Registration System: "Voter Applications," "Voter Registration," "MLA Transactions," "Absentee Processing," and "Street Guide." These sections provide step-by-step instructions for entering voter registration application information into the system; for printing voter identification cards, rejection notices, and Precinct Registries; for giving voters credit for voting in elections; for cancelling voter registrations; and for maintaining other information about voter registrations.

Election Administration System — Volume 2. This part of the *OEMS Manual* contains six individual sections covering the functions of the Election Administration System: "CEB Management," "Election Accounting," "Election Officials," "Election Preparation," "Events Calendar," and "Precinct Management." These sections provide step-by-step instructions for the comprehensive election accounting system and also instructions for recording information about County Election Board members and personnel, Precinct Officials, precincts and polling places. The first steps required to program election information are found in "Election Preparation."

Voting Devices — Volume 2. This part of the *OEMS Manual* contains information and instructions about the Op-Tech III-PE voting devices used in Oklahoma. There are three labeled tabs in the Voting Devices portion of the *OEMS Manual*: "EMS," "AERO," and "Voting Device Maintenance." There also are three other sections that are not individually tabbed: "Voting Device System Introduction," "Election Setup," and "Election Tallying." These three untabbed sections should be located between the large "Voting Devices" tab and the "EMS" tab. The instructions for entering election and candidate information into the

August 18, 2003

Page 38

August 18, 2003

Page 37



Oklahoma State Election Board

programs that create ballots, operate the voting devices and produce the documents used to certify elections all are found in this part of the *OEMS Manual*. Also included are instructions for testing voting devices before an election.

Training Publications

The Handbook for County Election Board Chairman and Vice Chairman

The *Handbook for County Election Board Chairman and Vice Chairman* describes the specific duties and responsibilities of County Election Board members and alternate members. Each Board member receives a copy of *The Handbook* upon appointment to the County Election Board. One copy of *The Handbook* is also provided for the County Election Board office.

Independent Study Program

The *Independent Study Program* is a training program for new County Election Board Secretaries and employees. It is designed for individual, self-paced study in the County Election Board office. The *Independent Study Program* has three objectives:

1. to produce familiarity with the contents and the organization of the *Secretary's Digest*;
2. to master basic information about the duties of County Election Board personnel; and
3. to practice solving specific problems by referring to the *Secretary's Digest*.

The *Independent Study Program* is delivered to new Secretaries, Assistant Secretaries and/or Chief Clerks by a State Election Board staff member. The *Independent Study Program* is also made available to other new County Election Board employees when requested by the Secretary. A visit to deliver the *Independent Study Program* includes an explanation of the types of training provided by the State Election Board and a general introduction to Oklahoma's election system.

When the trainee finishes the *Independent Study Program*, the county's Regional Coordinator visits to review and summarize the material covered by the program and to answer any questions the trainee may have. The Regional Coordinator returns the finished *Independent Study Program* notebook to the State Election Board office.

OEMS Training Review

The *OEMS Training Review* is a look back at all the major functions of the OEMS system. It is distributed to trainees at the conclusion of the OEMS training workshop held in the State Election Board office. Trainees complete the *Review* back in their own offices at their own pace. It is intended to provide a measure of one's mastery of OEMS.

August 18, 2003

Page 39



Oklahoma State Election Board

All-in-1 Instruction Guides

The *All-in-1 Instruction Guides* are exercises to help County Election Board personnel learn the All-in-1 word processor included in OEMS. Copies have been provided to each County Election Board. Additional copies are available by request from the State Election Board.

Precinct Official Training Program: Instructor's Guide

The *Instructor's Guide* contains instructions for scheduling, preparing for and conducting Precinct Official training workshops. One copy of the *Instructor's Guide* is provided to each County Election Board.

Training for Absentee Voting Boards

This document outlines the State Election Board's recommendations for training in-person and nursing home Absentee Voting Board members. *Training for Absentee Voting Boards* includes instructions for adapting Precinct Official training materials — including the *Election Day 101* and *Pieces of the Precinct Puzzle* videos — to cover the duties of Absentee Voting Board members as well as instructions for training on tasks unique to these Boards. Each County Election Board received one copy of this publication. Additional copies are available from the State Election Board upon request.

Tools Of The Trade

School Election Kit

The *School Election Kit* contains information and materials designed to guide County Election Board personnel through school district elections. The centerpiece of the *School Election Kit* is the Checklist — a step-by-step, chronological guide for conducting a school district election. There is a Checklist for the Annual School Election and one for the Annual School Runoff Election. Also included in the *School Election Kit* are record-keeping worksheets for single and multi-county school districts, an overview of school election expenses, and instructions for adapting the *Uniform Election Checklist* for special school district elections. The *Kit* also includes illustrations.

Each County Election Board office has one copy of the *School Election Kit*. The Checklists for the Annual School Election and the Annual School Runoff Election are revised and distributed each year. Other materials in the *Kit* are revised as needed and distributed with the Checklists.

August 18, 2003

Page 40



Oklahoma State Election Board

Ballot Printing Kit

The *Ballot Printing Kit* contains information, instructions and materials needed to print ballots for an election. It details the steps of the process that begins with a request for bids and ends with delivery of the finished ballots. Included in the *Ballot Printing Kit* are model contracts, a summary of ballot specifications, instructions for evaluating a printer's bid, instructions for preparing copy to send to the printer, special instructions for various types of elections, and proofreading instructions. Each County Election Board office has one copy of the *Ballot Printing Kit*.

Contest Kit

The *Contest Kit* contains information, instructions and materials needed to prepare for and conduct contests of candidacy and election recounts. Among the items included in the *Contest Kit* are checklists, forms and even diagrams of the physical arrangements of a room used to conduct a hearing. The *Contest Kit* is an invaluable tool for the County Election Board Secretary when contests of candidacy or election recounts are filed. Each County Election Board office has one copy of the *Contest Kit*.

Press Release Kit

The *Press Release Kit* is designed to help the County Election Board Secretary use local news media to disseminate important information about voter registration, absentee voting and elections. The *Press Release Kit* contains 27 model press releases that can be customized to fit almost any election situation. Divided into two groups — election press releases and special events press releases — these model, fill-in-the-blank releases and the instructions that accompany them enable the County Election Board Secretary to keep voters well informed. Also included are tips for writing press releases. Each County Election Board office has one copy of the *Press Release Kit*.

The BIG Kit

The *BIG Kit* is actually four separate publications housed inside a single binder.

1. **Municipal Election Kit.** This publication contains information about the five types of municipal government permitted in Oklahoma. Included in the *Municipal Election Kit* are model letters to the governing board of each type of municipality that inform the boards of their upcoming election dates and deadlines. Also included are checklists for receiving resolutions from each type of municipality and answers to the most commonly asked questions about accepting resolutions for municipal elections.
2. **Meetings of the Board Kit.** This publication contains information and instructions for scheduling and conducting meetings of the County Election Board. The County Election Board must comply with the Oklahoma Open Meetings Act, and the *Meetings of the Board Kit* helps the Secretary ensure that it does. Included in the *Meetings of the Board Kit* are detailed instructions for preparing notices of Board meetings, agendas, and minutes that all pass muster under the Open Meetings Act. Also included are several sample sets that cover



Oklahoma State Election Board

as many types of County Election Board meetings as possible and offer model language that easily can be adapted.

3. **Telephone Assistance Guide.** This publication is a "troubleshooting" guide for use on election day. It is designed to help County Election Board personnel talk Precinct Officials through certain voting device problems that may occur on election day. The *Guide* covers problems while setting up the device before the polls open, during the day and after the polls close.
4. **Election Night Instruction Packet.** This publication contains the procedures followed by County Election Board personnel on election night. It includes instructions for setting up an OEMS terminal for public display of the election results, counting absentee ballots, reading memory packs, printing reports, conducting election night recounts and finally, certifying the election results. The *Election Night Instruction Packet* was created for the very first election in which our voting devices were used statewide (the March 10, 1992, Presidential Preferential Primary Election), and it has proved so popular and helpful among County Election Board personnel it has been maintained, even though most of the procedures now are included in the *Secretary's Digest*, the *OEMS Manual* and other publications.

A Guide to the Implementation of Polling Place Accessibility in Oklahoma

In 1990, State Election Board Secretary Lance Ward appointed several County Election Board Secretaries to a task force to study the issue of polling place accessibility and make recommendations to the State Election Board concerning methods available to the counties to improve polling place accessibility across the state. This publication is the final report of that task force, and it includes many practical suggestions for improving the accessibility of our polling places for elderly and handicapped voters.

A *Guide to the Implementation of Polling Place Accessibility in Oklahoma* is included in the Appendix of the *Independent Study Program*. Also, copies of A *Guide* have been distributed on other occasions and additional copies still are available upon request from the State Election Board.

Oklahoma Mapping Guide (2003)

This publication provides information on using land descriptions (legal descriptions), maps produced for the County Election Board by the Geo Information Systems department at the University of Oklahoma, and the OEMS Street Guide software to place registered voters in the correct precincts and to establish the eligibility of individual voters to vote in school district elections. Each County Election Board office has at least one copy of the *Oklahoma Mapping Guide (2003)*.



Oklahoma State Election Board

Precinct Officials

The Manual for Precinct Election Officials

The Manual for Precinct Election Officials contains information and instructions for Precinct Officials. It is used both to train Precinct Officials and as a reference tool at the polling place on election day. Included in the manual is information about the qualifications and appointment of Precinct Officials, instructions for setting up the polling place, for processing voters and for closing the polls and returning election results and materials to the County Election Board at the end of the day. Each County Election Board receives a sufficient quantity of *The Manual* to provide one copy to each Inspector, Judge and Clerk who attends training and to include one copy in the election day supplies for each precinct.

Precinct Problem Solver

The Precinct Problem Solver is a companion publication to *The Manual for Precinct Election Officials*. *The Precinct Problem Solver* contains instructions for dealing with certain types of problems that voters may have on election day. Each County Election Board receives a sufficient quantity of the *Precinct Problem Solver* to provide one copy to each Inspector, Judge and Clerk who attends training and to include one copy in the election day supplies for each precinct.

Voting Device Handbook for Precinct Officials

The Voting Device Handbook for Precinct Officials contains instructions for setting up the voting device before the polls open, operating the device and responding to messages during the day and securing it after the polls close. Each County Election Board receives a sufficient quantity of the *Voting Device Handbook for Precinct Officials* to provide one copy to each Inspector, Judge and Clerk who attends training and to include one copy in the election day supplies for each precinct.



Oklahoma State Election Board

Public Information

The Oklahoma Ballot Box

The Oklahoma Ballot Box is a bi-monthly newsletter published by the State Election Board and distributed to County Election Board members, alternate members and employees throughout the state. The newsletter provides news and information about people in the Oklahoma election system, state and federal legislation, our computer system, training and solutions to common problems. Copies of the *Ballot Box* are mailed to the homes of the County Election Board, Chairman and Vice Chairman, to the two alternate Board members, and to each County Election Board office.

A Guide to the Statewide Elections

Each election year, the State Election Board compiles and publishes *A Guide to the Statewide Elections*. *A Guide to the Statewide Elections* is intended to provide candidates and the news media with information about the election system. It includes information on voter registration, absentee voting and election day and night procedures. The text of the *Guide* is taken from the *Secretary's Digest*.

Copies of *A Guide to the Statewide Elections* are provided to the County Election Board for distribution to each candidate who files for county office. A copy of the *Guide* is given to every candidate who files a Declaration of Candidacy with the State Election Board. Copies are distributed to the news media. The State Election Board also includes a copy of the *Guide* in a packet provided to teachers, students and other interested persons who ask for information about the election system.

Voter Information Brochures

The State Election Board publishes a series of voter information brochures during each even-numbered election year. Topics covered by the brochures are voter registration, absentee voting, elections and voter assistance and accessibility of election and registration services. Each County Election Board receives a quantity of the brochures based on a percentage of its total voter registration. Additional quantities are available while supplies last.

Vote Oklahoma!

Vote Oklahoma! is a voter education publication provided by the State Election Board. It contains lesson outlines, information and exercises designed for use in the classroom by junior high and high school teachers. *Vote Oklahoma!* also includes materials and instructions for conducting mock elections in the classroom. Copies of *Vote Oklahoma!* have been distributed to County Election Boards. Additional copies are available from the State Election Board upon request.

August 18, 2003

Page 43

August 18, 2003

Page 44



Oklahoma State Election Board

Appendix D: State Plan Advisory Committee Meeting Summaries

**Help America Vote Act
State Plan Advisory Committee
January 29, 2003**

Meeting Summary

State Election Board Secretary **Michael Clingman** convened the first meeting of the Help America Vote Act State Plan Advisory Committee with introductions of Committee members and State Election Board staff in attendance. Present were: **Harvey Bush**, Grant County Election Board Secretary; **Scott Orbison**, Tulsa County Election Board Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Ed Romo**, League of United Latin American Citizens; **Doug Sanderson**, Oklahoma County Election Board Secretary; **Lee Slater**, attorney-at-law; **Steve Stokes**, Director, Office of Handicapped Concerns; **Opio Toure**, member, State House of Representatives. Committee member **Dolores Martin**, League of Women Voters, was unable to attend.

In addition to Clingman, the following State Election Board staff members were present: Assistant Secretary **Carol Slater**, Director of Information Services **Montie Fisher**, Director of Support Services **Fran Roach**, Director of Election Services **Theresa Potthoff**, and Publications Editor **Suzanne Cox**. **Pam Strawn**, Cleveland County Election Board Assistant Secretary, and **Shelly Boggs**, Tulsa County Election Board Assistant Secretary, also were present as observers.

The following topics were discussed during the meeting.

- Circumstances leading to enactment of the Help America Vote Act of 2002 (Public Law 107-252 — October 29, 2002)
- HAVA's anticipated impact on the Oklahoma election system
- Development of the required state plan
- State Plan Advisory Committee's role in development of Oklahoma's state plan

The group set the next meeting on Friday, March 7, 2003, at 9 a.m.



Oklahoma State Election Board

**Help America Vote Act
State Plan Advisory Committee
March 7, 2003**

Meeting Summary

The following members of the State Plan Advisory Committee were present: **Connie Parnell**, Cherokee County Election Board Secretary; **Dolores Martin**, League of Women Voters; **Paula Roberts**, Cleveland County Election Board Secretary; **Ed Romo**, League of United Latin American Citizens; **Lee Slater**, attorney-at-law; **Steve Stokes**, Director, Office of Handicapped Concerns; **Opio Toure**, member, State House of Representatives; **Scott Orbison**, Tulsa County Election Board Secretary; **Harvey Bush**, Grant County Election Board Secretary; and **Doug Sanderson**, Oklahoma County Election Board Secretary.

In addition, several observers attended the meeting: **Helen Arnold**, Tulsa; **Debbie Ashley**, Tulsa; **Shelly Boggs**, Tulsa County Election Board Assistant Secretary; and **Pam Strawn**, Cleveland County Election Board Assistant Secretary.

The following members of the State Election Board staff were present: **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Potthoff**, Election Services Director, and **Suzanne Cox**, Publications Editor.

The following topics were discussed during the meeting.

- Congress's recent appropriation of HAVA funding and appropriation of funds to reimburse the State of Oklahoma for implementation of OEMS in the early 1990s
- HAVA planning in other states
- History of the development of Oklahoma's election system
- Discussion of Oklahoma's draft plan

The next meeting of the State Plan Advisory Committee was set for May 2, 2003, at 9 a.m. A new draft of the state plan will be distributed to members in advance of that meeting.



Oklahoma State Election Board

**Help America Vote Act
State Plan Advisory Committee
June 3, 2003**

Meeting Summary

The following members of the State Plan Advisory Committee were present at a meeting on June 3, 2003: **Connie Parnell**, Cherokee County Election Board Secretary; **Dolores Martin**, League of Women Voters; **Paula Roberts**, Cleveland County Election Board Secretary; **Ed Romo**, League of United Latin American Citizens; **Lee Slater**, attorney; **Steve Stokes**, Director, Office of Handicapped Concerns; **Opio Toure**, member, State House of Representatives; **Scott Orbison**, Tulsa County Election Board Secretary; **Harvey Bush**, Grant County Election Board Secretary; and **Doug Sanderson**, Oklahoma County Election Board Secretary.

Pam Strawn, Assistant Secretary of the Cleveland County Election Board, and **Debbie Ashley** from Tulsa attended as observers.

Also attending from the State Election Board were **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Potthoff**, Election Services Director; and **Suzanne Cox**, Publications Editor.

The following topics were discussed.

1. Clingman reported on the status of Oklahoma's share of the federal funds authorized by HAVA.
2. State Election Board staff members offered a brief demonstration of a touchscreen DRE voting device.
3. Clingman also led the Committee members through the most recent draft of the state plan.
4. Need for continuing advice and oversight of implementation of HAVA.

Clingman stated that this will be the last meeting of the State Plan Advisory Committee before the public hearings begin later this summer. The plan will be submitted for publication in the Federal Register, as required by HAVA, before the current federal fiscal year ends on September 30, 2003.

August 18, 2003

Page 47



Oklahoma State Election Board

Appendix E: Local Election Professionals Working Committee Meeting Summaries.

**Help America Vote Act
Local Election Professionals Working Committee
January 29, 2003**

Meeting Summary

State Election Board Secretary **Michael Clingman** convened the first meeting of the Local Election Professionals Working Committee. The following County Election Board officials were present: **Doug Sanderson**, Oklahoma County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Terri Thomas**, Rogers County Election Board Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Shelly Boggs**, Tulsa County Election Board Assistant Secretary; **Joyce Smith**, Grady County Election Board Secretary; and **Joyce Thornburgh**, Alfalfa County Election Board Secretary.

In addition, the following members of the State Election Board staff attended: **Carol Slater**, Assistant Secretary; **Fran Roach**, Director of Support Services; **Montie Fisher**, Director of Information Services; **Theresa Potthoff**, Director of Election Services; **Carol Morris**, Training Coordinator; **Karen Mobly**, Regional Coordinator Supervisor; **Vada Holstein**, Information Representative, and **Suzanne Cox**, Publications Editor. Cleveland County Election Board Secretary **Paula Roberts** also attended as an observer.

The following topics were discussed.

- Purpose of the Local Election Officials Working Committee and purpose of the State Plan Advisory Committee
- Issues and concerns about provisional voting requirements
- Issues and concerns about voter identification requirements
- Elements of the required state plan

The group set the next meeting on February 20, 2003, at the Oklahoma County Election Board office. The meeting will begin at 10 a.m. and is expected to last all day.

August 18, 2003

Page 48



Oklahoma State Election Board

**Help America Vote Act
Local Election Professionals Working Committee
April 7, 2003**

Meeting Summary

The third meeting of the Local Election Professionals Working Committee was held Monday, April 7, 2003, in the offices of the Oklahoma County Election Board. The following committee members were present: **Doug Sanderson**, Oklahoma County Election Board Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Terril Thomas**, Rogers County Election Board Secretary; **Joyce Thornburgh**, Alfalfa County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; and **Shelly Boggs**, Tulsa County Election Board Assistant Secretary.

In addition, the following members of the State Election Board staff were present: **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Pothoff**, Election Services Director; **Carol Morris**, Training Coordinator; **Karen Mobly**, Regional Coordinator Supervisor; **Suzanne Cox**, Publications Editor; and **Vada Holstein**, Information Representative.

Voting Device Systems

Montie Fisher and Theresa Pothoff reported on their recent visit to an election systems trade show in Jackson, Mississippi, organized by the Mississippi Secretary of State's office for the benefit of county election officials in that state who are considering the purchase of new, HAVA-compliant voting device and voter registration database systems. Officials from other states also were invited to the event.

Provisional Voting Study Group Report

Since the last meeting, Doug Sanderson organized study groups among the committee members to consider provisional voting requirements and ways in which provisional voting might be implemented in Oklahoma. The group presented the results of their work.

Next Meeting

The next meeting has been set tentatively for Tuesday, May 6, at 9:30 a.m. in the offices of the Oklahoma County Election Board. The meeting adjourned at approximately 3 p.m.

August 18, 2003

Page 50



Oklahoma State Election Board

**Help America Vote Act
Local Election Professionals Working Committee
February 20, 2003**

Meeting Summary

The second meeting of the Local Election Professionals Working Committee was held Thursday, February 20, 2003, in the offices of the Oklahoma County Election Board. The following committee members were present: **Doug Sanderson**, Oklahoma County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Terril Thomas**, Rogers County Election Board Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; **Joyce Thornburgh**, Alfalfa County Election Board Secretary; and **Shelly Boggs**, Tulsa County Election Board Assistant Secretary.

In addition, the following members of the State Election Board staff were in attendance: **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Pothoff**, Election Services Director; **Carol Morris**, Training Coordinator; **Karen Mobly**, Regional Coordinator Supervisor; **Suzanne Cox**, Publications Editor; and **Vada Holstein**, Information Representative.

The following topics were discussed.

- Congress's recent appropriation of HAVA funding and appropriation of funds to reimburse the State of Oklahoma for implementation of OEMS in the early 1990s
- Provisional ballot procedures used in four jurisdictions (Brevard County, Florida; Maricopa County, Arizona; Orange County, Florida; and Shawnee County, Kansas) using optical scan voting devices
- Voter identification requirements for first time voters in federal elections who registered to vote by mail
- Oklahoma's existing statewide voter registration database and its compliance with the HAVA requirements
- First draft of Oklahoma's required state plan for the implementation of the Title III requirements

The Working Committee agreed to meet again on Monday, April 7, 2003, at 9:30 a.m. in the offices of the Oklahoma County Election Board. The meeting adjourned at approximately 3:30 p.m.

August 18, 2003

Page 49



Oklahoma State Election Board

Help America Vote Act Local Election Professionals Working Committee May 6, 2003

Meeting Summary

The fourth meeting of the Local Election Professionals Working Committee was held Monday, May 6, 2003, in the offices of the Oklahoma County Election Board. The following committee members were present: **Doug Sanderson**, Oklahoma County Election Board Secretary; **Joy Naifeh**, Creek County Election Board Secretary; **Terri Thomas**, Rogers County Election Board Secretary; **Joyce Thornburgh**, Alfalfa County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; **Pam Strawn**, Cleveland County Election Board Assistant Secretary; **Connie Parnell**, Cherokee County Election Board Secretary; and **Shelly Boggs**, Tulsa County Election Board Assistant Secretary.

In addition, the following members of the State Election Board staff were present: **Michael Clingman**, Secretary; **Carol Slater**, Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Theresa Pothoff**, Election Services Director; **Carol Morris**, Training Coordinator; **Karen Mobby**, Regional Coordinator Supervisor; **Suzanne Cox**, Publications Editor; and **Vada Holstein**, Information Representative.

Legislation Updates

Michael Clingman discussed the status of various election-related bills. Two bills, SB3 and SB260, have been signed by the Governor. These bills change the dates of the Presidential Preferential Primary Election, of the candidate filing period and of the Primary and Runoff Primary Elections for state and county officers. Following are the new election dates for 2004.

Presidential Preferential Primary Election	February 3, 2004
Candidate Filing Period	June 21 - 23, 2004
Primary Election	July 27, 2004
Runoff Primary Election	August 24, 2004
General Election	November 2, 2004

Provisional Ballots

Doug Sanderson made a presentation on the projected timetable for verifying and counting provisional ballots, certifying elections, and contests of election with the new election calendar for 2004.



Oklahoma State Election Board

Presentation of newest draft of State Plan

A new draft of the state plan was distributed to the committee members at the meeting. Because the committee members did not have an opportunity to review the state plan draft prior to the meeting, Clingman asked them to take it home, read it, and contact any State Election Board staff member on the committee with comments or suggestions by May 16.

Next Meeting

The next meeting for the Working Committee is scheduled for Thursday, June 5, 2003, at 9:30 a.m. at the Oklahoma County Election Board office.



Oklahoma State Election Board

**Help America Vote Act
Local Election Professionals Working Committee
June 5, 2003**

Meeting Summary

The Local Election Professionals Working Committee met Thursday, June 5, 2003, at 9:30 a.m. in the office of the Oklahoma County Election Board in Oklahoma City. Members attending the meeting were: **Connie Parnell**, Cherokee County Election Board Secretary; **Shelly Boggs**, Tulsa County Election Board Assistant Secretary; **Doug Sanderson**, Oklahoma County Election Board Secretary; **Joyce Smith**, Grady County Election Board Secretary; **Joyce Thornburgh**, Alfalfa County Election Board Secretary; **Terri Thomas**, Rogers County Election Board Secretary; **Paula Roberts**, Cleveland County Election Board Secretary; and **Pam Strawn**, Cleveland County Election Board Assistant Secretary.

State Election Board staff members in attendance included **Michael Clingman**, State Election Board Secretary; **Carol Slater**, State Election Board Assistant Secretary; **Fran Roach**, Support Services Director; **Montie Fisher**, Information Services Director; **Karen Mobly**, Regional Coordinator Supervisor; **Carol Morris**, Training Coordinator; **Suzanne Cox**, Publications Editor; and **Vada Holstein**, Information Representative.

1. Clingman provided a brief update of the status of the federal funds supporting HAVA implementation.
2. The State Election Board staff is in the process of applying for a federal grant of approximately \$144,000 for the purpose of making polling places accessible.
3. Clingman also briefly reviewed the major provisions of new state legislation.
4. The group discussed the voter identification requirements and has tentatively agreed to recommend only the minimum required by HAVA.
5. Clingman led the committee through the most recent draft of the state plan.

The Working Committee scheduled its next meeting for Tuesday, July 22, 2003, at 9:30 a.m. at the Oklahoma County Election Board office.

BILL BRADBURY
 SECRETARY OF STATE
 PADDY J. MCGUIRE
 DEPUTY SECRETARY OF STATE



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OREGON ELECTIONS PLAN

**To Implement the
 Help America Vote Act of 2002**

**Submitted by
 Secretary of State Bill Bradbury
 September 2003**

August 2003

Fellow Oregonians:

I am proud to share this draft of Oregon's state plan for implementing the Help America Vote Act (HAVA) of 2002. Passed by Congress in response to the 2000 Presidential Election, HAVA requires state and local governments to reform elections processes and systems and it provides federal funding to help with these improvements.

We are fortunate that in such difficult budgetary times Oregon will have the necessary federal resources to build on our strong foundation of election accomplishments and make the improvements required by the Act. These changes will enhance the integrity of our voter registration process, increase privacy and independence for voters with disabilities, improve the elections systems that support the vote by mail process and provide better information to Oregonians on how to vote. I am also proud of our work with Oregon's bipartisan congressional delegation to make sure that provisions were written into HAVA recognizing and preserving our unique vote by mail system.

A steering committee of state and county elections officials, legislators and representatives of interest and advocacy groups has been working on the Oregon State HAVA Plan since November 2002. During the month of April, we conducted seven public hearings to gain input into Oregon's plan. The final plan, as presented, includes changes that respond to the issues and concerns raised in public testimony. We will refine our response to public comments even further as we begin implementing Oregon's plan.

Legislation enabling the creation of an Election Fund and a Title III Administrative Complaint Procedure has been passed by the 2003 Oregon Legislature and signed into law by Governor Kulongoski. We have received the first transfer of funds from the federal government, and we are now positioned to begin implementing HAVA.

I want to thank the HAVA Steering Committee members who have committed considerable time and dedication to the creation of this plan. Their involvement ensures that Oregon will have an accessible, uniform, statewide voting system that will meet both the spirit and letter of the law. I look forward to your input and to continuing to improve Oregon elections through the implementation of HAVA.

Sincerely,

Bill Bradbury
 Secretary of State

HAVA Steering Committee

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Table of Contents

Steering Committee

Page 4

Executive Summary

Page 5

Introduction

Page 7

Voting System Standards

Page 9

- Privacy and Independence
- Ballot Correction and Replacement Ballots
- Manual Audit Capacity
- Access to the Voting Process for People with Disabilities
- Alternative Language Accessibility
- Error Rates
- Definition of Vote

Provisional Voting and Voting Information Requirements

Page 18

Computerized Statewide Voter Registration and Requirements for Mail-In Registration

Page 21

Training and Voter Outreach

Page 32

Administrative Complaint Procedure

Page 35

Funding Distribution and Controls

Page 40

Projected Funding

Page 42

Anticipated Budget for HAVA Implementation

Page 43

Plan Management

Page 44

Appendix

Executive Summary

Oregon has a long history of improving its elections process and systems, driven by a gradual progression to becoming a vote by mail state. The depth of study that has been devoted to vote by mail and the expansion of mail elections over the past two decades have provided an impetus for continually reviewing, evaluating, and improving Oregon's elections system. The Help America Vote Act (HAVA) of 2002 and companion federal funding provides the opportunity to make enhancements to Oregon's election system that will support vote by mail, improve voter access, and strengthen the overall integrity of the elections process.

HAVA was enacted to make sweeping reforms to the nation's voting process. The Act addresses improvements to voting systems and voter access that were identified following the 2000 Presidential Election. It includes requirements for a centralized voter registration database, privacy and independence in the voting process, access for people with disabilities, and voter outreach. As a condition of receiving federal funding, each state is required to submit a plan that meets the requirements of the Act.

In November 2002, the Secretary of State appointed a steering committee comprised of county and state elections officials, state legislators, and representatives of advocacy groups to undertake the HAVA planning process. A second committee was formed to work specifically on the issue of centralized voter registration. During the planning process, officials representing each of Oregon's 36 county elections offices were invited to participate in three in-depth meetings to generate ideas for Oregon's response to HAVA and to give the Secretary of State guidance on what would be required for successful implementation of the federal requirements.

This draft plan represents the collective input and recommendations of both steering committees and Oregon's 36 county elections officials. Members of the public had the opportunity to and did participate in and comment on this draft in seven public hearings held in April 2003.

Oregon is in a good position to implement the HAVA requirements. Many of the election reforms required by the Act are already addressed in Oregon state laws and in the vote by mail elections procedures. This preliminary state plan identifies the priorities and specific steps the state and counties will take to meet the mandates of HAVA. It also discusses what additional improvements may be undertaken if there is remaining or additional federal funding after all of the requirements have been met.

In summary, the state HAVA Steering Committee has recommended the following activities as part of Oregon's response to the Help America Vote Act:

1. Purchase and implementation of optical scan systems in the three counties that are currently using punchcards and reimbursements to four counties that have replaced punchcard systems since November of 2000. All other Oregon counties currently use optical scan systems. While replacement of punchcard voting systems is not a requirement of HAVA, the legislation provides federal incentive funding for phasing out punchcard and lever voting systems throughout the country. Oregon has elected to take advantage of the available federal appropriation to bring uniformity to the way in which Oregonians cast their ballots.

5

2. Design and implementation of a uniform, nondiscriminatory, computerized statewide voter registration system that is the single database of all registered voters, reflecting local government control of who is registered as a voter in each county.
3. Increased access to the elections process for people with disabilities through the use of specially designed Direct Recording Electronic (DRE) voting systems, improvements to facilities, training of elections staff, and enhanced public outreach.
4. Implementation of a comprehensive program that informs voters about how to correct their ballots and how to request replacement ballots.
5. Implementation of a toll-free line that allows voters to check the status of their provisional ballots and determine whether or not their ballot was counted.
6. Training of all elections officials in Title III requirements of the Act.

To receive federal funding, Oregon must certify that it has established a State Election Fund that is separate and distinct from the state General Fund and that it has an administrative complaint procedure for HAVA Title III violations. Legislation has been adopted by the 2003 Oregon Legislature and signed into law by Governor Ted Kulongoski to create the fund and authorize the complaint procedures. The Secretary of State has certified to the federal government that it is eligible to receive HAVA funding and the first such transfer of funds has occurred.

While HAVA increases responsibility for elections administration at the state level to achieve greater uniformity and consistency, county elections officials are charged with the conduct of elections and are crucial to all aspects of the elections process. As Oregon moves forward in carrying out this plan, the Secretary of State will continue to encourage coordination, cooperation, and collaboration between local and state officials on the innovations and technology that will be developed in response to HAVA.

Finally, this plan should be viewed as a living document that will need to be updated and refined over time to reflect the state's progress in implementing HAVA. Oregon welcomes the challenges of the Help America Vote Act and looks forward to receiving appropriate financial support from the federal government.

6

Introduction

Oregon has a long history of improving its elections process and systems. That focus has been primarily driven by a gradual progression to becoming an entirely vote by mail state. The depth of study that has been devoted to vote by mail and the expansion of mail elections over the last two decades have provided an on-going impetus for continually reviewing, evaluating and improving Oregon's elections system. The movement to vote by mail has prompted profound changes in technology, procedures and practices that have increased quality control and the overall integrity of Oregon's elections process.

The history of mail elections began in 1981, when the Oregon legislature first authorized vote-by-mail for special district measures. In 1983, the Legislature decided that elections of special district candidates could be conducted by mail. By 1987, vote by mail was approved as the primary method by which all elections, other than primary, general and emergency, would be conducted. The first statewide ballot measure election conducted entirely by mail was in June 1993. In 1996, Oregon was the first state in the country to elect a United States Senator entirely by mail-in ballot.

After two attempts to enact legislation that would expand vote by mail to primary and general elections, Oregon voters overwhelmingly approved a ballot initiative to allow the expansion. Finally in 2000, Oregon gained national attention as the first state in the nation to conduct a presidential election entirely by mail. Over this 20-year period, Oregon has conducted hundreds of local and numerous statewide vote by mail elections, proving time and again that the system raises voter participation, increases convenience, decreases the cost of elections, and increases the overall integrity of elections processes.

Prior to the passage of the Help America Vote Act (HAVA) of 2002, Oregon had been studying and seeking legislative approval to implement a centralized voter registration system. A 1996 vote by mail citizen commission appointed by Secretary of State Phil Keisling recommended that the State and its counties initiate the implementation of a centralized registration system to increase accuracy in voter rolls, reduce the problem of duplicate ballots, and minimize the possibility that voters could be registered in more than one county. In 2001, the State Elections Division received a small appropriation from the Legislature to begin development of a plan to accomplish these objectives. The passage of HAVA and companion federal funding now make it possible for Oregon to achieve its plan for a centralized voter registration system.

In February 2001, a task force appointed by Secretary of State Bill Bradbury and the Oregon Association of Counties called for some of the improvements that are mandated in HAVA. Once again, creation of a centralized voter registration system was highlighted as a needed improvement, as well as standards that provide increased consistency in the treatment of provisional ballots, exploration of alternatives to punchcard voting systems, and consideration of Direct Recording Electronic (DRE) voting systems. Of Oregon's 36 counties, three conduct elections using punchcard voting systems and the remainder use optical scan ballots. All three counties using punchcard systems have been exploring alternatives, but local budget constraints have prevented movement to optical scan ballots. The HAVA Title I funding now makes it possible to migrate the remaining counties to systems that are consistent with the rest of the state.

The introduction of vote by mail has created a high level of citizen and local government involvement in designing Oregon's elections process. Many of the improvements that HAVA seeks to achieve have been built in to the state's vote by mail system as it has evolved over the years. For those activities that are not currently part of Oregon's system, HAVA provides the direction, mandates, and funding to allow the state and its 36 county elections offices to move forward with elections improvements that have been in the planning stages for the last several months and years.

Voting System Standards

Section 301 of the Help America Vote Act requires that voters have the opportunity in a private and independent manner to verify the votes they have selected, to change their ballot or correct any errors, and to notify the voter of the effect of selecting more than one candidate for a single office before a ballot is cast and counted. HAVA also directs states to adopt uniform and non-discriminatory standards that define what constitutes a vote, requires manual audit capacity and error rate standards of voting systems, and mandates increased access to the elections process by people with disabilities.

Privacy and Independence – Oregon Statutes require that all voting systems approved by the Secretary of State secure the secrecy of voting to each voter. Vote by mail allows voters to independently mark their ballots in a private location, most often within their homes. Voters may also use privacy booths at their county elections office. These booths are available the entire time that ballots are issued and are especially useful to voters visiting the county election office to request a replacement ballot on the day of or near the election. To enhance voter independence and make the process of voting and correcting a ballot more convenient, Oregon will replace its punchcard voting systems, and if funding is available, upgrade optical scan systems to allow voters to use a pencil or a pen in completing their ballots.

Voters with disabilities or those who are unable to read or write or to mark the ballot may request two election personnel of different parties or some other person chosen by the voter to assist them in marking their ballot. The location is negotiable, depending on the voter's need. In compliance with HAVA, Oregon intends to purchase Direct Recording Electronic (DRE) voting machines for each county so that voters also have the option of casting their vote independently on a machine permanently stationed at the county election office or a using "mobile" unit that can be transported by county elections staff to a location that will best accommodate the voter. In addition, the state and its counties will make any necessary revisions to existing registration and elections materials, websites, and general voter education communications to emphasize the importance of accuracy in the registration process and the matching of ballot signatures with registration signatures.

Ballot correction and replacement ballots – HAVA allows states that use paper ballot voting systems, including mail-in ballots, to conduct a voter outreach effort to provide voters with instructions on how to correct ballots or request replacement ballots. To ensure the information given to voters is easy to understand and read and to ensure uniformity of outreach among all 36 counties, the State Elections Division is planning to direct a comprehensive voter outreach program to reflect the intent of HAVA and to generally acquaint voters with the ballot format and the methods used to cast a valid vote and to request a replacement ballot. This will include state and local voters' pamphlets, the ballot packet that is mailed to each voter, state and county elections websites, the media through press releases and public service announcements, and, to the extent funding allows it, commercial advertising. In Oregon, voters must complete, sign, and submit a replacement ballot request form before the ballot can be counted. Upon receipt of a request for a replacement ballot, county elections officials verify registration and ensure that the voter has not returned another ballot, note on the voter registration list that the voter has requested a replacement ballot, mark the return identification envelop clearly so that it can be identified as a replacement ballot, and issue the replacement ballot by mail or in person.

9

Manual Audit Capacity – The Secretary of State requires each county election official to produce and maintain an audit trail of statistical information, which includes:

- the election date
- precinct number or name
- number of ballots received
- number of ballots processed
- number of ballots counted by ballot counter
- team/person name or number
- date and time processed
- number of challenged ballots
- number of out-of-county ballots received
- number of write-ins and duplicated ballots
- number of rejected ballots
- number of wholly defective ballots

Oregon also uses federal certification standards for punchcard voting systems. All systems purchased and in use by the counties are certified to have manual audit capacity and the ability to produce a paper record required by HAVA. This includes:

- The ability to consolidate vote data from all precincts.
- Geographical reporting of the results for each contest at the precinct level and other jurisdictional levels.
- Printed reports of the number of ballots counted by each tabulator.
- Printed reports by each tabulator of the results of each contest, including the votes cast for each selection, the count of undervotes, and the count of overvotes.
- A consolidated, printed report of the results for each contest of all votes cast.
- Capability of producing a consolidated printed report of the combination of overvotes for any contest that is selected by an authorized official.
- Prevention of data from being altered or destroyed by report generation or by the transmission of results over telecommunication lines.

In addition to the requirements listed above, Oregon vote tally systems must provide the following auditable data:

- Number of ballots cast, using each ballot configuration, by tabulator, by precinct, and by political subdivision.
- Candidate and measure vote totals for each contest, by tabulator.
- The number of ballots read within each precinct and for additional jurisdictional levels, by configuration, including separate totals for each party in primary elections.
- Separate accumulation of overvotes and undervotes for each contest, by tabulator, precinct and for additional jurisdictional levels.
- The total number of ballots both processed and not processable, and if there are multiple card ballots, the total number of cards read.

10

Access to the Voting Process for People with Disabilities—HA VA requires voting systems to be accessible for voters with disabilities and seniors who need special assistance in a manner that provides the same opportunity for access, participation, privacy, and independence as other voters. This requirement may be met by providing at least one Direct Recording Electronic (DRE) voting system at each polling place. A DRE voting system records votes by means of a ballot display with mechanical or electro-optical components that can be activated by the voter, such as a touch screen and audio prompts.

1. **Direct Recording Electronic (DRE) Voting System Acquisition**—Under Oregon's vote by mail system, elections are not conducted at polling places. The state plans to provide DRE machines for each county in order to meet the HA VA Voting Systems Standards requirements. DRE machines will serve as another tool for voters with disabilities to cast their ballots. Those who have used other alternatives in previous elections or who prefer alternatives other than using a DRE will not be required to use this new technology. The state will purchase a minimum of two DRE machines per county—one for placement in county elections offices and one mobile machine that will travel to individuals on request. The purchase will include training county elections staff how to use and maintain the machines. The state will also purchase additional machines that will be distributed within counties that have needs beyond the minimum requirement. County elections officials will make decisions about the placement of additional machines. The state will require that all DRE machines placed outside of county elections offices are in locations that are fully accessible to people with disabilities.

Purchase of DRE voting systems will be one of the highest priority projects in Oregon's HA VA plan. The proposed timeline is to have the machines tested in a smaller election and in place as soon as possible and not later than January 2006. Placement of the machines will be reevaluated after this election and county elections officials will recommend changes based upon experience. Oregon is also planning for its DREs to meet the following minimum criteria for system needs, functionality, accuracy, and auditing. DRE voting systems must:

- Be certified as a voting system by the Secretary of State.
- Ensure that local elections officials have responsibility and control of all DRE voting systems.
- Ensure that all processing and storage protects the anonymity of the voter.
- Enable elections officials to control the content of the ballot presented to the voter so that each voter is permitted to record votes only in contests in which that voter is authorized to vote.
- Provide access to voters with a broad range of capabilities with the functionality required by federal certification standards.
- Not require voters to bring their own assistive technology to the polling place.
- Allow the voter to select preferences in any legal number and combination, correct errors and verify that the voter has chosen to undervote.
- Prevent the voter from overvoting.
- Allow the voter before the ballot is cast to review choices and delete or change those choices before the ballot is cast.

11

- Notify the voter that the ballot has not been cast successfully and provide clear instruction on the steps the voter should take to cast the voter's ballot.
- Immediately after the voter chooses to cast or cancel the voter's ballot, record the voter's selections in the memory to be used for vote counting and audit data (including ballot images), and erase the selection from the display, memory and all other storage, including all forms of temporary storage.
- Achieve an error rate not to exceed federal standards (as described on page 14 of this plan).
- Produce a paper record of each vote cast to be used in case of a hand recount.
- Be able to eventually interface with existing county vote tally systems. This may require the State to purchase machines from more than one vendor. If interfaces cannot be completed prior to the first election in which DREs are used, counties may need to manually combine the DRE vote tallies with the counts from their existing tally systems during the first cycle of DRE use. Oregon's vote by mail procedures will be amended to address this change.

People with disabilities will participate in the evaluation of various DRE systems that are currently available. Groups who advocate on behalf of people with disabilities will help the Elections Division coordinate this involvement to ensure the participation of people with a broad representation of disabilities. The State will use a portion of the Title I funds to start purchasing DRE machines.

2. **Voter Outreach**—With the addition of DREs and the HA VA requirement to make the elections process accessible to people with disabilities, the state and its counties will begin a concerted effort to inform voters with disabilities about the various resources available, including options for casting their ballots. Counties have historically used a variety of methods for assisting people with disabilities, ranging from providing tactile ballots to sending elections officials who are members of different political parties to assist individuals in casting their votes at home. In addition, Oregon will develop a coordinated communication effort to inform people with disabilities how they can access the elections process and what types of accommodations are available to assist them in voting privately and independently. As funding allows, Oregon will also continue to explore the potential for voting by telephone and other alternatives that may support accessibility to the voting process for people with disabilities.

- The Secretary of State/State Elections Division will promote and describe the resources available using a variety of communication tools (list serves, websites, electronic and printed newsletters, etc.), including those sponsored by advocacy groups representing people with disabilities.
- At a minimum, every county elections office will be required to have a TTY or TTY relay service.
- Counties are also expected, whenever possible, to give preference to an individual's choice of voting method. For example, voters with visual impairments should not be required to use a DRE if they prefer a tactile ballot or some other alternative format that the county is able to provide.

12

- County elections offices needing improvements to their facilities to ensure access for people with disabilities should first seek grants from the U.S. Secretary of Health and Human Services (HHS) under Section 261 of the Help America Vote Act. The State has applied for the Section 261 grant, and a copy of that application is included in the Appendix. Counties that do not receive funding from HHS may apply to the State Accessibility Fund (see below).
 - The State Elections Division will publicize and operate a 1-800 number with TTY access (implemented as a multi-purpose toll-free line as part of Oregon's HAVA plan) to answer questions about resources for people with disabilities and refer voters to county elections offices for additional assistance.
 - Information about resources available to people with disabilities will be published in existing elections materials, including the voters' pamphlet, state and county websites, and the *Voting in Oregon* brochure.
3. **Accessibility Fund** – To ensure all counties receive some resources to undertake projects and activities that will enhance accessibility at the local level, the State will, subject to the availability of federal funding, create a fund that can be used for on-going needs.
 - To qualify to receive funding from the State Accessibility Fund, counties must create and submit plans for enhancing local disability access. Members of the disability community will be invited to conduct technical site visits to assist counties in determining what types of enhancements should be made. Counties must include people with disabilities in the planning process in order to qualify for State funding.
 4. **Training** – Through a partnership between the state and disability advocacy groups, county elections workers will receive training in assisting people with disabilities and ongoing county responsibility for providing access, independence, and privacy to the voting process by voters with disabilities.

Alternative Language Accessibility - HAVA requires that voting systems provide alternative language accessibility under the Voting Rights Act of 1965. Using data from the 2000 U.S. Census, Oregon's population of non-English speaking citizens does not meet the level that requires provision of voting information and materials in other languages. However, as the population of non-English speaking Oregonians continues to increase, Oregon is taking steps to offer materials related to direct voter communication in the languages that are most prevalent. Currently, the *Voting in Oregon* educational brochure and the voter registration card and instructions are available in Spanish. In addition, the multi-purpose toll-free line that will be implemented as part of meeting HAVA requirements for provisional balloting will also serve as an information clearinghouse for helping voters access the elections process. As federal funds are available, the State Elections Division will proceed with translating the state voters' pamphlet and state elections websites into Spanish. The Division will also assist counties in identifying and publicizing resources for alternative language and American Sign Language translators and interpreters. It is expected that the DRE machines purchased to meet HAVA requirements for disability access will also have capability for alternative languages. As Oregon expands its availability of resources in other languages, the use of DREs for this purpose will be considered.
- Error Rates** – All voting systems certified in Oregon are required to meet the federal standards for accuracy. The following standards will apply to any new voting systems purchased by the state and counties, including DREs:
- For each processing function, the voting system shall achieve a target error rate of no more than one in 10 million ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. The error rate applies separately to each of the following functions:
 1. For all paper-based systems:
 - Scanning ballot positions on paper ballots to detect selections for individual candidates and contests;
 - Conversion of selection detected on paper ballots into digital data.
 2. For all DRE systems:
 - Recording the voter selection of candidates and contests into voting storage;
 - Independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.
 3. For precinct-count and central-count systems (paper-based and DRE):
 - Consolidation of vote selection data from multiple counting devices to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data.
- Definition of Vote** – With the gradual expansion of vote by mail, both state and county elections officials have had a number of opportunities to review and refine what constitutes a vote. The standards were reviewed by a state and county task force following the November 2000 general election. This was the first presidential election in Oregon to be conducted entirely by mail and involved the largest and most complex state ballot in history for Oregon's election officials to prepare, distribute, process, and count. As part of its planning process, the State HAVA Steering Committee reviewed Oregon's current standards and definition of a vote, and determined that the standards produced in March 2002 are in compliance with HAVA. The standards are outlined in Oregon's Vote By Mail Procedures Manual, which will be adopted as an administrative rule applicable to all future vote by mail elections.

Requirement	State of Oregon's Current Status <small>(Does Oregon currently meet the Requirement?)</small>	Actions Planned
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(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;	N/A	See subparagraph B
(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	N/A	See subparagraph B
(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.	N/A	See subparagraph B
(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	Partially meets. • Voters are notified of opportunity to request a replacement ballot if they lose or mismark their ballot.	The state and counties will review and revise ballot materials and implement a voter outreach program with special emphasis on this requirement.

15

Requirement	State of Oregon's Current Status <small>(Does Oregon currently meet the Requirement?)</small>	Actions Planned
(i) 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)	Partially meets. • Voters are notified of opportunity to request a replacement ballot if they lose or mismark their ballot.	The state and counties will review and revise ballot materials and implement a voter outreach program with special emphasis on this requirement.
(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.
(2) AUDIT CAPACITY-		
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets.	No action needed.
(B) MANUAL AUDIT CAPACITY-		
(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-		
(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. • Voters can access large print, audio, and tactile ballot materials on request. • Two elections officials representing different political parties can assist the voter at the voter's request.	The State will meet this requirement through the purchase of DRE machines for use in each of its 36 counties.

16

State of Oregon's Current Status		
Requirement	Current Status	Actions Planned
(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 through the purchase of DRE machines for use in each of its 36 counties.
(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	The State will meet this requirement upon implementation of the voting system standards referenced above.
(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.

17

Provisional Voting and Voting Information Requirements

Provisional Voting

Oregon currently offers provisional balloting as part of its vote by mail process. In compliance with Section 302 of HAVA, when voters say they are registered to vote and the county does not find the voter on the official registration list, voters are offered the opportunity to cast a provisional ballot. The voter must make a written affirmation to an election official that the voter is registered to vote in the jurisdiction and eligible to vote in that election. Once the provisional ballot has been cast, county elections officials will then confirm eligibility and whether the voter has already voted. Officials will determine whether or not the ballot can be counted based on state law.

Oregon plans to implement a statewide toll-free line that voters can use to find out if their provisional ballot was counted. The toll-free number will be given to the voter at the time the provisional ballot is issued. When voters call the toll-free line, they will be transferred to the appropriate county for assistance. County elections officials will ensure confidentiality before providing any information about the provisional ballot.

Voting Information

Oregon currently publishes and posts voting information in several places – county elections offices, in the statewide voters' pamphlet, on state and county elections websites, in the ballot packet issued to voters, and in the *Voting in Oregon* brochure. (A more detailed description of the state's voting materials can be found in the *Training and Outreach* section of this document on pages 32 – 34.) To comply with HAVA, the State Elections Division and county election offices will make any necessary revisions to voting materials to ensure voters have proper instructions on:

- the date of the election
- due date/time of ballots
- the hours and locations of ballot dropsites
- the location and address of county elections offices
- instructions on how to vote a ballot
- instructions on how to request a replacement ballot or provisional ballot and how to check the status of a provisional ballot
- instructions for first-time voters
- information on voting rights and what to do if these rights are alleged to have been violated
- general information on federal and state election laws regarding fraud and misrepresentation

Oregon also plans to implement a multi-purpose, toll-free line that voters can use to get voting assistance, ask questions about the voting process, check the outcome of their provisional ballot, or report potential fraud.

18

State of Oregon's Current Status		
Requirement	(Check Requirement, Partially Meets, Does Not Meet)	Actions Planned
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		
(a) PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Meets.	No action needed.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--		
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	Meets.	No action needed.
(B) eligible to vote in that election.	Meets.	No action needed.

State of Oregon's Current Status		
Requirement	(Check Requirement, Partially Meets, Does Not Meet)	Actions Planned
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Meets.	No action needed.
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Meets.	No action needed.
(5)(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	The state will implement a toll-free telephone line that voters can call to learn the status of their provisional ballot. Voters will be given the toll-free number at the time they cast their ballot.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	The state will implement a toll-free telephone line that voters can call to learn the status of their provisional ballot. Voters will be given the toll-free number at the time they cast their ballot.

Computerized Statewide Voter Registration and Requirements for Mail-In Registration

Oregon Centralized Voter Registration System

Section 303 of the Help America Vote Act requires states to implement a "single, uniform, official, centralized, interactive, computerized statewide voter registration list" that is defined, maintained, and administered at the state level. The list must contain the name and registration information of every legally registered voter in the state and assign a unique identifier to each voter. Any election official in the state must be able to obtain and update the information contained in the computerized list.

Historically, Oregon has been viewed as a national leader in making the elections process and voter registration data accessible to its citizens. As elections administration became more complex, Oregon elections officials saw the need for integrating voter registration data from local governments into a single database and began studying the concept of a centralized system in the mid-1990's.

Currently, official voter registration records are created and maintained at the county level. Each county elections office updates and separately maintains voter registration records. Periodically and during the conduct of elections, county elections officials conduct checks for voter registration duplicates and report to one another. Databases are updated manually by removing the duplicates. The control and management of these functions will not change with the implementation of centralized voter registration. Counties will still have responsibility for handling voter registration processes.

In compliance with HAVA, Oregon will establish a single statewide voter registration database with integrated election management capabilities available for all 36 counties and the Secretary of State's office. While the election management component may not reflect the unique features of each county's existing system, it will provide at least the current functionality of existing election management systems.

- The system will be designed around Oregon's unique vote by mail election requirements and all applicable state laws.
- The system will be a centrally administered database maintained and administered by the state that contains the name and registration information of every registered voter in the state.
- The system will enable elections officials to remove voters from the list under the National Voter Registration Act of 1993 guidelines.
- The system will keep and report voter history.
- The system will ensure that names of each registered voter appear on the computerized list and election officials will ensure that only voters who are not eligible to vote are removed from the active list.
- The system will ensure that duplicate voter records are identified on a real time, interactive basis.
- The system will verify voter status to differentiate between active, inactive, and canceled.

21

- The system will assign a unique voter identifier number for each registered voter.
- The system will allow the same or greater accessibility to voter registration lists as exists currently.
- The system will have verification and query capabilities with other agency databases within the state (Department of Motor Vehicles, Department of Corrections, Department of Human Services). In particular, the system and the database of Department of Motor Vehicles will interface to enable the Secretary of State to verify the accuracy of the information provided on applications for voter registration.
- The system will include adequate technological security measures to prevent unauthorized access to the system and its data files as required by ORS 247.973.
- The creation of the system will be accomplished through a partnership between the counties and the Secretary of State.

Estimated Project Duration

Milestone	Date
Start of project	12/06/2002
Milestone #1 Requirements Contractors Engaged	07/01/2003
Milestone #2 Options Review and Decision	03/10/2004
Milestone #3 System Procurement/Development/Test/Implementation...	03/30/2004
End of project (Federally mandated implementation date)	01/06/2006

Mail-In Registration

HAVA Section 303 includes new identification requirements for voters who register by mail and who have not previously voted in an election for federal office. These requirements took effect January 1, 2003. As part of this mandate, states must develop new voter registration forms that include:

- The question, "Are you a citizen of the United States of America?"
- The question, "Will you be 18 years of age on or before election day?"
- The statement, "If you check 'no' in response to either of these questions, do not complete this form."
- 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 additional identification requirements when voting for the first time in a federal election. Sufficient identification can include a valid photo identification or 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.

22

Requirement	State of Oregon's Current Status <small>(Based on information provided by the State)</small>	Actions Planned
<p>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</p>		
<p>(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS-</p>		
<p>(1) IMPLEMENTATION-</p>		
<p>(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:</p>	<p>Does not meet.</p> <ul style="list-style-type: none"> No registration data in central database. Official voter registration records are those maintained at the local level. 	<p>The state will meet this requirement upon implementation of OCVR as described above.</p>
<p>(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.</p>	<p>Does not meet.</p> <ul style="list-style-type: none"> Official voter registration records are those maintained at the local level. 	<p>The state will meet this requirement upon implementation of OCVR as described above.</p>
<p>(ii) The computerized list contains the name and registration information of every legally registered voter in the State.</p>	<p>Does not meet.</p> <ul style="list-style-type: none"> Official voter registration records are those maintained at the local level. 	<p>The state will meet this requirement upon implementation of OCVR as described above.</p>
<p>(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.</p>	<p>Does not meet.</p> <ul style="list-style-type: none"> Official voter registration records are those maintained at the local level. Each county maintains its own unique identifiers. 	<p>The state will meet this requirement upon implementation of OCVR as described above.</p>

Oregon has created a new voter registration card to reflect the needed changes and a process for ensuring registration and voting are handled properly under the new law. A copy of the new registration form is included in the Appendix. For voters who do not submit identification with their registration, county elections officials will take the following steps:

- Register the voter and request identification from the voter using a form letter.
- If identification is not received by the next federal election, request identification again and treat the ballot as provisional. If no identification is received with the returned ballot, determine eligibility and count the ballot, if eligible.
- If identification is received with the return ballot, note the identification in the registration system and count the ballot if otherwise valid.

Requirement	State of Oregon's Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(iv) The computerized list shall be coordinated with other agency databases within the State.	Does not meet. • No direct, coordinated link with all NVRA agencies.	The state will meet this requirement upon implementation of OCVR as described above.
(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.	Does not meet. • Official voter registration records are those maintained at the local level. • Information requests are made at the county level.	The state will meet this requirement upon implementation of OCVR as described above.
(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.	Does not meet. • Official voter registration records are those maintained at the local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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).	Does not meet.	The state will meet this requirement upon implementation of OCVR as described above.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Does not meet. • Official list currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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.		
(2) COMPUTERIZED LIST MAINTENANCE-		
(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:		

25

Requirement	State of Oregon's Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(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 at seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg-6).	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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.	Does not meet – at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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;	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(iii) duplicate names are eliminated from the computerized list.	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(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.	Does not meet at a state level. • Each county establishes its own process for administering security.	The state will meet this requirement upon implementation of OCVR as described above.

26

Requirement	State of Oregon's Current Status <small>(Does Not Meet, Partially Meets, Does Not Meet)</small>	Actions Planned
(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:		
(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.	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Does not meet at a state level. • Official lists currently created and maintained at local level.	The state will meet this requirement upon implementation of OCVR as described above.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(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.	Does not meet. • Registration is done at the local level. • No procedures for this currently. • System will store social security number, but providing social security number not required on current voter registration forms.	The state will meet this requirement upon implementation of OCVR as described above.
(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.	Does not meet. • Official voter registration records are those maintained at the local level. • Each county maintains its own unique identifiers.	The State will meet this requirement upon implementation of OCVR as described above.

Requirement	State of Oregon's Current Status <small>(Does Not Meet, Partially Meets, Does Not Meet)</small>	Actions Planned
(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	The state will consider what verification of voter identification information is necessary and adopt appropriate laws.
(B) REQUIREMENTS FOR STATE OFFICIALS-		
(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.	Does not meet. • No current Memorandum of Understanding (MOU) between Division of Motor Vehicles (DMV) and Secretary of State; no technology in place to support this.	Secretary of State will work to the extent possible with DMV to meet this requirement.
(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)).	Does not meet. • No current Memorandum of Understanding (MOU) between DMV and Secretary of State; no technology in place to support this.	The state will meet this requirement upon implementation of OCVR as described above.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-		
(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--		
(A) the individual registered to vote in a jurisdiction by mail; and		
(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).		
(2) REQUIREMENTS-		
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--		

Requirement	State of Oregon's Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(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.	No action contemplated.
(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	Meets.	No action contemplated.
(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).	Meets.	State is in compliance as of January 1, 2003.
(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).	Meets.	State is in compliance as of January 1, 2003.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		
(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	Meets.	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;	Meets.	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	Does Not Meet.	The state will meet this requirement upon implementation of OCVR as described above.

Requirement	State of Oregon's Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(f) 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	Does not meet.	The state will meet this requirement upon implementation of OCVR as described above.
(C) who is--		
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Meets. • ORS 253.500- 253.645 are the Oregon statutes that identify who is eligible to vote under the federal act.	No action needed.
(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	Meets. • ORS 254.445 is the Assistance in Marking Ballot statute that identifies those voters eligible for assistance and the assistance provided	No action needed.
(iii) entitled to vote otherwise than in person under any other Federal law.	Meets. • ORS 254.462-482 is the Vote by Mail statute that identifies who are eligible voters for remote voting.	No action needed.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-		
(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:		
(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.	The State is meeting this requirement with its new voter registration cards issued January 1, 2003.
(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.	The State is meeting this requirement with its new voter registration cards issued January 1, 2003.
(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."	Meets.	The State is meeting this requirement with its new voter registration cards issued January 1, 2003.

Training and Voter Outreach

Training

All participants in the elections process can benefit from instruction in elections law and procedure. The creation of training materials and programs is a shared responsibility of both state and local elections officials. Some responsibilities fall to the Secretary of State as the chief elections official of the state, charged with the duty to ensure uniformity in the application, operation and interpretation of the election laws. County elections officials in Oregon, through the Oregon Association of County Clerks, have assumed responsibility for developing and maintaining a training and certification program for elections administration.

Association Training – Currently, the Oregon Association of County Clerks (OACC) and the Oregon Association of Municipal Records (OAMR) maintain education and training programs for their members. Both programs have initial certifications of proficiency and continuing education components. The county elections officials program includes Certified County Clerk and Certified Elections Administrator credentials. The stated objective of the county elections officials program is to provide its members “a framework within which they may seek practical, planned learning experiences through offerings that will enable them to learn the basic requirements of their position as well as to establish additional professional goals and skills necessary for advancement.” To ensure all elections workers are familiar with the Title III requirements and federal expectations for compliance, the OACC is planning to enhance its present training opportunities by expanding subject matter to include Title III requirements.

State Training - As the chief elections officer of the state, it is the Secretary of State’s responsibility to obtain and maintain uniformity in the application, operation, and interpretation of State election laws. To ensure compliance with Title III of HAVA and improve the overall administration of elections the Secretary of State and the State Elections Division will make the following enhancements to its training programs:

1. Sponsor annual election administration symposiums, and require each county elections office to participate, using federal funds, if available.
2. Periodically attend zone meetings of the OACC to communicate concerns, practices, and information.
3. Produce separate training presentations for election officials, staff, and board workers on specific election practices and procedures.
4. Conduct annual sessions, using the Vote by Mail Manual as the text, on election procedures and require the attendance of each county elections official.
5. Conduct and videotape a statewide training session on the needs of voters with disabilities for all county elections officials.

Requirement	State of Oregon's Current Status <small>(Does Not Meet, Partially Meets, Does Not Meet)</small>	Actions Planned
(v) 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.	The State is meeting this requirement with its new voter registration cards issued January 1, 2003.
(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).	Meets.	The State is meeting this requirement with its new voter registration cards issued January, 2003.

Voter Outreach

Clear, consistent, user-friendly outreach materials are important tools to increase accurate voter registration, increase voter turnout in all elections with a minimum of voting errors, inform voters of the means to obtain replacement and provisional ballots, and assure access to the electoral process by voters with disabilities or those who lack of proficiency in the English language.

Voters' Pamphlets - The principal voter outreach tool in Oregon is the state voters' pamphlet produced for each state election. Because it is mailed to every residential household in the state, regardless of whether any registered voter lives there and is available on-line in summary form, it is an important tool for reaching non-registered voters. State and county voters' pamphlets include ballot measure information, candidate statements, voting instructions, ballot drop site locations for vote-by-mail elections, and voter registration information.

Voter Registration and General Instruction — Voter registration requirements and instructions are included on the voter registration form adopted by the Secretary of State. Additionally, voter registration and general election information are provided primarily through the *Voting in Oregon* brochure, printed and distributed by the Secretary of State in both English and Spanish language versions. The State Elections Division also maintains information for voters on two websites: www.oregonvotes.org and www.sos.state.or.us/elections.

Voting Instructions – In addition to voters' pamphlets, counties include voting instructions as inserts in vote by mail ballot packets instructing voters on the correct means of casting a ballot. These ballot inserts usually include information on how to obtain replacement ballots if the voter loses, damages, or otherwise spoils their original ballot.

The State Elections Division and county elections offices are planning the following enhancements to existing voter outreach to ensure compliance with Title III of HAVA:

1. State and county elections materials will be enhanced where necessary for accuracy, readability, and ease of use through improved, professional designs. These materials include, but are not limited to:

- voter registration cards and instructions
- ballot packets
- voters' pamphlets
- manuals
- posters
- drop site signage
- brochures
- websites
- "precinct memorandum" cards
- instructions for provisional voting
- all other materials used by the public

2. A multi-purpose, toll-free telephone line will be created in the Secretary of State's Office for voters and all citizens to access elections information, including instructions on obtaining and successfully voting provisional ballots. The toll-free line will forward calls to the appropriate county elections office.
3. Each elections office in Oregon will develop an easily accessible and navigable website for elections information, regularly updated and linked to the Secretary of State website.
4. If federal funds are available, a portion of the Oregon Elections Fund will be dedicated to voter outreach in addition to Title III requirements. Local activities that involve partnerships or other collaborative efforts with non-partisan, non-profit, community-based organizations should be encouraged. Activities eligible for grants would be related only to voter outreach in the following subject areas:
 - How to register to vote.
 - Compliance with federal identification requirements for registering through the mail.
 - How to vote in Oregon, particularly information for young or new voters.
 - Who is eligible to vote absentee and how to vote absentee.
 - How to correct your ballot or obtain a replacement ballot.
 - How to report potential election fraud.

Administrative Complaint Procedure

Section 402 of HAVA requires the state of Oregon to create state-based administrative complaint procedures to assure state compliance with Title III of HAVA. Oregon plans to continue managing complaints informally through problem solving between voters and county elections officials. When this informal process does not satisfy the voter, the administrative complaint procedure will be available. The procedures must meet the following requirements:

- The procedures are uniform and nondiscriminatory.
- Any person who believes there is a violation of Title III (past, present or future) may file a complaint.
- Complaints shall be in writing and notarized, signed and sworn by the person filing the complaint.
- The state may consolidate complaints.
- The state shall provide an appropriate remedy if it finds a violation has occurred.
- If no violation is found, the complaint shall be dismissed and the results of the procedures published.
- Complaints shall have a final resolution within 90 days of the complaint being filed, unless the complainant consents to a longer period.
- If the complaint cannot be resolved within that period, an alternative dispute resolution procedure must be provided.

This complaint procedure is intended to be less formal than most administrative procedures, with potential violations being more likely to represent system-wide problems than individual voting rights. Thus, the possible remedies will be less personal in nature. Therefore, Oregon proposes to implement these requirements in the following manner, through appropriate administrative rules adopted by the Secretary of State:

- To maintain the informality and flexibility permitted by HAVA, Oregon has obtained an exemption from "contested case" and judicial review provisions of the Oregon Administrative Procedures Act. In addition, ORS 260.345 (the current statute used for filing complaints about election law violations) has been amended to exclude complaints filed under Section 402. These changes were made in enrolled HB 2145.
- The procedures are solely for complaints alleging a violation of Title III, including voting system standards, instructions on correcting voting errors, ID requirements for voting in federal elections if registration was by mail, computerized voter registration, contents of registration forms, and provisional voting.
- Complaints will be accepted only if made in writing, signed under oath by the person filing the complaint and notarized. The complaint must be filed directly with the Secretary of State, the Elections Division, or through a county elections office and forwarded to the Elections Division. The Elections Division will provide a form on-line that contains the required elements. County elections officials will be encouraged to resolve HAVA complaints informally if possible, but if a person wishes to file a formal complaint, the form must be provided and the person directed to submit it to the Secretary of State.

1. *Hearing on the record:* Complainants will be notified in a uniform, nondiscriminatory manner, using the following process:
 - The complaint will be reviewed to determine whether it alleges a violation of Title III and meets the complaint requirements. If it does not allege a violation of Title III, or is not in the required form, then it will be dismissed in writing.
 - If it is not dismissed, then the complaint will be acknowledged in writing to the complainant and affected election officials or others. The complainant will be offered the opportunity to request a hearing on the record. A hearing on the record may be provided by telephone or in person.
 - The Elections Division staff will request information from the complainant and others who may have information related to the substance of the complaint.
 - The responses to the requests for information will be sent to the complainant to provide an opportunity to respond or rebut the information provided. Unless the complainant requested a hearing on the record, or the affected elections official requests a hearing, or the Elections Division chooses to conduct a hearing because of the nature of the allegations and responses, the Division will issue a determination letter based on the information provided. The determination letter will address whether any violation of Title III has occurred (or might occur in the future) and address how to resolve the problem to avoid its occurrence in the future.
 - If a hearing on the record is conducted, the Elections Division will decide whether the hearing is to be conducted by telephone or in-person. The complainant and other persons who have relevant information will be invited to participate. The hearing will be conducted before an Elections Division employee. The purpose of the hearing is to determine whether any procedure required by Title III was not correctly followed, and to develop a plan to make sure the violation, if any, does not happen again. The hearing is to be conducted as a fact-finding, problem solving forum. A record must be kept, including copies of any documents submitted and minutes, a tape or other record of the hearing.
 - Final determination letters will be signed by either the Secretary of State or Deputy Secretary of State.

2. *Appropriate remedy:* A 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 violation does not occur again and, if it appears that the complaint involves a systemic problem, possible actions by the Elections Division to provide better instructions, training, or procedures for all election officials to avoid future violations.

Requirement	State of Oregon's Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES	Meets.	No action required.
(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)	Meets.	No action required.
(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:		
(A) The procedures shall be uniform and nondiscriminatory.	Meets.	No action required.
(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.	Meets.	No action required.
(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Meets.	No action required.
(D) The State may consolidate complaints filed under subparagraph (B).	Meets.	No action required.
(E) At the request of the complainant, there shall be a hearing on the record.	Meets.	No action required.

38

3. *Publish the results:* The Elections Division will publish the results of all complaints so that the public can see the outcome, by posting the closing letters to the Election Division's website, with links based on who filed the complaint, or a date, or a topic.
4. *Make a final determination in 90 days:* The Elections Division will make an initial assessment of how much investigation is necessary and acknowledge its receipt to the complainant within a few days of receipt. Unless it can clearly be dismissed without further review, letters will be sent to the appropriate persons, asking for information or a response to the allegation, with a short timeline for expected responses. The responses will be provided to the complainant for comment, again with a short timeframe to respond. The Division will then review all the material and draft a proposed closing document, either upholding or dismissing the complaint. This will receive some level of internal review before issuance in final form. The final determination will then be provided to the complainant and everyone who provided information and posted on the web site. If delays appear to put the 90-day deadline at risk, the complainant can grant an extension, but that should not be a normal occurrence. If the complainant refuses, the matter must either be completed, or it will go automatically to the dispute resolution process.
5. The *alternative dispute resolution* procedures will be a "consensus or cooperative-based outcome" procedure, not either a mediation or arbitration model. It will not involve adversaries or even parties in the traditional sense, and the outcome will not produce winners or losers. The Secretary of State will create a panel of volunteers (not election experts necessarily) but persons respected for good judgment and public service). One or more panel members will be available for reviewing a record and meeting with the interested persons for a particular complaint. The panel member will then recommend an outcome to the Secretary to be adopted within 60 days. The Secretary will adopt the outcome, as appropriate. This process could be available to use even in cases when the 90-day decision deadline is not a problem, to be implemented only at the Secretary's discretion.

37

Funding Distribution and Controls

Oregon intends to use the following principles in determining the use and distribution of Title I and Title III funds:

- 1.) The Secretary of State will use federal funding first to address requirements placed on the state and counties by the new law and discretionary improvements to elections systems will be funded second.
- 2.) The state and county elections officials attempt to make elections system improvements visible to the public as early in the process as possible.

Effect of Title I Payments

Working under the above guidelines, Oregon expects to use its Title I allocation for the following activities, which are estimated as follows:

- Replacement of punch card voting systems - \$2.3 million.
- Purchase of DREs for counties - \$1 million
- Oregon centralized voter registration - \$3 million
- Voter outreach, training and other Title III requirements - \$900,000
- Plan preparation and project management - \$100,000

The HAVA Steering Committee has recommended, if the projected funding is less than \$7.3 million, the above allocations be reduced and the funding would be reallocated among the five categories. If less money is expended for any one of the above allocations, the remainder can be reallocated among the other categories. Some projects funded under this scenario, centralized voter registration in particular, could also be funded under later federal appropriations that require a five percent state match. The Steering Committee also recommends that allocations of federal funding that require state matching funds be made in accordance with the same guiding principles listed above.

Additional Funding (Title III Requirements Payment)

If Oregon receives federal funding in addition to the Title I monies, the state will use these funds as follows:

- Completion of the Oregon Centralized Voter Registration system.
- Funding costs incurred by counties as a result of meeting requirements of the bill, such as maintenance and replacement of DREs.
- Funding costs incurred by the Elections Division for meeting requirements and any other priorities specified by the state HAVA plan, including limited duration staff positions to implement HAVA and the training and voter outreach responsibilities placed with the Division.
- Funding special efforts to address county needs, such as upgrades of vote tally systems and improvements to physical space.

Election Fund

As required by HAVA, Oregon has adopted legislation to create a State Election Fund so federal funds can be received as soon as they are available. The Election Fund is separate and distinct from the General Fund of the State Treasury and interest earned by the Fund will be credited to the Election Fund. The Fund consists of amounts appropriated or otherwise made available by

Requirement	State of Oregon's Current Status (Meets Requirement, Partially Meets, Does Not Meet)		Actions Planned
	Meets	Does Not Meet	
(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.	Meets.		No action required.
(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.	Meets.		No action required.
(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.	Meets.		No action required.
(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.	Meets.		No action required.

Projected Funding

At the time this plan was finalized, federal appropriations for HAVA were less than the amounts authorized by the legislation. The following table shows the assumptions the state is using regarding federal funding. The Oregon federal share numbers are based upon early estimates by the Congressional Research Service. The actual numbers will not be known for several months.

Federal Fiscal Year	Total Federal Funds	Oregon Federal Share	5% State Match Requirement*
Early Payments (Title I Funds)	\$650,000,000 (appropriated)	\$7,371,540	\$0
2003	\$800,000,000 (appropriated)	\$9,443,808	\$496,744
2004	\$481,000,000 (President's Budget)	\$5,678,090	\$298,668
2005	\$600,000,000 (authorized)	\$7,082,856	\$372,558
Total	\$2,531,000,000	\$29,576,294	\$1,167,970

Source: Congressional Research Service, *Funds Allocations to States Based on P.L. 107-252: the Help America Vote Act of 2002.*

*5% State Match Requirement is calculated as 5% of the total of the combined state and federal portions of expenses. This calculation requires a multiplier of .0526 (i.e., 5/95 ~ .0526) of the federal funds. For FY 2003, the \$496,744 state match is 5.26% of the federal contribution of \$9,443,808. Of the combined expenditure of \$9,940,552, the state match of \$496,744 is 5%.

Oregon is assuming that the costs of complying with HAVA will not end after federal appropriations have ceased in 2005. Therefore, the state is considering holding in the Election Fund any unspent federal funds remaining after all HAVA requirements have been met and using the interest earned from these funds to pay on-going maintenance and programmatic costs at the state and county levels. In addition, Oregon is planning to use Title I early funding to pay for Title III requirements. When the requirements payment is received, the state will reimburse itself for the Title I funds used in meeting Title III requirements. The state will then be responsible for the 5% match for those reimbursed funds.

the Legislative Assembly or the State for carrying out the mandates and activities of the federal Help America Vote Act of 2002. A copy of the enrolled bill is included in the Appendix.

Distribution of Funds

The Secretary of State and the State Elections Division will centrally manage activities and projects funded by HAVA requirements payments. The state will be responsible to account for all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws. The state HAVA Steering Committee is currently deliberating mechanisms and requirements for distributing discretionary funds to counties for elections improvements. If adequate funding is available, Oregon may set up its Election Fund to be maintained over the long-term to pay for the cost of maintenance and improvements to state and county elections systems in the future. These funds will only be available for purposes of maintaining Oregon's elections system.

For special local projects, the Committee has not made a final recommendation on how funds will be dispersed. It is considering, depending on the amount of funds available, whether funds will be dispersed to counties using a formula, or whether a grant process that funds specific categories of elections improvements will be used, or some combination of both. These discussions may be delayed until it is clear how much funding is available after all HAVA requirements have been met.

Maintenance of Effort

In compliance with HAVA Section 254(a)(7), in using any requirements payment, Oregon will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of Title III expenditures in State FY 2000.

The intent of funding provided under HAVA is to pay for new or enhanced efforts, not to supplant existing funding at the state and county level. It is therefore important to note that the projected HAVA budget is based on a critical assumption that the state and counties will maintain this foundation of election operating expenditures at existing levels. Without this foundation, the short-term infusion of HAVA funds would not be sufficient to maintain the new state election environment in the long-term.

Anticipated Budget for HAVA Implementation

HAVA Requirements	Total Cost	Section 101 Funds	Section 102 Funds	Section 252 & 257 Funds	5% State Match
Voting System Standards (S-301)	\$3,550,000				
• Punchcard replacement			\$2,300,000		\$0
• DRE Purchase		\$1,000,000			\$0
• Ballot Correction Information		\$250,000			\$0
Provisional Voting and Voting Information Requirements (S-302)	\$1,400,000			\$1,400,000	\$73,640
Centralized Voter Registration (S-303)	\$6,000,000-\$12,000,000	\$3,000,000		\$3,000,000-\$9,000,000	\$157,800-\$473,400
Voter Outreach and Election Worker Training (S-254)	\$2,150,000	\$650,000		\$1,500,000	\$78,900
State Plan Creation and Management	\$600,000	\$100,000		\$500,000	\$26,300
Other HAVA/State Plan Activities	\$9,876,294-\$15,876,294**				
TOTAL	\$29,576,294	\$5,000,000	\$2,300,000	\$6,400,000-\$12,400,000	\$336,640-\$652,240

* Some unspent federal funds may be set aside in the state Election Fund for payment of long-term costs of complying with HAVA. Budget revisions will be made as anticipated federal funding changes.

** Total spent on other HAVA/State Plan activities will depend on the total cost of implementing Centralized Voter Registration.

Plan Management

Title II of the Help America Vote Act requires each state to describe how it will manage the implementation of its proposed HAVA plan. This description must include who is responsible for implementation and monitoring, the process for changing the state plan, implementation timelines, and reporting requirements for counties and projects. Oregon will conduct plan management at three levels:

- State HAVA Steering Committee** – The primary responsibility of the Steering Committee during implementation is to monitor progress of the various HAVA projects and to recommend and oversee the process of making needed changes to the State Plan. It is recommended that the Steering Committee meet at least quarterly during the first year or two of implementation.
- Secretary of State/Elections Division** – Responsibility for implementation of the plan will be carried out at the state level, with involvement from counties on various projects. The State is responsible for reporting to the HAVA Steering Committee, tracking resource requirements, approving and tracking expenditures of HAVA funds, coordinating decision-making, and ensuring implementation activities are on track. Management will be divided into two components:
 - Overall HAVA Project Management
 - OCVR Project Management
- Project/Task Level** – Individual leaders will have responsibility for the day-to-day coordination and implementation of distinct projects within the HAVA plan. These project leaders may be HAVA Steering Committee members, State Elections Division staff, or county elections officials. These individuals are responsible for reporting project activities, progress, and resource needs/expenditures to the Project Managers. Project managers and project/task leaders will determine appropriate reporting based upon the needs, requirements, complexity, and risk factors of each project.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the state plan. The HAVA Steering Committee will lead an annual process for plan revisions that includes the following steps:

- April 1–April 30** Project leaders and project managers discuss and recommend needed plan revisions.
- May 1–May 31** Steering Committee members review recommendations from project managers and staff and decide on draft changes.
- June 1– June 15** Public comment period.
- June 15–June 30** Plan revisions are finalized.

July 1

Revised plan is submitted to the federal commission for publication in the Federal Register.

No material changes to the plan or the administration of the plan will be made unless the change is developed and published in the Federal Register in accordance with HAVA Section 256.

Performance Goals

The State Elections Division, in collaboration with county elections offices, will establish HAVA performance goals and institute a process to measure progress toward these goals. Performance goals will provide a high level view of a particular project's direction.

Activity

Completion Date

Section 301 – Ballot Correction
Voter Education Materials in all Vote by Mail Ballot Materials January 1, 2006

Section 301 – Accessibility for Individuals with Disabilities
Use of DREs in elections January 1, 2006

Section 302 - Provisional Voting Requirements
Implementation of toll-free line January 1, 2004

Section 303 – Computerized Statewide Voter Registration List
System is fully operational January 1, 2006*

Section 303 – Mail-In Voter Registration Forms
New forms in use January 1, 2003

* *Provided Oregon receives a federal waiver to extend the timeline for implementing OCVR.*

The state will measure the following five critical areas for each project. Appropriate state and county personnel will develop the necessary metrics to collect performance data. The measures will provide the state with the ability to understand, predict, and improve overall performance and communicate expectations at the state and local levels.

- **Scope:** measures internal or external events that may affect cost, implementation schedule or quality.
- **Schedule:** measures progress toward goals.
- **Resources:** measures personnel and financial investment to ensure that the right people are on a project at the right time.
- **Quality:** measures effectiveness of the project to ensure that it meets expectations.
- **Risk:** measures likelihood and impact of certain events on operations.

Audits and Internal Controls

According to the Statements on Auditing Standards (SAS) No. 1, section 220, "In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors." The accounting profession has established, through the AICPA's Code of Professional Conduct, precepts to guard against the presumption of loss of independence. As such, the Audits Division shall not conduct audits of the Secretary of State's Office or any of its programs, including the implementation of the Help America Vote Act.

Any audits conducted of the HAVA program with the Oregon Elections Division will be made in accordance with the American Institute of Certified Public Accountants (AICPA) Audit and Accounting Guide, *Audits of State and Local Governmental Units*, and generally accepted government auditing standards for financial audits (*Government Auditing Standards*), issued by the Comptroller General of the United States.

The Secretary of State will ensure that the State and any State subrecipient of grants or other payments under this Act maintain records in accordance with the record keeping requirements of the Act (section 902) and all such records will be available for audit. The Secretary of State will also ensure itself and all subrecipients are audited on a regular basis as determined by the Commission and in accordance with the Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

Commonwealth of Pennsylvania
State Plan



TABLE OF CONTENTS

Introductionpage 1

Elements of the State Plan

Element 1. How the State will use the requirements paymentpage 7

Element 2. How the State will distribute and monitor the distribution of the requirements payment.....page 28

Element 3. How the State will provide for programs for voter education, election official education and training, and poll worker training.....page 31

Element 4. How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301of HAVApage 34

Element 5. How the State will establish the fund required by section 254(b) of HAVA, including information on fund managementpage 35

Element 6. State's proposed budget for activities under Part II of HAVA.....page 36

Element 7. State's maintenance of effort.....page 40

Element 8. How the State will adopt performance goals and measures.....page 41

Element 9. Description of the State-based administrative complaintpage 45

Element 10. How payments received under Title I will affect activities carried out under the State Plan.....page 47

Element 11. How the State will conduct ongoing management of the plan.....page 48

Element 12. How the plan reflects changes from the previous fiscal year.....page 50

Element 13. Description of the State Plan Advisory Board.....page 51

Appendices

Appendix A. List of Witnesses.....page 54

Appendix B. Voting Systems used in the November 7, 2000 Election.....page 55

Appendix C. Computerized Statewide Voter Registration List Requirementspage 57

Endnotespage 61

As Required by Public Law 107-252,
 The Help America Vote Act of 2002

July 31, 2003

Edward G. Rendell, Governor

Pedro A. Cortés, Secretary of the Commonwealth



INTRODUCTION

THE HELP AMERICA VOTE ACT OF 2002

In an effort to correct the problems encountered in Florida during the November 2000 presidential election, the United States Congress in October 2002 enacted the Help America Vote Act of 2002 (HAVA), P.L. 107-252 (42 U.S.C. § 15301 *et seq.*). Applicable to all Federal elections held in the United States, HAVA requires or authorizes the following:

1. Creates standards for all voting systems used by the States.
2. Requires voting systems to be accessible to individuals with disabilities and those using alternative languages.
3. Requires the use of provisional ballots.
4. Implements identification requirements for those who vote for the first time after registering by mail.
5. Requires States to implement a statewide voter registration database.
6. Provides for a board to establish standards for what constitutes a vote.
7. Requires States to conduct educational programs for voters and election officials.

HAVA authorizes three Federal funding programs to accomplish the various requirements in the Act. Two funding streams administered by the General Services Administration under Title I provide for payments to States for election administration improvements and replacement of punch cards and lever voting machines. The new federal Election Assistance Commission (EAC) oversees the third, and largest, HAVA funding program under Title II. The principal purpose of the funds provided through the EAC under Title II is to assist the States in meeting the new uniform and nondiscriminatory voting system, election technology and election administration requirements imposed by Title III of HAVA.

1. Section 101 of HAVA provides \$325 million in funding for the following:

- Complying with the requirements of Title III.
- Improving election administration concerning voting rights, procedures and technology.
- Educating voters concerning their rights, election procedures and voting technology.
- Training election officials, poll workers and election volunteers.
- Developing the State Plan for implementing HAVA.
- Improving, acquiring, leasing, modifying, or replacing voting systems.
- Improving polling place accessibility.
- Establishing toll-free hotlines for voters to use to report possible voting fraud and other violations of election law or to obtain information.

Pennsylvania's share of the § 101 funding is \$11,323,168.

2. Section 102 provides \$325 million in funding for the replacement of lever voting machines and punch card systems. Pennsylvania's share is \$22,916,952. HAVA authorizes an appropriation of \$4,000 per precinct to replace lever machines. However, the amount actually received from the GSA was based on an allocation of \$3,192.22 per precinct.

3. Section 251 of HAVA (Title II) authorizes \$3 billion dollars over three years for "requirements payments" to be used to meet the requirements of HAVA's Title III. Requirements payments may be used to carry out other activities to improve election administration if the State has implemented the requirements of Title III or the amount expended with respect to such other activities does not exceed an amount equal to the minimum payment amount applicable to the State under section 252(c). Pennsylvania's estimated share of the authorized Title II money is \$35,741,000 for 2003. However, Congress failed to fully fund HAVA for 2003, and Pennsylvania could receive up to \$24,000,000 in supplemental funds if Congress approves them.

The General Services Administration has already distributed the funds authorized and appropriated under Title I. However, the Election Assistance Commission (EAC) established by Congress to administer the Act generally and to distribute the requirements payments authorized under Title II has not yet been appointed. In addition, before it might receive a requirements payment under Title II of HAVA, a State must submit to the EAC a State Plan that addresses each of 13 subjects, or "elements," mandated by section 254 of HAVA. The mandated elements are:

- (1) 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.
- (2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State, including: the criteria to be used to determine the eligibility of such units or entities for receiving payment; and the methods to be used by the State to monitor the performance of units or entities to whom the payment is distributed.
- (3) 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.
- (4) How the State will adopt voting system guidelines and processes that are consistent with the requirements of section 301.
- (5) How the State will establish a fund for the purpose of administering the State's activities, including information on fund management.
- (6) The State's proposed budget for activities based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including





Commonwealth of Pennsylvania
State Plan

specific information on the costs of the activities required to be carried out to meet the requirements of the act; the portion of the federal payment which will be used to carry out the activities to meet such requirements; and the portion of the federal payment that will be used to carry out other activities.

- (7) 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.
 - (8) 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.
 - (9) A description of the uniform, nondiscriminatory State-based administrative complaint procedure required by section 402.
 - (10) If the State received any payment under other federal funding programs, 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.
 - (11) 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 is developed and published in the *Federal Register* in accordance with section 255 in the same manner as the State plan; is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and takes effect only after the expiration of the 30-day period that begins on the dates the change is published in the *Federal Register* in accordance with section 255.
 - (12) In the case of a State with a State plan in effect 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 the previous fiscal year.
 - (13) 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.
- In developing its State Plan, a State must work with a committee of appropriate individuals, and follow a process that provides for public notice and comment.

3



Commonwealth of Pennsylvania
State Plan

OVERVIEW OF THE ADMINISTRATION OF ELECTIONS IN PENNSYLVANIA

It is evident from the summary above that HAVA will have significant impact on the administration of elections at all levels of government. In Pennsylvania, election administration occurs at three levels – at the State level by the Secretary of the Commonwealth, at the county level by the elected county commissioners or other body established by a home rule charter, and at the precinct level by the elected district election officials.

The State Level: The Secretary of the Commonwealth, who is appointed by the Governor with approval of the Senate and serves at the pleasure of the Governor, is the chief election officer of the Commonwealth and serves as the head of the Department of State. The Secretary is the custodian of the election returns for Federal, Statewide, legislative, and most judicial offices. The Secretary compiles and publishes the returns of the primary, municipal, general and special elections; and prescribes the forms of nomination petitions and nomination papers, campaign expense reporting forms, voter registration applications and all other forms and records required by the Pennsylvania Election Code. The Secretary is also responsible for examining voting machines and electronic voting systems before they might be used for voting in the Commonwealth. He receives and determines the sufficiency of nomination petitions, nomination certificates, and nomination papers of candidates for Federal, State and certain political party offices; certifies the names of such candidates to the county boards of elections for primaries and elections; and issues certificates of nomination and election to successful candidates unless otherwise prescribed by law. The Secretary administers the campaign expense reporting laws and receives reports from county boards of elections on various issues; may demand such additional reports on special matters as he might deem necessary; and prescribes the form and wording of constitutional amendments to be submitted to the electors of the State at large. He is responsible for designing, implementing and administering the Statewide Uniform Registry of Electors (SURE) and for prescribing regulations related thereto.

Until the passage of the National Voter Registration Act of 1993 (NVRA) and the corresponding Pennsylvania Voter Registration Act (PVRA) in 1995, the Department's role in elections was largely ministerial, and it had little authority over the county boards of elections and registration commissions. With the passage of the various election reform legislation over the last decade, including the NVRA; the PVRA; Act No. 2002-3 (codifying the PVRA and establishing the Statewide Uniform Registry of Electors); and the Help America Vote Act of 2002 and the corresponding Pennsylvania law, Act No. 2002-150, the trend has been toward granting the Secretary more authority over election administration in the Commonwealth.

The County Level: Under the Pennsylvania Election Code, the county commissioners or other officers who perform the duties of the county commissioners serve as the county board of elections and the voter registration commission. There are three county commissioners elected to four-year terms. Because a voter may vote for only two candidates, elected minority party representation is virtually assured. In home rule counties, the county board and voter registration commission are established under the home rule charter. Home rule counties also provide for minority party representation. The bulk of the responsibilities for election administration fall on the county officials. They are responsible for accepting the nomination documents of candidates for county and municipal offices, and insuring that ballots are accurately printed and voting

4

Commonwealth of Pennsylvania
State Plan



THE PENNSYLVANIA STATE PLAN

As required by section 255 of HAVA and Act 150, the Secretary of the Commonwealth developed this State Plan of the Commonwealth of Pennsylvania through the State Plan Advisory Board. It is the objective of this Plan to modernize Pennsylvania's voting systems, guarantee that all registered electors have the opportunity to vote, and ensure that voting systems provide equal opportunities and are easy to use. The State Plan has been written with the goal of ensuring that the citizens of the Commonwealth are provided the most fair and equitable election system possible.

A Preliminary State Plan was completed on June 28 and made available for public inspection and comment for a period of 30 days,² as required by section 256 of HAVA.³ The Secretary of the Commonwealth held public hearings during the 30-day comment period. Hearings were held on July 7, 2003, in Reading, Berks County, for the central region of Pennsylvania; in Pitsburgh, Allegheny County, on July 9, 2003, for the western region of Pennsylvania; and in Philadelphia on July 14, 2003, for the eastern part of the Commonwealth. Witnesses included representatives of various disability and alternative language advocacy groups; county election directors; and representatives of citizen action groups, including Common Cause/Pennsylvania and the Pennsylvania League of Women Voters. A complete list of witnesses is included in the State Plan as Appendix A. In addition, Secretary Cortes met with various advocacy groups on July 17, 2003 to discuss their participation in implementation of the Pennsylvania State Plan. This meeting included representatives from Common Cause of Pennsylvania, the Leadership Council on Civil Rights, the Disabilities Law Project, the United Cerebral Palsy Association, the League of Women Voters, the American Civil Liberties Union, and others.

Witnesses who presented testimony at the hearings were concerned about various issues, including increased accessibility for polling places; the lack of information relative to accessibility standards for polling places; time frames specified in the plan for conducting voter education; criticism of using direct recording electronic voting systems without a "voter verifiable ballot"; increased access for alternative language voters; the availability of voter education materials in alternative languages; and increased participation by advocacy groups in the development of programs and information to be distributed under HAVA.

As required by HAVA, the Commonwealth has considered all public comment and taken all comments into account before submitting this State Plan to the EAC. The Commonwealth has incorporated into the State Plan many of the concerns expressed in the hearings and received in writing. Copies of testimony and written submissions are available by contacting the Department of State through the Secretary of the Commonwealth, Room 302, North Office Building, Harrisburg, PA 17120.

6

Commonwealth of Pennsylvania
State Plan



systems are programmed correctly. They select and equip polling places; purchase all required voting equipment; issue certificates to watchers; train district election officers; receive results when the polls close; canvass results; and issue official election results to the public.

The Precinct Level: In each polling place on Election Day in every precinct in Pennsylvania, an elected judge of election and elected majority and minority inspectors are responsible for insuring that the correct legal procedures are followed at the polling place. These officials are responsible for opening the polls; processing voters; after the polls close, counting ballots both on the voting system used in the precincts and absentee ballots that have been sent to the precinct for tabulation; and certifying and delivering the election results to the county board of elections

THE PENNSYLVANIA GENERAL ASSEMBLY'S RESPONSE TO HAVA

The Pennsylvania General Assembly in December 2002 enacted Act 2002-150, which amended the Pennsylvania Election Code to include several provisions designed to comply with HAVA. These amendments also have the effect of making those rules under HAVA applicable to both Federal and State elections in the Commonwealth.

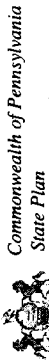
Among other things, Act 150:

- (1) Delineates requirements for the county boards of election to process provisional ballots.
- (2) Provides for voter identification requirements for those that vote in a precinct for the first time (regardless of the method used to register).
- (3) Specifies procedures to be followed when complaints are received under Title III of HAVA.
- (4) Creates the Voting Systems Development Board to determine what constitutes a vote on voting systems used in the Commonwealth.
- (5) Establishes a State Plan Advisory Board to advise the Secretary of the Commonwealth regarding development of the State Plan.

THE STATE PLAN ADVISORY BOARD

As required by HAVA and Act 150, the Secretary of the Commonwealth on February 27, 2003 convened the State Plan Advisory Board (Board) to advise the Secretary in the development of the State Plan. The Board made its recommendations to the Secretary on May 12, 2003. The Secretary has incorporated many of the Board's recommendations into the State Plan.

5



Commonwealth of Pennsylvania
State Plan

IMPLEMENTATION OF HAVA REQUIREMENTS

As it works to implement the State Plan and the requirements of HAVA, the Department is committed to working closely with county administrators and stakeholders, including the various advocacy groups for individuals with disabilities, college and high school students, alternative language voters, senior citizens, and non-partisan organizations. Specifically, the Department plans to involve county officials and interested individuals, groups and organizations in activities such as the determination of polling place accessibility; the assessment of voting system accessibility; the development of voter education programs and materials; the development of poll worker training; the design of provisional ballots; and the development of websites and polling place information.

The goals and principles of the entire effort of the Commonwealth reflected in this State Plan are based on the concept that all voters are entitled to the right of full participation in the election process and to cast their votes independently and privately. To this end, the Commonwealth is committed to involving in the planning process both stakeholders and election administrators. Education programs will be targeted at all citizens in all of the communities of the Commonwealth. Election officials will receive training in all aspects of election administration, including voting accessibility and procedures for accommodating the needs of all voters.

Those groups and citizens who expressed concerns about the involvement of the public in implementing HAVA in the Commonwealth of Pennsylvania can be confident in the promise that the public will have a prominent role in both the planning and execution of the State Plan, as well as in the ongoing evaluation and assessment of Pennsylvania's compliance with HAVA and the achievement of the Commonwealth's goal to guarantee that all voters of Pennsylvania have the opportunity to participate fully in the election process and to cast their votes independently and privately.



Commonwealth of Pennsylvania
State Plan

ELEMENTS OF THE STATE PLAN

STATE PLAN ELEMENT I

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.

HAVA Section 254(a)(1) (42 U.S.C. § 15404(a)(1))

The requirements imposed upon the States by Title III of HAVA are "minimum requirements."⁴ HAVA permits States to establish election technology and administration requirements that are stricter than the requirements established by Title III, so long as they are not inconsistent with Federal requirements.⁵ In addition, the specific choices on the methods of complying with the requirements of Title III are "left to the discretion of the State."⁶

The requirements mandated by Title III of HAVA are divided into three sections – section 301 (relating to voting system standards); section 302 (relating to provisional voting and voting information requirements); and section 303 (relating to computerized statewide voter registration list requirements and requirements for voters who register by mail). Within each of those sections of Title III are various subsections. For purposes of organizational clarity, this State Plan addressing Element I follows the organization of Title III.

VOTING SYSTEMS STANDARDS (HAVA § 301)

Section 301(d) of HAVA requires, no later than January 1, 2006, that all voting systems used in elections for Federal office meet certain requirements delineated below.

- Each voting system used in a Federal election on or after January 1, 2006 must permit the voter to (1) verify privately and independently the votes selected before casting a ballot and to privately and independently be able to change or correct a ballot before it is cast (including receiving a replacement ballot); (2) notify the voter of an over-vote (casting votes for more candidates than allowed); (3) notify the voter of the effect of over-voting, i.e., the vote for that office will not be counted; and (4) provide the voter with the opportunity to correct the ballot, if he or she has overvoted. These requirements mandate that a county using a paper based electronic voting system must use precinct tabulators instead of central count tabulators, thus precluding the use of paper-based central count electronic voting systems (except as noted below).
- Counties might continue to use central count paper-based voting systems, including the paper-based absentee balloting systems (that all counties currently use), if the system is designed to preserve voter confidentiality and the Commonwealth or its counties develop and deploy voting-system specific voter education programs that inform voters of the

Commonwealth of Pennsylvania
State Plan



effect of over voting and instruct voters on how to correct a ballot before it is cast (including instructions on obtaining a replacement ballot).

- All voting systems must meet all requirements of alternative language access of section 203 of the Voting Rights Act of 1965 (42 U.S.C. § 1973aa-1a).
- Voting systems must be accessible to voters with disabilities, including voters with visual impairment, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. According to HAVA, this requirement is met by providing at least one direct recording electronic (DRE) voting unit, or other voting system equipped for individuals with disabilities at each polling place.
- All voting systems must (1) produce a record with an audit capacity (the paper record produced must be available as an official record for purposes of a recount); (2) produce a permanent paper record with a manual audit capacity; (3) allow the voter to correct any error before the permanent paper record is produced; and (4) meet FEC guidelines (§ 3.2.1) for voting system error rates (errors attributable *only* to system errors, and not an act of the voter) that are in effect at the time of the HAVA's enactment (October 29, 2002).

Finally, HAVA requires that each State 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."⁷

PENNSYLVANIA'S VOTING SYSTEMS AND ACTIONS PLANNED BY THE COMMONWEALTH TO COMPLY WITH SECTION 301 OF HAVA

Summary: Pennsylvania utilized three types of voting methods in the November 2000 election (the base year that HAVA establishes). Of the 9,418 precincts existing in Pennsylvania in November 2000, 0.7% used paper ballots; 65.2% used lever voting machines; and 34% used electronic voting systems. The electronic voting systems used in Pennsylvania include punch cards, optical scan systems and direct recording electronic (DRE) devices. See Appendix B for a breakdown of voting methods used in Pennsylvania at the November 2000 Election.

Commonwealth's Planned Actions:

- Unless the General Assembly of Pennsylvania should enact laws otherwise providing, the Commonwealth plans to leave decisions regarding the replacement or upgrading of voting systems to the prerogative of the governing authorities of the Commonwealth's 67 counties – provided, of course, that those decisions are consistent with the requirements of Federal and Pennsylvania law.
- The Commonwealth plans to recommend to the governing authorities of counties that have not done so that they procure a HAVA compliant DRE voting system that provides

9

Commonwealth of Pennsylvania
State Plan



full compliance with the voting system requirements of Federal and State laws. Pennsylvania plans to enter into one or more State contracts with various DRE vendors by which counties might purchase HAVA compliant DRE devices at a lower cost than individual counties would likely incur in purchasing from vendors directly.

- The Commonwealth plans to structure its funding programs and decisions in a manner that encourages county authorities to purchase HAVA compliant DRE systems. The Commonwealth will make Title II Federal funds available to counties to purchase HAVA compliant DREs and will provide up to 100% of the cost of purchasing such systems depending on the availability of Federal funds and prudent purchase of machines. If a county purchasing the HAVA compliant DRE system has received Title I funds provided by section 102 of HAVA, the amount of the Title II reimbursement for DRE purchases would be reduced by the dollar amount received under section 102. Counties that choose not to purchase a DRE system would receive up to 50% of the cost of purchasing a new voting system, depending on the availability of Federal funds. If a county that purchases a voting system other than a HAVA compliant DRE system has received Title I funds under section 102 of HAVA, the amount of the Title II reimbursement for the voting system purchase would be reduced by the dollar amount received under section 102. The Commonwealth plans to encourage the procurement of HAVA compliant DRE systems in part because section 301(a)(3)(B) of HAVA effectively obliges all counties to purchase at least one DRE device for each precinct to accommodate individuals with disabilities.⁸ Thus, the Commonwealth believes that the purchase of DRE machines for all voters would be the most efficient use of Federal, State and local funds.
- The Commonwealth plans to encourage counties that decide to use an optical scan or punch card electronic voting system to procure precinct scanners, rather than opting for central count systems with a voter education program as HAVA permits.
- The Commonwealth plans to request a waiver authorized by section 102(a)(3)(B) of HAVA⁹ to postpone replacement of lever machines and punch card systems. The effect of the waiver would be to require replacement of the voting systems no later than the Federal elections held after January 1, 2006, instead of by January 1, 2004. The waiver is necessary because the Commonwealth must await action of the EAC on what constitutes a HAVA compliant voting system. In addition, each HAVA compliant voting system will have to be reviewed and examined to determine compliance with Pennsylvania law. The Commonwealth plans to work aggressively to expedite the purchase of the new voting systems by the counties before January 1, 2006, but does not believe that it will be physically possible for counties to procure new voting systems for almost 9,000 precincts, train elections officials to correctly operate them, and expect voters to use them within the next five to nine months.
- The Department heard testimony at public hearings supporting the use of DRE machines only if they include "voter verifiable ballots," which allegedly provide a paper record of how the voter has voted. The paper ballot produced by the DRE would be deposited into a ballot box upon registering a vote on the DRE and before leaving the voting booth. It is the opinion of the Department of State that current Pennsylvania law does not address the use of such a ballot. Therefore, unless the EAC should interpret HAVA to require a "voter verifiable ballot," or the

10



Commonwealth of Pennsylvania
State Plan

Legislature should amend the Pennsylvania Election Code to require one, the Department does not believe it to be within the statutory scheme to permit the use of such a DRE system in Pennsylvania.

Voting Methods Used in Pennsylvania

1. Paper Ballots

Summary: Sixty-six precincts in five Pennsylvania counties used traditional paper ballots in the November 2000 election. HAVA does not mandate the discontinuation of paper ballots, provided that any county choosing to keep paper ballots must implement a voter education program that notifies voters of the effect of over-votes and instructs them how to correct errors. In addition, a county choosing to keep paper ballots is still required to install a disabled-accessible voting system in each polling place for those voters who are unable to vote with a pencil and paper.

Commonwealth's Planned Actions: The Commonwealth plans to provide Federal funds to reimburse those counties using paper ballots that purchase a HAVA compliant DRE voting system. Counties that decide to procure a DRE system would have to meet the Pennsylvania constitutional requirement that the voters of those counties approve the use of an electronic voting system through referendum.¹⁰

2. Lever Voting Machines

Summary: Sixty-five per cent of the precincts in 26 counties in Pennsylvania used lever voting machines at the November 2000 election. (See Appendix B.) Two of these counties, Mercer and Philadelphia, have since purchased DRE systems. Because HAVA requires that all voting systems have a manual audit capacity, the 24 counties now using lever machines must replace them. There were 4,362 qualifying precincts in the 24 counties that used lever machines in November of 2000 and 1,781 qualifying precincts in Mercer and Philadelphia Counties.

Commonwealth's Planned Action: The Commonwealth plans to encourage the 24 counties that currently use a lever machine voting system to replace that system with HAVA compliant DREs, instead of choosing other options. However, those counties do have the option to procure an optical scan electronic system using precinct tabulation or a central count system with an education program. Regardless of the system that a county might choose to replace its lever voting system, the Commonwealth plans to distribute the appropriate amount of funds received under section 102 of HAVA from the General Services Administration to these counties when they replace their lever machines.

3. Electronic Voting Systems

a. Punch Card Electronic Voting Systems

Summary: Eleven counties in Pennsylvania used punch cards in 1,030 precincts in the November 2000 election. Although HAVA makes funding available to counties to replace punch card electronic systems, it does not mandate the discontinuation of punch card electronic



Commonwealth of Pennsylvania
State Plan

systems, provided that any county choosing to keep such a system either install a precinct tabulator at each polling place or implement a voter education program specific to punch card voting that notifies voters of the effect of over-votes and instructs them how to correct errors. In addition, a county choosing to keep a punch card electronic system has to install a disabled-accessible voting system in each polling place for those voters who are unable to vote with punch card ballots.

Commonwealth's Planned Action: The Commonwealth plans to encourage those counties using central count punch card electronic voting systems to purchase HAVA compliant DRE systems, instead of moving to tabulation of punch cards in the precincts or an educational program (see above) or by purchasing another paper based system (optical scan). Regardless of the system a county should choose, the Commonwealth plans to distribute to those counties that replace their punch card voting systems the appropriate amount of funds as prescribed by section 102 of HAVA.

b. Optical Scan Electronic Voting Systems


Summary: All 24 Pennsylvania counties using optical scan voting systems in 1,257 precincts in November 2000 used the central-count method of tabulating ballots. As with paper ballots and punch card electronic voting systems, HAVA does not mandate the discontinuation of optical scan voting systems, provided a disabled-accessible voting system as described in section 301(a)(3) is available in the polling place for those voters who are unable to vote with optical scan ballots. Jurisdictions that do not wish to replace their optical scan voting systems have two options: (1) they may retain those systems by establishing a voter education program that notifies voters of the effect of over-votes and instructs voters on how to correct errors; or (2) they may place a precinct tabulator in each precinct to alert voters to over-votes and immediately allow them the opportunity to correct the error.

Commonwealth's Planned Action: The Commonwealth intends to encourage the 24 Pennsylvania counties that use optical scan electronic systems to procure HAVA compliant DRE systems, instead of using precinct tabulators or an education program (as described above). However, if a county should continue to use an optical scan system, the Commonwealth proposes that funding be provided to those counties at a lesser rate than they would have received for purchasing a DRE system.

c. Direct Recording Electronic (DRE)

Summary: Six counties in Pennsylvania used DREs in November 2000, but most (if not all) of these systems will need upgrades for HAVA compliance. In addition, the systems purchased since the November 2000 election by Mercer and Philadelphia Counties will also require upgrades. None of the systems utilized in these counties complies with the disabled accessibility requirements of HAVA. Consequently, the Department of State might have to review all approved systems to determine whether they have a manual audit capacity and to ensure that they are accessible to individuals with disabilities.

Commonwealth's Planned Action: To assist those six counties that were using DREs in the November 2000 General Election (Dauphin, Berks, Greene, Beaver, Montgomery, and Potter) in



Commonwealth of Pennsylvania
State Plan

upgrading their DREs to comply with the requirements of HAVA, the Commonwealth plans to make Federal funds available to such counties. In addition to the six counties that used a DRE voting system in November 2000, two counties – Mercer and Philadelphia – have since implemented a DRE voting system and, therefore, qualify for the reimbursement under section 102 (see discussion above regarding replacement of lever voting machines). Although Mercer and Philadelphia Counties qualify for reimbursement under section 102 of HAVA, they will be eligible to receive Federal funds for upgrading their current DRE systems to meet HAVA standards.

4. Absentee Balloting Systems

Summary: In Pennsylvania, all absentee ballots are cast on paper, punch card, or optical scan ballots – depending on the type of voting system used in the county. Because these absentee voting methods fall within the scope of section 301(a)(1)(B) of HAVA,¹¹ all counties of the Commonwealth will be required to implement an educational program for absentee voters to inform them of the effect of over-voting and instruct them of the method of correcting errors on their ballots.

Commonwealth's Planned Action: The Commonwealth plans to encourage all counties using optical scan electronic voting systems to continue using them for absentee ballots. The Commonwealth plans to assure that an education program consistent with section 301(a)(1)(B) of HAVA is conducted for mail-in absentee ballots.

5. Uniform Definition of What Constitutes a Vote

In December 2002, the General Assembly established within the Department of State the Voting Standards Development Board. Consistent with the mandate of section 301(a)(6) of HAVA,¹² this seven-member board was required to develop uniform and nondiscriminatory standards that define what constitutes a valid vote cast through a paper ballot and what constitutes a valid vote through each type of electronic voting system used in the Commonwealth. The Voting Standards Development Board was required to adopt standards by July 1, 2003, and the Department must publish them as a notice in the *Pennsylvania Bulletin*.¹³ The Voting Standards Development Board met its statutory deadline by adopting standards, and the Department of State will publish the standards in the *Pennsylvania Bulletin* on August 2, 2003.

This mandate from the General Assembly assures that Pennsylvania will comply with section 301(a)(6) of HAVA well ahead of the deadline of January 1, 2006. These standards will then serve as guidance for all Pennsylvania counties in determining what constitutes a valid vote cast on their voting systems. Under section 204(d) of the Election Code,¹⁴ the Voting Standards Development Board might meet to update the standards as necessary.

6. Accessibility of Voting Systems for Electors with Disabilities

Summary: In accordance with section 301(a)(3) of HAVA, all voting systems used in the Commonwealth must be accessible for individuals with disabilities. Since the mid 1980s, all counties under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C.



Commonwealth of Pennsylvania
State Plan

§ 1973ee *et seq.*) have had to insure that polling places are accessible to those electors who are over the age of 65 or have disabilities or to provide an alternative means of voting. However, that act applied to the parking facilities and the paths to the polling places and did not apply to voting systems. Under section 301(a)(3)(B) of HAVA, all counties will need to insure that each precinct in the county will have at least one DRE or other system that meets this requirement.¹⁵

Commonwealth's Planned Action:

- The Commonwealth plans to use part of its requirements payment to reimburse counties that purchase DRE devices for use by individuals with disabilities. Counties purchasing other types of systems would receive partial reimbursement. The Commonwealth plans to make Federal funds available to the counties for purchasing an accessible voting system through county grants.
- The Commonwealth plans to allow counties to choose to comply with section 301(a)(3) of HAVA through any of the following options: (i) procurement by the county government of a disabled-accessible voting device selected by an agency of the Commonwealth; (ii) procurement by the county government of a county-selected disabled-accessible device; or (iii) upgrading of the existing county voting devices, provided that the electronic voting system is certified by the Department of State.
- The Commonwealth plans to enter into contracts to procure disabled-accessible voting devices. In doing so, the Commonwealth plans to include county election personnel and disability groups in the review and selection process. The Commonwealth plans to use this collective procurement process to procure (i) the voting device; (ii) programming/abulation hardware and software; and (iii) county personnel, poll worker, and voter training materials.
- The Commonwealth plans to ask counties to conduct a survey of all polling places in the Commonwealth to determine their accessibility under the guidelines issued by the Department of State under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973gg *et seq.*).
- In an effort to improve polling place accessibility, the Secretary of the Commonwealth plans to form an advisory task force composed of advocacy groups for individuals with disabilities, alternative language minorities and county representatives to review the current accessibility guidelines used in the Commonwealth, revise them if necessary, and develop procedures to assist counties in increasing the number of accessible polling places in each county. The Commonwealth plans to make Federal funds available to counties to increase the accessibility of their polling places.

7. Alternative Language Accessibility

Summary: HAVA requires that all voting systems provide alternative language accessibility as provided by section 203 of the Voting Rights Act of 1965 (42 U.S.C § 1973aa-1a). Section 203 applies to those jurisdictions that have a single language minority which is 5% or more of the



Commonwealth of Pennsylvania
State Plan

voting age population residing within the jurisdiction (i.e., county); and the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate, as determined by the Census Bureau. Currently, Philadelphia County is the only jurisdiction in Pennsylvania that is mandated to comply with the requirements of section 203. However, applying other provisions of the Voting Rights Act, including section 2, 4(e)¹⁷ and 208¹⁸, the U.S. District Court for the Eastern District of Pennsylvania held earlier this year that Berks County must provide all election-related materials in English and Spanish in every precinct in which the registered number of Hispanic voters constitutes more than five percent of the registered voters, and must have translators available for at least part of the day in many of those precincts. See *United States v. Berks County*, 250 F.Supp.2d 525 (E.D. Pa. 2003).

Commonwealth's Planned Action: The Commonwealth plans to assist counties in pursuing ways to make ballots, polling place information and notices, and other voter information available in alternative languages, as well as acting as a clearinghouse for information. The Commonwealth plans to assist counties in obtaining the assistance of interpreters, translation services, and voter information printed in alternative languages to assist counties that have precincts in which significant numbers of alternative language minorities are assigned to vote. The Commonwealth plans to work with representatives of alternative language advocacy groups and county representatives to develop these resources. The Commonwealth also plans to make Federal funds available to counties that pursue alternate language accessibility.

PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS (HAVA § 302)

Section 302 of HAVA requires States to implement provisional voting by January 1, 2004. Under this Congressional mandate, if an individual declares that he or she is a registered voter in the jurisdiction in which the individual desires to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, the individual must be permitted to cast a "provisional ballot."

To implement the provisional voting requirement, States must:

- (1) Require an election official at the polling place to notify the individual that he/she may cast a provisional ballot.
- (2) Require that the individual be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual before an election official at the polling place affirming that the individual is a registered voter in the jurisdiction in which the individual desires to vote and eligible to vote in that election.
- (3) Require an election official at the polling place to transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual to an appropriate State or local election official for prompt verification.

15

- (4) Provide that if the appropriate election official determines that the individual is eligible under State law to vote, the provisional ballot shall be counted as a vote.
- (5) Require that, at the time that the individual casts a provisional ballot, an election official must give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain whether his/her ballot was counted and, if the ballot was not counted, the reason that it was not counted.
- (6) Require an appropriate election official to establish a free access system that any individual who casts a provisional ballot might access to discover whether the vote was counted and, if the vote was not counted, the reason the vote was not counted.¹⁹

In addition, section 302(b)(1) of HAVA requires States to assure that election officials cause voting information to be publicly posted at each polling place on the day of each election for Federal office. Mandatory voting information includes:

- (A) A sample version of the ballot that will be used for that election.
- (B) Information regarding the date of the election and the hours during which polling places will be open.
- (C) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot.
- (D) Instructions for mail-in registrants and first-time voters under § 303(b) of HAVA.
- (E) General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.
- (F) General information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.²⁰

1. Provisional Voting in Pennsylvania

Summary: The General Assembly in December 2002 amended the Pennsylvania Election Code to conform Pennsylvania law to section 302 of HAVA. The Legislature amended section 1210 of the Election Code (relating to manner of applying to vote; persons entitled to vote; voter's certificates; entries to be made in district register; numbered lists of voters; challenges) to provide for provisional voting beginning December 9, 2003. Under new section 1210(a.4), "an individual who claims to be properly registered and eligible to vote at the election district but whose name does not appear on the general register and whose registration cannot be determined by the poll workers or county election officials [must be] permitted to cast a provisional ballot."²¹ In addition, individuals who cannot produce identification as required by section

16



Commonwealth of Pennsylvania
State Plan

1210(a), or who seek to vote pursuant to a judicial order, are permitted to vote only by provisional ballot.²²

Section 1210(a.4)(2) of the Election Code requires a voter, before casting a provisional ballot, to sign an affidavit that is consistent with the requirement of section 302(a)(2) of HAVA. The affidavit must specify the individual's name, date of birth, address of registration, and a sworn statement that, at the time the individual registered, he resided in the municipality and county in which he registered.²³ A provisional voter also must declare that the provisional ballot he is casting is the only ballot that he is casting in the election, and the judge of elections and the minority inspector in the polling place must sign the affidavit.²⁴

Provisional voters must place their ballots in a secrecy envelope and a provisional ballot envelope, the outside of which they must sign.²⁵ As section 302(a)(5) of HAVA requires, the individual casting the provisional ballot must be informed at the polling place of the free access system established by the Department under section 1210(a.4)(8) of the Election Code that he/she might use after the election to determine whether his/her ballot was counted.

Consistent with section 302(a)(3) of HAVA, provisional ballots must remain sealed in the provisional ballot envelope for return to the county board of elections.²⁶ The procedures for promptly determining whether provisional ballots should be counted track those outlined in HAVA. County boards of elections must determine within three business days after the election whether the provisional ballot will be counted.²⁷ One authorized representative of each candidate who is an elector in the county must be permitted to remain in the room where the determination is made as to whether to count the provisional ballot.²⁸

If the individual casting the provisional ballot is determined to be registered and eligible to vote in the election district where the ballot was cast, the county board of elections must compare the signature on the provisional ballot envelope with the signature on the voter's registration record. If the signatures are determined to be genuine, the ballot will be counted.²⁹ If the board determines that the individual casting the provisional ballot is not registered, the provisional ballot will not be counted; and the ballot will remain in the provisional ballot envelope and marked rejected as ineligible.³⁰ If the individual casting the provisional ballot is determined to be eligible to vote, but not in the election district where the ballot was cast, the county board of elections will open the envelope and count only that portion of the ballot that the individual would have been eligible to vote in his proper election district.³¹

As required by section 302(a)(5)(B) of HAVA,³² Act 150 requires the Department of State to establish an Internet website and toll-free telephone number to permit provisional voters to determine whether their ballot was counted.³³ If the provisional ballot was not counted, the free access system will provide the voter the reason that the ballot was not counted.³⁴ Security and confidentiality of the information contained in the free access system must be assured as required by section 302(a) of HAVA, and information about individual provisional ballots will be restricted to the person who cast the ballot.³⁵

Finally, HAVA provides that voters who vote as a result of a Federal or State court order or any order extending the time established for closing of the polls by State law in effect 10 days

17



Commonwealth of Pennsylvania
State Plan

before the election, may vote only by casting a provisional ballot. These ballots will be separated and held apart from other provisional ballots.³⁶

Commonwealth's Planned Action:

- The Commonwealth plans to use funds received from GSA under section 101 of HAVA for website development and establishment and operation of the toll free line required by section 1210(a.4) of the Election Code (added by Act 150).³⁷
- The Commonwealth plans to include as part of its Statewide Uniform Registry of Electors (SURE) system an automated and efficient process that would work in conjunction with the website to enable electors who vote by provisional ballot to track the status of their ballot and for the counties to comply with the provisional ballot processing requirements of HAVA.
- In an effort to create standardized statewide procedures for provisional balloting, the Secretary of the Commonwealth, in consultation with representatives of the county boards of elections and advocacy groups, plans to prescribe the format of the provisional ballot for all voting systems and to prescribe the procedures to be followed in processing and tabulating such ballots. The procedures planned by the Secretary of the Commonwealth would include a notice containing instructions on how to cast a provisional ballot specific to the provisional voting method used by the county. Instructions would be posted in accordance with the applicable provisions of HAVA. The Commonwealth also plans to study ways to provide a voter registration application with the provisional ballot or to design the ballot envelope in such a way as to contain an application for registration.
- The Commonwealth, through the Department of State and in consultation with county representatives, plans to prescribe the content of a Voting Rights and Penalty Card, including uniform language designated for posting general information on voting rights under applicable Federal and State laws; information on the right of an individual to cast a provisional ballot; instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and general information on Federal and State laws regarding prohibitions on fraud and misrepresentations.

2. Voting Information Requirements

Summary: Section 302(b) of HAVA³⁸ requires the appropriate State or local official to publicly post certain voting information at each polling place on Election Day. This information must include: a sample version of the ballot; information regarding the date of the election and the hours during which polling places will be open; instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; instructions for mail-in registrants and first-time voters under section 303(b) of HAVA³⁹; general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to

18



Commonwealth of Pennsylvania
State Plan

have been violated; and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.

The Pennsylvania Election Code provides specifically for the public posting of some of the voting information mandated by section 302(b) of HAVA. However, section 1202 of the Election Code explicitly requires county boards of elections to prepare "full instructions for the guidance of electors ... to be printed in large clear type on separate cards to be called cards of instruction."⁴⁰ These cards of instruction and notices of penalties are required by the Election Code to be "posted in each voting compartment, and not less than three such cards and notices of penalties, and not less than five specimen ballots.... [must] be ... posted in or about the voting room outside the enclosed space."⁴¹ In addition, the law requires local elections officials to give available cards of instruction, notices of penalties and specimen ballots to any elector who might request one.⁴²

The cards of instruction that Pennsylvania law requires to be posted in the polling places may include within them, or separately in similar large clear type, such other information that might be "deemed" advisable.⁴³ In the judgment of the Secretary of the Commonwealth, sections 1202 and 1209(a) of the Election Code effectively command the county boards of elections to require public posting in their polling places of *all* of the voting information mandated by section 302(b) of HAVA. In other words, where Federal law requires the public posting of particular information in the polling places on Election Day, it is "deemed advisable" as a matter of Pennsylvania law that the mandated postings be made by the county boards of elections and the local boards of elections.

Commonwealth's Planned Action:

- The Commonwealth, with its 67 counties, plans to follow the dictates of section 1210 of the Election Code as amended by Act 2002-150, which fully implement HAVA requirements.
- The Commonwealth, through the Department of State and in consultation with county representatives and community stakeholders, plans to prescribe the contents of a notice for posting at each polling place that details the acceptable forms of identification required of voters who appear to vote in an election district for the first time. The Department plans to work cooperatively with counties to develop the format of the notice to facilitate re-production by the county and posting at each polling place for elections occurring after January 1, 2004.

COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL (HAVA § 303)

Section 303 of HAVA contains two general requirements. First, section 303(a) requires States, by January 1, 2004 (or, if a waiver is requested by the State, no later than January 1, 2006), to implement a computerized statewide voter registration list with computerized list maintenance and mandatory verification of voter registration information.⁴⁴ Second, subsection



Commonwealth of Pennsylvania
State Plan

(b) of HAVA's section 303 requires States to implement certain procedures for voters who register by mail no later than January 1, 2004.⁴⁵

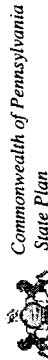
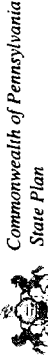
1. Computerized Statewide Voter Registration List Requirements (HAVA § 303(a))

Section 303(a)(1) of HAVA requires each State to 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.⁴⁶ The computerized list must:

- Serve as the single system for storing and managing the official list of registered voters throughout the State.
- Contain the name and registration information of every legally registered voter in the State.
- Assign a unique identifier to each legally registered voter in the State.
- Connect with other agency databases within the State.
- Provide access to any election official in the State, including any local election official, in order to obtain immediate electronic access to the information contained in the computerized list.
- Allow voter registration information obtained by any local election official in the State to be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
- Provide such support as may be required so that local election officials are able to enter information as described in clause (vi).
- Serve as the official voter registration list for the conduct of all elections for Federal office in the State.⁴⁷

Section 303(a)(2)(A) of HAVA requires that elections officials perform maintenance on the computerized list on a regular basis.⁴⁸ The list maintenance must be conducted in a manner that ensures that "(i) the name of each registered voter appears in the computerized list; (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and (iii) duplicate names are removed from the computerized list."⁴⁹

Removal of voters from the computerized list must be accomplished in accordance with the National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg *et seq.*⁵⁰ In removing names from the computerized list by reason of death, HAVA requires Pennsylvania to coordinate the computerized list with the Department of Health.⁵¹ In addition, HAVA requires that election



Commonwealth of Pennsylvania
State Plan

officials provide adequate technological security measures to prevent the unauthorized access to the computerized list.⁵²

HAVA mandates that State election systems include provisions to ensure that voter registration records in the State are accurate and are updated regularly.⁵³ States must have 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 that is consistent with the NVRA,⁵⁴ and includes safeguards to ensure that eligible voters are not removed in error from the official list by reason of a failure to vote.⁵⁵

In addition, to assure that voter registration information is accurate before a name is added to the computerized registration list, section 303(a)(5)(A)(i) of HAVA requires that an application for voter registration for an election for Federal office not be accepted or processed by a State unless the application includes the applicant's driver's license number or, if the applicant is not a licensed driver, the last four digits of the applicant's Social Security number.⁵⁶ It is the responsibility of the State to determine whether the information provided by an individual is sufficient to meet the requirements of the law.⁵⁷

To further assure that voter registration information is accurate, HAVA requires the State's chief State election official and the official responsible for the State motor vehicle authority to enter into an agreement to match information in the database to the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable the State officials to verify the accuracy of the information provided on applications for voter registration.⁵⁸

2. Requirements for Voters Who Register By Mail (HAVA § 303(b))

Section 303(b)(1) of HAVA requires States, in a uniform and nondiscriminatory manner, to require an individual to meet several requirements if he (i) registered by mail; and (ii) has not previously voted in an election for Federal office in the State, or has not previously voted in a Federal election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with section 303(a) of HAVA. Subject to the exceptions described in the next paragraph, for those individuals who vote in person, the voter must present to the appropriate election official a current and valid photo identification, or 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.⁵⁹ For those who vote by mail – again, with the exceptions described below – the voter must submit the same information with his ballot.⁶⁰ Those individuals who are not able to produce required identification are entitled to cast a provisional ballot.⁶¹ These provisions are effective January 1, 2004.

First-time mail registration voters will not be required to present identification on Election Day or with their absentee ballots if – beginning with registrations submitted on or after January 1, 2003 – (a) the registrant submits the required identification with his registration; or (b) the registrant submits with his registration either a driver's license number or at least the last four digits of his or her Social Security number, and an election official is able to match the information submitted with an existing State identification record bearing the same number, name and date of birth as provided in the registration.⁶² In addition, voters who are (i) entitled to

Commonwealth of Pennsylvania
State Plan

vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff-1 *et seq.*); (ii) provided the right to vote by alternative ballot 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)(iii)); or (iii) entitled to vote otherwise than in person under any other Federal law, are not required to satisfy the identification requirements of section 303(b) of HAVA.⁶³

Section 303(b) of HAVA also prescribes mandatory contents for mail-in registration forms, beginning January 1, 2004. The mail-in registration forms must include specific questions asking whether the applicant meets citizenship and age requirements to register to vote and advise the applicant not to complete the form if they answer in the negative.

HAVA requires individuals to be informed 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.⁶⁴ If an applicant for voter registration should fail to answer the questions on the mail voter registration form, the registrar must notify the applicant of the failure and provide him 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.⁶⁵

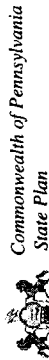
3. Pennsylvania Law

a. Computerized Statewide Voter Registration List

Summary: On January 31, 2002, the Governor signed Act 3 into law. Act 3, which added chapters to Title 25 of the Pennsylvania Consolidated Statutes, established in Pennsylvania the Statewide Uniform Registry of Electors (SURE) – a statewide voter registration system.⁶⁶ Act 3 provides for the design, development and implementation of the SURE system by the Department of State and the administration of the system by the Secretary of Commonwealth, the chief election official of Pennsylvania.⁶⁷ However, under Act 3, the county registration commissions continue to maintain their voter registration records and have sole authority for adding, modifying or deleting records.⁶⁸ The Department must implement the SURE system in all counties and full connection is required no later than January 1, 2005.⁶⁹

Prior to Act 3, voter registration administration was largely within the purview of county registration commissions elected by the voters of individual counties or appointed by other county officials or the courts. Each of Pennsylvania's 67 counties administered its own voter registration records, and county officials had virtually no means to crosscheck these records with the records of other counties.

With the passage of the NVRA and the PYRA, there were vastly expanded opportunities for citizens to apply for voter registration. The NVRA also mandated detailed requirements for voter registration administration and provided the counties with substantially more accurate and timely information, confirmed by other government agencies, regarding the relocation of voters. This substantial increase in information, and the mandate to use the information to maintain the accuracy and currency of the voter files, placed a burden on managing the increased file maintenance workloads on the county registration commissions.



Commonwealth of Pennsylvania
State Plan

Despite county advances made in response to the NVRA and the PVRA, requirements for transfers of paper documents between the counties and between State agencies and the counties, combined with the legislative interest in providing a method to discover duplicate registration records, created an interest in a statewide voter registry. Based on the findings of studies conducted by the Department from 1995-2001, the Legislature enacted the Statewide Uniform Registry of Electors (SURE) system in January 2002.

Since the summer of 2002, Pennsylvania has made significant progress in implementing SURE. Last fall, four Phase 1 counties were brought onto the system in parallel mode, during which those counties tested the system while still relying on the data in their legacy systems as the official record of voter registration. In January 2003, the four Phase 1 counties began using the SURE system in production mode as the official registration record of their counties. The Department will continue to work to improve the SURE system as testing continues into Phase 2 and before it is fully rolled out to the remaining counties during Phase 3.

i. *Computerized List Maintenance*

Summary: Like HAVA, Act 3 requires elections officials to perform maintenance on the computerized list on a regular basis. Section 1203(f) requires that a voter registration commission promptly update information contained in its registration records.⁶⁹ The same requirement for prompt updates of information in the SURE system by county commissions is contained in numerous provisions of Title 25.⁷¹ All updates must be performed in accordance with the NVRA.⁷²

Section 303(a)(2)(A)(ii)(f) of HAVA requires that, for the purpose of removing names of ineligible voters from the official list, the statewide registry must coordinate with the computerized list with State agency records on felony status.⁷³ However, under a final decree of the Commonwealth Court of Pennsylvania entered May 14, 2002 (as revised) in *Lorenzo M. Mixon, et al. v. Commonwealth of Pa., et al.*, No. 384 M.D. 1999, citizens of the Commonwealth who have been convicted of a felony may be registered to vote in the Commonwealth and may vote after they have been released from prison. Moreover, there is no provision of Pennsylvania law that requires a registration commission to cancel the voter registration of a registered voter convicted of a felony. Because Pennsylvania neither provides for the removal of voters from the voter registration rolls based on a felony conviction nor prohibits a convicted felon who has been released from prison to register to vote, section 303(a)(2)(A)(ii)(f) of HAVA currently has no application to Pennsylvania.

Both Act 3 and HAVA require that the statewide registration list be administered in coordination with the computerized list maintained by the Department of Health.⁷⁴ This requirement will be accomplished by connecting the Department of Health with the SURE system.

ii. *Technological Security of Computerized Lists*

Summary: Section 303(a)(3) of HAVA provides that the appropriate State or local official must assure adequate technological security measures for the statewide registration system. Section

23



Commonwealth of Pennsylvania
State Plan

1222(c)(2) of Title 25 requires the SURE system to ensure the integrity and accuracy of all registration records in the system by prohibiting unauthorized entry, modification or deletion of registration records.⁷⁵

iii. *Verification of Voter Registration Information*

Summary: Pennsylvania's Voter Registration Mail Application Form, which appears on the Department's website at www.dos.state.pa.us, meets the requirements of section 303(a)(5) of HAVA requiring a driver's license number or the last four digits of the applicant's Social Security number. If the applicant does not have either number, the instructions on the Pennsylvania VRMA form require the applicant to mark "None" in the space for the last four digits of a Social Security number. If an applicant notes on the form that he does not have either of these numbers, the SURE system must assign a unique identification number to the voter, as HAVA requires.⁷⁶

Because HAVA also requires the sharing of information among State databases for the purposes of verifying the identifying numbers submitted by an applicant, the Department of State plans to enter into an agreement with the Department of Transportation to permit the verification of driver's license numbers and the last four digits of applicants' Social Security numbers. To permit the verification of partial Social Security numbers for those applicants that provide this number instead of a driver's license number, the Department of Transportation is required by sections 303(a)(5)(B)(ii) and (C) of HAVA to enter into an agreement with the Social Security Administration. Once this capability is in place, county voter registration officials should be permitted to submit identifying numbers through the SURE system to the Department of Transportation for verification of their validity.

Commonwealth's Planned Action: Act No. 2002-3 authorizes the establishment of a central uniform registry that is HAVA compliant. (See *Appendix C*.) However, because SURE cannot be fully operational by the date specified by section 303(d)(1)(B) of HAVA - January 1, 2004 - the Commonwealth plans to request the waiver authorized by HAVA to extend the deadline for full implementation until January 1, 2006. The Commonwealth plans to use part of its requirements payments to pay for the costs of the SURE system.

b. *Requirements for Voters Who Register By Mail*

As permitted by section 304 of HAVA,⁷⁷ Pennsylvania law imposes voter identification requirements that exceed the mandate of Federal law. While HAVA requires identification only for certain first-time voters in a jurisdiction who register by mail, the Pennsylvania General Assembly in Act 150 opted to require *all* voters who appear to vote for the first time *in an election district*, present to an election officer either a form of photo identification specified by section 1210(a) of the Election Code or, if none is available, a form of non-photo identification specified by section 1210(a.1) of the Election Code. Those first-time voters who are unable to produce proper identification may vote only by provisional ballot.⁷⁸

Under Act 150, a voter can present either a photo identification or non-photo identification. Below is a list of forms of identification expressly permitted by section 1210 of the Election Code, as amended by Act 150:

24



Commonwealth of Pennsylvania
State Plan

Photo Identification⁷⁹

- A valid driver's license or identification card issued by the Department of Transportation.
- A valid identification card issued by any other agency of the Commonwealth.
- A valid identification card issued by the United States Government.
- A valid United States passport.
- A valid student identification card.
- A valid employee identification card.
- A valid armed forces of the United States identification card.

Nonphoto Identification⁸⁰

- Nonphoto identification or other document issued by the Commonwealth or any of its agencies showing the name and address of the voter.
- Nonphoto identification or other document issued by the United States Government or any of its agencies showing the name and address of the voter.
- A firearm permit showing the name and address of the voter.
- A current utility bill showing the name and address of the voter.
- A current bank statement showing the name and address of the voter.
- A paycheck showing the name and address of the voter.
- A government check showing the name and address of the voter.

Section 303(b)(2)(A) of HAVA⁸¹ lists forms of identification similar to those listed in Act 150. Although HAVA does not delineate examples of the "current and valid photo identification," it is the opinion of the Department that all of the types of photo identification included in Act 150 qualify. Likewise, the following items of nonphoto identification are included in both Act 150 and HAVA: "current utility bill, bank statement, government check, and paycheck." Furthermore, sections 303(b)(2)(A)(II) & (ii)(II) of HAVA generally allow as a proper form of identification any "government document that shows the name and address of the voter."⁸² This provision of HAVA is almost identical to section 1210(a.1) of the Election Code, which requires election officials to accept a "nonphoto identification issued by the Commonwealth or any agency thereof," or a "nonphoto identification issued by the United States Government or agency thereof."

The deadline for implementation of section 303(b) with respect to individuals who register to vote was January 1, 2003. By that date, mail-in applicants for voter registration were to be offered the opportunity to avoid HAVA's Election Day voter identification requirement for first-time mail-registration voters by providing proper identification to voter registration officials with their voter registration applications. However, Pennsylvania law - beginning December 9, 2003 - will require *all* Pennsylvania electors voting in person for the first time in an election district to produce identification when they vote, irrespective of how they registered to vote. Consequently, the option prescribed by HAVA for mail-in registrants to avoid HAVA's Election Day identification requirement (which are not in force until January 1, 2004) has no application for Pennsylvania voters who vote in person.

25



Commonwealth of Pennsylvania
State Plan

In addition to the exemptions noted previously at section 303(b)(3)(C) of HAVA,⁸³ there are additional exceptions related to the identification requirements in Act 150. Because Act 150 requires identification only of a voter who "appears to vote" in an election district for the first time, Pennsylvania's strict identification requirements do not apply to first-time voters who vote through the Federal alternative ballot or other Federal law alternatives that are exempted from the first-time voter identification requirements of HAVA. Consequently, consistent with HAVA, those voters are *not* required by Pennsylvania law to produce identification when they vote for the first time in an election district.

Finally, sections 303(b)(3)(A) and (B) of HAVA⁸⁴ will apply to first-time Pennsylvania voters who vote by absentee ballot. This is so because Act 150 does *not* require voters who vote for the first time in an election district by absentee ballot under *Pennsylvania* law to provide identification with their absentee ballots. By contrast, HAVA *does* require that a voter who registered by mail and who seeks to vote *in a county* for the first time by means of an absentee ballot, must provide proper identification with his ballot, unless the voter has submitted proper identification or identifying information with his mail-in voter registration. Because Pennsylvania law is silent regarding first-time voters who do not appear in person, Pennsylvania election officials must follow section 303(b)(2)(A)(ii) of HAVA⁸⁵ for those voters. Under HAVA, an absentee voter who has registered by mail, is voting for a Federal office, and is voting for the first time in the county, must be required to submit a proper form of identification with his or her ballot. If an absentee voter does not include such identification with his or her ballot, the ballot must be treated as a provisional ballot and handled according to Pennsylvania law. However, absentee voters who have submitted acceptable identification or a valid driver's license or partial Social Security number with their voter registration application would be exempt from this requirement.⁸⁶

The Department of State plans to devise a system to identify first time voters on the district registers produced through the SURE system to assist counties and district election officials. Through such a system, the Commonwealth will strive to assure that only first-time voters are required to produce identification on Election Day or with their absentee ballots.

i. *Contents of Mail-In Registration Form*

Section 303(b)(4) of HAVA specifies new requirements for the contents of mail-in registration forms.⁸⁷ Section 1327(a)(1) of Title 25 requires the Secretary of the Commonwealth to prescribe the form of an official voter registration application for use in the Commonwealth and lists mandatory information that must be included on the official application. In addition, under section 1327(a)(2) of Title 25, the data required on the voter registration application may be neither more nor less than the minimum data elements permissible for Federal voter registration. Because HAVA changed the contents of the form for Federal voter registration, Pennsylvania adjusted the contents of its forms in its regulations to be consistent with HAVA. The new forms were posted on the Department of State's website in January 2003, and revised forms are in the process of being printed for distribution across the Commonwealth.

26



Commonwealth of Pennsylvania
State Plan

Section 183.1 of the Department of State's regulations governing the SURE system⁸⁸ specifies the contents of Pennsylvania's voter registration mail application (VRMA) form. These new requirements mandate that specific questions related to the applicants citizenship and age be included on the VRMA, in compliance with section 303(b)(4) of HAVA.⁸⁹ Section 183.1 also mandates the inclusion of the registration declarations required by section 303(b)(4)(A) of HAVA.⁹⁰

Section 303(b)(4)(A)(iv) of HAVA requires that a mail registration form include a statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, identification information must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.⁹¹ However, voters in Pennsylvania who are voting in person for the first time at an election district cannot avoid the requirement imposed by Act 150 to produce identification at the polling place by providing identification with their voter registration application. Consequently, section 303(b)(4)(A)(iv) of HAVA is largely irrelevant to Pennsylvania voters.

Commonwealth's Planned Action: The Commonwealth and its 67 counties plan to follow the dictates of section 1210 of the Election Code, which comports fully with the requirements of HAVA. The Department of State plans to be responsible for prescribing the content of the notice that will be posted at each polling place detailing the acceptable forms of identification required of voters who appear to vote in an election district for the first time. The Department will work cooperatively with counties to develop the format of the notice to facilitate re-production by the county.

The Department also plans to work with the counties and voters' groups to educate voters regarding the voter identification requirements imposed upon first-time voters by Act 150 and the rights of such voters to cast a provisional ballot in the event that they are unable to produce identification required by section 1210(a) or 1210(a.1) of the Election Code.

Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 2

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 State Plan Element 1, including a description of:

(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B) the methods to be used by the State to monitor the performance of units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under State Plan Element 8.

HAVA Section 254(a)(2) (42 U.S.C. § 15404(a)(2)).

Section 254(a)(2) of HAVA requires the Commonwealth to describe in its State Plan how it plans to distribute the requirements payments that it receives under Title II of HAVA to units of local government and other entities in the State for the purpose of meeting the requirements of Title III and, if permissible, other activities to improve the administration of elections. The provision also requires the Commonwealth to describe the criteria that it plans to use to determine the eligibility of the units of local government and other entities in the Commonwealth; and the methods it plans to use to monitor the funds that it distributes consistent with the performance goals and measures it intends to use to determine success in carrying out its plan.⁹²

The Commonwealth's goal is not only to bring each of its counties into compliance with HAVA, but also to allow them the opportunity to utilize their creativity to expand election administration improvements beyond HAVA. With limited funding available and anticipating many worthwhile projects, the Commonwealth is committed to distributing money from the requirements payment using the most equitable and cost-effective methods.

To the extent authorized by Federal law, the Commonwealth plans to agree that Federal funding allocated to a county by the Commonwealth would remain reserved for use by that county until (a) the county had completed its programs in accordance with its county plans and agreements; and (b) both the Secretary of the Commonwealth and the county board of elections have agreed that the county is in full compliance with HAVA's requirements.

When counties request funding to purchase new voting systems or upgrade existing voting systems, the Commonwealth plans to require them to substantiate the number of individual voting units purchased and to provide detailed information to the Secretary of the Commonwealth regarding planned county and/or vendor-conducted "how to vote" education programs for electors. The Commonwealth plans to require counties to determine the illustrative methods they will use, such as press releases; public service announcements; "how to vote" pamphlets; placement on county websites; newspaper advertisements; public demonstrations;



Commonwealth of Pennsylvania
State Plan

and voting demonstrations at meetings of political, civic, community, senior citizen, and disability groups.

The Commonwealth plans to require counties to provide information to the Secretary of the Commonwealth regarding vendor-conducted election staff training on operation and maintenance of the selected voting system and planned on-site vendor support for the first two elections the system is used.

COUNTY PLANS

The Commonwealth believes that it is important for the counties to play a major role in determining what measures they believe will bring the county into full compliance with HAVA and provide the best resources for its voters. To do this in a meaningful manner, the Commonwealth believes that each county will need to set forth its ideas and plans in a written format, or "County Plan," that would provide details regarding the projects the county would implement using funds from the requirements payment and what non-monetary resources the county would commit to the projects. One element of the county plans would be a description of how the county intends to maintain its current level of county funding of election administration activities. HAVA requires that States maintain the level of election administration funding used in November 2000. Section 254(a)(7) of HAVA makes it clear that the requirements payments are not intended to supplant current State funding of election administration activities. By the same token, the Commonwealth does not intend to use HAVA funding to supplant county funding of election administration.

COUNTY AGREEMENTS

Prior to any disbursement of funds, the Commonwealth plans to require the counties requesting funding to enter into an agreement with the Department of State, establishing a contractual relationship. The county agreement would set forth:

- The amount of funding the Commonwealth is providing from the requirements payment.
- The project for which that funding is provided.
- The amount of the county match for the project.
- The project schedule and timeline.
- The schedule of disbursement for the funding.
- County reporting requirements regarding the expenditure of the funds;
- An audit provision to ensure that the Commonwealth is able to completely account for all funding provided to the county.
- The penalties incurred by the county for non-compliance with the agreement.

Through the county agreements with the Department, the Commonwealth would require counties to procure services, supplies, or technology in accordance with laws and policies governing county procurement, including competitive bidding requirements. It is the goal of the Commonwealth that any procurement contracts that expend Federal money be awarded through a

29



Commonwealth of Pennsylvania
State Plan

process that is fair and open to all qualified vendors. The Commonwealth anticipates that a County Plan would be a part of a County Agreement.

By requiring county agreements, the Commonwealth hopes to minimize miscommunication with the counties as to what will be required of both parties in utilizing the Federal funding. Understanding the basic nature of this type of initiative, the Commonwealth expects that the county agreements would contain a mechanism to modify the agreement to address various issues that may arise. Additionally, the Commonwealth wishes to ensure that the counties are working toward full compliance with the mandates of HAVA. Through the county agreements, the Commonwealth intends to set forth the consequences to the counties should they fail to use and account for the funds in accordance with HAVA and the County Agreement.

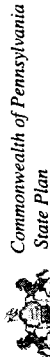
The Commonwealth plans to use the county plans as a means to determine a county's compliance with HAVA. The Commonwealth anticipates that the Department would prescribe the format of the county's report detailing the specific items for which funding might be available and the potential actions a county might take to qualify for funding, as well as required HAVA and Act 150 mandates. In addition, the Department plans to provide training to counties to assist them in completion of the county plan.

OTHER PLANS RELATING TO DISTRIBUTION AND MONITORING OF FUNDING

Should Federal funds be available, the Commonwealth also intends to consider funding to other entities (e.g., "Kid Vote," mock elections, League of Women Voters, etc.) that request funding. These entities would be required to enter into an agreement with the Department of State similar to those with the counties. The Secretary of the Commonwealth would determine the amount available to such entities.

All funding to be distributed to counties and other entities would be deposited in accounts and maintained by the Treasury Department and distributed to the recipient consistent with the policies and procedures established by the Commonwealth's Office of the Budget and Treasury Department.

30



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 3

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 of HAVA.

HAVA Section 254(a)(3) (42 U.S.C. §15404(a)(3)).

Section 254(a)(3) of HAVA requires the Commonwealth to describe in its State Plan how it will provide for voter education, election official education and training, and poll worker training that will assist the Commonwealth in meeting the requirements of Title III.

Because many counties will be purchasing new voting systems over the next several years, the Commonwealth and its county boards of elections must ensure that voters fully understand how to vote on these new systems well in advance of Election Day. In fact, the General Assembly explicitly recognized the need for well-trained and educated county election officials when it passed Act 150 of 2002 in December. Act 150 gives the Secretary of the Commonwealth the authority to develop a voluntary professional certification and poll worker-training program for county election officials.⁹³

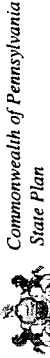
VOTER EDUCATION

The Commonwealth believes that voter education is the solution to eliminating much of the confusion that led to the debacle in Florida during the November 2000 election. Therefore, Pennsylvania, through the Department of State, plans to embark on an extensive education effort using all the tools at its disposal to educate its voters regarding their voting rights and the correct procedures to be used at their polling place.

Through the Department of State, the Commonwealth plans to do the following:

- Develop an extensive voter education and outreach program. The planned education program, to be developed in consultation with representatives of county governments and advocacy groups for alternative language minorities, individuals with disabilities and other advocacy groups, would be aimed at encouraging voter registration and participation and educating voters of the correct voting procedures (including what constitutes a vote) in all communities and encourage their participation in every election.
- Inform newly registered voters of identification requirements.
- Inform all potential voters of provisional ballot requirements.

31



Commonwealth of Pennsylvania
State Plan

- Distribute training materials to county elections offices to allow them to augment the Department of State's voter education program. This planned education effort would not supplant any county voter education programs required by section 301(a)(1)(B) of HAVA.⁹⁴ As part of its planned training of county election personnel, the Department of State would conduct or facilitate training seminars on the uniform definition of what constitutes a vote.
- Produce additional HAVA compliant voter registration applications and distribute them to all registration agencies, the 67 county registration offices and civic organizations that are interested in voter registration.
- Provide voter education materials in alternative languages in those jurisdictions falling under section 203 of the Voting Rights Act, as well as those jurisdictions with responsibilities to adhere to the requirements of other provisions of the Act, including sections 2, 4(e) and 208; to offer to act as a resource to assist counties requesting alternative language interpreters at polling places; and to make available alternative language voter education materials to all other jurisdictions irrespective of their coverage under section 203 and groups who request them. The Department of State plans to work closely with the county boards of elections, academic institutions, community organizations, and other partners to meet the alternative language requirements of HAVA and the Voting Rights Act.
- Produce public service announcements to educate voters and encourage voter participation. PSAs would be produced in alternative languages to further encourage voter participation by citizens whose primary language is not English.
- Work with various agencies of the Commonwealth government, colleges, high schools and community groups to publish and distribute information to client groups. The Department plans to schedule public service announcement elements of a voter education program no later than six weeks before the first primary or election in which HAVA requirements are in effect.
- Continue the development of the partnership already established with the Pennsylvania Department of Education to conduct Mock Elections in all 501 of Pennsylvania's public school districts.
- Encourage all agency voter registration sites to take a more pro-active role in distributing voter education information and to ask that they include informational pamphlets in their agency mailings, including driver's licenses and public assistance checks. The Secretary of the Commonwealth plans to make various public appearances to encourage voter participation. In addition, the Department of State would work with the Pennsylvania Cable Network (PCN) and Pennsylvania institutions of higher learning to put voter education broadcasts on television throughout the Commonwealth and further to develop and market the website of the Department of State.

32

Commonwealth of Pennsylvania
State Plan



STATE PLAN ELEMENT 4

How the State will adopt voting system guidelines and processes that are consistent with the requirements of section 301 of HAVA (relating to voting systems standards).

HAVA Section 254(a)(4) (42 U.S.C. § 15404(a)(4)).

Section 254(a)(4) of HAVA requires the Commonwealth to describe in its State Plan how it plans to adopt voting system guidelines and processes that are consistent with the requirements of section 301 of HAVA, including the requirement for a computerized statewide voter registration list and new federal requirements for voters who register by mail.

Among the changes made by the Pennsylvania Legislature in Act No. 2002-150 are provisions dealing with the approval of voting systems. All voting systems used in Pennsylvania must be examined and approved by the Secretary of the Commonwealth. However, until the passage of Act 150, there was no requirement that the Federal authority that administers the Voting System Performance and Test Standards also to have approved that electronic voting system.

Under Act 150, section 1105-A of the Election Code⁹⁵ requires all electronic voting system vendors to provide proof of Federal certification before presenting their electronic voting systems to the Secretary of the Commonwealth for approval. For now, this means that the voting systems must have been approved according to standards developed by the Federal Election Commission. After the establishment of the Election Assistance Commission, section 1105-A requires that electronic voting systems be approved according to the standards adopted by the Commission prior to approval in Pennsylvania. Consequently, no new electronic voting system may be approved in Pennsylvania without meeting the high standards of the Federal government, including "second chance voting," accessibility standards for individuals with disabilities, error rate, and audit capacity requirements. Electronic voting systems approved by the Secretary of the Commonwealth before the establishment of these standards will be reexamined to ensure compliance with HAVA.

Commonwealth of Pennsylvania
State Plan



EDUCATION FOR STATE/COUNTY OFFICERS

The Department of State plans to develop and implement a comprehensive training course for county election officials. The program would be developed in consultation with a voluntary training workgroup that would consist of the members of the State Plan Advisory Board, members of the executive boards of the Eastern and Western County Election Personnel Associations, representative institutions of higher education, and representatives of alternative language and disability groups. The course would include training on the administration of Pennsylvania elections; the specifics of Federal and State election laws; court decisions that affect Pennsylvania elections; Department of State directives; and programs, policies and methods designed to provide access to the election process.

The Department of State also plans to continue to offer seminars on election procedures to all county election personnel at the annual state election official's conference and to offer training through video conferencing.

POLL WORKER EDUCATION

The Commonwealth, through the Department of State, plans to develop, implement and conduct an extensive program to educate district election officials (i.e., poll workers) regarding the current law and procedures relative to processing voters on election day, the operation of the voting systems, and the procedures to follow when canvassing votes and counting ballots (including absentee and provisional ballots) after the close of the polls. To do so, the Department would develop a video training session; hire staff to conduct the training to insure that counties are using consistent standardized procedures in every polling place on election day; further develop the Department's website; and work with colleges and universities in the work with counties and key stakeholders in the community to develop the training program. In partnership with representatives from the disability community, alternative language minority and other minority communities, the Department intends to assist poll workers in whatever ways possible to understand the needs of individuals with disabilities and those who communicate using alternative languages.



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 5

How the State will establish the fund required by section 254(b) of HAVA (relating to requirements for election fund) for purposes of administering the State's activities under Part I of HAVA (relating to requirements payments) of Title II, Subtitle D (relating to election assistance), including information on fund management.

HAVA Section 254(a)(5) (42 U.S.C. §15404(a)(5)).

Section 254(a)(5) of HAVA requires the Commonwealth to describe in its State Plan how it plans to establish the election fund required by section 254(b) of HAVA, including information on fund management. The purpose of the required election fund is to administer the State's activities relating to its requirements payments. Section 254(b) requires an election fund to be "established in the treasury of the State government," "exclusively to carry out the activities for which the requirement payments" have been made to the State.⁹⁶ The election fund is to include:

- (A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment [has been] made to the State....
- (B) The requirements payments made to the State under [HAVA Part II].
- (C) Such other amounts as may be appropriated under law.
- (D) Interest earned on deposits of the fund.⁹⁷

The Commonwealth recognizes the need to keep the funds from the requirements payment, together with State funds appropriated or designated by the State for carrying out the activities for which the requirements payment has been made, completely separate and independent from other funds to ensure that the requirements payments and earmarked State funds are used exclusively for activities mandated by HAVA. The Commonwealth has established a fund and a separate appropriation for funding for the requirements payments in accordance with Commonwealth procedures. The Commonwealth plans to manage the election fund as a restricted account in accordance with Federal and Commonwealth standards and policies. The Department of State's HAVA Administrator, the Department's Budget Director, and the Secretary of the Commonwealth, each by personal signature, must approve all expenditures out of this account - and only if accompanied by documentation describing the expenditure, such as an approved county agreement or an invoice under such an agreement.

35



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 6

The State's proposed budget for activities under Part II of HAVA, 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 Section 254(a)(6) (42 U.S.C. § 15404(a)(6))

Section 254(a)(6) of HAVA requires the Commonwealth to describe in its State Plan a budget for its proposed activities and anticipated expenditures for those activities.

The reform effort that HAVA represents is extensive and far-reaching. But its success is dependent on Federal funding. Pennsylvania's plan presumes full funding according to the timetable contained in HAVA. It is essential that Congress and the President adhere to the funding timetable and the funding amounts authorized by HAVA. If full funding is not forthcoming on the schedule established by HAVA, the success of this plan will be jeopardized.

The General Services Administration has released funds authorized by Title I of HAVA that, combined under sections 101 and 102, amount to \$34,240,120. Unfortunately, since the Election Administration Commission has not yet been formed to develop and announce specifics relating to Title II, the responsible Federal agency has been unable to announce any specific funding estimates. Dollar amounts are, therefore, difficult to predict. However, the Congressional Research Service (CRS) estimates that full funding for Pennsylvania under HAVA for both Title I and Title II receipts will total \$162,671,095. This estimate was based on Title I receipts of \$33,951,606. CRS estimates that \$128,719,489 of that amount represents Title II funding. Based on the actual Title I funding and the CRS estimate for Title II, Pennsylvania's allocation under HAVA is expected to total \$162,959,000.

Consistent with section 253(b)(5) of HAVA, the funds appropriated by the General Assembly and expended by the Commonwealth for the SURE system enacted in January 2002 satisfy the 5% State match required by HAVA. The 5% match requirement is calculated as 5% of the combined State and Federal expenditure for HAVA activities. This calculation requires a multiplier of 0.0526 of the Federal funds and is estimated to be \$8,571,000, well under the amount already appropriated by the Commonwealth.

36



could be used for the purchase of voting equipment, the purchase of accessible voting machines, voter education, poll-worker training, and other HAVA requirements.

Funds to be Used by the Commonwealth Government: The Commonwealth would receive 29.2% of the Title II monies (requirements payments). These monies would be put into a separate account and used to implement HAVA requirements, including the statewide vote registration database, voter education programs, poll-worker training and administrative expenses.

The chart below lists activities and costs of HAVA to be implemented in Pennsylvania. Column B represents the portion of the total Federal fund expenditure appropriated under section 101 and Title II monies (unless otherwise noted) for each activity outlined in this plan. The data provided in the chart assumes full funding, including the approximate \$25 million shortfall Pennsylvania experienced in the 2003 appropriation. Should the Congress fail to provide the amounts authorized by HAVA, funding amounts for each activity would be reduced proportionately, based on the percentage of the total funding the activity represents.

A. ACTIVITY	B. PERCENTAGE OF TOTAL AUTHORIZED BY SECTION 101 AND TITLE II	C. JURISDICTION	D. PURPOSE
Voting Systems	100% of \$ 102 Monies	County	For the purchase of new voting equipment pursuant to § 102 of HAVA
Voter Registration Database	14.5%	State	Development of statewide voter registration list
Voter Education/Voter Outreach	6.3%	State/County	To educate voters re: election procedure, increase voter participation, and make available additional voter registrations applications
Poll Worker Training	2.3%	State/County	To train all poll workers in the uniform procedures to be used at the polling places on Election Day.
Election Officer Training	0.4%	State	Train State and county officials in all Federal and State procedures related to elections
Polling Place Accessibility	2.9%	County	To bring polling places standards up to meet the Federal law.
Alternative Language	2.9%	State/County	To make election materials



Distribution of Federal Funds

The Commonwealth plans to distribute Federal dollars using a 72/28 split of Federal monies. Counties would receive 72% of the funding; the Commonwealth government would receive 28%. The Funds would be distributed in four ways, as follows:

Section 101 Funds: Section 101 funds would be split between the counties and the Commonwealth. Twenty-six percent (26%) would be distributed to the counties for the following:

PURPOSE	AMOUNT
Polling Place Accessibility	\$1,000,000
County Grants (See below):	\$2,000,000
TOTAL	\$3,000,000

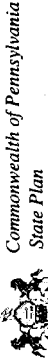
The State government would receive seventy-four percent (74%) of the section 101 funds, as follows:

PURPOSE	AMOUNT
Statewide Voter Registration Database	\$3,500,000
Voter Education/Voter Outreach	\$2,000,000
Poll-worker Training	\$ 750,000
County Election Official Training	\$ 100,000
Alternative Language Assistance	\$ 500,000
Provisional Ballot Hotline/Website	\$ 400,000
Administrative Expenses/Complaint Procedures	\$ 823,168
Miscellaneous/State Plan Expenses	\$ 250,000
TOTAL	\$8,323,168.00

Section 102 Funds: Qualifying counties would receive 100% of the Federal funds provided under section 102 of HAVA. These funds would be distributed to the 26 counties using lever voting machines in 6,143 precincts at the November 2000 election and to the 11 counties using punch card systems (1,030 precincts) to purchase HAVA compliant DREs or other HAVA compliant systems. Funds received: \$22,916,952.

Title II Funds: Of the Federal funds received under Title II, 70.8% would be set aside for the counties; and 29.2% would be reserved for the Commonwealth government.

County Grant Funds: A portion of Title II monies would be set aside for polling place accessibility. The remaining portion of the county Title II monies and a portion of the section 101 monies as described above would be placed in a County Grant Fund and distributed to the counties based on their County Plan. In distributing these funds, priority would be given to modernizing voting systems. The Department will distribute the funds on an equitable basis to all counties. To receive the funding from the County Grant Fund, a county would have to file a county plan for the use of Federal funds and sign a county agreement. The County Grant funds



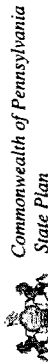
STATE PLAN ELEMENT 7 *How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.*

HAVA Section 254(a)(7) (42 U.S.C. § 15404(a)(7)).

Section 254(a)(7) of HAVA requires the Commonwealth to describe in its State Plan how it will use the requirements payment consistent with the Commonwealth's obligation under HAVA to maintain its pre-November 2000 expenditure effort for the activities that it will use the requirements payments to support.

Though the Commonwealth appreciates the commitment that the Federal government has made to election assistance both by enacting HAVA and providing funding to the States to allow them to fully realize the ultimate goals of HAVA – a free and open election process for all citizens – the Commonwealth realizes that it still has the primary responsibility to maintain the programs that it was funding prior to November 2000 and to develop new and innovative programs to make the Commonwealth a leader in election administration.

To this end, in using its requirements payment, the Commonwealth plans to maintain expenditures of the State for activities funded by the payment at a level no less than the level of such expenditures in FY 1999-2000. In addition, the Commonwealth plans to ask each county to file an annual report to assure the Commonwealth that each county has complied with the requirement of HAVA that the State maintain its pre-November 2000 effort as a condition of receiving funds under Title II of HAVA.



Accessibility	and information available to jurisdictions having alternative language minorities		
Administrative Expenses/Implementation Costs	For Commonwealth personnel to administer HAVA and other costs for implementation	3.4%	State
Provisional Voter Hotline/Website	To establish the HAVA required Website and toll free line	0.5%	State/County
Miscellaneous/State Plan Expenses	For grants to independent groups; unforeseen costs in implementing HAVA; and development of the State Plan	2.5%	State
County Grants to Implement the Provisions of HAVA	Includes activities outlined in the County's Plan, including the purchase of HAVA compliant voting systems and other requirements of HAVA.	64.4%	County

The efficient allocation and expenditure of Title I and Title II funds is vitally important to the overall success of providing both the counties and the Commonwealth with the maximum resources available both to implement the requirements of HAVA and to continue to improve the administration of elections for Commonwealth voters.

Commonwealth of Pennsylvania
State Plan



MONITORING OF DEPARTMENT ACTIVITIES

While monitoring the county use of the funds is important, the Department of State also plans constantly to review its progress from two perspectives: the disbursement of funding and its own efforts in meeting the requirements of HAVA.

Through its annual report, the Department of State would inform all interested parties as to the Commonwealth's progress and address any concerns that might require action by the Governor or the General Assembly. Through this report, the Secretary of the Commonwealth would be able to detail potential changes to the Commonwealth's State Plan in advance of beginning the formal process for modifying the State plan under HAVA.

PERFORMANCE GOALS AND MEASURES

The Department of State plans to establish performance goals and measurement processes to monitor the progress under the State Plan. This would better enable the HAVA Administrator to measure progress in achieving the goals. The Department of State would continuously monitor and review the performance of each initiative that is funded by requirements payment to determine progress.

The planned performance goals listed below are intended to apply to elections that occur during the year identified. The planned performance goals include:

a. Elimination of lever voting machines and punch card electronic voting systems

Timetable: January 1, 2006

Criteria: Replacement of lever voting machines and punch card electronic voting equipment in compliance with Title III requirements for the 24 counties that utilized lever voting machines in the November 2000 Election that still use them and the 11 counties that used punch card electronic systems in the 2002 election.

Responsible Official: The county boards of elections, with the cooperation and assistance of the Secretary of the Commonwealth.

b. Implementation of the Statewide Uniform Registry of Electors

Timetable: January 1, 2006

Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list and database.

Responsible Official: The Secretary of Commonwealth, with the cooperation of each county voter registration office.

42

Commonwealth of Pennsylvania
State Plan



STATE PLAN ELEMENT 8

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 Section 254(a)(8) (42 U.S.C. § 15404(a)(8)).

Section 254(a)(8) of HAVA requires the Commonwealth to state in its State Plan how it plans to adopt performance goals and measures to be used by the Commonwealth to determine Pennsylvania's success in carrying out the Commonwealth's State Plan.

One of the biggest threats to the success of an initiative is the failure to follow through on progress and to be able to adjust plans as projects move forward and challenges are faced. The Commonwealth has taken a two-pronged approach to ensure that all involved are committed to improving the administration of elections for Pennsylvania citizens. The first prong involves monitoring the county agreements, and the second prong focuses upon the Commonwealth's continued self-assessment of its progress at the State level.

THE HAVA ADMINISTRATOR

The Commonwealth intends to assign at least one employee of the Department of State the responsibility to oversee the HAVA project. This employee, the HAVA Administrator, would be responsible for monitoring the progress of the counties, overseeing the county agreements, and keeping account of the status of the requirements payment fund. The HAVA Administrator would provide reports to the Secretary of the Commonwealth on a quarterly basis as to the status of the Commonwealth's compliance with HAVA and the various projects established by the counties.

MONITORING THE COUNTY AGREEMENTS

Through the reporting requirements included in the proposed county agreements, the Department of State should be able to monitor the progress of the county projects and the usage of the funding. The Commonwealth plans to hold the counties responsible for their expenditures of the funding. The Department of State would assist the counties to the extent possible to ensure project success.

41



Commonwealth of Pennsylvania
State Plan

c. Polling place accessibility

Timetable: January 1, 2004

Criteria: Survey all polling places in the Commonwealth to determine accessibility under the Federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S. C. 1973gg et seq.) and work to increase the number of accessible polling places in Pennsylvania.

Responsible Official: The county boards of elections, with the cooperation and assistance of the Secretary of the Commonwealth.

d. Voter education program

Timetable: January 1, 2004

Criteria: Establishment and implementation of a voter education program providing voters with information relative to voting procedures, voting identification, complaint procedures, provisional ballots and voting information specific to each type of voting system that clearly explains to the voter how to correctly cast a ballot; how to correct an error; how to obtain a replacement ballot; and the effect of casting multiple votes for an office.

Responsible Official: The Secretary of Commonwealth, with the cooperation of each county board of elections.

e. Poll Worker/Election Officer Training

Timetable: January 1, 2006

Criteria: Establishment and implementation of a training program for district election and county election officials to insure that procedures used in polling places are standardized across the Commonwealth to the greatest extent possible.

Responsible Official: The Secretary of Commonwealth, with the cooperation of each county board of elections.

f. Accessibility for individuals with disabilities

Timetable: January 1, 2006

Criteria: Purchase of at least one DRE that is usable by individuals with a disability in each polling place in the State and adequate placement of this equipment throughout counties that have adopted vote-by-mail and increasing the number of accessible polling places in the Commonwealth.

Responsible Official: The Secretary of Commonwealth, with the cooperation of each county board of elections.

43



Commonwealth of Pennsylvania
State Plan

g. Alternate Language Accessibility

Timetable: January 1, 2004

Criteria: Initiate an outreach program to alternate language communities to apprise them of their voting rights and the correct voting procedures and offer alternative language services to the counties requesting them.

Responsible Official: The Secretary of the Commonwealth, with the cooperation of each county board of elections.

h. Provisional Voting

Timetable: January 1, 2004

Criteria: Implementation of a free access system in the Department so that the voters can determine if their provisional ballot was counted.

Responsible Official: Secretary of the Commonwealth, with the cooperation of each county board of elections.

The Department plans to issue periodic progress reports on the status of implementing the performance goal. After January 1, 2006, when all of the deadlines have passed, the Department plans to produce a report on how the performance goals have been met.

44



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 9

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402 of HAVA (42 U.S.C. § 15512).

HAVA Section 254(a)(9) (42 U.S.C. § 15404(a)(9)).

Section 254(a)(9) of HAVA requires the Commonwealth to describe in its State Plan the administrative complaint procedures that it has established as required by section 402 of HAVA.

SUMMARY OF REQUIREMENTS UNDER STATE PLAN ELEMENT 9

As a condition of receiving any Federal funds, section 402(a)(1) of HAVA⁹⁸ requires the Commonwealth to establish and maintain State-based administrative complaint procedures that meet requirements prescribed by section 402(a)(2). Section 402(a)(2)⁹⁹ mandates the following requirements:

- (A) The procedures shall be uniform and nondiscriminatory.
- (B) Under the procedures, any person who believes that there is a violation of any provision of Title III (including a violation that has occurred, is occurring, or is about to occur) may file a complaint.
- (C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.
- (D) The State may consolidate complaints filed under subparagraph (B).
- (E) At the request of the complainant, there shall be a hearing on the record.
- (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.
- (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.
- (H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period that begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.
- (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.

45

PENNSYLVANIA LAW

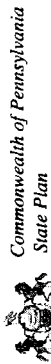
Section 11 of Act 2002-150 establishes – effective December 9, 2003 – the uniform, nondiscriminatory State-based administrative complaint procedure required by section 402 of HAVA.¹⁰⁰ The Department of State plans to establish within its Bureau of Commissions, Elections and Legislation or successor bureau a procedure for the review of complaints regarding the administration of Title III of HAVA. The Department also plans to provide a complaint form that would require the signature of the complainant; an affidavit and notarization (as required by § 402(a)(2)(C) of HAVA¹⁰¹ and § 1206.2(a) of the Election Code¹⁰²); and the attachment of any supporting documentation (as required by section 1206.2(a)).

When a complaint pertains to the Department of State, the Department is required to forward it to the Pennsylvania Office of General Counsel within three business days of its receipt.¹⁰³ The Department would then have 20 days either to reach an agreement with the complainant or to file a written response to the complainant.¹⁰⁴ The Office of General Counsel must provide the complainant with a copy of the response and an opportunity for an informal hearing, as required by section 402(a)(2)(E) of HAVA.^{105, 106} If a hearing were requested, the Department would be given notice and the opportunity to participate.¹⁰⁷ The Office of General Counsel must issue a final determination and remedial plan, if necessary, no later than 90 days after the filing of the complaint.¹⁰⁸ If the Office of General Counsel should fail to issue its determination within 90 days, it must provide alternative dispute resolution for the disposition of the complaint.¹⁰⁹ The alternative process must be completed within 60 days, as HAVA requires.¹¹⁰

When a complaint pertains to a local or county employee or official, the Department is required by section 1206.2(b)(1)¹¹¹ to provide the county board of elections with a copy of the complaint within three days of receiving it. The county board of elections would have 20 days under section 1206.2(b)(2)¹¹² either to reach an agreement with the complainant or to file a written response. The Department would provide the complainant a copy of this response and an opportunity to request an informal hearing, as required by section 402(a)(2)(E) of HAVA and section 1206.2(b)(3) of the Election Code.¹¹³ If a hearing were requested, the county board of elections would be given notice and the opportunity to participate. As both HAVA and the Election Code require, the Department would issue a final determination and remedial plan, if necessary, no later than 90 days after the filing of the complaint. Should the Department fail to issue its determination within 90 days, it would be required to provide alternative dispute resolution for the disposition of the complaint. The law requires the alternative process to be completed within 60 days,¹¹⁴ as required by HAVA.

Proceedings before the Department and decisions made under section 1206.2 are not considered to be administrative adjudications under the Administrative Agency Law,¹¹⁵ and a determination made with regard to county complaints is not to be regarded as an agency determination subject to appellate review.¹¹⁶ Either party in this case may initiate a *de novo* appeal from the Department's final order in the court of common pleas of the county where the election board is located.¹¹⁷ Determinations made by the Office of General Counsel with regard to complaints made against the Department of State are agency determinations subject to appellate review.¹¹⁸

46



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 10

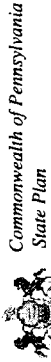
If the State received any payment under title I of HAVA, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

HAVA Section 254(a)(10) (42 U.S.C. § 15404(a)(10)).

Section 254(a)(10) of HAVA requires the Commonwealth to describe in its State Plan how funds that it has received under sections 101 or 102 of HAVA (relating to payments to States for activities to improve administration of elections and replacement of punch card and lever voting machines) will affect the activities that the Commonwealth plans to carry out under the State Plan. Section 254(a)(10) also requires the Commonwealth to state in its State Plan the amount of funds available for its proposed activities.

The Commonwealth plans to use the funding it received under Title I of HAVA to assist the Commonwealth and its counties to accomplish the requirements of HAVA. The Commonwealth intends to use the Title I funding in the following manner

Section 101 Funding	
Polling Place Accessibility	\$ 1,000,000
County Grant Fund	\$ 3,500,000
Statewide Voter Registration Database	\$ 3,000,000
Voter Education	\$ 1,000,000
Poll worker Training	\$ 750,000
County Election Official Training	\$ 100,000
Alternative Language Assistance	\$ 500,000
Provisional Voter Hotline/Website	\$ 400,000
Administrative Expenses/Complaint Line	\$ 823,168
Miscellaneous/State Plan Expenses	\$ 250,000
Total	\$ 11,323,168.00
Section 102 Funding	
Replacement of Lever Voting Machines (6,143 qualifying precincts) and Punch Card Electronic Voting Systems (1,030 qualifying precincts)	\$ 22,916,952



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 11

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 as required 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 section 255 of HAVA.

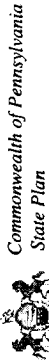
HAVA Section 254(a)(11) (42 U.S.C. § 15404(a)(11))

Section 254(a)(11) of HAVA requires the Commonwealth to describe in its State Plan how it will manage the State Plan on an ongoing basis.

Pennsylvania plans to use its State Plan as the basis for managing the activities necessary for the implementation of the requirements of HAVA. The HAVA Administrator, under the guidance of the Commissioner of the Bureau of Commissions, Elections, and Legislation (CEL) and the Secretary of the Commonwealth, would be responsible for the continuous management and implementation of the State Plan.

The HAVA Administrator would be responsible for implementation of that part of the State Plan that is to be carried out at the State level, with county involvement via the State Plan Advisory Board on various projects. The Commonwealth, through the CEL, would be responsible for tracking resource requirements; approving and tracking expenditures of HAVA funds; coordinating decision-making; and ensuring that implementation activities are on track. Additional staff would be hired to administer the various program requirements. The CEL staff would manage the day-to-day coordination and implementation of projects within the State Plan. Responsibilities would include reporting project activities, progress, and resource needs/expenditures, as well as conducting the voter education and poll worker training efforts.

The Commonwealth understands and agrees to comply with HAVA requirements related to ongoing management of the State Plan. Material changes in the administration of the State Plan must be developed in consultation with the State Plan Advisory Board and cannot be made unless the change is published in the Federal Register, in accordance with section 255 of HAVA.¹¹⁹



Commonwealth of Pennsylvania
State Plan

The Commonwealth also acknowledges that any change in the State Plan is subject to public notice and comment under section 256 of HAVA¹²⁰ and may take effect only after the expiration of the 30-day period beginning on the date the change is published in the *Federal Register*.



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 12

In the case of a State with a State plan in effect under Subtitle D (relating to election assistance) of Title II of HAVA 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 the previous fiscal year.

HAVA Section 254(a)(12) (42 U.S.C. § 15404(a)(12)).

Pennsylvania had no State Plan in effect for the previous fiscal year. However, the Commonwealth embarked on a number of initiatives in election administration over the past few years. The initiatives included the formation of two task forces in 2001 to study voting systems and voting standards; and, in accordance with Act 2002-3, Pennsylvania in 2002 began implementation of a statewide voter registration system. These initiatives should provide a starting point for moving forward with implementation of HAVA in the Commonwealth of Pennsylvania.

In addition, the Pennsylvania General Assembly in December 2002 enacted Act 2002-150, which prescribes procedures for implementing the requirements of HAVA relative to voter identification, provisional ballots, and complaint procedures. Act 150 also establishes an advisory board to develop mandatory standards for what constitutes a vote and a separate advisory board to develop recommendations to develop a State Plan to implement HAVA.



Commonwealth of Pennsylvania
State Plan

STATE PLAN ELEMENT 13

A description of the committee which participated in the development of the State plan in accordance with section 255 of HAVA and the procedures followed by the committee under sections 255 and 256.

HAVA Section 254(a)(13) (42 U.S.C. § 15404(a)(13)).

Section 254(a)(13) of HAVA requires the Commonwealth to describe the committee that participated in the development of the State Plan as required by section 255 of HAVA and the procedures followed by the committee under sections 255 and 256 of HAVA.¹²¹ Section 255(a) requires the chief State election official to "develop the State plan . . . through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."¹²² Section 256 of HAVA requires the Commonwealth to satisfy certain "public notice and comment requirements."¹²³

To facilitate the Secretary of the Commonwealth's compliance with section 255(a) of HAVA, the General Assembly established within the Department of State the State Plan Advisory Board.¹²⁴ Intended by the Legislature to be the committee required by section 255 of HAVA, the Board was charged with the responsibility to advise the Secretary of the Commonwealth on development of the State Plan.¹²⁵ The Board was required to make recommendations on all aspects of the State Plan.¹²⁶

The Board is comprised of the following members:

- (1) One director of elections from a county of the first class [Philadelphia County].
- (2) One director of elections from a county of the second class [Allegheny County].
- (3) The chairperson of the political party with the highest number of registered voters in the Commonwealth [the Democratic Party].
- (4) The chairperson of the political party with the second highest number of registered voters in the Commonwealth [the Republican Party].
- (5) Eleven members appointed by the Secretary of the Commonwealth as follows:
 - (i) Seven directors of elections, one from a county of the second class A and one each from a county of the third, fourth, fifth, sixth, seventh and eighth class.
 - (ii) One representative of an organization of disabled Pennsylvania veterans.
 - (iii) One representative of an organization of blind and visually impaired Pennsylvanians.
 - (iv) Two representatives of the public at large, who shall be registered electors of the Commonwealth.

51



Commonwealth of Pennsylvania
State Plan

Election Code § 205(b).¹²⁷ The members serve for terms of five years and must meet as needed to fulfill the requirements of the law.¹²⁸ Section 205 also imposes several requirements upon the Advisory Board regarding voting, rules and compensation.¹²⁹

Following is a list of the current members of the Board:

Chair V. Kurt Bellman, Director of Elections, Berks County (county of the third class)
Gladys M. Brown, Public At Large Member
V. Rev. Neal Carrigan, Blind & Visually Impaired Pennsylvanians
Vice-Chair Deena K. Dean, Director of Elections, Bucks County (county of the second class A)
Nancy T. James, Administrator, Potter County (county of the eighth class)
Denise W. Jones, Chief Clerk/Director of Elections, Venango County (county of the sixth class)
Lee E. Knepp, Chief Clerk, Snyder County (county of the seventh class)
Robert Lee, Jr., Voter Registration Administrator, Philadelphia County (county of the first class)
Tom McDole, Legislative Committee Chairman, Disabled Veterans of PA
Alan Novak, Chairman, Republican State Committee of PA
Fred G. Pfeiffer, Director of Elections, Lycoming County (county of the fifth class)
Representative T.J. Rooney, Chair, Democratic State Committee of PA
Larry Spahr, Director of Elections, Washington County (county of the fourth class)
Josh Wilson, Public At Large Member
Mark Wolosik, Division Manager for Elections, Allegheny County (county of the second class)

The Board encouraged input from the citizens of the Commonwealth and representatives of interested parties. In an effort to obtain input from a broad range of individuals and organizations, the Board held a public hearing on March 26, 2003, before developing its recommendations. Notice of the hearing was placed in advance on the Department of State's website and published in the *Pennsylvania Bulletin*¹³⁰, *The Patriot-News* of Harrisburg; the *Philadelphia Inquirer*; the *Pittsburgh Post-Gazette*; and the Spanish-language *El Hispano*. At the public hearing, the Board heard testimony from representatives of the American Civil Liberties Union of Pennsylvania, the Pennsylvania Council of the Blind, and Common Cause/PA.

All meetings of the Board were open to public attendees, who were afforded the opportunity to comment during the Board's meetings. The Board was fortunate to receive input from various advocacy groups, including Common Cause/PA, the Pennsylvania League of Women Voters; the Pennsylvania Council of the Blind; the United States Postal Service; and Carlos A. Zayas, a voting rights advocate for the Hispanic community in Pennsylvania. The Board provided public attendees with copies of documents relating to development of the State Plan. In addition, the Department of State advertised in advance the meetings of the Board in the *Pennsylvania Bulletin*,¹³¹ *The Patriot-News* and on the Department of State website.

52

Commonwealth of Pennsylvania
State Plan



Meetings of the Board were held on a regular basis, beginning on February 27, 2003. The Board held further meetings on March 26 (public hearing); April 3; April 11; April 17; April 23; May 1; and May 12. On May 12, 2003, the Board presented its recommendations to the Secretary of the Commonwealth.

53

Commonwealth of Pennsylvania
State Plan



APPENDIX A

TESTIMONY AT PUBLIC HEARINGS ON THE
PENNSYLVANIA PRELIMINARY STATE PLAN TO IMPLEMENT HAVA

Reading, July 7, 2003

Mr. Kurt Bellman, Director of Elections, Berks County
Mr. Bill Chico Ross, Civil Rights Advocate, Abilities in Motion
Mr. Ralph Trainor, Executive Director, Abilities in Motion
Ms. Jo-Ann Zakielarz, Vice President, Government Relations, AcctPoll, Inc
Mr. Carlos Zayas, Voting Rights Advocate

Pittsburgh, July 9, 2003

Mr. Paul O'Hanlon, Pa. Protection & Advocacy, Disabilities Law Project, United Cerebral Palsy Association of Pittsburgh District
Mr. Jonathan B. Robinson, Attorney
Mr. Vince Shulte, Unisys
Mr. Fred Smith, Director of Elections, Cambria County
Mr. Regis Young, Director of Elections, Butler County

Philadelphia, July 14, 2003

Mr. Barry Kauffman, Common Cause
Ms. Elizabeth Milner, Pa. League of Voters
Ms. Marlene Perkins, Easter Paralyzed Veterans Association
Mr. Wilfredo Rojas, President Delaware Valley Voter Registration Education Project

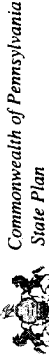
Harrisburg SPAB Meeting, July 15, 2003

William A. Gannon, Pa. Developmental Disability Council
John Kesich, Citizen

Other Filings

Brenda Dare, Disability Advocate
Mr. Larry Frankel, Legislative Director, ACLU
Mr. Daryl Wold, Attorney, Orange County, California

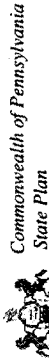
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APPENDIX B (continued)

Voting Systems Used in the November 7, 2000 Election in Pennsylvania

	Electronic Voting Systems			Affected # of Precincts	Total # of Precincts
	Paper Lever Machine	D.R.E. Optical Scan	Punch Card		
Lackawanna	239			239	239
Lancaster	225			225	225
Lawrence			106		106
Lebanon	55			55	55
Lehigh	145			145	145
Luzerne	316			316	316
Lycoming	12	74		74	86
McKean	2	40		40	42
Mercer	100			100	100
Mifflin	1	29		29	30
Monroe	54			54	54
Montgomery		406			406
Montour			15	15	15
Northampton	139			139	139
Northumberland	94			94	94
Perry			33	33	33
Philadelphia	1681			1,681	1,681
Pike	16			16	16
Potter	30		4		34
Schuylkill			167		167
Snyder			25		25
Somerset			68		68
Sullivan			15		15
Susquehanna			43		43
Tioga			44		44
Union			26		26
Venango			49		49
Warren	3	30		30	33
Washington			184		184
Wayne					37
Westmoreland					306
Wyoming			30		30
York					159
Totals:	66	6,143	922	7,173	9,418
% of Total:	0.7%	65.2%	9.8%	10.9%	76.2%



APPENDIX B

Voting Systems Used in the November 7, 2000 Election in Pennsylvania

	Electronic Voting Systems			Affected # of Precincts	Total # of Precincts
	Paper Lever Machine	D.R.E. Optical Scan	Punch Card		
Adams			51		51
Allegheny	1,309			1,309	1,309
Armstrong			74	74	74
Beaver	129			129	129
Bedford			42		42
Berks	180			180	180
Blair			97	97	97
Bradford			61		61
Bucks	298			298	298
Butler			82	82	82
Cambria			165	165	165
Cameron			10		10
Carbon	47			47	47
Centre			85	85	85
Chester			220	220	220
Clarton			43		43
Clearfield			71		71
Clinton	21			21	37
Columbia			57		57
Crawford	2	65		65	67
Cumberland			96		96
Dauphin			159		159
Delaware	406			406	406
Elk			33		33
Erie	153			153	153
Fayette	105			105	105
Forest			9		9
Franklin			75		75
Fulton			13		13
Greene			44		44
Huntingdon			58		58
Indiana			68		68
Jefferson			52		52
Juniata			20		20



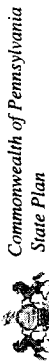
6	Computerized (§ 303(a)(1)(A))	Yes	Section 1222(c) establishes SURE as a "single, uniform integrated computer system."
7	Statewide (§303 (a)(1)(A))	Yes	Section 1222(c) provides that "[a]ll [county] commissions shall be connected electronically to the SURE system and maintain their registration records in the system."
8	Defined at the state level (§ 303(a)(1)(A))	Yes	Section 1222(a) requires the "[D]epartment [of State] to develop and establish a Statewide Uniform Registry of Electors to be known as the SURE system."
9	Maintained at the state level (§ 303(a)(1)(A))	Yes	Section 1223 provides that "[t]he cost of establishment, implementation and maintenance of the SURE system technology and its emergency recovery system shall be borne by the Commonwealth."
10	Administered at the state level (§ 303(a)(1)(A))	Yes	In addition to the above, section 1222(f) establishes that "[t]he [S]ecretary [of the Commonwealth] shall promulgate regulations necessary to establish, implement, and administer the SURE system."
11	Contains the name and registration information of every legally registered voter in the State (§ 303(a)(1)(A))	Yes	Section 1222(c)(1) specifies that the SURE system must "contain a database of all registered electors in this Commonwealth."
12	A unique identifier is assigned to each legally registered voter in the State (§303 (a)(1)(A))	Yes	According to section 1222(c)(3), SURE must "assign a unique SURE registration number to each individual currently registered in this Commonwealth." Additionally, paragraph (10) provides that the system must "assign a unique registration number to each qualified elector who becomes registered and record the registered elector in the general register of the appropriate commission." Also, 25 Pa. C.S. § 1328.1 states that: "Each registered elector shall be assigned a single and unique SURE registration number...Once assigned, a SURE registration number shall not be changed, modified or altered."
13	Coordinated with other agency databases in the State (§ 303(a)(1)(A)(iv))	Yes	Section 1222 specifies that SURE must interact with other state agency databases. Specifically, section 1222(c)(7) mandates that SURE must "permit the sending of notices [from the Department of Health] to the appropriate officials regarding death, change of address or other information that could affect the qualifications of an applicant or registration of a registered elector." Further, SURE is required to "provide for the electronic transfer of completed voter registration applications and changes of address." § 1222(c)(8). The sending of notices and other information specified above mandate that SURE



APPENDIX C

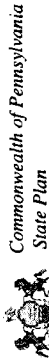
Computerized Statewide Voter Registration List Requirements

HAVA Requirements (Section 303(a))	SURE Compliance (25 Pa. C.S. § 1222)	Notes
1 Single (§ 303(a)(1)(A))	Yes	Section 1222(c) establishes SURE as a "single, uniform integrated computer system."
2 Uniform (§ 303(a)(1)(A))	Yes	Section 1222(c) establishes SURE as a "single, uniform integrated computer system."
3 Official (§ 303(a)(1)(A))	Yes	Section 1222(c)(6) provides that SURE shall "be the general register for a commission once the commission is connect to the SURE system." Further, 25 Pa. C.S. § 1401(c) specifies that "[a]fter a commission is connected to the SURE system, the general register of the commission shall consist of the registration information contained on the SURE system as maintained by the commission."
4 Centralized (§ 303(a)(1)(A))	Yes	Under section 1222, SURE must be maintained and administered by the Department of State. "Upon being connected, each commission shall be required to use the SURE system as its general register." 25 Pa. C.S. § 1222(e). Consequently, after connection, no county registration commission will be permitted to use any other system as its official registration record. The centralized SURE system will be the official registration record of all counties in Pennsylvania. 25 Pa. C.S. § 1222(c)(6).
5 Interactive (§ 303(a)(1)(A))	Yes	Section 1222(c) specifies that the SURE system must do all of the following: <ul style="list-style-type: none"> • Permit the commissions to add, modify and delete information in the system as necessary and appropriate. § 1222(c)(4). • Permit each commission and the department to have instant access to a commission's registration records maintained on the system. § 1222(c)(5). • Provide for the electronic transfer of completed voter registration applications and changes of address. § 1222(c)(8). • Permit auditing of each registered elector's registration record from the day of its creation until the day it is canceled. § 1222(c)(11).



Commonwealth of Pennsylvania
State Plan

<p>must interface with the Pennsylvania Departments of Transportation and Health. Section 1323(c)(3.1) of Title states that, after the Department of Transportation is connected to the SURE system, it "shall transmit electronically [to the county voter registration commissions] the contents of a completed voter registration application within five days of receipt of the application." With regard to changes of address between counties, 25 Pa. C.S. § 1323(c)(4) requires that the Department of Transportation "notify the commission of the county of the registrant's former residence."</p>		<p>14 Any election official, including any local election official, may obtain immediate electronic access to the information contained in the computerized list (§ 303(a)(1)(A)(v))</p>	<p>Yes</p>
<p>The SURE system assures that election officials have instant access to the SURE database. Section 1222(c)(5) specifically provides that SURE must "permit each commission and the department to have instant access to a commission's registration records maintained on the system." Under paragraph (7), each commission and the Department must have the ability to "review and search the system."</p>		<p>15 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 (§ 303(a)(1)(A)(vi))</p>	<p>Yes</p>
<p>Section 1222(c)(4) provides that SURE must "permit the commissions to add, modify and delete information in the system as is necessary and appropriate." Section §1203(l) of Title 25 requires that a commission "promptly update information contained in its registration records." The same requirement for prompt updates of information in the SURE system by county commissions is contained in the other sections of Title. See 25 Pa. C.S. §§ 1323(c)(4)(i) & (5); 1328(d)(2); 1329(d); 1501(b)(2) & (3); 1502(a)(6); 1505(a) & (b); 1901(b)(4) & (c); 1903; 1904(a); and 1905(c)(2).</p>		<p>16 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 (§ 303(a)(1)(A)(vii))</p>	<p>Yes</p>
<p>Section 1222(a) of Title 25 mandates that the Department of State "develop and establish" the SURE system. Additionally, "the cost of establishment, implementation and maintenance of the SURE system technology and its emergency recovery system shall be borne by the Commonwealth." 25 Pa. C.S. § 1223. Each commission must "have instant access to a commission's registration records maintained on the system." 25 Pa. C.S. § 1222(c)(5). Section 1222(c)(14) further establishes the Commonwealth's responsibility for the availability of the SURE system by specifying that SURE "be designed with an emergency recovery system to insure that registration records are not lost in the case of an emergency."</p>			



Commonwealth of Pennsylvania
State Plan

	<p>17</p>	<p>The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State (§ 303(a)(1)(A)(viii))</p>	<p>Yes</p>	<p>natural disaster or other such event that could cause the system to malfunction." Section 1222(c)(6) specifies that the SURE system must be "the general register for a commission once the commission is connected to the SURE system." As the general register, the SURE system's data will be used as the official data in the conduct of every election held in the county.</p>
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ENDNOTES

- ¹ HAVA §§ 255-56, 42 U.S.C. §§ 15405-06.
- ² See 33 Pa. Bull. 3573 (July 19, 2003).
- ³ 42 U.S.C. § 15406.
- ⁴ HAVA § 304, 42 U.S.C. § 15484.
- ⁵ *Id.*
- ⁶ *Id.* § 305, 42 U.S.C. § 15485.
- ⁷ *Id.* § 301(a)(6), 42 U.S.C. § 15481(a)(6).
- ⁸ 42 U.S.C. § 15481(a)(3)(B).
- ⁹ *Id.* § 15302(b)(3)(B).
- ¹⁰ See Pa. Const. Art. VII, § 6.
- ¹¹ 42 U.S.C. § 15481(a)(1)(B).
- ¹² *Id.* § 15481(a)(6).
- ¹³ Pennsylvania Election Code § 204(b), 25 P.S. § 2624(b).
- ¹⁴ 25 P.S. § 2624(d).
- ¹⁵ 42 U.S.C. § 15481(a)(3)(B).
- ¹⁶ 42 U.S.C. § 1973.
- ¹⁷ *Id.* § 1973(b)(e).
- ¹⁸ *Id.* § 1973aa-6.
- ¹⁹ HAVA § 302(a), 42 U.S.C. § 15482(a).
- ²⁰ *Id.* § 302(b)(2), 42 U.S.C. § 15482(b)(2).
- ²¹ 25 P.S. § 3050(a-4).
- ²² 25 P.S. §§ 3046 and 3050(a-2) & (a-4)(1).
- ²³ *Id.* § 3050(a-4)(2).
- ²⁴ *Id.*
- ²⁵ *Id.* § 3050(a-4)(3).
- ²⁶ *Id.*
- ²⁷ *Id.* § 3050(a-4)(4).
- ²⁸ *Id.*
- ²⁹ *Id.* § 3050(a-4)(5).
- ³⁰ *Id.* § 3050(a-4)(6).
- ³¹ *Id.* § 3050(a-4)(7).
- ³² 42 U.S.C. § 15482(a)(5)(B).
- ³³ 25 P.S. § 3050(a-4)(8).
- ³⁴ *Id.*
- ³⁵ *Id.*
- ³⁶ *Id.*
- ³⁷ *Id.* § 3050(a-4).
- ³⁸ 42 U.S.C. § 15482(b).
- ³⁹ *Id.* § 15483(b).
- ⁴⁰ 25 P.S. § 3042.
- ⁴¹ *Id.* § 3049(e).
- ⁴² *Id.*
- ⁴³ *Id.* § 3042.
- ⁴⁴ HAVA § 303(d)(1), 42 U.S.C. § 15483(d)(1).
- ⁴⁵ *Id.* § 303(d)(2), 42 U.S.C. § 15483(d)(2).
- ⁴⁶ *Id.* § 303(a)(1)(A), 42 U.S.C. § 15483(a)(1)(A).
- ⁴⁷ *Id.*
- ⁴⁸ *Id.* § 15483(a)(2)(A).
- ⁴⁹ *Id.* § 15483(a)(2)(B).
- ⁵⁰ *Id.* § 15483(a)(2)(A)(i).
- ⁵¹ *Id.* § 15483(a)(2)(A)(ii)(II).
- ⁵² *Id.* § 15483(a)(3).
- ⁵³ *Id.* § 15483(a)(4).



- ⁵⁴ *Id.* § 15483(a)(4)(A).
- ⁵⁵ *Id.* § 15483(a)(4)(B).
- ⁵⁶ *Id.* § 15483(a)(5)(A)(i).
- ⁵⁷ *Id.* § 15483(a)(5)(A)(ii).
- ⁵⁸ *Id.* § 15483(a)(5)(B)(i).
- ⁵⁹ *Id.* § 15483(b)(2)(A)(i).
- ⁶⁰ *Id.* § 15483(b)(2)(A)(ii).
- ⁶¹ *Id.* § 15483(b)(2)(B).
- ⁶² *Id.* § 15483(b)(3).
- ⁶³ *Id.*
- ⁶⁴ *Id.* § 15483(b)(4)(A).
- ⁶⁵ *Id.* § 15483(b)(4)(B).
- ⁶⁶ See 25 Pa. C.S. § 1222 (relating to SURE system).
- ⁶⁷ *Id.*
- ⁶⁸ *Id.*
- ⁶⁹ *Id.* § 1222(e).
- ⁷⁰ *Id.* § 1203(f).
- ⁷¹ *Id.* §§ 1323(c)(4)(i) & (5); 1328(d)(2); 1329(d); 1501(b)(2), (3) & (6); 1505(a) & (b); 1901(b)(4) & (c); 1903; 1904(a); and 1905(c)(2).
- ⁷² HAVA § 303(a)(4)(A), 42 U.S.C. § 15483(a)(4)(A).
- ⁷³ 42 U.S.C. § 15483(a)(2)(A)(ii)(X).
- ⁷⁴ *Id.* § 15483(a)(2)(A)(ii)(II).
- ⁷⁵ 25 Pa. C.S. § 1222(c)(2).
- ⁷⁶ *Id.* § 303(a)(5)(A)(ii), 42 U.S.C. § 15483(a)(5)(A)(ii).
- ⁷⁷ 42 U.S.C. § 15484.
- ⁷⁸ 25 P.S. § 3050(a-2).
- ⁷⁹ *Id.* § 3060(a).
- ⁸⁰ *Id.* § 3050(a-1).
- ⁸¹ 42 U.S.C. § 15483(b)(2)(A).
- ⁸² *Id.* §§ 15483(b)(2)(A)(i)(II) & (ii)(II).
- ⁸³ *Id.* § 15483(b)(3)(C).
- ⁸⁴ *Id.* §§ 15483(b)(3)(A) & (B).
- ⁸⁵ *Id.* § 15483(b)(2)(A)(ii).
- ⁸⁶ See HAVA § 303(b)(3), 42 U.S.C. § 15483(b)(3).
- ⁸⁷ 42 U.S.C. § 15483(b)(4).
- ⁸⁸ 4 Pa. Code § 183.1.
- ⁸⁹ 42 U.S.C. § 15483(b)(4).
- ⁹⁰ *Id.* § 15483(b)(4)(A).
- ⁹¹ *Id.* § 15483(b)(4)(A)(iv).
- ⁹² 42 U.S.C. § 15404(a)(2)(A) & (B).
- ⁹³ Pa. Election Code § 201(f), 25 P.S. § 2621(f).
- ⁹⁴ 42 U.S.C. § 15483(a)(1)(B).
- ⁹⁵ 25 P.S. § 3031.5.
- ⁹⁶ 42 U.S.C. §§ 15404(b)(1) & (2).
- ⁹⁷ *Id.*
- ⁹⁸ 42 U.S.C. § 15512(a)(1).
- ⁹⁹ *Id.* § 15512(a)(2).
- ¹⁰⁰ See Pa. Election Code § 1206.2, 25 P.S. § 3046.2.
- ¹⁰¹ 42 U.S.C. § 15512(a)(2)(C).
- ¹⁰² 25 P.S. § 3046.2(a).
- ¹⁰³ Pa. Election Code § 1206.2(c)(1), 25 P.S. § 3046.2(c)(1).
- ¹⁰⁴ *Id.* § 1206.2(c)(2), 25 P.S. § 3046.2(c)(2).
- ¹⁰⁵ 42 U.S.C. § 15512(a)(2)(B).
- ¹⁰⁶ See Pa. Election Code § 1206.2(c)(3), 25 P.S. § 3046.2(c)(3).
- ¹⁰⁷ *Id.* § 1206.2(c)(4), 25 P.S. § 3046.2(c)(4).
- ¹⁰⁸ *Id.* § 1206.2(c)(5), 25 P.S. § 3046.2(c)(5).

Commonwealth of Pennsylvania
State Plan



- 109 *Id.*
 110 *Id.*
 111 *Id.* § 3046.2(b)(1).
 112 *Id.* § 3046.2(b)(2).
 113 *Id.* § 3046.2(b)(3).
 114 *Id.* § 3046.2(b)(5).
 115 Pa. Election Code § 1206.2(d), 25 P.S. § 3046.2(d).
 116 *Id.* § 1206.2(e), 25 P.S. § 3046.2(e).
 117 *Id.*
 118 *Id.* § 1206.2(f), 25 P.S. § 3046.2(f).
 119 42 U.S.C. § 15405.
 120 *Id.* § 15406.
 121 *Id.* §§ 15405-06.
 122 *Id.* § 15405(a).
 123 *Id.* § 15406.
 124 Pa. Election Code § 205, 25 P.S. § 2625.
 125 *Id.* §§ 205(a) & (h), 25 P.S. §§ 2625(a) & (h).
 126 *Id.* § 205(h), 25 P.S. § 2625(h).
 127 *Id.* § 205(b), 25 P.S. § 2625(b).
 128 *Id.* §§ 205(c) & (d), 25 P.S. §§ 2625(c) & (d).
 129 *Id.* §§ 205(c) & (e)-(g), 25 P.S. §§ 2625(c) & (e)-(g).
 130 See 33 Pa. Bull. 1422 (March 15, 2003).
 131 Pa. Bull. 2022 (April 19, 2003); 33 Pa. Bull. 2134 (April 26, 2003); 33 Pa. Bull. 2324 (May 10, 2003); 33 Pa. Bull. 2636 (May 31, 2003); and 33 Pa. Bull. 2946 (June 21, 2003).

Estado Libre Asociado de Puerto Rico COMISION ESTATAL DE ELECCIONES

Background on Elections in Puerto Rico

The *Comisión Estatal de Elecciones de Puerto Rico* (the Commonwealth Elections Commission or "the Commission") is an independent, body constituted by a representative of each political party and responsible for all aspects of election administration in Puerto Rico. The current three commissioners are appointed by their respective political parties. If another political party were to meet the criteria to become a recognized party, a commissioner would be added to represent that party.

The commissioners unanimously appoint a president for a four-year term. Subject to the unanimous consent of the other two parties' commissioners, each of the parties appoints a vice president to serve a four-year term.

Although all responsibility for elections resides with the Commission, a local commission carries out election administration duties at the local level. There are 110 local commissions serving 110 precincts with approximately 330 part-time local commissioners, 330 alternative part-time local commissioners and 110 judges serving part-time as presidents of local commissions. Local commissions review polling place procedures and handle local problems.

While the local commissions have primary responsibility, a *Junta de Inscripción Permanente* ("JIP" or "registration board") provides secretariat functions to these commissions, namely: (1) administering voter registration; (2) issuing voter identification; (3) assign voters to polling places; (4) transaction reports; and (5) submit monthly all transactions to local commission for approval. The Commonwealth Commission employs a staff of approximately 1000 people; of those, approximately 325 staff the offices of JIPs.

There is one General Election to elect all levels of public office and it is held every four years. In Puerto Rico Election Day is a holiday and it occurs on the first Tuesday after the first Monday in November of the same year the President of the United States is elected. The next general election will be held on November 2, 2004.

Across Puerto Rico all polling places are open from 8 a.m. to 3 p.m. Voter turnout traditionally ranges between 85 percent and 90 percent. Primaries for the general election are held in November of the prior year.¹ Parties may also nominate candidates within party assemblies before the primaries. Special elections may be held if a vacancy occurs; in the last two years there have been five special elections. The Commission also conducts special elections for referenda, plebiscites and primaries.

All voters in Puerto Rico cast paper ballots. On Election Day, Puerto Rican voters vote three separate paper ballots. On the first ballot, identical across Puerto Rico, Puerto Ricans elect their Governor and Resident Commissioner (Puerto Rico's representative to

¹ By law beginning in 2005 Puerto Rico will hold its party primaries twelve days prior to Good Friday of the general election year.

Help America Vote Act of 2002

Puerto Rico's Plan for Implementation August 14, 2003

Congress). Using a separate ballot, voters elect the entire Puerto Rican legislature (51 members of the House of Representatives, including 11 at-large, and 27 members of the Senate, including 11 at-large). Finally, there is a third ballot for electing public officials in each of Puerto Rico's 78 municipalities. In a general election there are more than 120 different ballots.

There are eight senate districts and forty legislative districts in Puerto Rico. Each of the representative districts may include from one to six precincts. Each of the senate districts may include six to eighteen precincts. There are 110 precincts in Puerto Rico, but these precincts are not equivalent to precincts as the term is traditionally used in the United States and within HAVA. Within these precincts there are currently 1694 election units. These election units are equivalent to precincts as the term is conventionally used, as each election unit is one physical polling place location.

Since 1988 Puerto Rico has provided blind voters with a template that allows the blind to vote independently and in secret. In 1991, the template was modified to include Braille. Most polling places are totally accessible, and the Commission will this year survey all polling places and determine what more needs to be done to make all polling places totally accessible. The Commission intends to have all polling places (election units) totally accessible in advance of the next general election in 2004.

Each election unit or polling place, typically a school or government building, will usually house between two and twelve *colleges* or colleges. The size of each college varies according to the type of election; in a general election approximately 375 voters will be assigned to each college. Voters are alphabetically assigned to colleges with one exception: within each election unit there is always one college for all provisional voters. The size of the provisional voting college cannot be determined in advance as it depends on the number of provisional voters.

All colleges, except the provisional ballot college, will have a minimum of nine poll workers: three inspectors, three auxiliary inspectors and three secretaries. The chairman of the college is the inspector who represents the Governor's party. Inspectors give the ballots and instructions to the voters. Special inspectors examine voters' fingers when they arrive to ensure the voter has not already voted. Secretaries are in charge of the list. The provisional ballot college will only have two party workers for each party.

After the polls close, each college will resolve any challenged votes and tally its votes. Only if there is unanimous consent in a challenge situation is the vote counted by the college.² All colleges' votes at the election unit are then tallied together. The election unit's preliminary results are posted and then transmitted to the local election office where the election unit results are entered into the computer system and faxed to the Commonwealth Commission office. The Commission is responsible for issuing a preliminary certification of all results on Election Night. All materials, including all

² Uncounted ballots at the college level, whether challenge ballots or provisional ballots, are then sent directly to the Commission for resolution.

ballots, are then transmitted to the Commission the night of the election where they are securely held until the official general count of all the results.

The official count typically takes a couple of weeks to complete, and is conducted under the Commission's auspices in San Juan. A team of party representatives and a representative of the Commission work to resolve challenges, determine the voter's intent on ballots where local polling place officials were unable to reach a unanimous decision, and determine the eligibility of voters who cast provisional ballots. If this team fails to reach unanimous agreement on how to treat a ballot, the ballot next goes to the Commission for a decision. If there is no unanimous decision by the Commission, the President decides.

Unique Characteristics of Elections in Puerto Rico

The Commonwealth Commission is one of a handful of state election authorities that run centralized elections. While Puerto Rican law clearly delineates the responsibilities of the Commission, the local commissions and the local registration boards, the Commission, located in San Juan, has ultimate authority over the registration process – the Commission administers the registration database, for example – and over the counting of the ballots. As a consequence of this centralized system, some of the provisions in HAVA intended to shift responsibility and authority from the localities to the state election authority do not apply.

In addition, Puerto Rico is exempt from the requirements of the National Voter Registration Act (NVRA). Specifically, Puerto Rico does not allow mail-in registration and no government agencies other than local registration boards may process voter registrations. Accordingly, certain provisions of HAVA intended to improve functions required under the NVRA do not apply in Puerto Rico.

As noted above, Puerto Rico is exempt from the National Voter Registration Act and, therefore, exempt from those provisions of §303 that require a state to use list-cleaning procedures prescribed by NVRA in administering the computerized list, including §303(a)(2) and §303(a)(4). The U.S. Department of Justice has confirmed this exemption in a letter to the Secretary of State of Alabama on March 17, 2003. That being said, the Commission coordinates its list with the Civil Registry records, which include death records. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions.

Under this same exemption, Puerto Rico does not permit voters to register by mail except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Since Puerto Rico does not otherwise allow voters to register by mail, §303(b) of HAVA, which requires mail-in registrants voting for the first time to provide identification, does not apply to Puerto Rico.

In addition to these provisions, the provision required in the State Plan under §254(a)(2) also does not apply. This provision requires the State to describe how it will distribute

and monitor funds to units of local government. Although there are local election offices – the local registration boards – these are not separate local government entities as named in this provision but rather field offices. The Commonwealth Commission will be the sole agency authorized to expend federal funds received under HAVA.

Section 1: Achieving Compliance with HAVA in Puerto Rico

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under §251(a)(2), to carry out other activities to improve the administration of elections. – HAVA §254 (a)(1)

See Appendix A for a summary chart detailing Puerto Rico's current compliance with the requirements of HAVA and, where Puerto Rico is not in compliance, actions that will be taken to meet the requirements.

Puerto Rico is in a unique quandary. According to the 2000 census, Puerto Rico's voting age population is 2.7 million, a significantly larger population than in many states. According to a calculation by the Congressional Research Service using the formula based on voting age population established in the Help America Vote Act, Puerto Rico could receive up to \$37,362,313 in funds available for assisting in meeting the new federal requirements. Puerto Rico is also authorized to receive \$3,410,128 in early money. Puerto Rico is therefore authorized to receive a total of \$40,772,441. In the FY2003 congressional appropriation, however, funds to Puerto Rico were capped at \$4 million. Even the District of Columbia, which has a population of less than 600,000, received a guaranteed minimum of \$5 million. In sum, Puerto Rico with a significant population is being expected to meet mandatory requirements without receiving appropriate – and congressionally authorized – resources relative to other states and territories.

The challenge for Puerto Rico, then, is to meet the mandatory requirements without any guarantee of sufficient requirements payments. Unless the funding inequity is resolved, Puerto Rico is severely constrained in the options available for meeting the requirements. The following Plan reflects these constraints.

Puerto Rico's current level of compliance with the requirements of both Title III and Title VII of HAVA is summarized in Appendix A.

Achieving Compliance with Voting System Requirements in §301 of HAVA

HAVA requires that all voting systems used in federal elections meet certain new requirements by 2006. These requirements include the following: all voting systems must (1) give the voter an opportunity to review and correct the ballot secretly and independently prior to voting; (2) provide a permanent paper record of ballots cast; (3) be accessible to voters with disabilities; (4) provide alternative language ballots in jurisdictions required to do so under the Voting Rights Act; and (5) not exceed the error rate established by the Federal Election Commission.

Puerto Rico now uses a paper ballot voting system in which all ballots are hand-counted. Current law in Puerto Rico requires that all voters cast ballots on a single type of voting system. During the 1980's Puerto Rico began considering changing to a new system and, in preparing for the change, the Commission adopted a set of criteria for any voting

If necessary, the Commission will establish certification standards for vote casting and vote counting equipment, and ensure these standards fully comply with the requirements of §301, including voter verification (in a private and independent manner), audit capacity, accessibility and error rates. The Commission expects that such standards, if established, would also be consistent with Federal Election Commission's voluntary voting system standards. (Puerto Rico has been looking at equipment in use in other Latin American countries that has not yet passed the voluntary guidelines as such equipment is not yet being marketed in the United States.)

The Commission will modify the existing voting systems to meet the accessibility requirements of §301. The particular option chosen will be contingent, in part, on the funds available. If sufficient federal funds are available, the Commission will consider using FY04 and FY05 Title II funds to meet the new voting system standards.

The Commission will ensure that if any voting or vote counting equipment is purchased, that it will be able to provide for alternative language accessibility (§301(a)(4)).

The Commission will revise its instructions to voters and include specific instructions directing voters to review their ballot choices and the effect of voting for more than one candidate. In addition to revising current instructions, the Commission will conduct a special multi-media education outreach on the voting process (§301(a)(1)).

The Commission will continue, as necessary, to update its uniform definitions of what constitutes a vote (§301(a)(6)).

Achieving Compliance with New Polling Place Requirements in §302

Puerto Rico currently administers both a provisional ballot process and a challenge ballot process to protect the rights of eligible voters.

Provisional Ballots

Under the process for administering provisional ballots (called *añadidos a mano*, a reference to the process of manually adding names to the list), voters who show up in a polling place but whose names are not on the voter registration list are directed to a special college within the election unit. They are issued a regular ballot that is set aside in a special envelope and counted only if the voter is found to be eligible. Each polling place has multiple colleges, this special college is somewhat like an absentee ballot precinct, which has no voters regularly assigned, but on Election Day has votes assigned to it for reporting purposes.

As a matter of practice, the polling place official first attempts to determine why the voter's name is not on the list. An official at the polling place checks the precinct or municipality register to discover if the voter is on the list but not in the correct polling place or precinct. If the name is not on the precinct list, the voter is permitted to go to the *Junta de Inscripción Permanente* (JIP or local registration board) to determine if his or her name is on the official statewide list and the proper polling place where he is

system and notified the legislature in several reports (see Appendix B for listing of current Puerto Rico voting system requirements). The first criterion on the list called for preserving the paper ballot system.

The Commission has sole authority to purchase voting equipment and directs all activities of its statewide, uniform voting system. The Commission also has responsibility for designing, printing and distributing all ballots. There are three ballots in every general election: (1) the statewide ballot that includes the Governor and the Resident Commissioner (Puerto Rico's representative to Congress); (2) a ballot that includes candidates for the Puerto Rico legislature; and (3) a ballot with local municipal candidates.

Under HAVA, Puerto Rico may continue to use its paper ballot system. HAVA explicitly states that nothing in the law prohibits a state from continuing to use the same system it used in the 2000 election so long as the system meets or is modified to meet the new requirements. The law further asserts that the requirement that each system allow the voter to "verify" his or her choices prior to voting may not be defined in such a way as to make it impossible for a paper ballot system to meet this requirement.

In complying with these requirements, Puerto Rico, like many states, faces a challenge in making the electoral process, including the vote-casting process, accessible to voters with disabilities. Puerto Rico has adapted its current system to the needs of blind voters by giving them the option of using a Braille template for all ballots. The instructions, including the names and numbers of the candidates, on the template are in Braille. For blind voters who do not use Braille training is available prior to the election to familiarize the voter with the ballot and the position of the candidates. Polling place officials will, when requested, provide verbal instructions for any voter requesting audible instructions so they can vote privately and independently.

Since the early 1980's the Commission by regulation has reviewed, adopted and distributed uniform definitions of what constitutes a valid vote for all paper ballots for both the initial count and any recount prior to each general election. For several years Puerto Rico has been considering changing to an optical scan system, as it preserves the paper ballot system. Puerto Rico has conducted pilot projects using optical scan ballots. The Commission is now beginning to explore other options. Various surveys of both electors and election officials indicated broad support for modernizing the vote casting and counting system.

To meet the requirements of §301 of HAVA –

The Commission will review options to determine which system can meet the standards required by HAVA, in particular the standard for guaranteeing access to voters with disabilities, as well as criteria established by the Commission and approved by the legislature.

added to the other votes counted within the college. All the parties are represented in this process.

(Changes to the challenge ballot process will not apply to the regular practice of challenging the ballots of poll workers since those voters are allowed to cast a ballot and those ballots are automatically counted.)

While Puerto Rico is largely in compliance with the provisional ballot requirement under §302, some minor changes are necessary.

To meet the requirements of §302(a) of HAVA --

- While in practice all voters who claim to be eligible are allowed to vote a ballot either by voting in the special college or voting a challenged ballot, the law specifies certain circumstances under which voters are denied the right to cast a ballot. The law will need to be amended to ensure that every voter meeting the circumstances defined in HAVA §302 is issued a ballot.
- The Commission will amend the challenge ballot to ensure the protections given to the voters who cast ballots in the special college, such as the protection of secrecy, are given to challenged voters as well.

Posting of Voter Information

Voting information is currently posted at all polling places in Puerto Rico on Election Day. Most of the information required by HAVA is posted already, but the Commission will review and revise all materials prior to the 2004 Presidential and party primaries to ensure that it is compliant with HAVA.

To meet the requirements of §302(b) of HAVA, the Commission will post the following information at every polling place: information on the date of the election and the hours for voting; general information on voting rights under applicable federal and Puerto Rican laws, including information on the right to cast a provisional ballot and how to proceed if these rights have been violated; and information on federal and Puerto Rican laws regarding fraud and misrepresentation.

Voters Casting Their Votes After the Polls Close

Under current law in Puerto Rico, voters who vote after the polls close due to a court order already have their ballots segregated and held apart from other provisional ballots.

Achieving Compliance with New Registration Requirements in §303 of HAVA

Centralized, Statewide, Computerized Voter Registration List

Puerto Rico already complies with §303 requirement for a centralized, statewide, computerized voter registration list. The Commission maintains and administers a single database that stores the records of every legally registered Puerto Rican voter, both active

registered. Alternatively, the voter is permitted to vote by this special procedure at that polling place.

If the voter votes a provisional ballot, but is not in his own proper polling place, the provisional ballot is counted to the extent the voter is eligible to vote the ballot. For example, all provisional votes for the statewide ballot, such as votes for Governor and Resident Commissioner, will be counted, so long as the voter is registered in Puerto Rico. If the voter is registered and votes within his legislative district, even if not at his polling place, his vote for legislative representative will also be counted. His vote for municipal office would only be counted if he is registered within the municipality. All these decisions are made prior to opening the envelope to preserve the secrecy.

In order to receive a ballot in this special college, the voter must sign an affidavit on the special envelope swearing that he or she is a registered voter in the jurisdiction and eligible to vote and receives a second envelope to deposit his ballot. The voter is given information about the process, including the how to confirm whether or not the vote was counted.

Provisional ballots are kept separate from other ballots when they are sent to the Commission office for the official canvass of the votes. Following Election Day, Commission staff will research the eligibility of each provisional ballot voter. Once the investigation is completed, those votes cast for offices for which a voter is eligible to vote are counted. The research of the voter's eligibility and the counting of provisional votes are carried out by separate officials in order to preserve the secrecy of the ballots. All the parties are represented in both processes.

Following the election, all voters who cast ballots in this special college can access information on the disposition of the ballot either by means of a toll-free automated phone system or by visiting the local office. Only the voter who cast the provisional ballot has access to information on whether the ballot was counted.

Challenged voters vote in the regular college, but their votes are segregated from regular ballots. The college inspectors review the challenge at the polling place on Election Day after the polls close. If the inspectors come to a unanimous decision the ballot is added to the college's voted ballots for counting.

If the inspectors cannot come to a unanimous decision, or if they unanimously decide not to count the ballot, the challenged ballot will be kept separate in a specially identified envelope from other ballots of the college when they are sent to the Commission office for a final review.³ Following Election Day, Commission staff will research the eligibility of each challenged ballot voter. This investigation process is open to public viewing. Once the investigation is completed, if the voter is eligible, his or her vote is

³ Only the Commission can invalidate a ballot, though the local commission can unanimously decide to count a ballot and this decision does not proceed to the Commission. If the Commission cannot come to a unanimous decision, the President decides whether a ballot will be counted.

Puerto Rico employs a stringent list maintenance process that is open to all voters, but relies heavily on the efforts of local parties. In Puerto Rico all voters must apply to register or change their address in person at the local election office; there is a ten-day period for challenging any such additions or changes at the local office. In addition, there is a specified period for challenging voter registrations based on residency that occurs before each general election, from January 15 to May 15. During this period, the Commission conducts a vigorous multi-media public outreach campaign to inform voters that they need to register or update their address. The local parties conduct their own investigation and public outreach that may include in-person inquiries to track new voters, voters new to the municipality and voters of the other parties whose status may have changed.

During this five-month period during a general election year, parties challenge names on the list based on information that the voter's residency has changed (challenges based on residency are not allowed on Election Day). Challenges are made public and voters who wish to appeal are given an opportunity to appeal the change and present evidence at a public hearing. Even if the proposed challenge is unopposed by the voter, or others on his behalf, the challenger must present evidence to the local commission and they must unanimously decide to remove the voter in order to remove the voter's name from the list. If there is not a unanimous decision on the challenge, the challenge must be decided by the President of the local commission.

In addition, the Commission receives data from other agency databases and will compare that data to the voter list. If a discrepancy between the voter list and other Puerto Rico databases emerges, the Commission will notify the local election official who is responsible for verifying the voter information and resolving the discrepancy.

Computerized list maintenance requirements

As noted above, Puerto Rico is exempt from the National Voter Registration Act and, therefore, exempt from those provisions of §303 that require a state to use list-cleaning procedures prescribed by NVRA in administering the computerized list, including 303(a)(2) and 303(a)(4). The US Department of Justice has confirmed this exemption in a letter to the Secretary of State of Alabama on March 17, 2003. That being said, the Commission coordinates its list with the Civil Registry records, which include death records. Felons convicted in Puerto Rico have the right to vote, and, therefore, there is no need to coordinate records on felony convictions.

Requirements for mail-in registrants

Puerto Rico, which is exempt from the National Voter Registration Act, does not permit voters to register by mail except for those voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Such voters who register by mail are only allowed to vote in federal elections, however. Consequently, §303(b) does not apply to Puerto Rico since voters covered by UOCAVA are exempt from the requirement affecting first-time, mail-in registrants and no other voters register by mail.

and inactive.⁴ By the end of calendar year 2003, the computerized database will include digitized photos and signatures of all voters. All 92 local offices of the Commission have online access to the complete database, which is used as the official list in every election. The database was originally established on a mainframe computer and is now a hybrid system, using both a mainframe and PCs. Authorized users can access the database online and in real time. A voter can access information regarding his or her record via a toll-free automated telephone system or via the Internet.

For the purposes of tracking voters, the Commission assigns each voter a unique identifier that is a randomly generated number. Currently, the voter registration form requests the voter's Social Security Number, but does not require the number in order for the voter to register to vote.

The local offices have responsibility for keeping the list up-to-date—adding names, deleting names and address changes—a process described in greater detail below, changes entered into the list by a local office can be viewed immediately by Commission officials, including those at the other local Commission offices. Lists for each polling place are printed from the official Puerto Rico-wide list. The Commission prints and distributes the lists used at each polling place.

Puerto Rican law and the Commission have established strict protocols to protect the voter information contained in the database. The Commission does not share this voter information with any other Puerto Rico agency, including the court system.⁵

Certain provisions in §303 do not apply to Puerto Rico, which was exempted from the requirements of the National Voter Registration Act. Puerto Rico does, however, receive birth and death records from the Civil Registry, which it matches against voter records for the purpose of keeping the list current. The local office staff must verify such data prior to removing a voter from the list.

The Puerto Rico-wide computerized voter registration system, after the upgrade that is in process, will be unique among current U.S. statewide systems in that each voter record will contain a photographic image of the voter. Beginning in 2004, the list printed out for use at the polling place will also contain this photo image. All voters currently receive a voter identification card from the Commission, which must be presented on Election Day, and that ID card will use the same photo. The two photos (the one on the card and the one printed on the list) and the signature will be matched at the polling place on Election Day prior to the voter casting a vote. Currently, if the voter shows up on Election Day without his voter identification card, the voter may not vote without this card; he may, however, go to the local office and a request a duplicate ID card and return to vote.

⁴ Inactive voters under the Puerto Rican system do not refer to those made inactive under NVRA. Puerto Rico keeps in its database all prior voters who are no longer eligible, whether they are no longer Puerto Rico residents, dead, or otherwise no longer actively registered with its correspondent codification.

⁵ By agreement, the Commission, using parameters given to it by the court, will create a modified version of the list for the purpose of selecting citizens for jury duty.

To meet the requirements of §303 of HAVA --

- The Commission will modify the registration form to require (a) from those voters who have been issued a driver's license the license number, and (b) from all other voters the last four digits of the voter's Social Security Number. (Puerto Rico currently requests the voter's whole Social Security Number, though it is not a requirement in order to become a registered voter.) Any person attempting to register who does not have either number will, as has always been the case, be assigned a unique identifier. Additionally, all other voters, regardless of which number they provide, will continue to be issued a unique identifier.
- The voter registration database will be modified to store the driver's license number or last four digits of the Social Security Number information as part of the voter record.
- The chief election official will need to enter into an agreement with the head of the Puerto Rico Department of Transportation and Public Works (DTOP) in order to receive and compare data from DTOP. Under the exemption from the National Voter Registration Act, the DTOP, which issues driver's licenses, does not provide voter registration, and so the Commission does not currently match information with DTOP records. HAVA additionally requires that the head of DTOP enter into an agreement with the Social Security Administration to match data.

Achieving Compliance with Military and Overseas Voters Requirements in Title VII of HAVA

Puerto Rico already has a designated central office of *Junta Administrativa de Voto Ausente* (Administrative Board of Absentee Voters) or JAVA. This office is responsible for providing information to all UOCAVA voters, as well as all other absentee voters. This office is the only office in Puerto Rico that accepts Federal Voting Assistance Program voter registration applications, applications for absentee ballots and absentee ballots. This office also counts all the absentee votes for Puerto Rico, whether from UOCAVA voters or any other absentee voters. On Election Day, it functions, essentially, as an absentee precinct for all of Puerto Rico.

Anyone can get a copy of the application for an absentee ballot from the Internet or any election office and send it to an eligible federal absentee voter, but only the voter can sign the application for the ballot, or the envelope affidavit that accompanies the returned ballot. The application may be mailed or faxed back to the JAVA office; the absentee ballot must be mailed back to the JAVA.

By law, the JAVA office coordinates with the Department of Defense to get contact information for all Puerto Rican servicemen, and then contacts them with election information.

13

The JAVA office already collects statistics on the number of absentee ballots transmitted, and those returned and counted. These are made publicly available now in a report done after the conclusion of each election.

Planned Activities to Achieve and Enhance Compliance with Title III

Pilot project for new voting system

The Commission is planning to conduct a pilot project to test the use of voting systems that meet the requirements of §301. The project will test the use either of optical scan ballots and in-precinct counters or touch-screen voting systems. This project will include training voters, producing materials, equipment rental, licenses, technical support and an evaluation of the results. The project would be carried out across an entire precinct at least. (Estimated cost: \$1 million)

Reengineering of voter registration database

Puerto Rico's voter registration system was originally developed on a mainframe computer system. The system has been hybridized and is administered both using the mainframe and personal computers. In order to improve the efficiency and greatly reduce the time required for certain operations—and to make the system more user-friendly—the Commission will reengineer its system so that voter records will be stored on the mainframe but most operations will be carried out using personal computers. As part of this reengineering, the database will be modified to store the new information required as part of the registration process under §303. (Estimated cost: \$750,000)

Address correction project

The Commission will conduct a project to convert the postal address of voter records previous to 1999 into a format consistent with the format used by the postal service. This conversion to make the address formats consistent will allow the Commission to conduct mailings without producing returned mail, which in Puerto Rico can prompt a challenge to the voter's eligibility. (Estimated cost: \$125,000)

Verification of Data Assignments (Mapificación)

The Commission will upgrade its system for linking the voter registration database with jurisdictional maps to improve the process for both assigning voters to electoral units and determining appropriate and effective electoral unit boundaries. (Estimated cost: \$1.2 million)

Mobile Units for Voter Registration

To improve the accessibility of registration to persons in remote areas, older persons in nursing homes and persons with disabilities (Puerto Rico requires in-person registration), the Commission will add eight new mobile registration units. The Commission is considering expanding their service to include voting. The Commission will pay for the new mobile units using \$252 funds. (Estimated cost: \$70,000)

14

Voters with disabilities confront two different kinds of obstacles to in-person participation in the elections process – barriers to the polling place and obstacles involved in the process of casting a vote. Puerto Rico has addressed and will continue to address both these challenges. HAVA provides two different funding streams for addressing these problems. Under §261 of HAVA, Congress authorized \$100 million over three years to states to improve the accessibility of polling places. The Commission anticipates that Puerto Rico will receive \$151,345 from the Department of Health and Human Services under this grant. States will use a portion of the requirements payments authorized under §257 to make voting systems accessible.

Using funds authorized under §261, the Commission is undertaking several initiatives to make polling stations – and the voting process as a whole – more accessible. The Commission has invited organizations representing the disability community to work in partnership on this effort and has begun discussions with the National Federation of the Blind, among others. Projects funded under this grant include the following:

Eliminating barriers to polling stations

The Commission is conducting an extensive survey of all existing and alternative polling stations to determine what barriers still exist and how the barriers might be eliminated. The Commission will target a portion of this funding to building ramps and making other improvements to remove physical barriers.

Training and accessibility manual

The Commission believes better education and training of local election officials and polling place workers will be an important component in eliminating barriers. In addition, the Commission, working closely with the members of the disability community, is producing special training and manual for local election officials and polling place workers on how to accommodate the needs of all voters with disabilities.

Opening up the voting process

The Commission is currently considering how best to meet the requirement under §301 to make voting systems accessible. Some additional improvements can be made. For example, the Commission intends to purchase aids for voters with disabilities, such as audiotapes for use by blind voters and magnifying glasses for voters whose sight is impaired.

In addition, the Commission is developing a voice-activated telephone system, which will include TTY, to make it easier for all voters to access voter information.

Projects to improve election administration (\$101 funds)

Transferring paper files to microfilm

Currently the Commission keeps paper records, which requires maintaining a warehouse and special conditions necessary for storing paper. The Commission intends purchase equipment that will enable the Commission simultaneously to digitalize these records and transfer them to microfilm. (Estimated cost: \$400,000)

Mechanized distribution controls

Implementing mechanized controls for the distribution of election materials to the local election offices. Since the ballots, registration lists and all other election materials are produced by the Commission and distributed to the local offices, procedures to ensure the accuracy and reliability of this process is vitally important. This project will significantly reduce the possibility of errors in the process. (Estimated cost: \$120,000)

Equipment upgrade for local election offices

The local election offices are currently hampered by out-of-date equipment. The Commission intends to upgrade older equipment and purchase multi-functional equipment that can serve as a printer, fax machine, photocopier and scanner for these offices. (Estimated cost: \$300,000)

Computers for mobile units

To improve the accessibility of registration to persons in remote areas, older persons in nursing homes and persons with disabilities (Puerto Rico requires in-person registration), the Commission will, as noted above, add eight new mobile registration units. These mobile units will need to be equipped with computers, cell phones and other electronic devices integral to the registration process. (Estimated cost: \$90,000)

HAVA administration and planning

The Commission intends to use some \$251 funding for education and training of Commission officials in the requirements of HAVA. In addition, the Commission will invest in a planning process to facilitate effective implementation of the new law in a way that both complies with the law and is appropriate to Puerto Rico. (Estimated cost: \$250,000)

Planned Activities to Improve Accessibility (\$261 funds)

Puerto Rico has a long history of working to make the electoral process accessible to voters with disabilities. Even before the passage of the Americans with Disabilities Act, the Commission developed a template device that would allow blind voters to vote a paper ballot in secrecy. Puerto Rico instituted mobile units that, in effect, take the electoral process to the voter. These efforts are ongoing. Puerto Rico is continuing to strive for complete accessibility. Funds authorized under HAVA will help make accessibility a reality.

Section 2 – Distribution and monitoring of Requirements Payments

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 paragraph (1) including a description of –

- (A) *The criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8). – HAVA §254 (a)(2)*

There are no units of local government or other entities in Puerto Rico that will receive or spend HAVA funds; the Commission will receive, spend and account for all federal funds received under HAVA. The Commission will manage all activities funded by the requirements payments authorized under Title II of HAVA. The Commission will adhere to federal and state accounting policies and standards when using federal funds.

Section 3 – Education and Training

How the State will provide for programs of voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. – HAVA §254 (a)(3)

Puerto Rico already has an aggressive program of voter education, election official education and training and poll worker training. Puerto Rico also provides information at the polling places on Election Day. These programs will continue to be funded through the Commission's regular budget. HAVA funds will be used to pay for special voter education necessary under HAVA outlined in this Plan.

Election Official Training

The Commission has an extensive training program for new state election officials who staff the 92 local offices. This week-long training includes training on the voter registration system and training on all office procedures. This training includes testing and officials who do not pass these tests properly will not be kept on as local officials until they have successfully completed the training. In addition, whenever there is a change in any procedures, there will be periodic training for all these local office officials, and during the general election year there is always a formal training program of at least three days of training on all the regulations and procedures that is offered on a regional basis.

The Commission also trains the local party participants who make up the 110 part-time local commissions. New local party participants receive individual training by the Commission staff. In addition, all local party participants will be given training in an election year. The local commission president is always a state judge appointed by the President of the Puerto Rico Supreme Court. These judges receive training on election responsibilities during their judicial training by staff of the Commission, and receive additional training during the general election year.

Once the new requirements under HAVA have been established in regulations, the Commission will evaluate and modify the training program and the materials to include the new procedures and modify those procedures that need to be changed.

The Commission has a staff of inspector auditors with responsibility for auditing the procedures of the local offices and address local precinct commission problems and issues. These inspector auditors will be charged with monitoring compliance with new HAVA requirements at the local level.

The procedures, including HAVA procedures once they have been finalized, are captured in multiple written manuals. The Commission is in the process of making these manuals available to the election officials on a website, which will also be available to the general public.

Polling Place Official Training⁶

Polling place officials are trained by their respective parties; Commission staff provides support for each party's training sessions. The parties use materials developed by the Commission. The parties administer their own tests to ensure their party polling place workers understand the materials. They also simulate ballot casting in their training.

The Commission provides at least twelve hours of training to "train the trainers" in polling place procedures and provides a manual on Election Day procedures. The polling place procedures are also reduced to a one-hour video aired on public television.

All of these materials will be modified once the new requirements under HAVA have been established in regulation. They will include new procedures required under HAVA and necessary alterations to current procedures.

Voter Education

- The Commission prepares Public Service Announcements for distribution to newspapers, radio and television stations. Periodically the Commission will produce educational programs for public television to run multiple times.

⁶ Polling places in Puerto Rico are staffed entirely by the political parties. Each political party provides three officials in each college. The parties are responsible for the training.

Section 4 – Voting System Guidelines and Processes

How the State will adopt voting system guidelines and processes which are consistent with the requirements of §301. – HAVA §254 (a)(4)

Currently, all of Puerto Rico's voters use paper ballots that are hand counted. This process is established in Puerto Rico law. It is likely that the Commission will replace this system with a new system that meets the requirements of §301 rather than adapting its current system, which will probably require a legislative change. However, this decision has not yet been made.

The Commission has established a set of criteria for any voting system (Appendix B). While these criteria were not formally adopted by the legislature, the Commission has notified the legislature of the criteria in a series of reports. The first criterion on the list called for preserving the paper ballot system. Accordingly, pilot projects testing other voting systems have been limited to tests using optical scanning voting equipment that uses a paper ballot.

Any significant change in the voting system used in Puerto Rico requires the following process:

- (1) The Commission's Technical Committee will review and recommend any change in voting system to the Commission. Most likely, new equipment will be expected to pass a Qualification Test (conducted by an independent testing authority), a Certification Test (conducted by the Technical Committee and/or a consultant on retainer to the Commission) and Acceptance Tests on receipt of the purchased equipment. Vendors would also be expected to provide detailed technical and corporate financial information.
- (2) The Commission would review the current criteria for voting systems and recommend changes to ensure they are consistent with the requirements of §301 and the voluntary voting system standards produced by the Federal Election Commission. The Commission would submit proposed changes to the legislature. The legislature may or may not choose to draft legislation to change the voting system or establish the criteria in law.

All blind voters are provided the option of a Braille template for all ballots. The instructions, including the names and numbers of the candidates, in the template are in Braille. In addition, for those who do not use Braille there is training prior to the election for the blind about who is in each column and position. Polling place officials will, when asked, provide verbal instructions for any voter requesting audible instructions so they can vote privately and independently.

The Commission will continue current practice, dating back to the 1980's, and, before each general election, update its uniform definitions of what constitutes a vote.

- The Commission does extensive voter outreach to community and civic associations, clubs, schools, and any other groups that request such presentations. The Commission pays particular attention to conduct extensive demonstration of pilot or new voting equipment to these organizations.

- After each election the staffs of the local offices go to every high school to register all students who will be eligible by the next general election. These students may be as young as 15 who are being registered, as the general elections are held every four years.

- The mobile local unit travels to colleges to register university students, elderly in nursing homes and those in more remote or underserved communities.

- Publicize election information in grocery stores, schools, certain high traffic government agencies, such as social services and health department offices, public buses, and libraries and on the Internet.

- Make appropriate resource material available for high school teachers and college professors for their appropriate courses on the electoral process (developed jointly by teachers or university level professors and Commission staff) and ensure that it stays up to date.

- Ensure that other appropriate websites link to the Commission's web site.

In addition to the current programs, Puerto Rico plans to provide the following voter education initiatives under HAVA –

- In compliance with §301, the Commission will revise its instructions to voters and include specific instructions directing voters to review their ballot choices and the effect of voting for more than one candidate. In addition to revising current instructions, the Commission will conduct a special multi-media education outreach on the voting process.
- If the Commission continues to pilot voting equipment they will set up voting equipment for practice sessions and mock elections, especially at shopping malls, and public places. In such cases the Commission plans to require that voting equipment vendors provide practice machines and include training in their contracts. In addition, in such cases the Commission would look to require that vendors provide emulation software as part of their package so that the Commission could create interactive web pages for that type of voting equipment, which would include a voting demonstration and allow the voter to practice voting.
- The Commission will ensure that its web site is accessible to the disabled voters.

Puerto Rico's voting age population is 2.7 million, a significantly larger population than in many states. According to a calculation by the Congressional Research Service using the formula based on voting age population established in the Help America Vote Act, Puerto Rico could receive up to \$37,362,313 in funds available for assisting in meeting the new federal requirements. Puerto Rico is also authorized to receive \$3,410,128 in early money. Puerto Rico is therefore authorized to receive a total of \$40,772,441. In the FY2003 congressional appropriation, however, funds to Puerto Rico were capped at \$4 million. Even the District of Columbia, which has a population of less than 600,000, received a guaranteed minimum of \$5 million. In sum, Puerto Rico with a significant population is being expected to meet mandatory requirements without receiving appropriate -- and congressionally authorized -- resources relative to other states and territories.

According to the Congressional Research Service, Puerto Rico was authorized to receive \$10,492,702 in FY 2004 and \$6,295,621 in FY 2005. The President's estimated budget, however, reduces the amount allocated for requirements payments from \$1.6 billion to \$1 billion. Using the President's budget, Puerto Rico would receive \$6,610,402 in FY 2004 and \$3,966,241 in FY 2005.

As indicated in the chart below, the Commission will use all funds appropriated under \$252 to carry out activities to come into compliance with the requirements of §301, §302, and §303.

Funding Assumptions (FY 2003 - FY 2005)			
	FY 2003	FY 2004	FY 2005
HAVA Title I (101)	\$3,151,144		
HAVA Title II (252)	\$4,000,000	\$6,610,402*	\$3,966,241*
HAVA Title II (261)	\$151,345		
PR matching funds	\$210,400	\$347,707	\$208,624
Maintenance of effort	\$29,039,000	\$29,039,000	\$29,039,000

* Title II funding amounts are based on the current estimated budget allocations reflecting reductions in the President's proposed budget for FY04.

Section 5 - Election Funds

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)

The Puerto Rico Department of Revenue (Departamento de Hacienda) will establish a separate Election Fund Account through an administrative procedure as directed by Puerto Rico law. The President and the Members of the Commission approve the projects and use of the funds. The Commission's Office of Budget (Oficina de Presupuesto) administers the distribution of funds and establishes controls. The funds are released directly and are not commingled with the Commission's budget. The Office of Budget will be set up account codes that will allow the Commission to track receipts and disbursements.

Once a budget is established for the projects to be carried out with the Election Fund Account, the Office of Budget prepares a projection of expenses reflecting the budget, the expense and the balance. This report is sent to the Commission President and its Members on a monthly basis for review. The Office of Budget controls the expenditures to ensure that funds are properly used and not overspent. The State Department of Revenue and the Commission work with the agency's Office of Budget and the Office of Finance to ensure that fund management follows all appropriate federal and state policies and procedures.

Section 6 - Budget for Title III Requirements

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)

Puerto Rico faces a significant challenge in developing an accurate and realistic budget for coming into compliance with the requirements of Title III. While it is possible for Puerto Rico to achieve compliance with the voting system requirements while maintaining its paper ballot system, the voters and election officials support modernization and, certainly, Puerto Rico could both meet the new requirements more effectively and implement a system appropriate for Puerto Rico's unique election system. These goals are achievable, however, only if Puerto Rico receives the amount it was originally authorized. The discrepancy between the funds authorized for Puerto Rico - an amount that was based on population - and the amount appropriated in FY 2003 severely limits the available options.

Projected Expenditures for Meeting HAVA Requirements and Improving Election Administration

Estimated Expenditures on Title III Requirements (FY2003 - FY2005)					
	HAVA 101	HAVA 252	HAVA 261	5% match	total cost
Sec. 301 - Voting System Requirements					
Pilot project using HAVA compliant system		\$1,000,000			\$1,000,000
Voting aids for blind voters			\$34,888		\$34,888
Commodities for voters with disabilities			\$25,000		\$25,000
Sec. 302 - Provisional Voting and Voter Information					
Voice activated information		\$90,000	\$51,457		\$141,457
Sec. 303 - Computerized voter registration and verification requirements					
Upgrade of identification system					\$3,000,000*
Reengineering of the voter registration system				\$750,000	\$750,000
Verification of data assignments		\$1,200,000			\$1,200,000
Conversion of postal addresses		\$125,000			\$125,000
Computers for mobile units		\$90,000			\$90,000
HAVA administration					
Implementation planning and training	\$125,000				\$125,000
Implementation of new procedures	\$75,000				\$75,000
Overight and management	\$50,000				\$50,000
Total	\$250,000	\$2,505,000	\$111,345	\$750,000	3,616,345

*This expenditure is noted for information purposes only and is not reflected in the total.

Expenditures for Improving Election Administration (FY 03 - FY 05)					
	HAVA 101	HAVA 252	HAVA 261	5% match	total cost
Voter Education and Training					
Outreach to voters with disabilities			\$30,000		\$30,000
Improving Accessibility					
Accessibility study and manual			\$10,000		\$10,000
Voter Registration					
Mobile units for voter registration	\$70,000				\$70,000
Election Administration					
Transfer of files to microfilm	\$400,000				\$400,000
Mechanized controls for election materials	\$120,000				\$120,000
Upgrade and multi-functional equipment for JIPs	\$300,000				\$300,000
Total	\$890,000		\$40,000		\$930,000

Section 7 - 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 2002. - HAVA §254 (a)(7)

Puerto Rico will continue to maintain expenditures of State funds for election-related activities covered by the requirements of HAVA Title III at a level not less than the level of expenditures in FY2000 for those items and activities now required by HAVA Title III. In using the requirements payment, Puerto Rico will expend funds to meet the requirements of HAVA Title III and improve the administration of Federal elections.

The maintenance of effort amount is based on expenditures in FY2000 for items or activities now required by HAVA Title III including:

- Those activities in 2000 necessary to meet the requirements including expenditures for equipment, software, technical and physical infrastructures, materials, services, salaries, overhead, and
- Other expenses in 2000 related to the requirements including expenditures for the planning, development, documentation, maintenance and operation, administration of the requirements, and for outreach, education, and training to promote the items and activities now required by HAVA Title III.

Section 8 – 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 President of the Commission, through consultation with the Commission, will establish goals and performance criteria and will have the ultimate responsibility for ensuring the success of Puerto Rico's HAVA implementation effort.

The President will draft specific goals and performance measures, based on recommendations of the Vice Presidents, and submit them to the Commission for approval. The Commission will, as the implementation proceeds, annually evaluate existing goals and measures and propose adjustments as needed. The Commission will approve all performance goals, measures and adjustments.

The following table provides the functional division of the responsibility for HAVA implementation.

Plan Elements	Commission Official	Time frame
Voting Systems §301	Administrative Board of OSIPE ⁷ and the Technical Committee	Compliant by January 1, 2006
Provisional Voting §302	First Vice President	Compliant by July 1, 2004
Voter Registration List and List Maintenance §303	Commission Secretary and Second Vice President	Compliant with §303 (a) by January 1, 2004. All changes necessary for compliance with other provisions of §303 will be completed prior to January 1, 2006
Education and Training §254(a)(3)	Director of Education & Training ⁸	On-going
Polling Place Accessibility	Director of Planning ⁸	On-going
Budget and Fiscal Controls	Director of Administration	On-going
Grievance Procedures	Commission and President	On-going – all changes necessary for compliance will be completed prior to January 1, 2004
JAVA Office for UOCAVA voters	JAVA Board and its President	Already exists

⁷ OSIPE, Oficina de Sistema de Información y Procesamiento Electrónico, is the information technology office of the Commission.
⁸ In Spanish this is the Oficina de Planificación, which title implies city planning. This Commission office handles redistricting, mapping, location and inspection of polling places, etc.

Section 9 – Grievance Procedure

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under §402. – HAVA §254 (a)(9)

Puerto Rico already has in place a uniform and non-discriminatory process for resolving complaints in a timely manner – indeed, the Commission is required to resolve complaints lodged on Election Day within an hour.

Under current law in Puerto Rico, complaints concerning violations of election law are filed first with the local election commission. Any decision of the local election commission may be appealed to the Commission, except for decisions challenging voter registration on the basis of residence. Any elector, candidate, party, organizational representative or individual may file a written and sworn statement alleging a violation of state law – a violation by action, omission or conduct – against any elector, candidate, party, organizational representative or individual. Complainants must present a sworn complaint in writing. By regulation the Commission will provide a public hearing.

Under ordinary circumstances, the Commission is required to resolve complaints fewer than thirty days after the complaint is lodged. The closer to the election, the less time allowed for rendering a decision. In case of disagreements among commissioners preventing a unanimous decision, the President makes the determination (this is the only circumstance in which the President has a say). All decisions of the Commission are published.

The Commission's decision may be appealed to the Superior Tribunal. As a matter of practice, the President of the Supreme Court will assign a judge in each judicial region to resolve election complaints during the election period. The Tribunal is required to resolve election disputes within a maximum of twenty days. (Fewer days are allowed as the election gets closer.)

Changes necessary to meet the requirements of §402

Puerto Rico will amend its complaint process, which is established in regulations, to specify that complaints may be filed alleging violations of Title III requirements in HAVA.

Under this procedure as prescribed in current law, no complaint could take longer than one hundred days from the first filing to the final resolution. Puerto Rico plans to compress deadlines prescribed by law to ensure that every complaint is resolved before the ninety-day period that would require the matter to go to an alternative dispute resolution process.

Section 10—Budget for Title I Funds

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)

The Commission will use funds received under Title I both to improve election administration described in Section One above under "Improving Election Administration" and to lay the groundwork for implementing the requirements of Title III.

The Commission has allocated \$100,000 in Title I funds for training and planning purposes related to HAVA implementation. This includes funding for education and training of Commission officials in the requirements of HAVA. The Commission is also investing in a planning process that will facilitate implementing the new law in a way that both complies with the law and is appropriate to Puerto Rico.

Section 11 – Management of the State Plan

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 §255 in the same manner as the State Plan;*
- (B) Is subject to public notice and comment in accordance with §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)*

The President of the Commission will have overall responsibility for the implementation and management of the State Plan and will make regular reports to the Commission. The Vice Presidents will have day-to-day operational responsibility for the implementation of the Plan with their appropriate staff managing the implementation of the aspects of the Plan that fall within their purview.

The Commission will establish an annual review procedure that will include (at a minimum) an evaluation process that measures progress against the performance standards adopted the prior year and a procedure for adopting changes to the State Plan.

Puerto Rico understands that no material changes in the administration of the Plan will be made unless the change:

1. Is developed and published in the Federal Register in accordance with §255;
2. Is subject to public notice and comment in accordance with §256; and
3. Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register

Section 12 – Changes from the Previous Year's Plan

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 section is inapplicable for this year.

Section 13 – HAVA Committee

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

Puerto Rico's HAVA Advisory Committee is a diverse group of citizens including members of the Commission, representatives from the three political parties, disabled representation, student groups, and representation of various constituency groups; the First Vice President of the Commission chaired the committee. As required by HAVA, the Committee included representatives from local commissions serving the two largest jurisdictions in Puerto Rico: San Juan and Toa Baja. In addition, the Committee included a representative from the Office of the Ombudsman for Persons with Disabilities.

On July 3, the Commission convened the first meeting of the HAVA Advisory Committee. The Committee provided valuable suggestions for Puerto Rico's compliance with HAVA. The Committee reviewed a draft of the State Plan and was requested to help in disseminating the Plan and soliciting public comment.

Following the first meeting, the Commission issued a preliminary plan for implementation on July 8, 2003. The Commission disseminated copies of the plan to a broad spectrum of the interested public including the following stakeholders:

- Governor and Resident Commissioner
- Representatives and Senators
- Former members of the Commission
- Local commissioners
- Advocates for persons with disabilities and other stakeholder groups
- Political party representatives

- Directors of relevant government agencies, such as agencies serving the elderly and persons with disabilities
- Non-profit organizations representing stakeholders
- Technology experts and professors from universities in Puerto Rico and the Commission's Independent Technology Review Board

The Commission also released the preliminary plan to the press and posted it on the official elections webpage on the website maintained by the government of Puerto Rico.

Following the public posting of the preliminary plan, the Commission published two notices announcing a public hearing to solicit comments in Puerto Rico's three largest newspapers.

The Commission received comments both in writing and at the public hearing held on August 4, 2003. The Commission received eleven responses representing the views of individuals and organizations.

The Commission reviewed the written comments and is providing a written response to each.

Summary of Comments to the Preliminary Plan

The following is a summary of comments categorized according to topic.

Accessibility

- The Commission should provide accessible alternatives for voting a ballot, such as an audio ballot on direct record equipment, or accessible tools, such as magnifying glasses, large print, etc., in addition to the current Braille alternative, so that those with disabilities are able to vote a secret ballot independently. The Commission should expand the use of the mobile units to include accessible absentee voting for hospitals and other places with large numbers of disabled.
- The Commission should ensure accessible polling places, including ramps, handicapped parking, or appropriate signage, as needed.
- The Commission should provide sensitivity training to election and polling place officials on interaction with persons with disabilities.
- The Commission should engage persons and/or organizations for persons with disabilities in developing and providing services.
- The Commission should provide voter education or information targeted to voters with disabilities.

The Commission notes that all of these suggestions were already contemplated in the Plan and/or in the accessibility grant application made to the US Department of Health and Human Services under HAVA. Language has been revised or added to the Plan to clarify this. These suggestions will be taken into account when developing the work plan for implementing the Plan.

29

Voter Education

The Commission should broaden access to election information by:

- Using the Internet and other technologies;
- Increasing the amount and variety of voter information and education; and
- Targeting voter information and education to particular populations, such as persons with disabilities.

The Commission notes that all of these suggestions were already contemplated in the Plan and/or in the accessibility grant application made to the US Department of Health and Human Services under HAVA. Language has been revised or added to the Plan to clarify this. These suggestions will be taken into account when developing the work plan for implementing the Plan.

Other Comments

- The Commission should proceed at a deliberate pace and through a process that maintains trust in the current system, continues to comply with Puerto Rican law. If changes are adopted, the Commission should ensure they ultimately improve the process.
- Comments praising the current system and the proposed Plan.
- Suggests procedural changes related to use of the last four digits of the Social Security number.
- Puerto Rico should accept federal funds on a one-time basis to avoid Federal fiscal dependency.
- The Commission should establish priorities for implementation in the event that Puerto Rico does not receive all authorized federal funds. The Commission should increase funding for training.
- The timeframe for review complaints should be shortened.
- The Commission should provide candidates with access to voter address information to allow them to directly communicate with individual registered voters.
- The Commission should broaden voter registration by mail.
- The Commission should require finger prints and other biometrics as part of the voter registry.
- The Commission should try to determine the location and needs of all disabled voters and target resources to meet those voters' needs.
- The Commission should do targeted voter registration, particularly for those with disabilities.
- The Commission should address transportation for the disabled as a part of accessibility.
- The Commission should include information about parties and candidates as part of its voter education program.
- The Commission should:
 - a. Expand the list of those allowed to vote absentee;
 - b. Improve the voting process for the incarcerated;

30

- c. Consider alternatives for those in hospitals or otherwise unable to physically get to the polling places; and
- d. Consider alternatives voting systems for absentee voting to speed up the counting process for the JAVA.

The Commission appreciates all these suggestions and comments and will consider these suggestions outside the HAVA planning process.

HAVA Advisory Committee

The Committee membership, including each person's affiliation, is as follows:

- Juan M. Toledo Díaz, First Vice President, Election Commission of PR (EC)
- Néstor J. Colón Berfingeri, Second Vice President, EC
- Aníbal Díaz Hernández, Third Vice President, EC
- José Raúl Ocasio, Esq., Ombudsman, Office of the Ombudsman for Persons with Disabilities; represented by Enrique Rodríguez, Assistant Ombudsman
- Dr. Pablo Rivera Ortiz, Deputy Secretary of Education; represented by Dr. Brunilda Martínez
- General Francisco A. Márquez Haddock, Puerto Rico National Guard; represented by José A. Rodríguez
- Lesbia Betacourt, Social Worker, Friends and Family Committee of Prisoners (CAFC)
- Margarita Iglesias, Social Worker, CAFC
- Ramón Barquín III, Esq., Executive Director, Institute of Democratic Education
- Dr. Otoniel Rodríguez, Computer Engineer, Polytechnic University
- Iván Algarín García, Election Commissioner, Popular Democratic Party (PPD)
- Brunilda Ortiz Rodríguez, Alternate Election Commissioner, New Progressive Party (PNP)
- Andrés Miranda Rosado, Election Commissioner, Puerto Rican Independence Party (PIP)
- Carmen Vanesa Dávila, San Juan, PPD Local Election Commissioner

- José M. Rivera Torres, Toa Baja, PNP Local Election Commissioner
- Gilberto Bracero, President, Administrative Board for Absentee Ballots (JAVA), EC
- Luz Delia Vázquez, Director of Education and Training, EC
- José A. Valentín, Esq., Director of Planning, EC
- Ángel Alvelo, Director, Election Operations, EC
- Ing. Eduardo Nieves, Director, MIS (OSIPE), EC; represented by Carlos Cacho Rodríguez
- Francés Carrión, Deputy Director of Administration, EC
- Delia J. Rivera, Budget Analyst, EC
- Magali Pietri, Esq., Office of Legal Affairs, EC
- Ramón M. Jiménez, Secretary of Elections, EC
- Javier Carrasquillo Cruz, Cidra, PNP Local Election Commissioner
- Joaquín Santiago Santos, Caguas, PPD Local Election Commissioner
- Dr. Trina Rivera de Ríos, Spokesperson, CAFC
- Dr. Gladys Escalona, Rector, Río Piedras Campus, University of Puerto Rico
- Dr. Fernando Vega
- Dr. Isidoro Couvertier, Directors of Electric Engineering and Computers, Mayagüez Campus, University of Mayagüez

Appendix A
 Summary of HAVA Requirements and Puerto Rico's Compliance or
 Necessary Actions for Compliance

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a)(1)(A) The voting 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; (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 (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.	X		
(a)(1)(B) A State or jurisdiction that uses a paper ballot 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 (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).			
(a) (1)(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.			

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a)(2) The voting system shall produce a record with an audit capacity. The voting system shall produce a permanent paper record with a manual audit capacity. 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. The paper record shall be available as an official record for any recount conducted with respect to any election in which the system is used.	X		
(a)(3) The voting system shall be accessible for individuals with disabilities, including non-visual 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. The voting system shall satisfy this requirement through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.		X	The current system provides for a template for privately and independently marking the ballot for the visually impaired; the Commission will, prior to 2006, assure that it is in compliance with this subsection.
(a)(4) 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).	X		
(a)(5) 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	N/A ⁹		

⁹ Currently, PR does not use any voting or counting equipment, so this section is inapplicable. Because PR tries to ensure that voter intent is honored, and that all ballots marked in the same manner are handled uniformly, there is essentially no errors that would prevent any discernable vote from being counted.

Sec. 301. Voting System Requirements	Compliant	Not Compliant	Actions Needed for Compliance
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.			
(a)(6) 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.	X		

Sec. 302. Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a) Provisional voting requirements. If an individual declares that he or she is a registered voter in the jurisdiction and that he or she is eligible to vote in a Federal election, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows		X	An amendment to Art. 5.031 and regulatory change are needed to meet this requirement.
(a)(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	X		
(a) (2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is-- (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.	X		

Sec. 302. Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(a)(3) An election official at the polling place shall transmit the ballot cast by the individual to an appropriate election official for prompt verification.	X		
(a)(4) If the election official to whom the ballot or voter information is transmitted determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	X		
(a)(5)(A) At the time that an individual casts a provisional ballot, the appropriate election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	X		
(a) (5)(B) The appropriate election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	X		
(a) ... The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	X		

Sec. 302. Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
provisional ballots cast by those not affected by the order.			

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
(a) (1)(A) Computerized statewide registration list requirements. 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 (in this subsection referred to as the computerized list), and includes the following:	X		
(a)(1)(A)(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.	X		
(a)(1)(A)(ii) The list contains the name and registration information of every legally registered voter in the State.	X		
(a)(1)(A)(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	X		
(a)(1)(A)(iv) The computerized list shall be coordinated with other agency databases in the State.	X		

Sec. 302. Provisional Voting and Voting Information Requirements	Compliant	Not Compliant	Actions Needed for Compliance
(b) Voting information requirements. The appropriate election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office. (b)(2)(A) a sample version of the ballot that will be used for that election;	X		
(b)(2)(B) information regarding the date of the election and the hours during which polling places will be open;			
(b)(2)(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	X		
(b)(2)(D) instructions for mail-in registrants and first-time voters whose identity has not been verified prior to Election Day;	N/A		
(b)(2)(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated;		X	
(b)(2)(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.		X	
(c) Voters who vote after the polls close. Any individual who votes in a Federal election as a result of a court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot. Any such ballot cast under the preceding sentence shall be separated and held apart from other	X		

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
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 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.			
(a)(2)(B) 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;	X		
(a)(2)(E) (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	X		
(a)(2)(E)(iii) duplicate names are eliminated from the computerized list.	X		
(a)(3) Technological security. The appropriate official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	X		

¹¹ Puerto Rico is exempt from the National Voter Registration Act. In Puerto Rico, felons convicted in Puerto Rico are eligible to vote; eliminating the need to coordinate with records on felony status. Puerto Rico already coordinates with Civil Registry records on death.

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
(a)(1)(A)(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.	X		
(a)(1)(A)(vi) All voter information obtained by any local election official shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.	X		
(a)(1)(A)(vii) The chief State election official shall provide such support as may be required so that local election officials are able to enter information.	X		
(a)(1)(A)(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	X		
(a)(2) Computerized list maintenance. The appropriate election official shall perform list maintenance with respect to the computerized list on a regular basis as follows: (a)(2)(A)(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).	N/A ¹⁰		
(a)(2)(A)(i) For purposes of removing	N/A ¹¹		

¹⁰ Puerto Rico is exempt from the National Voter Registration Act. See description of MENT list maintenance process.

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
(a)(4) Minimum standard of accuracy for state 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: (a)(4)(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.	N/A ¹²		
(a)(4)(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	X		
(a)(5) Verification of voter registration information. (a)(5)(A)(i) 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 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 (i) applies), the last 4 digits of the applicant's social security number.		X	Recommendation is being submitted to Commission to meet this requirement; registration form and list will be modified to meet this requirement.

¹² Puerto Rico is exempt from the National Voter Registration Act. See description of MENT list maintenance process.

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
(a)(5)(A)(ii) Special rule for applicants without driver's license or Social Security Numbers. 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.	X		
(a)(5)(A) (iii) 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.	X		
(a)(5)(B) Requirements for state officials.— (i) 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.	N/A ¹³		
(b) Requirements for voters who register by mail.— (b)(1) Notwithstanding section 6(c) of the	N/A ¹⁴		

¹³ Since the Puerto Rico Department of Transportation and Public Works (DTOP) does not process voter registration applications (Puerto Rico is exempt from NVRA), this provision does not apply to Puerto Rico.

¹⁴ Puerto Rico is exempt from the National Voter Registration Act and is not required to provide mail-in registration. Puerto Rico requires in-person voting except that persons eligible under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may apply to register to vote by mail.

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
cast a provisional ballot under section 302(a).			
(b)(2)(B)(ii) 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		
(b)(3) Inapplicability Paragraph (1) shall not apply in the case of a person -- (b)(3)(A) --who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 19739g-4) and submits as part of such registration either-- (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 government document that shows the name and address of the voter;	N/A		
(b)(3)(B)(i) -- who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 19739g-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 (b)(3)(B)(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	N/A		
(b)(3)(C) who is--(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42	X		

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
National Voter Registration Act of 1993 (42 U.S.C. 19739g-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-- (A) the individual registered to vote in a jurisdiction by mail; and (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).			
(b)(2) Requirements -- (b)(2)(A) An individual meets the requirements of this paragraph if the individual-- (b)(2)(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; or	N/A		
(b)(2)(A)(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		
(b)(2)(B) Fail-Safe Voting (b)(2)(B)(i) An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may	N/A		

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
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).			

Section 303. Computerized statewide voter registration list requirements and requirements for voters who register by mail	Compliant	Not Compliant	Actions Needed for Compliance
U.S.C. 1973ff-1 et seq.)(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 (iii) entitled to vote otherwise than in person under any other Federal law.			
(b)(4) Contents of mail-in registration form. (b)(4)(A) 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: (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.	N/A		
(b)(4)(A)(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.	N/A		
(b)(4)(A)(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."	N/A		
(b)(4)(A)(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.	N/A		
(b)(4)(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	N/A		

Appendix B

Current Requirements for Voting Systems in Puerto Rico

The Commission has adopted the following parameters for any acceptable voting system to be used in Puerto Rico. These criteria include the following:

Necessary characteristics:

1. Provides an alternative for voters with disabilities that preserve the paper ballot.
2. Does not limit the number or color of ballots.
3. Guarantees the "write-in" option.
4. Guarantees absentee ballots and ease of use by voters with disabilities.
5. Guarantees a second chance in case of a spoiled ballot.
6. Counts the number of spoiled ballots (any ballot that is processed by a machine and is set aside for any reason).
7. Provides for the authenticity of the ballot via initials of the officers or another equally secure mechanism.
8. Guarantees ballot secrecy.
9. Guarantees the ability of party representatives to hand-count if necessary.
10. Achieves an equal or better level of precision and speed as the current system.
11. Provides alternatives according to any variance of infrastructure conditions (example: battery operated, wireless communications, among others).
12. Simplicity of operation and use for election officials.
13. Permits the challenge of ballots in cases allowed by Law.
14. The program allows easy and dynamic changes and adjustments to fit the needs of different electoral events.
15. Must be certified by a competent independent testing authority.
16. Easy to use and to explain to voters with limited voting experience.

Desirable Characteristics

1. Preference for the X as the acceptable marking.
2. Desirability to reduce the ballot size to 8.5" X 11" or 8.5" X 14".
3. (Cost-effective) Cost of the new system is proportional to the benefit and precision achieved, and the utility of the investment for other applications during non-election periods.
4. Easy to carry, install and handle.
5. Desirability to allow easy and dynamic changes and adjustments to fit the election needs of a variety of civic, professional, labor, school organizations, etc.
6. Desirability to allow easy adaptation for use by other electoral jurisdictions.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

Matthew A. Brown, Secretary of State

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
Office of the Secretary of State

Matthew A. Brown, Secretary of State

August 13, 2003

Dear Rhode Islander:

I am pleased to present Rhode Island's State Plan for implementing the federal Help America Vote Act (HAVA). Congress passed HAVA last year, providing funding to help states reform their elections and improve their voting systems.

Our State Plan is intended to make Rhode Island's elections the most accessible, fair and accurate in the country. It is the result of several months of work by the members of the HAVA Rhode Island Advisory Committee, a diverse group of more than seventy-five citizens I brought together to help develop this important blueprint for election reform. The members of this committee represent a range of backgrounds, ages, and experiences. They are state and local elected officials and election officials, community and civic leaders, business and labor leaders, and concerned citizens. They all shared a commitment to making elections in Rhode Island the best they can be. I want to thank all of them for their work in developing the State Plan.

I also want to thank everyone who offered comments and raised issues of concern during our public comment period. The high level of public engagement throughout this process has made the final plan a document which represents the ideas and concerns of hundreds of citizens and public officials from throughout the state.

I am grateful for your interest in our democratic process. The quality of our elections is essential to the strength of our democracy and our government. Our plan provides a long-term blueprint for reform that will make Rhode Island's elections the best in the country.

Sincerely,
Matt Brown

RHODE ISLAND STATE PLAN

HELP AMERICA VOTE ACT OF 2002 (HAVA)

CONTENTS

INTRODUCTION 4

SECTION 1: TITLE III REQUIREMENTS AND OTHER ACTIVITIES 7

1.1. VOTING SYSTEMS STANDARDS REQUIREMENTS – §301(A) 7

1.2. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS -- §302 12

1.3. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL -- §303 14

1.4. MINIMUM REQUIREMENTS – §304 19

1.5. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE – §30 19

1.6. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION – §311 19

1.7. PROCESS FOR ADOPTION – §312 19

1.8. OTHER ACTIVITIES – §251 (b)(2) 19

SECTION 2. RHODE ISLAND'S DISTRIBUTION OF REQUIREMENTS PAYMENT 20

SECTION 3. VOTER EDUCATION, ELECTION OFFICIAL EDUCATION AND TRAINING, POLL WORKER RECRUITMENT AND TRAINING 21

3.1. VOTER EDUCATION AND OUTREACH 21

3.2. ELECTION OFFICIAL EDUCATION AND TRAINING 23

3.3. POLL WORKER RECRUITMENT AND TRAINING 24

SECTION 4. VOTING SYSTEM GUIDELINES AND PROCESSES 27

SECTION 5. RHODE ISLAND'S HAVA FUND MANAGEMENT 28

SECTION 6. RHODE ISLAND'S HAVA BUDGET 30

SECTION 7. MAINTENANCE OF EFFORT 33

SECTION 8. HAVA PERFORMANCE GOALS AND MEASURES 34

SECTION 9. STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURE 36

SECTION 10. EFFECT OF TITLE I PAYMENTS 37

SECTION 11. RHODE ISLAND'S HAVA STATE PLAN MANAGEMENT 38

SECTION 12. CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR 40

SECTION 13. STATE PLAN DEVELOPMENT AND COMMITTEE 41

13.1 PUBLIC ENGAGEMENT 41

13.2 HAVA RHODE ISLAND ADVISORY COMMITTEE AND SUBCOMMITTEES 42

APPENDICES

TABLE I: SECTION 301. VOTING SYSTEMS STANDARDS i

TABLE II: SECTION 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS vii

TABLE III: SECTION 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL xv

TABLE IV: PERFORMANCE GOALS AND MEASURES xxxix

INTRODUCTION

In 2002, the United States Congress, with broad bipartisan support, passed landmark election reform legislation known as the Help America Vote Act (HAVA). This historic legislation requires states to reform numerous aspects of the way elections are run, and appropriates federal funding to help them meet these challenges. A copy of this law can be found on the website of the Rhode Island Secretary of State at www.state.ri.us/HAVA/.

Rhode Island can be proud that the State has been a leader in election reform, long before the enactment of HAVA. Through the foresight of former Secretary of State and now United States Representative James R. Langevin, Rhode Island has had in place a unified, optical scan precinct count voting system for each of its 39 cities and towns that allows the Board of Elections and our local boards of canvassers to conduct fair and accurate elections. As a result, Rhode Island was able to prevent the election problems experienced in other parts of the country during the 2000 election.

While the State has made significant progress in electoral system reform, its work is not yet complete. HAVA provides Rhode Island with a unique opportunity – and significant federal dollars – to realize elements of election system reform, which, until now, have been only a dream.

Rhode Island has recently received its first allocation from HAVA, \$5 million in Title I funding. To receive an additional \$4.15 million this year to meet Title III requirements, and if authorized by Congress, an anticipated \$12.5 million in subsequent years (for a total of \$21.6 million), the State must submit a State Plan detailing:

- How the State will establish the fund to accept the federal monies,
- How the Federal monies will be used,
- How the State will meet the new federal requirements,
- How the State will measure performance in implementing the State Plan, and
- How the State will conduct ongoing management of the State Plan.

The process of producing the Rhode Island State Plan reflects the State's commitment to improving elections, to public engagement and to open and ethical government. Secretary of State Matthew A. Brown's appointments to the HAVA Advisory Committee went far beyond the required participants named in the federal legislation. The Secretary of State is extremely grateful to the 75 individuals – both public officials and private citizens – who volunteered their time to analyze how Rhode Island fared against the federal law and to recommend changes that would be needed to meet the new HAVA election system requirements. The Secretary of State would also like to thank the hundreds of individuals who took the time to share their concerns and new ideas during this process.

A few core principles guided the development of this State Plan, specifically that:

- The sum of all actions should result in a coordinated, integrated, and seamless statewide elections system.
- All participants should consider this a unique opportunity to dramatically improve civic participation in elections.
- The process for developing the State Plan should be open, inclusive and welcome a diversity of ideas and perspectives.
- Federal funds must be wisely managed to ensure the State's ongoing ability to administer HAVA requirements.
- This is a continuation of efforts to improve Rhode Island's election system, and not the end.

What will Rhode Island accomplish with the \$9 million to potentially \$21.6 million in federal dollars that the State could receive through HAVA?

The State will finally be able to develop and implement a powerful election tool – a statewide, uniform, computerized, interactive, central voter registration list known as the **Central Voter Register System (CVRS)**. By linking cities and towns into a statewide network, the CVRS will allow Rhode Island to maintain a highly accurate, up-to-date voter registration list. The CVRS will enable election officials to ensure that those who are eligible to vote are able to vote and those who are not eligible to vote do not. This system will be procured by January 1, 2004.

HAVA also mandates that the State provide voters who are differently-abled with accessible voting systems that provide the same opportunity for access, participation, privacy and independence afforded to other voters. Every polling place in Rhode Island will be equipped with a **direct recording electronic (DRE) voting system** by January 1, 2006.

To meet HAVA mandates, Rhode Island will need to put into place a system for **provisional voting and new identification requirements for voters**.

In this State Plan, Rhode Island has also made a commitment to **improve training programs** for its front line workers – both **election officials and poll workers**. These individuals will need to be well versed in the new systems and procedures that will take effect as a result of the State's implementation of HAVA requirements. The State will also create new partnerships with businesses, schools and civic organizations to recruit a larger and more diverse pool of qualified poll workers, including young people in high school and college.

A critical element underlying all of these changes is the State's commitment to increase **civic participation in elections**. While 672,950 individuals were registered to vote in the 2002 election, only 50% went to the polls and cast a ballot. Rhode Island's challenges under HAVA are twofold: to ensure that the State has the most up-to-date voter registration lists which will

be made possible by the new CVRS and to make the voting experience as accessible and rewarding as possible for every voter.

With HAVA funding, Rhode Island will be able to expand its voter education programs. The State will improve methods for providing basic information to voters – what they need to know when they get to the polls. Rhode Island will also improve its education and outreach efforts – to motivate registered voters to exercise their democratic rights by getting out and voting. New training and education materials will be user-friendly, easier to understand, more accessible, and available in multiple formats.

It will take a statewide commitment for Rhode Island to be successful in meeting the requirements of HAVA. This effort will depend on the hard work and dedication of many partners: the Office of the Secretary of State, the Board of Elections, local boards of canvassers, the General Assembly, the Governor and State Officers, our political parties, and you, the voter.

The Rhode Island State Plan is a living document that the State will need to refine and update as necessary over time. Overall, Rhode Island is in a good position to meet HAVA requirements within the required deadlines. There is no greater gift that today's elected officials can give future generations than a strong democracy, built on a foundation of civic responsibility and an election system that is fair and efficient, and ensures the integrity of every vote.

SECTION 1: TITLE III REQUIREMENTS AND OTHER ACTIVITIES

How the State will use the requirements payment to meet the requirements of Title III, and, if applicable, under section 231(b)(2), to carry out other activities to improve the administration of elections. – HAVA § 234 (a)(1)

1.1. VOTING SYSTEMS STANDARDS REQUIREMENTS – §301(A)

Deadline for compliance: January 1, 2006; no waiver permitted.

The State of Rhode Island is well poised to implement the requirements of HAVA.

With great foresight, Rhode Island enacted legislation (Chapters 277 & 298 of Public Laws of 1996) that mandated the statewide use of a uniform, optical scan precinct count voting system. Since September 1998, this optical scan precinct count voting system (Op Tech III-PE, "Eagle" voting system) has been in use for all elections at all polling places in the 39 cities and towns which make up the State of Rhode Island (the State).

The State's optical scan precinct count voting system meets most of the requirements under Section 301 of HAVA. Specifically:

- Voters can verify, in private, their selected votes on the ballot before their vote is cast and counted,
- Voters can change their ballots or correct any error before the vote is cast and counted, including the opportunity to receive replacement ballots,
- The optical scan system automatically notifies voters if they have selected more than one candidate for the same office, a warden/moderator informs them of the effect of their over-voting and the voters are given the opportunity to correct their errors before their votes are cast,
- A permanent paper record with a manual audit capacity is produced and available for recount,
- The system has the ability for an alternative language, and
- The error rate meets federal standards.

Voting Instructions For Mail Ballots

Currently, the Office of the Secretary of State provides ballots and printed voter information to voters who vote by mail. The staff of the local boards of canvassers, the Board of Elections and the Secretary of State's Elections Division are available by phone to provide one-on-one information to mail voters.

The current instructions to voters who vote by mail will be revised to include information on the effect of casting multiple votes for the same office and how to correct a ballot before it is cast, including instructions on how to obtain a replacement ballot.

Uniform, Nondiscriminatory Standards For What Constitutes A Vote

In 2002, the Board of Elections adopted rules and regulations that defined what constituted a "vote" on the State's optical scan precinct count voting system. Legislation will be introduced in the 2004 session of the Rhode Island General Assembly which will codify, as a matter of law, the definition of a "vote." As other voting systems are implemented (e.g. DREs), the Board of Elections will take the steps necessary to ensure that a uniform and nondiscriminatory definition of a "vote" is adopted in conformance with the requirements of HAVA.

In Rhode Island a vote is counted by the optical scan precinct count voting system whenever the voter completes the arrow next to the candidate of choice. The optical scan precinct count voting system is designed to return the ballot to the voter if the markings indicate an overvote in any race, if the ballot is blank, or if the ballot is incorrectly marked.

In the case of an overvote, the voter is given an opportunity to cast a new, correctly marked ballot. If the voter insists on casting the incorrectly marked ballot, the warden will manually exercise the appropriate control on the optical scan system and allow for the ballot to be entered and counted for all races other than the overvoted race. In the case of a completely blank ballot or incorrectly marked ballot (candidate choices listed in places other than in the spaces provided for same), the voter is given the opportunity to cast a correctly marked ballot. If the voter insists on casting the ballot, the warden places the ballot in a special envelope marked "For Manual Count" which will be manually counted by the local board of canvassers after the close of the polls.

Accessibility For Individuals With Disabilities - Equipment

Under HAVA, by January 1, 2006, the State must have at each polling place at least one direct recording electronic (DRE) voting system or another such system that:

- provides a voting system that is accessible to individuals with disabilities, and
- provides the same opportunity for access, participation, privacy and independence afforded to other voters.

Rhode Island state law already requires the Office of the Secretary of State to prepare and provide Braille or tactile ballots for voters who are visually impaired when voting by mail or in person. However the State does not currently provide a DRE voting system for every polling place.

important to note that the electoral process, in addition to voting equipment, requires qualified and properly trained election officials and workers who follow clear and established procedures and practices for the conduct of fair elections. It is unrealistic to evaluate the security of any system without taking into consideration the procedures and checks and balances that are always present in actual elections.

See Table I in the Appendix for more detailed information on how Rhode Island will meet HAVA Section 301 requirements.

Accessibility For Individuals With Disabilities – Polling Places

In 1984 the Rhode Island General Assembly enacted legislation (RIGL 17-19-3.2) that required “(a) *Every polling place shall be situated in a building which can be entered and exited by persons who are disabled or elderly.*” Upon the implementation of the statewide optical scan precinct count voting system in 1998, the Board of Elections, working in partnership with the Governor’s Commission on Disabilities, visited each polling place in Rhode Island. Working together, the Board of Elections and the Governor’s Commission made recommendations to local boards of canvassers which resulted in all polling places meeting the required polling place accessibility standards by November 2000.

It is understood that the federal Election Assistance Commission (EAC) established under HAVA is expected to continue to update and issue new voluntary voting system guidelines. The Board of Elections will monitor the releases by the EAC (in consultation with the Governor’s Commission on Disabilities) and continue to recommend to local boards of canvassers any improvements that might be necessary.

Additionally, the Governor’s Commission on Disabilities, as the official designee of the Chief State Election Official, will assist in the preparation of Rhode Island’s State Grant for Election Assistance for Individuals with Disabilities (EAID) of the United States Department of Health and Human Services. The Governor’s Commission will work in consultation with the Board of Elections, local boards of canvassers, and the Chief State Election Official in the implementation of grant activities.

In 2002, the State enacted legislation (RIGL 17-19-8.2) directing the Secretary of State to “begin the process for the purchase of state of the art voting equipment which can accommodate not only voters who are blind or visually impaired but also persons with disabilities and afford all voters who are blind, visually impaired or disabled the opportunity to cast their ballots independently,” to be purchased with federal funding. The ballot for the new voting equipment must be created from the same database used to create the ballot for the State’s current optical scan precinct count system. Votes cast on the new voting equipment must be capable of being integrated into the State’s current optical scan precinct count system.

The State has not yet purchased these systems. The State will purchase with HAVA funding and before the HAVA deadline of January 1, 2006 two DRE voting systems for each polling place. These machines will be available for all voters, with priority given to the elderly and disabled. The State will put this system into place as soon as a durable DRE voting system is tested and found compatible with both the optical scan precinct count voting system and the diverse needs of the voting community. The State will provide these machines to local election officials under similar terms as it now provides the optical scan precinct count voting system.

Poll workers will be trained by the Board of Elections in the use of these machines with special attention given to assuring that poll workers are sensitive to the special needs of voters with disabilities. Public outreach and training will be implemented to ensure that voters are aware of the availability of the equipment, knowledgeable about its use, and informed of the opportunity to receive training on the equipment prior to casting their ballots.

Rhode Island’s early and active pursuit of voting system improvements now mandated by HAVA has placed the State on course to fulfill HAVA requirements within the statutory timeframes. With HAVA funding, Rhode Island will be able to bring all polling places into full compliance within HAVA deadlines.

If full federal funding is received for 2004 and 2005 (federal fiscal years) as outlined in HAVA Section 257, the State is contemplating converting its full fleet of optical scan precinct count voting systems to a DRE voting system. This would allow the State to improve efficiencies and to continue to administer a uniform, standard voting system in accordance with other State election practices.

Rhode Island will take into consideration guidelines and standards for voting equipment which will be issued in 2004 by the Technical Guidelines Development Committee established under HAVA. The Office of the Secretary of State will not acquire DRE’s until we are satisfied that they meet our requirements for (1) redundant ballot storage of each ballot image, (2) generating paper records of ballots cast for recount and audit control purposes and (3) other security issues deemed critical to the conduct of fair and accurate elections. It is

1.2. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS – §302

Deadline for compliance: January 1, 2004; no waiver permitted.

Provisional Voting

The intent of provisional voting is to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to do so.

Under HAVA, individuals who are not on the certified voting list must be allowed to vote using a provisional ballot. The individuals must execute a written affirmation that they are registered voters in the jurisdiction in which they desire to vote, and that they are eligible to vote in that election. Once the appropriate State or local election official verifies that the individuals are eligible to vote under State law, the provisional ballots are counted. In addition, the appropriate State or local election official must establish a free access system which allows individuals who cast provisional ballots to verify whether their votes were counted, and if not, the reason they were not counted.

Rhode Island does not meet HAVA requirements for provisional voting. While Rhode Island law allows voting by “temporary certificate of registration,” this registration is issued at the office of the local board of canvassers and is only issued after it is determined that the individual is registered to vote in that jurisdiction.

During its 2003 session, the Rhode Island General Assembly adopted legislation (Rhode Island General Laws, Section 17-19-24.1) which requires Provisional Voting in order to bring the State into compliance with HAVA §302 requirements. This legislation instructs the Board of Elections to promulgate the rules and regulations for Provisional Voting in accordance with HAVA.

The Board of Elections will develop and maintain a free access system through which any individual who casts a provisional ballot can verify whether that individual's vote was counted, and if the vote was not counted, the reason that the vote was not counted. Access to this information will be restricted to the individual who cast the ballot. The Board of Elections will develop procedures for transferring the information on the disposition of provisional ballots from the local board of canvassers to the free access system.

Voting Information Requirements

State law, which requires that voting information be posted at all polling places, is already in accordance with most of the HAVA §302 provisions. Specifically:

RIGL 17-19-10 directs the Secretary of State to prepare a sample ballot that includes a copy of the ballot to be used, instructions on how to vote and instructions on how to cast a vote. The Secretary of State shall furnish a reasonable supply of samples ballots to the Board of Elections for public distribution on request and no fewer than three sample ballots to be posted in each polling place.

The Board of Elections packages and delivers election supplies for each voting district to local election officials. Information on state and federal laws on voter fraud and misrepresentation is posted in all polling places on Election Day. The public is also notified of the date, time and location of polling places in advance of all elections, either through postings in public places or postings in the local newspaper. Outside each polling place is a clearly marked sign, conspicuous and visible from the street, indicating the location of the polling place.

While the State currently meets most of the requirements for providing voter information, it does not yet have in place information on provisional voting. Once procedures are established for provisional voting, the State will ensure that this information is available in all polling places. In addition, the State will codify all posting requirements to ensure ongoing compliance under HAVA.

The Office of the Secretary of State will ensure that instructions on how to vote are provided to all individuals voting by mail.

The State will be in compliance with Section 302 by January 1, 2004, and, as required by HAVA, will implement §302 requirements by the first federal election held thereafter.

See Table II in the Appendix for more details on how Rhode Island will meet HAVA Section 302 requirements.

1.3. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL – §303

Deadline for compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for §303(a) compliance to January 1, 2006.

Rhode Island law (RIGL 17-9.1-6) mandates the State to "administer a single and unified system of voter registration in accordance with all state and federal laws which shall enable duly registered voters to vote in all elections in their respective voting districts including elections for federal office." All new systems implemented to bring Rhode Island into compliance with HAVA requirements will ensure the continuation of a single and uniform voter registration system, for in-person and mail registration, and for all federal, state and local elections.

Computerized Statewide Voter Registration List

For Rhode Island, the cornerstone of HAVA is the requirement and extraordinary opportunity for implementation of a computerized, uniform, centralized, interactive, statewide voter registration database. For years Rhode Island has recognized the need for this system, but until the passage of HAVA, the State has not had the resources to create this uniform, centralized Central Voter Register System (CVRS). It will be a powerful tool, allowing election officials to ensure that those who are eligible to vote are able to vote and that those who are not eligible to vote do not.

Currently, official voter registration records are maintained at the local level, including original voter registration cards. While the Secretary of State maintains a central list of all persons registered to vote in Rhode Island, this list is not immediately and electronically available to the local boards of canvassers or other statewide and local election officials. The list is updated quarterly when the local boards of canvassers submit their updates to the Elections Division of the Office of the Secretary of State. These updates are then manually entered in the Election Division's central list.

Anticipating the opportunity to create a CVRS through HAVA, the State adopted legislation (RIGL 17-6-1.2) in 2002 that directs the "Secretary of State [to] procure a statewide central voter register" using "federal funds appropriated to the State of Rhode Island, subject to appropriation by the General Assembly, pursuant to election reform legislation adopted by the United States Congress in 2002."

Upon authorization of HAVA funding, the Office of the Secretary of State will immediately begin the procurement process for a computerized statewide Central Voter Register System (CVRS). Specifically:

- Rhode Island will implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list, which is defined, maintained and administered at the State level.

- The CVRS will be the official voter registration list for the conduct of all federal, state, and local elections in the State.
- The CVRS will contain the name and registration information for every legally registered voter in the State.
- Every legally registered voter will be assigned a unique identifier for the State CVRS.
- The CVRS will be the single system for storing and managing the official list of registered voters throughout the state.
- The CVRS will be coordinated with other agency databases (e.g. the Division of Motor Vehicles) as required under HAVA.
- Election officials will be able to obtain immediate access to the information contained in the CVRS.
- Local election officials will update all voter registration information in the CVRS on an expedited basis at the time the information is provided to the local official.
- The State will provide support as needed so that local election officials are able to enter information and produce voter registration lists when needed.
- List maintenance will be performed on this computerized list on a regular basis:
 - Ineligible voters will be removed in accordance with the National Voter Registration Act.
 - The State will coordinate with state agency records on felony status for the removal of felons.
 - The State will coordinate with agencies that record vital statistics for death records to remove deceased voters.
 - List maintenance will ensure that the name of each registered voter appears on the computerized list.
 - Only individuals who are not registered or who are not eligible to vote will be removed from the computerized list.
 - Duplicate names will be eliminated from the computerized list.
 - State and local election officials will provide adequate technological security measures to prevent unauthorized access to the computerized list.
 - The CVRS will include provisions to ensure that voter registration records are accurate and updated regularly, including:
 - A system of file maintenance that removes registrants who are ineligible to vote, i.e. in accordance with the National Voter Registration Act (NVRA), those individuals who have not responded to a notice and have not voted in two consecutive federal elections.
 - Safeguards to insure that eligible voters are not removed in error.
 - Voter registration information will be verified in accordance with HAVA requirements.

The Office of the Secretary of State will provide local boards of canvassers with all hardware, software and training that they will need to participate in the statewide CVRS. The Office of

Prior to developing a Request for Proposal (RFP) for the CVRS, the Office of the Secretary of State will assess the needs of key stakeholders including the Board of Elections and the local boards of canvassers. In accordance with the rules and regulations of the State Division of Purchasing, the Office of the Secretary of State will prepare an RFP to be issued by the Division of Purchasing to procure a CVRS that meets HAVA requirements.

Any changes to voter registration forms must be reviewed by the Secretary of State to ensure compatibility with the CVRS and ongoing compliance with HAVA requirements.

Requirements for Voters Who Register by Mail

The mail-in voter registration process in Rhode Island does not currently meet HAVA §303 requirements for voter identification or voter instructions. Beginning January 1, 2003, voters who register by mail who have not provided their driver's license number or SSN upon registering and have not previously voted in an election for Federal office in the State must present identification either at the time of registration or at the time of first voting. The new first time voter must present this identification either with the mail registration, at the polls on Election Day, or with the mail ballot if the voter chooses to vote by mail.

An individual will meet this requirement upon presenting either:

- 1) a current and valid photo identification, or
- 2) 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.

Rhode Island will modify its mail registration and voter information to notify new voters of the identification requirements of HAVA. The CVRS will be designed to support and track compliance with HAVA identification requirements.

The State will modify the voter registration form and polling place voter qualification processes to allow for the verification of identification provided by first-time voters who were registered by mail.

To comply with HAVA requirements, the Board of Elections will also make changes to the mail registration form by the statutory deadline. These changes include adding:

- The question "Are you a citizen of the United States of America?" and boxes for the applicant to check which indicate whether the applicant is or is not a citizen.
- The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check which indicate whether or not the applicant will be 18 years of age or older on election day.
- The statement "If you checked 'no' in response to either of these questions, do not complete this form."

the Secretary of State will also provide the Board of Elections, other state agencies, and the public access to the CVRS database as appropriate, in accordance with State law and subject to the applicable privacy provisions for the *HAVA-Mandated Identifier* (see next section).

Special Provisions For Voter Registration Information

HAVA mandates that an application for voter registration for any election for Federal office may not be accepted or processed by a State unless the application includes:

- The voter's current and valid driver's license number, if the voter has a driver's license, or
- The last 4 digits of the voter's Social Security Number (SSN), for those voters who do not have a current and valid driver's license, or
- A unique identifier assigned by the CVRS in those cases where the voter does not have either a current and valid driver's license or a SSN.

To meet this requirement, the CVRS will maintain two unique numbers for every registered voter in Rhode Island:

- 1) A *State Voter Identification Number*, automatically assigned by the system, which will be part of the public record, and
- 2) A *HAVA-Mandated Identifier* (driver's license number, last 4 digits of SSN or unique identifier), which will be protected from public view.

This will allow the State to both verify the accuracy of information provided in accordance with Section 303 requirements and protect the privacy of personal information. As individual voter registration information is by State statute a public record, the State will need to amend the current statute to ensure privacy protections for the HAVA-Mandated Identifier.

In order to verify the accuracy of the information provided on applications for voter registration, the Secretary of State and the Director of the Division of Motor Vehicles (DMV) will enter into an agreement to allow the matching of information in the Central Voter Register System with information at the DMV.

As required by HAVA, the DMV Director will enter into an agreement with the Commissioner of Social Security to verify the accuracy of information provided by DMV for those applications for voter registration on which the last 4 digits of a Social Security Number (SSN) were provided instead of a driver's license number. The information that will be verified includes:

- The name, date of birth and social security number of an individual given to the Commissioner to match the information on file in the Commissioner's record, and
- If such individual is shown on the records of the Commissioner as deceased.

- 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 must be included in order to avoid additional identification requirements upon voting for the first time.

In keeping with the Rhode Island statute that the State administer a unified voter registration system, a single, standardized, uniform voter registration form (whether in-person or mail forms) will be developed by the Board of Elections and will include the required information.

See Table III in the Appendix for more details on how Rhode Island will meet HAVA Section 303 requirements.

1.4. MINIMUM REQUIREMENTS – §304

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

Since 1996, State law mandates uniformity in statewide voting systems and the administration of a single and unified system of voter registration in accordance with all state and federal laws. Therefore, Rhode Island legislation in these two areas could be considered more rigorous than HAVA. The State will continue to ensure uniformity in all State voting and voter registration systems for all federal, state and local elections. These uniform systems will be in full compliance with all HAVA requirements and with the relevant laws listed in HAVA §906.

1.5. METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE – §405

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 Sections 1.1. through 1.3 of this State Plan.

1.6. ADOPTION OF VOLUNTARY GUIDANCE BY COMMISSION – §311

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 welcomes this assistance and will incorporate those recommendations deemed appropriate into subsequent versions of the State Plan.

1.7. PROCESS FOR ADOPTION – §312

The State will stay aware of the progress of the EAC in 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.

1.8. OTHER ACTIVITIES – §251 (b)(2)

The State shall use HAVA requirements funding to meet Title III requirements. In the event that the State has completely implemented the requirements of Title III, future State Plans will be amended to include how requirements funding shall be used for other activities to improve the administration of elections for Federal office in keeping with the conditions of this section.

SECTION 2. RHODE ISLAND'S DISTRIBUTION OF REQUIREMENTS PAYMENT

How the State will distribute and monitor the distribution of the requirements payments to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of:

- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8). – HAVA §254 (a)(2)*

2.1 ELIGIBILITY OF LOCAL UNITS TO RECEIVE THE PAYMENT

In Rhode Island, the State is responsible for the procurement, maintenance, preparation, delivery and storage of all optical scan precinct count voting systems used by local boards of canvassers in all federal, state and local elections. The State is responsible for the administration of a single, uniform voter registration system for all in person and mail registrations and for all federal, state and local elections. This centralized system provides for improved efficiency of elections.

In keeping with these practices, the State will use HAVA funds to:

- Provide services and materials to local boards of canvassers as needed to meet HAVA requirements, and
- Support other activities to improve the administration of elections as described in HAVA.

HAVA funds will be centrally managed by the Office of the Secretary of State to ensure compliance with HAVA requirements and the State fiscal control systems.

2.2 PERFORMANCE MEASURES FOR LOCAL UNITS

The State will monitor HAVA funds in accordance with the statewide performance measures adopted under HAVA §254(a)(8) and as outlined in Section 8 of this State Plan. The Office of the Secretary of State will centrally manage the distribution of all funds appropriated to the Rhode Island HAVA Election Fund, including but not limited to the requirements payments. Priorities and timelines will be incorporated into the budgeting process so that Rhode Island will implement mandates and improvements in a wise and timely manner.

SECTION 3. VOTER EDUCATION, ELECTION OFFICIAL EDUCATION AND TRAINING, POLL WORKER RECRUITMENT AND TRAINING

How the State of Rhode Island 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. – HAVA §254 (a)(3)

Throughout the preparation of the State Plan, Rhode Islanders have strongly urged the State to develop improved education and training programs for current, potential and future voters, for election officials and for poll workers. A well-informed electorate, supported by well-trained and voter-oriented election officials, is essential, not only for the successful implementation of HAVA requirements, but also to improve voter participation in the electoral process.

In redesigning its training and education programs, the State will seek to standardize election terms, to make information and training easier to understand and more accessible to more audiences, and to ensure that programs for different stakeholders are well-coordinated, well-integrated and reinforcing of key messages and themes.

3.1. VOTER EDUCATION AND OUTREACH

In order to increase voter participation in elections, voters need to:

- Understand their rights as voters,
- Understand the mechanics of how to vote, and
- Be sufficiently motivated to engage in the democratic process by voting.

The activities in voter education and outreach that Rhode Island will implement through HAVA funding will address all three of these elements.

Currently, Rhode Island posts certain voter information in all polling places including:

- Sample ballots to be used in the election at each polling place.
- Instructions on how to vote.
- General information on federal and state laws regarding fraud and misrepresentation.

Under HAVA, the State will also need to include at polling places:

- Date and hours during which the polling place will be open.
- Instructions for mail-in registrants and first time voters under Section 303(b).
- General information on voting rights under federal and state laws, including information on how to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to be violated.

Rhode Island welcomes HAVA funding as an opportunity not only to incorporate these additional requirements into its existing voter information procedures, but also the

correcting voter lists, overseeing the conduct of local elections, disseminating public information on upcoming elections and hiring poll workers.

As a result of HAVA mandates, local election officials will need to learn new voter registration systems and procedures and will be responsible for ensuring compliance with many new requirements. A well-developed training program is essential to prepare these individuals for these changes.

Under RIGL 17-7-5, the Board of Elections is responsible for the training of local election officials with respect to voting equipment and conduct of elections. The Office of the Secretary of State and the Board of Elections frequently partner to conduct training sessions and seminars for local election officials. The Office of the Secretary of State and the Board of Elections are regularly invited to make presentations on relevant election matters at the Rhode Island Town and City Clerks Association. Elections Division staff of the Office of the Secretary of State are available to local election officials to answer their questions and provide support and guidance on all aspects of elections in Rhode Island. Elections Division staff routinely communicate with and disseminate information to local election officials through meetings, phone calls, email and faxes.

At public hearings held to develop the State Plan, the State and local election officials expressed a great need to improve programs and materials for training election officials and to increase election official participation at training sessions. At those hearings, gaps in current training programs were identified; e.g., attendance at many training sessions is not mandatory for local election officials.

In order to develop an improved statewide election official training program, the Board of Elections and the Secretary of State will assemble a committee including representatives of the local boards of canvassers. This committee will assist the Board of Elections and the Office of the Secretary of State in the development of new training programs for local election officials, including all canvassing authority members and their staffs.

The training will be designed to ensure that election officials are well versed in all HAVA mandates, including:

- The use of all voting equipment including optical scans and DREs,
- Statewide Central Voter Register System,
- Registration requirements,
- Provisional voting,
- Voting by mail ballot,
- Voting on Election Day and
- Other applicable state and federal election laws.

Office of the Secretary of State

22

opportunity to make significant improvements in its voter education program. Rhode Island recognizes the need to ensure that voter information is uniform, that it is communicated in plain and easily understood language, and that it must be accessible to individuals in the diversity of the ways that they need to receive and process information.

Under HAVA, the Office of the Secretary of State will improve its public outreach and education programs in order to:

- 1) Assure that voters are informed of their rights and receive proper and timely instructions on how to vote in accordance with HAVA requirements.
- 2) Improve voter education and information materials and delivery systems, such that these materials:
 - promote uniformity of terminology,
 - are user-friendly and visually attractive,
 - are widely accessible,
 - consider the special needs of non-English speakers and individuals at varying levels of literacy,
 - consider the special needs of voters who are differently-abled, and
 - are transmitted through multiple venues such as print, TV, radio, the Internet, personal contact and new technologies as they are developed.
- 3) Motivate individuals to exercise their democratic responsibility to register and vote and to serve as poll workers. This will be done through the use of compelling, nonpartisan, voter education messages and materials, delivered in multiple formats and venues, and in partnership with other organizations such as schools, community-based organizations, businesses, chambers of commerce, the media and other civic organizations.
- 4) Educate ex-felons about their voting rights and provide the appropriate officials in the Correctional, Probation and Parole systems with the appropriate voter registration information to enable ex-offenders to participate in the electoral process when allowed by law.

Additionally, the Office of the Secretary of State is developing a comprehensive high school civic participation, voter education and voter registration program aimed at involving high school students in the electoral process and related civics projects.

3.2 ELECTION OFFICIAL EDUCATION AND TRAINING

Local election officials (i.e., anyone responsible for administering elections on the local level) are the front line of a fair, accurate and accessible election. In Rhode Island, these dedicated officials are responsible for registering voters, maintaining registration records, preparing and

Office of the Secretary of State

21

This program will be designed in consultation with election officials needs and will be responsive to the needs of adult learners. It will include core information on a variety of topics adjusted for the proficiency levels of election officials (e.g. beginner to refresher training). It will incorporate incentives for local officials to participate in training. It will include a training "manual" in multiple formats (e.g. printed handbook, video, online, guest speakers) to ensure flexibility in training and ease of use.

The State has already begun to train local election officials in HAVA requirements by engaging them as critical stakeholders in the preparation of the State Plan. Their participation on the HAVA Advisory Committee and its subcommittees, and their participation at public hearings, has been important to the development of the State Plan.

3.3 POLL WORKER RECRUITMENT AND TRAINING

On Election Day, well-trained and motivated poll workers are essential to ensure the proper conduct of elections, to protect the rights of voters, and to ensure that voters have a satisfactory voting experience. Poll workers need to be knowledgeable about the voting systems in use, the rights of voters and other relevant aspects of the conduct of elections under federal and state law.

As the State implements the changes required under HAVA, poll workers will also need to be well-versed in these new and sometimes complex requirements, especially voter identification requirements, provisional voting, and the use of direct recording electronic (DRE) voting systems.

No one person or agency has full responsibility for coordinating poll worker recruitment and training in Rhode Island. Currently, the respective city or town committees of the political parties select poll worker candidates. Local boards of canvassers appoint and assign poll workers from the political party lists of certified candidates. Poll worker training is the responsibility of the Board of Elections.

During public hearings to develop the State Plan, local election officials as well as voters expressed the need for improved poll worker recruitment and training.

Given the significant changes in federal law under HAVA, it is imperative that the State responds to these concerns by developing a more comprehensive and significantly improved system of recruiting and training poll workers. With HAVA funding, the State has a unique opportunity to improve current practices and to facilitate the participation of more individuals from throughout our diverse community in this critical aspect of our precious democracy.

In the spirit of HAVA, an important aspect of improving the competencies of poll workers is to increase the pool and qualifications of individuals who are interested in serving in this position. Rhode Island has been chronically challenged by its ability to recruit a sufficient number of qualified poll workers for the conduct of elections. HAVA funding will provide the State with the ability to reassess and redesign its poll worker recruitment and training activities.

In the process of crafting a new poll worker recruitment program, the State will:

- Expand recruitment of high schools students to serve as official, nonpartisan poll workers or assistants; e.g. by developing community service and service learning programs with organizations such as public, independent and parochial schools, student service organizations, community and service learning faculty, and community-based organizations that serve high school students.
- Recruit college students as nonpartisan poll workers or assistants; e.g. by developing service learning partnerships with campus organizations such as student councils, campus political committees, community and service learning centers, and campus media.
- Develop recruitment partnerships with businesses, civic and nonprofit organizations.
- Improve media outreach, e.g. paid advertising and public service announcements in mass and specialty media.

In redesigning current poll worker training programs, the Board of Elections, in consultation with the local boards of canvassers, will:

- Redesign poll worker training programs and materials in consultation with key stakeholders.
- Develop standardized training programs and materials that:
 - are responsive to the needs of adult learners,
 - are tailored to poll worker experience levels,
 - include opportunities for role playing and hands-on training at local or regional training sites, and
 - use multiple formats (e.g. printed handbook, video, online, speakers) to ensure flexibility in training and ease of use.
- Develop a poll worker performance management and evaluation system to improve the delivery of high quality customer service and voter assistance.

All poll worker training programs will include training on all requirements of HAVA, proper use of voting equipment including DREs, diversity awareness, provisional voting, and all other federal and state requirements.

Legislation will be introduced in the 2004 legislative session to allow for the expansion of recruitment activities and eligibility requirements for poll workers.

SECTION 4. VOTING SYSTEM GUIDELINES AND PROCESSES

How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301. – H.L.V./A §254 (a)(4)

With the adoption of Chapters 277 & 298 of Rhode Island Public Law of 1996 and the implementation of the optical scan precinct count voting system in 1998, Rhode Island voting systems meet most HAVA requirements as listed in Section 301.

For those areas in which Rhode Island is not yet in compliance, the State will introduce internal procedures or legislation as required to bring it into compliance by January 1, 2006, specifically:

- The adoption of 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.
- A voter education program for mail ballots that explains the effect of casting multiple votes and provides the voter with instructions on how to correct errors, including how to receive a replacement ballot if necessary.
- Ensuring/mandating that each polling site is equipped with at least one DRE voting system.

In relation to DRE voting systems, legislation passed in 2002, RIGL 17-19-8.2, already provides the Secretary of State with the authority to “purchase state of the art technology” in order to “expand the special ballot services to as wide a range of voters with disabilities as possible.”

SECTION 5. RHODE ISLAND'S HAVA FUND MANAGEMENT

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

In accordance with State law and in coordination with the Department of Administration, the Office of the Secretary of State has established the Rhode Island HAVA Election Fund (Fund) within the State's treasury whose appropriations are accounted for separately within the State accounting system. The Department of Administration will create accounting structures to ensure federal fund receipts and expenditures, the 5% State match and Fund interest are tracked separately from all other state funds as required under HAVA.

The Fund will consist of the following:

- a. Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
- b. The requirements payment made to the State under this part.
- c. Such other amounts as may be appropriated under law.
- d. Interest earned on deposits of the Fund.

To ensure responsible management of expenditures from the Fund, the Secretary of State will establish the HAVA Election Fund Management Committee. This Committee will approve the annual budget plan for expenditures from the Fund, as described above. The annual budget plan approved by the Committee must ensure compliance with the State Plan, HAVA requirements and mandated federal deadlines. Any changes to the approved annual expenditures plan will also need pre-approval from the Committee to ensure ongoing compliance with the State Plan and HAVA requirements.

The Committee will be composed of the following five individuals:

Permanent members:

- The Secretary of State or a designee authorized to act on the Secretary's behalf, who also serves as Chair of the Committee.
- The Chairman of the Board of Elections, or a designee authorized to act on the Chairman's behalf.
- The Director of the Budget Office, or a designee authorized to act on the Director's behalf.

Twelve-month renewal term (starting with the date of the first meeting of the Committee):

- A local elections official, appointed by the Secretary of State.
- A member of the public, appointed by the Secretary of State.

The Chair of the Committee is responsible for calling all meetings and maintaining the minutes of all meetings of the Committee. The Committee will determine the procedure by

which requests for annual or subsequent appropriations are to be submitted to the Committee and the process for approving such requests.

No expenditure of funds from the Fund shall be made without pre-approval by the Committee.

The Office of the Secretary of State will work with the Department of Administration to ensure compliance with all mandated fiscal controls and policies.

SECTION 6. RHODE ISLAND'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 meet the requirements of Title III,
 - (B) the portion of the requirements payment that will be used to carry out activities to meet such requirements, and
 - (C) the portion of the requirements payment that will be used to carry out other activities.
- HAVA § 234(a)(6)

At the time of the writing of this plan, HAVA appropriations for Fiscal Years beyond 2003 are subject to Congressional approval. The following table outlines the assumptions regarding federal funding as estimated by the Congressional Research Service in its report:

Federal Fiscal Year	Total HAVA Authorization	Total Federal Appropriations	Federal Payments to Rhode Island	5% State Match Requirement*
Early payments	\$650,000,000	\$650,000,000	\$5,000,000	\$0
2003	\$1,400,000,000	\$833,000,000	\$4,150,000	\$218,290
2004	\$1,000,000,000	\$500,000,000 (President's budget)	\$7,797,296*	\$410,138
2005	\$600,000,000	Not available	\$4,678,378*	\$246,083
Total	\$3,650,000,000	Total not available	\$21,625,674	\$874,511

Total HAVA Authorization based on P.L. 107-252, the Help America Vote Act of 2002.

*The 5% state match requirement is calculated as 5% of the total of the combined state and federal portions of expenses: HAVA Sec. 253(b)(5). This calculation requires a multiplier of .0526 (i.e. 5/195 = .0526) of the federal funds. For FY 2003, the \$218,290 state match is 5.26% of the federal contribution of \$4,150,000. Of the combined expenditure of \$4,368,290, the state match of \$218,290 is 5%.

* Based on Total HAVA Authorization as indicated in HAVA Section 257.

HAVA funds appropriated in 2003 are already less than the \$10,916,214 that Rhode Island was authorized to receive. Given this history and the uncertainty of the federal budgets for FY 2004 and FY 2005, Rhode Island is taking a prudent approach in anticipating the levels of federal funds available in the future to meet HAVA Title III requirements and other activities.

Because HAVA funding is "no year" money, federal funds do not have to be expended in the year that they are authorized. Therefore, this budget is designed to steward HAVA funds over

many years in order to ensure that the funding exists to continue to meet HAVA requirements.

Rhode Island has received \$5,000,000 in Title I funding and anticipates receiving \$4,150,000 in requirements payments this year upon submission and certification of this State Plan. Pending future Congressional action, Rhode Island could receive an additional \$12.5 million in federal funds in future years.

Projected interest from the Rhode Island HAVA Election Fund and costs associated with the maintenance and operations of implementing these requirements are reflected in the Rhode Island budget. It is important to note that the maintenance and operation costs associated with these requirements will still have an impact on the State's budget in years when federal funding is no longer available.

Rhode Island's Budget for HAVA Funded Activities – FY 2003 to FY 2011*	
Central Voter Register System	\$3,396,000
Administrative Complaint Procedures	57,000
Provisional Voting	225,800
Accessible Voting Equipment	6,976,800
Election Official Training	1,081,000
Performance Measures and Goals	260,000
Poll Worker Recruitment and Training	440,000
Voter Education	1,070,000
Voter Registration and Voter ID	10,000
Preparation of State Plan	134,550
Voting Equipment Conversion to DRE	9,695,270
Total HAVA Expenses	\$23,346,420

* Rhode Island is currently in the seventh year of a nine-year payment plan for an optical scan precinct count voting system procured in 1997. Under this payment plan, the total amount still owed to the vendor is \$3,340,673.80 of which \$1,669,156.56 is for equipment and \$1,671,517.24 is for operating costs. These amounts are to be paid over the next three fiscal years as follows:

Fiscal Year	Equipment Costs	Operating Costs	Total Costs
2004	\$597,583.56	\$471,210.44	\$1,068,794.00
2005	872,894.00	688,300.00	1,561,194.00
2006	198,679.00	512,006.80	710,685.80

Total	\$1,669,156.56	\$1,671,507.24	\$3,340,673.80
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The State Budget, enacted for the fiscal year ending June 30, 2004, included an allocation of \$1,068,794 for the payment of the optical scan equipment, an allocation the Chief State Election Official has advised the Governor and the General Assembly he believes is in violation of HAVA. The Governor's Office has contacted the General Services Administration, which has indicated its willingness to provide legal assistance in determining whether such allocation is appropriate or inappropriate under HAVA. Unless the General Services Administration determines by December 31, 2003 that such payment from HAVA funds is appropriate, the Governor and Chief State Election Official will seek a supplemental appropriation from the General Assembly for the current year and will undertake any other changes necessary to assure the Plan is in compliance with applicable law. The General Services Administration has informed the Governor's Office that Rhode Island's receipt of HAVA funds this calendar year will not be jeopardized while they make a determination on this issue. The HAVA budget presented above reflects the intended use of funds by the State assuming the funds are not used for the optical scan equipment. If such payment from HAVA funds is determined to be appropriate, the Chief State Election Official will amend the Plan and HAVA budget accordingly.

SECTION 7. 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, Rhode Island will maintain expenditures of the State for activities funded by the payment at a level equal to or greater than the level of expenditures in State FY 2000. This amount totaled \$892,953.38.

The intent of funding under HAVA is to pay for new or enhanced efforts, not to supplant State funding. The HAVA budget outlined in the State Plan is based on the federal mandate that the State will continue to fund the expenses of elections at a level that, as a minimum standard, maintains the quality of election systems and procedures that were already in place before any HAVA funding was anticipated. Without this base level of State funding, the short-term infusion of federal funds that HAVA will provide will not be enough to ensure that these voting improvements can be maintained over the long-term.

SECTION 8. 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.

Ultimately, the success of the Rhode Island State Plan will be judged by its ability to continue to improve voter participation and confidence in elections in Rhode Island. Through HAVA, Rhode Island will receive the federal funding necessary to implement long-awaited improvements to its election systems. The improvements that will result from the State Plan must be measured by how well they increase participation in elections and improve the ability of voters to exercise their right to vote — with assurance that every vote and every voter counts and will be counted on Election Day.

In order to measure progress toward these goals, the Chief State Election Official will develop a HAVA measurement system that will assess both process and impact performance. Specifically,

- 1) did the State do what it said it would do within HAVA mandates and timetables (*process measures*), and
- 2) did those activities make a difference in the conduct of and participation in elections in Rhode Island (*impact measures*).

The State officials whose duties and responsibilities as outlined by Rhode Island statute correspond to particular HAVA sections have been delegated responsibility for HAVA implementation as listed below:

Secretary of State

- Voting Systems, §301: to be implemented by January 1, 2006.
- Voter Registration (CVRS), §303(a): to be procured by January 1, 2004 and implemented within the first quarter of 2004.
- Voter Education, §254(a)(3): to be developed throughout the implementation of the State Plan and along with the implementation of new HAVA systems and procedures.
- Election official training, §254(a)(3), jointly with the Chair, Board of Elections: to be developed along with the implementation of new HAVA systems and procedures.
- Budget and Fiscal Controls, §254(a)(3), §254(a)(6), §254(a)(7), §254(a)(10): in consultation with the HAVA Election Fund Management Committee: before receipt of HAVA requirement payments and for the duration of HAVA funding.

Chair, Board of Elections

- Provisional Voting, §302 (a): to be implemented by January 1, 2004.
- Voting Information Requirements, §302(b): in compliance by January 1, 2004 and implemented by the first federal election held thereafter.
- Voter Registration, §303(b): effective for voters who register by mail as of January 1, 2003.
- Poll worker training, §254(a)(3): to be developed along with the implementation of new HAVA systems and procedures.
- Election official training, §254(a)(3), jointly with Secretary of State: to be developed along with the implementation of new HAVA systems and procedures.
- Administrative Complaint Procedures, §254(a)(9) and §402: to be implemented by certification of the State Plan.

See Table IV in the Appendix for more information on process measures.

SECTION 9. STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURE

A description of the uniform, nondiscriminatory, state-based administrative complaint procedure in effect under Section 402.

The Rhode Island General Laws empower the Board of Elections to "make the rules, regulations, and directives that it deems necessary to carry out the objects and purposes of this title (Title 17 – Rhode Island Election Laws) not inconsistent with law... including the jurisdiction over all election matters on appeal from any local board and over any other matters pertinent and necessary to the proper supervision of election laws." In its 2003 session, the Rhode Island General Assembly adopted legislation (Rhode Island General Laws, Section 17-7-5(15)) which authorizes the Board of Elections to "establish and maintain an administrative complaint procedure in accordance with Section 402 of HAVA."

In Rhode Island, the Board of Elections hears complaints and conducts investigations on all election matters throughout the State. Thus, Rhode Island has a state-based complaint procedure in place. Under this system, a person who believes there has been a violation of HAVA could file a complaint with the Board of Elections. Nevertheless, the Board of Elections has begun the process of incorporating a uniform and nondiscriminatory complaint procedure that is in accordance with the requirements of HAVA into its complaint procedure.

In the coming weeks, the Board of Elections will publish a set of proposed rules and regulations and set a hearing date for the public to offer comments regarding the proposed HAVA administrative complaint procedure. Shortly thereafter, it is anticipated that the complaint procedure will be adopted and made a part of the Rhode Island State Plan.

SECTION 10. EFFECT OF TITLE I PAYMENTS

If the State received any payments under Title I, a description of how such payments 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)

Rhode Island received \$5 million in Title I payments under Sections 101 and 103 on April 30, 2003. Rhode Island will use these payments to carry out one or more of the following activities:

- Complying with requirements under Title III.
- Improving the administration of elections.
- Poll worker recruitment including the recruitment of high school and college students.
- Educating voters concerning voting procedures, voting rights and voting technology.
- Training election officials, poll workers and election volunteers.
- Developing the State Plan for requirements payments to be submitted under Part 1 of Subtitle D of Title II.
- Improving the accessibility and quantity of polling places.
- Establishing toll-free telephone hotlines.

Because Rhode Island's optical scan precinct count voting system was in place statewide prior to January 1, 2001, Rhode Island is not eligible for funds under Title I Section 102 (Replacement of Punch Card or Lever Voting Machines).

SECTION 11. RHODE ISLAND'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)*

The Secretary of State, as Rhode Island's designated "Chief State Election Official" (Chapter 29 & 30 of Rhode Island Public Law 2003) is responsible for coordination of the State's responsibilities under HAVA. As a result, the Secretary of State is ultimately responsible for the ongoing management of the State Plan.

Rhode Island has been a national leader in developing fair, accurate, and accessible elections. As the State has already implemented many aspects of HAVA, the Secretary of State considers the ongoing management of the State Plan as a continuation of Rhode Island's commitment to election reform. Each element will be managed for achieving compliance, to maximize improvements to all aspects of the election process, and to ensure responsible stewardship of funding received through HAVA.

Of course, the Secretary of State does not act alone. The Board of Elections and the local boards of canvassers are critical partners in the implementation of HAVA, as they are in the conduct of all elections in Rhode Island. The Board of Elections and the local boards of canvassers are responsible for specific elements of the State Plan. Within the Office of the Secretary of State, the Elections Division is the administrative agency charged with the implementation and management of many aspects of HAVA.

In the event that it becomes necessary, the Secretary of State may establish a task force or advisory management group to assist the Secretary in assessing performance or recommending any changes to the State Plan.

The responsibility for fair, accurate and accessible elections, and for increasing voter participation in our democracy, is shared throughout Rhode Island. The General Assembly is a critical partner, ensuring that Rhode Island state law is consistent with all federal election mandates, including HAVA. In addition, all elected officials, civic and business leaders, community-based organizations, every citizen and our schools share the commitment to improving voter outreach and education in order to increase the participation of all segments of our community in the electoral process which is the bedrock of our democracy.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the State Plan. Specifically, the State agrees that it may not make any material change in the administration of the State Plan unless the change:

- (A) is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan,
- (B) is subject to public notice and comment in accordance with HAVA §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).

SECTION 12. 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 is Rhode Island's FY 2003 Plan. As it is the first State Plan under HAVA, there are no changes or successes to report related to HAVA implementation. This section will be updated in the FY 2004 State Plan, reflecting proposed changes to the Plan, as well as a summary of 2003 successes.

SECTION 13. STATE PLAN DEVELOPMENT AND COMMITTEE

A description of the committee which participated in the development of the State plan in accordance with section 253 and the procedures followed by the committee under such section 253 and section 256 – HAVA §254 (a) (13)

13.1 PUBLIC ENGAGEMENT

The process for producing the Rhode Island State Plan reflected a genuine, statewide commitment to improving elections, to public engagement, and to open and ethical government. This State Plan reflects careful consideration of the ideas and concerns of hundreds of individuals and public officials from throughout this State.

These thoughtful and committed individuals devoted countless hours studying legislation, reviewing existing practices, serving on committees, developing recommendations for improvement, attending public hearings, and otherwise demonstrating their own personal responsibility for ensuring that the elections in Rhode Island will continue to be fair, accurate and accessible. They deserve our most generous appreciation for a job well done.

The draft of the Rhode Island State Plan was created by the Office of the Secretary of State in partnership with a 75-member HAVA Rhode Island Advisory Committee named by the Secretary of State, Matthew A. Brown. The make-up of the committee went far beyond the minimum HAVA requirements to include the chief election officials of the two most populous jurisdictions and representatives of groups of individuals with disabilities. The Rhode Island Advisory Committee also included a wide representation of stakeholders selected from all segments of the Rhode Island community, including:

- Local and state election officials,
- Political parties,
- Mayors,
- State legislators,
- Ethnic communities,
- Advocates for the disabled and visually impaired,
- Academicians,
- Nonprofits serving diverse segments of the community,
- Good government advocates,
- Labor unions,
- High school and college students, and
- Business community representatives.

The Advisory Committee was organized into nine subcommittees. Between March 10 and March 21, 2003, the subcommittees of the HAVA Rhode Island Advisory Committee met to

Rick Battistoni, *Professor of Political Science, Providence College*
 Roger N. Began, *Chairman, Rhode Island State Board of Elections*
 Kerry Brusini, *Special Projects Manager, Board of Elections*
 Edwin Cancell, *Executive Director, Progreso Latino, Inc.*
 Rory Carmody, *Director of Program Development, Transition ARC*
 Reginald A. Centracchio, *Aljuani General*
 Wayne Charness, *Haibro*
 David N. Cicilline, *Mayor, City of Providence*
 Marian Clarke, *Chairwoman, Jamestown Board of Canvassers*
 Kathleen Connell, *Executive Director, AARP*
 Bob Cooper, *Executive Secretary, Governor's Commission on Disabilities*
 Antonio Costa, *Portuguese-American Community Leader*
 Melba Depetia, *President, Rhode Island Latino Civic Fund*
 Lee Dilorto, *President, Local 328, United Food & Commercial Workers*
 Laura DiSano, *Senior Vice President, Flet Bank*
 Maria-Fernanda Escudero, *Director, Civic Participation and Public Information, Office of the Secretary of State*
 Grace Farmer, *Financial Manager, HELP Coalition*
 Laurence Flynn, *Chairman, Providence Board of Canvassers*
 Gordon D. Fox, *House Majority Leader*
 Richard Gaffney, *President, National Federation of the Blind of Rhode Island*
 Mary Alyce Gasbarro, *League of Women Voters*
 Andrea Gomez, *High School Student, St. Mary's - Bay View Academy*
 Nellie M. Gorbea, *Director of Administration, Office of the Secretary of State*
 Patrick Guida, *General Counsel, Republican Party of Rhode Island*
 Beverly T. Hall, *Registrar, Portsmouth Board of Canvassers*
 Alan Hassenfeld, *Chairman & Chief Executive Officer, Haibro*
 Kathryn Hopkins, *Ocean State Action*
 A. Vincent Iglizzo, *Administration, State Equal Opportunity Programs*
 William V. Irons, *President of the Senate*
 Stan Israel, *Vice President New England Health Care Employees Union, District 1199/SEIU*
 Fred E. Joslyn, Jr., *Vice Chairman, Cranston Board of Canvassers*
 Brian Krueger, *Assistant Professor of Political Science, University of Rhode Island*
 Stephen P. Laffey, *Mayor, City of Cranston*
 David Lagstein, *Head Organizer, ACORN*
 Dennis B. Langley, *Executive Director, Urban League of Rhode Island*
 Joseph Le., *Executive Director, Socio Economic Development Center for Southeast Asians*
 Charlene Lima, *House Deputy Majority Whip*

Office of the Secretary of State

42

discuss Rhode Island's requirements under HAVA, assess current compliance with HAVA, and identify key issues. They presented their preliminary reports for consideration and discussion at their March 24, 2003 meeting. These subcommittee reports were posted on the HAVA website of the Secretary of State, www.state.ri.us/HAVA/.

Throughout the development of the State Plan, the public was encouraged to provide comment and raise questions of concern. Public hearings were advertised and held throughout the state to educate Rhode Islanders about the plan and to invite additional concerns and comments in the draft of the plan. Secretary of State Matthew A. Brown held meetings on:

- April 10, Newport City Hall, Newport
- April 14, Woonsocket City Hall, Woonsocket
- April 21, Warren Town Hall, Warren
- April 24, Buttonwoods Senior Center, Warwick
- April 28, Silver Lake Community Center, Providence
- April 29, Westerly Town Hall, Westerly

A special session was held with local election officials on April 14, 2003, to provide these officials with background on the new HAVA requirements and to seek their input on the development of provisions within the State Plan.

A draft of the State Plan was then presented to the full HAVA Advisory Committee on May 19, 2003, for final review and comments.

The preliminary version of the State Plan was then made available for public inspection and comment for 30 days, commencing June 9, 2003. A public hearing will be held on July 8, 2003 in the Governor's State Room, Rhode Island State House, Providence, Rhode Island from 5:00 – 6:00 pm. Public comments were taken into account in the final preparation of the plan in accordance with Section 256 of HAVA.

13.2 HAVA RHODE ISLAND ADVISORY COMMITTEE AND SUBCOMMITTEES

Secretary of State Matthew A. Brown would like to extend his sincerest appreciation to these public servants and members of the public for their outstanding service on the HAVA Advisory Committee.

The members of the HAVA Rhode Island Advisory Committee are:

Dennis L. Algerie, *Senate Minority Leader*
 Jane Anthony, *Chairwoman, Rhode Island Commission on Women*
 Bob Arruda, *Chairman, Operation Clean Government*
 Scott Avedisian, *Mayor, City of Warwick*

Office of the Secretary of State

41

William Lynch, *Chairman, Rhode Island Democratic State Committee*
 Ray Maraccio, *Legal Counsel, Rhode Island State Board of Elections*
 Kristen Martineau, *President, Rhode Island Young Democrats*
 Mara V. Martinez, *Secretary, Warwick Board of Commissioners*
 Dawn McCormick, *Registrar, Pawtucket Board of Commissioners*
 Donna McDonald, *Warwick Board of Commissioners*
 Norrene D. McGeary, *East Greenwich Board of Commissioners*
 Kathleen McLaughlin, *College student, Providence College*
 Maureen Moakley, *Professor of Political Science, University of Rhode Island*
 Kate Monteiro, *Rhode Island Alliance for Lesbian & Gay Civil Rights*
 Clifford R. Montiero, *President, NAACP - Providence Branch*
 John Muggertidge, *General Manager and Vice President of Public Affairs, Fidelity Investments*
 Robin Maksiian-Schutt, *Deputy Director of Administration, City of Cranston*
 Luisa Martello, *Executive Director, Center for Hispanic Policy and Advocacy*
 William J. Murphy, *Speaker of the House*
 Ellen O'Hara, *Councilwoman, Cranston City Council, President, Rhode Island Chapter of the National Association of Social Workers*
 Thomas Palombo, *Assistant Attorney General*
 Melissa Peltain, *Caseworker, Dorcas Place - Parent Literacy Center*
 Bob Rapoza, *Supervisor of Elections and Voter Registration Services, Rhode Island State Board of Elections*
 Elizabeth H. Roberts, *State Senator*
 Jan Ruggiero, *Director of Elections, Office of the Secretary of State*
 Neil Sharpe, *Executive Director, Mental Health Consumer Advocates of Rhode Island*
 Merrill Sherman, *President and Chief Executive Officer, Bank RI*
 Michael R. Simas, *Global Business Development and Public Affairs Department, GTECH*
 Betsy Johnson Simons, *Refugee Resettlement/Minority Health Program Director, International Institute of Rhode Island*
 Rita Slom, *Canvassing Clerk, Newport Board of Commissioners*
 Molly Soum, *President, The Cambodian Society/DH*
 Cathy Speer, *State Governing Board, Common Cause/Rhode Island*
 June Spink, *Operation Clean Government*
 Neil Steinberg, *President, Fleet Bank*
 Katrina A. Theisten, *North Smithfield resident*
 Jeff Toste, *Co-Chair, Green Party of Rhode Island*
 James Vincent, *Manager of Constituent Services, Rhode Island Housing*
 Robert A. Walsh Jr., *Executive Director, National Education Association/Rhode Island*

HAVA Subcommittees and their chairs:**Voter Registration and Voter ID**

Chaired by: Dawn McCormick, *Registrar, Pawtucket Board of Commissioners*
 Staffed by: Nellie M. Gorbea, *Office of the Secretary of State*

Statewide Central Voter Register

Chaired by: Jan Ruggiero, *Director of Elections, Office of the Secretary of State*
 Staffed by: Jan Ruggiero, *Office of the Secretary of State*

Voter Education Program

Chaired by: Rick Barstoni, *Professor of Political Science, Providence College*
 Staffed by: Maria-Fernanda Escudero, *Office of the Secretary of State*

Election Official Education and Training

Chaired by: Rita Slom, *Canvassing Clerk, Newport Board of Commissioners*
 Staffed by: Jan Ruggiero, *Office of the Secretary of State*

Poll Worker Recruitment and Training

Chaired by: Jim Vincent, *Manager of Constituent Services, Rhode Island Housing*
 Staffed by: Maria-Fernanda Escudero, *Office of the Secretary of State*

Provisional Voting

Chaired by: Bev Hall, *Registrar, Pawtucket Board of Commissioners*
 Staffed by: Dan Meuse, *Office of the Secretary of State*

Accessible Voting Equipment

Chaired by: Bob Cooper, *Executive Secretary, Governor's Commission on Disabilities*
 Staffed by: Mike Narducci, *Office of the Secretary of State*

Administrative Complaint Procedures

Chaired by: Tom Palombo, *Assistant Attorney General, Office of the Attorney General*
 Staffed by: Jan Ruggiero, *Office of the Secretary of State*

Performance Measures and Goals

Chaired by: Brian Krueger, *Assistant Professor of Political Science, URI*
 Staffed by: Nellie M. Gorbea, *Office of the Secretary of State*

TABLE I: SECTION 301. VOTING SYSTEMS STANDARDS

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS <i>(Meets the Requirement, Partially Meets, Does Not Meet)</i>	ACTIONS PLANNED
SEC. 301. VOTING SYSTEMS STANDARDS.		
(a) REQUIREMENTS. – Each voting system used in an election for federal office shall meet the following requirements:		
(1) IN GENERAL. –		
(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;	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
(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	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.

Office of the Secretary of State Matthew A. Brown

APPENDICES

TABLE I: SECTION 301. VOTING SYSTEMS STANDARDS 1

TABLE II: SECTION 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS vii

TABLE III: SECTION 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL xv

TABLE IV: PERFORMANCE GOALS AND MEASURES xxxix

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS <small>(Meets the Requirement) Partially Meets, Does Not Meet</small>		ACTIONS PLANNED
	(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.	OpTech voting system meets the requirement.		Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
	(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	Partially meets. Explained to voters as needed but not currently part of written information.		The Office of the Secretary of State will amend information provided to all mail-in absentee voters to meet HAVA requirements.

Office of the Secretary of State Matthew A. Brown

ii

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS <small>(Meets the Requirement) Partially Meets, Does Not Meet</small>		ACTIONS PLANNED
	(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).	Partially meets. Explained to voters as needed but not currently part of written information.		The Office of the Secretary of State will amend information provided to all mail-in absentee voters to meet HAVA requirements.
	(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 the requirement.		Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
	(2) AUDIT CAPACITY.--			
	(A) IN GENERAL.--The voting system shall produce a record with an audit capacity for such system.	OpTech voting system meets the requirement.		Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
	(B) MANUAL AUDIT CAPACITY.--			
	(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	OpTech voting system meets the requirement.		Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.

Office of the Secretary of State Matthew A. Brown

iii

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS <small>(Meets the Requirement, Partially Meets, Does Not Meet)</small>	ACTIONS PLANNED
	(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.	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
	(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.	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.--The voting system shall--			
	(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 provides Braille and tactile ballots for the visually impaired for both polling places and mail ballots.	The State will purchase a DRE for each polling place. The State will continue Braille and tactile ballots for the visually impaired as needed (e.g. mail ballots).

Office of the Secretary of State Matthew A. Brown

IV

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS <small>(Meets the Requirement, Partially Meets, Does Not Meet)</small>	ACTIONS PLANNED
	(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.	With HAVA funding, the State will purchase at least one DRE unit for each polling place and sufficient backup units in the case of technical or other problems.
	(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).	Not applicable.	The State will ensure that it remains in compliance with HAVA requirements as needed.
	(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).	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.
	(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.	OpTech voting system meets the requirement.	Any new voting system adopted by the State (e.g. DRE) will meet HAVA requirements.

Office of the Secretary of State Matthew A. Brown

V

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Partially meets. Board of Elections promulgated regulations in September 2002 on what constitutes a vote on optical scan system.	Legislation will be developed for DRE voting systems.

TABLE II: SECTION 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
SEC. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		

Office of the Secretary of State Matthew A. Brown

vi

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(a) PROVISIONAL VOTING REQUIREMENTS.--If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Meets the Requirement.	In 2003, RIGL, Section 17-19-24.1 was enacted which allows for provisional voting in accordance with HAVA requirements.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--		

Office of the Secretary of State Matthew A. Brown

vii

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(A)	a registered voter in the jurisdiction in which the individual desires to vote; and	Meets the Requirement.	In 2003, RIGL, Section 17-19-24.1 was enacted which allows for provisional voting in accordance with HAVA requirements.
(B)	eligible to vote in that election.	Meets the Requirement.	In 2003, RIGL, Section 17-19-24.1 was enacted which allows for provisional voting in accordance with HAVA requirements.
(3)	An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Does not meet.	Procedures for provisional voting will be established by the Board of Elections in accordance with HAVA.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(4)	If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Does not meet.	Procedures for provisional voting will be established by the Board of Elections in accordance with HAVA.
(5)	(A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	Procedures for provisional voting will be established by the Board of Elections in accordance with HAVA.
	(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	A statewide free access system will be established by the Board of Elections.

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.	This section does not apply as Rhode Island is not exempt from National Voter Registration Act requirements.	This section does not apply as Rhode Island is not exempt from National Voter Registration Act requirements.

(b) VOTING INFORMATION REQUIREMENTS.--

Office of the Secretary of State Matthew A. Brown

x

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(1) PUBLIC POSTING ON ELECTION DAY.--The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.	Partially meets. Information required by State law is posted.	The Board of Elections will standardize and improve the voter information to be posted at each polling place in accordance with HAVA requirements. The Office of the Secretary of State will continue to prepare sample ballots.
(2) VOTING INFORMATION DEFINED.--In this section, the term "voting information" means--		
(A) a sample version of the ballot that will be used for that election;	Meets the requirement. Sample ballots are prepared by the Office of the Secretary of State.	No action needed.

Office of the Secretary of State Matthew A. Brown

xi

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(B) information regarding the date of the election and the hours during which polling places will be open;	Partially meets. This information is not posted at the polling place but is posted and publicized in advance of the election.	The Board of Elections will standardize and improve the voter information to be posted at each polling place in accordance with HAVA requirements.
	(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;	Partially meets. Needs to be updated to include procedures for provisional voting and to improve the accessibility of the information being conveyed to voters.	The Board of Elections will develop, standardize and improve the voter information to be posted at each polling place in accordance with HAVA requirements.
	(D) instructions for mail-in registrants and first-time voters under section 303(b);	Does not meet.	The Board of Elections will develop new uniform instructions for mail voters.

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Partially meets. Needs to be updated to include procedures for provisional voting and to improve the accessibility of the information being conveyed to voters.	The Board of Elections will develop, standardize and improve the voter information to be posted at each polling place in accordance with HAVA requirements.
	(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.	Meets the requirement.	The Board of Elections will develop, standardize and improve the voter information to be posted at each polling place in accordance with HAVA requirements.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
<p>(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.— Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.</p>	Does not meet.	The State will meet this requirement upon implementation of procedures for provisional balloting.

Office of the Secretary of State Matthew A. Brown

XIV

TABLE III. SECTION 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
<p>SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.</p>		
<p>(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—</p>		
<p>(1) IMPLEMENTATION.—</p> <p>(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:</p>	Partially meets. The current state central voter registration list is not interactive, lacks a unique identifier and is not the sole voter registration list.	The Secretary of State is authorized under RIGL 17-6-1.2 to purchase, upon receipt of federal funding, a CVRS which meets all HAVA requirements. Upon installation and implementation of CVRS, the State will be in compliance with this section.

Office of the Secretary of State Matthew A. Brown

XV

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Does not meet.	Upon installation and implementation of CVRS, the State will be in compliance.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Does not meet. The current statewide voter registration list is only updated quarterly.	Upon installation and implementation of CVRS, the State will be in compliance.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Does not meet.	Upon installation and implementation of CVRS, the State will be in compliance.
(iv) The computerized list shall be coordinated with other agency databases within the State.	Does not meet.	Upon installation and implementation of CVRS, the State will be in compliance.
(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.	Does not meet.	The Secretary of State will provide local election officials with the hardware and software needed to access the CVRS and will provide access to the list by the Board of Elections as appropriate.

Office of the Secretary of State Matthew A. Brown

xvi

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Does not meet.	Upon installation and implementation of CVRS, the State will be in compliance.
(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).	Does not meet.	Secretary of State will provide local election officials with hardware, software, training and support needed to access CVRS.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Does not meet.	Upon installation and implementation of CVRS, the State will be in compliance.
(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.	Not applicable. Rhode Island has a voter registration requirement.	Not applicable. Rhode Island has a voter registration requirement.
(2) COMPUTERIZED LIST MAINTENANCE.—		

Office of the Secretary of State Matthew A. Brown

xvii

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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 the requirement.	The State will continue this practice upon implementation of CVRS.
(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	Partially meets. The State already coordinates this manually.	This practice will be continued and automated with the implementation of CVRS.

Office of the Secretary of State Matthew A. Brown

XVII

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Partially meets. The State already coordinates this manually.	The State will continue this practice upon implementation of CVRS.
(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.	Not applicable as Rhode Island is not a state described in 4(b) of the NVRA.	Not applicable as Rhode Island 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;	Partially meets. The current state voter register is only updated manually each quarter.	The State will fully meet this requirement upon implementation of the CVRS.

Office of the Secretary of State Matthew A. Brown

XIX

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Partially meets. The current state voter register is only updated manually each quarterly.	The State will fully meet this requirement upon implementation of the CVRS.
	(iii) duplicate names are eliminated from the computerized list.	Partially meets. Every attempt is made to eliminate duplicate names but without a uniform, centralized CVRS, it is very difficult to control for all duplicates.	The State will fully meet this requirement upon implementation of the CVRS.
	(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.	Does not meet.	The State and local officials will implement uniform procedures to meet this requirement.
	(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:	Partially meets. Each city and town meets this requirement at the local level; however, the state voter register is only updated manually each quarter.	The State will fully meet this requirement upon implementation of the CVRS.

Office of the Secretary of State Matthew A. Brown

XX

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
	(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.	Partially meets. These procedures are followed by local boards of canvassers in each city and town.	The State will fully meet this requirement upon implementation of automated notification systems and regular updates to the CVRS.
	(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets the requirement.	No action needed. The State will continue and improve processes with CVRS.
	(5) VERIFICATION OF VOTER REGISTRATION INFORMATION.--		
	(A) REQUIRING PROVISION OF CERTAIN INFORMATION BY APPLICANTS. --		

Office of the Secretary of State Matthew A. Brown

XXI

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
<p>(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--</p>		
<p>(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</p>	Does not meet.	The State will meet this requirement upon implementation of CVRS.
<p>(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.</p>	Does not meet.	The State will meet this requirement upon implementation of CVRS.

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
<p>(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.</p>	Does not meet.	The State will meet this requirement upon implementation of CVRS.
<p>(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.</p>	Does not meet.	The State will meet this requirement upon implementation of CVRS.
<p>(B) REQUIREMENTS FOR STATE OFFICIALS.--</p>		

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Does not meet.	The Secretary of State will enter into an agreement with the Director of the Department of Motor Vehicles to ensure that the State will meet this requirement upon implementation of CVRS.
(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)).	Does not meet.	The State will meet this requirement upon the Director of DMV entering into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act (as added by subparagraph (C)).
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.--		

Office of the Secretary of State Matthew A. Brown

XXIV

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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--		
(A) the individual registered to vote in a jurisdiction by mail; and		
(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).		
(2) REQUIREMENTS.--		
(A) IN GENERAL.--An individual meets the requirements of this paragraph if the individual--		
(i) in the case of an individual who votes in person--		

Office of the Secretary of State Matthew A. Brown

XXV

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)		ACTIONS PLANNED
	(I) presents to the appropriate State or local election official a current and valid photo identification; or	Does not meet.		The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This system will comply with the voter registration and identification procedures mandated under HAVA.
	(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; or	Does not meet.		The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This system will comply with the voter registration and identification procedures mandated under HAVA.
	(ii) in the case of an individual who votes by mail, submits with the ballot--			

Office of the Secretary of State Matthew A. Brown

xxvi

HAVA LEGISLATIVE REQUIREMENTS		STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)		ACTIONS PLANNED
	(I) a copy of a current and valid photo identification; or	Does not meet.		The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This system will comply with the voter registration and identification procedures mandated under HAVA. The State will implement for all voters registering after January 1, 2003 and will meet this requirement by January 1, 2004.

Office of the Secretary of State Matthew A. Brown

xxvii

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will be amended to ensure compliance with the voter registration and identification procedures mandated under HAVA. The State will implement for all voters registering after January 1, 2003 and will meet this requirement by January 1, 2004.
(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).	Does not meet.	The State will meet this requirement upon implementation of provisional voting procedures in accordance with HAVA.

Office of the Secretary of State Matthew A. Brown

XXVII

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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).	Does not meet.	The State will meet this requirement upon implementation of provisional voting procedures in accordance with HAVA.
(3) INAPPLICABILITY.--Paragraph (1) shall not apply in the case of a person--		
(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	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will comply with the voter registration and identification procedures mandated under HAVA.

Office of the Secretary of State Matthew A. Brown

XXIX

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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;	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will comply with the voter registration and identification procedures mandated under HAVA.
(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--	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will comply with the voter registration and identification procedures mandated under HAVA.

Office of the Secretary of State Matthew A. Brown

xxx

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(I) a driver's license number; or (II) at least the last 4 digits of the individual's social security number; and	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will comply with the voter registration and identification procedures mandated under HAVA.
(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	Does not meet.	The State will administer a uniform voter registration system and CVRS for all in-person and mail registrations in all federal, state and local elections. This uniform system will comply with the voter registration and identification procedures mandated under HAVA.

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xxxi

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(C) who is-- (i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Meets the requirement.	No action necessary.
(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. 1973cc-1(b)(2)(B)(ii)); or	Meets the requirement.	No action necessary.
(iii) entitled to vote otherwise than in person under any other Federal law.	Meets the requirement.	No action necessary.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM.-- (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:		

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xxxii

HAVA LEGISLATIVE REQUIREMENTS	STATE OF RHODE ISLAND CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Does not meet.	The State will continue to administer a uniform voter registration form (i.e. for in person and mail registrations) which has been revised to meet HAVA requirements.
(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.	Does not meet.	The State will continue to administer a uniform voter registration form (i.e. for in person and mail registrations) which has been revised to meet HAVA requirements.
(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form."	Does not meet.	The State will continue to administer a uniform voter registration form (i.e. for in person and mail registrations) which has been revised to meet HAVA requirements.

Office of the Secretary of State Matthew A. Brown

xxxiii

STATE OF RHODE ISLAND		
HAVA LEGISLATIVE REQUIREMENTS	CURRENT STATUS (Meets the Requirement, Partially Meets, Does Not Meet)	ACTIONS PLANNED
(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.	Does not meet.	The State will continue to administer a uniform voter registration form (i.e. for in person and mail registrations) which has been revised to meet HAVA requirements. Mandated HAVA information will be included for voters who register by mail.
(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).	Partially meets. When incomplete voter registration forms are received by mail, voters are notified and the form is returned. Voters are asked to resubmit the form with the required information.	The State will incorporate specific HAVA voter notification requirements into its current practices.

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XXXIV

TABLE IV. PERFORMANCE GOALS AND MEASURES

HAVA	RESPONSIBLE OFFICIAL	PROCESS MEASURES	TIMEFRAME
Voting Systems: -- §301	Secretary of State	<ul style="list-style-type: none"> Voting instructions are revised and distributed to all mail-in absentee voters. Legislation adopted on what constitutes a vote for each voting system. Every polling place equipped with at least one DRE voting system. 	To be implemented by January 1, 2006.
Provisional Voting and Voting Information Requirements: -- §302	Chair, Board of Elections	<ul style="list-style-type: none"> Legislation passed to provide for provisional voting. Voting procedures promulgated by Board of Elections. Free access system to verify results of provisional vote implemented. Voting information posted in all polling places and distributed to voters voting by mail. 	Provisional voting to be implemented by January 1, 2004. Voting information requirements to be met by January 1, 2004 and implemented by the first Federal election.
Voter Registration: -- §303 (a)	Secretary of State	<ul style="list-style-type: none"> Central Voter Registration System (CVRS) which meets all HAVA requirements installed and implemented. 	§303 (a) to be procured by January 1, 2004 and implemented within the first quarter of 2004.

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XXXV

HAVA	RESPONSIBLE OFFICIAL	PROCESS MEASURES	TIMEFRAME
-- §303 (b)	Chair, Board of Elections	<ul style="list-style-type: none"> • Successful verification of voter registration information, including appropriate data sharing with State Department of Motor Vehicles and the Social Security Administration. • Mail registration voter identification procedures implemented and mail in registration forms amended to meet HAVA requirements. 	§303 (b) effective for voters who register by mail as of January 1, 2003.
Voter Education: -- §254(a)(3)	Secretary of State	<ul style="list-style-type: none"> • Revised voter outreach and education program implemented. 	To be developed throughout the implementation of the State Plan and along with the implementation of new HAVA systems and procedures.
Election Official Training: -- §254(a)(3)	Secretary of State, Chair, Board of Elections	<ul style="list-style-type: none"> • Improved training program for election officials designed and implemented. 	To be developed along with the implementation of new HAVA systems and procedures.
Poll worker training: -- §254(a)(3)	Chair, Board of Elections	<ul style="list-style-type: none"> • Improved poll worker training program designed and implemented. 	To be developed along with the implementation of new HAVA systems and procedures.
Budget and Fiscal	Secretary of State in	<ul style="list-style-type: none"> • Rhode Island HAVA Election Fund created with appropriate fiscal controls. 	Before receipt of HAVA requirements payments and for the duration of HAVA

Office of the Secretary of State Matthew A. Brown

xxxcvi

HAVA	RESPONSIBLE OFFICIAL	PROCESS MEASURES	TIMEFRAME
Controls: -- §254(a)(3) -- §254(a)(6) -- §254(a)(7) -- §254(a)(10)	consultation with HAVA Election Fund Management Committee	<ul style="list-style-type: none"> • HAVA Election Fund Management Committee convened and approving annual expenditure plan. • Expenditures allocated to enable compliance with State plan objectives. 	funding.
Administrative Complaint Procedures: -- Title II, §254(a)(9) -- Title IV, §402	Chair, Board of Elections	<ul style="list-style-type: none"> • Legislation passed to authorize establishment of Administrative Complaint Procedures by Board of Elections. • Procedures implemented by Board of Elections. 	To be implemented by certification of the State Plan.

Office of the Secretary of State Matthew A. Brown

xxxcvii



Contents

CONTENTS 2

EXECUTIVE SUMMARY BY THE EXECUTIVE DIRECTOR 4

INTRODUCTION 5

1. MEETING TITLE III REQUIREMENTS AND OTHER ACTIVITIES 8

 1.1 CURRENT STATUS 8

 1.2 VOTING SYSTEM OPTIONS CONSIDERED 10

 1.3 VOTING SYSTEM STANDARDS 13

 1.4 PROVISIONAL VOTING & VOTING INFORMATION REQUIREMENTS 16

 1.5 COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST & VOTERS WHO REGISTER BY MAIL 19

2. PAYMENT DISTRIBUTION AND MONITORING 30

3. PROVISION FOR EDUCATION AND TRAINING 32

 3.1 TRAINING FOR ELECTION OFFICIALS 32

 3.2 TRAINING FOR POLL MANAGERS 33

 3.3 TRAINING FOR VOTERS 34

 3.4 OTHER INTERESTED CITIZENS 35

4. VOTING SYSTEM GUIDELINES AND PROCESSES 36

5. FUND FOR ADMINISTERING STATE ACTIVITIES 37

6. PROPOSED STATE BUDGET 38

7. MAINTENANCE OF PRIOR YEAR EXPENDITURES 40

8. PERFORMANCE GOALS AND MEASURES 41

9. ADMINISTRATIVE COMPLAINT PROCEDURES 44

10. USE OF TITLE I PAYMENT 46

11. ONGOING MANAGEMENT OF PLAN 47



SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN

September 22, 2003

S. C. State Election Commission
 2221 Devine Street, Suite 105
 Columbia, SC 29205
 Marci Andino, Executive Director



12. PREVIOUS YEAR PLAN48

13. COMMITTEE49



Executive Summary by the Executive Director

I am pleased to offer the South Carolina State Plan for implementing the Help America Vote Act of 2002 (HAVA). This State Plan, developed with the valuable help of the HAVA State Plan Task Force, establishes a framework for achieving compliance with HAVA.

The new federal law requires each state to develop a long-range State Plan for HAVA implementation and provides funding to assist the state in implementation. The South Carolina State Plan provides a description of current election procedures and outlines how South Carolina will meet the new requirements mandated by HAVA. The State Plan will be updated and refined as necessary over time, to reflect election law changes and future plans.

The State Plan reflects strategic objectives of great importance to every voter in South Carolina: implementation of a statewide uniform electronic voting system, support for disabled voters in every precinct in the State, enhancements to election administration, and training for voters, poll workers, and election officials. Building on current capabilities, the goal is to offer a higher level of service with increased ease of use, convenience, and consistency in every precinct across the State.

The South Carolina State Plan will be accomplished over the next four years, utilizing approximately \$48.5 Million in funding. It will draw on the combined efforts of state and county organizations and affect every voter in South Carolina. The long-term impact of HAVA will be felt throughout the State for many elections to come.

The State Election Commission (SEC) recognizes the value of HAVA to South Carolina and is committed to successful implementation of all elements of the State Plan. With this State Plan, the SEC has taken an important step toward *Helping America Vote* and ensuring that every citizen has the opportunity to vote and have their vote counted.

Marci Andino
Executive Director
South Carolina State Election Commission

State Plan

The South Carolina State Plan is organized as specified by HAVA and includes the following components, each of which is addressed within this document.

HAVA Component	HAVA Description	Cross-Reference to HAVA Initiative
Meeting Title III Requirements and Other Activities	How the State will use the requirements payment to meet the requirements of title III, and if applicable under Section 251 (a)(2), to carry out other activities to improve the administration of elections.	Section 254 (a) (1)
Payment Distribution and Monitoring	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 services described in paragraph (1) of section 201 (A) of title III. (A) the criteria for the eligibility of such units of entities for receiving the 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 paragraph (6).	Section 254 (a) (2)
Provision for Education and Training	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.	Section 254 (a) (3)
Voting System Guidelines and Processes	How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.	Section 254 (a) (4)
Fund for Administering State Activities	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.	Section 254 (a) (5)
Proposed State 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.	Section 254 (a) (6)
Maintenance of Prior Year Expenditures	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.	Section 254 (a) (7)
Performance Goals and Measures	How the State will adopt performance goals and measures that will be used by the State to assess and monitor the progress of units of local government in the State in carrying out the activities, including timetables for meeting each of the elements of the 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.	Section 254 (a) (8)
Administrative Complaint Procedures	A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.	Section 254 (a) (9)
Use of Title I Payment	If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried	Section 254 (a) (10)

Introduction

The South Carolina State Election Commission is tasked with the responsibility of overseeing the voter registration and election processes in the State. The SEC has multiple responsibilities:

- ♦ Maintaining the State's computerized statewide voter registration system, which is used to validate registered voters during elections and which also serves as a source for selection of jurors in the state
- ♦ Providing voter registration and election materials
- ♦ Printing the lists of registered voters for all elections held in the state
- ♦ Printing or providing funding for ballots for all federal offices, statewide offices and constitutional amendments voted on in South Carolina
- ♦ Producing databases and machine ballots for elections in the State conducted using electronic voting systems supported by the State Election Commission
- ♦ Providing oversight, including assistance and advisory services to county and municipal election officials for elections in South Carolina
- ♦ Training voter registration and election officials
- ♦ Serving as the State Board of Canvassers after elections to certify election returns, to declare candidates elected, and to hear protests/appeals that may arise

The South Carolina State Election Commission continually looks for ways to improve the election process and to maintain its integrity. Highlighting the ongoing process are recent major SEC initiatives, including 1) the 1999 Statewide Election Summit, and 2) the 2001 Governor's Task Force on Elections. Important priorities identified through these statewide initiatives include:

- ♦ Rewrite the current statewide voter registration system
 - ♦ Establish a statewide uniform voting system
- South Carolina has already secured state funds and is in the process of rewriting the voter registration system. The statewide uniform voting system and related improvements are the top priority to be met through the HAVA State Plan. As a result of these combined efforts, South Carolina's vision of a high-capability, comprehensive statewide voting program will be realized.

1. Meeting Title III Requirements and Other Activities

How the State of South Carolina will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

1.1 Current Status

Voter Registration System

South Carolina has had a statewide voter registration system in place since 1968. The capability of this system was expanded in 1992 to connect all counties via interactive access to the voter registration system.

Training

Two types of certification for County Voter Registration Boards and Election Commissions are offered: 1) Voter Registration or Election Commission Members and Directors, and 2) Voter Registration or Election Commission Staff.

By law, South Carolina counties provide training for Poll Managers. The State Election Commission supports this training with a comprehensive manual, updated every year based on changes in the law.

The State Training Coordinator trains municipalities on how to conduct municipal elections.

South Carolina Election Systems in Use

South Carolina currently uses seven different types of voting equipment in its 46 counties. There are 24 counties with five different direct recording electronic (DRE) machines; 10 counties utilizing punch cards and 12 counties on a mark sense optical scan system. Additionally, there are a number of dissimilar absentee voting systems in use.

HAVA Component	HAVA Description out under the plan, including the amount of funds available for such activities.	Cross-Reference to HAVA HF3295
Ongoing Management of Plan	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 law 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 review and comment in accordance with section 255 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).	Section 254 (a) (11)
Previous Year Plan	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.	Section 254 (a) (12)
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 and section 256.	Section 254 (a) (13)

Election System	County
Daneher Controls 1242 DRE	Allendale, Bamberg, Barnwell, Berkeley, Charleston, Dorchester, Edgefield, Fairfield, Hampton, Horry, Marion, Spartanburg
MicroVote MV-484 DRE	Darlington, Dillon, Marlboro, Richland
MicroVote Infinity DRE	Chester, Colleton, Jasper, Pickens
Unillect Flatbed DRE	Georgetown, Lantcaster, Newberry
ES&S Votronic DRE	Greenwood
ES&S Optical Scan System	Abbeville, Beaufort, Calhoun, Chesterfield, Clarendon, Laurens, Lee, McCormick, Orangeburg, Saluda, Union, Williamsburg
Punch Card	Alcorn, Anderson, Cherokee, Florence, Greenville, Kershaw, Lexington, Oconee, Sumter, York

South Carolina Election Systems by County

County	Volting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Abbeville	Optical Scan	Optical Scan	2	15	15,725
Alcorn	Punch Card	Optical Scan	482	73	84,777
Allendale	DRE	Optical Scan	15	9	6,586
Anderson	Punch Card	Punch Card	850	76	95,844
Bamberg	DRE	Optical Scan	32	14	10,127
Barnwell	DRE	Paper Ballot	44	18	12,300
Beaufort	Optical Scan	Optical Scan	82	78	75,486
Berkeley	DRE	Optical Scan	181	51	77,529
Calhoun	Optical Scan	Optical Scan	2	13	10,189
Charleston	DRE	Optical Scan	541	174	186,370
Cherokee	Punch Card	Punch Card	200	34	50,983
Chester	DRE	MicroVote	80	25	20,576
Chesterfield	Optical Scan	Optical Scan	1	30	23,588
Clarendon	Optical Scan	Optical Scan	60	26	20,847
Colleton	DRE	Optical Scan	52	33	21,087
Darlington	DRE	Optical Scan	121	34	39,386
Dillon	DRE	Optical Scan	42	21	19,170
Dorchester	DRE	Optical Scan	162	37	61,287
Edgefield	DRE	MicroVote	32	12	15,211
Fairfield	DRE	Optical Scan	30	23	14,995
Florence	Punch Card	Punch Card	410	64	75,589
Georgetown	DRE	Unillect	156	35	35,724
Greenville	Punch Card	Punch Card	1,823	138	233,723



County	Volting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Greenwood	DRE	Optical Scan	160	34	37,006
Hampton	DRE	Optical Scan	36	19	14,027
Horry	DRE	Optical Scan	242	109	130,803
Jasper	DRE	Optical Scan	48	15	12,303
Kershaw	Punch Card	Punch Card	230	31	35,803
Lantcaster	DRE	Unillect	130	28	34,486
Laurens	Optical Scan	Optical Scan	34	35	36,847
Lee	Optical Scan	Optical Scan	2	25	13,405
Lexington	Punch Card	Punch Card	800	69	137,823
Marion	DRE	Optical Scan	60	18	22,904
Marlboro	DRE	Optical Scan	41	16	18,971
McCormick	Optical Scan	Optical Scan	1	11	6,812
Newberry	DRE	Unillect	95	31	20,835
Oconee	Punch Card	Punch Card	200	30	39,240
Orangeburg	Optical Scan	Optical Scan	60	54	60,296
Pickens	DRE	Optical Scan	250	53	60,455
Richland	DRE	Optical Scan	785	111	200,855
Saluda	Optical Scan	Optical Scan	1	19	11,393
Spartanburg	DRE	Punch Card	245	88	147,880
Sumter	Punch Card	Punch Card	450	53	82,011
Union	Optical Scan	Optical Scan	1	28	10,272
Williamsburg	Optical Scan	Optical Scan	1	34	23,351
York	Punch Card	Punch Card	689	57	98,897

1.2 Volting System Options Considered

The Help America Vote Act of 2002 defines a volting system as follows:

1. "the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used (A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trail information; and"
2. "the practices and associated documentation used -- (A) to identify system components and versions of such components; (B) to test the system during its



development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).”

In addressing the requirements of HAVA, the voting system standards team considered three options in order to meet the mandates. The three options were presented to the entire HAVA State Plan task force for consideration:

- ◆ Option 1: Upgrade existing systems to meet or exceed HAVA requirements
As indicated above, the myriad systems currently in use in South Carolina create problems in the area of voter education, programming, candidate uniformity on ballots, election night reporting of results to the state, etc. This option would not solve the current shortcomings of the numerous systems.
- ◆ Option 2: Electronic voting systems in all counties
This option would require each county to go to a federal and state approved DRE system of their choosing. Although this option would achieve the goals under the HAVA Act, the state would continue to have a variety in the types of equipment it uses.
- ◆ Option 3: Statewide uniform electronic voting system
This option would provide a uniform system of voting for every county in the state. This option would standardize the election process including voter education in the state, poll worker training, uniformity of Federal and State offices in ballot and machine programming, etc.

Having considered the various options to comply with HAVA Title III requirements relating to voting system equipment and based on facts and the pros and cons of the three options, the entire task force decided on a statewide uniform electronic voting system to best meet the needs of HAVA and the State of South Carolina (Option 3).

The following approach will be taken to select a statewide system:

- ◆ A consultant experienced in conducting needs assessments and writing Requests for Proposal (RFP) will be contracted.
- ◆ A committee consisting of the State Election Commission, county election commissions and boards of registration, and other stakeholders such as organizations for the disabled, will be assembled to work with consultant to determine the specifications for a statewide system.
- ◆ State procurement codes and bidding process will be followed for the issuance of the RFP.



- ◆ An evaluation committee will be assembled for meetings to evaluate vendor responses to the RFP. The membership of the committee will be made up of state and county election officials.



1.3 Voting System Standards

Title III requirements for uniform and non-discriminatory election technology and administration are specified in HAVA section 301. The chart below takes each of the Voting Systems Standards and describes South Carolina's plan to meet the requirement.

Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) REQUIREMENTS – Each voting system used in an election for Federal office shall meet the following requirements:				
(1) IN GENERAL –				
(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;		Yes	Yes	South Carolina will fully meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a Statewide system will require a review screen for each voter to verify their selections before casting their ballot.
(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		Yes	Yes	South Carolina will fully meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require the system to allow each voter to make changes based on the information presented on a review screen.
(iii) if the voter selects votes for more than 1 candidate for a single office – (i) notify the voter that the voter has selected more than 1 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.		Yes	Yes	South Carolina will fully meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require that the system not allow a voter to choose more than one candidate for a single office.



Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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		Yes	Yes	South Carolina partially meets this requirement. When a statewide uniform electronic voting system is implemented instructions specific to that voting system will be developed. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(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).		Yes	Yes	South Carolina partially meets this requirement. When a statewide uniform electronic voting system is implemented instructions specific to that voting system will be developed. These instructions will be given to each voter in written form. In addition, absentee ballots will be accompanied by written instructions that address this requirement.
(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.		Yes	Yes	Instructions mentioned in B(ii) will be posted inside the polling place and inside the voting booth.
(2) AUDIT CAPACITY –				
(A) IN GENERAL – The voting system shall produce a record with an audit capacity for such system.		Yes	Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require the system to produce such an audit capacity.
(B) MANUAL AUDIT CAPACITY –				
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.		Yes	Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require that the system produce an image of each vote cast; however, these votes will not be associated with any particular voter.



Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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.		Yes	Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented.
(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.			Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. County election officials shall be instructed to retain and secure the paper record in the event that a recount to be conducted with such record is ordered.
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES – The voting system shall –				
(A) be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;			Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require that the system be accessible to as many disabilities as possible, including the blind and visually impaired.
(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and			Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will request at least one voting unit per precinct to be equipped for individuals with disabilities as outlined above.
(C) if purchased with funds made available under Title II on or after January 1, 2007, meet the voting system standards for disability access				Does not apply at this time
(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).	Yes		Yes	South Carolina currently meets this requirement. While South Carolina is not required, based on the 2000 census and the Voting Rights Act of 1965, to provide alternative language to any jurisdiction in the State, the RFP for a statewide system will require this feature in the event that the State chooses to provide this feature to its voters.



Section 301: Voting System Standards	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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.			Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The RFP for a statewide system will require that the system chosen be NASED Qualified as having met or exceeded federal voting system standards.
(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.			Yes	South Carolina will meet this requirement when a statewide uniform electronic voting system is implemented. The State will define a legal vote in a uniform manner for the type of system chosen as the statewide system. In addition, the State will define a legal vote as it pertains to absentee ballots.

1.4 Provisional Voting & Voting Information Requirements

The chart below takes each of the Provisional Voting and Voting Information requirements and describes South Carolina's plan to meet the requirement.



Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) PROVISIONAL VOTING REQUIREMENTS – If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual shall be permitted to cast a provisional ballot as follows:				
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Yes			South Carolina currently meets this requirement. South Carolina legislation requires that voters who have moved and neglected to change their address will have the opportunity to vote using the Failsafe procedure. Also, legislation is in place to accommodate voters who are challenged.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is (a) registered voter in the jurisdiction in which the individual desires to vote; and (b) eligible to vote in that election.	Yes			South Carolina currently meets this requirement. Each voter signs an oath with this language before receiving a ballot.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).	Yes			South Carolina currently meets this requirement. The voter's ballot is placed in a provisional ballot envelope which contains various information about the voter.
(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law.	Yes			South Carolina currently meets this requirement. Information contained on the provisional ballot envelope used by local election officials to determine the validity of the voter is reported at a certification hearing within three days after the election. If the vote is determined to be valid it is counted at the certification hearing.



Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(5) (A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, that reason that the vote was not counted.			Yes	When a voter casts a provisional ballot, that ballot will be placed in a provisional ballot envelope. Written instructions will be given to the voter on determining whether their vote was counted in the election.
(B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.			Yes	A website application will allow the voter to determine whether their vote was counted or, if their vote was not counted, the reason it was not counted.
(b) VOTING INFORMATION REQUIREMENTS –				
(1) PUBLIC POSTING ON ELECTION DAY – The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.				See (2) below for public posting of specific voting information.
(2) VOTING INFORMATION DEFINED – In this section, the term "voting information" means –				
(A) a sample version of the ballot that will be used for that election;	Yes			South Carolina currently meets this requirement. Poll managers at each polling place are required to display a sample ballot of each ballot in the respective election.
(B) information regarding the date of the election and the hours during which polling places will be open;	Yes			South Carolina currently meets this requirement. This information is currently listed on a Voter's Rights and Responsibilities poster which is displayed at each polling location.
(C) Instructions for how to vote, including how to cast a vote and how to cast a provisional ballot;	Yes			South Carolina meets this requirement. Instructions for all voting systems currently in use are provided at the polling locations. A poster of the voter's bill of rights is displayed. Provisional ballot instructions are included in this bill of rights.



Section 302: Provisional Voting and Voting Information Requirements	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(D) instructions for mail-in registrants and first-time voters under section 303(b);	Yes			South Carolina currently meets this requirement by providing written instructions to these voters.
(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and	Yes			South Carolina currently meets this requirement by posting a Voter Rights and Responsibilities poster at every polling location.
(F) general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.			Yes	This information will be added to our current Voter Rights and Responsibilities poster.
(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE - Any individual who votes in an election for Federal office as a result of a Federal or State court order or any other order extending the time established for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting as provisional ballot under subsection (a). Any such ballot cast under the preceding sentence shall be separated and held apart from other provisional ballots cast by those not affected by the order.			Yes	South Carolina will establish a procedure for provisional ballots cast by voters in accordance with a court order extending the time established for closing the polls.

1.5 Computerized Statewide Voter Registration List & Voters Who Register by Mail

The chart below takes each of the requirements for the Computerized Statewide Voter Registration List and for Voters Who Register by Mail and describes South Carolina's plan to meet the requirement.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS				
(1) IMPLEMENTATION -				
(A) IN GENERAL - 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:	Yes			South Carolina currently meets this requirement. A statewide voter registration system has been used in the State since 1988. SC currently maintains a single, uniform, official, centralized, interactive computerized statewide voter registration system at the state level. All 46 counties are connected to the statewide voter registration system. Additions and changes made by the county offices and State office to the voter registration file are interactive.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Yes			South Carolina currently meets this requirement. The statewide voter registration system is housed at the State data center in Columbia and maintained by the State Election Commission. The State Election Commission provides an official list of registered voters for each election held in South Carolina.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Yes			South Carolina currently meets this requirement. Computerized list contains name, address, SS#, date of birth, precinct, and election districts for every legally registered voter in South Carolina.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Yes			South Carolina currently meets this requirement. The system assigns each voter a unique registration number at the time they register to vote.
(iv) The computerized list shall be coordinated with other agency databases with the State.	Yes			South Carolina currently meets this requirement. DMV, DSS, and other state agency databases are coordinated through Motor Voter processes. The counties access a file received on a weekly basis from these agencies to approve applications made through NVRA.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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.	Yes			South Carolina currently meets this requirement. All local and state election officials have access to this file. Each local election official is assigned a USERID and password that must be used to access the official file of registered voters. Voters can also inquire via the SEC website to look at their own record to check status, address, election districts, and polling place by keying in their name and date of birth.
(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.	Yes			South Carolina currently meets this requirement. Local election officials have access to database constantly to enter new voter registrations or updates to voter's record on a real time basis.
(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).	Yes			South Carolina currently meets this requirement. Local voter registration officials have access to the official file on a continuous basis. Technical support is provided through staff at the State Election Commission and a Help Desk.
(viii) The computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.	Yes			South Carolina currently meets this requirement. The State Election Commission currently prints and sends the official list of registered voters to the county for use in all elections that are held in the State.
(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. South Carolina requires potential voters to register to vote.
(2) COMPUTERIZED LIST MAINTENANCE –				
(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:				



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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).	Yes			South Carolina currently meets this requirement. The State Election Commission is the only one authorized to remove names from the official list of registered voters.
(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	Yes			South Carolina currently meets this requirement. Felony records are removed by the State upon notification from courts of felony convictions on a monthly basis.
(ii) by reason of the death of the registrant under section 6(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	Yes			South Carolina currently meets this requirement. Deaths are removed by the State upon notification from DHEC on a monthly basis.
(iii) Notwithstanding the preceding provisions of this paragraph, 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.	Yes			South Carolina currently meets this requirement. In accordance with the NVRA of 1993, a confirmation card policy is in effect and appropriate voters are removed as required.
(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;	Yes			South Carolina currently meets this requirement.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Yes			South Carolina currently meets this requirement. Name, SS#, and date of birth verified on each voter before name removed from voter registration file.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(ii) duplicate names are eliminated from the computerized list.	Yes			South Carolina currently meets this requirement. State Election Commission performs quarterly comparison using SS# and date of birth. A report is generated listing all duplicate records. This report is distributed to County Registration Boards for confirmation before names are actually deleted by State Election Commission.
(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.	Yes			South Carolina currently meets this requirement. Old System: This IDMS mainframe system is secured by RACF. It is deployed over a SNA network or by EZ3270 TCP/IP emulator over the Internet. The transmission of data is encrypted. New System: The users of this web application will be authenticated by an LDAP server. Each user will be assigned a unique USERID and password. The application is deployed over a secured Internet connection using HTTPS.
(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:	Yes			South Carolina currently meets this requirement.
(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.	Yes			South Carolina currently meets this requirement. South Carolina has a confirmation mailing procedure consistent with the National Voter Registration Act of 1993.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Yes			South Carolina currently meets this requirement. Name, SS#, and date of birth are compared on each voter before removal.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION -				
(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	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(ii) in the case of any other applicant (other than an applicant to whom clause (i) applies), the last 4 digits of the applicant's social security number.	Yes			South Carolina currently meets this requirement. SC requires full Social Security Number.
(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 lists assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.	Yes			SC law requires full Social Security Number. Our voter registration system assigns a voter registration number to each applicant that is unique to each voter.
(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.	Yes			South Carolina currently meets this requirement.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B) REQUIREMENTS FOR STATE OFFICIALS -				
(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.			Yes	The chief State election official will enter into an agreement with Department of Motor Vehicles to coordinate verification process.
(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(f)(8) of the Social Security Act (as added by subparagraph (C)).				Not applicable in South Carolina because the entire social security number is required by State law, and thus the State falls under (D) Special Rule for Certain States.
(C) ACCESS TO FEDERAL INFORMATION -				
(D) SPECIAL RULE FOR CERTAIN STATES - In the case of a State which is permitted to use social security numbers, and provides for the use of social security numbers, on applications for voter registration, in accordance with section 7 of the Privacy Act of 1974, the provisions of this paragraph shall be optional.				South Carolina requires the full social security number by State law.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL -				
(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 -				
(A) the individual registered to vote in a jurisdiction by mail; and	Yes			South Carolina currently meets this requirement.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(B)(i) the individual has not previously voted in an election for federal office in the State; or	Yes			South Carolina currently meets this requirement.
(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).	Yes			South Carolina currently meets this requirement.
(2) REQUIREMENTS -				
(A) IN GENERAL - An individual meets the requirements of this paragraph if the individual -				
(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	Yes			South Carolina currently meets this requirement. Each voter is required to present one form of ID when voting in person: valid SC driver's license with current address, or photo ID issued by DMV with current address, or as shown below, a voter registration certificate.
(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; or	Yes			South Carolina law permits the presentation of one specific government document - the voter registration certificate - to identify the voter.
(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			Yes	South Carolina law does not currently accept photo identification when voting by mail. SEC will develop procedures to track receipt of photo identification at time of voting.
(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.	Yes			South Carolina law permits the presentation of one specific government document - the voter registration certificate - to identify the voter.
(B) FAIL-SAFE VOTING -				



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(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).	Yes			South Carolina currently meets this requirement. SC provides provisional ballots at each precinct.
(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).	Yes			South Carolina currently meets this requirement. SC provides provisional ballots for this purpose. The ballots are placed in a provisional envelope and kept separate from other absentee ballots until they are counted.
(3) INAPPLICABILITY – Paragraph (1) shall not apply in the case of a person –				
(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 and submits as part of such registration either	Yes			South Carolina currently meets this requirement.
(i) a copy of a current and valid photo identification; or			Yes	SEC will develop procedures to track receipt of photo identification at time of registration.
(ii) a copy of a current utility bill, bank statement, government check, pay check, or government document that shows the name and address of the voter;			Yes	SEC will develop procedures to comply with the specified acceptable documents.
(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 as part of such registration either –	Yes			South Carolina currently meets this requirement.
(i) a driver's license number; or	Yes			SC law requires full Social Security Number and does not accept the driver's license number as a valid alternative.
(ii) at least the last 4 digits of the individual's social security number; and	Yes			South Carolina currently meets this requirement. SC requires applicant's complete SS# on all applications.
(i) 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			Yes	Agreement will be reached with Department of Motor Vehicles with this verification process.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
number, name and date of birth as provided in such registration; or				
(C) who is –				
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);			Yes	South Carolina will track this exemption on applicant's electronic record by identifying applicant as UOCAVA.
(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			Yes	South Carolina will track this exemption on applicant's electronic record.
(iii) entitled to vote otherwise than in person under any other Federal law.			Yes	South Carolina will track this exemption on applicant's electronic record.
(4) CONTENTS OF MAIL-IN REGISTRATON FORM –				
(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:				
(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 to check to indicate whether the applicant is or is not a citizen of the United States.			Yes	This question will be added to all voter registration applications used in South Carolina.
(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.			Yes	This question will be added to all voter registration applications used in South Carolina.
(iii) The statement "If you checked 'no' in response to either of these questions, do not complete this form".			Yes	This question will be added to all voter registration applications used in South Carolina.
(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			Yes	This question will be added to all voter registration applications used in South Carolina.



2. Payment Distribution and Monitoring

How the State of South Carolina 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 "1. Meeting Title III Requirements and Other Activities," including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and 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 "8. Performance Goals and Measures."

Eligibility of Local Units to Receive the Payment

The State Election Commission will centrally manage the initiatives funded through HAVA. The SEC will be responsible for accounting for all expenditures, funding levels, program controls, and outcomes.

The SEC will implement HAVA by providing equipment, supplies, services, and training programs and materials to the counties. All counties in South Carolina will be beneficiaries of the improvements funded by HAVA:

- ◆ As part of the statewide uniform voting system, counties will receive one voting unit for every 200 registered voters.
- ◆ Education programs will be developed by the SEC for county election commissions and boards of registration.
- ◆ Training programs and materials will be developed by the SEC and distributed to county election commissions to conduct consistent Poll Manager training.
- ◆ Voter education programs and materials will be developed by the SEC and distributed to county election commissions and boards of registration.

Next year's State Plan will reflect options for funding for local voter education projects.

Performance Measures for Local Units

Funds will be centrally managed. The SEC will monitor the performance of each initiative that is funded by requirements payments in the following areas:

- ◆ **Financial Controls:** Working with the State Budget Office, State Treasurer, and State Comptroller General, SEC will develop and use standard financial reporting for all initiatives funded by HAVA. SEC will be prepared for periodic federal audits.



Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status			Implementation
	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
requirements upon voting for the first time.				
(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).			Yes	Standard procedure will be developed for all county offices to notify voters that their application was incomplete and give them a period of time to submit missing information.
(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS - The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5U.S.C. 522a note).				
(d) EFFECTIVE DATE -				



- ◆ **Compliance with Standards:** SEC will develop and use standard program management reporting for all initiatives that are funded by HAVA. The State Auditor's Office will also conduct a statewide single audit to ensure that the SEC complies with all Federal laws, regulations and program compliance requirements.
- ◆ **Program Results:** SEC will develop key performance indicators for each initiative funded by HAVA. See *Component 8: Performance Goals and Measures* for specific goals and measures.



3. Provision for Education and Training

How the State of South Carolina 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.

3.1 Training for Election Officials

As mandated by South Carolina law, the SEC currently administers a statewide election official training and certification program. This program provides professional development courses related to the voter registration and election community to all members and staff of the County Voter Registration Boards and Election Commissions.

To receive certification, a voter registration or election official or staff member must complete required components, including core components and electives, within 18 months. Following initial certification, each official must take at least one training course each year to remain certified.

Two types of certification are offered:

- ◆ **Voter Registration or Election Commission Members and Directors**
This certification requires completion of three core courses (Duties of Voter Registration Board, Duties of Election Commission, Budgeting/Reimbursement of Election Expenses), two voter registration/election electives, and two additional electives.
- ◆ **Voter Registration or Election Commission Staff**
This certification requires completion of two core courses (Absentee Registration/Balotting, Office Procedures), two voter registration/election electives, and one additional elective.

Various components are offered each quarter throughout the year. Components are held in Columbia, regionally and in conjunction with an annual conference for voter registration and election officials.

As part of the HAVA State Plan, County Election Commissioners and Board of Voter Registration members will be certified as Poll Managers within a specified length of time after their appointment. These Commissioners will be encouraged to monitor polling places all day on Election Day.



3.2 Training for Poll Managers

Note: since South Carolina law defines "Poll Workers" as "Poll Managers," this section refers to Poll Managers, instead of Poll Workers.

As mandated by South Carolina law, training for Poll Managers is a county responsibility. The SEC provides training material to the counties for use in their training program. Planned enhancements to Poll Manager training as part of the implementation of common systems and procedures prescribed by HAVA are described below.

Every Poll Manager will be certified using state-standardized training and testing. This training and testing program will be developed by the SEC and various county election officials. Recertification will be required every five years. Persons with disabilities will be encouraged to become Poll Managers. Each manager will be permitted to work one time prior to completing certification.

The HAVA State Plan Task Force had many creative suggestions for improved training, and their report will be revisited for more ideas. In addition to the basics of operating the voting system and handling voters, the following topics will receive special focus in the state-standardized training and testing program:

- ◆ Operating the new voting system that will be selected for statewide use
- ◆ More intensive training on provisional ballots
- ◆ Voters who need special assistance (illiteracy, Non-English speakers / readers)
- ◆ The rights of people with disabilities, the required accessibility of polling places to people with disabilities, and how to facilitate people with different disabilities
- ◆ Procedures to verify that the voter is in the correct precinct and to direct the voter to correct precinct, if needed
- ◆ Sensitivity and friendliness to voters

Testing will be "open book" to reflect the reality that poll managers are permitted to look up information at the polls.

Certification training will be conducted year round at different times of day and on different days of the week. The state's technical colleges and public television system may also be used to present training sessions. Training materials developed by the state will include a demonstration video, presentation material, and a Poll Manager handbook. Materials will be available through the SEC website. Certified managers will receive both a certificate and a badge.



In accordance with South Carolina state law, all managers are required to attend refresher training/briefings within 30 days of an election. These sessions will be held on different days and times to make them more accessible.

3.3 Training for Voters

Expanded voter training will be part of the implementation of the HAVA State Plan. The SEC will produce voter training material, and the counties will coordinate implementation of voter training.

When a statewide uniform electronic voting system is implemented, it will be important to get visibility and generate voter interest. A brochure and a video will be developed to promote the voting system as simple to operate, to encourage the voter to participate on Election Day, and to provide instructions on updating voter registration information. The brochure should be printed in sufficient quantities to use as handouts at voter registration offices, drivers license offices, and other government facilities. Also, the brochure and the video should be published on the website.

On an on-going basis, a concerted effort should be made to educate voters about referenda before they go into the voting booth.

Special effort will be made to reach voters with disabilities and let them know how much easier it will be to vote with the new system and improvements in the polling places. It is critical that voter information, including publications and brochures, be made available through communication vehicles that are accessible and frequently used by people with disabilities, for example:

- ◆ A well-designed fully accessible website
- ◆ E-Mail to distribution lists provided by selected disability groups (statewide cross-disability organizations can help identify disability groups)
- ◆ Non-profit organizations and other non-governmental organizations
- ◆ State agencies that work with the disability community

South Carolina County Election Commissions may participate in mock elections and other programs in the schools. Mock elections are a way to educate students and their families and to recruit and train high school students as Poll Managers.



County Election Commissions will be encouraged to demonstrate the voting system at public locations prior to an election. These demonstrations are opportunities to register voters, update voter registration information, and recruit Poll Managers.

3.4 Other Interested Citizens

Candidates, their workers, and poll watchers will be encouraged to take the certification training. Candidates will receive a "Candidate's Guide to Elections" and the Poll Manager handbook, both of which will be developed by the SEC. This will provide them with more information on Election Day processes and prevent misunderstandings between Poll Managers and poll watchers.

4. Voting System Guidelines and Processes

How the State of South Carolina will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

As outlined in Component 1: Meeting Title III Requirements and Other Activities, South Carolina has decided to implement a statewide uniform electronic voting system and processes.

The voting system will be chosen through an RFP process involving State and County Election Commission officials, consultants, and other State agency personnel as needed. The RFP will be written to ensure that the system selected will meet South Carolina election laws and all requirements outlined in section 301 of HAVA.

The SEC will define and document uniform voting processes and update the relevant training material. As required by law, before any changes are made to processes that affect the voters, the proposed process will be presented for review and approval by the Justice Department under the Voting Rights Act of 1965.



5. Fund for Administering State Activities

How the State of South Carolina will establish a fund for purposes of administering the State's activities, including information on fund management.

Working with the legislature, the South Carolina Election Commission will establish a new program where the funds are kept separate from all other programs within the agency. The program will contain both federal funds and general funds. The federal fund portion will be used to maintain federal funds and the general fund portion will be used to maintain funds which are reserved under the 5% match required by HAVA.

The South Carolina Election Commission and the State Budget Office will work with the State Comptroller and the State Treasurer to follow and enforce all mandated fiscal controls and policies.



6. Proposed State Budget

The State of South Carolina'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 (A) specific information on 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.

The implementation of HAVA in South Carolina will be in four phases, each covering a calendar year, as follows:

Phase	Implementation
Phase I (2003)	<ul style="list-style-type: none"> • Voter registration / election administration upgrades • Voter education and poll worker training
Phase II (2004)	<ul style="list-style-type: none"> • Voting system purchases (10 punch-card counties) • Voter education and poll worker training • Automate voter history at the polling place
Phase III (2005)	<ul style="list-style-type: none"> • Voting system purchases (12 optical-scan counties) • Voter education and poll worker training • Scanning/signature verification systems
Phase IV (2006)	<ul style="list-style-type: none"> • Voting system purchases (24 DRE counties) • Voter education and poll worker training

The implementation of this four-phase plan is contingent upon receipt of the associated federal funding.

7. Maintenance of Prior Year Expenditures

How the State of South Carolina, 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.

Consistent with HAVA §254(a)(7), in using any requirements payment, South Carolina will maintain expenditure of the State for activities funded by the payment at a level equal or greater than the level of such expenditures in State Fiscal Year 2000.

The SEC has taken several reductions to the base budget since 2000. To absorb those reductions, operating expenses have been cut drastically by condensing office space, leaving vacant positions unfilled, and a reduction in force plan was implemented which eliminated one full time employee.

During the 2003 legislative session, the South Carolina General Assembly did not provide any funds for the 2004 Statewide Primaries. However, all HAVA funds will be maintained completely separate and no HAVA funds will be used to offset either the general fund or primary election fund shortfalls.

The State budget represents only a small portion of the statewide aggregate operating budget expenditures needed to sustain elections in a given fiscal year, since by South Carolina law the great majority of election administration resources are provided at the county level.

South Carolina's 46 local election office budgets typically support year-round core staff and operating expenses for continuous functions such as voter registration, information services, and IT support. In addition, county registration boards and election commissions provide the significant increase in funding associated with each specific election - for Poll Managers, temporary office staff, ballot production, mass mailings, election-day support (including personnel, equipment, and supplies), etc. In some cases, key election support resources provided at the county level may not even be included within election office budgets, but are provided through other county agencies and donations.

It is therefore important to note that the projected HAVA budget set forth in Chapter 6: Proposed State Budget is based on the critical budget assumption that the State will mandate that this foundation of county-funded election operations be maintained at existing levels. Without this foundation in place, the short-term infusion of funds HAVA provides would not be sufficient to maintain new State election environment in the long term.

The total proposed funding¹ will come from the following sources:

Year	Total Federal Funding as Proposed	South Carolina Shares as Proposed	South Carolina Matching Funds
Early payments	\$650 M	\$6.9 M (65 M Guaranteed)	Not applicable
2003	\$850 M (\$825 M to States)	\$11.65 M	\$700,000
2004	\$1.3 B (\$1.1 B to States)	\$15.4 M	\$700,000
2005	\$1.1 B (\$800 M to States)	\$12.6 M	\$700,000
Total Funding:	\$3.8 B	\$46.45 M	\$2.1 M

Total available funding for South Carolina is approximately \$48,550,000. This money will be used to carry out the requirements of Title III as follows:

HAVA Requirements	Total Cost	Section 191 Funds	Section 192 Funds	Section 193 Funds	State Match
Standard Voting System in Punch-Card Counties	\$13.4 M		\$3.45 M	\$9.95 M	\$.43 M
Standard Voting System in Optical-Scan Counties	\$ 4.8 M			\$4.56 M	\$.24 M
Standard Voting System in IRTe Counties	\$16.4 M			\$17.48 M	\$.92 M
Education	\$ 4.0 M	\$.25 M		\$ 3.55 M	\$.2 M
Updating State Voter Registration System	\$ 2.0 M	\$ 2.0 M			
Voter Registration and Outreach Programs	\$ 4.0 M	\$.2 M		\$ 3.6 M	\$.2 M
State Plan Creation and Management	\$ 1.95 M	\$ 1 M		\$.95 M	\$.09 M
Total	\$48.55 M	\$ 3.45 M	\$ 4.45 M	\$39.65 M	\$ 2.08 M

¹ Fund amounts are annotated with "M" or "B" to indicate million or billion dollar amounts.



Plan Element	Preliminary Plan Goals Under Consideration	Official	HAVA Timeline
Voter Registration (§303a, §303b)	<ul style="list-style-type: none"> Procedures established to track receipt of identification at registration Mail voter registration form revised to add mandated questions and procedures revised to notify voters of incomplete forms Amend the voter registration application process to use driver's license Joint agreement with Dept. of Motor Vehicles to coordinate verification process Voter documentation exemptions tracked for uniformed and overseas citizens, elderly and handicapped Implement image scanning and retention of the voter registration application, including the voter signature 	To Be Determined by SEC	(303a) 1/1/06 (303b) 1/1/04
Education (§254a3)	<ul style="list-style-type: none"> Poll Manager training developed Poll Manager certification process implemented Poll Manager pre-election refresher training implemented Election officials included in Poll Manager training and certification Voter awareness and education plan implemented Disabled voter awareness and education plan implemented 	Carry Baum, Training Coordinator, SEC	1/1/04
Budget/Funding	<ul style="list-style-type: none"> Legislated program established to isolate and manage federal and state funds Procedures established to track budget and actual expenditures 	Janet Reynolds, Finance Director, SEC	TBD
Complaint Procedures (§402)	<ul style="list-style-type: none"> Complaint process in place statewide Timely complaint resolution 	To Be Determined by SEC	1/1/04
Absentee Ballots for UOCAVA Voters (§704)	<ul style="list-style-type: none"> Modify procedure to allow UOCAVA absentee voters to receive absentee ballot in all regularly scheduled elections within a two-year period 	To Be Determined by SEC	1/1/04

Performance measures

There are areas that the management team will measure to collect data and report on performance. These include:

- ◆ **Schedule:** Are goals being met, timelines followed, or at least progression towards meeting goal/timelines?



8. Performance Goals and Measures

How the State of South Carolina 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.

The State Election Commission along with members of the South Carolina Association of Registration and Election Officials (SCARE) will establish performance goals and measure progress of achieving these goals. A list of preliminary Plan goals is provided below. An advisory team, including County Election Commissioners and the State Election Commission, will be appointed to oversee plan management and compliance with HAVA. This advisory team will revisit the goals of the plan on an on-going basis and make any changes necessary.

An important goal of the advisory team is to ensure a smooth transition for the local election commissions into a statewide uniform electronic voting system while complying with HAVA requirements and assuring accessibility for all voters in compliance with the Americans with Disabilities Act (ADA). The advisory team will determine the goals, measurements, and related timeframes in accordance with requirements outlined in HAVA.

The following is a list of plan elements, preliminary plan goals under consideration, the official in charge of ensuring the element is met, and the timeframe for meeting such element of the plan.

Plan Element	Preliminary Plan Goals Under Consideration	Official	HAVA Timeline
Voting System (§301)	<ul style="list-style-type: none"> Uniform electronic system implemented statewide Statewide voting system will accommodate as many disabled voters as possible Voter can verify/change ballot before casting Voter is informed or prevented from casting vote for multiple candidates for single office Disabled voters have accessibility to polling place Manual audit capability Uniform definition of what constitutes a vote 	To Be Determined by SEC	1/1/06
Provisional Voting (§302)	<ul style="list-style-type: none"> Voter can ascertain whether a provisional vote was counted and obtain an explanation if the vote was not counted Additional voting instructions posted for provisional voting and for prohibitions on fraud 	To Be Determined by SEC	1/1/04



♦ **Ability:** Are the right people hired to oversee the state management plan to make sure plan goals are met? Are there enough financial resources to maintain those hired?

♦ **Effectiveness:** Is the project meeting all expectations in regards to customer satisfaction (County Election Commissions and voters)?

Other plan elements will be added as needed. The SEC and SCARE will monitor collected data for reporting purposes. This data will be distributed to local county election boards as well as to the SEC to monitor progress of ensuring all goals of HAVA are achieved.



9. Administrative Complaint Procedures

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

South Carolina will implement an administrative complaint procedure that complies with HAVA. A new regulation will formally establish the procedure which, in general, will follow the process described within this chapter of the State Plan.

Education materials will be provided at the polls on procedures for filing a complaint.

If a voter has a complaint on Election Day, the voter may call the County Election Commission (local, toll-free, or collect call) or visit the County Election Commission in person. Complaints that cannot be resolved at the County Election Commission level may be forwarded to the State Election Commission on a special complaint form for a paper hearing. South Carolina interprets the requirement for a complaint hearing to be satisfied by a paper hearing using this complaint form.

The complaint form will be designed and distributed by the State Election Commission. The State Election Commission will establish a numbered form containing the following fields to be completed by the complainant:

- ♦ Complainant name
- ♦ Address
- ♦ Telephone number
- ♦ County of residence
- ♦ Precinct
- ♦ Polling location
- ♦ Description of complaint
- ♦ Signature
- ♦ Notary

This form will be distributed to all County Election Commissions for distribution to poll workers for voters who wish to file a complaint. Counties may assist voters in completing the form if necessary. When a county election official, or poll worker, issues



a complaint form, the number on the form will be recorded on a complaint log which will be retained in the County Election Commission office.

The State Election Commission will have 90 days to investigate complaints and will then notify the complainant in writing of the results of that investigation. The 90 day period begins the day the complaint is filed with the State Election Commission.



10. Use of Title I Payment

If the State of South Carolina 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.

As shown in Component 6: *Proposed State Budget*, the HAVA Title I monies are an integral part of the overall funding for development and execution of the State Plan to improve administration of elections, and as such, will be used to comply with the requirements under Title III. The South Carolina Title I payment of \$6,900,000 (May, 2003) represents approximately 14% of the total HAVA initiative and 36% of the 2003 budget.

The Title I monies will provide initial funding to start the process. Activities to be initiated in 2003 include:

- ◆ Develop the State Plan
- ◆ Establish criteria for a statewide uniform electronic voting system
- ◆ Issue a Request for Proposal (RFP) for a statewide uniform electronic voting system
- ◆ Upgrade the voter registration system
- ◆ Modify supporting processes for voter registration
- ◆ Establish administrative complaint procedures
- ◆ Develop voter education and poll worker training
- ◆ Improve election administration

Any monies remaining from the Title I payment will be applied toward purchase of the new voting systems selected through the RFP process. All monies will be maintained by the SEC and no funds will be distributed directly to the counties for reimbursement of previously purchased voting systems.



12. Previous Year Plan

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.

This is South Carolina's 2003 State Plan, and is the State's initial plan. Therefore there are no changes from the previous year or successes to report relative to the implementation of HAVA.

This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.



11. Ongoing Management of Plan

How the State of South Carolina will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the law 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).

The Executive Director of the S.C. State Election Commission is responsible for coordination of the State's responsibilities under this Act, and therefore ultimately responsible for the ongoing management of the State Plan.

The State Plan will serve as the roadmap for HAVA implementation. As stated in *Component 8: Performance Goals and Measures*, the State Election Commission will establish a State Plan advisory team to manage and oversee the statewide plan. This State Plan advisory team will audit performance goals and measures and publish any material changes. The team will meet on a regular basis with a frequency to be set by the team.

No material changes will be made unless the change is published in the Federal Register in accordance with HAVA §255, is subject to public notice in accordance with HAVA §256, and takes effect after the expiration of the 30 day period which begins on the date the change is published in the Federal Register in accordance with HAVA §255.





13. Committee

A description of the committee which participated in the development of the South Carolina State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The HAVA State Plan task force provided broad representation across the state, and included representatives from state organizations, county organizations, legislators, and interested stakeholders.

Name	Organization
Adell Adams	Richland County Election Commission
David Alexander	Office of Research and Statistics
Mered Andino	State Election Commission
Susan Barden	S.C. State Senate Judiciary Committee
Russell Barrett	Florence County Election Commission
Garry Baum	State Election Commission
Conway Bealanga	Greenville County Registration/Elections
James Blake	Marion County Voter Registration/Elections
Bobby Bowers	Office of Research and Statistics
Leely Bowers	Protection and Advocacy for People with Disabilities
Marilyn Bowers	Pickens County Voter Registration/Elections
Tommie Brice	Calhoun County Voter Registration/Elections
Brett Bursley	S.C. Progressive Network
Hoyt Campbell	Derlington County Registration/Elections
Pete Cantrell	Protection and Advocacy for People with Disabilities
Mike Chramon	Richland County Election Commission
Eliza Clanton	NAACP
John Darby	Governor's Office
Rusty DePass	State Republican Party
Benjamin Duncan II	Governor's Office
Lelia Ferguson	Protection and Advocacy for People with Disabilities
Agneta Garvin	Beaufort County Voter Registration/Elections
Cheryl Goodwin	State Election Commission
Adlena Graham	NAACP
Wayne Hite	State Election Commission
John Harrison	S.C. House of Representatives
Beisy Hartman	Office of State CIO



Name	Organization
Rita Henderson	Laurens County Voter Registration/Elections
Lynn Hill	Lee County Voter Registration/Elections
Pat Jefferson	Sumter County Voter Registration/Elections
Ruth Jordan	NAACP
L.Z. Keith	NAACP
Carol Khare	State Democratic Party
Cerelyn Leque	Charleston County Election Commission
Hannah Maljewski	State Election Commission
Larry Martin	S.C. State Senate
Marah C. Miller	NAACP
Thomas L. Moore	S.C. State Senate
Cindy Peal	State Election Commission
Colby Peiffer	Disability Action Center, Columbia
Edith Redden	Williamsburg County Voter Registration/Elections
Janet Reynolds	State Election Commission
James H. Ritchie	S.C. State Senate
Shen Rose	League of Women Voters
Drew Royall	Department of Disabilities and Special Needs
Donna Royson	State Election Commission
John Russell	Governor's Office
John Scott	S.C. House of Representatives
Gary Shmiff	S.C. House of Representatives
Steve Skardon	Palmetto Project
Gilbert Smith	S.C. Independent Living Council
Tanya Thompson	Protection and Advocacy for People with Disabilities
David Williams	Legislative Council, Columbia
Ron Wilson	York County Voter Registration/Elections

The task force was divided into five teams, each of which focused in depth on a specific functional area of HAVA: Administration and Funding, Education, Voting System Standards, Statewide Voter Registration System, and Accountability.

On-going management of the State Plan will be handled by the SEC with help from a new advisory team to be appointed.

South Dakota has a very efficient, reliable, and trusted election process. Our implementation of HAVA is designed to enhance an all ready efficient election system. Suggestions from the task force, auditors, and public will help ensure South Dakotans have an effective and steadfast election process.

**Help America Vote Act
State Plan for South Dakota**

SEC. 254. STATE PLAN.

(a) **IN GENERAL.**—The State plan shall contain a description of each of the following:
(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.

The State of South Dakota currently utilizes precinct and central count optical scan ballots, hand-counted paper ballots, and punch card ballots. It is anticipated when the HAVA changes are fully implemented, South Dakota will use precinct and central count optical scan ballots, hand-counted paper ballots and DRE (Direct Recording Electronic) voting machines. There is a need under this section to provide additional education for those precincts using central count optical scan and hand-counted paper ballots. The plans for this education include:

- Auditors will include instructions on the effect of over-voting in the voter instructions posted in the voting booth.
- The Secretary of State will provide to county auditors, for each polling place, three poster sized directions on the effect of casting multiple votes for an office and other pertinent instructions in 48-point or larger font.
- Auditors will hang poster-sized instructions from the Secretary of State in the polling place in three different locations.
- Sample ballots are currently published in each official newspaper. Request administrative rule of the State Board of Elections to require the publication of voter instructions in each official newspaper as part of the notice of election.
- Include instructions on the effect of over-voting in the voter instructions printed on each ballot.
- The Secretary of State will prepare a booklet of election procedure changes for 2004 and include the above instructions.
- The Secretary of State will provide the booklet of election procedures in accessible formats including, but not limited to 18-point font, Braille, disk, and tape.
- Provide, through the Secretary of State, information to statewide organizations and political parties for inclusion in their newsletters and to hand out at conventions. Encourage private entities to participate.

**State Plan for South Dakota
Public Comment Draft Document
As required by Public Law 107-252 Section 253(b)
Help America Vote Act**

**Chris Nelson
Secretary of State
State Capitol, Suite 204
500 East Capitol
Pierre, SD 57501-5070**

June 4, 2004

On October 29, 2002 President George W. Bush signed HR 3295, "Help America Vote Act of 2001," or HAVA. This bill, now Public Law 107-252, was introduced, passed, and signed into law to address the growing concerns of election discrepancies, voter fraud, antiquated voting equipment, and accessibility by those with disabilities. HAVA introduces extensive election reform by introducing uniform and nondiscriminatory election technology and administration requirements, establishing grant programs that provide assistance to States, and improving election technology. Each polling place and county auditors' office in South Dakota will now be equipped with a Direct Recording Electronic (DRE) voting machine. A DRE is a touch screen machine designed to make voting independent and private for those using it.

To address the requirements of HAVA the South Dakota Legislature adopted Senate Bill 13. This bill addresses the needs of HAVA by establishing guidelines for provisional voting, requiring a person to provide their driver's license number or last four digits of their Social Security Number, identifying the voter's state of issuance for their driver's license, creating guidelines for a complaint process to remedy voter grievances, and expanding South Dakota's statewide voter registration system.

A 17-member HAVA task force was formed to design a road map of how South Dakota is going to comply with the federal provisions. The group consists of the Board of Elections, county auditors, Secretary of State representatives, a state senator and representative, advocates for the community of people with disabilities, and a spokesperson from Kids Voting. These individuals have met twice and their recommendations follow in this report.

Where appropriate and necessary the South Dakota Board of Elections will oversee the state plan. South Dakota is committed to providing equal access to the voting experience to all its citizens, including persons with disabilities. Voting information will be provided, where appropriate, in alternative formats including, but not limited to Braille, disk, audio format, or enlarged font.

- The Secretary of State will provide information to the public regarding election procedure changes and the effect of over-voting.

301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.

Instructions for correction of ballot errors were rewritten in 2002 and are considered effective. The instructions are included in the voter instructions posted in the polling place and in the voting booth. It is recommended that:

- Auditors will include instructions on how to correct ballot errors in the voter instructions posted in the voting booth.
- The Secretary of State will provide to county auditors for each polling place, three poster sized directions on how to correct ballot errors and other pertinent instructions in 48-point or larger font.
- Auditors will hang poster-sized instructions from the Secretary of State in the polling place in three different locations.
- Currently sample ballots are published in each official newspaper. Request administrative rule of the State Board of Elections to require the publication of voter instructions in each official newspaper as part of the notice of election.
- The Secretary of State will prepare a booklet of election procedure changes for 2004 and include the above instructions.
- The Secretary of State will provide the booklet of election procedures in accessible formats including, but not limited to 18-point font, Braille, disk, and tape.
- Provide, through the Secretary of State, information to statewide organizations and political parties for inclusion in their newsletters and to hand out at conventions. Encourage private entities to participate.
- The Secretary of State will provide information to the public regarding election procedure changes and how to correct ballot errors.
- Ensure instructions are reviewed by a design professional for ease of reading.
- Ensure the instructions can be read or listened to by a voter with a disability.

301 (a)(3)(B) - Provide one DRE per polling place.

The task force anticipated there will be several different DRE units certified for sale in South Dakota. It was determined the State should purchase one brand of DRE to meet the "one DRE per polling place" requirement. The State would give these DRE's to each county. The advantage of the "one brand" concept includes uniformity for voters, economy of scale in purchasing, and uniformity in training. Counties would be free to purchase any brand of state-certified DRE for additional units.

Counties should have one unit in each polling place and one unit in the auditor's office for absentee voting. It was decided a ratio will determine how many back-up units a county will receive. These DRE's will be part of the initial purchase under this section.

The DRE's purchased to meet the requirements of this section must meet the disability requirements of HAVA.

The State will provide the 5% match required for Title II funds to purchase the required units, subject to reimbursement by the counties, as determined by the legislature.

In determining which DRE will be purchased to meet this requirement, members of the disability community will be involved in evaluating the machines.

The task force determined that it would be desirable to have the DRE contain an audio ballot in the appropriate Native American language for those areas which currently need interpreters to eliminate the need for an interpreter.

The state will not require the use of DRE units for non-federal elections but will allow the use of the units in those elections.

It was determined that the purchase of the DRE's to meet the requirements of this section would occur in 2005 or 2006.

Voter education on the new units will be important for county election officials, poll workers and the voters. The Secretary of State will work with county auditors to provide this education.

302 - Provisional voting.

SB13 was passed by the SD Legislature and signed into law on March 5, 2003. Sections one through eight provides for a provisional ballot process which will become effective July 1, 2003.

302 (b) - Posting of information at the polling place.

Posting of election instructions is currently required under state law. The instructions are posted in three locations in the polling place and in each voting booth. The text of the instructions is provided in administrative rule of the State Board of Elections. These instructions will be updated to include all of the information required under this section.

At least three sets of instructions, provided by the Secretary of State to the county auditors, printed in 48 point type should be posted.

Instructions will be placed on the Secretary of State's website. They will be made available in an audio format on the web site and at polling places. If possible, these instructions will be added to the State Library's tapes for the blind that contain other voter information.

303 (a)(2)(A)(i)(I) - Felony record check.

SB 13 was passed and signed into law on March 5, 2003. Section 15 provides for a revision in South Dakota's felony notice process which will become effective January 1,

2004. The State will develop an automated link between the felony records system and the statewide voter file to send notices of felony convictions to the appropriate county auditor. This check will be done on new registrations and when convictions occur.

303 (a)(2)(A)(ii)(II) - Death records check.

SB 13 was passed and signed into law on March 5, 2003. Section 15 provides for a revision in South Dakota's death notice process which will become effective January 1, 2004. The State will develop an automated link between the vital statistics system and the statewide voter file to send deceased notices to the appropriate county auditor. This check will be done on new registrations and when deaths occur.

303 (a)(5)(A)(iii) - Verify driver license or verify last four digits of SSN.

SB 13 was passed and signed into law on March 5, 2003. Section 12 provides for verifying driver license numbers and the last four digits of a social security number. This will become effective January 1, 2004. The State will develop an automated verification link between the South Dakota driver license records system and the statewide voter file. A system will also be developed to check out-of-state driver license numbers and the last four digits of a social security number. This check will be done on all new registrations.

303 (b)(4) - New voter registration cards.

The South Dakota voter registration form is prescribed in administrative rule of the State Board of Elections. This rule will be amended to include the language required by HAVA.

251(b)(2) - Other activities to improve administration of elections.

1. A computerized link between driver license offices, the Secretary of State, and county auditors will be developed to electronically transmit new voter registration data for those who register to vote at the driver license office.
2. If there is Title I or II money, which does not need to be spent to meet the immediate requirements of HAVA, a revolving election equipment replacement fund will be established within the Election Fund to provide an ongoing source of money which counties can access to replace voting machines as needed. The fund will operate as a lease-purchase mechanism to allow counties to fund large election equipment purchases and pay for them over a period of years. Interest accrued from fund activities will stay in the account for counties to access. This will help to ensure counties can continue meeting the requirements of HAVA in the future. Legislation will be sought creating the revolving election equipment replacement fund and providing the state Board of Elections with rule making authority to establish the criteria for accessing the fund.

254 (a)(2) For each element under item (1), determine:

- How we will distribute the money
- How we will monitor distribution of the money
- Criteria for eligibility of the money
- Method to monitor performance of recipients of the money

301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.

And

301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.

The costs for new large print polling place instructions will be paid for by the Secretary of State. The production of any special instructions in large type fonts or audio, election information booklets or public service announcements, will be done by the Secretary of State using Title I money. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for these publications. The Secretary of State will monitor performance by comparing the items suggested in the State Plan with actual accomplishment.

301 (a)(3)(B) - Provide one DRE per polling place.

The Secretary of State will use the Title II money to purchase sufficient DRE's to supply one per polling place, one per county auditor's office for absentee voting. A ratio will determine how many back-up machines a county will receive. If there is money which is unspent after meeting the initial requirements of Title III, a revolving election equipment replacement fund will be established as part of the election fund to provide a source for counties to obtain funding for future voting equipment purchases including replacement of the initial DRE's when needed. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title II money is to be used for this purchase. The Secretary of State will monitor performance by comparing the items set forth in the State Plan with actual accomplishment.

302 - Provisional voting.

It is not anticipated that Title II money will be needed for this requirement.

302 (b) - Posting of information at the polling place.

The costs for new polling place instructions placed in the voting booth will be paid for by county government. The production of any special instructions in large type fonts or audio will be done by the Secretary of State using Title I money. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for these instructions. The Secretary of State will monitor

performance by comparing the items set forth in the State Plan with actual accomplishment.

303 (a)(2)(A)(ii)(I) - Felony records check.

The Secretary of State will use Title I money to pay for the computer programming necessary to automate the felony records check. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for this programming. The Secretary of State will monitor performance by ensuring the programming development is completed and by thoroughly testing the programming to ensure that the felony record check is accurate.

303 (a)(2)(A)(ii)(II) - Death records check.

The Secretary of State will use Title I money to pay for the computer programming necessary to automate the death records check. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for this programming. The Secretary of State will monitor performance by ensuring the programming development is completed and by thoroughly testing the programming to ensure the death records check is accurate.

303 (a)(5)(A)(iii) - Verify drivers license or verify last four digits of SSN.

The Secretary of State will use Title I money to pay for the computer programming necessary to automate the drivers license and social security number records check. We understand there is a cost for states to access the social security records, so a portion of the funds will be used to pay for that access. We also understand the check of out-of-state driver's licenses will not be able to be automated so a portion of the funds will be used to conduct that check manually. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I money is to be used for this programming. The Secretary of State will monitor performance by ensuring the programming development is completed and by thoroughly testing the programming to ensure the driver's license and social security number check is accurate.

303 (b)(4) - New voter registration cards.

It is not anticipated that Title II money will be needed for this requirement.

251(b)(2) - Other activities to improve administration of elections.

The Secretary of State will use Title I money to pay for the computer programming necessary to automate the movement of voter registration data from drivers license

offices to county auditor offices. A portion of the funds may also be needed for hardware upgrades in county auditor offices. The Secretary of State will monitor the distribution of the money using established state appropriation and accounting mechanisms. The Secretary of State will determine how much of the Title I or II money is to be used for this programming and hardware purchase. The Secretary of State will monitor performance by ensuring the programming development is completed and by thoroughly testing the programming to ensure all data transmission is accurate.

254 (a)(3) - To meet the requirements of Title III, how will state provide programs for:

Voter education.

In addition to the education initiatives set forth in the plan, education on the use of DRE voting equipment will be crucial. The Secretary of State will work with local county auditors to provide booths at regional and state fairs as well as work with presentations to schools and community clubs. Outreach efforts will be made to statewide groups and will involve persons from the disability community. Information on the new voting systems will be produced.

Election official education and training.

For any of the required Title III changes to be successful, training of county election officials will be critical. Currently the state provides one day of training for county election officials prior to each federal election year. This training will be expanded to a second day to cover the new requirements. Regional training may take place, if needed. Training will include the new Title III requirements including DRE operation and information on how to meet the needs of voters with disabilities.

Poll worker training.

County auditors are responsible for poll worker training. The Secretary of State will provide county auditors with the information they will need to train their poll workers on Title III compliance. Information on how to best meet the needs of voters with a disability will be addressed. This will include providing a PowerPoint presentation or video which can be used for the training. Tribal election officials will be encouraged to attend a poll worker training in their area to learn about the procedures used in conducting federal elections. County auditors are encouraged to work with members of the disability community to assist in providing training on disability awareness and effective ways to respond to their needs for assistance.

254 (a)(4) - How will the State adopt voting system guidelines and processes for Section 301:

These guidelines and processes are encompassed in state statute and administrative rule of the State Board of Elections. These either have been or will be amended as needed to comply with the requirements of Section 301.

The state has very limited expenditures for election administration. There is no separate budgetary line item for election administration. The estimated state expenditures for FY2000 was \$55,024. Most election funding is done by the counties. The current state level funding provides for one staff person in the elections department of the secretary of state's office. Normal support expenses for this person include office space, telephone, postage, travel, computer support and printing. The Secretary of State will continue to operate and fund this department as it always has. There will be no reduction in expenditure of state general funds from fiscal year 2000.

254 (a)(8) - Adopt Performance Goals and Measures for the State and for counties:

301 (a)(1)(B)(i) - Establish a voter education program on the effect of casting multiple votes for an office.

Performance Goal	Eliminate overvotes
Performance Measurement	Those counties which have a capability to produce overvote reports from their voting systems, will produce those reports and file a summary of overvotes per race.
Timetable	2004 and 2006 general elections
How to Measure Performance	Determine the proper instructions were posted in the polling place. Compare percentage of overvotes to votes cast in each of these elections.
Who will Measure	County auditors will report to the Secretary of State.

301 (a)(1)(B)(ii) - Establish instructions on how to correct ballot errors.

Performance Goal	Provide easily accessible instructions in each polling place.
Performance Measurement	Are the instructions posted?
Timetable	2004 and 2006 general elections
How to Measure Performance	Determine the proper instructions were posted in the polling place. Precinct workers report to county auditor on compliance.
Who will Measure	County auditors

301 (a)(3)(B) - Provide one DRE per polling place.

Performance Goal	Provide one disabled accessible DRE per polling place.
Performance Measurement	Is there a functioning machine in each polling place?
Timetable	2006 primary and general election
How to Measure Performance	Precinct workers report to county auditor on compliance.
Who will Measure	County auditors

302 - Provisional voting.

Performance Goal	1. Provide notice to voters on availability of provisional ballot. 2. Provide provisional ballot materials at each polling
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254 (a)(5) - Describe the election fund and the management of that fund:

This fund has been established within South Dakota state government's accounting system. The account is managed by the Secretary of State. Any expenditure from the Election Fund must be approved through the normal state government appropriation process. Any expenditure prior to July 1, 2003 will need approval by the legislature's interim appropriations committee. Expenditures after July 1, 2003 will be included as a budgetary line item in the State's annual budget which is approved by the Legislature and Governor.

All expenditures from the fund will be subject to the normal state government accounting and audit procedures. Interest income generated by the account will be credited to the account.

254 (a)(6) - Budget:

- Costs for each of the Title III requirements.
- How will the requirements payment be used for Title III?
- For what else will the requirements payments be used?

Section	Requirement	Amount Budgeted
301 (a)(1)(B)(i)	Establish a voter education program on the effect of casting multiple votes for an office.	\$2,000
301 (a)(1)(B)(ii)	Establish instructions on how to correct ballot errors.	\$2,000
301 (a)(3)(B)	Provide one DRE per polling place, one per auditor's office, and an appropriate ratio of back-up machines to the counties.	\$7,660,000
302	Provisional voting.	\$0
302 (b)	Posting of information at the polling place.	\$2,000
303 (a)(2)(A)(ii)(I)	Felony records check.	\$50,000
303 (a)(2)(A)(ii)(II)	Death records check.	\$50,000
303 (a)(5)(A)(iii)	Verify driver license or verify last four digits of SSN.	\$150,000
303 (b)(4)	New voter registration cards.	\$0
251(b)(2)	Other activities to improve administration of elections.	\$70,000

The requirements payments and matching funds will be used for items which are not paid for with Title I funds. Any unspent Title II money will be used for a voting equipment revolving fund to ensure South Dakota can continue to meet the mandates of this Act in future years. The interest accrued from the revolving fund will be kept in the fund and used for the grants to counties and/or entities.

254 (a)(7) - State maintenance of effort plan.

	place. 3. Train poll workers on provisional ballot requirements. 4. Offer provisional ballots to voters who qualify. 5. Allow all voters who claim to be registered to vote in the precinct, but who can't be confirmed to vote a provisional ballot.
Performance Measurement	Monitor the number of calls to county auditors or Secretary of State reporting a person was not able to vote a provisional ballot.
Timetable	2004 and 2006 general elections
How to Measure Performance	Determine the auditors were trained by the Secretary of State, the poll workers were trained by the auditors, training materials were provided to the auditors, and provisional ballots were printed and available at the polling place.
Who will Measure	County auditors will report to Secretary of State.

302 (b) - Posting of information at the polling place.

Performance Goal	Provide easily accessible instructions in each polling place including at least three 48-point or larger font poster-sized versions.
Performance Measurement	Are the instructions posted?
Timetable	2004 and 2006 general elections
How to Measure Performance	Determine the Secretary of State provided the auditors 3 poster-sized directions in 48-point font or larger addressing provisional voting and hours of operation of the polling place. Determine the auditor displayed a sample ballot, directions on overvoting, how to mark a ballot, and how to correct a ballot in each voting booth. Precinct workers report to county auditor on compliance.
Who will Measure	County auditors

303 (a)(2)(A)(ii)(I) - Felony record check.

Performance Goal	Every person convicted of a felony and sentenced to the adult state penitentiary system is removed from the voter registration list and is not able to reregister until their entire sentence is completed. Establish a computer system to conduct checks and notify auditors about felony convictions.
Performance Measurement	1. Ensure each new or updated voter registration is checked against the felony conviction file. 2. Ensure all new felony convictions are checked against the statewide voter file. 3. Remove all those who are ineligible from voter file. 4. Secretary of State will double check felony convictions identified by this system to prevent erroneous removal

Timetable	of eligible voters. January 1, 2004
How to Measure Performance	Verify accuracy of the telephone complaint against actual voter and felon records.
Who will Measure	County auditor and Secretary of State

303 (a)(2)(A)(ii)(II) - Death records check.

Performance Goal	Every deceased person is removed from the voter registration list and that no deceased person's name is added to the voter registration list. Establish a computer system to conduct checks and notify auditors about deaths.
Performance Measurement	1. Ensure each new or updated voter registration is checked against the vital statistics file. 2. Ensure all new deaths are checked against the statewide voter file. 3. Remove all those who are deceased from voter file. 4. Secretary of State will double check death notices identified by this system to prevent erroneous removal of eligible voters.
Timetable	January 1, 2004
How to Measure Performance	Verify accuracy of the report against actual voter and death records.
Who will Measure	County auditor and Secretary of State

303 (a)(5)(A)(iii) - Verify driver license or verify last four digits of SSN.

Performance Goal	Ensure no person is allowed to register to vote without providing an accurate driver license number or last four digits of their social security number.
Performance Measurement	Establish computerized and manual access system for information verification to validate all new registrations.
Timetable	January 1, 2004
How to Measure Performance	Verify accuracy of the system by comparing actual voter and driver license records.
Who will Measure	Secretary of State

303 (b)(4) - New voter registration cards.

Performance Goal	Provide voter registration forms which comply with HAVA.
Performance Measurement	Check to make sure all official voter registration sites have new forms.
Timetable	July 1, 2003
How to Measure Performance	Telephone and mail verification with sites.
Who will Measure	County auditor and Secretary of State

Elections members, representatives from organizations representing those who are disabled, state legislators and representatives of the recognized political parties. Task force members are:

Performance Goal	Provide daily electronic transmission of new voter registration data from all driver license offices to the appropriate county auditor office. Eliminate missed voter registration deadlines because of registration card transit time.
Performance Measurement	Affirm all voter registrations completed at a driver license office by a registration deadline are added to the official registration list for that election.
Timetable	2004
How to Measure Performance	Affirm all voter registrations completed at a driver license office by a registration deadline are added to the official registration list for that election.
Who will Measure	County auditor and Secretary of State

251(b)(2) - Other activities to improve administration of elections.

254 (a)(9) - Describe administrative complaint procedure:

This procedure is provided in sections 16 through 25 of SB 13 which will become effective July 1, 2003. Initial complaints will be resolved by the State Board of Elections utilizing an existing administrative complaint process. The alternative dispute process involves judicial appointment of an arbitrator to resolve the complaint.

254 (a)(10) - What Title I funds will be used for:

Title I funds will be used for punch card system buyouts, voter education, statewide voter registration system programming and hardware, training and materials for election personnel, travel for election personnel, state plan development and for a Help America Vote Act coordinator.

Unspent funds will be used for grants and/or to develop a revolving election equipment replacement fund to be used to ensure compliance with state and federal election laws and to improve the election process.

254 (a)(11) - How state will conduct ongoing management of the "state plan" including who will make changes to the plan.

The Secretary of State and State Board of Elections will monitor the activities provided for in the state plan. Any changes to the plan will be done by the State Board of Elections, with input from the HAVA Task Force members, using an open hearing process.

254 (a)(12) - Not applicable

254 (a)(13) - Description of the task force:

The HAVA state plan task force was appointed by the Secretary of State. Members of the task force include the election officials from our two largest counties, all of the State Board of

First	Last Name	Organization Name	City
Chris	Nelson	Secretary of State	Pierre
Kea	Warne	Secretary of State	Pierre
Sue	Roust	Minnehaha County Auditor	Sioux Falls
Julie	Pearson	Pennington County Auditor	Rapid City
Patty	Pearson	Kids Voting	Pierre
Linda Lea	Viken	State Board of Elections	Rapid City
Karen	Layher	Grant County Auditor	Milbank
Nelva	Kristofferson	State Board of Elections	Britton
Gail	Brock	State Board of Elections	Huron
Carol	Klumper	Union County Auditor	Elk Point
Beth	Benning	State Board of Elections	Spearfish
Shelly	Pfaff	Coalition of Citizens With Disabilities	Pierre
Robert	Kean	SD Advocacy Services	Pierre
Julie	Bartling	State Representative	Burke
Michael	LaPointe	State Senator	Mission
Nick	Nemec	SD Democratic Party	Holabird

HELP AMERICA VOTE ACT OF 2002

State of Tennessee
Department of State
 Division of Elections
 312 Eighth Avenue North
 9th Floor, William R. Snodgrass Tower
 Nashville, Tennessee 37243
 Phone: (615) 741-7956 Fax: (615) 741-1278

Fellow Tennesseans:

In 2000, our nation faced new and challenging questions in the electoral process. In order to address these issues, President Bush signed into law the Help America Vote Act of 2002 (HAVA). This bill requires mandatory changes and improvements in the electoral process.

HAVA requires each state to develop a State Plan which addresses how the state will implement these mandatory requirements. A committee of state and county officials along with representatives from interest and advocacy groups has been working diligently to submit this preliminary plan for your review.

Many might ask in these difficult budgetary times how Tennessee will be able to afford these changes. As part of this Act, the federal government will provide funds to each state that submits a State Plan. These funds will serve as a foundation as Tennessee builds a stronger, more unified voting process.

I am pleased to say that here in Tennessee many of the federal election reforms are already in place and being administered at both the local and state levels. However, this Act will bring about significant changes which will serve to strengthen the foundation of our electoral process. Some of these changes include the replacement of all punchcard and lever voting systems, a statewide voter registration list, the implementation of provisional voting, and a uniform complaint grievance process.

This State Plan sets out the requirements mandated by the federal government and the specific steps we are taking to bring Tennessee into compliance with HAVA. However, the plan will not be complete until it is reviewed by you, the citizens of Tennessee. The plan will be available for your review from June 16, 2003, to July 15, 2003.

I look forward to your thoughts and ideas on how we can better Tennessee's electoral system. Although there is much work ahead, I look forward to meeting the challenges of HAVA and to improving this nation's electoral process by making Tennessee a strong leader in election reform.

Sincerely,

Brook K. Thompson
 Coordinator of Elections

2

TENNESSEE'S STATE PLAN

PUBLIC COMMENT AND REVIEW
JUNE 16, 2003 thru JULY 15, 2003

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

Riley C. Darnell, Secretary of State
 Brook Thompson, Coordinator of Elections
 Division of Elections
 312 Eighth Avenue North
 9th Floor, William R. Snodgrass Tower
 Nashville, Tennessee 37243

TABLE OF CONTENTS

Introduction..... 2
 Press Release..... 3
 Table of Contents..... 4
State Plan Required Elements: Section 254 (a)
 (1) How the State will use the requirements payment 5
 (2) How the State will distribute and monitor the requirements payment 9
 (3) How the State will provide for programs for voter education, election official education and training and poll worker training..... 10
 (4) How the State will adopt voting system guidelines and processes..... 11
 (5) How the State will establish a fund for administering the State's activities..... 11
 (6) The State's proposed budget..... 12
 (7) How the State will maintain the expenditures of activities..... 16
 (8) How the State will adopt performance goals and measures..... 16
 (9) Administrative complaint procedures..... 18
 (10) How Title 1 payments will affect activities..... 20
 (11) Ongoing Management of the plan..... 20
 (12) Changes from previous years..... 20
 (13) Description of State Planning Committee and members..... 20
 (14) Appendix A..... 23

PRESS RELEASE

JUNE 13, 2003

SECRETARY OF STATE

STATE ELECTIONS DIVISION

PUBLIC NOTICE OF PRELIMINARY STATE PLAN

This public notice is in accordance with the Help America Vote Act of 2002 (HAVA). According to Section 256 of HAVA, a preliminary version of the State Plan must be available for public inspection and comment thirty (30) days prior to the submission of the plan to the Federal Commission.

The preliminary version of the plan will be available for inspection and public comment from June 16, 2003, to July 15, 2003. The plan will be posted online at the official State website, <http://www.state.tn.us/eos/election.htm>. The plan will also be available through the Secretary of State, Division of Elections, at (615) 741-7956 and at all local county election offices. Copies of the plan may be mailed, emailed, or faxed. Public comments may be sent to:

Department of State
 Division of Elections
 Attention: Cara Harr
 312 Eighth Avenue North
 9th Floor, William R. Snodgrass Tower
 Nashville, Tennessee 37243
 (615) 741-7956
 (615) 741-1278 (facsimile)
 Cara.Harr@state.tn.us (email)

SUMMARY:

On October 29, 2002, President Bush signed into law the Help America Vote Act of 2002, which requires mandatory changes and improvements in the electoral process. In order to make these improvements, the federal government will provide funds to the individual states. These funds will be used to improve voting systems, to implement provisional voting, and to establish a statewide voter registration database. In order to qualify for funds under Title III, each state must design a long-range plan for implementing the Act.

An advisory committee was established for the purpose of assisting in the drafting of Tennessee's State Plan. The empaneled committee included the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders (including representatives of groups of individuals with disabilities), and other citizens. All public comments will be reviewed and taken into consideration in preparing the final draft. The final draft will be submitted to the Election Assistance Commission for publication in the Federal Register.

HELP AMERICA VOTE ACT OF 2002

TENNESSEE'S STATE PLAN

STATE PLAN REQUIRED ELEMENTS:

HELP AMERICA VOTE ACT SECTION 254(a) – The State Plan shall contain a description of each of the following:

- (1) *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.*

Pursuant to Title III each State must establish uniform and nondiscriminatory election standards. HAVA requires each state to comply with certain minimum standards when implementing its voting systems. Included in this process will be the replacement of all punchcard and lever voting devices. Title III further mandates that voting systems be accessible to individuals with disabilities. Tennessee will also be required to define what constitutes a vote, implement provisional voting, and maintain a statewide voter registration system.

A. Voting System Standards

Section 301(a) of HAVA requires each voting system, whether it be lever, optical scan, or direct recording (DRE), to (1) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted; (2) provide the voter the opportunity to change the ballot or correct any error before the ballot is cast and counted; and (3) if the voter attempts to vote for more than one candidate for a single office, the system must notify the voter of the overvote before the ballot is cast and counted and provide the voter the opportunity to correct the ballot before it is cast and counted. HAVA defines a voting system in Section 301(b) as “(1) the total combination of mechanical, electromechanical, or electronic equipment (including software, firmware, and documentation required to program, control, and support the equipment) that is used (A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trail information; and (2) the practices and associated documentation used (A) to identify system components and versions of such components; (B) to test the system during its development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instruction, forms, or paper ballots).”

Each voting system must also be accessible for individuals with disabilities and have an audit capacity.

Currently in Tennessee, many counties meet several of the requirements set forth in HAVA. Many of our counties use a direct recording electronic voting system (hereinafter DRE), i.e., the Electronic Danaher or the Microvote system, which complies with the general requirements of Section 301 of HAVA. Approximately forty-one counties (1,357 precincts) out of the State's ninety-five counties, or approximately 43% of the State, use one of the above voting systems. These machines comply fully with Section 301 (a) (1) (A) (i), (ii), and (iii). In order to fully comply with Section 301 (a) (3), the State will ensure that at least one direct recording electronic voting system which meets the accessibility requirement for persons with disabilities will be placed in each precinct.

Tennessee also uses Optical Scan voting systems, i.e., Optical Scan ESS Central Count and Optical Scan ESS Precinct Count. The Optical Scan Precinct Count systems are in compliance with Section 301 (a) (1) (A) (i), (ii), and (iii). In order to fully comply with HAVA Section 301(a) (3), which mandates that the voting system be accessible for individuals with disabilities, counties using the precinct count system will need to purchase for each precinct at least one DRE system which meets this requirement. Those counties which use the Optical Scan Central Count system will have the option of either changing the voting system to an Optical Scan Precinct Count, which would bring them into compliance with Section 301 (a) (1) (A) (i), (ii), and (iii) of HAVA, or revamping their voting system by changing to one that uses all DRE's in every precinct. (At least one of the DRE's used by these precincts will need to comply with the requirement found in Section 301 (a) (3).) If the counties choose to switch to a precinct count voting system, one DRE machine will need to be purchased for each precinct which is accessible for individuals with disabilities and in compliance with Section 301(a) (3).

Finally, those counties which use either a lever or punchcard voting system will need to replace their entire voting system with one that complies with Section 301 of HAVA. These counties will have the option of either choosing an Optical Scan Precinct Count voting system with a DRE in each precinct which meets the requirements of Section 301 (a) (3) or purchase all DRE's which meet all the requirements of Section 301. Tennessee has submitted its application for monies under Title I and plans to use that money to purchase voting systems which fully comply with the Act.

Section 301(a) (4) mandates that the voting system provide alternative language accessibility. Although Tennessee has no jurisdiction that falls under the minority language provisions of the Voting Rights Act and therefore we are not required to comply with the alternative language provision of this Act, Tennessee will strive to purchase voting systems with the capability of meeting this requirement should the situation arise in the future. Once the above is complete, all ninety-five counties will be in full compliance with the voting system requirements of HAVA.

Tennessee Code Annotated §2-7-133 complies with Section 301 (a) (6), which requires each state to adopt a uniform definition as to what constitutes a vote.

B. Provisional Voting and Voting Information Requirements

Section 302 of HAVA requires each state to allow an individual claiming to be a registered voter in the jurisdiction where the individual desires to vote and is eligible to vote, but whose name does not appear on the official voter registration list, to cast a provisional ballot. The provisional ballot will then be verified by the appropriate State or local election official and, if the voter is deemed to have been eligible to vote, then the ballot will be counted. If the voter is deemed to be ineligible, for whatever reason, the ballot will not be counted; however, the voter may inquire as to if and why the vote was not counted.

Prior to HAVA, Tennessee did not have a process for provisional voting. In order to comply with Section 302 (a) of HAVA, Tennessee submitted legislation to its General Assembly in March 2003. House Bill 1806/Senate Bill 1782 was passed by the 103rd General Assembly and provisional voting became effective July 1, 2003. (See Appendix A-Chapter No. 352). In conjunction with our new provisional law, a voter will be able to call the local election commission where the provisional ballot was cast and obtain information on whether the vote counted and, if the vote was not counted, the reasons why the vote was not counted. Our State law also requires us to mail a notice to any voter whose vote does not count and the reasons that the vote was not counted.

Section 302 (b) (2) mandates that certain voting information be publicly posted at each polling place on the day of each election for Federal office. That information includes a sample version of the ballot for that election; the date of the election and the hours which the polling place will be opened; instructions on how to vote, including a provisional ballot; instructions for mail-in registrants and first-time voters; general information on voting rights and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation. Tennessee currently requires a sample version of the ballot that will be used for that election to be posted along with information regarding the date and hours of the polling places. Prior to the implementation of HAVA and currently, Tennessee Code Annotated § 2-2-115(b)(7) requires any voter who registers by mail to vote in person in the first election the person votes in after such registration becomes effective. Therefore, Tennessee does not require voters to submit documentation with their ballots because all voters who register by mail must vote the first time in person at their appropriate polling places with their appropriate documentation. In order to bring Tennessee into full compliance, we will promulgate rules regarding instructions on how to vote, including a provisional ballot, and all general information on Federal and State laws regarding voting rights and acts of fraud and misrepresentation.

C. Computerized Statewide Voter Registration List Requirements and Requirements for Voters who Register by Mail

Section 303 of HAVA requires each State to implement a uniform and nondiscriminatory "single, . . . official, centralized, interactive computerized statewide voter registration list" which is maintained at the State level and contains the name of every registered voter and assigns a unique identifier to every voter. This list shall serve as the official voter registration list for all elections for Federal office in the State of Tennessee.

Currently Tennessee has a statewide voter registration database. This list is compiled at the county level. Each county is responsible for compiling a voter registration list which contains the name of every registered voter in that particular county. Each county maintains the list and updates the voter registration records. These lists are accessible at the state level as a public record. In maintaining these lists, each county complies with the National Voter Registration Act of 1993 in removing any name from the list pursuant to Tennessee Code Annotated § 2-2-106. Tennessee Code Annotated § 2-2-106 fully complies with the list maintenance requirements found in Section 303. Tennessee also is permitted to use social security numbers on applications for voter registration and will use this number as its unique identifier.

Since Tennessee already has a strong base on which to build, the State plans to enhance its current system to bring Tennessee into full compliance with all of HAVA's requirements. Tennessee will establish a statewide voter registration list which is maintained at the State level and which assigns a unique identifier, one's social security number, to each registered voter in the State. This system will have immediate electronic access and will be updated regularly. Tennessee will also enhance the already established agreements between the Department of Safety and other motor voter agencies within the State.

HAVA Section 303(b) requires certain standards for voters who register by mail. In Tennessee, Tennessee Code Annotated § 2-2-116 requires each voter who registers by mail to appear in person to vote in the first election after which that registration becomes effective. The voter must also present satisfactory proof of identity at the polling place. Therefore, Tennessee will continue to require proper identification at each election.

- (2) *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 paragraph (1), including a description of:*
- (A) *the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (9).*

(A) Eligibility for requirements payment

The Secretary of State through the Coordinator of Elections will manage the allocation of the requirements payment. The Coordinator of Elections will be responsible for the management of the funds, the allocation of the funds, and the monitoring of the funds and their performance goals.

Each county will be required to sign an agreement with the Secretary of State prior to the receipt of HAVA funds. This agreement will mandate that the county will meet all the requirements set out in this State Plan. Counties must agree to purchase certified voting systems, comply with provisional voting, and maintain a compliant voter registration list. Each county will be required to submit a semiannual report on its performance goals. Monies that are distributed to the counties for training and education will be allocated based on the voting age population; however, Tennessee reserves the right to set minimum amounts for smaller counties.

(B) Performance methods

The methods to be used are detailed in Section 8 of the State Plan. These methods will help the State monitor the effectiveness of the distribution of funds.

- (3) *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.*

A. VOTER EDUCATION

Tennessee currently provides voters information through published sample ballots and postings at polling places. Additionally, the Division of Elections maintains a website with relevant electoral information. It is our intent to develop programs which will reach the voters of Tennessee. The Secretary of State will explore various approaches, including public announcements and mailings, as an opportunity to educate our voters on the new developments that HAVA brings to the State. Statutorily required postings at polling places will be updated to reflect the requirements of HAVA.

B. ELECTION OFFICIALS AND POLL WORKERS

Tennessee Code Annotated §2-12-201 requires all county administrators of elections to attend educational seminars to gain knowledge of all current laws. The seminars are held through the Secretary of State and are conducted by the Coordinator of Elections and its staff. Every year all certified administrators are required to attend an education/training seminar. This seminar includes an update on all current laws and procedures. The administrators are supplied with training materials for use throughout the year.

At the county level, Tennessee Code Annotated §2-4-108 requires the county election commission to hold a meeting within thirty days before the election to instruct election officials as to their duties during the election. This process will continue, with an emphasis being placed on the requirements of HAVA.

With the implementation of HAVA, the Coordinator of Elections will provide additional training on these requirements. Included in this training will be information on the implementation of provisional voting, who can cast a provisional ballot, and the requirements that must be met prior to election day. If counties are to receive new voting systems, training will include information on the new voting systems. We will further address the need to educate poll officials as to their duties regarding the new voting systems both on election day and during early voting. Finally, we will be working hand in hand with the county-level administrators in implementing the statewide voter registration list.

Tennessee realizes that the success of HAVA will have its cornerstone in the education of election officials, poll workers, and, most importantly, the voters. We are dedicated to the goals of HAVA and will implement the appropriate programs in order to bring Tennessee into full compliance with HAVA.

(4) ***How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.***

Tennessee currently requires the Secretary of State's Elections Division to certify all voting machines against the voting systems standards (VSS) established by the Federal Election Commission (FEC). This testing is done through a program established by the National Association of State Election Directors (NASED).

With the implementation of HAVA, the Coordinator of Elections, along with the State Election Commission, will be responsible for certifying all voting systems in the State of Tennessee. In order for a voting system to be certified, the voting system must permit voters to verify in private whom they voted for prior to the ballot being cast; permit voters to change or correct the ballot in private prior to the ballot being cast; and notify voters if they have overvoted and allow them to correct the ballot in private prior to the ballot being cast. The voting systems must also produce a permanent paper record with a manual audit capacity and be accessible for individuals with disabilities. Finally, the voting system must comply with the error rates mandated by the FEC and have a definition of what constitutes a vote and what will count as a vote.

The Coordinator of Elections, in conjunction with the Tennessee State Election Commission, will oversee a process of recertification of voting systems to ensure compliance with HAVA. This process will require all voting systems to meet all the above voting systems standards. The Coordinator of Elections will also provide this information to the local counties, and those counties will be required to conform their voting systems to the guidelines.

Once the Federal Election Assistance Commission develops new voting system standards, Tennessee will create new guidelines and processes, if necessary, to comply with those standards.

(5) ***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.***

Tennessee has administratively established the election fund required by HAVA. The fund is set up through the Secretary of State's fiscal office and has received Title I monies. The Secretary of State's office will work with the State Department of Finance and Administration and the State Comptroller to ensure that transactions involving this fund will meet all applicable State and Federal requirements.

(6) ***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.*

Title III requires several monumental changes in Tennessee's electoral process. These changes include the replacement and/or upgrade of over half of the voting systems in the State, the implementation of provisional voting, new requirements in voting information, and a computerized statewide voter registration list.

A. **VOTING SYSTEMS**

In order for Tennessee to meet HAVA requirements, all ninety-five counties will need some type of either replacement system or upgrade to their current system. According to the information we have received, Tennessee will receive \$16,529,000 from Title III with a State match of \$869,947. We anticipate receiving \$6,105,000 from Title I, Section 101, and \$2,507,000 from Title I, Section 102. This totals \$26,010,947.

All ninety-five counties will need to acquire a DRE machine for each precinct that will comply not only with the HAVA disability requirement but also the other requirements of Section 301. Therefore, the State of Tennessee will purchase one of the above machines for each precinct in the State. Approximately forty-three (43) counties have either punchcard or lever voting systems. These counties will need to completely replace their current voting system with one that complies with Section 301. This will require the purchase of new machines in seven hundred and seventy-five (775) precincts in the State. Tennessee has decided that it will allot nine thousand (\$9,000) dollars per precinct to meet that goal. The counties will have a choice of either purchasing voting machines that comply with HAVA or converting their system to a precinct base optical scan system that complies with HAVA. If the counties choose to buy machines, the State will purchase those machines for the counties. If a county does not use all nine thousand (\$9,000) dollars per precinct, the money will be deposited in the election fund for use in accordance with Title III.

One hundred and eighty-eight (188) precincts have central base optical scan systems and will need to either convert to precinct base optical scan or purchase new voting machines which comply with HAVA. These precincts will also be allotted nine thousand dollars (\$9,000) per precinct for them to upgrade their system. If the counties choose to buy DRE voting machines, the State will purchase those machines for the counties. If a county does not use all nine thousand (\$9,000) dollars per precinct, the money will be deposited in the election fund for use in accordance with Title III.

- Lighting inside the polling location
- Doorways that are accessible to individuals with disabilities
- Bathroom access for individuals with disabilities
- Voting areas and privacy issues while voting.

The Coordinator of Elections will require each county to submit in writing an application for Section 261 funds and the areas that will be addressed if the funds are granted.

As with any new process, there will be unexpected costs; however, it is our goal to meet every requirement set out in HAVA and to bring Tennessee to the forefront of election reform. Any money which is not used for its allotted purpose will be deposited into the election fund and used for another HAVA goal. This section of the plan is based on funding appropriated for the current Federal fiscal year. Tennessee will submit changes, if needed, to the Committee once it is determined how much money will be allotted Tennessee in future years. Tennessee reserves the right to request the stipulated waivers allowed through HAVA.

B. PROVISIONAL VOTING

A bill establishing a process for provisional voting passed the Tennessee General Assembly during the 2003 session and became effective on July 1, 2003. (See Appendix A).

C. COMPUTERIZED STATEWIDE LIST

The Secretary of State through the Coordinator of Elections will implement a statewide voter registration list that will comply with HAVA. The State of Tennessee has allotted \$5,043,947 to upgrade the current system. The Coordinator of Elections will be responsible for the maintenance of this database and will supply support to the local counties.

D. TRAINING AND EDUCATION

In the process of implementing the above new procedures, Tennessee will be faced with the challenge of educating our election officials, poll workers, and the voters of Tennessee. Tennessee currently provides training for county election officials, who in turn provide training for poll workers. It is our intention to enhance this training at both the State and local levels. Additionally, Tennessee will embark on a voter education project to help the public understand the new requirements of HAVA, as well as other rights and responsibilities associated with the electoral process. This will include public announcements and videos produced at the State level. Tennessee plans on allotting \$1,000,000 to these projects.

E. OTHER GOALS

Tennessee will allot \$500,000 to accessibility issues for individuals with disabilities. Tennessee has also applied for funds under Section 261 of HAVA. In order to make all polling places accessible to individuals with disabilities, Tennessee must determine where the problems exist and how to best solve those problems. Many counties have begun to survey their polling places in order to determine where improvements need to be made. To further this cause, one of the disability coalitions in Tennessee is conducting its own survey to assess each polling place. In addition to this survey, the Coordinator of Elections will gather information from the local county election offices to determine what areas need to be dealt with and the priority of those needs. We realize that many issues are not apparent to the eye of those without disabilities, and therefore we feel that it is essential to allow individuals with disabilities to lead us in this endeavor.

Improvements will include, but not be limited to:

- Parking lot accessibility, i.e. distances and types of surfaces (pavement, gravel, grass)
- Ramp access to the polling location

PROPOSED HAVA FUNDING

HAVA Federal Funding

Title I, Section 101 (administration of elections)	\$ 6,105,000
Title I, Section 102 (replacement of punchcard/lever)	\$ 2,507,000
Title III (requirements payments)/(State plan)	\$ 16,529,000
Tennessee State Match	\$ 869,947
TOTAL:	\$ 26,010,947

HAVA Proposed Expenditures

Title III Accessibility for Individuals with Disabilities 2,400 precincts X \$4,500/machine	\$ 10,800,000
Title I, Section 102 (replacement punchcard/lever) 775 precincts X \$9,000 per precinct	\$ 6,975,000
Title III Requirements (Central Base Optical Scan) 188 precincts X \$9,000 per precinct	\$ 1,692,000
Statewide VR database and related costs/mandates	\$ 5,043,947
Education and Training	\$ 1,000,000
Accessibility issues (disabilities)	\$ 500,000
TOTAL	\$ 26,010,947

(7) *How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payments 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.*

The Secretary of State will work with the Commissioner of Finance and Administration and legislative leaders to ensure that the expenditures of the State for the activities funded by the payments remain at a level not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. There will be a Maintenance of Effort requirement for each county receiving direct funds from HAVA.

(8) *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.*

The Secretary of State through the Coordinator of Elections will establish performance goals and measures to evaluate the success in carrying out these goals. In order to establish these performance goals and measures, the Coordinator of Elections will work with the county election commission offices in determining what processes will be the most successful. Counties will be required to gather and maintain needed information and submit that information to the Coordinator of Elections upon request. The counties will also be required to report the progress of the goals and measures implemented through HAVA. The Coordinator of Elections will be responsible for the ultimate success of these goals but will work hand in hand with each county to assure success.

(9) **A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.**

Section 402 requires each State to establish a State-based administrative complaint procedure. This procedure will allow any citizen to file a formal complaint if a violation of Title III has occurred, is occurring, or is about to occur in the near future. This procedure will be limited solely to complaints alleging a violation of Title III, which will include voting systems standards, provisional voting, voting information requirements, computerized voter registration, and requirements for voters who register by mail.

Prior to the implementation of this procedure, Tennessee used an informal mechanism for dealing with certain types of complaints. Complaints were handled at the appropriate level. For example, if a complaint came in at the county level, it was handled by that county's administrator. If the administrator could not resolve the issue, the State Coordinator of Elections was notified and would ultimately decide the issue. If needed, the Coordinator has the power under Tennessee Code Annotated Section 2-11-202(a) (5) to investigate or have investigated by local authorities the administration of the election laws and any reports of violations.

With the passing of HAVA, Tennessee will now handle all complaints involving Title III in the following manner. These procedures shall be uniform and nondiscriminatory.

1. When an allegation first comes to the attention of either a county election office or the Coordinator of Elections, a determination will be made as to whether the alleged violation falls under Title III. If it is determined that the violation falls under Title III, then the complainant may file a formal complaint. If the complainant elects to file a formal complaint, then the following procedures will be followed. The formal complaint may be a past, present, or future violation under Title III.
2. The formal complaint must be filed either directly with the Coordinator of Elections or, if filed through the county elections office, it must be directly forwarded to the Coordinator of Elections. The Coordinator of Elections has promulgated a form for such formal complaints that must be used in the filing of such complaints. The form will be available at the county election office, the Coordinator of Elections office, and online through the State's website.
3. The formal complaint must be in writing and notarized, and the formal complaint must be signed and sworn to by the complainant. If the form is sent via online, the complainant shall also send the original notarized form. The form will not be officially received until the signed and notarized form is received by the appropriate official.
4. At the request of the complainant, there shall be a hearing on the record. The Coordinator of Elections or designee shall hold the hearing. This hearing may be in person or by telephone conference call. The Coordinator of Elections may also request the parties to submit written responses to the complaint.

PERFORMANCE GOALS

Tennessee's primary goal is to become fully compliant with HAVA through the successful implementation of the programs addressed in this State Plan. The table below outlines the element to be achieved, the timetable for meeting each element of the plan, and the official responsible for ensuring that the goal is met:

Element	Timetable	Official Responsible
Voting Systems	January 1, 2006	Coordinator of Elections and County Administrators
Provisional Voting Administrative Complaint Procedure	July 1, 2003 January 1, 2004	Coordinator of Elections
Voter Education	Ongoing process	Coordinator of Elections and County Administrators
Poll Worker, Poll Official Training	Ongoing process	Coordinator of Elections and County Administrators
Polling Place Accessibility Statewide	Ongoing process	County Administrators
Voter Registration List	January 1, 2004; however, if the State certifies good cause for waiver, then January 1, 2006	Coordinator of Elections

PERFORMANCE MEASURES

The State will use the following criteria to measure its performance goals: voter registration and turnout; functionality of voting equipment, including voter and poll official satisfaction with the new systems; resolution of complaints, including complaints against poll workers and complaints filed under the administrative complaint procedures under section 402; and compliance with disability issues.

- (10) *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.*

The proposed expenditures of funds detailed in this State Plan account for Title I funds received to date, expected additional Title I funds, and projected Title III funds.

- (11) *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).*

The Coordinator of Elections will be responsible for the ongoing management of the State Plan. The State Advisory Panel will meet at least once a year to review and update the State Plan. The Coordinator of Elections may also convene the State Advisory Panel at other times during the year as deemed necessary. If material changes need to be made to the plan, those changes will be done in accordance with the requirements of HAVA.

- (12) *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.*

This Plan is Tennessee's first State Plan submitted to the EAC. This section will be updated in the next fiscal year, 2004, and will reflect any changes to the Plan, as well as a summary of the 2003 successes.

- (13) *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 and section 256.*

Tennessee's advisory committee consisted of fifteen members comprised in accordance with the HAVA guidelines. Members include the Secretary of State; the Coordinator of Elections; several local administrators of elections, including officials from the two most populous jurisdictions; advocates for persons with disabilities; and other citizens representing groups of interest.

In order to complete the State Plan, the advisory committee met on four occasions: May 5, 2003; May 12, 2003; May 19, 2003; and June 4, 2003. Each meeting was open to the public in the State's Legislative Plaza. Notice for all meetings was done

5. Once the Coordinator of Elections receives the formal complaint, the Coordinator of Elections or designee will decide the resolution of the complaint.
6. If, after the hearing, it is determined that a violation has occurred, the State, through the Coordinator of Elections or designee, shall provide an appropriate remedy in accordance with Title III.
7. 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.
8. The Coordinator or designee shall make a final determination prior to the expiration of the 90-day period which begins on the date the complaint is filed; if filed online, the 90-day period begins on the date that the notarized, signed copy is received by the Coordinator of Elections. If it appears that this process will take more than the 90-day deadline, only the complainant may agree to a longer period of time for making such a determination.
9. If the complainant does not agree to an extension and the 90-day period expires, the complaint shall be resolved within 60 days under alternative dispute resolution. All previous proceedings, including the record and any correspondence, shall be forwarded to an administrative law judge assigned by the Secretary of State's office for alternative dispute resolution.

10. The State may consolidate formal complaints filed under these procedures.

HAVA ADVISORY COMMITTEE MEMBERS

COMMITTEE MEMBER	TITLE AND ORGANIZATION
Roland Colson	Chief of Technology IS/Dept. of Safety
Riley C. Darnell	Secretary of State State Capitol
Carol Francisco	President, Middle TN Council of the Blind
Steve Griffy	Assistant Director of Information Systems
Lynn Harris	Administrator of Elections Wilson County
Jane Heathcott	Administrator of Elections Dyer County
Darren Jernigan	Director of Government Affairs Permobil Inc.
James Johnson	Administrator of Elections Shelby County
Janet Kleinfelder	Assistant Attorney General
Vicki Koelman	Administrator of Elections Montgomery County
Michael McDonald	Administrator of Elections Davidson County
Judy Poulson	Treasurer, League of Women Voters
David Seivers	TN County Services Association
Brook Thompson	Coordinator of Elections
Carol Westlake	Tennessee Disability Coalition

in conformity with the Tennessee Open Meetings Act and was posted on the Elections Division website.

The State Plan was made available for public inspection and comment from June 16, 2003 to July 15, 2003, in accordance with section 256. Notice of the time for public inspection and comment was published in the Tennessee Administrative Register, on the Elections Division website, and through a press release to the Capitol Hill Press Corps. Comments were directed to the Coordinator of Elections' office. Copies of the plan were also available through the Coordinator of Elections' office and could be requested by mail, e-mail or facsimile. A copy of the plan was available at the ninety-five county election commission offices. Public comments were taken into consideration in the final draft of the plan.

CHAPTER NO. 352
HOUSE BILL NO. 1806

By Representatives Rinkins, Coleman, Henri Brooks, Larry Turner
Substituted for: Senate Bill No. 1782

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 5, Title 2, Chapter 6 and Title 2, Chapter 7, relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-7-112(a), is amended by deleting subdivision (3) in its entirety and substituting instead the following language:

(3)

(A) A person shall be entitled to vote a provisional ballot under the procedures of this section if the voter claims to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined by the computer signature list or by examination of the permanent registration records on file with the county election commission:

APPENDIX A

(i) If the election official cannot determine that the voter's name should have been placed on the precinct's computer signature list, then the voter shall complete an original voter registration application. At the time of registration and pursuant to section 3 of this act, the voter shall present verification of the residential address under which the person desires to vote.

(ii) After the voter has completed the voter registration application and supplied verification of his or her residential address, the voter shall complete an application for ballot pursuant to this section.

(iii) Upon completion of the application for ballot, the voter shall be given a provisional ballot and provisional ballot envelope. The provisional ballot envelope shall be of a different color from absentee ballot envelopes and shall bear a detachable slip that contains the provisional ballot affidavit. The provisional ballot affidavit shall contain the voter's printed name, social security number, date of birth, signature and any other identifying information deemed necessary by the coordinator of elections to satisfy the requirements of this section and to prevent fraudulent registration and voting.

(iv) Both the voter registration application and the application for ballot shall be deposited in the provisional ballot box. Nothing in this section shall be construed to allow election day voter registration.

(v) Pursuant to § 2-7-114(b) and (c), the voter shall vote the provisional ballot. Any county utilizing punchcard or optiscan technology shall process their ballots pursuant to rules promulgated by the state coordinator of elections. The provisions of § 2-7-116 shall govern any voter needing assistance.

different precinct, the provisional ballot envelope shall not be opened nor its provisional ballot affidavit removed, but it shall be marked "Rejected" across its face with the reason for rejection written on it and signed by at least two (2) members of the central provisional ballot counting board. It shall then be placed in the container of rejected absentee ballots. A list shall be made of such rejected ballots, and the administrator shall notify the voters by mail of the rejection and the reason for such rejection.

(C)

(i) The counting of all provisional ballots must be completed within forty-eight (48) hours of the close of polls on election day. If the county election commission determines that the counting of provisional ballots cannot be completed by the designated time, the state coordinator of elections may grant the county an extension of time and designate a time that shall be no later than the second Monday after the election.

(ii) If the county election commission determines that the counting of provisional ballots cannot be completed during the night of election day and upon the close of each counting session, the provisional ballots shall be placed in the provisional ballots must be locked and sealed in the same manner established in § 2-6-311. The ballot boxes may not be unlocked except when the central provisional ballot counting board is performing its duties in compliance with this section.

SECTION 2. Tennessee Code Annotated, Section 2-7-112(C), is amended by deleting the subsection in its entirety and substituting instead the following language:

(c) For purposes of comparing the person's signature on the application for ballot, evidence of identification shall be a valid voter's registration card, Tennessee driver license, social security card, credit card bearing the applicant's signature or other document bearing the applicant's signature.

SECTION 3. Tennessee Code Annotated, Section 2-7-112, is amended by adding the following as a new, appropriately designated subsection:

(e) For purposes of registering a person to vote pursuant to subsection (e)(3), "verification of residential addresses" shall include, but is not limited to, a Tennessee driver license, a residential lease agreement, a utility bill or other document bearing the applicant's residential address. Such verification may be on the same or different document from those listed herein in subsection (c).

SECTION 4. Tennessee Code Annotated, Section 2-7-114(c), is amended by designating the existing language as subsection (1) and by adding the following language as subsection (2):

(2) If the voter is voting pursuant to § 2-7-112(e)(3), the voter shall state the voter's name and present the folded ballot to the judge assigned to receive and deposit the provisional ballots. The judge shall compare the provisional ballot number on the stub with the provisional ballot number on the voter's ballot application. The judge shall file all ballot applications in the order in which they are received. If the provisional ballot numbers are the same, the judge shall tear off and destroy the provisional ballot stub and deposit the provisional ballot in the provisional ballot envelope which contains the provisional ballot affidavit. The judge shall assure that the provisional ballot affidavit has been completed and signed by the voter. The provisional ballot, in its envelope, shall be deposited in an absentee ballot box that

(vi) Along with the voter registration applications and the applications for ballot completed by provisional voters, all provisional ballots that have been cast shall remain sealed and locked in the absentee ballot box for return to the county election commission at the close of polls.

(B)

(i) All provisional ballots shall be counted at the county election commission office by a separate central absentee ballot counting board that has been appointed in like manner to the central absentee ballot counting board established under § 2-6-302 and known as the central provisional ballot counting board. Upon completion of the counting of the absentee ballots, the county election commission may designate the central absentee ballot counting board established under § 2-6-302 as the central provisional ballot counting board. If the county election commission determines that there are fewer than one hundred (100) absentee and provisional ballots to be counted, the county election commission may act as the central provisional ballot counting board without additional compensation. When provisional ballots have been cast utilizing punchcard or optiscan technology, the counting of the provisional ballots shall be pursuant to rules promulgated by the state coordinator of elections.

(ii) After the delivery of the absentee ballot boxes containing provisional ballots to the county election commission, the central provisional ballot counting board shall unlock and open each absentee ballot box from the polling places in the presence of a majority of the judges.

(iii) The central provisional ballot counting board shall examine the records of the county election commission and the records of the Tennessee departments of health, human services, mental health and reintegration, safety and veterans affairs with respect to all provisional ballots. The central provisional ballot counting board shall then determine if the person voting that ballot was entitled to vote and met the statutory requirements for registration at the precinct where the person cast a vote in the election. The central provisional ballot counting board shall also determine that the person has not already cast a ballot in the election.

(iv) If the central provisional ballot counting board determines that the person should have been registered to vote and met the statutory requirements for registration in the precinct where the voter cast the ballot and the voter has not cast a ballot in the election in a different precinct, then the central provisional ballot counting board shall remove the provisional ballot affidavit from the provisional ballot envelope and place the sealed ballot with all other provisional ballots that have been determined to be countable.

(v) If the central provisional ballot counting board determines that the person should not have been registered to vote in the precinct where the voter cast the ballot or that the voter has previously cast a ballot in the election in a

PASSED: May 27, 2003

satisfies the requirements of the absentee ballot boxes and has been locked pursuant to § 2-6-311.

SECTION 5. Tennessee Code Annotated, Section 2-7-124(a), is amended by adding after the words "in Tennessee" the following language:

and did not vote a provisional ballot

SECTION 6. Tennessee Code Annotated, Section 2-7-131, is amended by adding the following as a new, appropriately numbered subsection:

(f)

(1) Notwithstanding the provisions of subsections (a) through (c), the county election commission may instruct the officer of elections and a judge of a different political party to transport the locked ballot box or boxes containing voted paper ballots to the county election commission office to have such paper ballots counted by the central absentee ballot counting board pursuant to § 2-6-302. The central absentee ballot counting board of this subsection may be the same members as a counting board that has already been appointed in like manner to the absentee ballot counting board established under § 2-6-302 or it may contain different members that have been appointed in like manner to such a board. This county election commission may only exercise this option if the ballot box or boxes used in the polling place satisfy the requirements of the absentee ballot boxes and have been locked pursuant to § 2-6-311.

(2) Where the write-in feature of a direct recording electronic voting machine has been used, the county election commission may instruct the officer of elections and a judge of a different political party to transport the locked ballot box or boxes containing the voting machine printer tape containing the write-in names to the county election commission office to have such paper ballots counted by the central absentee ballot counting board pursuant to § 2-6-302. The central absentee ballot counting board of this subsection may be the same members as a counting board that has already been appointed in like manner to the absentee ballot counting board established under § 2-6-302 or it may contain different members that have been appointed in like manner to such a board.

SECTION 7. Tennessee Code Annotated, Section 2-6-302(b), is amended by adding between the words "absentees" and "ballots" the words "and provisional".

SECTION 8. This act shall take effect July 1, 2003, the public welfare requiring it.


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE


PHIL BREDESEN, GOVERNOR

APPROVED this 13th day of June 2003

Help America Vote Act 2002
Texas State Plan

Texas State Plan

1. How the requirements payments (i.e., Title II funds) will be used to meet the mandates in Title III (new federal requirements)

Brief Overview of State Elections Structure

The Secretary of State is the chief election officer of the state and is required to maintain uniformity in elections held in the state and to advise and assist local officials who actually conduct elections. The Secretary of State also has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures.

The conduct of elections in Texas is decentralized. The statutory requirements for elections are set out in the Texas Election Code. The county clerk or county election administrator, in those counties that have created the office, is generally the official charged with conducting county elections. County voter registrars maintain the official list of registered voters; the voter registrar is generally either the county tax assessor-collector, or again the election administrator. The county political parties conduct primary elections in Texas, with the county chair as the chief elections official. Early voting in the primary is conducted by the county elections official.

Other elections are conducted by the political subdivision. City elections are held by the city, school district elections by the school, and so on. These political subdivisions often contract with the county to conduct their election or hold joint elections with one another, but they are not required to do so. They utilize the county list of registered voters appropriate for their locality.

The Secretary of State maintains an unofficial state list of registered voters. The Secretary of State's office houses and maintains a state master file of all registered voters. The Secretary of State also maintains the Texas Voter Registration Online System ("TVRS"), which is a voluntary online voter registration system currently used by 154 of 254 counties. For those counties utilizing the TVRS system, the state database reflects their "official" voter file. The master file has approximately 12.1 million active voters and also stores approximately 2.5 million cancelled voters at any given time. The state master file maintains two separate tables defined for either "offline" or "online" counties. An offline county updates the masterfile through a web browser application, on a weekly basis in a pre-specified standard record layout. TVRS counties update in real time with all transactions validated and updated per session. At present, voter registration systems are reviewed by the Secretary of State's office to ensure that they are capable of submitting reports in a standard format as required by the state.

Texas is a state covered under Section 5 of the federal Voting Rights Act, which requires changes in election processes to be submitted to the Voting Section of the U.S. Department of Justice ("DOJ") for review prior to enforcing the change. At the state level, the Secretary of State submits changes in state election procedures. At the local level, each county must submit

Texas State Plan
Help America Vote Act
Pursuant to the Help America Vote Act of 2002
(HAVA)
September 16, 2003

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**Help America Vote Act 2002
Texas State Plan**

its changes to DOJ. These include polling place changes, change in the method of election, and adoption of new voting systems, among others.

According to the 2000 decennial census, the voting age population of Texas was 14,965,061. The state had 12,365,235 registered voters for the 2000 general election. In the 2002 November general election, the number of registered voters was 12,563,459.

Turnout in the 2000 November general election for state and county officers was 6,407,637, which constituted 51.8% of the registered voters and 42.8% of the voting age population. Turnout in the 2002 general election for state and county officers was 4,553,979, which constituted 36.2% of registered voters and 30.4% of the voting age population, using the 2000 census numbers.

In November 2000, the breakdown of election systems used by counties was:

Paper Ballot:	90
Optical Scan:	150
Punch Card:	14
Lever Machine:	3
DRE:	4

Attached as chart "A" is a list of the county by county breakdown of voting systems. The Secretary of State is the authority charged with certifying voting systems for use in the state.

How the state will meet the Title III requirements is described in the charts below.

Voting System Standards

Voting System Standards	Sec. 301	Action Planned
HAVA Requirement All voting systems shall permit a voter to verify/review selections before casting the vote.	State of Texas Current Status Meets the requirement. Texas Election Code (TEC) Sections 64.007 and 129.001(b).	Action Planned No action needed.
Allow voter to change or correct any error on the ballot before casting the vote.	Meets the requirement. TEC Section 64.007.	No action needed.
Voting System Standards	Sec. 301	Action Planned
HAVA Requirement Prevent or alert voter if he/she overvotes on the ballot.	State of Texas Current Status Partially meets the requirement. DRE systems and precinct count optical scan systems alert the voter of an overvote. Manually counted paper ballots, centrally counted	Action Planned A voter education

optical scan ballots, and punch card ballots do not alert the voter of overvotes. Current process on mail-in paper absentee ballots would not meet the requirement. Meets the requirement. TEC Section 122.00(a)	campaign will be implemented in these precincts no later than January 1, 2006. No action needed.
All voting systems must be able to produce a paper audit trail of all votes cast. Voting systems must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for privacy and independence as other voters. This requirement may be met by having at least one DRE or other system equipped for individuals with disabilities at each polling site.	Partially meets the requirement. Several counties have adopted an accessible DRE voting system. Most counties do not meet this requirement. Upgrade existing voting systems or purchase new systems. All polling places will be required to be equipped with at least one DRE no later than January 1, 2006 pursuant to House Bill 1549.

Voting System Standards	Sec. 301	Action Planned
HAVA Requirement Voting systems shall provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. All voting systems shall have error rates (machine errors only) that do not exceed the Federal Election Commission standards. A uniform definition of what constitutes a vote for each voting system in use in the state.	State of Texas Current Status Meets this requirement. Languages added pursuant to Voting Rights Act from new census data will need to be added. Meets the requirement. Partially meets this requirement. State law provides a uniform definition in place for punch card.	Action Planned No action needed. Affected counties are currently working on program. This requirement was added to state law in HB 1549. State law was passed to provide a uniform definition for what constitutes a vote in paper ballot and optical scan voting methods. Definitions for DRE systems will be prescribed by administrative rule no later than January 1, 2006.

Help America Vote Act 2002
Texas State Plan

<p>Post instructions on how to vote on the voting system, including how to cast a provisional vote.</p>	<p>Partially meets the requirement. State law requires the posting of instructions on how to operate the voting machine or how to mark a ballot, how to get another ballot if one makes a mistake, how to receive oral instructions and assistance, and how to deposit or cast the ballot. Texas does not have provisional voting instructions.</p>	<p>election authorities for posting no later than January 1, 2004. Prescribe instructions for casting a provisional ballot no later than January 1, 2004. Post information on how to cast a provisional vote and distribute to election authorities no later than January 1, 2004.</p>
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Help America Vote Act 2002
Texas State Plan

Provisional Voting and Voting Information Requirements

Provisional Voting and Voting Information Requirements	Sec. 302	Action Planned
<p>HAVA Requirement A provisional voter is to be allowed to vote a paper ballot or an electronic ballot upon the completion of an affidavit. The ballot will be sealed in an envelope or electronically stored separately from the regular votes. The provisional ballot is to be transported to the appropriate election officials for determination of eligibility and counted if voter is deemed eligible.</p>	<p>Does not meet the requirement. Current law allows a challenged voter to fill out a challenge affidavit and then vote. The vote is counted. The affidavit is turned over to the voter registrar after the election. The voter registrar verifies the registration status and if the voter registrar believes the person was not registered, the voter registrar turns it over to the local prosecutor who shall investigate.</p>	<p>State law was amended to provide procedures to meet this requirement effective January 1, 2004 pursuant to House Bill 1549. The Secretary of State will adopt administrative rules to provide specific procedures.</p>

Provisional Voting and Voting Information Requirements	Sec. 302	Action Planned
<p>HAVA Requirement Each voter who casts a provisional vote shall be given written information on how he or she can ascertain whether his or her vote was counted, and if not why. Establish a free access system, such as toll-free phone number or Internet website, allowing provisional voters to ascertain whether their vote was counted, and if not why.</p>	<p>Does not meet the requirement. Does not meet the requirement.</p>	<p>State will develop written instructions to be effective January 1, 2004. State and counties will develop a free access system to be effective January 1, 2004. State law passed to require each precinct to post sample ballot. A definition of what a sample ballot is for DRE will need to be prescribed and distributed by January 1, 2004.</p>
<p>Post in each polling place a sample version of the ballot that will be used on election day.</p>	<p>Partially meets the requirement. Sample ballots are optional; however, a majority of the precincts post a copy of the ballot in the precinct.</p>	<p>State will prescribe language and distribute to local</p>
<p>Post information regarding the day of the election and polling hours.</p>	<p>Does not meet the requirement.</p>	<p>State will prescribe language and distribute to local</p>

Provisional Voting and Voting Information Requirements

HAVA Requirement	State of Texas Current Status	Action Planned
<p>Post general information on state and federal voting rights and the right to a provisional vote if the requirements to vote are met.</p>	<p>Does not meet the requirement.</p>	<p>State will prescribe language and counties will post information by January 1, 2004.</p>
<p>Post general information on federal and state laws prohibiting acts of fraud and misrepresentation.</p>	<p>Does not meet the requirement. State law requires the Secretary of State to establish a toll-free line and post that number in each polling place to inform voters of the number to call to report election violations.</p>	<p>Prescribe additional information and post by January 1, 2004.</p>
<p>Any voter who casts a vote as the result of a federal or state court order extending polling hours, shall do so on a provisional ballot, and it shall be kept separate from other provisional ballots.</p>	<p>No information on federal laws. Does not meet the requirement.</p>	<p>Post information on federal laws by January 1, 2004. State law amended to provide for this occurrence and law becomes effective January 1, 2004.</p>

Help America Vote Act 2002
Texas State Plan

Computerized Statewide Voter Registration System

Computerized Statewide Voter Registration System	Sec. 303	Action Planned
HAVA Requirement State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list.	State of Texas Current Status Does not meet the requirement. Currently, 153 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office. State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters.	State law was amended to require a statewide official list maintained at the Secretary of State's office. State will develop system to meet requirements no later than January 1, 2006.
Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants.	State currently receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis.	State law was amended to require assignment of unique identifier. State will develop such system no later than January 1, 2006.
Ensure that only voters who are not registered or who are not eligible are removed from the computerized list.	Current law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC Chapter 16 and Section 18.0121.	State law was amended to require identification at time of registration for first time voters voting by mail effective January 1, 2004.
Ensure that voter registration records are accurate and updated regularly.	Does not meet the requirement.	State will prescribe new form, print and distribute to all counties before January 1, 2004.

Help America Vote Act 2002
Texas State Plan

Computerized Statewide Voter Registration System	Sec. 303	Action Planned
HAVA Requirement State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list.	State of Texas Current Status Does not meet the requirement. Currently, 153 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office. State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters.	State law was amended to require a statewide official list maintained at the Secretary of State's office. State will develop system to meet requirements no later than January 1, 2006.
Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants.	State currently receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis.	No action needed.
Ensure that only voters who are not registered or who are not eligible are removed from the computerized list.	Current law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC Chapter 16 and Section 18.0121.	No action needed.
Ensure that voter registration records are accurate and updated regularly.	Does not meet the requirement.	State will include in new software developed, a method to monitor the activity of the county in maintaining accurate lists and will implement no later than January 1, 2006.

2. How Title II requirement payments will be monitored and distributed for the purpose of meeting the mandates in Title III, including determining the eligibility for receipt of payments and our methods for monitoring the performance of the local entities, continued eligibility.

The Secretary of State will work closely with the state fiscal authorities to set up a program to transfer funds to the counties. The program to transfer funds to counties will consist of the following general requirements:

- The state will require that before a county is eligible to receive funds, the county judge must certify that the county is maintaining the funding level for election administration and voter registration to be not less than the funding pattern as of the fiscal year which began on October 1, 2002.

**Help America Vote Act 2002
Texas State Plan**

- The state will develop a list of authorized projects for which a county may apply to use HAVA funds. The list of projects will include voter education, election worker education, upgrading voting systems to comply with new federal standards, acquiring an accessible voting system in each polling place, upgrading voter registration software and hardware to communicate to the state voter registration master file, and other projects that are identified to comply with HAVA.
- A detailed budget estimate is described in number 6 below. The state proposes that counties be eligible for a total of \$45 million in Title II requirement funds. Approximately \$25.5 million will be dedicated to the county purchase of a direct recording electronic voting system ("DRE") or other accessible voting system in each polling place. Of the remaining \$20 million, each county will be eligible for an amount of funds proportional to its voting age population. See attached Charts "B" and "C" for a breakdown by county of the amount of federal funds for which each county may apply. In addition, county election officers may apply directly for funds for professional election training. Funds will also be dedicated for county upgrades of voter registration election management systems to be compliant with the official statewide voter registration list. The state intends to allow the counties until September 1, 2005 to apply for these funds. Once the deadline has passed, counties may make additional applications for funding depending on how much is left after all counties have received their minimum payments and how much, if any, the state may need in requirement payments to meet HAVA mandates. The Secretary of State will adopt detailed administrative rules prescribing the application process and defining what type of programs are eligible for HAVA funding.

The Secretary of State will work with state fiscal authorities to develop a plan for monitoring and distributing requirement payments. Specifically, this grant program will fall under the general requirements of the Uniform Grant Management Standards ("UGMS") prescribed by the Governor's office. UGMS prescribes a standard set of financial management procedures and definitions and ensures accountability for expenditure of public funds.

3. Voter Education, Election Official Education and Training, and Poll Worker Training

a. Voter Education Plan Goal

The state will implement a voter education plan to educate voters from all walks of life—every eligible citizen, registered voter, and future voters will be the target audience. This plan will need to be a broad-based, inclusive, and comprehensive educational program. The intent of this voter outreach campaign will be to maintain Texans' confidence in the voting process and in the voting systems used today. The state has a responsibility to ensure that the voting process and our systems of voting are accurate, secure, and accountable. Our voter outreach efforts will need to be designed to reflect and incorporate the diverse populations of Texas through a well-executed, adaptable program, delivered in an easy-to-use format, and in alternative formats for individuals with disabilities. The mediums for delivery of this voter education program will need to be equally diverse.

9

b. Educating the Voter

- The state has sent a survey to the 254 counties, and will compile a list of their best practices and develop resources to supplement existing training materials for the voter. The Secretary of State plans to compile this information no later than December 31, 2003.
- Investigate the development of an Internet online tutorial (website application which would bring up a voter's precinct number, polling place location, offices and measures on the ballot, type of voting system, and instructions on how to use the voting system). An extensive state voter registration database will be required for such development. The tutorial will also meet the state's standards for individuals with disabilities and will be in English and in Spanish. Because the tutorial is dependent on the development of the statewide voter registrar, no detailed timeline for this project is possible until the feasibility and compatibility is determined.
- A program will be developed for each type of voting system, including the hand-counted paper ballot system, to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system no later than January 1, 2006.
- The state will prescribe an informational voting poster and materials for statewide distribution to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first-time voters; voter rights (including the right to vote a provisional ballot, undervotes/overvotes and new identification procedures); and legal notice prohibiting voter fraud and misrepresentation no later than January 1, 2006. This information will be disseminated through various mediums: printed materials, speaker's bureau, and Internet (offered in multiple educational formats such as .pdf and PowerPoint), and will be available in alternative formats for individuals with disabilities and will be in English and in Spanish.
- The state will pursue the possibility of compiling an educational module for voter advocacy groups to educate election volunteers and candidates.
- The Secretary of State will appoint a voter education advisory committee composed of voter advocacy groups and other interested stakeholders to advise the Secretary of State on HAVA-related voter education materials and programs.

c. Election Officials Education and Training

- The state will develop a comprehensive training component for Election Officials to include: videos; pamphlets; updated handbooks; and an election-based training module no later than January 2004. The new training program and educational resources will explain all the components of HAVA, including: overvote and undervote; provisional voting; DREs; voters rights; the administrative hearing process; new voting system requirements; statewide

10

**Help America Vote Act 2002
Texas State Plan**

voter registration system requirements; methods of poll worker training; accessibility for people with disabilities; and alternative language requirements.

- The state will look into the possibility of developing an outreach program working with the Department of Public Safety (DPS) to provide resources and materials to improve the voter registration process no later than January 2005.
- The state will work proactively with election officials to assist and advise in the recruitment of college and university students as poll workers.
- The state will investigate the possible creation of an on-line training module for election officials, with a possible certification component no later than January 2006.

d. Training of Poll Workers

- The state will develop materials for a standardized curriculum for training of election judges and clerks. The training standards may include required attendance at appropriate training programs or the passage of an examination at the end of a training program. All materials and updated election official handbooks will reflect HAVA requirements no later than January 2004.
- The state will also investigate the possibility of making this module available to poll workers via the Internet, with an interactive testing component.
- Secretary of State staff will conduct on-site and video-conferencing training for election judges and clerks before each primary and general election.

4. How the state will adopt voting system guidelines consistent with Sec. 301 (Sec. 254, a. 4).

Voting System Standards

The state of Texas' voting systems standards contained at Section 122.001 of the Texas Election Code are already in substantial compliance with the requirements set out in Section 301(a)(1) of HAVA. Pursuant to an administrative rule adopted by the Secretary of State, Rule 81.61, before any voting system may be certified for use in a Texas election, the voting system must meet the voluntary voting systems standards promulgated by the Federal Election Commission. Texas Administrative Code § 81.61 (Tex. Sec. of State).

Overvote and Opportunity to Correct Ballot

All systems used in Texas allow a voter to change his or her vote. In a paper or optical scan ballot system, a voter may receive up to two replacement ballots if he or she makes an error marking the original ballot. Texas currently posts voting instructions that inform the voter of his or her right to replace a spoiled ballot.

Precinct-level optical scan voting systems inform the voter of an overvote in a particular race and give the voter an opportunity to correct the ballot. Texas Administrative Code § 81.52 (Tex. Sec. of State). Direct Recording Electronic voting systems ("DREs") currently certified for use in Texas and mechanical lever machines do not allow for overvoting. In

**Help America Vote Act 2002
Texas State Plan**

those entities using hand-counted paper ballot, central count optical scan, mechanical lever machines or punch card voting systems, the voter is not informed when he or she overvotes in a race; however, language will be added to voter instructions to inform voters of the definition and consequences of an overvote, and Texas will establish a voter education program to explain the effect of overvoting. Punch card and lever voting systems will be phased out of use. The Texas Legislature passed legislation this year to prohibit their use after January 1, 2006.

All of the systems used in Texas allow voters to view their choices before they cast their ballot. DRE voting systems are already required under current state law to present voters with a summary screen of the entire ballot to allow voters to review and change their choices prior to the final cast of the ballot.

Manual Audit

Electronic voting systems are required under state law to provide records from which the operation of the voting system may be audited. In addition, the Secretary of State has adopted an administrative rule, Section 81.61, which requires a real time audit log that records all significant election events and records the date and time of each event. Also, due to the fundamental inability of lever machines to produce a manual audit of its records, Texas has recently passed a law that prohibits the use of these systems in elections after January 1, 2006.

Accessibility

Under HAVA, the voting system must be accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. HAVA provides that this requirement may be met by placing a DRE or other accessible voting unit in each polling place.

Texas law currently requires voting systems acquired on or after September 1, 2001 to comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot. Detailed guidelines as to what constitutes an accessible voting system have been adopted by administrative rule which is enclosed. In all the remaining polling places throughout the state which use voting systems that do not meet the accessibility guidelines, counties will purchase at least 1 DRE per polling place in order to satisfy the requirements.

The state legislation implementing HAVA repeals the current voting system accessibility law and replaces it with language which tracks the federal law for accessibility. Until the Election Assistance Commission issues HAVA-compliant accessibility standards, Texas will continue to evaluate accessibility based on the state rule and FEC accessibility standards.

**Help America Vote Act 2002
Texas State Plan**

item, the Secretary of State will reconvene the HAVA Advisory Committee for advice on how to reallocate the funds.

Title I Funds	Estimated Amount
Punch card and lever replacement	\$ 6,269,521 million
Preliminary Planning for Statewide Voter Registration System	\$ 500,000 thousand
State Plan Administration	\$ 2 - 4 million
Voter education	\$ 2 - 3 million
Election Official and Poll Worker Training	\$ 2 - 3 million
Upgrade or replacement of county voter registration election management systems for compatibility with new voter registration system	\$ 6 million
County Education Fund	\$ 1 - 2 million
Title I Budget Total	\$ 19.77 - 24.77 million
Title I Federal Funds Received	\$ 23,476,116 million
Title II Funds	
Free Access System for Provisional Voters	\$ 1 million
Statewide Voter Registration System	\$ 10 - 15 million
Accessible voting system in every polling place	\$ 25.5 million
Grant funding to counties for HAVA compliance	\$ 20 million
Title II Budget Total	\$ 56.5 - 61.5 million
Title II Estimated Federal Funds	\$ 57 million
Title II State Matching Funds	\$ 2.9 million
Title II Estimated Funding Total	\$ 59.9 million
Titles I and II Estimated Budget	\$ 76.27 - 86.27
Titles I and II Estimated Funding	\$ 83,376,116 million

7. **Statement that the state will, in using the requirements payments, provide for maintaining the funding for activities funded by the payments at a level not less than the fiscal year ending before November 2000 (Sec. 254, a, 7).**

The Secretary of State, through the state's budgetary process and the distribution of the requirements payment, will ensure that expenditures of the state for activities funded by the payment will be at a level that is not less than expenditures maintained by the state for the fiscal year ending prior to November 2000.

**Help America Vote Act 2002
Texas State Plan**

Language Accessibility

Because Texas is a state covered by Section 1973aa-1a and Section 1973b(f)(4) of the federal Voting Rights Act, voting systems are already required to provide alternative language accessibility to the ballot. Statewide, Spanish has been required since 1975 and ballots have been required to be in English and Spanish since that time. As a result of the 2000 census, in some areas of the state, Vietnamese, Kickapoo, and Pueblo languages are required. Review of whether a voting system provides alternative languages is already an element of voting system certification in Texas.

Error rates

HAVA requires that the counting error rate of voting systems must comply with the standards established under the Federal Election Commission. Secretary of State Administrative Rule 81.61 requires that before a voting system may be certified for use in Texas, the voting system must meet the voluntary voting system standards promulgated by the Federal Election Commission. In addition, the state legislation adopted to implement HAVA amends the Texas Election Code to require that all voting systems comply with the error rate standards adopted by the Federal Election Commission.

Definition of "Vote"

Current state law contains a detailed definition of a punch card vote. Texas has recently passed legislation that fully defines what constitutes a vote cast under hand-counted paper ballot, optical scan, and lever machine systems. Texas will also adopt definitions of a valid vote for specific DRE voting systems. See Exhibit D.

5. How the Election Fund will be established and managed (Sec. 254, a, 5).

The Texas Legislature created an "Election Improvement Fund" as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund. The state has appropriated funds to satisfy the five percent match requirement of Section 253 of HAVA in House Bill 1549, 78th Regular Session, 2003. The five percent match is estimated to be about \$2.9 million dollars, but no official information has been distributed to the state regarding the exact amount of money the state is eligible for under the Title II requirements payment. The fund will be managed according to the Uniform Grant Management Standards prescribed by the Governor.

6. 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.

The budget below is based on the state's best estimate. Exact costs for the statewide voter registration system, free access system for provisional voters, voter education, and poll worker education are not currently known. If actual costs deviate by more than 5% for any one budget

**Help America Vote Act 2002
Texas State Plan**

8. How the state will adopt performance goals and measures to determine success in carrying out the plan (Sec. 254, a, 8).

The Secretary of State and county election officials are responsible for ensuring the success in meeting each performance goal. Each county's voter registration and elections office also have a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state on a regular basis.

The performance goals include:

ELIMINATION OF PUNCH CARD VOTING AND LEVER EQUIPMENT

- a. Timetable: January 1, 2006
- b. Criteria: Replacement of punch card voting equipment and lever machines in 17 counties that used voting equipment in 2000.
How criteria is measured: Assess 17 counties after January 1, 2006 to determine if any punch card or lever machines are being used in federal elections.
- d. The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

VOTING SYSTEM STANDARDS

- a. VOTING SYSTEMS
 - (1) Timetable: January 1, 2006
 - (2) Criteria: All voting precincts in the state will have a voting system that provides voters an opportunity to check for and correct ballot errors in a private and independent manner, notifies the voter of any overvotes cast and the effect of casting an overvote, allows the voter to correct the overvote before the ballot is cast, has a manual audit capacity, and an error rate that does not exceed the existing rate established by the FEC or Office of Election Administration. For the precincts that do not have such a system in place, an extensive voter education program will be developed and used in each county. A program will be developed for each type of voting system and paper ballot to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system.
 - (3) How the criteria is judged: Assess all counties to ensure 100% participation in using voting systems that meet the HAVA requirements or using the education program developed by the Secretary of State.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

15

b. ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

- (1) Timetable: January 1, 2006
- (2) Criteria: Provide at least one direct recording voting device in each polling place in the state that will allow voters with disabilities the opportunity to cast a ballot without assistance.
- (3) How criteria is judged: Assess each county to ensure 100% of the polling places have implemented a direct recording voting device that allows voters with disabilities the opportunity to cast a ballot without assistance.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

c. ALTERNATE LANGUAGE ACCESSIBILITY

- (1) Timetable: Currently
- (2) Criteria: Provide alternative language accessibility pursuant to the federal Voting Rights Act.
- (3) How criteria is judged: Texas has provided alternative language for all voting systems, voting materials and forms used in the polling place since 1975. Before a voting system is certified by the Secretary of State, the voting system must demonstrate alternate language accessibility.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

PROVISIONAL VOTING

- a. PROVISIONAL BALLOTS PROVIDED
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Provide provisional ballots to ensure no individual is turned away at the polls.
 - (3) How criteria is judged: Assess all counties to ensure the new procedures for provisional voting are in place and that all election workers have been trained on the new procedures.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- b. FREE ACCESS SYSTEM
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Implement a free access system in each county so that the voters can determine if their provisional ballot was counted.
 - (3) How criteria is judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that voters can determine if their provisional ballot was counted.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

16

**Help America Vote Act 2002
Texas State Plan**

c. **INFORMATIONAL VOTING POSTER**

- (1) Timetable: January 1, 2004
- (2) Criteria: Voter information must be posted at each polling place, to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first time voters; voter rights (including the right to vote a provisional ballot); and legal notice prohibiting voter fraud and misrepresentation.
- (3) How criteria is judged: Survey all counties to ensure that the voting poster is included with election supplies and that all election workers have been instructed to post such information in the polling place.
- (4) The Secretary of State will prescribe and distribute informational posters to all counties prior to January 1, 2004. The county election officials are responsible for ensuring the poster is properly posted in each precinct.

STATEWIDE VOTER REGISTRATION SYSTEM

a.

COMPUTERIZED STATEWIDE VOTER LIST

- (1) Timetable: January 1, 2006
- (2) Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.
- (3) How criteria is judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirements of HAVA.
- (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

b.

NEW VOTER REGISTRATION APPLICATION

- (1) Timetable: January 1, 2004
- (2) Criteria: Prescribe, print and distribute new voter registration applications that meet the requirements of HAVA.
- (3) How criteria is judged: The Secretary of State will prescribe, print and distribute a new voter registration application to all counties prior to January 1, 2004.
- (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

The Secretary of State and the counties will create a report to include specific data to identify the successes of each county as it relates to the implementation of the Help America Vote Act of 2002 (HAVA). The Secretary of State will compile the data in the reports and create a statewide report on the programs. The report will include an indication of whether each county met the performance goals. If the Election Assistance Commission or any other federal agency should prescribe such a report or survey, the state will use the federal form in lieu of the state form.

17

**Help America Vote Act 2002
Texas State Plan**

9. **Description of state based administrative complaint procedures (Sec. 254, a, 9):**

The Secretary of State will adopt an administrative complaint procedure through its rulemaking authority. Complaints will be limited to those arising from violations of Title III of HAVA. As required under Section 402(2) of HAVA, complaints shall be required to be in writing, signed by the complainant, and notarized. The Secretary of State will have authority to consolidate complaints for efficiency and to resolve any complaints through an informal process, if warranted.

Review of the complaint will be held pursuant to the right of notice, hearing, and adjudication as set out in the administrative rule.

10. **A description of how payments for punch card replacement and early out money affects the activities under the plan, including the amount of funds available (Sec. 254, a, 10).**

Texas has received the Title I money for GSA. Payments for the punch card and lever voting system replacement will be distributed to eligible counties pursuant to administrative rules adopted by the Secretary of State. These rules will be according to federal law and the Uniform Grant Management Standards

11. **Description of how the state will conduct ongoing management of the plan (Sec. 254, a, 11):**

The Secretary of State will adopt the State of Texas Uniform Grant Management Standards and administrative rules to establish an effective management program. When material changes are necessary, the Secretary of State will propose the change in the Texas Administrative Register through the rulemaking process. In addition, the Secretary of State intends to continue working with the HAVA Advisory Committee as the plan is implemented. The State Plan provides a general framework of HAVA implementation in Texas, but the Secretary of State will be required to adopt administrative rules to define specific procedures for provisional voting and other issues, and will be designing many new forms. As rules are proposed and as new voter forms are drafted, the Secretary of State will distribute the drafts to the HAVA Advisory Committee for comments and suggestions. The Secretary of State will formally reconvene the HAVA Committee no later than June 2004 to assess Texas' progress under the State Plan.

12. **Description of how the plan reflects changes from the state plan for the previous fiscal year.**

Not applicable.

13. **A description of the committee that participated in the development of the plan (Sec. 254, a, 13).**

An advisory committee was appointed by the Secretary of State to help develop the State Plan. We enlisted professional associations, voter advocacy groups and other relevant associations,

18

**Help America Vote Act 2002
Texas State Plan**

and requested that each association appoint a representative to serve on the advisory committee. The Committee conducted public meetings on the following dates: April 3, 2003, May 1, 2003, and June 27, 2003. Minutes of all Committee meetings are posted on the Secretary of State website at <http://www.sos.state.tx.us/elections/hava/index.shtml>. The Preliminary Texas State Plan was posted on the web on July 25, 2003 and also published in the Texas Register on August 1, 2003. Public comment was accepted through September 2, 2003.

**Help America Vote Act 2002
Texas State Plan**

Advisory Committee Members:

Teresa Aguire
Texas Association of Counties

Phil Barrett
Texas Department of Information Resources

Paul Bettencourt
Harris County Tax Assessor-Collector

Paulette Burke
Texas County & District Clerks Association
Rockwall County Clerk

Brett Carr
Senate State Affairs

The Honorable Mary Denny
Texas State Representative
Chair, House Elections Committee

Judge Robert Eckels
County Judges and Commissioners Association

Frank Elder
Assistant Chief
Texas Department of Public Safety

Claude Foster
ACLU of Texas, Inc.

Barbara Hankins
Texas League of Women Voters

David Hanna
Texas Legislative Council

Beverly Kaufman
Harris County Clerk

Bob Lydia
President
NAACP

**Help America Vote Act 2002
Texas State Plan**

Molly Beth Malcolm
Chairwoman
Texas Democratic Party

Germaine Martinez
Program Specialist
Texas Department of Public Safety

The Honorable Jane Nelson
Texas State Senator

Jodi Park
Coalition of Texans with Disabilities

Nina Perales
MALDEF

Sharon Rowe
President Texas Association of Elections Administrators
Collin County Elections Administrator

Rudy Sandoval
Chief of Staff
LULAC

Michael Scholfield
Assistant General Counsel
Governor's Policy
Office of the Governor

Jonas Schwartz
Program Services Manager
Advocacy, Inc.

Bruce Sherbet
Dallas County Elections Administrator

Sandra Vice
State Auditor's Office

Bea Westbrook
President
Texas Association of Tax Assessor-Collectors
Newton County Tax Assessor Collector

Chad Wilbanks
Texas Republican Party

Don Willett
Deputy Attorney General, General Counsel
Office of the Texas Attorney General

CHART A
 The Secretary of State of Texas
 County Voter Registration and Precincts Report
 2000 General Election
 November 7, 2000

County	Voting System	Voter_Registration	Precincts
ANDERSON	Optical Scan	27803	25
ANDREWS	Paper	7914	5
ANGELINA	Optical Scan	49562	40
ARANSAS	Optical Scan	14304	7
ARCHER	Optical Scan	6466	14
ARMSTRONG	Paper	1448	9
ATASCOSA	Optical Scan	23531	25
AUSTIN	Optical Scan	14905	19
BAILEY	Paper	3807	8
BANDERA	Optical Scan	11712	12
BASTROP	Optical Scan	31939	22
BAYLOR	Paper	3063	6
BEE	Optical Scan	16736	18
BELL	AVM	142709	43
BEXAR	Optical Scan	871783	626
BLANCO	Paper	5990	9
BORDEN	Paper	493	8
BOSQUE	Optical Scan	10378	18
BOWIE	Optical Scan	54522	37
BRAZORIA	Punch Card	147811	68
BRAZOS	Punch Card	80133	109
BREWSTER	Paper	6170	8
BRISCOE	Paper	1307	7
BROOKS	Optical Scan	7013	10
BROWN	Optical Scan	23759	18
BURLESON	Optical Scan	10406	16
BURNET	Optical Scan	22453	24
CALDWELL	Optical Scan	20183	20
CALHOUN	Optical Scan	13627	30
CALLAHAN	Optical Scan	9075	8
CAMERON	Optical Scan	148854	84
CAMP	Paper	6364	13
CARSON	Paper	4766	10
CASS	Optical Scan	19232	26
CASTRO	Paper	4933	9
CHAMBERS	Punch Card	17479	14
CHEROKEE	Optical Scan	27795	29
CHILDRESS	Paper	3990	5
CLAY	Paper	7240	17
COCHRAN	Paper	2291	8
COKE	Paper	2523	8

CHART A
 The Secretary of State of Texas
 County Voter Registration and Precincts Report
 2000 General Election
 November 7, 2000

County	Voting System	Voter_Registration	Precincts
COLEMAN	Paper	6731	15
COLLIN	Punch Card	296171	127
COLLINGSWORTH	Paper	2360	8
COLORADO	Optical Scan	12040	19
COMAL	Optical Scan	55994	31
COMANCHE	Paper	8613	17
CONCHO	Paper	1942	9
COOKE	Optical Scan	23932	26
CORYELL	Optical Scan	35643	21
COTTLE	Paper	1542	6
CRANE	Paper	2811	5
CROCKETT	Optical Scan	2698	5
CROSBY	Paper	4277	11
CULBERSON	Paper	2153	7
DALLAM	Paper	2889	10
DALLAS	Optical Scan/DRE	1248325	791
DAWSON	Paper	8749	12
DEAF SMITH	Optical Scan	10390	9
DELTA	Paper	3208	11
DENTON	Optical Scan	274386	126
DEWITT	Paper	12321	17
DICKENS	Paper	1590	7
DIMMIT	Optical Scan	8311	8
DONLEY	Paper	2609	10
DUVAL	Optical Scan	10490	12
EASTLAND	Optical Scan	11125	10
ECTOR	Punch Card	68622	42
EDWARDS	Paper	1463	6
ELLIS	Optical Scan	68026	60
EL PASO	Punch Card/DRE	352359	156
ERATH	Optical Scan	19166	27
FALLS	Paper	10126	13
FANNIN	Optical Scan	17605	20
FAYETTE	Optical Scan	13477	28
FISHER	Paper	2944	11
FLOYD	Paper	4623	12
FOARD	Paper	1141	5
FORT BEND	Optical Scan	202706	104
FRANKLIN	Paper	5644	10
FREESTONE	Optical Scan	10594	16
FRIEO	Optical Scan	10415	11
GAINES	Optical Scan	6767	9

CHART A
The Secretary of State of Texas
County Voter Registration and Precincts Report
2000 General Election
November 7, 2000

JOHNSON	Optical Scan	71597	35
JONES	Optical Scan	10607	16
KARNES	Optical Scan	8603	22
KAUFMAN	Optical Scan	44137	35
KENDALL	Optical Scan	17757	12
KENEDY	Optical Scan	398	7
KENT	Paper	823	7
KERR	Optical Scan	31923	17
KIMBLE	Paper	2920	8
KING	Paper	208	5
KINNEY	Paper	2500	5
KLEBERG	Optical Scan	18927	31
KNOX	Paper	3021	11
LAMAR	Optical Scan	30558	33
LAMB	Paper	9295	13
LAMPASAS	Optical Scan	10417	10
LASALLE	Optical Scan	4334	7
LAVACA	Optical Scan	13079	20
LEE	Paper	8647	13
LEON	Optical Scan	10617	15
LIBERTY	Optical Scan	42270	30
LIMESTONE	Optical Scan	13438	21
LIPSCOMB	Paper	2040	10
LIVE OAK	Paper	7416	15
LLANO	Optical Scan	12860	13
LOVING	Paper	211	5
LUBBOCK	Optical Scan	154157	94
LYNN	Paper	4377	15
MADISON	Optical Scan	6921	9
MARION	Paper	7771	16
MARTIN	Paper	3029	10
MASON	Optical Scan	2641	9
MATAGORDA	Optical Scan	23095	19
MAVERICK	Optical Scan	21783	15
MCCULLOCH	Paper	5657	11
MCLENNAN	Optical Scan	128842	98
MCMULLEN	Paper	682	6
MEDINA	Optical Scan	22582	24
MENARD	Paper	1841	7
MIDLAND	Optical Scan	71598	54
MILAM	Optical Scan	14626	22
MILLS	Paper	3178	11

CHART A
The Secretary of State of Texas
County Voter Registration and Precincts Report
2000 General Election
November 7, 2000

GALVESTON	Optical Scan	176888	77
GARZA	Paper	3033	10
GILLESPIE	Optical Scan	14619	16
GLASSCOCK	Paper	783	5
GOLIAD	Optical Scan	5063	11
GONZALES	Optical Scan	12901	16
GRAY	Optical Scan	15618	15
GRAYSON	Optical Scan	73550	54
GREGG	Optical Scan	77898	23
GRIMES	Optical Scan	12440	21
GUADALUPE	Optical Scan/DRE	53774	83
HALE	Paper	21017	19
HALL	Paper	2340	8
HAMILTON	Optical Scan	5281	15
HANSFORD	Paper	3332	9
HARDEMAN	Paper	2927	6
HARDIN	Optical Scan	33215	18
HARRIS	Punch Card	1886581	935
HARRISON	Optical Scan	42548	29
HARTLEY	Paper	3080	7
HASKELL	Paper	4904	11
HAYS	Punch Card	66201	35
HEMPHILL	Paper	2334	9
HENDERSON	Optical Scan	45629	31
HIDALGO	Optical Scan	244669	95
HILL	Optical Scan	18995	28
HOCKLEY	Optical Scan	14282	16
HOOD	Votronic II	28996	16
HOPKINS	Optical Scan	18482	22
HOUSTON	Optical Scan	14802	22
HOWARD	Punch Card	19511	21
HUDSPETH	Paper	1669	12
HUNT	Optical Scan	47934	36
HUTCHINSON	Optical Scan	17761	15
IRION	Paper	1278	6
JACK	Paper	5076	11
JACKSON	Paper	9507	13
JASPER	Optical Scan	21709	20
JEFF DAVIS	Paper	1664	6
JEFFERSON	Punch Card	166238	106
JIM HOGG	Optical Scan	4150	5
JIM WELLS	Optical Scan	25972	22

CHART A
The Secretary of State of Texas
County Voter Registration and Precincts Report
2000 General Election
November 7, 2000

SHELBY	Optical Scan	15688	15
SHERMAN	Paper	1768	8
SMITH	Punch Card	101184	72
SOMERVELL	Paper	4884	7
STARR	Optical Scan	25984	11
STEPHENS	Optical Scan	5928	11
STERLING	Paper	1056	5
STONEWALL	Paper	1331	10
SUTTON	Paper	2601	6
SWISHER	Paper	5358	11
TARRANT	Optical Scan	851104	535
TAYLOR	Punch Card	82560	39
TERRELL	Paper	791	5
TERRY	Optical Scan	8123	9
THROCKMORTON	Paper	1325	6
TITUS	Optical Scan	15008	20
TOM GREEN	Optical Scan	64504	60
TRAVIS	Optical Scan	572429	230
TRINITY	Optical Scan	11477	20
TYLER	Optical Scan	13398	18
UPSHUR	Optical Scan	23463	21
UPTON	DRE	2399	7
UVALDE	Optical Scan	16568	16
VAL VERDE	Optical Scan	24782	21
VAN ZANDT	Optical Scan	31922	29
VICTORIA	AVM	55130	36
WALKER	Optical Scan	29556	19
WALLER	Optical Scan	20123	20
WARD	Optical Scan	7071	9
WASHINGTON	Optical Scan	19281	22
WEBB	Optical Scan	88029	42
WHARTON	Optical Scan	22612	23
WHEELER	Paper	3895	11
WICHITA	Punch Card	81059	53
WILBARGER	Paper	8830	13
WILLACY	Optical Scan	10932	13
WILLIAMSON	Optical Scan	161568	85
WILSON	Optical Scan	20462	17
WINKLER	Optical Scan	4491	6
WISE	Optical Scan	29900	23
WOOD	Optical Scan	20984	12
YOAKUM	Optical Scan	4722	7

CHART A
The Secretary of State of Texas
County Voter Registration and Precincts Report
2000 General Election
November 7, 2000

MITCHELL	Paper	5411	7
MONTAGUE	Optical Scan	12616	15
MONTGOMERY	Optical Scan	183958	73
MOORE	Optical Scan	10063	9
MORRIS	Optical Scan	8715	11
MOTLEY	Paper	972	7
NACOGDOCHES	Optical Scan	35171	29
NAVARRO	Optical Scan	27168	35
NEWTON	Optical Scan	9633	22
NOLAN	Optical Scan	10692	10
NUECES	Optical Scan	202443	123
OCHILTREE	Paper	5084	5
OLDHAM	Paper	1616	8
ORANGE	Optical Scan	55751	30
PALO PINTO	Optical Scan	17677	20
PANOLA	Optical Scan	15291	22
PARKER	Optical Scan	57041	34
PARMER	Optical Scan	4848	10
PECOS	Optical Scan	8324	10
POLK	Optical Scan	38064	21
POTTER	Optical Scan	57656	32
PRESIDIO	Paper	4222	8
RAINS	Paper	5637	8
RANDALL	Optical Scan	73860	32
REAGAN	Paper	2007	7
REAL	Paper	2516	7
RED RIVER	Paper	8776	26
REEVES	Punch Card	7854	13
REFUGIO	Optical Scan	5773	11
ROBERTS	Paper	831	6
ROBERTSON	Optical Scan	10957	17
ROCKWALL	Optical Scan	29470	14
RUNNELS	Paper	7283	10
RUSK	Optical Scan	30719	38
SABINE	Optical Scan	8026	11
SAN AUGUSTINE	Optical Scan	6749	12
SAN JACINTO	Optical Scan	14750	12
SAN PATRICK	Optical Scan	44969	34
SAN SABA	Optical Scan	3747	8
SCHLEICHER	Paper	1835	5
SCURRY	Optical Scan	11383	12
SHACKELFORD	Paper	2491	8

CHART A
The Secretary of State of Texas
2000 General Election
November 7, 2000

YOUNG	Paper	12154	13
ZAPATA	Optical Scan	6566	8
ZAVALA	Optical Scan	8726	7

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

County	Precincts	Money	Total
ANDERSON	25	\$3,000.00	\$75,000.00
ANDREWS	5	\$3,000.00	\$15,000.00
ANGELINA	40	\$3,000.00	\$120,000.00
ARANSAS	7	\$3,000.00	\$21,000.00
ARCHER	14	\$3,000.00	\$42,000.00
ARMSTRONG	9	\$3,000.00	\$27,000.00
ATASCOSA	25	\$3,000.00	\$75,000.00
AUSTIN	19	\$3,000.00	\$57,000.00
BAILEY	8	\$3,000.00	\$24,000.00
BANDERA	12	\$3,000.00	\$36,000.00
BASTROP	22	\$3,000.00	\$66,000.00
BAYLOR	6	\$3,000.00	\$18,000.00
BEE	18	\$3,000.00	\$54,000.00
BELL	43	\$3,000.00	\$129,000.00
BEXAR	626	\$3,000.00	\$1,878,000.00
BLANCO	9	\$3,000.00	\$27,000.00
BORDEN	8	\$3,000.00	\$24,000.00
BOSQUE	18	\$3,000.00	\$54,000.00
BOWIE	37	\$3,000.00	\$111,000.00
BRAZORIA	68	\$3,000.00	\$204,000.00
BRAZOS	109	\$3,000.00	\$327,000.00
BREWSTER	8	\$3,000.00	\$24,000.00
BRISCOE	7	\$3,000.00	\$21,000.00
BROOKS	10	\$3,000.00	\$30,000.00
BROWN	18	\$3,000.00	\$54,000.00
BURLESON	16	\$3,000.00	\$48,000.00
BURNET	24	\$3,000.00	\$72,000.00
CALDWELL	20	\$3,000.00	\$60,000.00
CALHOUN	30	\$3,000.00	\$90,000.00
CALLAHAN	8	\$3,000.00	\$24,000.00
CAMERON	84	\$3,000.00	\$252,000.00
CAMP	13	\$3,000.00	\$39,000.00
CARSON	10	\$3,000.00	\$30,000.00
CASS	26	\$3,000.00	\$78,000.00
CASTRO	9	\$3,000.00	\$27,000.00
CHAMBERS	14	\$3,000.00	\$42,000.00
CHEROKEE	29	\$3,000.00	\$87,000.00
CHILDRESS	5	\$3,000.00	\$15,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

FOARD	5	\$3,000.00	\$15,000.00
FORT BEND	104	\$3,000.00	\$312,000.00
FRANKLIN	10	\$3,000.00	\$30,000.00
FREESTONE	16	\$3,000.00	\$48,000.00
FRIJO	11	\$3,000.00	\$33,000.00
GAINES	9	\$3,000.00	\$27,000.00
GALVESTON	77	\$3,000.00	\$231,000.00
GARZA	10	\$3,000.00	\$30,000.00
GILLESPIE	16	\$3,000.00	\$48,000.00
GLASSCOCK	5	\$3,000.00	\$15,000.00
GOLLAD	11	\$3,000.00	\$33,000.00
GONZALES	16	\$3,000.00	\$48,000.00
GRAY	15	\$3,000.00	\$45,000.00
GRAYSON	54	\$3,000.00	\$162,000.00
GREGG	23	\$3,000.00	\$69,000.00
GRIMES	21	\$3,000.00	\$63,000.00
GUADALUPE	83	\$3,000.00	\$249,000.00
HALE	19	\$3,000.00	\$57,000.00
HALL	8	\$3,000.00	\$24,000.00
HAMILTON	15	\$3,000.00	\$45,000.00
HANSFORD	9	\$3,000.00	\$27,000.00
HARDEMAN	6	\$3,000.00	\$18,000.00
HARDIN	18	\$3,000.00	\$54,000.00
HARRIS	935	\$3,000.00	\$2,805,000.00
HARRISON	29	\$3,000.00	\$87,000.00
HARTLEY	7	\$3,000.00	\$21,000.00
HASKELL	11	\$3,000.00	\$33,000.00
HAYS	35	\$3,000.00	\$105,000.00
HEMPHILL	9	\$3,000.00	\$27,000.00
HENDERSON	31	\$3,000.00	\$93,000.00
HIDALGO	95	\$3,000.00	\$285,000.00
HILL	28	\$3,000.00	\$84,000.00
HOCKLEY	16	\$3,000.00	\$48,000.00
HOOD	16	\$3,000.00	\$48,000.00
HOPKINS	22	\$3,000.00	\$66,000.00
HOUSTON	22	\$3,000.00	\$66,000.00
HOWARD	21	\$3,000.00	\$63,000.00
HUDSPETH	12	\$3,000.00	\$36,000.00
HUNT	36	\$3,000.00	\$108,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

CLAY	17	\$3,000.00	\$51,000.00
COCHRAN	8	\$3,000.00	\$24,000.00
COKE	8	\$3,000.00	\$24,000.00
COLEMAN	15	\$3,000.00	\$45,000.00
COLLIN	127	\$3,000.00	\$381,000.00
COLLINGSWORTH	8	\$3,000.00	\$24,000.00
COLORADO	19	\$3,000.00	\$57,000.00
COMAL	31	\$3,000.00	\$93,000.00
COMANCHE	17	\$3,000.00	\$51,000.00
CONCHO	9	\$3,000.00	\$27,000.00
COOKE	26	\$3,000.00	\$78,000.00
CORYELL	21	\$3,000.00	\$63,000.00
COTTLE	6	\$3,000.00	\$18,000.00
CRANE	5	\$3,000.00	\$15,000.00
CROCKETT	5	\$3,000.00	\$15,000.00
CROSBY	11	\$3,000.00	\$33,000.00
CULBERSON	7	\$3,000.00	\$21,000.00
DALLAM	10	\$3,000.00	\$30,000.00
DALLAS	791	\$3,000.00	\$2,373,000.00
DAWSON	12	\$3,000.00	\$36,000.00
DEAF SMITH	9	\$3,000.00	\$27,000.00
DELTA	11	\$3,000.00	\$33,000.00
DENTON	126	\$3,000.00	\$378,000.00
DEWITT	17	\$3,000.00	\$51,000.00
DICKENS	7	\$3,000.00	\$21,000.00
DIMMIT	8	\$3,000.00	\$24,000.00
DONLEY	10	\$3,000.00	\$30,000.00
DUVAL	12	\$3,000.00	\$36,000.00
EASTLAND	10	\$3,000.00	\$30,000.00
ECTOR	42	\$3,000.00	\$126,000.00
EDWARDS	6	\$3,000.00	\$18,000.00
ELLIS	60	\$3,000.00	\$180,000.00
EL PASO	156	\$3,000.00	\$468,000.00
ERATH	27	\$3,000.00	\$81,000.00
FALLS	13	\$3,000.00	\$39,000.00
FANNIN	20	\$3,000.00	\$60,000.00
FAYETTE	28	\$3,000.00	\$84,000.00
FISHER	11	\$3,000.00	\$33,000.00
FLOYD	12	\$3,000.00	\$36,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

MARTIN	10	\$3,000.00	\$30,000.00
MASON	9	\$3,000.00	\$27,000.00
MATAGORDA	19	\$3,000.00	\$57,000.00
MAVERICK	15	\$3,000.00	\$45,000.00
MCCULLOCH	11	\$3,000.00	\$33,000.00
MCLENNAN	98	\$3,000.00	\$294,000.00
MCMULLEN	6	\$3,000.00	\$18,000.00
MEDINA	24	\$3,000.00	\$72,000.00
MENARD	7	\$3,000.00	\$21,000.00
MIDLAND	54	\$3,000.00	\$162,000.00
MILAM	22	\$3,000.00	\$66,000.00
MILLS	11	\$3,000.00	\$33,000.00
MITCHELL	7	\$3,000.00	\$21,000.00
MONTAGUE	15	\$3,000.00	\$45,000.00
MONTGOMERY	73	\$3,000.00	\$219,000.00
MOORE	9	\$3,000.00	\$27,000.00
MORRIS	11	\$3,000.00	\$33,000.00
MOTLEY	7	\$3,000.00	\$21,000.00
NACOGDOCHES	29	\$3,000.00	\$87,000.00
NAVARRO	35	\$3,000.00	\$105,000.00
NEWTON	22	\$3,000.00	\$66,000.00
NOLAN	10	\$3,000.00	\$30,000.00
NUBES	123	\$3,000.00	\$369,000.00
OCHILTREE	5	\$3,000.00	\$15,000.00
OLDHAM	8	\$3,000.00	\$24,000.00
ORANGE	30	\$3,000.00	\$90,000.00
PALO PINTO	20	\$3,000.00	\$60,000.00
PANOLA	22	\$3,000.00	\$66,000.00
PARKER	34	\$3,000.00	\$102,000.00
PARMER	10	\$3,000.00	\$30,000.00
PECOS	10	\$3,000.00	\$30,000.00
POLK	21	\$3,000.00	\$63,000.00
POTTER	32	\$3,000.00	\$96,000.00
PRESIDIO	8	\$3,000.00	\$24,000.00
RAINS	8	\$3,000.00	\$24,000.00
RANDALL	32	\$3,000.00	\$96,000.00
REAGAN	7	\$3,000.00	\$21,000.00
REAL	7	\$3,000.00	\$21,000.00
RED RIVER	26	\$3,000.00	\$78,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

HUTCHINSON	15	\$3,000.00	\$45,000.00
IRION	6	\$3,000.00	\$18,000.00
JACK	11	\$3,000.00	\$33,000.00
JACKSON	13	\$3,000.00	\$39,000.00
JASPER	20	\$3,000.00	\$60,000.00
JEFF DAVIS	6	\$3,000.00	\$18,000.00
JEFFERSON	106	\$3,000.00	\$318,000.00
JIM HOGG	5	\$3,000.00	\$15,000.00
JIM WELLS	22	\$3,000.00	\$66,000.00
JOHNSON	35	\$3,000.00	\$105,000.00
JONES	16	\$3,000.00	\$48,000.00
KARNES	22	\$3,000.00	\$66,000.00
KAUFMAN	35	\$3,000.00	\$105,000.00
KENDALL	12	\$3,000.00	\$36,000.00
KENEDY	7	\$3,000.00	\$21,000.00
KENT	7	\$3,000.00	\$21,000.00
KERR	17	\$3,000.00	\$51,000.00
KIMBLE	8	\$3,000.00	\$24,000.00
KING	5	\$3,000.00	\$15,000.00
KINNEY	5	\$3,000.00	\$15,000.00
KLEBERG	31	\$3,000.00	\$93,000.00
KNOX	11	\$3,000.00	\$33,000.00
LAMAR	33	\$3,000.00	\$99,000.00
LAMB	13	\$3,000.00	\$39,000.00
LAMPASAS	10	\$3,000.00	\$30,000.00
LASALLE	7	\$3,000.00	\$21,000.00
LAYACA	20	\$3,000.00	\$60,000.00
LEE	13	\$3,000.00	\$39,000.00
LEON	15	\$3,000.00	\$45,000.00
LIBERTY	30	\$3,000.00	\$90,000.00
LIMESTONE	21	\$3,000.00	\$63,000.00
LIPSCOMB	10	\$3,000.00	\$30,000.00
LIVE OAK	15	\$3,000.00	\$45,000.00
LLANO	13	\$3,000.00	\$39,000.00
LOVING	5	\$3,000.00	\$15,000.00
LUBBOCK	94	\$3,000.00	\$282,000.00
LYNN	15	\$3,000.00	\$45,000.00
MADISON	9	\$3,000.00	\$27,000.00
MARION	16	\$3,000.00	\$48,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

VAN ZANDT	29	\$3,000.00	\$87,000.00
VICTORIA	36	\$3,000.00	\$108,000.00
WALKER	19	\$3,000.00	\$57,000.00
WALLER	20	\$3,000.00	\$60,000.00
WARD	9	\$3,000.00	\$27,000.00
WASHINGTON	22	\$3,000.00	\$66,000.00
WEBB	42	\$3,000.00	\$126,000.00
WHARTON	23	\$3,000.00	\$69,000.00
WHEELER	11	\$3,000.00	\$33,000.00
WICHITA	53	\$3,000.00	\$159,000.00
WILBARGER	13	\$3,000.00	\$39,000.00
WILLACY	13	\$3,000.00	\$39,000.00
WILLIAMSON	85	\$3,000.00	\$255,000.00
WILSON	17	\$3,000.00	\$51,000.00
WINKLER	6	\$3,000.00	\$18,000.00
WISE	23	\$3,000.00	\$69,000.00
WOOD	12	\$3,000.00	\$36,000.00
YOAKUM	7	\$3,000.00	\$21,000.00
YOUNG	13	\$3,000.00	\$39,000.00
ZAPATA	8	\$3,000.00	\$24,000.00
ZAVALA	7	\$3,000.00	\$21,000.00

CHART B State Plan Draft
Estimated Fund Allocation for an Accessible Voting System in Each County Polling Place

REEVES	13	\$3,000.00	\$39,000.00
REFUGIO	11	\$3,000.00	\$33,000.00
ROBERTS	6	\$3,000.00	\$18,000.00
ROBERTSON	17	\$3,000.00	\$51,000.00
ROCKWALL	14	\$3,000.00	\$42,000.00
RUNNELS	10	\$3,000.00	\$30,000.00
RUSK	38	\$3,000.00	\$114,000.00
SABINE	11	\$3,000.00	\$33,000.00
SAN AUGUSTINE	12	\$3,000.00	\$36,000.00
SAN JACINTO	12	\$3,000.00	\$36,000.00
SAN PATRICIO	34	\$3,000.00	\$102,000.00
SAN SABA	8	\$3,000.00	\$24,000.00
SCHLEICHER	5	\$3,000.00	\$15,000.00
SCURRY	12	\$3,000.00	\$36,000.00
SHACKELFORD	8	\$3,000.00	\$24,000.00
SHELBY	15	\$3,000.00	\$45,000.00
SHERMAN	8	\$3,000.00	\$24,000.00
SMITH	72	\$3,000.00	\$216,000.00
SOMERVELL	7	\$3,000.00	\$21,000.00
STARR	11	\$3,000.00	\$33,000.00
STEPHENS	11	\$3,000.00	\$33,000.00
STERLING	5	\$3,000.00	\$15,000.00
STONEWALL	10	\$3,000.00	\$30,000.00
SUTTON	6	\$3,000.00	\$18,000.00
SWISHER	11	\$3,000.00	\$33,000.00
TARRANT	535	\$3,000.00	\$1,605,000.00
TAYLOR	39	\$3,000.00	\$117,000.00
TERRELL	5	\$3,000.00	\$15,000.00
TERRY	9	\$3,000.00	\$27,000.00
THROCKMORTON	6	\$3,000.00	\$18,000.00
TITUS	20	\$3,000.00	\$60,000.00
TOM GREEN	60	\$3,000.00	\$180,000.00
TRAVIS	230	\$3,000.00	\$690,000.00
TRINITY	20	\$3,000.00	\$60,000.00
TYLER	18	\$3,000.00	\$54,000.00
UPSHUR	21	\$3,000.00	\$63,000.00
UPTON	7	\$3,000.00	\$21,000.00
UVALDE	16	\$3,000.00	\$48,000.00
VAL VERDE	21	\$3,000.00	\$63,000.00

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

CHILDRESS	5,989	\$1.30	\$7,785.70
GLAY	8,271	\$1.30	\$10,752.30
COCHRAN	2,554	\$1.30	\$3,320.20
COKE	2,922	\$1.30	\$3,798.60
COLEMAN	7,053	\$1.30	\$9,168.90
COLLIN	350,368	\$1.30	\$455,478.40
COLLINGSWORTH	2,360	\$1.30	\$3,068.00
COLORADO	15,171	\$1.30	\$19,722.30
COMAL	58,107	\$1.30	\$75,539.10
COMANCHE	10,475	\$1.30	\$13,617.50
GONCHO	3,328	\$1.30	\$4,326.40
COOKE	26,421	\$1.30	\$34,347.30
CORYELL	55,305	\$1.30	\$71,896.50
GOTTLE	1,448	\$1.30	\$1,882.40
CRANE	2,722	\$1.30	\$3,538.60
CROCKETT	2,914	\$1.30	\$3,788.20
CROSBY	4,898	\$1.30	\$6,367.40
CULBERSON	2,018	\$1.30	\$2,623.40
DALLAM	4,244	\$1.30	\$5,517.20
DALLAS	1,599,868	\$1.30	\$2,079,828.40
DAWSON	11,148	\$1.30	\$14,492.40
DEAF SMITH	12,380	\$1.30	\$16,094.00
DELTA	3,964	\$1.30	\$5,153.20
DENTON	312,866	\$1.30	\$406,725.80
DE WITT	15,253	\$1.30	\$19,828.90
DICKENS	2,250	\$1.30	\$2,925.00
DIMMIT	6,847	\$1.30	\$8,901.10
DONLEY	2,972	\$1.30	\$3,863.60
DUVAL	9,252	\$1.30	\$12,027.60
EASTLAND	14,050	\$1.30	\$18,265.00
ECTOR	84,303	\$1.30	\$109,593.90
EDWARDS	1,546	\$1.30	\$2,009.80
ELLIS	77,716	\$1.30	\$101,030.80
EL PASO	462,199	\$1.30	\$600,858.70
ERATH	24,889	\$1.30	\$32,355.70
FALLS	13,440	\$1.30	\$17,472.00
FANNIN	23,992	\$1.30	\$31,189.60
FAYETTE	16,747	\$1.30	\$21,771.10
FISHER	3,304	\$1.30	\$4,295.20

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

County	VAP		
TEXAS	14,965,061	\$1.30	\$19,454,579.30
ANDERSON	43,678	\$1.30	\$56,781.40
ANDREWS	8,903	\$1.30	\$11,573.90
ANGELINA	57,974	\$1.30	\$75,366.20
ARANSAS	17,151	\$1.30	\$22,296.30
ARCHER	6,358	\$1.30	\$8,265.40
ARMSTRONG	1,589	\$1.30	\$2,065.70
ATASCOSA	26,373	\$1.30	\$34,284.90
AUSTIN	17,215	\$1.30	\$22,379.50
BAILEY	4,597	\$1.30	\$5,976.10
BANDERA	13,292	\$1.30	\$17,279.60
BASTROP	41,589	\$1.30	\$54,065.70
BAYLOR	3,135	\$1.30	\$4,075.50
BEE	24,794	\$1.30	\$32,232.20
BELL	169,236	\$1.30	\$220,006.80
BEXAR	996,458	\$1.30	\$1,295,395.40
BLANCO	6,368	\$1.30	\$8,278.40
BORDEN	550	\$1.30	\$715.00
BOSQUE	13,003	\$1.30	\$16,903.90
BOWIE	67,135	\$1.30	\$87,275.50
BRAZORIA	172,664	\$1.30	\$224,463.20
BRAZOS	119,680	\$1.30	\$155,584.00
BREWSTER	6,902	\$1.30	\$8,972.60
BRISCOE	1,305	\$1.30	\$1,696.50
BROOKS	5,459	\$1.30	\$7,096.70
BROWN	27,943	\$1.30	\$36,325.90
BURLESON	12,047	\$1.30	\$15,661.10
BURNET	25,779	\$1.30	\$33,512.70
CALDWELL	23,068	\$1.30	\$29,988.40
CALHOUN	14,767	\$1.30	\$19,197.10
CALLAHAN	9,527	\$1.30	\$12,385.10
CAMERON	221,932	\$1.30	\$288,511.60
CAMP	8,447	\$1.30	\$10,981.10
CARSON	4,700	\$1.30	\$6,110.00
CASS	22,869	\$1.30	\$29,729.70
CASTRO	5,541	\$1.30	\$7,203.30
CHAMBERS	18,507	\$1.30	\$24,059.10
CHEROKEE	34,383	\$1.30	\$44,697.90

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

HUNT	56,268	\$1.30	\$73,148.40
HUTCHINSON	17,310	\$1.30	\$22,503.00
IRION	1,298	\$1.30	\$1,687.40
JACK	6,712	\$1.30	\$8,725.60
JACKSON	10,448	\$1.30	\$13,582.40
JASPER	26,165	\$1.30	\$34,014.50
JEFF DAVIS	1,668	\$1.30	\$2,168.40
JEFFERSON	186,727	\$1.30	\$242,745.10
JIM HOGG	3,613	\$1.30	\$4,696.90
JIM WELLS	26,975	\$1.30	\$35,067.50
JOHNSON	90,294	\$1.30	\$117,382.20
JONES	16,111	\$1.30	\$20,944.30
KARNES	12,081	\$1.30	\$15,705.30
KAUFMAN	50,486	\$1.30	\$65,631.80
KENDALL	17,277	\$1.30	\$22,460.10
KENEDY	293	\$1.30	\$380.90
KENT	682	\$1.30	\$886.60
KERR	33,760	\$1.30	\$43,888.00
KIMBLE	3,412	\$1.30	\$4,435.60
KING	236	\$1.30	\$306.80
KINNEY	2,511	\$1.30	\$3,264.30
KLEBERG	22,949	\$1.30	\$29,833.70
KNOX	3,073	\$1.30	\$3,994.90
LAMAR	35,831	\$1.30	\$46,580.30
LAMB	10,353	\$1.30	\$13,458.90
LAMPASAS	12,864	\$1.30	\$16,723.20
LA SALLE	4,143	\$1.30	\$5,385.90
LAVACA	14,562	\$1.30	\$18,930.60
LEE	11,148	\$1.30	\$14,492.40
LEON	11,610	\$1.30	\$15,093.00
LIBERTY	50,777	\$1.30	\$66,010.10
LIMESTONE	16,451	\$1.30	\$21,386.30
LIPSCOMB	2,214	\$1.30	\$2,878.20
LIVE OAK	9,570	\$1.30	\$12,441.00
LLANO	14,333	\$1.30	\$18,632.90
LOVING	54	\$1.30	\$70.20
LUBBOCK	180,367	\$1.30	\$234,477.10
LYNN	4,506	\$1.30	\$5,857.80
MCCULLOCH	6,019	\$1.30	\$7,824.70

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

FLOYD	5,332	\$1.30	\$6,931.60
FOARD	1,203	\$1.30	\$1,563.90
FORT BEND	240,980	\$1.30	\$313,274.00
FRANKLIN	7,159	\$1.30	\$9,306.70
FREESTONE	13,645	\$1.30	\$17,738.50
FRIO	11,592	\$1.30	\$15,069.60
GAINES	9,402	\$1.30	\$12,222.60
GALVESTON	183,289	\$1.30	\$238,275.70
GARZA	3,506	\$1.30	\$4,557.80
GILLESPIE	16,327	\$1.30	\$21,225.10
GLASSCOCK	935	\$1.30	\$1,215.50
GOLIAD	5,135	\$1.30	\$6,675.50
GONZALES	13,421	\$1.30	\$17,447.30
GRAY	17,282	\$1.30	\$22,466.60
GRAYSON	82,620	\$1.30	\$107,406.00
GREGG	81,588	\$1.30	\$106,064.40
GRIMES	17,715	\$1.30	\$23,029.50
GUADALUPE	63,693	\$1.30	\$82,800.90
HALE	25,532	\$1.30	\$33,191.60
HALL	2,753	\$1.30	\$3,578.90
HAMILTON	6,270	\$1.30	\$8,151.00
HANSFORD	3,795	\$1.30	\$4,933.50
HARDEMAN	3,526	\$1.30	\$4,583.80
HARDIN	34,715	\$1.30	\$45,129.50
HARRIS	2,416,022	\$1.30	\$3,140,828.60
HARRISON	45,441	\$1.30	\$59,073.30
HARTLEY	4,385	\$1.30	\$5,700.50
HASKELL	4,646	\$1.30	\$6,039.80
HAYS	73,683	\$1.30	\$95,787.90
HEMPHILL	2,412	\$1.30	\$3,135.60
HENDERSON	55,426	\$1.30	\$72,053.80
HIDALGO	368,461	\$1.30	\$478,999.30
HILL	23,961	\$1.30	\$31,149.30
HOCKLEY	16,098	\$1.30	\$20,927.10
HOOD	31,407	\$1.30	\$40,829.10
HOPKINS	23,605	\$1.30	\$30,686.50
HOUSTON	17,807	\$1.30	\$23,149.10
HOWARD	25,488	\$1.30	\$33,134.40
HUDSPETH	2,203	\$1.30	\$2,863.90

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

RED RIVER	10,900	\$1.30	\$14,170.00
REEVES	9,214	\$1.30	\$11,978.20
REFUGIO	5,784	\$1.30	\$7,519.20
ROBERTS	665	\$1.30	\$864.50
ROBERTSON	11,485	\$1.30	\$14,930.50
ROCKWALL	30,127	\$1.30	\$39,165.10
RUNNELS	8,398	\$1.30	\$10,917.40
RUSK	35,581	\$1.30	\$46,255.30
SABINE	8,258	\$1.30	\$10,735.40
SAN AUGUSTINE	6,822	\$1.30	\$8,868.60
SAN JACINTO	16,647	\$1.30	\$21,641.10
SAN PATRICIO	46,260	\$1.30	\$60,138.00
SAN SABA	4,460	\$1.30	\$5,798.00
SCHLEICHER	2,115	\$1.30	\$2,749.50
SCURRY	12,245	\$1.30	\$15,918.50
SHACKELFORD	2,421	\$1.30	\$3,147.30
SHELBY	18,518	\$1.30	\$24,073.40
SHERMAN	2,186	\$1.30	\$2,841.80
SMITH	128,208	\$1.30	\$166,670.40
SOMERVELL	4,874	\$1.30	\$6,336.20
STARR	33,555	\$1.30	\$43,621.50
STEPHENS	7,313	\$1.30	\$9,506.90
STERLING	993	\$1.30	\$1,290.90
STONEWALL	1,307	\$1.30	\$1,699.10
SUTTON	2,904	\$1.30	\$3,775.20
SWISHER	6,040	\$1.30	\$7,852.00
TARRANT	1,039,747	\$1.30	\$1,351,671.10
TAYLOR	92,895	\$1.30	\$120,763.50
TERRELL	794	\$1.30	\$1,032.20
TERRY	9,143	\$1.30	\$11,885.90
THROCKMORTON	1,384	\$1.30	\$1,799.20
TITUS	19,600	\$1.30	\$25,480.00
TOM GREEN	76,879	\$1.30	\$99,942.70
TRAVIS	619,336	\$1.30	\$805,136.80
TRINITY	10,625	\$1.30	\$13,812.50
TYLER	16,034	\$1.30	\$20,844.20
UPSHUR	25,771	\$1.30	\$33,502.30
UPTON	2,406	\$1.30	\$3,127.80
UVALDE	17,795	\$1.30	\$23,133.50

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

MCLENNAN	156,687	\$1.30	\$203,693.10
MCMULLEN	652	\$1.30	\$847.60
MADISON	10,207	\$1.30	\$13,269.10
MARION	8,496	\$1.30	\$11,044.80
MARTIN	3,136	\$1.30	\$4,076.80
MASON	2,902	\$1.30	\$3,772.60
MATAGORDA	26,575	\$1.30	\$34,547.50
MAVERICK	29,838	\$1.30	\$38,789.40
MEDINA	27,925	\$1.30	\$36,302.50
MENARD	1,788	\$1.30	\$2,324.40
MIDLAND	80,975	\$1.30	\$105,267.50
MILAM	17,582	\$1.30	\$22,856.60
MILLS	3,835	\$1.30	\$4,985.50
MITCHELL	7,777	\$1.30	\$10,110.10
MONTAGUE	14,528	\$1.30	\$18,886.40
MONTGOMERY	207,036	\$1.30	\$269,146.80
MOORE	13,368	\$1.30	\$17,378.40
MORRIS	9,759	\$1.30	\$12,686.70
MOTLEY	1,084	\$1.30	\$1,409.20
NACOGDOCHES	44,995	\$1.30	\$58,493.50
NAVARRO	32,830	\$1.30	\$42,679.00
NEWTON	11,127	\$1.30	\$14,465.10
NIJECES	11,521	\$1.30	\$14,977.30
NIJECES	224,528	\$1.30	\$291,886.40
OCHILTREE	6,254	\$1.30	\$8,130.20
OLDHAM	1,420	\$1.30	\$1,846.00
ORANGE	61,783	\$1.30	\$80,317.90
PALO PINTO	20,004	\$1.30	\$26,005.20
PANOLA	17,015	\$1.30	\$22,119.50
PARKER	64,139	\$1.30	\$83,380.70
PARMER	6,721	\$1.30	\$8,737.30
PEGOS	12,160	\$1.30	\$15,808.00
POLK	31,698	\$1.30	\$41,207.40
POTTER	81,747	\$1.30	\$106,271.10
PRESIDIO	4,915	\$1.30	\$6,389.50
RAINS	6,968	\$1.30	\$9,058.40
RANDALL	77,100	\$1.30	\$100,230.00
REAGAN	2,189	\$1.30	\$2,845.70
REAL	2,333	\$1.30	\$3,032.90

CHART C State Plan Draft
Estimated Fund Allocation to Counties for General HAVA Requirements

VAL VERDE	30,474	\$1.30	\$39,616.20
VAN ZANDT	35,841	\$1.30	\$46,593.30
VICTORIA	59,586	\$1.30	\$77,461.80
WALKER	50,642	\$1.30	\$65,834.60
WALLER	24,277	\$1.30	\$31,560.10
WARD	7,573	\$1.30	\$9,844.90
WASHINGTON	22,868	\$1.30	\$29,728.40
WEBB	123,255	\$1.30	\$160,231.50
WHARTON	29,351	\$1.30	\$38,156.30
WHEELER	3,969	\$1.30	\$5,159.70
WICHITA	98,544	\$1.30	\$128,107.20
WILBARGER	10,582	\$1.30	\$13,756.60
WILLACY	13,730	\$1.30	\$17,849.00
WILLIAMSON	175,065	\$1.30	\$227,584.50
WILSON	22,956	\$1.30	\$29,842.80
WINKLER	5,033	\$1.30	\$6,542.90
WISE	34,980	\$1.30	\$45,487.00
WOOD	28,725	\$1.30	\$37,342.50
YOAKUM	4,972	\$1.30	\$6,463.60
YOUNG	13,458	\$1.30	\$17,495.40
ZAPATA	8,157	\$1.30	\$10,604.10
ZAVALA	7,644	\$1.30	\$9,937.20

Chart D-Definitions of "Vote"

<p>Punch Card</p>	<p>Current law-Section 127.130(d) of the Texas Election Code:</p> <p>(d) Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:</p> <p>(1) at least two corners of the chad are detached;</p> <p>(2) light is visible through the hole;</p> <p>(3) an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or</p> <p>(4) the chad reflects by other means a clearly ascertainable intent of the voter to vote.</p> <p>(e) Subsection (d) does not supersede any clearly ascertainable intent of the voter.</p>
<p>Optical Scan, Direct Recording, and Paper Ballot Systems</p>	<p>Effective January 1, 2004, Section 65.009(d) of the Texas Election Code will provide:</p> <p>The intent of the voter in marking a ballot may be determined by: (1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition; (2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition; (3) a line drawn through: (A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office; (B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or (C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or (4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.</p>

Utah State Plan on Election Reform

Amended on September 25, 2003

Introduction

On October 29, 2002, President Bush signed the Help America Vote Act (HAVA) into law. Under this Act, each state is required to submit a State Plan which will be the guiding document for all changes to the elections process over the next several years.

Under the direction of Lt. Governor Olene S. Walker, the Utah State Plan Committee on Election Reform held its first meeting on November 8, 2002. Through many subsequent meetings with this committee and other groups, Utah has completed its initial state planning process.

It is anticipated that this document will be revised several times as the State works toward improving elections. Most of the items included in the plan are based on the assumption that the Help America Vote Act will be fully funded by Congress over the next 3 years.

Authority

This plan is prepared under the authority of 42 USC 15404.

Utah—A Brief Overview of our Current Practices and Procedures

A. Voting Equipment

Utah is primarily a punch card state. Twenty-three of Utah's twenty-nine counties use the punch card, two counties use optical scan and four counties use paper ballots. The greatest portion of our time and money will be spent replacing the punch cards and training elections officials and voters on new equipment. It is our goal to have greater uniformity in our state and to ensure that all individuals have access to the election process.

B. Statewide Database

In addition to the purchase of new equipment, Utah is working to ensure that our statewide database is a single, centralized database. Our in-house IT staff is currently developing this database with the assistance of several county clerks and their IT departments. The state will have the responsibility of training the county clerks on the new system.

C. HAVA Compliance

During the 2003 Legislative Session HB 102, HB 103, SB 55 and SB 68 were passed as part of the HAVA compliance package requested by Lt. Governor Walker. Utah is now in compliance with the voter ID and provisional ballot requirements of HAVA.

D. Voter Outreach

Voter outreach has been a top priority in the State and will continue to be. Utah is especially committed to ensuring the participation of young people in the election process.

Four years ago, Lt. Governor Walker established the College Council on Civic Awareness, which is made up of representatives from all the college campuses in Utah. Each council member has an organization on his or her own college campus that plans voter outreach and voter registration activities. The mission of this group will be expanded to include encouraging college students to serve as poll workers and assisting voters and election judges in learning new technology.

In order to educate young people about the importance of voting, Utah is actively involved in the Student/Parent Mock Election. Also, all young adults receive a combination birthday card/voter registration form on their eighteenth birthday.

The Lt. Governor's Office also partners with a local cable company and community leaders to produce public service announcements that encourage voting. We have also partnered with local grocery stores and other community groups to "get the word out." We plan to continue these partnerships in reaching out to voters and educating them on the many changes that will occur in the elections process.

Utah publishes a Voter Information Pamphlet, which contains valuable information about candidates, ballot issues, voter registration and what to expect at the polling place. It is currently inserted into every newspaper in the State. It is our goal to ensure that this Pamphlet is mailed to every household in the State. The Pamphlet is also accessible to persons who are blind or visually impaired as it is made available in Braille and on audiotape.

E. Legislative Changes

Lt. Governor Walker and the county clerks are working with the Utah Legislature to implement early voting. After several discussions, the county clerks and the State Plan Committee determined that because voting equipment is only used twice each year, early voting would allow us to administer the election without purchasing excess equipment.

Timeline

Date (Approximate)	Action
October 29, 2002	HAVA signed into law.
November 8, 2002	Lt. Governor Walker convenes the first meeting of the State Plan Committee.
November 13, 2002	Lt. Governor Walker presents an outline of goals under the new federal law to the Utah County Clerks Association.
November 20, 2002	Lt. Governor Walker presents an outline of goals under the new federal law to the Utah Legislature=s Government Operations Interim Committee.
February 7, 2003	Lt. Governor Walker presents an outline of the goals to the Utah county commissioners.
April 1, 2003	Final meeting of State Plan Committee.
April 17, 2003	Lt. Governor Walker presents the State Plan to the county clerks and county commissioners.
April 24, 2003	Utah opts in on Title I money, including punch card buyout funds.
April 28, 2003	Lt. Governor Walker releases State Plan for public comment.
May-June 2003	Public hearings.
To be determined when Commission is formed	Submit State Plan to Election Assistance Commission (Federal) and State Administrative Rules.
January 2004	Award contract for voting equipment.
June 2004	Implement equipment in a few select precincts.
January 2005	Begin conversion from punch card (statewide).
January 2006	Complete statewide database conversion.
November 2006	Complete voting equipment conversion.

Required Descriptions

Sec. 254. State Plan
 (a) IN GENERAL.—The State plan shall contain a description of each of the following:
 (1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections

- A. Utah will "opt in" on the punch card buyout. All punch card machines will be replaced with a Direct Recording Electronic (DRE) voting system by 2006, assuming the State receives full funding from the federal government. The State will select the DRE voting system through the State Request for Proposal (RFP) process. The DRE system will meet the requirements of title III of HAVA. One unit per polling place will include an audio component for voters who are blind or visually impaired.
- It is anticipated that the State will first purchase one piece of DRE equipment for every polling place in the State to comply with Title III of HAVA. With adequate funding and a decision made on the type of equipment the State will purchase, this implementation may begin as early as June 2004. If full funding is received, the punch card replacement will continue through 2005 until all are replaced by November of 2006. The State will be responsible for working with the counties to implement and maintain the equipment.
- B. The Lt. Governor's Office is currently working with the county clerks on defining a vote as required by HAVA. A bill will be presented in the 2004 general session of the legislature.
- C. Utah=s provisional ballot procedure complies with federal law. Beginning in 2004, counties will either provide a toll-free number or website where voters can find out if their ballot was counted.
- D. The new materials required by HAVA to be displayed in the polling places will be in place for the June 2004 primary election. The State, in cooperation with the county clerks, will design the materials to ensure uniformity. The new materials will include information on obtaining a provisional ballot, a voter's bill of rights, information regarding voter fraud and other general voting instructions.
- E. Utah=s statewide voter database will be modified to be a single, centralized database. It will be developed by the Lt. Governor=s Office in coordination with county clerks. All counties will be on-line by 2006.

- F. Utah complies with the HAVA requirements for the additional wording on voter registration forms. Utah law now requires first-time voters in a jurisdiction to present identification at the time of registration or at the polls on election day. These requirements were put into law during the 2003 legislative session.
- (2) *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 paragraph (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 paragraph (8).*
- A. The State Plan Committee will meet twice each calendar year to review all payments made out of the fund.
 - B. A county may request monies from the fund only for the purpose of purchasing new equipment when the number of registered voters increases. Request must be made in writing to the Lt. Governor and approved by the State Plan Committee. The State Plan Committee will oversee all payments made from the fund.
 - C. Counties must do the following in order to receive equipment purchased by the State:
 1. Ensure the physical accessibility of polling places based on the survey provided by the Lt. Governor's Office or a comparable survey.
 2. Comply with title III of the Help America Vote Act.
 3. Appropriate at least the same amount of funding based on their budget during the 2000 general election year for each subsequent general election year. This requirement is in place until all federal monies in the election fund are spent.
 4. Commit to maintenance of voter registration lists and cooperate with the State in establishing a shared voter registration database.
 5. Develop a county plan in coordination with the State Plan by September 1, 2003. The Lt. Governor's Office will provide written guidelines on the items that must be included in the county plan.
 6. Enter into a contract with the State before voting equipment is delivered. The contract will allow the counties to own the voting equipment and require them to provide storage, proper maintenance and security.
7. Establish a free access system (toll-free number or website) that an individual who casts a provisional ballot may access to find out whether the absentee ballot was counted and if not, the reason it was not counted.
 8. Comply with the complaint procedures outlined by the State, which includes informing the citizens of the process.
 9. Post the new required information at the polling place that is provided by the State in accordance with Utah Code 20A-5-102.
 10. Comply with the fiscal responsibilities under the proposed budget in Section 6 of this plan.
- D. Counties must meet deadlines established by HAVA and this plan for the replacement of punch cards or return monies for precincts where the machines are not replaced.

(3) *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 Lt. Governor's Office is responsible for further definition of these recommendations. It is anticipated that the Lt. Governor's Office will hire a full-time project manager to oversee voter education and training and that a more specific plan will be developed at a later time.

- A. The State will use the Lt. Governor's College Council on Civic Awareness to recruit trainers and poll workers. Utah will seek grants to train college students on the new voting equipment so that they, in turn, can train poll workers and voters.
- B. The State will work with the advocates for persons with disabilities to devise an outreach and education program to train these voters on the new equipment. The Division of Services for the Blind and Visually Impaired has volunteered to coordinate this training.
- C. The State, in cooperation with the county clerks, will design a uniform and standardized training for all judges by the 2006 election. All judges will be required to attend training, except in cases of emergency.
- C. Legislation will be introduced to make pay for election judges uniform statewide.
- D. Legislation will be introduced to allow 17-year-olds to work at polling places. We will work with Office of Education to help students get credit for working at polls.
- E. Legislation will be introduced to fund the mailing of the Voter Information Pamphlet to every household.
- F. The State, in conjunction with a college and/or university, will design a certification program for county clerks, their staffs and others.
- G. The new machines will be demonstrated in malls and other public places. The State and counties will also contact businesses, service organizations, church groups, civic groups and others to demonstrate the new voting equipment.

(4) *How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.*

The State Plan Committee will ensure that the voting system selected and purchased by the State of Utah is compliant with title III of HAVA.

(5) *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.*

The Lt. Governor's Office has established a fund to receive federal money. All disbursements from the fund will need two out of three of the following signatures: Lt. Governor, Director of Elections and/or Office of Planning and Budget representative.

(6) 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.

The proposed budget assumes that Utah will receive 28 million dollars if HAVA is fully funded and we are able to fund a 5% match. Currently the State has \$140,000 set aside towards the 5% match. The additional match will come from county contributions to the fund, which will total approximately 1.2 million dollars under the proposed budget.

Budget information is likely to change periodically. Revisions will be on file in the Utah State Elections Office. It is anticipated that no funds will be spent during Fiscal Year 2003.

Amount (in dollars)	Purpose (Over a ten year period)
3 million	Rotating fund for the purchase of additional equipment as numbers of registered voters increase
1 million	Maintenance of equipment, technical support, 1 full-time employee, programming of equipment
1.5 million	Mailing of Voter Pamphlet to every household
.5 million	Training of elections officials and judges
20.5 million*	New electronic voting equipment (punch card replacement) <ul style="list-style-type: none"> > 1st machine—Purchased by the State out of the Election Fund. > 2nd machine—Counties contribute \$170, remainder paid by the State from the Fund. > 3rd machine—Counties contribute \$170, remainder paid by the State from the Fund (only 4/5 of the precincts are eligible for the 3rd machine.) > 4th machine—Counties contribute \$170, remainder paid by the State from the Fund (only 3/4 of the precincts are eligible for the 4th machine.) > 5th machine—Counties contribute \$170, remainder paid by the State from the Fund (only 3/4 of the precincts are eligible for the 5th machine.) > Additional machines—purchased by the counties at a price negotiated by the State with the vendor.
1 million	State-wide database, maintenance, 1 full-time employee
.5 million	Voter outreach and education, signs, PSA's
28 million	Total if fully funded

* Estimate. A detailed breakdown of county cost is on file in the State Elections Office.

(7) How the State, in using the requirements payment, will maintain 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.

Item	Amount
25% of Voter Registration Coordinator=s salary	\$6,000
25% of Voter Outreach Coordinator=s salary	\$6,000
Voter Registration Forms	\$14,630
Mailings	\$2,283
Other Office Expenses (phone, etc.)	\$1750
Voter Information Pamphlet	\$305,370
Total Maintenance Of Effort	\$336,033

The documentation on how the State arrived at this maintenance of effort is on file with the State Elections Office.

(8) *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 held responsible for ensuring that each performance goal is met.*

- A. Provisional ballot (Target date 2004)
 - Number of complaints from voters turned away from the polls before and after the implementation of the provisional ballot.
Responsibility: county clerks
 - Track the number of provisional ballots issued and the number counted.
Responsibility: county clerks
- B. Statewide Database (Target date 2005)
 - Accuracy of the Statewide database: complete voter history, number of duplicates, NVRA mailings sent and number of responses received.
Responsibility: Lt. Governor's Office, county clerks
- C. Polling Places (Target date 2004)
 - Number of inaccessible polling places and the number corrected.
Responsibility: county clerks, Lt. Governor's Office, disability advocates (grants)
- D. Equipment (Target date 2006)
 - Satisfaction of the visually impaired with the new equipment—survey.
Responsibility: Disability advocates on State Plan Committee
 - Number of punch card machines replaced.
Responsibility: Lt. Governor's Office, county clerks
- E. Education and Training (Target date 2006)
 - Accessibility of election materials to voters with disabilities. This includes the Voter Information Pamphlet and other materials in audio and Braille.
Responsibility: Lt. Governor's Office
 - Number of judges trained on new equipment.
Responsibility: Lt. Governor's Office, county clerks
 - Number of county clerks, staffs and other election officials trained and certified by the State.
Responsibility: Lt. Governor's Office
 - Number of households who receive the Voter Information Pamphlet in the mail.
Responsibility: Lt. Governor's Office

(9) *A description of the uniform, non-discriminatory State-based administrative complaint procedures in effect under section 402.*

- A. All administrative complaint proceedings will be designated as informal and conducted in accordance with Utah Code Title 63, Chapter 46b, *Administrative Procedures Act*.
- B. A committee will be formed to review the notarized complaints. The committee will consist of two political party representatives, two county clerks (one urban and one rural), the state elections office, and two advocacy representatives (including one from the visually impaired community). After reviewing the complaint, the committee may refer it to mediation or court as necessary.
- C. It is anticipated that most complaints that are received over the phone or other written complaints will be resolved immediately without using the formal complaint procedure.

(10) 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.

As previously stated, Utah will accept the title I payments for the punch card buyout. However, at the date of the submission of this plan, no federal funds have been received. Payments will be allocated according to the proposed budget described in Section 6.

(11) 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).

The State Plan Committee will meet at least twice each calendar year to review the budget. At these meetings the committee will also review the progress of the items addressed in the State Plan and make necessary changes. The State Plan committee will also convene as needed when requested by the Lt. Governor.

(12) 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.

This section is not applicable to the current year.

(13) 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 and section 256.

The State Plan Committee met from November 2002 to June 2003 to develop the State Plan. Minutes were kept at each of the meetings to document the discussions and the decisions made by the committee. Minutes of those meetings are on file in the State Elections Office. Committee members are:

Hon. Patrice Arent, Utah State Senate (D)
 Hon. Dan Eastman, Utah State Senate (R)
 Bill Gibson, Division of Services for the Blind and Visually Impaired
 Kim Jackson, Utah County Clerk (R)
 Linda Lunceford, Weber County Clerk (R)
 Amy Maccarato, Director, State Elections Office
 Liz McCoy, Disability Law Center
 Hon. Lorraine Pace, Utah State House of Representatives (R)
 Sandy Peck, League of Women Voters
 Robert Petro, Carbon County Clerk (D)
 Steve Rawlings, Davis County Clerk (R)
 Thom Roberts, Attorney General—s Office
 Scott Simpson, Executive Director, Utah Republican Party
 Sherric Swensen, Salt Lake County Clerk (D)
 Todd Taylor, Executive Director Utah Democrats
 Hon. Olene S. Walker, Lieutenant Governor

For more information

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July 28, 2003

Dear Citizens of Vermont,

I am proud to share this Final Vermont State Plan for implementing the Help America Vote Act (HAVA) of 2002. Passed by Congress in response to the 2000 Presidential Election, HAVA requires state and local governments to reform elections processes and systems and it provides federal funding to help with these improvements.

We are fortunate that in such difficult budgetary times Vermont will have the necessary federal resources to build on our strong foundation of election accomplishments and make the improvements required by the Act. These changes will enhance the integrity of our voter registration process, increase privacy and independence for voters with disabilities, improve the elections systems that support our election process and provide better information to Vermonters on how to vote.

A steering committee of state and local elections officials, legislators and representatives of interest and advocacy groups have worked with our staff to develop the Vermont State Plan to implement HAVA 2002. The draft plan was published on May 16, 2003 and widely circulated in print copies and posted on the website of the office of the secretary of state. Two public hearings were held on May 27, 2003, at the Sharon Elementary School in Sharon, Vt., at 5:30 p.m. and on June 2, 2003, at the Williston Town Offices in Williston, Vt., at 7:00 p.m. We received no public comments at these hearings.

Our office received one email comment on the draft state plan from the Vermont League of Cities and Towns relating to towns using paper ballots. We have clarified one statement at page 11 of the plan so that all who read the state plan will understand that any town in Vermont can continue to use paper ballots with a hand count to tabulate the vote until the town electorate decides to vote to use voting machines. However, every polling place in Vermont will have at least one voting system that can be used privately and independently by blind or visually impaired voters no later than January 1, 2006.

I want to thank the HAVA Advisory Committee and four working groups' members who have committed considerable time and dedication to the creation of this plan. Their involvement ensures that Vermont will have an accessible, uniform, statewide voting system that will meet both the spirit and letter of the law. I look forward to continuing to work with these groups and with all election officials in Vermont to continue to improve Vermont elections through the implementation of HAVA.

Sincerely,



Deborah L. Markowitz
Secretary of State

Vermont State Plan To Implement the Help America Vote Act of 2002

(As required by Public Law 107-252, Section 253(b))

**Published by the Vermont Secretary of State, Deborah L. Markowitz
With the Advice of the Vermont State Advisory Committee**

Final Plan As Submitted

July 28, 2003

Table of Contents

Introduction to Vermont Election Administration..... 1

Narrative of State Plan Required Elements under Section 254 2

I. Use of Requirements Payments to meet requirements of Title III, and to carry out other activities to improve the administration of federal elections..... 2

II. How Vermont will distribute and monitor payments 7

III. Voter education, election official education and training, and poll worker training..... 8

IV. Voting system guidelines and processes..... 11

V. Vermont's HAVA Election Fund..... 15

VI. Vermont's budget for implementing HAVA..... 16

VII. Maintenance of effort..... 17

VIII. HAVA performance goals and measures..... 18

IX. State-based administrative complaint procedure..... 19

X. Effect of Title I payments..... 19

XI. Vermont's HAVA State Plan management..... 20

XII. Changes to State Plan from previous fiscal year..... 20

XIII. State Plan development and committee..... 21

Introduction to Vermont Elections Administration

Under the Vermont Constitution and Vermont statutes, the Office of the Secretary of State, Elections Division, receives all petitions and consent forms for statewide and federal candidates, receives consent forms from local and county clerks for candidates for the general assembly and county office and then prepares all of the ballot styles for each polling place for all Primary and General Elections. The Office of the Secretary of State also provides all election warnings and notices, all election supplies and materials including absentee envelopes, tally and summary sheets and the Official Return of Vote form that must be completed for each polling place.

In Vermont, and most of New England, the principal form of administration of government activities is the Town or City and not County government. In Vermont, the municipal Board of Civil Authority (BCA) selects the location of polling places and supervises and administers all elections. Each Board of Civil Authority is composed of Selectboard members, the Town Clerk and elected Justices of the Peace. The Town Clerk serves as the Presiding Officer unless the Town has voted otherwise, or if a town has more than one polling place, in which case the BCA appoints additional presiding officers.

There are 280 polling places within 246 municipalities in Vermont (9 Cities and 237 Towns) that have responsibility for administering primary and general elections within the jurisdiction. As part of the implementation of HAVA we will be recommending the elimination of more than one polling place to several towns with less than 1,000 voters on the checklist. The 246 municipalities range in size from a population of 38,889 in Burlington to only 96 residents in Searsburg, Burlington, with 31,778 and Essex Town, with 13,948 are the only municipalities in Vermont with over 10,000 voters on the checklist. More than 50% of Vermont's municipalities (134 towns) have less than 1,000 voters on the checklist, including 30 towns with less than 300 voters.

As of the 2000 census, the voting age population in Vermont was 461,304. As of the 2002 General Election, 409,000 voters were on the 246 Vermont checklists and 233,000 voters participated in the general election. We believe that the 409,000 (number of voters on the checklists in Vermont) is inflated due to the provisions of the NVRA that mandate that a voter remain on a checklist for at least two general elections after the local election authority has reason to believe the voter has moved if he or she does not respond in writing to authorize removal from the checklist.

In the 2002 General Election, 184 municipalities voted using paper ballots with hand counting performed under the direction of the local Board of Civil Authority. Sixty-two (62) municipalities used optical scanner vote tabulating machines (one of 4 models, all of which are NASED approved). Approximately 26% of Vermont voters used Accuvote optical scanner machines, at 35 polling places, 17% used Optec IIIIP machines at 24 polling places, 12% used Optec Eagle machines at 14 polling places, and 3% used ES & S Model 100 machines at 5 polling places.

Under current Vermont law, the Town must vote to decide to use voting machines instead of the paper ballot hand count method. We expect that approximately 10 to 20 more towns may vote to use voting machines within the next 5 years. We expect that many towns, especially those towns with less than 1,000 voters on the checklist will continue to vote using the paper ballot hand count method.

Narrative of Required Elements in Vermont State Plan

The Vermont State Plan is organized according to the outline provided in Section 254 of the Help America Vote Act. The following thirteen sections correspond to the thirteen elements that must be included in the state plan as set out in Section 254(a) of HAVA2002. Each section contains a description of current election administration and then outlines how Vermont will implement the requirements of HAVA2002.

I. Section 254(a)(1). How the State of Vermont will use the first Requirements Payment to meet the requirements of Title III and to improve the administration of federal elections (after the requirements of Title III have been met).

Background

Vermont has established a Vermont Election Fund, and the payment of \$5 million under Title 1, Section 101, sometimes called "Early Out Money" has been deposited into this special fund. HAVA2002 provided this first payment of No Year, No Match funds to allow states to use this funding to prepare its state plan, meet requirements of Title II, and to improve the administration of federal elections.

Because Vermont has a small statewide population, yet a large number of local jurisdictions administering elections, Vermont has the opportunity to develop and implement some unique processes and technologies to meet the requirements of Title III, improve the administration of federal elections, and yet maintain local administration of elections. This local control is an important part of the fabric of rural life in Vermont and New England.

Our smaller jurisdictions, towns with checklists of less than 1,000 voters, may feel strongly that they want to continue the tradition of using paper ballots with hand counting by local election officials under the supervision of the Presiding Officer and Board of Civil Authority. It is a system of administration that has worked very well in Vermont for over 100 years and allows interested residents to actively participate in their local governance.

If as we predict, many towns take the option to continue using paper ballots, Vermont may be able to use a portion of the proposed requirements payments to assist towns in maintaining machines and programming machines.

Under current Vermont statutes, checklists are maintained by the Town Clerk and Board of Civil Authority in each municipality in Vermont. The Vermont House Local Government Committee has introduced a committee bill to implement HAVA that includes an amendment to create a statewide checklist to be maintained by the Office of the Secretary of State.

Vermont will use the \$5 million of "no year, no match" money that we have already deposited into the Vermont Election Fund to begin to meet the requirements of Title III in Vermont FY 2003 and FY 2004. Vermont is requesting the first requirements payment in order to continue to meet the mandates of Title III and to carry out other activities to improve the administration of federal elections in future fiscal years. Vermont proposes to use the early out money and the first requirements payment to meet Title III requirements as follows:

Develop and implement the Statewide Voter Registration Checklist

- Within the Office of the Secretary of State, the Elections Division will define, maintain, and administer the single, uniform, official, centralized, interactive computerized statewide voter registration list on or before January 1, 2006. Vermont has requested a waiver of the January 1, 2004 deadline in order to have sufficient time to develop the system, purchase and install the necessary hardware and software in up to 246 municipalities, and train officials in 246 jurisdictions in the use of the system.
 - We estimate that meeting these requirements will cost between \$600,000 and \$1,000,000.
 - The statewide checklist will involve continuing costs to maintain at an estimated \$100,000 each year.
 - It is extremely difficult to predict whether our planned training and support for local election officials will be sufficient or whether we will need to add additional staff to accomplish this ongoing support.

New federal voter registration requirements for mail-in registrants

- New Application to the Checklist must be prepared, printed and distributed to include either Driver's license number, last 4 digits of the SSN, or unique identifier assigned by the Secretary of State.
- SOS and Commissioner of Motor Vehicles have entered into an agreement to match information in the checklist and DMV databases.
- New Application asks eligibility questions exactly as stated in HAVA2002, §303(b)(4)(A).
 - We estimate that meeting these requirements will cost \$20,000.
 - The requirements will involve continuing costs to maintain at \$20,000 for each odd numbered year.

Voting Systems Standards Requirements

Because the state, through its Secretary of State, is already producing all of the ballots for all federal elections in Vermont, legislation has been introduced in Vermont to amend our statutes to allow the Secretary of State to designate one voting machine to be used by all municipalities that vote to use voting machines.

If the State of Vermont designates one voting system to be used by all municipalities that have voted to use machines, the state would purchase the new voting machines for the towns that have already purchased a different machine rather than give the money to local units of government to purchase machines.

This would allow the state to select one voting system that can best meet the needs of all Vermont voters, including the disabled, blind and visually impaired and also allow the state to use one database and desktop publisher to prepare all the ballots, instead of the fragmented system now in use.

- Replacing optic scanning machines to meet the voting system standards will cost an estimated \$600,000.

Access to Voting for People with Disabilities: Privacy and Independence:

Vermont will implement this requirement by purchasing a voting system for each polling place in Vermont that is accessible to the disabled including the blind and visually impaired.

As of May 2003, we have heard from members of the Vermont community of disabled and blind persons that a voting system that uses computer assisted technology similar to the computers that are being used by blind and visually impaired persons already would be the most attractive solution to providing privacy and independence when voting. We have not found any vendors that have pursued this means of meeting this requirement. We will continue to pursue this idea with the Vermont Association for the Blind and Visually Impaired as well as other groups and vendors.

If by June of 2004, we find a voting system that we believe meets the needs of the blind and visually impaired and all of the voting system standards requirements, the Office of the Secretary of State may request budget authority to purchase ten voting systems to be used in Burlington, Essex, and 4 smaller jurisdictions in the 2004 Primary and General Elections.

- This will cost \$200,000 for purchase of machines, programming and maintenance, training of local election officials and voter education.

If use of the demonstration or test voting systems in 2004 is successful, the one voting system will be purchased for each Vermont polling place for use in 2006.

- This will cost an estimated \$2,750,000 for purchase of 275 voting systems, programming for the 2006 elections, training of local election officials and voter education.

Alternative Language Accessibility: HAVA incorporates the requirements of the Voting Rights Act of 1965 for voting systems to provide alternative languages under specified criteria. Vermont, as of the 2000 census, does not have sufficient non-English speaking residents to require provision of voting information and materials in other languages.

- No costs associated with the requirement for Vermont.

Error Rates: All voting machines now in use in Vermont meet the federal standards for accuracy. We will continue to require that any voting machine must meet these standards in order to be used in Vermont.

- No costs associated with the requirement for Vermont.

Ballot correction and replacement ballots for "overvotes": Vermont plans a voter education program to educate voters using paper ballots on the risks of overvoting, instructions for marking ballots, and the voter's right to request a replacement ballot if needed to correct an overvote or incorrect marking. Vermont will amend its state statutes to require voting systems to be set to reject any ballot that contains an overvote. Voters and election officials will be trained to offer replacement ballots.

- This will cost an estimated \$20,000 in each election year.

Definition of a Vote: The Vermont Statutes provide a clear description of what constitutes a vote and states clearly that the majority of election officials present at the polling place will be the final decision makers of a voters intent. In addition, the training manual for local election

officials published by the Office of the Secretary of State includes three pages of examples of markings on a ballot, with instructions for determining the voter's intent. Our office will promulgate a rule incorporating these clear instructions. Our statutes and the rules that will be adopted by the Office of the Secretary of State are in compliance with the requirements of HAVA2002.

- This will cost \$5,000 to adopt the rule and publicize the rule.

Manual Audit Capability: The Vermont statutes mandate the approval of voting machines by the Secretary of State. The statutes also require the Secretary of State to prepare an Official Return of Vote form to be completed for each polling place by the Presiding Officer. This Official Return of Vote form provides an audit trail including:

- Election Date
- Polling Place name
- Number of voters on the checklist
- Number of voters who were checked in at the entrance checklist
- Number of ballots counted
- Number of ballots spoiled
- Number of ballots blank
- Breakdowns of the votes counted for each race including:
 - total votes for each candidate
 - total votes for each write-in
 - total number of blank for the race
 - total number of spoiled for the race
 - total number of write-ins
 - total number of votes cast in the race

In addition, Vermont statutes require that the presiding officer place the following in ballot bags which are then sealed, labeled, and stored for 22 months in the municipal vaults:

- exit checklist, if used,
- alternate materials including the paper tapes from all voting machines, if used,
- all summary and tally sheets,
- all ballots.

The sealed ballot bags can only be opened upon order of the Superior Court and must be kept for 22 months. In the 184 municipalities using paper ballots and hand count method, the ballot of each voter is preserved. In the 62 municipalities using optic scan machines, the original ballot of each voter is also preserved. At the present time, all election results are reported to canvassing committees by the Official Return of Vote. There is no transmission of results by electronic or telecommunication means.

- Vermont currently meets this requirement. There are no costs associated with continuing to meet this requirement.

Maintenance of voting machines or voting systems: Under Vermont law, each municipality purchases its own voting machines, maintains the machines, and has the machines programmed for each election.

The Office of the Secretary of State will promulgate rules to provide for security of the machines, require regular maintenance, and implement safeguards and protocol for programming and testing machines.

- This will cost \$50,000 in the first year to study the issues, develop policy and make recommendations.
- Vermont has not yet decided how to use future requirements payments to pay for maintenance costs. The Vermont State Plan will be amended when a decision has been made on the future maintenance issue.

Recourts: Vermont statutes provide extremely detailed instruction and requirements for recounts of all state or federal elections to be conducted by the County Clerk under the supervision and guidance of the Superior Court Judge.

- Vermont meets this requirement. There will be no costs.

Provisional Voting: Vermont statutes currently provide for an affidavit that a voter can complete at a polling place in order to swear or affirm that an application to the checklist [voter registration form] was submitted in a timely manner and through no fault of the voter if the application did not reach the proper election official in order to be added to the checklist. If the affidavit is completed, the election official can add the person to the checklist and the person can be given a ballot.

The House Local Government Committee has introduced legislation to allow for a provisional ballot to be given to a voter for federal offices if the affidavit is not accepted. The provisional voting provisions in this legislation comply with all requirements of HAVA2002. Vermont already has a toll free telephone line and toll free TTY relay service that can be used by voters to ascertain if their provisional ballot was counted or if the application to be added to the checklist on the provisional ballot envelope was denied. The voter will be given this toll free number at the polling place. All provisional ballots will be forwarded to the Office of the Secretary of State with the Official Return of Vote within 48 hours of the election and the Elections Division will respond to voter inquiries.

- It will cost an additional \$40,000 in each election year to meet this requirement. It will cost an additional \$20,000 for the Presidential Primary.

Voting Information Requirements: The Vermont statutes already require a substantial amount of voting information to be distributed by the Office of the Secretary of State. State statutes provide that the warning and notice to voters must include: instructions on how to vote the ballot and how to cast a vote for each type of voting machine or ballot, notices to contact our office for complaints or any questions, information on elections fraud or misrepresentation, and a full listing of all races to be voted with notice of polling place and hours. In addition, the Elections Division publishes a "Candidate Information Publication" that contains information on each federal and statewide candidate along with a sample ballot. Our Elections Division maintains an ever growing website with detailed information for voters on how to register to vote, a listing of polling place locations and hours, information about accessibility of each polling place, and election results.

In addition to information already provided, we will revise our warning and notices starting in the 2004 Elections to include all of the information required by HAVA2002:

- sample ballot that will be used for the election in that polling place. (already done)
- information regarding the date of the election and the hours during which the polling place(s) will be open. (already done)
- instructions on how to vote, including how to cast a vote and how to cast a provisional ballot. (will add provisional ballot information)
- instructions for mail-in registrants and first-time voters.
- general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated. (will expand existing information)
- general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation. (will expand existing information)
- We anticipate that the additional warning and notice requirements will cause an increase in the size of the paper used for the warnings and notices and will cost an additional \$10,000 for each of the Primary and General Election warnings & notices, or an additional \$20,000 in every even numbered election year.

Election Official Education and Training, Poll Worker Training and Voter Outreach

Vermont currently offers considerable election official and poll worker training. The Advisory Committee has recommended additional training and education opportunities along with increased voter outreach as discussed in Section III below.

- The additional education, training, and voter outreach will cost an additional \$60,000 in each election year.

II. How state will distribute and monitor the distribution of the Requirements Payment to local government or other entities including: Criteria used to determine eligibility for payment; and Methods to be used to monitor performance of units or entities that receive payments consistent with performance goals and measures adopted in #8 of the state plan.

For the Vermont Fiscal Years 2003 and 2004, the State of Vermont will not distribute any federal funds from either the early vote money or any requirements funds directly to local government or other entities. We will not distribute any federal funds to local government or other entities in Federal Fiscal Years 2003 or 2004.

The State of Vermont has responsibility to prepare and deliver all ballots for the primary and general elections involving federal candidates, all warnings and notices, all election supplies and materials. The State of Vermont will also be developing the statewide checklist and the voter outreach and election official training described in this plan. In addition the Office of the Secretary of State expects to provide services, other materials, and training to the municipalities in order to meet the requirements of Title III.

Our office has conducted a survey to determine what is needed by each of the 246 municipalities in order to use a statewide voter checklist. We will conduct additional surveys and needs assessments to determine what is needed by each municipality to meet additional Title III requirements.

It is our plan for the Office of the Secretary of State to purchase and distribute hardware, software, equipment, supplies, training, and all necessary goods and services in order for the state and each municipality to meet the requirements of Title III. Our office does not intend to distribute requirements payments to municipalities.

If for any reason we find that we need to distribute requirements funds to local governments, we will use the following criteria for payment:

1. The Elections Division will prepare and distribute a listing of approved sources of hardware, software, services, and other materials along with an approved guideline of quantities of items based upon the size of the checklist and the number of polling places needed to serve the voters of the municipality.
2. The Selectboard or legislative body of a municipality must submit a request for approval prior to any expenditure for which the municipality will expect to be reimbursed detailing the hardware, software, services, or other materials on the approved list that need to be purchased in order to comply with named provisions of Title III.
3. The business officer will verify that the request is for approved materials and meet the established guidelines for product and quantities before sending an approval to the town of the request.
4. The Town Treasurer will then submit proof of purchase in accordance with the materials approved by the state in order to be reimbursed from HAVA funds.

III. How the State of Vermont will provide programs for voter education, election official education and training, and poll worker training to assist in meeting Title III requirements.

Vermont has had a state statutory requirement for the Office of the Secretary of State to provide voter information, election official education and poll worker training since the 1980's. Our Secretary of State, Deb Markowitz, has already significantly increased the types and amounts of information and increased the number of different venues for providing voter information and public official training over the last four years.

Voter Information Program and Voter Outreach

Vermont already maintains a free telephone hotline for voter inquiries and this hotline will now also respond to requests from voters to discover if any provisional ballot cast was counted, or if not counted, the reason why it was not counted.

Vermont also already maintains a free website that provides voter information, a listing of all polling places and polling hours and that also provides free public access to elections division staff who respond to inquiries on all voting and elections questions by email or telephone.

The Elections Division currently provides the following as required by state law:

- At every polling place, state law requires that voting information including the warning, (which lists the date of election, hours of the polling places, list of polling places and listing of all races and issues to be on the ballot), a detailed "Notice to Voters" with instructions regarding voter registration, absentee balloting, and voting at the polling place, and a complete checklist and a sample ballot must be posted.

- A sample ballot is provided and must be posted with each warning and at each polling places. In addition, the Secretary of State makes electronic versions available to encourage local newspapers to include a sample ballot. A sample ballot is also included in a candidate information publication prepared and distributed by the Secretary of State at least one week prior to the general election.
- Our notice to voters and voter registration forms currently include general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation.
- Our notice to voters includes the toll free number to the Office of Secretary of State to report any violations of voter rights or to complain about any activity during the registration or voting process.

At the present time the Secretary of State voluntarily provides the following additional voter information resources that were not required by law prior to HAVA2002:

- Vermont already maintains a free telephone hotline for voter inquiries and voter complaints.
- Vermont also already maintains a free website that provides voter information, a listing of all polling places and polling hours, and that also provides free public access to elections division staff who respond to inquiries on all voting and elections questions.
- The Secretary of State and a number of municipal clerks prepare taped public service announcements with voter information prior to registration deadlines with information regarding voter registration, absentee or early voting opportunities, and other voter information.

Vermont will add the following information to our Voter Information and Education notices:

- We will add to our detailed instructions to voters which include how to cast a vote, instructions on how to cast a provisional ballot and how to contact state officials if these rights are alleged to have been violated.
- Vermont's telephone hotline will now also respond to requests from voters to discover if any provisional ballot cast was counted, or if not counted, the reason why it was not counted.
- We will provide instructions for mail-in voter registrants and first-time voters under section 303(b) to all municipal clerks for posting, as well as posting information on our website.

The voter education and outreach working group proposed a public education plan that was recommended by the Advisory Committee, and accepted by the Secretary as follows:

1. **Voter Rights Poster** – Revise the current poster to include the new requirements under HAVA. If possible, have the poster professionally produced with graphics so that it is attractive and easy to read. Include 800# for complaints. Expand distribution to include town clerks, high schools, social service agencies, public libraries, etc. . . . Perhaps have separate poster for presidential primary explaining how the primary works.
2. **Voting Video** – Re-produce the voter education video to include the new requirements under HAVA. Have the actors represent a broader cross-section of the community (young people, obviously blind voter.) Broaden distribution to town clerks, league of women voters, public television as well as cable access. Perhaps create second video to provide to high schools to educate high school seniors on how to vote in Vermont.
3. **Candidate Information Guide** – Continue to produce candidate information guide. In addition to its circulation through the clerks and newspapers, contact the Independent and Counterpoint to see if they can get this information to disabled Vermonters.

2. **Elections Officials Workshops Presented by the Office of the Secretary of State --** Continue to present at least six workshops for election officials around the state in the summer preceding the Primary and General Elections. If possible, try to schedule additional workshops so that we can have one in each county or combined neighboring counties.
3. **Elections Workshop Video --** Re-produce the elections workshop video to include the new requirements under HAVA. Continue to make the video available to all local election officials and to public access TV.
4. **Add Presentations by the Office of the Secretary of State at other Public Official Training Seminars -** Provide additional elections officials training focusing on HAVA requirements and changes to state election laws at Vermont Clerks and Treasurers Association meetings, Vermont League of Cities and Towns Seminars, and TOEC/MOMs sessions (Training sessions for local elected officials in spring and fall).
5. **Elections Bulletins--** Continue to send Elections Bulletins to all Town and City Clerks (and County Clerks when needed) at regular intervals to remind officials of approaching deadlines and duties.
6. **Elections Website -** Continue to add training materials to the Elections web site for election officials to use as reference resources and to download for local training.

IV. How Vermont will adopt voting system guidelines and processes that are consistent with the requirements of section 301.

The Office of the Secretary of State will propose the adoption of rules and/or additional statutory language to address the requirements in section 301:

- Propose one type of optical scanning or other approved voting system for use by all machine towns in Vermont by January 1, 2006.
- Continue to allow Towns to continue to use paper ballots hand counted by election officials until the town electorate votes to use voting machines along with access to at least one voting system accessible to disabled voters including the blind or visually impaired in each polling place.
- In all polling places, whether machine or paper, the voting system must:
 - Permit the voter to verify the votes selected on the ballot before the ballot is cast or counted. (This is already done on all of our voting systems in Vermont--we propose additional posters in each voting booth to remind voters to review and verify selections before casting the ballot)
 - Provide each voter with the opportunity to change the ballot or correct any error before the ballot is cast through issuance of a replacement ballot. (Vermont law already provides that each voter shall be able to obtain replacement ballots to correct errors up to a total of three ballots. Vermont included this reminder in a voter rights poster in 2002 in all polling places-- we will update and circulate this poster as well as other voter education materials to stress the option to obtain a replacement ballot if an error is made.)
 - Notify the voter that the voter has "overvoted" by selecting more than 1 candidate for a single office on the ballot and provide the voter with the opportunity to correct the ballot before the ballot is cast.

11

4. **Vote Here Today Posters --** Print more and distribute to town clerks to notify public when absentee voting begins.
5. **Birthday Card --** start a program to send a birthday card to Vermonters who turn 18 year olds with voter registration opportunity. Use drivers license data and look for ways to reach disabled teens.

Election Official Education and Poll Worker Training

- Vermont law, 17 V.S.A. §2457, currently requires the Office of the Secretary of State to provide workshops and information materials for election officials (Vermont law does not use the word "poll worker" but rather uses the term "election official" more broadly to include both BCA members or appointed election officials. If only BCA members or Justices of the Peace can perform a task, then BCA or JP is used in the Vermont Statutes). In compliance with this law, the Secretary of State does the following:
- Every two years the Elections Division updates its guide for local election officials, Elections Perspectives, which provides extremely detailed instructions regarding all aspects of primary and general elections from applications to the checklist through recounting of elections.
 - Every two years the Secretary of State and the Elections Divisions provides at least 6 workshops in various locations around the state for the training of elections officials.
 - Every two years, videotapes of the workshop are made available at no cost to election officials unable to attend a live workshop.
 - These 2 hour election official training videotapes are also shown on public access TV stations throughout the State of Vermont.
 - Vermont law currently requires the presiding officer of each municipality or an assistant designated by the board of civil authority to attend at least one workshop.
 - The Elections Division presents at least one additional workshop to municipal clerks, on the elections process and procedures.
 - Every two years the Elections Division reprints the Vermont Election Laws in a large type, easy to use format for election officials, candidates and interested citizens.

In order to address the additional requirements for election official education and training, the Office of the Secretary of State will add the following information to our training workshops, videotapes and printed materials:

- Elections Division memoranda to Town Clerks re: HAVA requirements for ID to be provided by persons who register by mail.
- Inclusion of written materials in next Elections Perspectives 2003 of all HAVA requirements for voter registration, use of voting systems, and provisional voting.
- Elections Division memoranda to Town Clerks re: HAVA requirements for provisional voting.
- Additional "Train the trainers" workshops for Town Clerks on all HAVA requirements so that they can provide additional training to local BCA members and election officials.

At the recommendation of the Elections Official Working Group as approved by the Vermont State Advisory Committee, the Secretary of State will also:

1. Update Elections Perspectives: Revise Elections Perspectives to include the new requirements under HAVA, including an appendix outlining the complaint procedures and the guidelines for counting votes by determining voter intent.

10

- D. Use HAVA funds to purchase one set of equipment for each polling place in the state for the blind and visually impaired to be able to vote independently and privately.
- 4. Reconvene the working group as needed to review proposals when staff finds voting systems that it considers the best technology at the best cost to meet the needs outlined above.
- 5. Reconvene the working group to discuss and recommend the best ways to fund changes to voting systems for municipalities that use voting machines for all voters.
- 6. Encourage municipalities to wait until 2006 to purchase or upgrade voting systems, as there may be significant improvements to technology or lowering of purchase prices.
- 7. Introduce legislation in January 2004 to allow the Secretary of State to use the ballot design used for optic scanning machine ballots for all municipalities using paper ballots in order to have all voters become accustomed to marking an optic scan ballot.

The Office of the Secretary of State will reconvene the Voting Systems Working Group and the Vermont State Advisory Committee when it has completed research on emerging technologies and is ready to make a recommendation of a voting machine for use in all machine towns, and to recommend a voting system for each polling place that will be accessible to persons with disabilities including the blind and visually impaired. In any event, Vermont will have voting systems in place, including a voting system accessible to the blind and visually impaired in each polling place, that meet all of the requirements of HAVA2002 not later than January 1, 2006.

Privacy and Independence for Disabled Voters

Legislation has been introduced to require the use of new voting systems to allow voters with disabilities to use the voting systems privately and independently. If the Office of the Secretary of State finds a suitable voting system for testing in 2004, we will seek a supplemental budget adjustment appropriation to fund the purchase of the test machines.

In addition, the Office of the Secretary of State will continue to work with state agencies, advocacy groups, and other interested citizens to select, then promote and describe the accessible voting machines. The Office of the Secretary of State has a TTY relay service that is available and is listed on every election warning. The Office of the Secretary of State will use websites, newsletters, radio public service announcements and other communication tools to reach disabled voters.

We will also work with Vermont disability advocacy organizations to provide education and training for persons with disabilities in the voting process and also to train local election officials in providing access to persons with disabilities.

The opportunity already exists under Vermont law for any voter to be assisted by the person of his or her choice in marking a ballot at the polling place, or to vote by absentee ballot in the 30 days preceding an election at the office of the municipal clerk, or by having an absentee ballot mailed to the voter, or if physically ill or disabled, to have an absentee ballot delivered by two justices of the peace.

As of the fall of 2002, there were only a handful of polling places that did not provide full access to persons with disabilities. Our Office of the Secretary of State will encourage all Vermont municipalities that do not have full access for persons with disabilities to apply for grants from the U.S. Secretary of Health and Human Services under Section 261 of HAVA2002.

- In jurisdictions using paper ballots, we will meet this requirement by establishing a voter education program specific to the paper ballot system that notifies each voter of the effect of casting multiples votes for an office and providing voters with instructions on how to correct the ballot before it is cast by obtaining a replacement ballot. We will update and circulate a voter's rights poster and other voter education materials to address overvoting on paper ballots and the right to and how to obtain replacement ballots.
- In jurisdictions using optic scanning machines, we have introduced legislation, H. 460, that we expect to pass, that will require voting machines to be set to reject overvotes. We will also educate election officials and poll workers regarding overvotes and replacement ballots.
- All voting systems in Vermont already provide a permanent paper record with a manual audit capacity. Vermont law already provides that the actual paper record must be used for any recount conducted.
- Not later than December 31, 2005, Vermont will adopt by rule uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems in use in Vermont.

The following recommendations from the Voting Systems Working Group were approved by the Vermont State Advisory Committee and accepted by the Secretary of State, Chief Election Official in Vermont to be incorporated into our Vermont State Plan to implement HAVA2002:

1. Continue to research the developing technology and products available for voting systems (for municipalities with over 1,000 voters on the checklist) until FY 2005. The marketplace is changing and new products are being developed.
2. Focus on finding a voting system for all voters that can:
 - A. Provide a voter verifiable paper audit trail and allow the voter to complete a paper ballot that will then be scanned or that will produce a paper ballot for the voter to review before the vote is cast and the voter leaves the voting machine. It is important to have a paper record of each vote in the event of a recount.
 - B. Allow the machine to be set to reject "overvotes" and give the voter a chance to spoil that ballot and vote a new ballot.
 - C. If technically possible, allow the machine to be set to reject a ballot if the entire backside of the ballot is blank, indicating that the voter most likely failed to turn over the ballot. If this is not technically possible, continue to research and discuss whether it is better to set the machines to reject ballots where any one race is blank, or to reject only if the entire ballot is blank (indicating that the ballot was most likely marked incorrectly).
 - D. Export an anonymous record of each vote into a secure data file in order to support the option to use rank order ballots or instant runoff voting.
3. In order to meet the needs of persons with disabilities, including the blind or visually impaired, focus on finding a voting system that can:
 - A. Allow blind and visually impaired voters to vote privately and independently at each polling place.
 - B. If technically possible, find a voting system that uses a computer and printer or a telephone or some equipment that could be used for other purposes that is equipped with special hardware and software to allow private and independent voting by the blind but would allow the municipality to use the equipment for other tasks for the 18 months in each two year election cycle when it is not needed for elections.
 - C. Consult with the state agencies and advocacy groups for the blind and visually impaired to research all possibilities.

Alternative Language Accessibility: HAVA incorporates the requirements of the Voting Rights Act of 1965 for voting systems to provide alternative languages under specified criteria. Vermont, as of the 2000 census, does not have sufficient non-English speaking residents to require provision of voting information and materials in other languages.

Error Rates: All voting machines now in use in Vermont meet the federal standards for accuracy. We will continue to require that any new voting machine must meet these standards.

Ballot correction and replacement ballots for overvotes: Vermont law currently provides that each voter can request up to three additional ballots if a ballot is spoiled by an overvote or incorrect marking. Voters Rights Posters were created and posted in all polling places during the 2002 General Election reminding voters in easily understood language of the right to request replacement ballots. The Office of the Secretary of State with the assistance of the 246 municipal clerks and Boards of Civil Authority will prepare a voter education video that will be distributed to public access TV stations throughout Vermont to increase voter awareness of the availability of replacement ballots and ballot marking instructions. We will continue to provide Voter Rights Posters and other written materials to educate voters. Our office will continue to use media releases, public service announcements, and our web site to provide this information to voters. We will also highlight this voter education information in our training programs for election officials. In a small, rural state like Vermont, it is frequently the one on one conversational education of voters by local officials that is most effective.

Definition of a Vote: The Vermont Statutes provide a clear description of what constitutes a vote and states clearly that the majority of election officials present at the polling place will be the final decision makers of a voters intent. In addition, the training manual for local election officials published by our office will include three pages of examples of markings on a ballot, with instructions for determining the voter's intent. Our office will promulgate a rule incorporating these clear instructions. Our statutes and the rules that will be adopted by the Office of the Secretary of State are in compliance with the requirements of HAVA2002.

Manual Audit Capability: Vermont currently meets this requirement. The current Vermont statutes mandate the approval of voting machines by the Secretary of State. The statutes also require the Secretary of State to prepare an Official Return of Vote form to be completed for each polling place by the Presiding Officer. This Official Return of Vote form provides an audit trail including:

- Election Date
- Polling Place name
- Number of voters on the checklist
- Number of voters who were checked in at the entrance checklist
- Number of ballots counted
- Number of ballots spoiled
- Number of ballots blank
- Breakdowns of the votes counted for each race including:
 - total votes for each candidate
 - total votes for each write-in
 - total number of blank for the race
 - total number of spoiled for the race
 - total number of write-ins
 - total number of votes cast in the race

14

In addition, Vermont statutes require that the presiding officer place the following in ballot bags which are then sealed, labeled, and stored for 22 months in the municipal vaults:

- exit checklist, if used,
- alternate materials including the paper tapes from all voting machines, if used,
- all summary and tally sheets,
- all ballots.

The sealed ballot bags can only be opened upon order of the Superior Court and must be kept for 22 months. In the 184 municipalities using paper ballots and hand count method, the ballot of each voter is preserved. In the 62 municipalities using optic scan machines, the original ballot of each voter is also preserved. At the present time, all election results are reported to canvassing committees by the Official Return of Vote. There is no transmission of results by electronic or telecommunication means.

Any new voting systems purchased in Vermont will meet the manual audit requirement.

Maintenance of voting machines or voting systems: Under Vermont law, each municipality purchases its own voting machines, maintains the machines, and has the machines programmed for each election.

The Office of the Secretary of State will promulgate rules to provide for security of the machines, require regular maintenance, and implement safeguards and protocol for programming and testing machines.

Recounts: Vermont statutes provide extremely detailed instruction and requirements for recounts of all state or federal elections to be conducted by the County Clerk under the supervision and guidance of the Superior Court Judge.

V. How state will establish a State Election Fund, including description of fund management.

The State of Vermont has established the Vermont Election Fund by including this special fund in the Budget Adjustment Act of 2003 and in the appropriations bill for FY 2004. The Title I, section 101 "early out money" payment has been deposited in to the Vermont Election Fund and all requirements payments from the federal government that are provided under HAVA2002 will be placed in this special fund.

- The state will deposit all requirements payments into this fund.
- The state will deposit all interest gained on any funds in the Elections Fund back into the Vermont Elections Fund.
- All amounts appropriated or otherwise made available by the state for carrying out the activities for which the requirements payment is made to the state shall be deposited into the Vermont Election Fund.
- Such other amounts as may be appropriated under law shall be deposited into the Vermont Election Fund.

15

- VI. Describe the states proposed budget for activities based on state's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on:**
- The cost of activities required to meet the requirements of Title III;
 - The portion of the requirements payment which will be used to carry out activities to meet Title III requirements; and
 - The portion of the requirements payment that will be used to carry out other activities to improve the administration of federal elections.

The Office of the Secretary of State has developed a proposed budget with the assistance of the Advisory Committee. We have proposed a budget adjustment for Vermont FY 2003 for the expenditure of \$60,000 of Title I, early out money. We have proposed a budget of \$558,000 from Title I funds for Vermont FY2004. We will amend our plan when we have more detailed budget proposals for future Vermont fiscal years. Based upon our best estimates of the cost to implement HAVA2002, the State of Vermont will be able to fund the cost of many of the Title III requirements through the use of Section 101 "early out money" and the first requirements payment. However, the State of Vermont is planning to use any remaining funds from the requirements money to pay for the continued maintenance and support of the systems implemented to meet the Title III requirements. There will be considerable annual continuing expenditures to maintain the systems once established.

The following table indicates the federal funds anticipated and the Vermont state match that will need to be appropriated in order to obtain the Requirements Payments from federal years FY 2003, FY 2004, and FY 2005. As the election reform payment for FY 2003 amount was a total of \$930 million, significantly less than the \$1.4 billion that was originally authorized, we are unable to provide firm estimates of the amounts that will be appropriated for requirements payments in federal FY 2004 and FY 2005.

Federal Fiscal Year	Vermont's share of Federal Funds Received or Expected	Vermont's 5% Match Required*	Status of Payments
Early Out / Title I	\$5,000,000	None required	Deposited in VT. Election Fund
FY 2003 Requirements Payments	\$4,150,000	\$218,300	P.L. 108-7 (Joint House Resolution 2 passed.)
FY 2004	Estimated over \$5,000,000	.0526 times Vermont's share	Not yet appropriated
FY 2005	Unknown	.0526 times Vermont's share	Not yet appropriated

Vermont is using the Title I funds to begin implementation of HAVA requirements in FY 2003 and FY 2004. Vermont is aware that the cost of maintaining and continuing to operate under the requirements in HAVA will extend long after the annual requirements payments have ended. Vermont is intentionally planning to implement the requirements of HAVA in ways that will preserve funding to continue to meet the HAVA requirements in future years.

The following table provides the Vermont budget based on levels of funding anticipated as of May 2003. The table will need to be amended if there are significant changes in federal funding or if the Vermont legislature does not provide a match for requirements payments. These estimated costs provided below are based upon the funding information available in May 2003 and upon the cost estimates done in the spring of 2003. The budget will be revised as new information becomes available. We will also provide a detailed budget for each fiscal year to the Vermont legislature.

HAVA Requirements	Estimated Total Implementation Project Costs through FY 2006	Implementation Period in Vermont FY's
Voting Systems	\$1,400,000	FY 2005 and FY 2006
Voting System for disabled for each polling place	\$2,750,000	FY FY 2005 and FY2006
Voting Systems Maintenance, Programming & Support	\$2,500,000	FY 2005 and FY 2006
Provisional Voting	\$ 100,000	FY 2005 and FY 2006
Statewide Voter Checklist	\$1,500,000	FY 2004 and FY 2005
New Applications to Checklist & Voter Education Projects	\$ 350,000	FY 2004, FY 2005 and FY 2006
Mail-in Registrants/New notices to voters	\$ 100,000	FY 2005 and FY 2006
Election official training	\$ 400,000	FY 2005 and FY 2006
Administrative Complaint Procedures	\$ 50,000	FY 2004 and 2005
Military/overseas voting	\$ 50,000	FY 2005
Management of State Plan	\$ 100,000	FY 2003, FY 2004 and FY 2005
Other activities to carry out improvements to federal elections	\$ 100,000	
Totals for Initial Implementation	\$9,400,000	FY 2003 to FY 2006

VII. That the state 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. (MOE is the acronym for "maintenance of effort")

The Vermont fiscal year that ended prior to November 2000 was Vermont FY 2000, which ran from July 1, 1999 to June 30, 2000. The Elections Division budget and expenditures for the base year of Vermont FY 2000 was \$150,000. Vermont will continue to appropriate this amount as our maintenance of effort in all years where requirements payments are requested and received into the Vermont Election Fund.

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

The State of Vermont will adopt performance goals and measures to determine the success of the State and the success of municipal governments to carry out the Vermont State Plan, meet all requirements of Title III, and improve the administration of all elections that include a federal office in Vermont.

The State has included timetables for meeting elements of the plan within this plan.

The State used the following process to develop criteria to measure performance goals:

- The Advisory Committee with the assistance of 4 working groups recommended criteria to measure performance.
- The working groups solicited information from other resources to assist in the development of criteria to measure performance goals.
- The working groups and elections division staff surveyed town clerks and other officials to obtain information to assist in establishing timetables.
- The Advisory Committee with the assistance of the working groups recommended the following timetables to meet elements in the state plan and performance goals.

The Secretary of State will continue to monitor performance as it works with the town clerks advisory committee and the state legislature to implement the requirements of HAVA and of this state plan. The legislature has incorporated reporting requirements into legislation that has been introduced to implement HAVA in Vermont.

At the state level, the Secretary of State, as the Chief Elections Official, and the Director of Elections and Campaign Finance will be responsible for ensuring that each performance goal is met. At the local election administration level, the Town Clerk will be responsible for certifying to the Director of Elections that each performance goal has been met as shown in the following table.

Requirements of HAVA Plan	Responsible Official(s)	Completion Dates
Voting Systems	Director of Elections & Towns	January 1, 2006
Provisional Voting	Director of Elections	January 1, 2004
Statewide Voter Checklist	Director of Elections & IT staff	January 1, 2006 (Waiver to be Requested)
Education and Training	Secretary of State & Director of Elections	Ongoing & Continuing throughout each election year
Budget & Fiscal Controls	Business Manager & Director of Elections	Ongoing
Complaint Procedures	Director of Elections	January 1, 2004

X. Description of the uniform, nondiscriminatory state-based administrative complaint procedures in effect under §402.

The Office of the Secretary of State in Vermont already provides a telephone hotline for citizens to use to ask questions or make complaints regarding all elections issues from application to the checklist through final recounts. Our office also maintains a website that provides details of elections information and web pages devoted to the requirements and implementation of HAVA2002.

Our office will use the above mechanisms in addition to the NOTICE TO VOTERS published and posted with each federal election WARNING to provide information about the availability of administrative complaint procedures to address any complaint alleging a violation of any provision of Title III.

The Office of the Secretary of State has introduced legislation, H. 460 to give the Secretary authority to adopt rules to implement a uniform and nondiscriminatory Administrative Complaint Process. As soon as the authorizing legislation has passed, the Secretary will adopt by rule procedures that will include the following (at a minimum):

1. Any person may file a written and notarized complaint signed and sworn to by the person filing the complaint that a violation of any provision of Title III has occurred, is occurring, or is about to occur.
2. All signed, sworn, written and notarized complaints will be investigated by the elections division staff if related to an activity conducted by a municipal official, or by a representative of the office of the attorney general if the allegations are related to activities conducted by the Elections Division.
3. If requested by the complainant, there shall be a hearing on the record.
4. If, under the procedures the Chief Elections Officer determines that there is a violation of any provision of Title III, the state shall provide the appropriate remedy.
5. 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.
6. The final determination by the Chief Elections Officer shall be made prior to the expiration of a 90-day period that began on the date the complaint was filed, unless the complainant consents to a longer period for making the determination.
7. If the state fails to meet the 90-day deadline, the complaint shall be resolved within an additional 60 days by Alternative Dispute Resolution procedures established for purposes of this section. The record (if any) and other materials from any proceedings conducted under the complaint procedures shall be made available for use under the alternative dispute procedures.

X. 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.

The information requested in this section has been provided above in Section I and Section VI because the State of Vermont will be able to fund some of the requirements of Title III and the activities proposed to be carried out under this plan with the Title I, Section 101 "early out

XIII.

money". Vermont has asked for a budget adjustment for Vermont FY 2003 to allow the Office of the Secretary of State to expend \$60,000 of the Title I funds received to hire staff to work with the Director of Elections on the development of the statewide voter checklist, training of local officials, and to implement HAVA requirements. The proposed FY 2004 budget to the Vermont legislature includes a request for appropriation of \$588,000 of the Title I funds in our Vermont Election Fund primarily to begin to develop and implement the statewide checklist.

Description of the committee that participated in development of the state plan and description of the process and procedures used to conform with §255 and §256.

The Advisory Committee that participated in the development of the Vermont State Plan was selected by the Chief Elections Officer, Vermont Secretary of State, Deb Markowitz, to meet the statutorily mandated representation set out in HAVA as well as to represent various geographical sections of Vermont, to include rural and metropolitan representatives, to include citizens from municipalities using optical scanning machines as well as municipalities using paper ballots, and to include representatives from a variety of citizen and advocacy groups.

We thank the following for their willingness to serve on the Advisory Committee for the Vermont State Plan to implement the Help America Vote Act of 2002:

VERMONT STATE ADVISORY COMMITTEE

Annette Cappy Brattleboro Town Clerk	Jo LaMarche Assistant Clerk City of Burlington	Cheryl Moomey Essex Town Clerk
Senator William Doyle Senate Gov't Operations Committee	Deborah Lisi-Baker Representative for Disability Rights	Jim Pelkey Franklin County Clerk
Marge Gaskins, Director League of Women Voters	Kevin Loso Justice of the Peace City of Rutland	Linda Spence Manchester Town Clerk
Keith Goslant Citizen, City of Barre	Neale Lunderville Office of the Governor	Rep. Joyce Sweeney Local Gov't Committee
Duncan Hastings Town Administrator Town of Johnson		Kathy West COVE Representative

In order to encourage public participation, the Secretary of State added a special web section to our website to post information about the HAVA requirements, the Advisory Committee and State Plan development, minutes, announcements of meetings and public hearings, and contact information for interested citizens.

In order to foster even greater participation from stakeholders, the Secretary of State invited volunteers to serve on four working groups to provide detailed research and recommendations to the Advisory Committee. We thank the following for their willingness to participate in the four working groups:

XI. 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 proposed change is put through all of the development and process used to promulgate the state plan.

The Director of Elections, under the direction of the Chief Elections Official, will provide the ongoing management of the state plan. The Director of Elections, along with the Elections Division staff, will work with the 246 municipalities in Vermont to accomplish all of the goals of the plan.

The Elections Division will provide management of the plan through:

- a series of special HAVA implementation memoranda to municipal clerks & municipal legislative bodies providing detailed information on each new practice or procedure required by HAVA;
- ongoing "Train the Trainers" sessions for municipal elections administrators;
- a series of training sessions for municipal clerks and municipal staff in the use of the voter registration system;
- a series of training sessions for presiding officers and election officials in the use of the voting systems in place in Vermont, for both machine and paper towns.

The Elections Division will monitor progress and make appropriate adjustments to ensure that each project completion date will be met. If at any time suitable progress is not being made toward the project goals, the Director of Elections will recommend corrective action to municipalities, vendors, or any other person engaged in activities in furtherance of the state plan. If unexpected delays occur that cannot be remedied by corrective action, the Director of Elections will recommend amendment of the annual Vermont State Plan to the Chief Elections Official. If amendment is recommended, the changes will be discussed with the Advisory Committee and will be adopted using the process and procedures outlined in Sections 255 and 256 of the Help America Vote Act.

XII. In second or future years of state plan, a description of how the plan reflects changes from the state plan for the previous fiscal year and how the state succeeded in carrying out the state plan for the previous fiscal year.

This is the first Vermont State Plan and therefore this section is not applicable.

ELECTION OFFICIAL EDUCATION

Bobbi Brimblecombe
Marshfield Town Clerk

Karen B. Horn
VT League of Cities & Towns

Sandy Grenier
St. Johnsbury Town Clerk

Nora Wilson
Mariboro Town Clerk

Deb Beckett
Williston Town Clerk

Joyce L. Mazzucco
Randolph Town Clerk

John Cushing
Milton Town Clerk

Kim Pombar
Northfield Town Clerk

Rep. Gail Fallar
VT House of Representatives

Ernie Saunders
New England Municipal Resource Corp.

Jack Hoffman
VT Broadband Council

Chip Sawyer, Project Manager
Center for Rural Studies

VOTER EDUCATION

Dominic Cloud
VT League of Cities & Towns

Ed Paquin
VT Protection & Advocacy

Leslie Gensburg
East Burke

Kate Robinson Schubart
Citizen, Town of Hinesburg

Patricia McCoy
Poultney Town Clerk

Lindy Wells
Worcester Town Clerk

VOTING SYSTEMS

John Bauer
Citizen, Hyde Park

Ken Scott
Duxbury Town Clerk

Cora Benoir
Braintree Town Clerk

Harrison Spencer
VT Human Rights
Commission

Terry Bouricicious
IRV Contact

Joshua Powers
Citizen, Town of Royalton

Bridget Collier
Greensboro Town Clerk

Velma Plouffe
Richmond Town Clerk

The Advisory Committee and working groups met at regularly scheduled public meetings from February 10, 2003 until June 16, 2003. Minutes from the Advisory Committee, and minutes and recommendations from the working groups are available at the Office of the Secretary of State.

In conformance with Section 255, the Chief State Election official, the Vermont Secretary of State, has developed the state plan through a committee of appropriate individuals including all mandated individuals and representatives of stakeholders as described in detail in above.

In conformance with Section 256, a Draft for Public Comment of the Vermont State Plan has been made available for public inspection and comment on the website of the Secretary of State, in the offices of each Town or City Clerk in Vermont as well as made available upon request to any citizen.

- Vermont has published public notice that the Plan is available for inspection in all daily newspapers throughout the State of Vermont, through the State Department of Libraries section that officially warns all public meetings, by Press Release, and by notice in the Secretary of State opinions which is mailed directly to over 1500 municipal officials in Vermont.
- The Chief Election Official, the Vermont Secretary of State, has solicited public comments through public meetings, public hearings, emails, and correspondence, and the Advisory Committee and Chief Election Official have taken the public comments into account in preparing this plan that will be filed with the Election Administration Commission and published in the Federal Register.

--End of Vermont State Plan for federal FY 2003 and Vermont FY 2003 and FY 2004--



JOHN ABRAMSON, JR.
SUPERVISOR OF ELECTIONS
CORINNE HALYARD-PLASKETT
NATALIE THOMAS
DEPUTY SUPERVISORS OF
ELECTIONS



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SUPERVISOR OF ELECTIONS
P.O. BOX 1489, KINGSHILL
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(340) 775-1021
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July, 2003

Fellow Virgin Islanders:

I am very pleased to offer this draft of the Virgin Islands plan for implementing the Help America Vote Act (HAVA) of 2002; this plan represents the territory's unified effort to develop a long-range plan for implementing the Act. The chaotic November 2000 Presidential Election has led to an unprecedented interest in election reform, thus the HAVA Act. HAVA requires state and territorial governments to reform elections processes and systems and it provides federal funding to help with these improvements.

In 1997 the Joint Board of Election started the election reform process and has maintained it as a continuous process. What does all of this mean to the Virgin Islands? It means change in the way we do things and probably more changes than at any previous time in history. There certainly are additional burdens and additional costs, which must be picked up at the territorial level, but it means opportunity. The territory stands to benefit from the federal government. It is an outstanding opportunity to direct federal resources to those local areas that require improvement.

A state plan committee consisting of territorial representatives, community organization, former and present board members elections officials, representatives of interest and advocacy groups have been working on the Virgin Islands State HAVA Plan since February. I am presenting the plan in draft form and encouraging broad public input before finalizing the proposals.

Please review the plan and let the Election System know what you think. You can comment through July 31, 2003. Written comments may be forwarded to the above address or to our e-mail address, electionsys@unitestates.vi, at our website (www.vivote.com) or in one of three public hearings that will be held around the territory in July.

I want to thank the HAVA State Plan Committee members who have committed considerable time and dedication to the creation of this plan. Their involvement ensures that the Virgin Islands will have an accessible, uniform, territory-wide voting system that will meet both the spirit and letter of the law. We look forward to your being a part of the team establishing a strong and successful partnership with the Election System, through the implementation of HAVA and active community participation.

Sincerely,

John Abramson, Jr.
Supervisor of Elections

VIRGIN ISLANDS ELECTIONS PLAN

To Implement the

Help America Vote Act of 2002

Submitted to
Joint Board of Elections
By the Virgin Islands HAVA State Plan Committee
July 2003

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Executive Summary

As early as 1972 the Virgin Islands has had a long history of improving its elections process and systems. On December 6, 1972 the Legislature passed Act 3353. The purpose of the act was to establish the Virgin Islands Election Reform Commission, whose mission was to conduct a comprehensive study of the election code, and all aspects of the electoral process, including, but not limited to:

- (1) a review of voting procedures for the purpose of determining methods and procedures to make voting easier and faster;
- (2) a review of the procedures for canvassing of ballots and for determining ways to provide an accurate and speedy canvass;
- (3) a study of the use of electronic voting machines, computerized tabulation of ballots and modern election procedures;
- (4) a review of the Virgin Islands Election Code with recommended revisions to implement, and other recommendations of the Commission for the overall improvement of the electoral process in the Virgin Islands.

The 1972 commission's study placed the Virgin Islands in the forefront of election reform and ushered in electronic voting machines during the mid eighty's. In 1997 the Joint Board of Elections established "Election Reform" as a major priority. The Election System of the Virgin Islands embarked on the process of election reform to operate as a more cost efficient entity while increasing electoral participation and awareness by the voters.

The Help America Vote Act (HAVA) of 2002 and companion federal funding provide the opportunity to make enhancements to the Virgin Islands election system that will support improved voter access, strengthen the overall integrity of the elections process, pave the way for voting by mail, internet voting, and host a variety of modern day registration methods.

HAVA was enacted to make sweeping reforms to the nation's voting process. The Act addresses improvements to voting systems and voter access that were identified following the 2000 Presidential Election. It includes requirements for a centralized voter registration database, privacy and independence in the voting process, access for people with disabilities, and voter outreach. As a condition of receiving federal funding, each state and territory is required to submit a plan that meets the requirements of the Act.

In February 2003, the Joint Boards of Election authorized and appointed a state planning committee comprised of territorial and local elections officials, community organizations, and representatives of advocacy groups to undertake the HAVA planning process. During the planning process, representatives from the aforementioned organization established subcommittees and generated ideas, as well as programs for the Virgin Islands' response to HAVA and gave the Joint Board of Elections guidance on what would be required for the successful implementation of the federal requirements.

This draft plan represents the collective input and recommendations of the state plan committee, along with comments from the general public. Members of the public participated in public hearings, which gave members of the community the opportunity to comment on this draft in three public hearings that were held territory wide in July 2003. After the public comment

process, the Joint Board of Elections considered public input and submitted a final plan to the federal government.

The Virgin Islands is in a good position to implement the HAVA requirements. Many of the election reforms required by the Act are already addressed in the election laws, elections procedures and in election reform that is being considered by the Joint Board of Elections. This preliminary state plan identifies the priorities and specific steps the territory will take to meet the mandates of HAVA. It also discusses additional improvements which may be undertaken if there is any remaining or additional federal funding after all of the requirements have been met.

In summary, the HAVA State Plan Committee is recommending the following activities as part of the Virgin Islands response to the Help America Vote Act:

1. Purchase new voting machines to be used throughout the territory.
2. Fine tune existing computerized territory-wide voter registration which is the single database of all registered voters.
3. Increase access to the elections process for people with disabilities through the use of specially designed Direct Recording Electronic (DRE) voting systems, improve facilities, train elections staff, and enhance public outreach.
4. Implementation of a comprehensive voter information program with components in information, education and outreach. This program will inform voters about how to exercise their rights, responsibilities, the voting process, how to use the voting machines and about provisional and absentee ballots. Implementation of a toll-free line that allows voters direct access to election staff.
5. Train all poll workers, elections officials and election staff in Title III requirements of the Act.
6. Develop and implement pilot programs for testing of new equipment and technologies.
7. Design, develop and implement a program to improve the verification and identification of voters at the polls and registration sites, as well as expedite voter processing at the polls on Election Day.

To receive federal funding, the Virgin Islands must certify that it has established a Territorial Election Fund that is separate and distinct from the state General Fund and that it has an administrative complaint procedure for HAVA Title III violations. Legislation to that effect was introduced to the 25th Legislature of the Virgin Islands. Bill 25-0050 was passed on June 16, 2003 and signed into law on July 14, 2003 becoming Act No. 6584. The Joint Board of Elections is now ready to certify to the federal government that it is eligible to receive HAVA funding.

While HAVA increases responsibility for elections administration at the territory level to achieve greater uniformity and consistency, all policies, rules and regulations will apply throughout the territory.

Finally, this plan should be viewed as a living document that will need to be updated and refined over time to reflect the territory's progress in implementing the provisions of HAVA. The Virgin Islands welcomes the challenges of the Help America Vote Act and looks forward to receiving appropriate financial support from the federal government to fulfill its mandate.

Introduction

The Virgin Islands has a long history of improving its elections process and systems. As far back as 1954, 1963, 1972, 1986 and 1997 comprehensive improvements were made to the Election System of the Virgin Islands. Election Reform has become a normal and continuous part of the election process. The Joint Board of Election has a standing election reform committee. Evaluation and analysis has become the hallmark of the system to improve the overall delivery of service to electors.

Many of the requirements of the HAVA Act have already been implemented throughout the Virgin Islands. In 1986 the Virgin Islands government purchased Direct Recording Electronic Machines (DRE's). The Joint Board of Elections insisted on having voting equipment with a paper audit trail; this feature has been incorporated in all V.I. voting machines since 1986. The V.I. has had an active statewide voter database since 1996. The Election System of the V.I. has been issuing picture voter identification cards and utilizing unique voter identification numbers since 1986. Since 1963, voter registration forms have included questions on citizenship status, and confirmation of acquiring the age of 18.

Recently the Joint Boards of Elections modified the territory's complaint procedure with a built in appeals process. Additionally, the territory has defined what is meant by a vote. Placing the territory of the Virgin Islands ahead of the curve on the improvement of the administration of elections on the local level.

HAVA mandates the establishment of standards for providing increased consistency in the treatment of provisional ballots, one voting device per precinct able to allow the disabled, blind or visually impaired and those with English language difficulties to be able to vote independently and privately; the development of a territory-wide certification/decertification process; and the improvement of election administration for absentee ballots and military and overseas members, etc. . . . The Election System stands ready to improve these areas and the overall quality of service to Virgin Islands electors.

The Election System of the Virgin Island has worked diligently to enhance voter confidence and participation. This is demonstrated by the high level of citizen participation, not only in elections, but in designing the Virgin Islands elections process. Many of the improvements that HAVA seeks to achieve have already been built in to the territory's election system as it has evolved over the years. For those activities that are not currently part of the Virgin Islands system, HAVA will provide the direction, mandates, and funding to allow the territory to move beyond the planning stage for better voter services.

Voting System Standards

Section 301 of the Help America Vote Act requires that voters have the opportunity in a private and independent manner to verify the votes they have selected, to change their ballot or correct any errors, and that the voting device notify the voter of the effect of selecting more than one candidate for a single office before a ballot is cast and counted. HAVA also directs states and territories to adopt uniform and nondiscriminatory standards that define what constitutes a vote, requires manual audit capacity, requires establishment of an error rates standards for the voting systems, and mandates increased access to the elections process by people with disabilities. The Virgin Islands have achieved most of these mandates.

Privacy and Independence – Virgin Islands statutes require that all voting systems approved by the Joint Boards of Elections secure the secrecy of voting to each voter. Voters are required to use privacy booths at their polling sites. The curtain covering the voting machine allows for full privacy. To enhance voter independence and to make the process of voting and correcting a ballot more convenient, the Shouptronic 1242 voting machines used in the Virgin Islands have the following features built into the program: a voter can select a candidate or answer a question by simply pressing the button next to the candidates of choice or the answer to the desired question. A red light will go on next to the button indicating the voter's choice. To change a selection the voter again presses the button next to the original choice and the light will go off. To make a new selection the voter then presses the button next to his new choice. The Shouptronic 1242 voting machine does not allow a voter to select more than the maximum number of candidates for the specific office.

Ballot correction and replacement ballots – HAVA allows states and territories using paper ballots to conduct a voter outreach effort to provide voters with instructions on how to correct ballots or request replacement ballots. To ensure the information given to voters is easy to read and understand, and to ensure uniformity, the Election System of the Virgin Islands is planning to build a comprehensive voter outreach program reflecting the intent of HAVA. The program will acquaint voters with the ballot format, the methods used to cast a valid vote, how to use the voting machines, how to request an absentee ballot, the use of provisional ballots, and how to request a replacement ballot. The program will include voters' pamphlets, use of the agency's election websites and related links, media use through press releases, public service announcements, and to the extent funding allows, commercial advertising. In the Virgin Islands, voters must complete, sign, and submit a replacement ballot request form before a new ballot is issued. Upon receipt of a request for a replacement ballot, elections officials verify registration and ensure that the voter has not already cast a ballot.

- **Manual Audit Capacity** The election law of the Virgin Islands requires each election official to produce and maintain an audit trail of statistical information. All systems purchased and in use by the Election System of the V.I. are certified to have manual audit capacity and the ability to produce a paper record required by HAVA. The audit trail is produced by a Ballot Image Retention System, specifically designed for the U.S. Virgin Islands.
- **Access to the Voting Process for People with Disabilities** –HAVA requires voting systems to be accessible for voters with disabilities and seniors who need special assistance in a manner that provides the same opportunity for access, participation, privacy, and independence as other voters. This requirement may be met by providing at least one Direct Recording Electronic (DRE) voting system at each polling place. A DRE voting system records votes by means of a ballot display with mechanical or electro-optical components that can be activated by the voter by using a touch screen and audio prompts.
- **Direct Recording Electronic (DRE) Voting System Acquisition** – Voters with disabilities or those who are unable to read, write or mark a ballot may declare, under oath, that they are disabled or unable to read. The voter may have the assistance of a person of his own selection. In compliance with HAVA, the Virgin Islands' State Plan goal, in relation to persons with disabilities, is to provide these people the same opportunity for access to polling places, voting booths, participation in the voting process, privacy to vote alone, independence in voting, and to preserve dignity, thus guaranteeing equality to persons with disabilities in the Virgin Islands.
- **HAVA §301: Voting Systems Standards**
 - Purchase new voting machines to accommodate all persons with disabilities
 - Purchase mobile voting machines for persons with disabilities not able to enter the polling place
 - One at each polling place
 - Travel to disabled individuals on request and upon cause
 - Train poll workers to understand the new voting equipment
 - 1-2 persons at each polling place must be trained for the voting machine that will be used by persons with disabilities
 - On election day, have alternates available in case the trained 'experts' are not available
 - Provide sensitivity training so that the workers are more comfortable with a particular persons' disability and they understand how to accommodate it
 - Using funds provided under Title II, make all polling places accessible for persons with disabilities
 - Before the Virgin Islands can apply for funds under Title II, surveys of all polling places must be done using Government Accounting Office's (GAO) Polling Place Accessibility Data Collection Instrument
 - Hire consultant to perform surveys of 31 sites
 - "Accessible" should be defined as satisfying the requirements under the Americans with Disabilities Act
 - Examples

People with disabilities will participate in the evaluation of various DRE systems that are currently available. Groups who advocate on behalf of people with disabilities will help the Elections System of the Virgin Islands coordinate this involvement to ensure the participation of people with a wide variety of disabilities. The territory will use a portion of the Title I funds to get a jump-start on purchasing DRE machines.

1. **Voter Outreach** – With the addition of DREs and the HAVA requirement to make the elections process accessible to people with disabilities, the territory will begin a concerted effort to inform voters with disabilities about the resources available. The Virgin Islands will develop a coordinated communication effort to inform people with disabilities how they can access the elections process and what types of accommodations are available to assist them in voting privately and independently.
2. **Training** – Through a partnership between the territory and disability advocacy groups, elections workers will receive sensitivity training in assisting people with disabilities and on-going responsibility for providing access, independence, and privacy to the voting process by voters with disabilities.

Alternative Language Accessibility - HAVA requires that voting systems provide alternative language accessibility under the Voting Rights Act of 1965. Virgin Islands law requires all election related material to be printed in both English and Spanish. The Election System of the Virgin Islands will look into the possibility of utilizing sign language translators and interpreters.

Territory of the Virgin Islands Current Status		Actions Planned
Requirement		(Meets Requirement, Partially Meets, Does Not Meet)
SEC. 301. VOTING SYSTEMS STANDARDS		
(a) REQUIREMENTS- Each voting system used in an election for Federal office shall meet the following requirements		
(1) IN GENERAL-		
(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 Requirement	Purchase additional units
(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 Requirement	Develop an audit method for issuance of replacement absentee ballots
(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 Requirement	See subparagraph B
(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	The Virgin Islands does not utilize paper ballot voting systems.	
(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	Partially meets.	The territory will review and revise ballot materials and implement a voter outreach program with special emphasis on this requirement.

12

Error Rates -- All voting systems utilized in the Virgin Islands are required to meet the federal standards for accuracy. The following standards will apply to any new voting systems purchased by the state and counties, including DREs:

- For each processing function, the voting system shall achieve a target error rate of no more than one in 10 million ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 ballot positions. The error rate applies separately to each of the following functions:

For all DRE systems:

- Recording the voter selection of candidates and contests into voting storage;
- Independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.

Definition of Vote -- A vote in the Election System of the United States Virgin Islands is defined as the following: "A vote is the expression of one's will, preference, or choice formally manifested by a qualified elector, in regard to a decision to be made upon any proposed measure or the selection of representatives."

11

Requirement	Territory of the Virgin Islands Current Status		Actions Planned
	(Meets Requirement, Partially Meets, Does Not Meet)		
(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 Requirement.	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 Requirement.	No action needed.	
(2) AUDIT CAPACITY-			
(A) IN GENERAL- The voting system shall produce a record with an audit capacity for such system.	Meets Requirement.	No action needed.	
(B) MANUAL AUDIT CAPACITY-			
(i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.	Meets Requirement.	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 Requirement.	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 Requirement.	No action needed.	
(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES- The voting system shall-			
(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. • assist the voter at the voter's request.	The territory will meet this requirement through the purchase of DRE machines for use in each of its polling sites	

Requirement	Territory of the Virgin Islands Current Status		Actions Planned
	(Meets Requirement, Partially Meets, Does Not Meet)		
(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 requirement.	The territory will meet this requirement through the purchase of DRE machines for use in each of its polling sites.	
(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).	Does not meet requirement.	The territory will meet this requirement upon implementation of the voting system standards referenced above.	
(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 Requirement	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 Requirement	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 Requirement	No action needed.	

Provisional Voting and Voting Information Requirements

Provisional Voting

The Election System of the Virgin Islands does not currently offer provisional balloting as part of its voting system. In compliance with Section 302 of HAVA, when voters say they are registered to vote and the voters name is not found on the official registration list at the polling place where they appeared, voters will be offered the opportunity to cast a provisional ballot. The voter must make a written affirmation to an election official that the voter is registered to vote in the election district and eligible to vote in that election. Once the provisional ballot has been cast elections officials will then confirm eligibility and whether the voter has already voted. Officials will determine whether or not the ballot can be counted based on territorial law.

The Virgin Islands plans to utilize a form letter informing the voter as to whether the ballot was counted or not. If not the voter will be informed as to why not.

Voting Information, education and outreach

The Virgin Islands currently publishes and posts voting information in several places –elections offices, Legislature Buildings, Territorial Court, on the agency's websites, and in other locations. To comply with HAVA, the Elections System of the Virgin Islands will make any necessary revisions to voting materials to ensure voters have proper instructions on:

- the date of the election
- due date/time of registration activities
- the location and address of elections offices
- instructions on how to vote a ballot
- instructions on how to request an absentee ballot, replacement ballot or provisional ballot and how to check the status of a provisional ballot
- instructions for first-time voters with information on voting rights and what to do if these rights are alleged to have been violated
- general information on federal and state election laws regarding fraud and misrepresentation

The Virgin Islands plans to implement a multi-purpose, toll-free line that voters can use to get voting assistance, ask questions about the voting process, check the outcome of their provisional ballot, or report potential fraud. Information disseminated to the community will be in English and Spanish.

Information regarding the effect of the Help America Vote Act on the election process in the Virgin Islands will be made available to the electorate.

15

1. Upon written, e-mail, telephone, office walk-in request, instructions regarding the use of voting equipment will be supplied via one or all of the following media:
 - A. Voice instructions over the phone live or pre-recorded;
 - B. Interactive website with voting machine instructions, absentee and provisional ballot information;
 - C. Printed pamphlets available by mail or pick up at various public locations
2. Development of pamphlets or flyers covering specific topic areas including, but not limited to:
 - A. How to vote using voting machines, including write-ins
 - B. How to vote by absentee ballot
 - C. The new provisional ballot
 - D. Types of votes and how they can affect the outcome of an election (i.e., Bullet Voting, Blank Ballots, the "No" Vote, Block Voting, District and Sub-district Voting)

Voter Education

The education component will encompass the elements of the voter information and outreach segments, adding and including the following:

1. With the addition of new voting equipment, materials and programs will be developed for the purpose of educating the public in their use.
2. With the passage of new laws, rules and regulations, materials will be developed for the purpose of informing the electorate of the effects of these changes.
3. Update materials and guides used by the V. I. Election System:
 - A. The Poll Workers Handbook will be reviewed, and, where necessary, updated to conform to the new laws, rules and regulations developed and passed as a result of the mandates of the Help America Vote Act.

16

- B. The current Rules and Regulations for Conducting an Administrative Hearing will be reviewed, and, where necessary, updated to conform with the new laws, rules and regulations developed and passed as a result of the mandates of the Help America Vote Act.
 - C. The current Rules and Regulations for Write-In Candidates will be reviewed, and, where necessary, updated to conform with the new laws, rules and regulations developed and passed as a result of the mandates of the Help America Vote Act.
 - D. The current Rules and Regulations governing Absentee Voting Procedures will be reviewed, and, where necessary, updated to conform with any new laws, rules and regulations developed and passed as a result of the mandates of the Help America Vote Act.
 - E. Per the mandate of HAVA, a manual governing the use and procedures for the Provisional Ballots will be developed.
4. In the interest of developing a well-informed electorate in the Virgin Islands, a curriculum unit will be developed for use in the Secondary Schools of the Virgin Islands, to be used as a part of the Civics program in the schools. The materials to be developed will include, but not be limited to the following topics:
- A. a description of the Elections System of the Virgin Islands
 - B. a definition of a "vote"
 - C. how to vote using the voting machines
 - D. how to vote by provisional ballot
 - E. how to vote by absentee ballot
 - F. a presentation of statistics illustrating the importance of the individual vote
 - G. the role and function of political parties
 - H. the effect of candidacies where no political party affiliation is declared
 - I. the roles of the three branches of government (Legislative, Executive and Judicial)
 - J. the duties and responsibilities of the various executive departments

17

- K. a description of the current method of districting, and an overview of other districting, sub districting and apportionment methods as a way to select our Senators.

These materials will be prepared through the Election System of the Virgin Islands, and will seek the cooperation of the V. I. Department of Education, and the University of the Virgin Islands. Civic and political groups will be solicited to provide materials relating to the topic areas of specific interest (i.e., a brief history of the party or group, and/or position statements on issues of interest to the party or group).

Voter Outreach

Clear, consistent, user-friendly outreach materials are important tools to increase accurate voter registration, increase voter turnout in all elections while insuring a minimum of voting errors. The goal of the outreach program is to inform voters of the means to obtain absentee, replacement and provisional ballots, assure access to the electoral process by voters with disabilities, or those who lack proficiency in the English language. The purpose of the outreach component is to increase voter participation and registration. The outreach component will be administered like an election campaign, similar to that of a candidate on the campaign trail working to get the people's attention, and their vote.

1. Election System of the Virgin Islands (ESVI) will utilize the existing website (VIVOTE.COM) to provide information about HAVA/VI. This information will include: impact on voting in the Virgin Islands; information on new election procedures; voting information; upcoming voter registration drives; information on the hotline; and upcoming events being conducted by the Board of Elections. This website will be linked to other related websites such as: Advocacy Groups, Professional Organizations; Chamber of Commerce; Unions; Political Parties; Rotary Clubs; Lions Clubs; Public Housing Communities; Schools; Elected and Appointed Officials; Civic Organizations; Churches; Senior Citizens; Youth Groups; and Disabled Community.
2. Telephone Hotline will educate voters and provide them with information that will assist them in voting or registering to vote.
3. Pamphlets will be distributed at voter registration drives; when people register to vote; at high schools and at the university; at public places and at swearing-in ceremonies of new citizens.
4. Posters will be used to demonstrate how to use new voting machines, and will provide

18

information such as the hotline number and website address.

5. Television, Radio and Newspapers will be the outlets used to reach the greatest possible number of voters to inform them on how and why it is important to vote. Several other resources can also be used: flyers, videos, public service announcements; paid commercial announcements; promotional items and visual displays.
6. Assist with mock elections in schools so that students will get an idea of what goes on at the polls during an election.
7. Update the election related information as quickly as possible to keep voter's interest and attention.

19

Territory of the Virgin Islands Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
C. 302. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.		
PROVISIONAL VOTING REQUIREMENTS- If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official district register of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:		
(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.	Partially meets Requirement.	Will develop system to separate provisional ballots.
(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is--		
(A) a registered voter in the jurisdiction in which the individual desires to vote; and	Meets Requirement.	No action needed.
(B) eligible to vote in that election.	Meets Requirement.	No action needed.
(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate territorial election official for prompt verification under paragraph (4).	Meets Requirement.	No action needed.

20

Territory of the Virgin Islands Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(4) If the appropriate territorial local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under territorial law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with territorial law.	Meets Requirement.	No action needed.
(5)(A) At the time that an individual casts a provisional ballot, the appropriate territorial local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	The Virgin Islands plans to utilize a form letter informing the voter as to whether the ballot was counted or not. If not the voter will be informed as to why not.
(B) The appropriate territorial local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.	Does not meet.	The Virgin Islands plans to utilize a form letter informing the voter as to whether the ballot was counted or not. If not the voter will be informed as to why not.

Computerized Territory-wide Voter Registration Program

Virgin Islands Centralized Voter Registration System

Section 303 of the Help America Vote Act requires states and territories to implement a "single, uniform, official, centralized, interactive, computerized territory-wide voter registration list" that is defined, maintained, and administered at the state/territorial level. The list must contain the name and registration information of every legally registered voter in the state/territory and assign a unique identifier to each voter. Election officials in the state/territory must be able to obtain and update the information contained in the computerized list.

The Virgin Islands has been viewed as a national and regional leader in making the elections process and voter registration data accessible to its citizens. As elections administration became more complex, V.I. elections officials saw the need for integrating voter registration into a single database and began studying the concept of a centralized system in the 1990's.

Currently, official voter registration records are created and maintained at the territorial level. Each district elections office updates and separately maintains voter registration records. Periodically and during the conduct of elections, elections officials conduct checks for voter registration duplicates and corrects this duplication. Databases are updated manually by removing the duplicates.

In compliance with HAVA, the Virgin Islands have already established a single territory-wide voter registration database with integrated election management capabilities. While the election management component may not reflect the unique features of each existing system, it will provide at least the current functionality of existing election management systems.

- The system contains a centrally administered database maintained and administered by the territorial level officials. It contains the name and registration information of every registered voter in the territory.
- The system enable elections officials to remove cancelled voters from the list under the Virgin Islands law.
- The system keeps and report voter history.
- The system ensures that names of each registered voter appear on the computerized list and election officials will ensure that only voters who are not eligible to vote are removed from the active list.
- The system ensures that duplicate voter records are identified on a real time, interactive basis.
- The system assigns a unique voter identifier number for each registered voter.
- The system has the ability for verification and query capabilities with other agency databases within the territory.
- The system includes adequate technological security measures to prevent unauthorized access to the system and its data files as required by Virgin Islands law.

The Virgin Islands will be expanding the existing centralized voter registration system to improve voter verification and identification at the polling places. This will be accomplished through the purchase of some two hundred ten (210) laptop computers which will be connected from the polling places to the centralized voter registration system at the main office.

Mail-In Registration

HAVA Section 303 includes new identification requirements for voters who register by mail and who have not previously voted in an election for federal office. As part of this mandate, states/territories must develop new voter registration forms that include:

- The question, "Are you a citizen of the United States of America?"
- The question, "Will you be 18 years of age on or before election day?"
- The statement, "If you check 'no' in response to either of these questions, do not complete this form."
- 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 additional identification requirements when voting for the first time in a federal election. Sufficient identification must include valid photo identification or 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.

The Virgin Islands has had a registration form requesting this information since 1963. A copy of the voter registration form is included in the Appendix. The territorial government issues initial voter identification cards for all registered voters. The Virgin Islands does not presently allow voter registration by mail. Because of the implementation of the HAVA Act, it is anticipated that the request for election reform will be forwarded to the Legislature of the Virgin Islands to include registration by mail.

Territory of the Virgin Islands		
Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.		
(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:	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(i) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(ii) The computerized list contains the name and registration information of every legally registered voter in the State.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(iii) Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.

Requirement	Territory of the Virgin Islands	
	Current Status <small>(Meets Requirement, Partially Meets, Does Not Meet)</small>	Actions Planned
(iv) The computerized list shall be coordinated with other agency databases within the State.	Partially meets requirement. • No direct, coordinated link with all other agencies.	Will make additional improvement to the system. Through improved voter registration software. Will coordinate direct links with other V.I. government agencies
(v) Any election official in the State, may obtain immediate electronic access to the information contained in the computerized list.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(vi) All voter registration information obtained by 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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(vii) The chief State election official shall provide such support as may be required so election officials are able to enter information as described in clause (vi).	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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.		
(2) COMPUTERIZED LIST MAINTENANCE-		
(A) IN GENERAL- The appropriate election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:		

25

(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). And Title 18 section 116 Virgin Islands Code.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and	Meets requirement	Will make additional improvement to the system. Through improved voter registration software.
(iii) duplicate names are eliminated from the computerized list.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(3) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST- The appropriate election official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.

26

Territory of the Virgin Islands		
Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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:		
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(5) VERIFICATION OF VOTER REGISTRATION INFORMATION-		
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.

27

(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(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.	Meets Requirement	Will make additional improvement to the system. Through improved voter registration software.
(B) REQUIREMENTS FOR STATE OFFICIALS-		
(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.	Does not meet.	The Joint Board of Elections will work to the extent possible with DMV to meet this requirement.
(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)).	Does not meet.	The Joint Board of Elections will work to the extent possible with DMV to meet this requirement.
(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL-		
(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--		
(A) the individual registered to vote in a jurisdiction by mail; and		
(B)(i) the individual has not previously voted in an election for Federal office in the State; or		

28

Territory of the Virgin Islands Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(i) 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).		
(2) REQUIREMENTS-		
(A) IN GENERAL- An individual meets the requirements of this paragraph if the individual--		
(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;	Partially Meets Requirement.	Develop rules and regulations for voter identification
(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	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.
(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).	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing provisional ballots.
(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).	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.
(3) INAPPLICABILITY- Paragraph (1) shall not apply in the case of a person--		
(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	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.

29

(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;	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.
(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	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.
(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 Requirement	Will make additional improvement to the system. Through improved voter registration software.
(C) who is--		
(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Meets Requirement. • Title 18 VIC section 664 defines absentee voters.	No action needed.
(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	Meets Requirement. • Title 18 VIC section 585 outlines voter Assistance in Marking Ballot statute that identifies those voters eligible for assistance and the assistance provided	No action needed.
(iii) entitled to vote otherwise than in person under any other Federal law.	Meets Requirement.	No action needed.
(4) CONTENTS OF MAIL-IN REGISTRATION FORM-		
(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:		
(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.	Partially Meets Requirement.	Questions are asked on the in office voter registration form. Recommend amendment to V.I. law allowing vote by mail.

30

Territory of the Virgin Islands Current Status		
Requirement	(Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Partially Meets Requirement.	Questions are asked on the in office voter registration form. Recommend amendment to V.I. law allowing vote by mail.
(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'	Partially Meets Requirement.	Questions are asked on the in office voter registration form. Recommend amendment to V.I. law allowing vote by mail.
(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.	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.
(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).	Does Not Meet Requirement.	Recommend amendment to V.I. law allowing vote by mail.

**Training
Training**

A sound training program is crucial to the success of any election reform being undertaken by the Virgin Islands. Changes in the way training is currently conducted will be necessary and must be flexible enough to reach persons with diversified skills, education and personalities.

The current training program lacks a specific entity that primarily focuses on training issues. Training, for the most part, is informal and is conducted days prior to an election.

Training is conducted in the form of meetings and conferences where information is distributed, new regulations are discussed and the general atmosphere serves more like a refresher course. The current circumstances which precludes a more comprehensive training approach, that can be conducted early and formally, is a lack of adequate personnel.

Recognizing that each voting district has some characteristics that are unique, but acknowledging that the end result must be the same in all districts – an efficient and effective election – a comprehensive, standard and uniformed training program will be developed and implemented in the Virgin Islands:

MANAGEMENT & OVERSIGHT

The responsibility for training will be that of the Joint Boards of Election and the Office of the Supervisor of Elections. Resources necessary to conduct the training will be acquired. Qualified personnel in the training and marketing fields will be recruited.

DEVELOPMENT & PLANNING

Training needs will be assessed in conjunction with the requirements of HAVA. The assessment will identify all affected groups, level and depth of training required.

Through research various training methods will be identified and utilized in developing a methodology best suited for our needs. Specific focus will be placed on HAVA's compliance requirements for flexibility, easy access, adaptability, effectiveness in retention and a capacity for re-use by trainees.

The assessment and research will be used to develop a training document that will outline the approach. The document will include:

- A diagram of all election officials to be trained, their responsibilities and the interconnectivity of each role.

Administrative Complaint Procedure

Section 402 of HAVA requires the territory of the Virgin Islands to create territory-based administrative complaint procedures to assure state compliance with Title III of HAVA. The Virgin Islands plans to manage complaints informally, formally and through mediation. When this informal process does not satisfy the voter, a formal administrative complaint procedure will be available as well as mediation. The procedures must meet the following requirements:

- The procedures are uniform and nondiscriminatory.
- Any person who believes there is a violation of Title III (past, present or future) may file a complaint.
- Complaints shall be in writing and notarized, signed and sworn by the person filing the complaint.
- The state may consolidate complaints.
- The state shall provide an appropriate remedy if it finds a violation has occurred.
- If no violation is found, the complaint shall be dismissed and the results of the procedures published.
- Complaints shall have a final resolution within 90 days of the complaint being filed, unless the complainant consents to a longer period.
- If the complaint cannot be resolved within that period, an alternative dispute resolution procedure must be provided.

This complaint procedure is intended to be less formal than most administrative procedures, with potential violations being more likely to represent system-wide problems than individual voting rights. Thus, the possible remedies will be less personal in nature. Therefore, the Virgin Islands proposes to implement these requirements in the following manner, through appropriate administrative rules adopted by the Joint Boards of Election:

- The procedures are solely for complaints alleging a violation of Title III, including voting system standards, instructions on correcting voting errors, ID requirements for voting in federal elections if registration was by mail, computerized voter registration, contents of registration forms, and provisional voting.
 - Complaints will be accepted only if made in writing, signed under oath by the person filing the complaint and notarized. The complaint must be filed directly with the Office of the Supervisor of Elections. The Office of the Supervisor of Elections will provide a form on-line that contains the required elements. Elections officials will be encouraged to resolve HAVA complaints informally if possible, but if a person wishes to file a formal complaint, the complaint must be provided and the person directed to submit it to the Office of the Supervisor of Elections
 - *Hearing on the record:* The informal hearing is intended to affect a resolution of the matter by reconciling the parties' differences and/or rectifying the alleged action(s). If, after preliminary review of the matter, it is the judgment of the Supervisor of Elections that the Office of the Supervisor of Elections should not address the case, the informal procedure shall be terminated and the Supervisor of Elections shall advise the complainant of other available procedures that are available to them.
- If the Supervisor of Elections finds that the Office of the Supervisor of Elections should

- A statement of strategic direction and objectives to be met.
- The content and specific details of training, based on HAVA's requirements and existing local laws.
- Method to be utilized for each specific group of worker.
- A system for output review to determine effectiveness of training.

Certification will become a requirement for selected areas of training.

IMPLEMENTATION

Training will be implemented based on the results and final outcome of the research and assessment process. Various methods will be employed due to the diversification of the trainees. Training modules that will be instructor led, paper base and on line will be used. To ensure success, testing will become an integral part of the process and will be conducted prior to delivery and during the training process to allow for any modifications or adjustments.

address the complaint, the Supervisor of Elections will initiate the informal complaint procedure. The Supervisor of Elections may communicate directly with the respondent specifically, outlining the alleged infractions and attempt to resolve the matter. If this resolves the complaint, no other person will be contacted. The Supervisor of Elections may also meet with both parties, make inquiries to ascertain pertinent fact, and consult with others to facilitate the process. If, under this procedure, it is determined that there is a violation of any provision of Title III, an appropriate remedy shall be instituted. If, under this procedure, it is determined that there is no violation of any provision of Title III, the complaint shall be dismissed and the results of the procedures shall be published. If this option does not resolve the matter, all other options remain open to the complainant.

- **Appropriate remedy:** A remedy must be in conformance with territorial 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 violation does not occur again and, if it appears that the complaint involves a systemic problem, possible actions by the Office of the Supervisor of Elections to provide better instructions, training, or procedures for all election officials to avoid future violations.
- **Publish the results:** Office of the Supervisor of Elections will publish the results of all complaints so that the public can see the outcome, by posting the closing letters to the system's website, with links based on who filed the complaint, or a date, or a topic.
- **Make a final determination in 90 days:** When charges of a problem/violation are substantiated and probable cause is determined. The appropriate District Board, in consultation with the Supervisor of Elections, will render a determination regarding the proposed disciplinary and/or corrective action. The Supervisor of Elections input will be limited to issues presented in the case and specific questions regarding compliance with federal and territorial mandates. Decisions regarding corrective action shall be exclusively the province of the appropriate District Board. The District Board will be responsible for the implementation of all such disciplinary/corrective action. At a minimum, the action taken should be designed to protect the complainant from any future procedural or statutory violations. Consistent with the Election System's employee confidentiality policies, the complainant may not be fully advised of actions imposed. The District Board, in consultation with the Attorney General, will determine whether further hearing opportunities are required prior to determination of proposed discipline. The territory shall make a final determination with respect to the 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. If the territory fails to meet the deadline 90-day period, the complaint shall be resolved within 60 days under alternative dispute resolution procedure. The record and other material from any proceeding conducted under the complaint procedures shall be made available for use under the alternative dispute resolution procedure.

- The *alternative dispute resolution* procedures will be mediation. It is mandated pursuant to P.L. 107-252 section 402(1)(I). Upon preliminary review of the allegations, the Joint Board of Elections will determine whether the case is appropriate for mediation. Examples of those that may not be appropriate for mediation include complaints that involve discrimination against a group or class, reflects a pattern and practice of discrimination, or criminal violation. (This is not an exhaustive listing). If the complainant's selection of mediation is appropriate, the Supervisor of Election will initiate the mediation process within fifteen (15) business days. The Supervisor of Election may serve as the mediator or assign the case to a mediator. The mediator must be neutral, objective, and agreeable to both parties. The mediator will promptly arrange a meeting of both parties, during which the parties will develop a memorandum of understanding as to the purpose and scheduling of the mediation sessions. The mediator will preserve this documentation. At the conclusion of the successful mediation, the parties will develop and the mediator will preserve an agreement for resolution of the complaint and future interactions between both parties. The written agreement will be signed by both parties and submitted to the Supervisor of Elections. The agreement will take effect immediately according to its own terms.

Requirement	Virgin Islands Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
SEC. 402. ESTABLISHMENT OF STATE-BASED ADMINISTRATIVE COMPLAINT PROCEDURES TO REMEDY GRIEVANCES	Meets Requirement.	Will modify to meet HAVA 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)	Meets Requirement.	No action required.
(2) REQUIREMENTS FOR PROCEDURES- The requirements of this paragraph are as follows:		
(A) The procedures shall be uniform and nondiscriminatory.	Meets Requirement.	No action required.
(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.	Meets Requirement.	No action required.
(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.	Meets Requirement	No action required.
(D) The State may consolidate complaints filed under subparagraph (B).	Meets Requirement	No action required.
(E) At the request of the complainant, there shall be a hearing on the record.	Meets Requirement	No action required.

Requirement	Virgin Islands Current Status (Meets Requirement, Partially Meets, Does Not Meet)	Actions Planned
(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.	Meets Requirement	No action required.
(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.	Meets Requirement	No action required.
(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.	Meets Requirement	No action required.
(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.	Meets Requirement	No action required.

Funding Distribution and Controls

The Virgin Islands intends to use the following principles in determining the use and distribution of Title I and Title III funds:

- 1.) The Joint Boards of Elections will use federal funding first to address requirements placed on the territory by the new law and discretionary improvements to elections systems will be funded second.
- 2.) That Election System will make election improvements visible to the public as early in the process as possible.

Effect of Title I Payments

Working under the above guidelines, the Virgin Islands expects to use its Title I allocation for the following activities, which are estimated as follows:

- Purchase additional voting machines/curb side voting - \$696,000.
- Purchase of DREs for assuring access for voters with disabilities - \$34,000
- Conducting a pilot project for the testing of equipment and technology - \$270,000

Additional Funding (Title III Requirements Payment)

If Virgin Islands receive federal funding in addition to the Title I monies, the territory will use these funds as follows:

- Improve centralized voter registration system, - \$779,160
- Improve verification and identification of voters at the polling place - \$1,083,000
- Voter information, education and outreach, other Title III requirements/
- Training of election staff, board, poll workers, technicians, and media \$497,000
- Planning preparation and project management /
- Fund costs incurred by the Elections System for meeting requirements and any other priorities specified by the state HAVA plan, including staff positions to implement HAVA, training, and voter outreach responsibilities placed on the Election System of the V.I./
- Fund special efforts to address needs, such as upgrades of vote tally systems and improvements to physical space. \$570,840
- Provisional Voting \$70,000

Election Fund

The Virgin Islands has prepared legislation for consideration by the 2003 Legislature to create a Virgin Islands Election Fund so federal funds can be received as soon as they are available. The Election Fund will be separate and distinct from the General Fund of the Territorial Treasury and interest earned by the Fund will be credited to the Election Fund. The Fund consists of amounts appropriated or otherwise made available by the Legislature of the Virgin Islands or the territory for carrying out the mandates and activities of the federal Help America Vote Act of 2002. Bill 25-0050 was passed in the Legislature on June 16, 2003 and signed in law by the Governor Charles W. Turnbull on June 26, 2003. A copy of ACT No.6574 is appendix "A"

Distribution of Funds

The Joint Boards of Elections and the Office of the Supervisor of Elections will manage activities and projects mandated by HAVA payments. The territory will be responsible to account for all expenditures, funding levels, program controls and outcomes in accordance with the requirements of HAVA.

Maintenance of Effort

In compliance with HAVA Section 254(a)(7), in using any requirements payment, the Virgin Islands will maintain expenditures of the territory for activities funded by the payment at a level equal to or greater than the level of Title III expenditures in the territory for FY 2000 or \$1,401,300.00. The intent of funding provided under HAVA is to pay for new or enhanced efforts, not to supplant existing funding at the territorial level. It is therefore important to note that the projected HAVA budget is based on a critical assumption that the state and counties will maintain this foundation of election operating expenditures at existing levels. Without this foundation, the short-term infusion of HAVA funds will not be sufficient to maintain the new territorial election environment in the long-term.

Budget

Federal appropriations for HAVA were less than the amounts authorized by legislation. The following table shows the assumptions the territory is using regarding federal funding. The Virgin Islands federal share numbers are based upon information from the U.S. General Services Administration, Office of the Chief Financial Officer.

Federal Fiscal Year	Total Federal Funds	Virgin Islands Federal Share	5% State Match Requirement*
Early Payments (Title I Funds)	\$650,000,000 (appropriated)	\$	\$0
2003	\$800,000,000 (appropriated)	\$500,000	\$25,000
2004	\$481,000,000 (President's Budget)	\$500,000	25,000
2005	\$600,000,000 (authorized)	\$	\$
Total	\$2,531,000,000	\$1,000,000	\$50,000

Source: the U.S. General Services Administration, Office of the Chief Financial Officer. Based on P.L. 107-252: "Help America Vote Act of 2002."

Budget for HAVA Activities

HAVA Requirements	Total Cost	Title III Funds	Title I Funds	Section 252 & 257 Funds	5% State Match
Voting System Standards (S-301)					
• Purchase additional voting machines/curb side voting	\$596,000		\$596,000		\$29,800
• DRE Purchase	\$34,000		\$34,000		\$1,700
• Ballot Correction Information	\$100,000		\$100,000		\$5,000
• Conduct Pilot Program for the testing of equipment and technology	\$270,000		\$270,000		\$13,500
Improve the centralized Voter Registration (S-303)	\$779,160	\$779,160			\$38,958
Voter Information, education & outreach and Election Worker Training (S-254)	\$497,000	\$497,000			\$24,850
Improve verification and identification of voter at the polling place	\$1,083,000	\$1,083,000			\$54,150
Provisional Voting and Voting Information Requirements (S-303)	\$70,000	\$70,000			\$3,500
State Plan Creation and Management/Physical Space changes/fund cost incurred	\$570,840	\$570,840			\$28,542
TOTAL	\$4,000,000	\$3,000,000	\$1,000,000	\$1,401,300	200,000

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

*5% State Match Requirement is calculated as 5% of the total of the combined territorial and federal portions of expenses. This calculation requires a multiplier of .0526 (i.e., 5/95 ~ .0526) of the federal funds. For FY 2003, the \$200,000 territorial match is 5.26% of the federal contribution of \$4,000,000. Of the combined expenditure of \$4,000,000, the territorial match of \$200,000 is 5%.

Virgin Island is assuming that the costs of complying with HAVA will not end after federal appropriations have ceased in 2005. Therefore, the territory is considering holding in the Election Fund any unspent federal funds remaining after all HAVA requirements have been met and using the interest earned from these funds to pay on-going maintenance and program costs.

In addition, the Virgin Islands plans to use Title I early funding to pay for Title III requirements. When the requirements payment is received, the territory will reimburse itself for the Title I funds used in meeting Title III requirements. The territory will then be responsible for the 5% match for those reimbursed funds.

Plan Management

Title II of the Help America Vote Act requires each state to describe how it will manage the implementation of its proposed HAVA plan. This description must include who is responsible for implementation and monitoring, the process for changing the state plan, implementation timelines, and reporting requirements for counties and projects. The Virgin Islands will conduct plan management at three levels:

1. **HAVA State Plan Committee** – The primary responsibility of the State Plan Committee during implementation is to recommend and oversee the process of making needed changes to the State Plan. The HAVA State Plan Committee will report directly to the Supervisor of Elections. It is recommended that the State Plan Committee meet at least quarterly during the first year or two of implementation.
2. **Office of the Supervisor of Elections** – Responsibility for implementation of the plan will be carried out at the territorial level. The Supervisor of Elections is responsible for reporting to the Joint Boards of Elections on HAVA funds, and resource needs/expenditures coordinating decision-making, to ensure implementation activities are on track.
3. **Project/Task Level** – Individual leaders will have responsibility for the day-to-day coordination and implementation of distinct projects within the HAVA plan. These individuals may be members of the HAVA State Plan Committee, or Election System staff. These individuals are responsible for reporting project activities, progress, to the Supervisor of Elections who will determine appropriate reporting based upon the needs, requirements, complexity, and risk factors of each project.

The Territory understands and agrees to comply with HAVA requirements related to ongoing management of the state plan. The HAVA State Plan Committee will lead an annual process for plan revisions that includes the following steps:

- April 1–April 30, 2003** Stakeholders discuss and recommend needed plan revisions.
- May 1–May 31, 2003** State Plan Committee members review recommendations from stakeholders and staff and decide on draft changes.
- July 15–July 31, 2003** Public comment period.
- August 1–August 10, 2003** Comment, review and approval by the Joint Boards of Elections. Plan revisions are finalized.
- August 15, 2003** Revised plan is submitted to the federal commission for publication in the Federal Register.

No material changes to the plan or the administration of the plan will be made during the first year unless the change is developed and published in the Federal Register in accordance with HAVA Section 256.

Performance Goals

The Office of the Supervisor of Elections, in collaboration with District Boards of Elections, will establish HAVA performance goals and institute a process to measure progress toward these goals. Performance goals will provide a high level view of a particular project's direction.

Activity

Completion Date

Section 301 – Ballot Correction Voter Education Materials in all Vote by Mail Ballot Materials January 1, 2006

Section 301 – Accessibility for Individuals with Disabilities Use of DREs in elections January 1, 2006

Section 302 - Provisional Voting Requirements Implementation of toll-free line January 1, 2004

Section 303 – Computerized Statewide Voter Registration List System is fully operational January 1, 2006

Section 303 – Mail-In Voter Registration Forms Establishment of mail in voter registration and new forms in use January 1, 2004

The territory will measure the following five critical areas for each project. Appropriate territorial personnel will develop the necessary matrix to collect performance data. The measures will provide the territory with the ability to understand, predict, and improve overall performance and communicate expectations at the state and local levels.

- **Scope:** measures internal or external events that may affect cost, implementation schedule or quality.
- **Schedule:** measures progress toward goals.
- **Resources:** measures personnel and financial investment to ensure that the right people are on a project at the right time.
- **Quality:** measures effectiveness of the project to ensure that it meets expectations.
- **Risk:** measures likelihood and impact of certain events on operations.

**ELECTION SYSTEM OF THE VIRGIN ISLANDS
TIMELINE CHART FOR HAVA REQUIREMENTS 301**

TASKS	COMPLETION DATE
1. Develop as required by HAVA section 402, (Title III), administrative compliant procedures.	May 15, 2003
2. Election System to look into the possibility of using sign language translators and interpreters in order to provide access for the blind and visually impaired.	August 15, 2003
3. Begin communication effort in order to inform disabled persons how to access the election process and how they can be assisted in voting privately and independently.	October 15, 2003
4. TTD Access – Board of Elections to have TTD capability.	July 13, 2004
5. Purchase mobile voting machines for persons with disabilities not able to enter the polling place.	July 15, 2004
6. Continue to provide Voter Identification. Require individuals voting in person to present identification, copy of current utility bill, bank statement, government check, paycheck or government document showing name and address or drivers license number or last four digits of social security number.	July 15, 2004
Purchase new voting machines.	July 30, 2004
7. Train poll workers to understand the new voting equipment	July 30, 2004
8. Absentee voting. Provide permanent absentee ballot alternative for people with disabilities.	August 15, 2004
9. Sensitivity training for election officers so that they can assist disabled persons and also ongoing responsibility for providing access, independence and privacy to the voting process by voters with disabilities.	August 15, 2004
10. Direct Recording Electronic (DRE) Voting System Acquisition as required and to allow privacy and independence along with preserving the dignity of the disabled.	September 1, 2004
11. Implement provisional voting in order to allow persons to vote whose names do not appear on the voter's list. Also special form letter for voter to inform them of ballot status	September 1, 2004
12. Implement multi-purpose toll-free line that voters can use to access voting assistance, ask questions about the process, check the outcome of their provisional ballot, or report potential fraud.	February 15, 2004
13. Begin improvements to the centralized voter registration system.	February 15, 2004
14. Outreach – Inform community, especially individuals with disabilities, regarding the new machines available and fact of greater accessibility.	February 15, 2004
15. Create 1-800 (toll-free) multi-purpose number for questions about elections, particularly improvements and accessibility for persons with disabilities.	February 15, 2004
16. Develop audit method for issuance of replacement ballots.	April 30, 2004
17. Develop registration by mail program	January 1, 2005
18. Begin removal of voters from the voter registration list under Virgin Islands Law	January 1, 2005

Audits and Internal Controls

According to the Statements on Auditing Standards (SAS) No. 1, section 220, "In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors." The accounting profession has established, through the AICPA's Code of Professional Conduct, precepts to guard against the presumption of loss of independence.

Any audits conducted of the HAVA program for the Election System of the V. I. Will be made in accordance with the American Institute of Certified Public Accountants (AICPA) Audit and Accounting Guide, *Audits of State and Local Governmental Units*, and generally accepted government auditing standards for financial audits (*Government Auditing Standards*), issued by the Comptroller General of the United States.

The Joint Boards of Elections will ensure that the Territory and any Territory sub recipient of grants or other payments under this Act maintain records in accordance with the record keeping requirements of the Act (section 902) and all such records will be available for audit. The Joint Boards of Elections will also ensure itself and all sub recipients are audited on a regular basis as determined by the Federal Election Assistance Commission and in accordance with the Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

19. Coordination with other agency's database between Motor Vehicle Bureau and V.I. Election System in order to verify accuracy of information.	January 1, 2006
20. Agreement between Motor Vehicle Bureau and Social Security.	January 1, 2006

Polling Place Accessibility

Beginning in January 2002, SBE has dedicated considerable effort towards ensuring that polling places are ADA (Americans with Disabilities Act) compliant. At that time, SBE sent out a survey to every registration office and required that each locality evaluate each polling place for accessibility based on defined requirements. As of that date, 12.6% of Virginia's precincts were not compliant based on the self-evaluation. As of January 1, 2003, these self-evaluations resulted in only 12 precincts (out of 2277 total) reported as out of compliance. While SBE has also begun site visits to verify the reports on the self-evaluations, budgetary considerations have precluded the audit program necessary to ensure 100% compliance.

Provisional Voting

Provisional voting (called "conditional voting" in the Code) has been available to Virginia voters since 1975. When a person offers to vote as a registered voter in the precinct, but their name cannot be found on the precinct registered voter list, an officer of election will call the local general registrar. If the general registrar is not available, or cannot state that the person is in fact registered to vote, then that person must be allowed to vote a paper "conditional" ballot. If the registrar is available and confirms that the person is a registered voter in that precinct, they would vote in the same manner as other voters. If registered in another precinct, the officer of election refers the voter to the correct precinct.

The conditional voter must provide, subject to the penalties for making false statements pursuant to Code §24.2-1016 (on a green envelope supplied by the State Board) the identifying information required in Code §24.2-652. An officer of election informs the voter that a determination of the voter's right to vote shall be made by the electoral board on the following day and advises the voter of the beginning time and place for the board's meeting. The electoral board only counts the ballot if it finds, by the time of their meeting, that the person was in fact registered and qualified to vote in that precinct (Code §24.2-653).

The most common reason for provisional ballots to be used and counted is that the voter's name could not be found on the printed list at the polls because of a spelling variation, name change, hyphenation (used or missing), or the inversion of parts of the voter's name. Conditional ballots have also been counted when the voter successfully appealed his removal from the list, a completed and timely application was found, or it was determined that the voter's name was removed in error. Conditional ballots are usually not counted because no record could be found of the person's registration, the voter was in the wrong precinct, or the voter had applied after the registration deadline for that election. Conditional (provisional) voting ensures that qualified voters whose names cannot initially be found on the list at the polls will, nevertheless, have their votes counted.

Voting Information

Virginia now provides public information at the polls on each Election Day including:

- A sample ballot; (HAVA §302(b)(2)(A))
- Instructions on how to cast a ballot specific to the equipment or ballot style in use; (HAVA §302(b)(2)(C))
- Instructions on ID requirements; (HAVA §302(b)(2)(D))
- General information on voting rights, on the right to cast a conditional ballot and on how to contact officials if these rights might have been violated; (HAVA §302(b)(2)(E))

Voter Registration List

Virginia uses a centralized voter registration system (Code §24.2-404) known as the Virginia Voter Registration System (VVRS), first developed in 1973. Virginia was the second state in the nation to have a centralized voter registration database. In 1988, VVRS underwent a substantial revision that moved the system from batch-driven to interactive. While the system has evolved over time to meet ever-expanding requirements, it is, and throughout its life has been, a COBOL application resident on a Unisys mainframe. The State provides secure access to the VVRS for each locality by frame relay circuits that run between each locality's voter registration office and the Department of Information Technology (where the Unisys mainframe resides).

Help America Vote Act of 2002

Virginia State Plan
 - July 2003 -
 Adopted by the Virginia State Board of Elections 7/31/2003
 Fully formatted Plan available at <http://www.sbe.state.va.us>

Introduction

The State of Elections in Virginia

Virginia is fortunate in that some of the requirements of HAVA are already in place and only minor adjustments are necessary to bring those elements into full compliance with the mandates of the Act. The State has had provisional (called "conditional" in Virginia) voting, identification requirements and a voting equipment certification process in place for many years. The State Board of Elections (SBE) has made special efforts to address deficiencies in the accessibility of Virginia's 2277 polling places.

In other areas, Virginia still has a lot of work to do. The State has had a single statewide voter registration list, but the system is 30 years old and requires replacing, as it does not comply with many of the requirements of HAVA. While the State certifies voting equipment, over 62% of our precincts used punch card or lever machines in November 2000. While the State has made it easier for persons with disabilities to vote (e.g., curb side voting), not all persons with disabilities are able to vote in a private and independent manner.

The following sections discuss the State of Elections in Virginia and provide snapshots of the State's status on meeting HAVA requirements.

Voting Systems

The Code of Virginia (hereinafter referred to as "Code") requires that the SBE certify any mechanical or electronic voting system or equipment before any locality may purchase (or lease) the system or equipment (Code §24.2-625 et seq.). The certification procedure adopted by the three-member Board (hereinafter referred to as "the Board") first requires certification by an Independent Testing Authority (ITA) and then Virginia-specific hardware and software testing, financial certification and field-testing. Virginia retains a consultant well versed in the technology and issues surrounding the implementation of new voting technology; the consultant conducts the hardware and software tests and makes recommendations. The Virginia Department of Accounts reviews all financial documents.

Each of Virginia's 134 localities purchases (from the list of certified equipment) and maintains its own voting equipment. In early 2002, the Board certified its first two Direct Recording Electronic (DRE) voting systems, both of which are adaptable for non-visual use. Virginia has now certified seven different DREs from five different vendors. The State will conduct certification testing for another five vendors during the summer of 2003.

There are five categories of equipment in use in Virginia: paper, optical scan, mechanical lever, punch card, and DRE (either touch screen or button). These categories are in use as follows:

Type	# of Precincts	# of Central Absentee Precincts	Units	Tabulators/Booths
Paper	28	24	-	-
Optical Scan	493	42	-	610/2652
Mechanical Lever	1065	-	2553	-
Punch Card	275	5	-	328/2638
DRE	416	1	1657	-
Totals:	2277	72	4210	938/5290

Finally, since 2001 SBE has, on an annual basis, reviewed, adopted and distributed uniform definitions of what constitutes a valid vote for paper, punch card and optical scan ballots in a recount or other hand count.

In addition, the SBE provides brochures on statewide ballot issues and constitutional amendments, distributes them through local elections offices for the public and polling places, publishes newspaper ads, provides posters for polling places and posts the information to the state web site.

Elements of the State Plan

1. How Virginia will use the Requirements Payments

§301(a), Voting Systems Standards Requirements

Virginia intends to maintain its system of voting equipment certification and to maintain the diversity of choices for localities. To meet the requirements of HAVA, the state will:

- Review and update (if necessary) state certification standards and ensure that these standards fully comply with the requirements of §301 including voter verification (in a private and independent manner), audit capacity, accessibility and error rates.
- Use Title III funding to purchase one DRE for every precinct, including central absentee precincts where they exist. (§301(a)(3))
- Use FY04 and FY05 Title III funding to assist localities in purchasing additional equipment or modifying existing equipment to meet the requirements of this section.
- Ensure that new equipment will be able to provide for alternative language accessibility (although this is not now required in Virginia). (§301(a)(4))
- Conduct audits (i.e., site visits) to ensure that 100% of Virginia's 2277 polling places meet the requirements of the Americans with Disabilities Act (ADA) and applicable Virginia law.
- Update its uniform definitions of what constitutes a vote to reflect the requirements of new systems. (§301(a)(6))

§302, Provisional Voting and Voting Information Requirements

PROVISIONAL VOTING

Virginia currently permits provisional voting, called "conditional voting." (Code §24.2-653) that meets most of the requirements of the Act. To bring Virginia procedures into full compliance, the state will:

- Develop the written information required under §302 (a)(5)(A). SBE will distribute this information to the localities and post it on the state's web site.
- Develop a free-access system that may include either a toll-free number or a web site or both. SBE currently has a toll-free number, however, the phone system is antiquated and cannot accommodate the requirements of this section. The SBE web site already hosts some secure interactive applications (e.g., check registration status, track absentee ballot). Due to the manual nature of the current system for tracking conditional ballots, implementation of a new web application to track these ballots will depend on the development of a new voter registration system. The state anticipates implementing the toll-free number to meet the initial deadline and may establish a secure web site once the new voter registration system is in place. (§302(a)(5)(B))

VOTING INFORMATION

Virginia now meets many of the requirements for the posting of information at the polls on Election Day. SBE will modify or add documents so that the material posted at each polling place is in full compliance with the Act. Specifically:

- SBE will prepare and distribute information regarding the date of the election and the hours during which the polls are open; (HAVA §302(b)(2)(B))
- SBE will prepare and distribute instructions on how to cast a provisional (conditional) ballot; (§302(b)(2)(C))
- SBE will modify the information on identification requirements to reflect the new requirements of the Act for applicable voters; (§302(b)(2)(D))
- SBE will prepare and distribute general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation. (§302(b)(2)(F))

While VVRS is a statewide-secure system, it does not meet all of the requirements of HAVA (e.g., temporary, federal-only registrants are kept outside the system thus creating two lists that are manually merged into one paper list for each election). The system is costly to maintain and costly to modify. Indeed, several studies completed in the 1990's¹ recommended replacement of the system.

In 2000, SBE began development of a replacement system, dubbed "VVRS-II." Due to a budget impasse in 2001, there was no second year funding (required to complete the project) and the development effort ended well short of a final usable product.

Registration by Mail and Voter ID

The National Voter Registration Act (NVRA) mandated that states allow voters to register by mail and at designated agencies such as the Department of Motor Vehicles. Before its 1996 implementation in Virginia, most voters (other than military and overseas voters) were required to register in person in front of a registrar. Initially, the state required first time mail registrants (other than certain exempt classes such as military and overseas voters, and students away at school), to vote in person the first time they voted in Virginia, and to present identification at that time. The in-person requirement is still in the Code, but the state legislature in 2000 extended the ID requirement to all voters voting in person at the polls. In 2002, the state further extended the ID requirement to include absentee voters who voted in person at a registrar's office or satellite absentee location established by the registrar.

The current Virginia ID requirement is that the voter present one of the types of ID specified in the Code, or signs a statement affirming his identity, under felony penalty for false statements, in lieu of presenting ID. The specified forms of identification are:

- A Commonwealth of Virginia voter registration card;
- A Social Security card;
- A valid Virginia driver's license;
- Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or
- Any valid employee-identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Training and Voter Education

The SBE is required (Code §24.2-103) to provide training for General Registrars and Electoral Board members. SBE meets this mandate by holding annual training, providing a secure web site that contains various training documents including a Handbook and providing on-going support.

Virginia has also invested in providing information to the public. The SBE web site has won national recognition² for the services it provides including:

- The most frequently requested registration and election statistics are available for viewing/download.
- All voter registration and candidate forms along with all candidate bulletins and a summary of the Virginia Campaign Finance Disclosure Act are available for download.
- A suite of interactive web applications, developed over the past four years, allows Virginia citizens to:
 - Securely verify their voter registration status;
 - Find the location of their polling place;
 - Contact their elected representatives;
 - Securely track the status of their absentee ballot application;
 - View candidate names and addresses for upcoming elections;
 - View campaign finance disclosure reports for General Assembly, Governor, Lieutenant Governor, and Attorney General candidates; and
 - View real-time election results on election night as the local election offices report them.

Finally, HAVA requires that, if a court order extends the closing time of the polls, the state must consider ballots cast after the normal closing time as provisional ballots and local election officials must segregate these provisional ballots from the other ballots for that election. This provision would not apply to anyone who is in line by the normal closing time for the polls (and who is already allowed to vote in the usual manner). It would only apply to those who arrive after the normal closing time, and who vote because of a court order extending the voting hours. SBE will seek legislation to comply with this requirement (§302(c)) in 2004.

§303. Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail

COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST

Although Virginia now has a computerized statewide voter registration list, it does not meet all of the requirements of HAVA. Based on experience, it will be expensive to modify the system to bring it in to compliance. Instead, Virginia will develop a new system using the project management guidelines developed and promulgated by the state's Department of Technology Planning (COV ITRM Guideline GOV2003-02.2). The new system will:

- Serve as the single system for storing and managing the official list of registered voters in Virginia. (§303 (a)(1)(A)(i))
 - Contain the name and registration information for every legally registered voter in the state including all temporary registrants. (§303 (a)(1)(A)(ii))
 - Assign a unique identifier to each legally registered voter in the state. The Virginia Constitution (Article II, §2) requires that voter registration applicants provide a social security number on the registration application. However, as SBE cannot disclose this number to the public (Code §24.2-405), the VVRS assigns each voter a different and unique 9-digit number. The state expects this practice to continue under the new system. (§303 (a)(1)(A)(iii))
 - Coordinate with other agency databases within the State. SBE expects to work with the Department of Motor Vehicles (DMV), the State Police, the Courts, the Office of Vital Records and Health Statistics (in the Department of Health) and other agencies to create close coordination between the new system and other existing agency databases. (§303 (a)(1)(A)(iv))
 - Allow immediate electronic access for any election official in the State. Some local election officials who do not have voter registration responsibilities (e.g., Electoral Board members) may be permitted read-only access, however, all General Registrars and their assistants will be permitted full access privileges. (§303 (a)(1)(A)(v))
 - Ensure that all voter registration information obtained by General Registrars is entered on an expedited basis at the time the information is provided. SBE will review current procedures and training documents and revise them as needed. (§303 (a)(1)(A)(vi))
 - Serve as the official voter registration list for the conduct of all elections in the State. (§303 (a)(1)(A)(vii))
- SBE will also provide the technical support necessary to ensure that local election officials (e.g., General Registrars) can keep the list current and enter information about voters on an expedited basis (§303 (a)(1)(A)(vii)). Further, SBE will ensure that the security of the system meets the requirements of §303(a)(3) and Virginia's Information Technology Security Standard (COV ITRM Standard SEC2001-01.1).

SBE will perform list maintenance as prescribed by applicable law. The current voter registration system uses a "confirmation" process (Code §24.2-428-429) to implement the requirements of the National Voter Registration Act of 1993 (NVRA). SBE annually mails confirmations to voters believed to have moved. The State also cooperates with the State Police on felony convictions and with the Office of Vital Records and Health Statistics on deaths. Much of the list maintenance now involves manual verification and inactivation. The VVRS will only identify duplicate names within a locality, not between localities. The system does identify duplicate social security numbers (SSNs) statewide upon initial entry. VVRS does not permit duplicate registrations under the same SSN. The new system will improve on the current system and include the current processes (§303 (a)(4)(A)) as well as additional safeguards to ensure that:

- The name of each registered voter appears on the list (§303 (a)(2)(B)(i)).
- Only voters who are not registered or who are not eligible to vote are removed (§303 (a)(2)(B)(ii)).

- Duplicate names are eliminated (§303 (a)(2)(B)(ii)); and
- Eligible voters are not removed in error from the official list (§303 (a)(4)(B)).

As Virginia is both permitted to use social security numbers (SSNs) and provides for the use of SSNs on applications for voter registration, the State is exempt from the requirements of §303 (a)(5). Virginia does intend to build in verification procedures that include closer coordination with the DMV database and verification through DMV with the Social Security Administration's database.

VOTERS WHO REGISTER BY MAIL

Virginia already requires all voters voting in person to present one of a list of specified IDs, or sign a statement attesting to their identity in lieu of presenting ID. In federal elections beginning in 2004, a different set of ID requirements, as mandated by federal law, will apply to any first-time Virginia voter who:

- Registered to vote by mail after January 1, 2003, and
- Has not previously voted in a federal election in Virginia, and
- Registered stating, subject to felony penalties for false statements pursuant to § 24.2-1016, that he does not have a social security number, or provided a social security number which could not be matched to an existing State identification record bearing the same number, name and date of birth in the Virginia Division of Motor Vehicles database.

When voting the first time in a federal election (while these federal ID requirements remain in effect for Virginia), these voters will need to present at the polls (or send with their mailed ballot a copy of):

- A current and valid photo identification, or
- 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.

Such voters may not sign the state affirmation of identity form in lieu of presenting one of the federally required IDs. They also will not be able to use any of the state-specified IDs that do not include a photo (i.e., a voter registration or social security card). Any such voter not presenting the required ID or copy will vote a Conditional Ballot. The electoral board will count such Conditional Ballot only if it verifies that the voter is entitled to vote in that precinct.

The new federal ID requirements do not apply to any voter who:

- Is entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.), or
- Is 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. 1973aa-1(b)(2)(B)(ii)), or
- Is entitled to vote otherwise than in person under any other Federal law, or
- Submits a copy of an appropriate ID (from the federal list) with their application. (Virginia will modify the mail-in voter registration form to include this request.)
- This federally mandated ID requirement would not apply to any Virginia voter once Virginia's computerized Voter Registration System has met all the requirements of §303(a) of HAVA. Since upgrading the current system to meet those requirements is one of Virginia's top priorities, the state anticipates that these federal ID requirements will only be in effect for the 2004 federal elections, and that the state will be exempt by 2006 at the latest.

Finally, Virginia is in the process of redesigning the voter registration application to include the questions and statement required under §303 (b)(4). The new application form will go into effect as soon as possible and no later than January 1, 2004. Local registration offices are already required to notify applicants, denied registration of the reasons for the denial and to provide a new application to such applicants (Code §24.2-422). SBE will review and modify (if necessary) internal procedures to ensure full compliance with §303 (b)(4)(B) and will individually notify affected voters.

- Seek law change to allow inclusion of neutral voter education material (e.g., information on registration status, brochure on constitutional amendments) in the mailing with the absentee ballots.
- Encourage colleges and universities to keep registration materials readily available and publicized.

4. Voting System Guidelines and Processes

Virginia law requires that the SBE certify any mechanical or electronic voting system or equipment before any locality may purchase (or lease) the system or equipment (Code §24.2-625 et seq.). The procedure adopted by the Board requires that new equipment pass a Qualification Test (conducted by an ITA designated by the SBE), a Certification Test (conducted by a consultant on retainer to SBE) and Acceptance Tests (field testing conducted in one or more localities).

The Qualification Test evaluates the hardware and all software elements to ensure compliance with the requirements of both the design and the SBE. The ITA examines all hardware to determine its suitability for election use. At this level, engineering or development prototypes are not acceptable unless the vendor can show that the equipment to be tested will perform in all respects the same as, and is constructed in a manner representative of, standard production units. The ITA also examines and tests voting system software to ensure that it adheres to the performance standards specified in federal standards.

The Certification Test verifies that the design and performance of the voting system comply with all applicable requirements of the Code of Virginia. A consultant, on retainer to SBE, evaluates all system functions that are essential to the conduct of an election. The test environment includes the preparation and operation of election and voting databases and the validation, consolidation and reporting of administrative and voting data as required by law. Vendors must also provide detailed technical and corporate financial information.

Acceptance Tests confirm that the purchased or leased system is identical to the certified system and that the equipment and software are fully functional and capable of satisfying the administrative and statutory requirements of the jurisdiction conducting the test. Typically, the Acceptance Test demonstrates the system's ability to:

- Process simulated ballots for each precinct or polling place.
- Reject over votes and votes in invalid ballot positions.
- Produce an input to or generate a final report of the election and interim reports as required.
- Generate system status and error messages.
- Generate system audit reports.
- Comply with and enable voter and operator compliance with the procedures, regulations and statutes of the jurisdiction.

The Board will review the standards to ensure full compliance with the requirements of §301 and revise *The Virginia Voting Systems and Equipment Certification Guidelines: Submission Procedures* (the document provided to all vendors seeking to introduce new equipment) as needed. Current Virginia law permits the Board sufficient latitude to incorporate any changes that may be necessary.

The Board will also continue current practice and, before each general election, update its uniform definitions of what constitutes a vote to reflect the requirements of new systems.

5. Election Fund

SBE will establish The Virginia Election Fund through an administrative procedure as permitted by State law. The Secretary of the State Board of Elections will authorize all payments made from the fund and the Treasurer of Virginia will be the signatory of all checks issued from the fund. Account codes will be set up that will allow the State to track receipts and disbursements for §101, §102, Requirements Payment, and State Matching (5%) funds separately. The fund will be interest bearing.

The Secretary of the State Board of Elections will work with the agency's fiscal officer, the Department of Planning and Budget and the Treasurer of Virginia to ensure that fund management follows all appropriate federal and state policies and procedures.

§304, Minimum Requirements

Virginia understands that the requirements of Title III are minimum requirements and that the State may establish election technology and administration requirements that are more stringent. Any more stringent requirements that the State imposes will comply with all Title III requirements, the laws described in §906 and the Code of Virginia.

2. How Virginia will distribute and monitor Requirements Payments

SBE will manage all activities funded by the Requirements Payments and the Secretary of the SBE will authorize all expenditures. SBE may disburse Requirements Payment funds to localities for the purchase or modification of voting equipment to meet accessibility requirements (§301 (a)(3)).

SBE will coordinate, to the maximum extent possible, the purchase of voting equipment among localities to ensure the lowest per unit cost for each locality. The State will negotiate with each certified voting equipment vendor to achieve volume pricing on state contract. In some cases, localities may choose to purchase directly from a certified vendor; in these cases, SBE may reimburse localities based on the lowest negotiated state contract pricing.

SBE will adhere to the Code and established federal and state accounting policies and standards when distributing federal funds.

3. Education and Training

Virginia plans to implement an aggressive program of voter education, election official education and training and poll worker training. The State views this program as vital to the success of the HAVA implementation effort. The HAVA Training Program may contain, among other things, the following elements:

Training for Election Officials and Officers of Election

- Create information on Basic Procedures for training Officers of Election. SBE will provide standard information and allow localities to provide their own custom content.
- Create interactive web-based systems for Officers of Election that include testing.
- Create and make training presentations available through the SBE web site.
- Create an upgraded and enhanced secure web site that includes a variety of training material and tools for General Registrars and Electoral Boards.
- Implement regional training for General Registrars and Electoral Board members.

Voter Education

- Provide voter information to every voter along with the Voter Registration Card. The information will include information about voters' rights, the process, accessibility, special considerations for students, uninformed and overseas voters, and absentee procedures. The information may be available in languages other than English.
- Use community or civic associations, newsletters to get information out.
- Prepare Public Service Announcements for distribution to radio and television stations.
- Publicize election information in grocery stores, public buses, and libraries and on the Internet.
- Use other organizations and their structures to educate voters. Provide demonstration equipment to these organizations.
- Make resource material available for teachers and professors (developed by teachers and professors) on the SBE web site.
- Require that voting machine vendors provide practice machines and include training in their contracts.
- Set up voting equipment for practice sessions, especially at DMV, malls, and public libraries.
- Create interactive web pages for each type of voting equipment. These pages would include a voting demonstration and allow the voter to practice voting. Require that vendors provide the emulation software as part of their package.
- Ensure that the SBE web site fully complies with the new Virginia accessibility and usability standards.
- Make sure that other state agency web sites link to the SBE web site in a prominent way.

6. Budget for Title III Requirements

As of July 2003, federal appropriations were substantially lower than authorized by the Act. In creating a budget, the state made certain assumptions about future funding levels, summarized in the table below:

(\$ in millions) Federal Fiscal Year (Title I Funds)	Total Federal funds projected (appropriated)	Virginia Federal Share	5% State match requirement*	Total funds projected for Virginia
Early Payments 2003	\$650.0 (appropriated)	\$11.6	—	\$11.6
2003	\$833 (appropriated)	\$20.6	\$1.1	\$21.7
2004	\$500.0 (Pres. Bush's Budget)	\$11.6	\$0.6	\$12.2
2005	\$600.0 (unbudgeted)	\$14.2	\$0.8	\$15.0
Total:	\$2,583.0	\$58.0	\$2.5	\$60.5

* 5% match calculated by multiplying the Virginia Federal Share by 0.0526.

Based on these funding levels, the state developed a budget (through the end of CY05) that reflects only appropriated funds (and corresponding state matching funds) and the costs of implementation and maintenance associated with Title III requirements and other activities associated with the Act. As information becomes available about future funding levels, Plan revisions will adjust the budget accordingly.

(\$ in millions) HAVA Requirements	Total Cost	\$101 Funds	\$102 Funds	\$252 & 257 Funds	State matching funds	Total Projected	Not yet Funded
Title III Requirements							
\$301 Voting System Standards	\$23.2		\$4.5		\$1.1	\$5.6	\$17.6
Punch card & Lever buy-out	\$9.4			\$7.0		\$7.0	\$2.4
DRE purchase	\$9.5	\$0.5				\$0.5	\$0
Accessibility Audits	\$1.0			\$1.0		\$1.0	\$0
\$302 Provisional voting and voting information							
\$303 Computerized statewide voter registration system and mail registration	\$12.1	\$3.1		\$9.0		\$12.1	\$0
Other Election Requirements							
\$254 Voter education	\$5.0			\$1.0		\$1.0	\$4.0

\$254 Election official education and training	\$3.5		\$1.0		\$1.0		\$1.0	\$2.5
\$254 Poll worker training	\$5.0		\$1.5		\$1.5		\$1.5	\$3.5
\$402 Grievance Procedure	\$0.4	\$0.4					\$0.4	\$0
\$702 Single state UOCAVA Office	\$0.5	\$0.5					\$0.5	\$0
Plan creation, implementation and management	\$2.5	\$2.5					\$2.5	\$0
Totals:	\$63.1	\$7.0	\$4.5	\$20.5	\$1.1	\$31.1	\$31.1	\$30.0

Note that:

- Only appropriated funds have been budgeted as available. Any unbudgeted appropriated funds will be used either to supplement the budget priorities set forth in this plan or to provide for long-term maintenance and operational support of new systems adopted or implemented under this Plan.
- The total amount needed (\$63.1 million) is higher (by \$2.6 million) than the total amount projected for the State over the life of the authorization (\$60.5 million).
- The systems put in place by this Plan will require on-going maintenance beyond the life of the authorization for funding. Systems' maintenance will affect both state and local budgets for the foreseeable future.
- The state expects that as FY04-05 appropriations are made the budget will be adjusted, and that some of the unfunded needs may be met.
- The State is in no position to supplement the 5% match to make up for the shortfall.
- Should a shortfall exist, some of the programs described in this Plan will either remain under funded (and thus not fully implemented) or will go unfunded entirely.
- Voter education, election official education and training, poll worker training and polling place accessibility will be high priorities for future appropriations.
- Should excess funds (i.e., funds remaining after the requirements are met and all Other Election Reform Activities are funded) remain, they will maintain the new systems in years following the life of the Act.

7. Maintenance of Effort

In accordance with HAVA section 254 (a)(7), Virginia will maintain expenditures of the State for activities funded by the Requirements Payment at a level equal to or greater than the level of such expenditures in State FY00. The total spent on meeting the specific requirements of Title III in that FY was \$778,994. This amount is a fraction of the total amount spent on elections by the State.

In addition, in Virginia, much of the expense of both federal and state elections is born by the 134 localities. The cost of poll workers' pay and training, voting equipment, ballot generation and absentee ballot processing all are costs born by local governments. Virginia will ensure that localities continue to maintain levels of expenditures sufficient to fund elections and that the localities will not use HAVA funds for routine registration- and election-related expenses. As discussed in Section 2 of this Plan, some payments to localities may occur on a reimbursement basis for the purchase of voting equipment. SBE will make no payments to cover the costs associated with the "normal" business of Virginia's local registration and election offices.

8. Performance Goals and Measures for Virginia and Localities

The Secretary of SBE, through an executive agreement with the Governor, will establish high-level goals and performance criteria and will have the ultimate responsibility for ensuring the success of Virginia's HAVA implementation effort. The Deputy Secretary will have day-to-day operational responsibility for the implementation.

SBE will establish a HAVA Implementation Team (HIT), composed of the Secretary, Deputy Secretary, Assistant Secretary for Elections and Training, Assistant Secretary for Operations & Policy, the Chairman of the Virginia Electoral Board Association, the Chairman of the Virginia Registrars Association, representatives from the Office of the Secretary of Administration, the Office of the Secretary of Technology, the Office of Governor, the Office of the Lieutenant Governor, the Office of the Attorney General and other such members as the Secretary deems appropriate.

The HIT will draft specific goals and performance measures and submit them to the Board for approval. The HIT will, as the implementation proceeds, continually evaluate existing goals and measures and propose adjustments as needed. The Board will approve all performance goals, measures and adjustments to the same.

Performance Goals

Virginia's goal is to achieve election reform and compliance with HAVA requirements through the successful implementation of the programs outlined in the State Plan. The following table provides the functional division of the responsibility for implementation. Only titles have been included so that accountability remains with a position and not with a specific person.

Plan Elements	State Official	Time frame
Voting Systems §301	Asst. Sec. for Elections & Training	Compliant by January 1, 2006
Provisional Voting §302	Asst. Sec. for Operations & Policy	Compliant by July 1, 2004
Voter Registration List §303(a)	Asst. Sec. for Operations & Policy	Compliant by January 1, 2006
Voter Registration §303(b)	Asst. Sec. for Operations & Policy	Compliant by January 1, 2004
Education and Training §254(a)(3)	Asst. Sec. for Elections & Training	On-going
Polling Place Accessibility	Asst. Sec. for Elections & Training	On-going
Budget and Fiscal Controls	Asst. Sec. for Operations & Policy	On-going
Grievance Procedures	Deputy Secretary	Implemented by January 1, 2004
UOCAVA Office	Asst. Sec. for Operations & Policy	Compliant by January 1, 2004

Performance Measures

The HIT will develop specific and detailed goals and measures and will use five broad categories of measures in evaluating each goal:

- Scope: will measure whether the scope of a given project is appropriate given the reality of internal and external factors.
- Schedule: will measure the progress toward goals including (at least) target start and stop dates, actual start and stop dates, percentage complete.
- Resources: will measure personnel and financial investment to ensure that the staffing and financial resources are sufficient for a given project at a given time.
- Quality: will measure the effectiveness of the project to ensure that it meets expectations.
- Risk: will measure the likelihood of certain events and the impact of those events on the project.

9. Complaint Procedures

SBE now has informal grievance procedures and will adopt formal grievance procedures. For informal grievances, SBE has a toll free number and an e-mail address that any member of the public might use to file a complaint. The

appropriate SBE staff, in many cases the Secretary, handles these informal complaints. Under current Virginia law, all written complaints are public documents open to public inspection.

The Board will adopt a formal procedure that meets the requirements of §402. Specifically:

- The procedures will be uniform and nondiscriminatory (§402 (a)(2)(A)).
- Under these procedures, any person who believes that there is a violation of any provision of Title III may file a complaint (§402 (a)(2)(B)).
- Any complaint filed under the procedures must be in writing and notarized, and signed and sworn to by the person filing the complaint (§402 (a)(2)(C)).
- The Secretary of the SBE will receive all formal complaint filings. The Deputy Secretary will be responsible for tracking all formal complaints, conducting an initial investigation and making an initial attempt to resolve the issue through administrative means.
- The Secretary may consolidate similar formal and informal complaints into a single complaint (§402 (a)(2)(D)).
- Should attempts at resolution fail, and at the request of the complainant, there will be a hearing on the record, conducted by the three-member Board (§402 (a)(2)(E)).
- If the Board determines that there is a violation of any provision of Title III, the Board will specify the appropriate remedy (§402 (a)(2)(F)).
- If the Board determines that there is no violation, it will dismiss the complaint and publish the results of the proceedings (§402 (a)(2)(G)).
- The Board will make a final determination on any complaint within the 90 days following the day on which the complaint is filed unless the complainant consents to a longer period for such determination (§402 (a)(2)(H)).
- If the Board fails to meet the 90-day deadline, the complaint will be resolved within the next 60 days under alternative dispute resolution procedures adopted by the Board. The record and other materials from any such proceedings will be available for use under the alternative dispute resolution procedures (§402 (a)(2)(I)).
- SBE will notify in writing each complainant that files a formal complaint of the disposition of the complaint.

10. Use of Title I Funds

Virginia anticipates using Title I funds to jump-start the development of the new statewide voter registration system, establish and maintain the administrative grievance procedure, partially address polling place accessibility and administer the plan over the life of the plan. SBE will also fund the new UOCAVA office and explore the feasibility of further streamlining the process for UOCAVA voters once this central office is established.

Current staffing levels at SBE are insufficient to implement the requirements and additional new staff will augment the existing SBE structure.

Title I funds will be used as follows:

Title III Expenditures	Total Cost	§101 Funds	§102 Funds
Title III Requirements			
§301 Voting System Standards: Punch card & Lever buy-out	\$23.2	—	\$4.5
§301 Accessibility Audits	\$0.5	\$0.5	—
§303 Computerized statewide voter Registration system and mail registration	\$12.1	\$3.1	—

Other Election Reform Activities			
\$402 Grievance Procedure	\$0.4	\$0.4	-
\$702 Single state UOCAVA Office	\$0.5	\$0.5	-
Plan creation, implementation and management	\$2.5	\$2.5	-
Other priorities or maintenance and on-going support	\$0.2	\$0.2	-
Totals:	\$39.2	\$7.2	\$4.5

If Title III funds are available, and if Virginia can appropriately use these funds for any of the expenditures listed under Title III requirements, in advance of spending these Title I funds, then the state will use Title III funds. If Title I funds must be used due to the unavailability of Title III funds, and Title III funds are later made available, the Title I funds will be reimbursed from Title III funds for appropriate expenditures, unless not allowed by law. Any excess §101 funds will be used either to supplement the budget priorities as discussed in Section 6 of this Plan or to provide for long-term maintenance and operational support of new systems adopted or implemented under this Plan.

11. Management of State Plan

The Secretary of the State Board of Elections will have overall responsibility for the implementation and management of the State Plan and will make regular reports to the Board. The Deputy Secretary will have day-to-day operational responsibility for the implementation of the plan with the Assistant Secretaries managing the implementation of the aspects of the plan that fall within their purview.

Current SBE staffing is insufficient for the proper administration and implementation of the Act. Additional staff will supplement the current SBE structure, particularly in the areas of voting equipment, accessibility, training and policy.

The Board will establish an annual review procedure that will include (at a minimum) an evaluation process that measures progress against the performance standards adopted the prior year and a procedure for adopting changes to the State Plan.

Virginia understands that no material changes in the administration of the plan will be made unless the change:

- (A) Is developed and published in the Federal Register in accordance with section 255;
- (B) Is subject to public notice and comment in accordance with section 256; 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.

12. Changes from the Previous Year's Plan

Not applicable.

13. The HAVA Advisory Committee and its Procedures.

Virginia's HAVA Advisory Committee (HAC) is a diverse group of citizens including representatives from various constituency groups, local election officials and representatives from state agencies. Jean Jensen, Secretary of the SBE, chaired the committee. The HAC met three times before the release of this plan for public comment and provided essential guidance particularly on the issues of accessibility, voter education and training. Further, the

HAC reviewed drafts of the State Plan and was instrumental in disseminating the plan, holding public hearings and soliciting citizen input.

The Committee membership, including each person's affiliation, may be found at: http://www.sbe.state.va.us/web_docs/2/hava/

¹ Review of the State Board of Elections, Joint Legislative Audit and Review Commission of the Virginia General Assembly, House Document No. 18, Commonwealth of Virginia, Richmond, 1999, pp. 102-104.
² Greig, 2002, *Grace Hopper Government Technology Leadership Awards 2002, Virginia Election and Voter Services*.
³ UOCAVA: Uniformed and Overseas Citizens Absentee Voting Act.

SECRETARY OF STATE
SAM REED

The Help America Vote Act of 2002 moves the elections process in our country into the 21st Century. I commend Congress and the President for recognizing the importance of our democracy by investing in the elections process with this sweeping legislation.

I am pleased to present to you Washington's plan for implementing the Help America Vote Act (HAVA). In this plan, we have provided a comprehensive review of the changes and enhancements necessary to comply with the new federal requirements imposed by HAVA.

We, in Washington, have a long and proud tradition of independence and integrity in our electoral process. Our governing structure, which shares the responsibility for administering elections between state and local government, serves us well.

Therefore, we approached the development of our state plan with the following guiding principles:

1. To build on the strength of the relationship between local and state governments in Washington;
2. To approach implementation with the goal of retaining our role as leaders in election administration;
3. Where practical, to place the burden of implementation on those responsible for the administration of elections—not on the voter, and
4. To maximize available resources to sustain implementation costs beyond the availability of federal funding.

As required by the

HELP AMERICA VOTE ACT of 2002 (HAVA)

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THE OFFICE OF THE SECRETARY OF STATE

Please take a moment to review this progressive plan for the future of our state's election process. Elections in Washington will be enhanced through the construction of a statewide voter registration database—bringing security and consistency to our voter registration rolls. Access to voting will be improved through the implementation of secure, modern voting systems, and voters with disabilities will be provided the opportunity to vote independently for the first time with the help of new technology.

This sweeping legislation demands skilled, trained, professional election officials. We will continue to call for the highest level of integrity and performance from those who administer elections in our state and we will continue to operate in an open, accessible manner.

I welcome the challenges presented in this plan and invite your input and contributions to meeting the principles outlined in the Help America Vote Act.

Together we will ensure the state of Washington remains a national leader in elections administration. With best regards,

SAM REED
Secretary of State

1. Introduction:

An Overview of Elections in Washington

Elections are currently administered in the state of Washington at the county level. State law¹ designates the Secretary of State as "...the chief election officer for all federal, state, county, city, town, and district elections...", but the specific duties of that office are essentially limited to those areas of election administration where the coordination of efforts involves more than a single county. These include, but are not limited to candidate filings, certification of election returns, multi-county and state recounts, voter outreach and registration activities, and voter information efforts.

Additionally, the state administers a Certification and Training Program for local election officials, serves as the approving authority for voting systems used in the state, oversees the initiative and referendum process, engages in a vigorous voter outreach and education program, and produces and distributes a state voters and candidates pamphlet prior to each state general election. This pamphlet is mailed to every household in the state and is also available in alternative formats for people with disabilities. General elections in Washington are held annually.

In 38 of Washington's 39 counties, the chief election officer is the elected County Auditor. In King County, Washington's largest county, the chief election officer is the Director of the Records, Elections, and Licensing Services Division. This individual is appointed by the elected County Executive. When, in this report, the term 'County Auditor' is used, it should be understood to include this officer unless specifically noted to the contrary.

In three counties (Clallam, Snohomish, and Whatcom) the auditor position is non-partisan, by virtue of a county charter provision. The remaining County Auditors, excluding King County, are partisan elected officials. All County Auditors serve a four year term.

As the chief election officer, the County Auditor is responsible for all aspects of election management. The auditor's responsibilities include voter registration and the maintenance of voter registration records, voter outreach and voter education, the hiring and training of election board workers, the printing of ballots, the issuing of absentee ballots, and the tabulating of election returns. The certification of election returns at the county level is done by the County Canvassing Board.² The County Canvassing Board consists of the County Auditor, the Prosecuting Attorney, and the Chair of the County Legislative Authority, or their designated representatives.

The state's chief election officer—the Secretary of State—is a partisan officer, elected to a four-year term with other statewide officers in presidential election years. The Secretary of State certifies the returns of state primaries and general elections.

Elections are conducted in Washington pursuant to the provisions of applicable federal law, the Washington State Constitution, the Revised Code of Washington (RCW), and the Washington Administrative Code (WAC). Election statutes are scattered throughout the 91 titles of the Revised Code of Washington, but general election provisions are found mainly in Title 29 of the Code. Title 29 grants the Secretary of State broad administrative rule-making authority pursuant to the Administrative Procedures Act, and election rules adopted pursuant to the provisions of that Act are found in Title 434 of the WAC. As a general principle, the State Constitution and Title 29 RCW spell

CONTENTS

4	Introduction
6	How the state will use the requirements payment
6	Voting system standards
8	Provisional Voting
9	Voting information requirements
9	Computerized statewide voter registration list
10	Design elements of the statewide voter registration database
12	Requirements for voters who register by mail
12	How the state will distribute and monitor the distribution of the requirements payment
13	Examples of activities eligible for local government grant funding
13	How the state will provide for programs for voter education
14	Poll worker training
14	Voter education plan
15	How the state will adopt voting system guidelines and processes
18	How the state will establish a fund
19	The state's proposed budget
20	Preliminary estimated budget
21	How the state will maintain the expenditures of the state
21	How the state will adopt performance goals and measures
23	A description of the uniform, nondiscriminatory State-based administrative complaint procedures
25	If the state received any payment under Title 1, a description of how such payment will affect the activities
26	How the state will conduct ongoing management of the plan
27	A description of the committee which participated in the development of the state plan
27	Steering committee
28	Election administrator advisory group
28	Drafting committee
29	Voter registration database advisory group
29	Public notice and comment
31	Timeline
32	APPENDIX A—2002 General Election statistics
33	APPENDIX B—Voting systems
34	APPENDIX C—Washington state administrative code on uniform definition of a vote
39	APPENDIX D—Washington state law on the certification and training program
44	APPENDIX E—Mail-In Voter Registration Form and Mail-In Voter Registration Instructions
46	APPENDIX F—Preliminary estimated DRE funding formula
47	APPENDIX G—Preliminary estimated punch card buyout funding formula
48	APPENDIX H—Executive Summary Presentation

out what must be done and when it must be accomplished. Chapter 434 WAC generally details how these acts are to be performed.

The Constitution of the State of Washington enshrines "Freedom of Elections" in the Declaration of Rights: "All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."³ Under Article VI the State Constitution establishes qualifications for voting and requires that all elections be conducted by secret ballot. Other constitutional provisions provide for the recall of elected officials, vest legislative power equally with the people, with the initiative and referendum process, and the legislature, set the qualification for state and legislative office (US citizenship and qualified elector in the state or district), and establish the responsibility of the Secretary of State for canvassing statewide election returns.

Additionally, election administrators at the state and local level rely on an extensive library of court cases, prosecuting attorney opinions, and attorney general opinions to facilitate the administration of elections.

At the 2002 General Election⁴, Washington's voting age population was estimated at 4,536,596. This figure includes non-resident military and students. The voting eligible population—excluding non-residents and non-citizens—was estimated at nearly 4,167,093.⁵ Of that number, 3,209,648 were registered to vote (77.0%). 1,808,720 ballots were cast at the 2002 General Election—a 56.35% turnout of those registered. Of that number, 1,233,727 ballots were cast by mail (68.21%). Currently two of Washington's counties—Challam and Ferry—vote entirely by mail ballot.

There has been a slow but steady expansion of absentee voting and vote-by-mail over the last 25 years. Washington has had absentee ballot on demand for a number of years, but two fairly recent legislative enactments have greatly increased the popularity and use of mail voting. In the mid-1980's, the state legislature authorized permanent absentee voting for those with disabilities and for those over the age of 65. In the early 1990's this was extended to any voter who desired such status. Additionally, voters were afforded the opportunity to become 'ongoing' absentee voters at the time of registration. Some counties have actively encouraged voters to take advantage of this procedure, with the result being that in those counties the vast majority of ballots are cast by mail.

A second legislative change, again enacted first during the 1980's and subsequently expanded, has significantly increased the number of vote-by-mail precincts and the number of elections that can be conducted entirely by mail ballot. Any precinct with fewer than 200 active registered voters may be designated a vote-by-mail precinct, odd-year primaries (non-partisan offices) may be conducted by mail, and any county, city, town, or junior taxing district may request that non-partisan special elections be conducted by mail ballot.

Washington may rightly be considered a leader among states in the administration of elections. The state has been at the forefront of such innovative and progressive changes as the secret ballot, the Franchise for 18 year olds, Women's Suffrage, Motor Voter, the expanded use of absentee ballots, the extensive use of provisional ballots, voter information and education programs, the development of a Certification and Training Program for local election administrators, and numerous other areas of election administration.

Appendix A details Washington's registered voters, votes cast, and absentee data by county for the 2002 General Election. Additionally, included in Appendix B is a county-by-county breakdown of the types of voting systems used.

2. How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Sec. 254, (a)(1))

a. Voting System Standards

To comply with the second-chance voting requirements, counties using poll-site based ballot counting devices shall operate them in a manner consistent with HAVA and existing state law, which states:

"Each poll-site ballot counting device must be programmed to return all blank ballots and overvoted ballots to the voter for private re-examination. The election officer shall take whatever steps are necessary to ensure that the secrecy of the ballot is maintained. The precinct election officer shall provide information and instruction on how to properly mark the ballot."⁶

The voter will be allowed a replacement ballot if needed.

Counties using Direct Recording Device (DRE) voting devices shall operate them in a manner consistent with HAVA—allowing each voter to review their selections and correct errors before finalizing and casting their ballot. DRE and other voting devices and systems shall ensure that review and error correction procedures are accessible to individuals with disabilities, and respect individual voter privacy. The Secretary of State will adopt administrative rules requiring counties using only DRE voting devices in polling places to have Optical Scan paper ballots available to any voters who select not to vote on the DRE equipment.

To comply with the second-chance voting requirement for mail-in voting and counties with central count equipment the state will embark on a cooperative voter education plan with the counties. This program will have two parts. The first part is an overall general publicity campaign informing voters of the need to double check their optical scan ballots and that they have the option of obtaining a new ballot if they make an error. The second part is a local campaign conducted by each County Auditor that is specific to the voting system employed by the county. The system-specific campaign will be developed cooperatively by groups of county and state election officials working with each system. The state will organize a web-based presence and a media plan. To the extent available, requirements payments will be used to fund these activities. The Secretary of State will consult with experts and stakeholders on disability and alternative language issues regarding the development of each of these programs. This will include advice on all aspects of the cooperative voter education plan, the media and web-based presence, and local campaigns.

All voting systems used in Washington State will comply with the HAVA requirements for audit capacity and existing state law, which defines a ballot as "a physical or electronic record of the choices of the individual voter..."

These systems will also comply with requirements concerning alternate language accessibility contained in the Voting Rights Act and ballot presentation standards for voters with limited eyesight.

The state will ensure the purchase of DRE voting systems for each county for the purpose of meeting the disability access provisions of Title III. This will be accomplished in the 16 former punch card counties via the federal punch card buyout money. The remaining 23 counties will be funded through the requirements payments based on the availability of funds. The state will provide DRE purchasing funds via a formula, which is based on a number of variable factors such as the number of poll sites, distribution of the projected disabled and senior population, and the total number of registered voters. The formula determines a payment for each county to purchase the required DRE equipment. This amount represents the maximum contribution that the state will provide for purchasing any county DRE system. The county may negotiate a contract and purchase any qualifying system but the county will be responsible for costs in excess of their share of the federal money. If the contracted costs are less than the county share, the remainder is available to the county to use for compliance with other Title III requirements.

The state will negotiate with voting systems vendors for optional-use state contracts. The Department of Information Services will assist in this effort. The intent is to gain maximum economies of scale for the state and to allow counties to conduct their purchases without duplicating costly local bid-letting processes. Each county may purchase from the state contract(s), or negotiate a contract on their own. Counties may also make purchases from other county contracts through inter-local agreements.

The state will forward the federal money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying system, and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance with HAVA. If a county signs a contract that exceeds its share of the federal funds, the county is responsible for the remaining cost. If the contract amount is less than the county share of the federal funds, the remainder is retained in the state election fund.

The state will work with any county that is all vote-by-mail to determine an adequate number of DRE machines for the courthouse or election office and other locations in the county, for disability access. The state will confer with experts on disabilities issues in making this assessment. The intent is to adequately serve the geographic areas and communities of each county. The state will work with county election officials and the legislature to create laws and procedures covering DRE installations in county facilities and early-voting location DRE installations.

Washington State has already adopted administrative rules providing uniform definition for what constitutes a vote. This was done by a committee of state and local election officials. The general public and all state and local officials were provided an opportunity, through the provisions of the Administrative Procedures Act, to comment on the proposed rules. See Appendix C for a copy of the administrative rules.

b. Provisional Voting

Washington is a pioneer in provisional voting. Our system is election tested and voter approved. Washington adopted procedures for provisional voting in 1977, although the practice had existed unofficially for a number of years prior to that. In order to implement additional requirements in HAVA, the Secretary of State will adopt administrative rules for tracking the resolution of an individual voter's provisional ballot by local elections officials. Administrative rules will be adopted for informing the voter (and only the voter) if requested by free access. The rules may include options such as a toll-free telephone or TTY number or notification by mail or other accessible format as identified by the voter. The counties will be required, by administrative rule, to inform the voter how they can learn the resolution of their ballot. The rules may require the counties accomplish this by posting a notice in the polling location, or handing out the information on a card with the toll-free number. The rules will ensure that voters with disabilities will be informed in a manner and format which is accessible and understandable. Requirements payments, to the extent available, may be used for the development of systems to provide voters free access to information regarding the resolution of their provisional ballot.

c. Voting Information Requirements

Depending on availability, requirements payments may be used to produce posters for each type of voting system. The posters will be available to counties for placement in each poll site. The Secretary of State will consult with the Governor's Committee on Disability Issues and Employment and the Washington Assistive Technology Alliance regarding alternative methods for conveying this information at the polls to disabled individuals. The posters will contain the following information:

- How to cast a vote
- How to cast a provisional ballot
- Instructions for mail-in registrants and first-time voters
- General information on voting rights and provisional balloting
- General information on federal and state laws

The adoption of administrative rules requiring counties to display the poster or a poster produced by the county containing, at a minimum, the same information, a sample ballot, the date of the election, and the times the poll site is open at the polling place is required. These rules will also specify requirements and recommendations with respect to placement, format, and other characteristics which will ensure the poster and the information included on it are accessible to individuals with disabilities.

All voting-related materials will be provided in alternative formats necessary to accommodate the needs of individuals with various disabilities.

d. Computerized Statewide Voter Registration List

Section 303 of HAVA requires states to implement a "single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level." The list must contain the name and registration information of every legally registered voter in the state and must assign a unique identifier to each voter in the state.

In Washington State there are two separate voter registration files. Currently, official voter registration records are created and maintained at the county level. Each county elections office updates and separately maintains voter registration records. The state also keeps a file for use in checking petition signatures.

During the last seven years the Secretary of State has been working to create a modern, centralized signature-checking system. This effort was initially driven by a desire to economize, and to improve the accuracy and efficiency of the state petition signature verification process. When the state began automating the process, telephone modem access was used to link to county voter files. As the project evolved, county voter computer files were compiled, with signature images attached, in a database in Olympia.

The project gathered new functions and requirements over time, including list comparisons and address updates intended to improve the usability and quality of voter registration information. This included county-to-county list comparisons, looking for duplicate registrations and multiple voters, as well as Department of Corrections information on felons whose voting rights have been removed.

Washington will establish a single, statewide voter registration database with integrated election management capabilities available for all 39 counties and the Secretary of State's office. Phase I of this project will implement a single, interactive state-wide voter registration database (VRDB) designed to interact with county election management systems and to interact in some fashion with commercial election management systems (EMS) operating at the county level. The overriding principle of this phase is to meet all minimum HAVA requirements.

After successful implementation of Phase I, the Secretary of State's office will work cooperatively with the County Auditors to tightly integrate VRDB and EMS in Phase II, allowing the state to provide greatly enhanced voter information services to the counties. Phase II will also look at increasing the standardization of election management processes and may include building an EMS in-house to replace county EMS systems, or building additional tools and linkage mechanisms. This will increase options for the state system to merge election data from the other applications used locally to administer elections with the VRDB.

Requirements payments, to the extent available, will be used for the development of the VRDB. Additionally the payments may be used to purchase the following: hardware for the system; hardware for local election officials to run the system; connectivity between the VRDB and local EMS systems; or licenses for EMS systems for local elections officials so they have systems that communicate with the VRDB.

During the 2004 Washington State legislative session the Secretary of State will seek executive request legislation to bring state law into compliance with the statewide voter registration database requirements contained in HAVA.

The Statewide Voter Registration Database System will:

- Be a centrally administered database maintained and administered by the Secretary of State which will interact with commercial election management systems (EMS) operating at the county level;
- Ensure that names and registration information of every valid registered voter appear on the state's computerized list and will ensure coordination with county election officials, that only voters validly registered on the state list will be eligible to vote;
- Allow any election official in the state to obtain information contained in the computerized list and to update the registration information related to voters residing in their jurisdiction;
- Allow voter registration information obtained by any election official to be entered into the state computerized list on an expedited basis. Duplicate voter records and verification of driver's license numbers or the last four digits of social security numbers will be identified on an expedited basis as well;
- Provide for authenticating new registration applications, using the driver's license number or last four digits of the social security number in coordination with the Washington State Department of Licensing. In addition, the system will provide ongoing verification of valid registrations by coordinating with computerized lists provided by the Department of Corrections to remove felons, and computerized lists provided by the Department of Health Services to remove deceased voters;
- Ensure that invalid registrations are removed in a timely manner. (i.e., the system will prevent or remove "moved out of state," duplicate, deceased, and felon registrations from voter lists);
- Assign a unique voter identifier number to each registered voter;
- Track and report changes made to voter records, as well as voting history for each voter;
- Verify voter status to differentiate between active, inactive, canceled/suspended, and pending;
- Track statistical data about voter registration activity at the state, county and precinct levels and include statistics required by the National Voter Registration Act of 1993;
- Provide comprehensive technological security measures to prevent unauthorized access to the system and the computerized voter list;
- Be implemented through a partnership between the counties, the County Technical Advisory Committee, and the Secretary of State;
- Be designed around Washington's primary election requirements and all applicable state laws;
- Encourage uniformity of registration data formats, fields and other technical specifications between counties, to facilitate the interactivity of the system;

- Be implemented proactively to protect and encourage the full voting rights of all eligible citizens; and
- Ensure adequate safeguards to prevent the disenfranchisement of eligible citizens.

e. Requirements for voters who register by mail

The state will consult with experts on disability issues regarding the accessibility of mail-in registration forms. The State Elections Division is currently matching data on mail-in registration forms against the Department of Licensing database. The State, in cooperation with County Auditors, will develop practices and policies to fully comply with the requirements for first time voters who register by mail. The state may, based on the availability of funds, use requirements payments to implement these practices and policies. The state will consult with experts on disability issues regarding the accessibility of mail-in registration forms.

The state may, based on the availability of funds, use requirements payments to produce mail-in voter registration forms that contain the two newly-required questions: Will you be at least 18 years old at the time of the next election? and, Are you a citizen of the United States of America? The forms will also be altered so that applicants can record their driver's license number and/or the last four digits of their social security number. See Appendix E for a PDF version of the form that is available on the Secretary of State's website.

3. 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 paragraph (1) including a description of—(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; 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 paragraph (8). (Sec. 254, (a)(2))

The Secretary of State will manage activities and projects funded by the HAVA requirements payments, and the state will account for all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

To comply with disability access requirements, the state will provide funds to counties via a formula based on a number of variable factors such as the number of poll sites, projected distribution of disabled and senior populations, and total number of registered voters. The formula determines a payment for each county to purchase the required DRE systems. This amount represents the maximum contribution that the state will provide for purchasing any county DRE system. The state will forward the federal money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying replacement system and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance with HAVA.

The Secretary of State will establish a local government grant program to assist County Auditors in complying with HAVA requirements. After initial state compliance with HAVA requirements, a

portion of the requirements payments authorized in Title II will be allocated for local government grants. The Secretary of State will administer the grant program and will be responsible for meeting federal auditing requirements. The Secretary of State may make the award of grants contingent on a local match or maintenance of effort requirement.

Examples of Activities eligible for Local Government Grant Funding

This list is not comprehensive and the state may fund grant applications for activities not listed as long as the activities are associated with compliance with the Title III requirements of HAVA.

- Replacement or upgrade of voting equipment.
- Purchase of additional voting equipment.
- Development and production of poll worker recruitment and training materials.
- Voter education programs.
- Publication of a local voters pamphlet.
- Toll-free access system to provide notice of the outcome of provisional ballots.
- Purchase or lease of election management system hardware and software.
- Training for local election officials.

The performance measures detailed in section 9 of this plan will be used to monitor compliance with the mandate of the Act. After January 1, 2006, when all the deadlines have passed, the Secretary of State will produce a report on how the performance goals have been met.

4. 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. (Sec. 254, (a)(3))

a. Election Officials Education and Training

Washington State requires that each county has at least two certified election administrators on staff. These administrators are certified through the "Certification and Training Program," which trains election administrators, administers the certification program, and reviews county election officers for compliance with state and federal law. The training and compliance reviews ensure consistency in the application of election law from county to county. The Certification and Training program will institute new training programs on the requirements in HAVA that include: Voting System Requirements, Statewide Voter Registration System Requirements, methods of poll worker training, election recounts, and accessibility for people with disabilities and alternative language requirements as part of the certification training. The Program will ensure during its regular election review procedures compliance and consistency with HAVA requirements. (See Appendix D for state laws outlining the Certification and Training Program.)

Experts on disability issues will be consulted in developing the curriculum for the accessibility for people with disabilities and alternative language requirements of the certification training.

b. Poll Worker Training

State administrative rules will be adopted requiring poll worker training in managing voting systems at the poll site, system requirements that ensure accurate tabulation of votes, how voters may correct their ballots, how to handle unusual situations, accessibility for people with disabilities, alternative language requirements, provisional ballots, and how to process mail-in registrants and first-time voters. Experts on disability issues will be consulted in developing the curriculum for the accessibility training for poll workers, which will include information about how to treat respectfully and effectively respond to requests for accommodations. Special efforts will be made to promote recruitment of individuals with disabilities, speakers of alternative languages and other minority-groups as poll workers.

The Secretary of State intends to apply for grants under the Help America Vote College program outlined in Title V of the act. The state will work proactively with counties that have difficulties recruiting poll workers to supplement the number of workers with college students. The workers would receive the same training outlined above.

c. Voter Education Plan

Voter education encompasses the combination of activities intended to help voters make informed choices about candidates and ballot measures and then indicate those choices accurately and effectively when voting. Voter education includes informing voters about candidates, what the ballot will look like, how to use voting equipment, how to properly cast a ballot, where a polling place is located, the hours polls are open, and how to register to vote.

The audience for the voter education program includes every eligible citizen and registered voter in the state. The goal of the voter education plan is to provide educational programs for voters and to facilitate a firm understanding of our state's election process, including the laws and administrative rules that govern Washington elections.

HAVA places significant emphasis on reaching out to students in our schools, community colleges and universities to improve voter education and outreach, expand voter registration and participation, and furnish poll workers and other needed personnel to assist County Auditors in conducting elections. The Secretary of State has developed a comprehensive student voter outreach program in cooperation with educators, student representatives and County Auditors, for the purpose of encouraging students at all levels to take an active part in our democracy as citizens and voters.

The Voter Education Plan will include strategies designed to increase the participation of people with disabilities in the voting process, and understanding of the efforts being made to ensure that voting is accessible to all. The Washington Protection and Advocacy System will be invited to actively participate in the development of the plan and its implementation. In addition, the Voter Education Plan will promote strategies designed to serve the needs and ensure the voting rights of speakers of alternative languages and other eligible citizens.

EXAMPLES OF VOTER EDUCATION:

With the increasing ease, access, and effectiveness of the Internet, election administrators should develop websites that provide educational and outreach information. The following is a sample list of educational and outreach activities.

- Voters Pamphlet for the state and every county (printed and online)
- Web-based education through Election Information Reporting System
- Voter Outreach Through Education website
- Sample ballot with pictures and comprehensive instructions
- High school voter outreach/education tours
- Weekly voter outreach through "offices" in public locations
- Booths at county fairs, public/farmers markets, street fairs, and other public events
- Audio video instructions on the Secretary of State's website detailing how to properly cast a ballot on each type of voting system used in Washington
- Projects, modifications, or auxiliary aids for improving the accessibility of voting for individuals with disabilities
- Accessibility surveys of polling places
- Outreach visits to disability service providers, advocacy groups, and policy-making organizations (e.g., Developmental Disabilities Council, Independent Living Centers)

5. How the state will adopt voting system guidelines and processes which are consistent with Sec. 301. (Sec. 254. (a)(4))

Current state laws require examination and approval of all voting systems prior to sale or use in the state. Before the state examines a voting system, it must first be approved by an Independent Testing Authority (ITA) for compliance with federal voting systems standards. These standards are currently established by the Federal Elections Commission (FEC) and, under HAVA, are established by the National Institute for Standards and Technology (NIST). The ITA process includes examination of the system hardware and a complete review of the software source code, which is held in escrow by the ITA. During the state certification review, systems are examined for their ability to comply with the election processes unique to Washington, including rotation of partisan candidate names on primary ballots, accommodating precinct splits, and tabulating votes in a blanket primary. Voting systems must also be certified and in use in another state prior to approval for sale or use in Washington.

The state will update current voting system standards by adopting Federal Standards either in administrative code or proposing legislation. This will include the HAVA definition of a voting system contained in Sec. 301(6) (b). Legislation may also be proposed on early voting and in-person

courtroom or election office lobby voting. The state will review the administrative code to ensure the strength of language concerning programming for the primary, rotation, and split precincts. The Secretary of State will define the administrative structure of voting system standards by adopting administrative rules that:

- define information on voting system ownership;
- assign responsibility for programming, testing, logic and accuracy testing, notification of processes, documentation of systems, system security;
- provide for version control and certification by the county of system hardware and software version (this version control will rely on version number and file size confirmation);
- define procedures for web availability of a certified systems listing, including version number, version file size, certification application process, document review process, certification system review and testing process, demonstration hearing, verification of system compliance to standards for an accessible system, and notification to vendors and counties via the web.

Further, the state will create a process for de-certification defined in administrative code, covering complaint procedures, investigation procedures, hearing methods, and issuance of de-certification or withdrawal of certification. This will also allow withdrawal of certification for older systems no longer in use, and will include a procedure for notification of counties with antiquated systems that have withdrawal pending.

The state will embark on a cooperative voter education plan with the counties for second chance voting. This will have two parts. The first part is an overall general publicity campaign informing voters about the need to double check their optical scan ballots. The second part is conducted by each county specific to the voting system employed by the county. The system specific campaign will be developed cooperatively by groups of county and state election administrators working with each system. The state will organize a web-based presence and a media plan. The state will also confer with experts on disability issues in developing informational materials and technical assistance resources for counties and state election administrators.

The Steering Committee and the Secretary of State recognize that the elimination of punch card voting and the disability access requirements in HAVA have created an incentive and, in a limited context, a directive for counties to purchase electronic voting equipment. Input received during the public comment period and at the public hearings raised concerns regarding the security of direct recording electronic (DRE) voting equipment.

Public comments focused primarily on the issue of a 'paper trail' or other hard-copy audit trail as a back-up or alternative to the electronic record of individual votes. While a paper audit trail exists both in state and federal law, citizens commenting on the plan advocate that this be a "voter verified" paper or other medium that allows voters to verify their choices independently of the DRE's electronic record at the time they cast their vote.

Consistent with the HAVA requirements for audit capacity, the definition of a ballot under Washington State Law includes "a physical or electronic record of the choices of an individual voter..." The DRE systems certified for use in Washington meet that standard.⁹

It is acknowledged that the public dialogue on the issue of voter verification is continuing—in Washington and throughout the United States. As referenced in this plan, the Secretary of State will require that all existing and future voting systems certified for use in Washington meet federal, voluntary voting system standards as they are adopted in accordance with HAVA or by state law.

In reviewing proposed changes to voting system requirements, the Secretary of State will advocate for standards that are consistent with the following criteria, adapted from the report and findings of an ad hoc Task Force on Touch Screen Voting established in February 2003 by the California Secretary of State:

- Voting equipment should and must meet the requirements of federal and state laws requiring access to voting.
- The time requirements for product development and certification are significant issues in terms of the timing of the development of potential market solutions to address issues related to voter verification.
- Any recommendations to change current voting equipment recognize the paramount importance of a successful election in terms of voter confidence, and no recommendations should be utilized to undermine the successful administration of these elections.
- Any proposed method of verification must not inconvenience voters, create lines at the polling place, or otherwise discourage voters from casting a ballot.
- Any new equipment options should be as simple to administer as possible so as to not create unnecessary complexity at the polls.
- There are a number of logistical challenges that are present with any paper-based voting system using printers and these challenges need to be explored and understood in greater detail.
- Local jurisdictions, if they desire independent verification on their systems, should have a range of verification options to choose from, which could include paper-based and/or electronic options.¹⁰
- Federal funds appropriated by HAVA, to the extent available, should be provided to assist in the costs of upgrading any system that does not meet voting system requirements implemented as a result of HAVA or state implementing legislation. County Auditors are strongly encouraged to include language in acquisition contracts requiring no cost or low cost upgrades to keep voting systems current with evolving voting system standards.

The Secretary of State will establish a Stakeholder Advisory Committee similar in nature and composition to the State Plan Steering Committee to assist in reviewing voting systems certification standards and other voting system requirements, and to encourage continued public confidence in state and federal voting systems regulations.

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

The Washington State Legislature established an Elections Fund during the 2003 Legislative Session specifically for receiving federal funds under HAVA.¹¹ The law reads in part:

NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows: (1) The election account is created in the state treasury. (2) The following receipts must be deposited into the account: Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act; amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act; and such other amounts as may be appropriated by the legislature to the account. (3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

The State Elections Division within the Office of the Secretary of State will manage the fund. The state is responsible for accounting of all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

7. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for 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 payments 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. (Sec. 254, (a)(6))

The Secretary of State has received the Title I state payment of \$12.8 million.

Over the next three federal fiscal years (2003-2005), the Secretary of State estimates that Washington is eligible to receive up to \$62.8 million in requirements payments authorized in Title II. At the time of submission of this plan, full funding for Fiscal Year 2003 was not appropriated by Congress and it is impossible to estimate how much will be appropriated in each of the subsequent fiscal years. The Secretary of State will request, in the 2003-05 state supplemental budget, the amount necessary to meet the 5 percent matching requirement for these payments.

The Secretary of State intends to budget HAVA funding based on the following priorities: 1) federal funding will be used first to address requirements placed on the state and counties by the new law and discretionary improvements to elections systems will be funded second; 2) that election system improvements visible to the public are made early in the process by state and county election officials. The Secretary of State will consult with local election officials and other stake holders in administering all HAVA funds.

The following budget is based on a broad estimate of costs and activities necessary to meet the mandates of HAVA. It was developed under the assumption that full federal appropriation of funds authorized in the Act is unlikely, but that additional appropriations will be made in future federal fiscal years. Based on the variability of funding, this budget will be modified and adjusted accordingly.

Preliminary Estimated Budget

ACTIVITY	FUNDING	PURPOSE
Punch card replacement	\$7.1M	Replace punch card equipment with systems that fully comply with HAVA requirements.
Disability access	\$8.6M	Place at least one DRE meeting HAVA accessibility standards in each polling location in the state and adequately place DRE's in counties voting entirely by mail.
Statewide Voter Registration Database	\$6M	Develop a Statewide Voter Registration Database that meets the requirements of HAVA
Upgrade/Replacement of county Election Management Systems for compatibility	\$5M	Upgrade or replace county election management systems so they are compatible with the Statewide Voter Registration Database
Voter Education for Second Choice voting requirement	\$2M	Develop and execute general publicity campaign and system specific voter education materials to comply with second-choice voting requirements.
Voting Information Requirements	\$2M	Develop and produce posters containing required information and other instructional materials.
Provisional Voting	\$1M	Develop systems to provide voters free access to the dispensation of their provisional ballot.
Administrative Complaint Procedure	\$1M	Adopt, train and administer state based administrative complaint procedure.
Requirements for first time voters who register by mail	\$2M	Match registrant information in the Department of Licensing database and produce new forms.
Voter Education, Election Official Education and Training, and Poll Worker Training	\$6M	Develop and execute programs to provide quality voter education, election official education and training, and poll worker training.

ACTIVITY	FUNDING	PURPOSE
Improvements to Voting System Standards Program	\$500,000	Provide additional quality control and training
Monitoring of Performance Goals and Production of Report	\$250,000	Ensure compliance with HAVA
Development of State Plan and On-going Management of the State Plan	\$1.5M	To ensure the continued management of the HAVA activities in cooperation with local election officials.

After initial compliance with HAVA requirements, and further federal funding authorization, a portion of the remaining funds will be allocated to the local government grants program. Interest earned on the federal funds may also be used for the local government grant program.

8. How the State, in using the requirements payments, 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. (Sec. 254, (a)(7))
 Washington 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—\$2,870,710.¹²

9. 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. (Sec. 254, (a)(8))
 The Secretary of State, with the cooperation of County Auditors, is responsible for ensuring the success in meeting each performance goal. The Secretary of State will consult with stakeholders in refining these performance goals and measures as the State Plan is implemented.

After January 1, 2006, when all the deadlines have passed the Secretary of State will produce a report on how performance goals have been met. The performance goals include:

- a. Elimination of punch card voting equipment
 - i. Timetable: January 1, 2006
 - ii. Criteria: Replacement of punch card voting equipment and compliance with Title III HAVA requirements for the 16 counties that utilized punch card equipment in the 2000 General Election.

- iii. How Criteria is Judged: Success of meeting this performance goal is based on the number of punch card voting systems still in use after January 1, 2006.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
- b. Voter education program on how to correctly cast a ballot for each type of voting system**
- i. Timetable: January 1, 2006
- ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system that clearly explains to voter how to correctly cast a ballot, correct an error, how to obtain a replacement ballot, and the effect of casting multiple votes for an office.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed in cooperation with County Auditors that is specific to each type of voting system used in Washington.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
- c. Accessibility for individuals with disabilities**
- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of at least one Direct Recording Electronic voting device that meets the accessibility standards in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote-by-mail, and significant involvement by people with disabilities and other stakeholders in implementation of this equipment.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the placement of at least one accessible Direct Recording Electronic voting device in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote-by-mail, and evidenced by increased participation on the part of people with disabilities in the voting process.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
- d. Provisional Voting**
- i. Timetable: January 1, 2004
- ii. Criteria: Implementation of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
- e. Posting of voting information**
- i. Timetable: January 1, 2004
- ii. Criteria: Posting of the required information in each polling location.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information in each polling location in the state.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
- f. Statewide Voter Registration Database**
- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of a "single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level".
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirement of HAVA.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.
10. A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402. (Sec. 254, (a)(9))
- The Secretary of State will adopt a State-based Administrative Complaint Procedure consistent with the requirements of HAVA in Washington Administrative Code. The procedure will follow the "Brief Adjudicative Proceedings" provisions authorized in the Administrative Procedures Act.¹³ After publishing the preliminary version of the State Plan for the required public comment period, the Secretary of State will move forward with adopting the administrative rules outlining the State-based Administrative Complaint Procedure.
- The rules will clearly state that the State-based Administrative Complaint Procedure does not apply to, or alter, voter registration challenges in RCW chapter 29.10 or election contests in RCW chapter 29.65, or trigger a recount as outlined in RCW chapter 29.64.
- Elements of the State-based Administrative Complaint Procedure to be adopted include:
- Procedures must be uniform and non-discriminatory;
 - Complaint must be filed with the Secretary of State no later than 30 days after the certification of an election regarding violations that have already occurred, are presently occurring, or will occur in the future;
 - The complaint procedure will be clearly posted at all polling places, and forms and information will be made available to voters in accessible formats and alternative languages. All election workers will be provided with training regarding the appropriate response to complaints;
 - The Secretary of State designates one or more presiding officers;

The state will allocate the punch card buyout money via a formula.¹⁴ The formula works with several variable factors that include the number of central count optical scan ballot counters, the number of poll sites, projected distribution of disabled and senior populations and the total number of registered voters. The formula determines each county's share of the federal punch card buyout funding. This amount represents the maximum contribution that the state will provide for replacing the county's system. The county may negotiate a contract and purchase any qualifying system but the county will be responsible for costs in excess of their share of the federal money.

The state will negotiate with voting systems vendors for optional-use state contracts. The Department of Information Services will assist in this effort. The intent is to gain maximum economies of scale for the state and to allow counties to conduct their purchases without duplicating costly local bid-letting processes. Each county may purchase from the state contract(s), or negotiate a contract on their own. Counties may also make purchases from other county contracts through inter-local agreements.

The state will pay the federal buyout money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying replacement system and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance and complete replacement of punch card voting by the county. If a county signs a contract that exceeds their share of the federal buyout, the county is responsible for the remaining cost. If the contracted costs are less than the county share the remainder is available to the county to use for compliance with other Title III requirements.

Early out election administration improvement funding will be budgeted in the same manner as requirements payment, based on the following priorities: 1) funding will be used first to address requirements placed on the state and counties by the new law and discretionary improvements to election systems will be funded second; 2) that election system improvements visible to the public are made early in the process by state and county election officials.

12. 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). (Sec. 254, (a)(1))

Washington State has a long history of being a national leader in both innovation and quality of election services provided to its citizens. The development of a very high level of trust and coordination between local election officials and the Secretary of State has created fertile ground for original ideas and fresh ways to solve problems and improve service. New ideas get a clear and thorough discussion and, when implemented, are administered with the highest level of professionalism. By actively seeking local election official input, the most effective means of meeting HAVA requirements will be identified while still allowing Washington State to take advantage of the opportunities provided by HAVA.

When necessary, presiding officers shall be trained in the requirements of accommodation for disability, and with issues related to barriers to access and accommodations;

The presiding officer(s) shall give each party an opportunity to explain their views in writing or, the complainants option, at a hearing on the record within ten days after the filing of the complaint;

The presiding officer(s) will issue a written decision;

The complainant shall be informed in writing or in a format that s/he can understand of the right to a hearing on the record.

Any aggrieved party may request an administrative review of the initial determination by the Secretary of State or a designee and that review and determination is final;

If final determination is not made within 45 days the complaint shall be arbitrated and a final determination made within 30 days;

Final determinations shall be posted on the Secretary of State's website and copies available to the public at reproduction costs;

The procedures will apply only to violations of Title III of HAVA;

Individuals will be advised that they may receive consultation from the state's protection and advocacy system for violations of the disability access requirements;

The state may consolidate complaints; and

County elections officials will be encouraged to resolve complaints informally if possible, but if the person wishes to file a complaint they must be provided a form to do so.

Legislation will be proposed during the next legislative session that will apply the State-Based Administrative Complaint Procedure to all elections.

11. 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. (Sec. 254, (a)(10))

Punch card replacement will cover 16 counties in Washington State. Of these counties, which are listed in an attachment, 14 are true punch card counties and two are Data Vote punch card systems.

One of the eligible counties completed part of the process by replacing their punch card system with an optical scan system that includes poll site-based optical scan second-chance voting. This conversion took place subsequent to the 2000 General election but prior to the enactment of HAVA. It is the intent of the Secretary of State to reimburse this county directly.

It is the intent of the Secretary of State that the punch card buyout money be used to complete the installation of a complete HAVA-compliant system in each of the punch card counties. This means the total removal of punch card voting, the installation of an optical scan absentee voting system for absentee voting and the installation of either an optical scan and/or DRE system at the poll sites in each county. The DRE minimum installation for each poll site required under Section 301 for disability access will be accomplished with the punch card buyout money for the punch card counties.

Ongoing management of the State Plan is the responsibility of the Secretary of State as the Chief Election Officer. The Secretary of State recognizes that HAVA requires significant enhancements in the administration of elections in Washington State. To ensure that implementation of HAVA and ongoing management of the State Plan in Washington is progressive, the Secretary recognizes four guiding principles: 1) building on the strength of the relationship between local and state government in Washington; 2) approach implementation with the goal of retaining our role as leaders in election administration; 3) where practical, place the burden of implementation on those responsible for administration of elections—not on the voter; and 4) maximize available resources to sustain implementation costs beyond the availability of federal funding.

The Secretary of State will not make any material change in the administration of the State Plan unless the change:

- is developed and published in the Federal Register in accordance with Section 255 of the Act in the same manner as the State Plan;
- is subject to public notice and comment in accordance with Section 256 of the Act in the same manner as the State Plan; and
- takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register.

13. 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 and Section 256. (Sec. 254, (a)(13))

Three separate committees were established to draft and review the state plan. In order to continue the cooperative relationship between state and local officials, numerous local election administrators were included in the process. These committees include: the Steering Committee, Election Administrator Advisory Group, and the Drafting Committee.

Steering Committee

The Secretary of State appointed the following persons to the Steering Committee as required by Section 255:

- Janet Anderson, Representing the League of Women Voters
- Norma Brunnett, Representing the Washington State Association of County Auditors
- Deborah Cook, Washington Assistive Technology Alliance
- David Danner, Representing the Office of the Governor
- Terry Denend, Assistant Director, King County Records, Election and Licensing Services Division (Served in the place of the Director at several meetings.)
- Gayatri Essey, Community Representative
- Kelly Haughton, Representing the Washington State Libertarian Party
- Dean Logan, Director of Elections

- Pat McCarthy, Pierce County Auditor (Required as the Chief Election official from the 2nd most populous jurisdiction)
- Sam Reed, Secretary of State
- Bob Roegner, Director, King County Records, Election and Licensing Services Division (Required as the Chief Election official from the most populous jurisdiction)
- Karla Rutherford, Washington Initiative for Supported Employment
- Michael Snyder, Representing the Washington State Democratic Party
- Kristina Swanson, Representing the Washington State Association of County Auditors
- Michael Young, Representing the Washington State Republican Party
- Counsel to the Committee, Jeff Even, Assistant Attorney General
- Staff to the Committee, John Pearson & Bill Huennekens, Office of the Secretary of State

This committee provided feedback on initial drafts of the State Plan. The Steering Committee reviewed the preliminary draft released on 30 May for public notice and comment and considered suggestions or recommendations made during the 30 day public comment period.

While not all members of the steering committee agreed on all elements of the State Plan, each member contributed to the process. The Steering Committee was united in its dedication to ensuring free, fair, open and honest elections for every citizen and resident of the State of Washington.

Election Administrator Advisory Group

- Sheryl Moss, Office of the Secretary of State, Group Facilitator
- Julie Moore, King County
- Diana Housden, Klickitat County
- Lori Augino, Pierce County
- Bob Terwilliger, Snohomish County
- Steve Homan, Thurston County
- Tim Likness, Clark County
- Mila Jury, Okanogan County
- Diana Soules, Yakima County

This group worked closely with the Drafting Committee on the actual development and production of the various drafts of the State Plan.

Drafting Committee

- John Pearson, Facilitator and Coordinator
- Office of the Secretary of State Elections Division Staff including:
Bill Huennekens, Dave Elliott, Erika Aust, Shawn Merchant, Hal Lymus, Paul Miller,

Public Notice and Comment

As required by HAVA, the Secretary of State worked with the media to inform the public of the release of the state plan, how to obtain a copy of the plan, and how to submit comments. Further, electronic copies of the preliminary draft of the plan were sent to each County Auditor. On May 30, 2003, the Secretary of State presented a summary of the preliminary draft of the state plan at a media briefing on Television Washington (TVW), the public affairs channel in Washington that is similar to C-Span. The program aired live and was replayed several times. Finally, a notice was published in the Washington State Register detailing how to obtain a copy of the plan, and how to submit comments. The notice read:

Secretary of State Sam Reed has released the Preliminary Washington State Plan required under the Help America Vote Act of 2002, Public Law 107-252, 116 Stat 1666 (2002). The Preliminary Washington State Plan is available for public comment and review for 30 days beginning Friday, May 30, 2003. Copies are available from the Secretary's website at <http://secstate.wa.gov/> or may be obtained by contacting the Office of the Secretary of State at: 360.902.4169; toll free 1.800.448.4881; TDD/TTY 1.800.422.8683; email elections@secstate.wa.gov; Mail PO Box 40229, Olympia, WA 98504-0229. The information is available in alternative formats upon request for individuals with disabilities. Comments must be received by Saturday, June 28, 2003.

Public hearings were conducted on the preliminary draft of the State Plan in four locations across the state: Yakima, July 8, 10:00 am – 12:00 pm; Pasco, July 8, 6:00 pm – 8:00 pm; Vancouver, July 9, 6:00 pm – 8:00 pm; and Olympia, July 10, 10:00 am – 12:00 pm. These locations are all in counties that must switch from punch card voting equipment. Each of the hearings included a summary of the preliminary plan by committee staff and then testimony from the public. Everyone who wished to testify at the public hearings was afforded an opportunity. Eighty seven individuals signed in and attended the hearings and approximately forty individuals testified.

In addition to the public comments received at the public hearings, over 330 comments were received via the internet/email, phone, or regular mail. The majority of the comments requested a requirement for a voter verified paper audit trail for Direct Recording Electronic voting equipment. Many of the comments also requested that any newly purchased voting system be able to count a ranked ballot. These requirements are not suggested in the state plan because they are policy issues that are more appropriately addressed through the legislative process and are not requirements found in HAVA or elements of implementing HAVA. Elements are included in the state plan to address the continued integrity of voting systems in Washington.

Some citizens gave strong support to the proposed plan, while others highlighted other issues and concerns. These included: importance of absentee voting; raising active voter participation via election-day holidays; increased voter outreach and same-day registration; voting by immigrants and speakers of alternative languages (for and against); budget incentives for County Auditors; and full voting rights and access for citizens with disabilities. In addition to comments by individual citizens (and vendors) submissions were also received on behalf of several groups, including political and citizens organizations, and Rock the Vote.

Carolyn Berger, Justin Anderson, Sheryl Moss and Tracy Buckles

- Jeff Even, Assistant Attorney General
- Jeff Wise, Office of the Secretary of State Executive Staff

Drafting Committee met weekly to update the status of the plan.

This committee researched and drafted the State Plan. The members used resources from outside the Elections Division and agency as necessary. These resources included staff from the Fiscal Division of the Office of the Secretary of State, Office of Financial Management, Department of Information Services, Department of Licensing, Office of Governor, County Auditors, local elections staff, and members of disability advocacy groups.

Dean Logan, John Pearson, Bill Huemekens, Jeff Even, Dave Elliott, Sheryl Moss and Erika Aust acted as reviewers for all elements of the plan and served as a resource for all members of the Drafting Committee.

Voter Registration Database Advisory Group

- Tracy Buckles, Office of the Secretary of State
- Tina Clarke, Office of the Secretary of State
- Dave Elliott, Office of the Secretary of State
- Hal Lymus, Office of the Secretary of State
- Paul Miller, Office of the Secretary of State
- Kay Ramsey, Office of the Secretary of State
- Roger Carpenter, Clark County
- Suzanne Sinclair, Island County
- Karen Cartmel, Jefferson County
- Lori Atgino, Pierce County
- Mike Rooney, Pierce County
- Mike McLaughlin, Spokane County
- Steve Homan, Thurston County
- Pete Griffin, Whatcom County
- Diana Soules, Yakima County

This group, which existed prior to the passage of HAVA, was utilized by the Drafting Committee members working on portions of the plan dealing with the statewide voter registration database.

Finally, the Washington Protection and Advocacy System provide a comprehensive set of suggestions and recommended changes. Many of these suggestions were incorporated in the plan and their effort is greatly appreciated.

Timeline

- Feb 13—Steering Committee meeting, briefing of HAVA and work plan for developing State Plan.
- March 14—Election Administrator Advisory Committee meeting, review of HAVA and meet with drafting committee members.
- April 17—Steering Committee meeting, briefing and review of preliminary draft and the significant issues and options for implementing HAVA.
- April 25—Election Administrator Advisory Committee meeting, briefing and review of first draft.
- May 1—Steering Committee meeting, briefing and review of first draft.
- May 9—Steering Committee meeting, review second draft.
- May 30—Draft finished and available for public notice and comment as required by section 256.
- June 28—Public notice and comment period finished.
- June 30—July 11—Consideration of public comments regarding preliminary version of the plan.
- July 2—Steering Committee meeting, consider public comments.
- July 8—Public hearings on Preliminary Draft of State Plan in Yakima and Pasco.
- July 9—Public hearings on Preliminary Draft of State Plan in Vancouver.
- July 10—Public hearings on Preliminary Draft of State Plan in Olympia.
- September 3—Submission of State Plan to the federal government, FEC or new Election Assistance Commission if constituted.

**APPENDIX A
2002 General Election Statistics**

COUNTY	TOTAL REGISTERED VOTERS	TOTAL BALLOTS CAST	TURNOUT	BALLOTS CAST BY MAIL	PERCENTAGE OF BALLOTS CAST BY MAIL OF TOTAL BALLOTS CAST
Adams	6,088	3,651	59.97%	3,250	89.01%
Asotin	11,907	6,247	52.46%	2,567	41.09%
Benton	77,043	41,345	53.66%	24,299	58.77%
Chelan	32,703	20,378	62.31%	16,898	82.92%
Clallam	39,383	27,956	70.98%	27,956	100%
Clark	174,687	93,975	53.79%	71,957	76.57%
Columbia	2,473	1,851	74.84%	1,279	69.09%
Cowlitz	49,860	27,576	55.30%	23,957	86.87%
Douglas	16,354	9,227	56.42%	6,377	69.11%
Ferry	3,878	2,765	71.29%	2,765	100%
Franklin	18,100	10,228	56.50%	8,278	80.93%
Garfield	1,505	1,012	67.24%	657	64.92%
Grant	32,121	18,401	57.28%	10,858	59.00%
Grays Harbor	31,725	18,842	59.39%	11,051	58.65%
Island	39,992	26,086	65.22%	17,798	68.22%
Jefferson	18,561	13,746	74.05%	9,508	69.16%
King	1,031,348	548,353	53.16%	327,431	59.71%
Kitsap	123,344	79,011	63.03%	62,706	79.36%
Kittitas	16,636	10,182	61.20%	5,346	52.50%
Klickitat	11,006	6,492	58.98%	2,189	33.71%
Lewis	41,543	23,924	57.58%	16,396	68.53%
Lincoln	6,227	4,389	70.48%	3,302	75.23%
Mason	27,231	17,253	63.35%	10,406	60.31%
Okanogan	19,165	11,985	62.53%	8,877	74.06%
Pacific	12,375	7,781	62.87%	4,566	58.68%
Pend Oreille	7,025	4,769	67.88%	928*	19.46%
Pierce	347,702	192,734	55.43%	158,913	82.45%
San Juan	9,721	7,064	72.66%	4,766	67.46%
Skagit	59,156	33,681	56.93%	17,886	53.10%
Skamania	5,607	3,531	62.97%	2,513	71.06%
Snohomish	318,170	181,075	56.91%	117,308	64.78%
Spokane	226,493	132,843	58.65%	101,714	76.56%
Stevens	26,587	14,644	55.07%	6,493	44.33%
Thurston	130,689	73,859	56.51%	57,411	77.73%
Wahkiakum	2,484	1,892	76.16%	1,345	71.08%
Walla Walla	26,062	15,438	59.23%	8,349	54.08%
Whatcom	91,656	55,066	60.07%	36,202	65.74%
Whitman	21,414	10,931	51.04%	3,208*	29.34%
Yakima	89,627	48,537	54.15%	36,017	74.20%
TOTAL	3,209,648	1,808,720	56.35%	1,233,727	68.21%

APPENDIX B

Voting Systems

COUNTY	SYSTEM	VENDOR	TYPE	CENTRAL/POLL SITE
Adams	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Asotin	BCCS Punch Card 228	Webb systems	Punch Card	Central
Benton	ES&S Opscan 150	Election Systems and Software	Punch card	Central
Chelan	Global Accuvote	Global Election Systems	op-Scan	Both
Columbia	BCCS Punch Card 228	Webb systems	Punch Card	Central
Cowlitz	BCCS Punch Card 228	Webb systems	Punch Card	Central
Douglas	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Ferry	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Franklin	Data-vote	Sequoia Pacific	Punch Card	Central
Garfield	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Grant	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Grays Harbor	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Island	BCCS Punch Card 228	Webb systems	Punch Card	Central
Jefferson	Opiech 4C Model 200	Election Systems and Software	op-Scan	Central
King	Global Accuvote	Global Election Systems	op-Scan	Both
Kitsap	Opiech 4C Model 200	Election Systems and Software	op-Scan	Central
Kittitas	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Klickitat	Global Accuvote	Global Election Systems	op-Scan	Both
Lewis	BCCS Punch Card 228	Webb systems	Punch Card	Central
Lincoln	BCCS Punch Card 228	Webb systems	Punch Card	Central
Mason	BCCS Punch Card 228	Webb systems	Punch Card	Central
Okanogan	BCCS Punch Card 228	Webb systems	Punch Card	Central
Pacific	BCCS Punch Card 228	Webb systems	Punch Card	Central
Pend Oreille	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Pierce	Opiech 4C-400/III/Pe	Election Systems and Software	op-Scan	Both
San Juan	Global Accuvote	Global Election Systems	op-Scan	Both
Skagit	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Skamania	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Snohomish	Opiech 4C-400/AVC	Sequoia Voting Systems	op-Scan/DRE	Both
	Edge DRE			
Spokane	ES&S Opscan 550 Md1	Election Systems and Software	op-Scan	Both
Stevens	ES&S Opscan 150	Election Systems and Software	Punch Card	Central
Thurston	ES&S Opscan 150	Election Systems and Software	Punch Card	Central
Wahkiakum	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Walla Walla	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Whatcom	BCCS Punch Card 228	Webb systems	Punch Card	Central
Whitman	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Yakima	Data-vote	Sequoia Pacific	Punch Card	Central

APPENDIX C

Washington State Administrative Code on Uniform Definition of a Vote

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks or punches on an optical scan ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board;

(4) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title. In the case of punch cards, this means all voting response positions are cleanly punched and removed from the card;

(5) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks or punches, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(6) "Valid signature" is the verified signature of a registered voter eligible to vote in the primary or election as contained in the voter registration files of the county. A mark with two witnesses on an absentee ballot, a mail ballot precinct ballot, or a vote-by-mail ballot shall be considered a valid signature.

WAC 434-261-070 Manual inspection of ballots. (1) Upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot and every voting position on unreadable ballots. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29.51.115 are being complied with.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or that contain marks or punches

(4) An absentee ballot, a mail ballot precinct ballot, and a vote-by-mail ballot shall not be counted if a voter signs the oath with a mark and does not have two witnesses attest to the signature.

(5) If a ballot contains marks or punches that differ from those specified in the voting instructions, those marks or punches shall not be counted as valid votes unless there is a discernible and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be enhanced or duplicated to reflect the voter's intent.

WAC 434-261-080 Ballot enhancement—Optical scan systems. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

- (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced;
- (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

WAC 434-261-085 Ballot enhancement—Punch card systems. Ballots shall only be enhanced when such enhancement will not permanently obscure marks or punches of the voters. Teams of two or more people working together shall enhance ballots. When enhancing ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

- (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the enhanced ballot.
- (2) A log shall be kept of the ballots enhanced and shall include at least the following information:
 - (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced.

(3) When the county canvassing board rejects one or more votes on a ballot that contains other valid votes, as in the case of special ballots, the ballot must be duplicated without the rejected vote(s) or

that differ from those specified in the voting instructions contained on or with the ballot but clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county may either:

- (a) Refer the ballots to the county canvassing board;
- (b) Duplicate the ballots if authorized by the county canvassing board as per WAC 434-261-090; or
- (c) Enhance the ballots if authorized by the county canvassing board and enhancement can be accomplished without permanently obscuring the original marks or punches of the voters as per WAC 434-261-080 and 434-261-085.

(4) In the case of punch card ballots, if two or more corners or attachment points are detached in a punch position, the vote is valid and the chad must be removed without duplication, enhancement, or reference to the county canvassing board. If less than two corners are detached, then subsection (3) of this section shall apply.

WAC 434-261-075 Manual inspection of ballot—Acceptability of marks or punches.

(1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

- (a) Only votes for offices or measures for which the voter is eligible are counted.
- (b) The candidate or measure response position for which the voter is voting can be clearly identified.
- (c) The ballot issued is not returned, or if returned, contains no marks or punches indicating an attempt to vote it.
- (d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment as prescribed in WAC 434-261-090.

(2) Corrected absentee ballots shall be counted in the following manner:

- (a) If a voter follows the instructions for correcting a vote, either the written instructions or others given to the voter by the county auditor, the correction shall be made and the corrected vote tabulated. The county auditor may enhance or duplicate the ballot.
- (b) If a voter appears to have corrected their ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted.

(3) Where a voter has indicated a write-in vote on their ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be enhanced or duplicated to count one vote for the candidate indicated. Such a vote shall not be considered an overvote or a write-in vote.

the vote(s) may be overvoted on the original ballot. When overvoting, the punch made by the county auditor shall be clearly indicated on the ballot and shall follow the rules for enhancement.

(4) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

(1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;

(2) A log shall be kept of the ballots duplicated and shall include at least the following information:

(a) The control number of each ballot duplicated and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated;

(3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

WAC 434-240-200 Absentee ballot—Instructions to voters. Included with each absentee ballot provided to applicants must be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

(1) Detailed instructions for correctly marking the ballot;

(2) Detailed instructions on how the voter must correct a spoiled ballot. To make a correction on an absentee ballot, voters shall be instructed to cross out the incorrect vote and to vote the correct choice;

(3) Instructions on how the voter is to complete and sign the affidavit on the return envelope, or if unable to sign their name, that their mark be witnessed by two other persons;

(4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;

(5) Instructions regarding postage, if required;

(6) Notice to the voter that the ballot must be postmarked not later than election day.

(7) Instructions on how to obtain a replacement ballot.

County auditors shall be permitted to use any existing stock of absentee ballot instructions, in the form specified by state law or administrative rule prior to January 1, 2002. Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provisions of this regulation when ordering absentee ballot instructions.

WAC 434-238-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall include all information required for absentee ballots. The instructions shall also:

(1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;

(2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;

(3) List the location(s), dates, and times where the voter may deposit his or her ballot prior to or on election day in the event the ballot is not mailed;

(4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at a designated place;

(5) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment; and

(6) State that every voter has the right to vote his or her ballot in secret.

APPENDIX D

Washington State Law on the Certification and Training Program

RCW 29.60.010 Election administration and certification board—Generally.

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

- (a) The secretary of state or the secretary's designee;
 - (b) The state director of elections or the director's designee;
 - (c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;
 - (d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;
 - (e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and
 - (f) One representative from each major political party, as defined by RCW 29.01.090, designated by and serving at the pleasure of the chair of the party's state central committee.
- (2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the open public meetings act, and RCW 42.32.030 regarding minutes of meetings, apply to the meetings of the board.
- (3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

[1992 c 163 § 3.]

RCW 29.60.020 Powers and duties of board.

(1) The secretary of state and the board created in RCW 29.60.010 shall jointly adopt rules, in the manner specified for the adoption of rules under the administrative procedure act, chapter 34.05 RCW, governing:

- (a) The training of persons officially designated by major political parties as elections observers under this title, and the training and certification of election administration officials and personnel;

- (b) The policies and procedures for conducting election reviews under RCW 29.60.070, and
- (c) The policies and standards to be used by the board in reviewing and rendering decisions regarding appeals filed under RCW 29.60.070.

The initial policies and standards adopted under (c) of this subsection shall be adopted concurrently with adoption of the initial policies and procedures adopted under (b) of this subsection.

(2) The board created in RCW 29.60.010 shall review appeals filed under RCW 29.60.050 or 29.60.070. A decision of the board regarding such an appeal shall be supported by not less than a majority of the members appointed to the board. A decision of the board regarding an appeal filed under RCW 29.60.070 concerning an election review conducted under that section is final. If a decision of the board regarding an appeal filed under RCW 29.60.050 includes a recommendation that a certificate be issued, the certificate shall be issued by the secretary of state as recommended by the board.

(3) The board created in RCW 29.60.010 may adopt rules governing its procedures.

[1992 c 163 § 4.]

RCW 29.60.030 Duties of secretary of state.

The secretary of state shall:

- (1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29.60.020;
- (2) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;
- (3) Maintain a record of those individuals who have received such training and certificates; and
- (4) Provide the staffing and support services required by the board created under RCW 29.60.010.

[2001 c 41 § 11; 1992 c 163 § 5.]

RCW 29.60.040 Training of election administrators.

A person having responsibility for the administration or conduct of elections, other than precinct election officers, shall, within eighteen months of undertaking those responsibilities or within eighteen months of July 1, 1993, whichever is later, receive general training regarding the conduct of elections and specific training regarding their responsibilities and duties as prescribed by this title or by rules adopted by the secretary of state under this title. Included among those persons for whom such training is mandatory are the following:

- (1) Secretary of state elections division personnel;

(2) County elections administrators under RCW 36.22.220;

(3) County canvassing board members;

(4) Persons officially designated by each major political party as elections observers; and

(5) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

The secretary of state shall reimburse election observers in accordance with RCW 43.03.050 and 43.03.060 for travel expenses incurred to receive training required under subsection (4) of this section.

Neither this section nor RCW 29.60.030 may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties. [1992 c 163 § 6.]

RCW 29.60.050 Denial of certification—Review and appeal.

(1) A decision of the secretary of state to deny certification under RCW 29.60.030 shall be entered in the manner specified for orders under the administrative procedure act, chapter 34.05 RCW. Such a decision shall not be effective for a period of twenty days following the date of the decision, during which time the person denied certification may file a petition with the secretary of state requesting the secretary to reconsider the decision and to grant certification. The petitioner shall include, in the petition, an explanation of the reasons why the initial decision is incorrect and certification should be granted, and may include a request for a hearing on the matter. The secretary of state shall reconsider the matter if the petition is filed in a proper and timely manner. If a hearing is requested, the secretary of state shall conduct the hearing within sixty days after the date on which the petition is filed. The secretary of state shall render a final decision on the matter within ninety days after the date on which the petition is filed.

(2) Within twenty days after the date on which the secretary of state makes a final decision denying a petition under this section, the petitioner may appeal the denial to the board created in RCW 29.60.010. In deciding appeals, the board shall restrict its review to the record established when the matter was before the secretary of state. The board shall affirm the decision if it finds that the record supports the decision and that the decision is not inconsistent with other decisions of the secretary of state in which the same standards were applied and certification was granted. Similarly, the board shall reverse the decision and recommend to the secretary of state that certification be granted if the board finds that such support is lacking or that such inconsistency exists.

(3) Judicial review of certification decisions shall be as prescribed under RCW 34.05.510 through 34.05.598, but shall be limited to the review of board decisions denying certification.

[1992 c 163 § 7.]

RCW 29.60.060 Election review section.

An election review section is established in the elections division of the office of the secretary of state. Permanent staff of the elections division, trained and certified as required by RCW 29.60.040, shall perform the election review functions prescribed by RCW 29.60.070. The staff may also be required to assist in training, certification, and other duties as may be assigned by the secretary of state to ensure the uniform and orderly conduct of elections in this state.

[1992 c 163 § 8.]

RCW 29.60.070 Review of county election procedures.

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:

- (i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or
- (ii) If unofficial returns indicate a mandatory recount is likely in a statewide election or an election for federal office.

Reviews conducted under (ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.

(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county periodically, in conjunction with a county primary or special or general election, at the direction of the secretary of state or at the request of the county auditor. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.

(c) Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.

(2) Reviews shall be conducted in conformance with rules adopted under RCW 29.60.020. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices. A review conducted under this

APPENDIX E

chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.

(3) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29.60.010.

[1997 c 284 § 1; 1992 c 163 § 9.]

RCW 29.60.080 Powers and duties of county auditor and review staff.

The county auditor may designate any person who has been certified under this chapter, other than the auditor, to participate in a review conducted in the county under this chapter. Each county auditor and canvassing board shall cooperate fully during an election review by making available to the reviewing staff any material requested by the staff. The reviewing staff shall have full access to ballot pages, absentee voting materials, any other election material normally kept in a secure environment after the election, and other requested material. If ballots are reviewed by the staff, they shall be reviewed in the presence of the canvassing board or its designees. Ballots shall not leave the custody of the canvassing board. During the review and after its completion, the review staff may make appropriate recommendations to the county auditor or canvassing board, or both, to bring the county into compliance with the training required under this chapter, and the laws or rules of the state of Washington, to safeguard election material or to preserve the integrity of the elections process.

[1992 c 163 § 10.]

RCW 29.60.090 Election assistance and clearinghouse program.

The secretary of state shall establish within the elections division an election assistance and clearinghouse program, which shall provide regular communication between the secretary of state, local election officials, and major and minor political parties regarding newly enacted elections legislation, relevant judicial decisions affecting the administration of elections, and applicable attorney general opinions, and which shall respond to inquiries from elections administrators, political parties, and others regarding election information. This section does not empower the secretary of state to offer legal advice or opinions, but the secretary may discuss the construction or interpretation of election law, case law, or legal opinions from the attorney general or other competent legal authority.

[1992 c 163 § 11.]



Mail-In Voter Registration Instructions

Using the Mail-In Voter Registration Form

You can use the Mail-In Voter Registration Form to:

- ✓ Sign up to vote in Washington state
- ✓ Update your registration if you move to a new address or change your name
- ✓ Apply to become a permanent absentee voter

This is a "fillable" form, which means you can use your computer's keyboard to type information in the requested fields as you view this form onscreen. Please note, however, that you must print the completed form and sign the hard copy document in the requested sections. Because original written signatures are required, forms may not be transmitted by e-mail.

Please complete all sections. Once you have printed and signed the completed form, place it in an envelope and mail it to:

**OFFICE OF THE SECRETARY OF STATE
VOTER REGISTRATION BY MAIL
OLYMPIA, WA 98504-0230
PO BOX 40730**

If you are qualified and the information on your form is complete, you will be mailed a voter registration card which will identify your voting precinct.

For more information, see the "Registration: Qualifications" and "Change of Residence" sections at left.

More, fax or by mail. You may also sign up to automatically receive an absentee ballot before each election. Just check the "Yes" box in the Ongoing Absentee Voter Request section of the Mail-In Voter Registration Form.

NOTE: Absentee ballots must be signed and postmarked or delivered to the county election officer on or before election day.

Questions?

Information and assistance is available on the Secretary of State's Web site at www.sos.wa.gov/voting or through the Secretary of State's toll-free Voter Information Hotline at 1-800-448-4881 (TDD: 1-800-422-8883). You can find your County Auditor by County Elections Department and Precinct numbers by your mailing address on the County Auditors' List on the Secretary of State Web site.

Click Here to Register

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APPENDIX F

Preliminary Estimated DRE Funding Formula
(subject to change based on funding and alteration of variables)

COUNTY	min softw payout DRE payout total payments	COUNTY PAYMENT	SOFTWARE/INSTR MINIMUM/PAYOUT	2002 VR TOTAL	2002 POLL/SITE TOTAL	DRE POLL/SITE PAYOUT
Adams	\$900,000.00	\$49,500	\$37,500.00	6,088	2	\$12,000
Chelan	\$7,464,000.00	\$85,500	\$37,500.00	32,703	8	\$48,000
Columbia	\$8,364,000.00	\$43,500	\$37,500.00	2,473	1	\$6,000
Cowlitz		\$121,500	\$37,500.00	49,860	14	\$84,000
Douglas		\$91,500	\$37,500.00	16,354	9	\$54,000
Ferry		\$49,500	\$37,500.00	3,878	2	\$12,000
Garfield		\$43,500	\$37,500.00	1,505	1	\$6,000
Grant		\$313,500	\$37,500.00	32,121	46	\$276,000
Grays Harbor		\$205,500	\$37,500.00	31,725	28	\$168,000
Jefferson		\$127,500	\$37,500.00	18,361	15	\$90,000
King		\$3,439,500	\$37,500.00	1,031,348	567	\$3,402,000
Kitsap		\$205,500	\$37,500.00	125,344	28	\$168,000
Kittitas		\$109,500	\$37,500.00	16,636	12	\$72,000
Klickitat		\$103,500	\$37,500.00	11,066	11	\$66,000
Pend Oreille		\$49,500	\$37,500.00	7,025	2	\$12,000
Pierce		\$613,500	\$37,500.00	347,702	96	\$576,000
San Juan		\$67,500	\$37,500.00	9,721	5	\$30,000
Skagit		\$313,500	\$37,500.00	59,156	46	\$276,000
Skamania		\$79,500	\$37,500.00	5,607	7	\$42,000
Snohomish		\$1,075,500	\$37,500.00	318,170	173	\$1,038,000
Spokane		\$607,500	\$37,500.00	226,493	95	\$570,000
Wahkiakum		\$61,500	\$37,500.00	2,484	4	\$24,000
Walla Walla		\$205,500	\$37,500.00	26,062	28	\$168,000
Whitman		\$301,500	\$37,500.00	21,414	44	\$264,000
Totals	\$8,364,000.00	\$900,000.00	\$900,000.00	2,403,436	1,244	\$7,464,000.00

Mail-In Voter Registration Form

State of Washington
 Office of the Secretary of State
 Voter Registration by Mail
 PO Box 40230 - Olympia, WA 98504-0230

Fill out this form, simply check in the boxes and type the registration information. Please complete all boxes 1-12. When you are finished, print the document and sign it in boxes 9 and 11. Then, place it in the envelope and mail it.

REGISTRATION BY MAIL
 ✓ A legal resident of the State of Washington
 ✓ At least 18 years old by election day

Need help? **CLICK HERE** for our INSTRUCTIONS & ASSISTANCE PAGE

Are you a citizen of the United States of America? Yes No

Will you be 18 years of age on or before election day? Yes No

NOTE: If you checked "NO" in response to box 1 or 2 above, do not complete this form.

1 Last Name: _____ First Name: _____ Middle Initial: _____
 2 City or Town: _____ State: _____ Zip Code: _____
 3 Home Phone: _____
 4 Address Where You Live: _____
 5 Date of Birth (include Day, Year, Month and Day of the Month): _____
 6 Date of Birth (include Day, Year, Month and Day of the Month): _____
 7 Residence (include street name and city): _____
 8 Federal Law requires you to provide your driver's license number, if you do not have a driver's license, provide your state identification number. If you do not have a driver's license or state identification number, provide your Social Security Number. Failure to provide this information may prevent your registration from being processed.
 9 Yes No I would like to receive election ballots for all future elections.
 10 Yes No SIGN HERE X
 11 SIGN HERE X
 12 SIGN HERE X



West Virginia Secretary of State
State Plan

STATE PLAN REQUIRED ELEMENTS (HAVA §254)

1. Title III Requirements and Other Activities

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. -- HAVA §254 (a)(1)

1.A §301(a), Voting Systems Standards Requirements *Deadline for Compliance: January 1, 2006; no waiver permitted.*

The State Election Commission must certify any voting system used in West Virginia. The State Election Commission is a five-member board made up of four gubernatorial appointees with no more than two from the same political party. The fifth member is the current Secretary of State. Any vendor that wishes to sell voting equipment must request an evaluation by the State's two computer experts (one democrat and one republican). After the evaluation, the experts prepare a report for the State Election Commission notifying them whether or not the voting system meets the statutory requirements. The Commission then determines whether to approve the equipment based on that report.

The State currently uses five types of voting systems in its 55 counties, including paper (10), lever (3), punch-card (12), optical scan (29) and direct recording equipment (1).

During the 2003 legislative session, the West Virginia Legislature passed Senate Bill 648, which adopted the voting system standards in HAVA. West Virginia's early and active pursuit of voting system improvements mandated by HAVA has placed the State on course to fulfill HAVA requirements within the statutory timeframes.

The State will ensure the purchase of one Direct Recording Electronic (DRE) voting apparatus for each voting precinct in each county for the purpose of meeting the disability access provisions of Title III. This will be accomplished in the 12 punch card and 3 lever counties via the federal punch card and lever buyout money. The remaining 40 counties will be funded through the requirements payments based on the availability of funds. The



West Virginia Secretary of State
State Plan

INTRODUCTION

In West Virginia, the Secretary of State serves as the chief election official over all elections conducted in the state. However, elections are currently administered at the county level. The clerks of the county commissions of the fifty-five counties serve as the chief election officials. The clerks of the circuit courts and the county commissions carry out significant election responsibilities as well. Collaboration between the Secretary of State and the county officials is essential to the conduct of successful elections. In addition to fulfilling federal election responsibilities, the progressive networking initiatives between the Office of the Secretary of State and all county officials supports 1.06 million voters and strives for successful elections to be conducted on state, county and municipal levels of government.

Since 2001, West Virginia has taken significant steps toward election reform through new programs that encourage voter participation, education and clean elections, as well as significant legislative changes during the 2001, 2002 and 2003 legislative sessions. Implementing these state legislative reforms and the Help America Vote Act of 2002 (HAVA) will require considerable effort and resources from both the Secretary of State's Office and the counties. There will need to be system upgrades, redesigned processes, and new training programs. Additionally, the success of the State's election reform efforts requires implementation at an appropriate point in the election cycle, so that the counties may utilize new processes in a timely manner.

This State Plan is organized as specified in HAVA Section 254. Each section of this document corresponds to a subsection of Section 254 and addresses a State Plan requirement specified in HAVA. The plan outlines program milestones to address large-scale system or procedural changes. In developing the West Virginia State Plan, the Secretary of State worked with the HAVA Advisory Committee to encourage collaboration with all stakeholders.

Joe Manchin III
Secretary of State

3/3/2004

2



West Virginia Secretary of State
State Plan

formula determines a payment for each county to purchase the required DRE systems.

The State will negotiate with each of the voting system vendors for lowest-price state contracts. The intent is to gain maximum economies of scale for the State and to allow counties to conduct their purchase without costly, local bid-letting procedures.

The State will forward the federal money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying replacement system, and an agreement has been signed between the county and the Office of the Secretary of State which guarantees compliance with HAVA.

In addition to numerous voting system requirements, §301(a) also requires states to define what constitutes a legal vote for each type of voting system used in the State. The State will define a legal vote in a uniform manner for each voting system used in the state through instructional manuals to be provided to election officials. The State will incorporate the West Virginia Code and case law into the definition.

1.B §302, Provisional Voting and Voting Information Requirements
Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA addresses the process of provisional voting to ensure that no individual who goes to the polls intending to cast a ballot is turned away without having the opportunity to vote. Before the passage of HAVA, West Virginia allowed provisional voting through the issuance of a "challenged ballot." During the 2003 legislative session, the legislature addressed the State's existing provisional voting law to determine those elements needing modification in order to fully comply with HAVA. Through the passage of Senate Bill 648, West Virginia's provisional voting law was amended to fully comply with HAVA.

With the passage of this bill, the State's provisional voting laws allow a voter whose name does not appear on the poll book to cast a provisional ballot, provided the voter completes a certification in which he or she affirms under penalty of perjury that he or she is registered in the county and lives in the precinct. Election officials must provide provisional voters with provisional

3/3/2004

3



West Virginia Secretary of State
State Plan

ballots identical to the ballots issued to other voters in the precinct. Each county is required to maintain a full record of provisional ballot voting, including voter information, the action taken in canvassing the ballot, the precinct, and any other information requested by the Secretary of State. On request, a provisional voter may learn whether the voter's ballot was counted and, if not, why.

At the time that a voter casts a provisional ballot, the election officials must provide the voter with information explaining provisional voting. In addition, this information will be published through the media, voting educational materials and posted at the polling place on election day. West Virginia law requires the posting of election information on the door and in the voting booth at each polling place.

The State must also establish a free access system for the voter to use to find out if his or her vote counted. In West Virginia, phone calls to one's local county courthouse are toll free. However, the Secretary of State will implement a toll free call system for voters located outside their resident county. In addition, the Secretary of State will provide information about provisional votes on the website.

In addition to provisional voting requirements, HAVA §302 mandates that states publicly post specific information at the polls on election day. The State currently displays voting information at each polling place, although county clerks must adjust the content slightly to comply with HAVA.

HAVA §302 further provides that voters who vote pursuant to a court or other order, during extended hours after the normal close of a polling place, cast provisional ballots. These ballots must be kept separate from other provisional ballots. The State did not previously include this requirement as part of its provisional voting law and procedures, and consequently, is updating procedures accordingly.

1.C §303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register by Mail
Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will move the deadline for §303(a) compliance to January 1, 2006.

3/3/2004

4



West Virginia Secretary of State
State Plan

Currently, official State voter registration records are created and maintained at the county level. Each county clerk updates and separately maintains voter registration records for its county, with each of the State's 55 counties using one of two local systems. The Secretary of State does, however, maintain an aggregate list. On a monthly basis counties send data files to the Secretary of State, and these are merged into the read-only database. The State's current system is not the "single, uniform, official, centralized, interactive, computerized statewide voter registration list" required by HAVA.

Moreover, information gathered and maintained on State voters does not uniformly include driver's license numbers or partial social security numbers, as required by HAVA. While West Virginia requests the last four digits of the individual's social security number, it is not required. The mail-in voter registration form must be redesigned to accommodate information required by HAVA. This will be completed in June 2003 in accordance with State law. Also, the voter registration and polling place voter qualification processes must be modified to allow for the verification of identification provided by first-time voters who register by mail.

During the 2003 legislative session, the West Virginia Legislature amended the law to comply with the voter registration requirements of HAVA.

West Virginia is currently acquiring the preliminary data to begin the process of implementing the voter registration system. Upon submission of the plan, a Request for Proposal (RFP) will be prepared with the goal of being fully implemented by the 2004 election. The RFP will require the purchase of the entire system to include set up in the Secretary of State's Office, set up in the county clerks' offices, one PC computer and scanner per county and adequate training of state personnel and county personnel. It will also require interfacing with the West Virginia Department of Motor Vehicles (DMV); West Virginia Vital Statistics, the agency responsible for recording deaths in the State, and the agency(s) responsible for tracking felonies. The Secretary of State has begun meeting with the DMV and will be meeting with Vital Statistics to coordinate implementation.

1.D §304, Minimum Requirements

The State understands that the requirements laid out in HAVA Title III are minimum requirements, and that the State may establish election technology

3/3/2004

5

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 §906. The State legislation is in full compliance with all HAVA requirements and with the relevant laws listed in HAVA §906.

1.E §305, Methods of Implementation Left to Discretion of State

The State chose various means to comply with the requirements of HAVA Title III. Specific details on the implementation methods chosen can be found in Sections I.A through I.C of this State Plan. The specific details of implementation that require the purchase of equipment and software cannot be established until actual purchase price is determined.

1.F §251(b) (2), Other Activities

In addition to the requirements of Title III, the requirements payments will be used to improve elections by assisting all counties with the conversion to a DRE voting system. This will provide consistency among the counties for voters, candidates and election officials. It will also allow for more effective training and education.

3/3/2004

6



West Virginia Secretary of State
State Plan

2. West Virginia's Distribution of Requirements Payment

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 paragraph (1), including a description of --

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8). -- HAVA §254 (a)(2)*

2.A Eligibility of local units to receive the payment

The Secretary of State will centrally manage initiatives funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels, program controls, and outcomes. The State will follow applicable West Virginia law regarding the distribution of federal funds.

Each of the fifty-five counties will be eligible to take advantage of the same opportunities to receive financial assistance for the purchase of DRE voting equipment. The Secretary of State's Office will negotiate a statewide contract to purchase voting equipment to find the most cost effective method of purchasing equipment. Each county will be able to purchase equipment from the statewide contract, and the Secretary of State's Office will facilitate the distribution of the purchase price to the vendor.

The counties will be given a variety of financial options including grants and zero interest loans to assist each county to comply with HAVA and to fully convert to DRE voting equipment. The program will ensure a perpetual fund for the counties to make sure that the equipment is adequate and meets both the state law and HAVA for years to come.

2.B Performance measures for local units

Funds will be centrally managed as described in Section 2.A, and the Secretary of State will monitor the initiatives for which those funds are authorized. The performance measures will be built into the program

3/3/2004

7



West Virginia Secretary of State
State Plan

because the Secretary of State will make sure that the voter registration system and the approved voting system(s) all meet the requirements of HAVA. Furthermore, the Secretary of State will be responsible for purchasing the equipment and distributing it to the counties. Therefore, controls and measurements will be established and reviewed with each step to fully implement the program.

3/3/2004

8



West Virginia Secretary of State
State Plan

affect a specific requirement of HAVA, the Secretary of State believes that any peripheral information that can be provided to voters will result in more interest in the electoral process and more educated voters participating in the elections.

The Secretary of State's Office is required by the West Virginia Code to provide training to county election officials about election laws and procedures. Because the State has five types of voting systems and different election officials responsible for conducting absentee voting as well as other differences among the counties, training county election officials is extremely difficult. Each segment of training has to be customized to the specific county or it is somewhat ineffective. When the counties begin to convert to DRE voting systems, it will become much easier to train large segments of the State that use the same procedures.

Currently, county election official training is provided in a variety of forms. First of all, the Secretary of State's Office provides a variety of manuals to be used by the county election officials including election cycle calendars, absentee voting, and canvassing. The Secretary of State also publishes and provides each county copies of the election statutes and rules. The Secretary of State's Office also provides a variety of training meetings for the county officials and corresponds regularly regarding new issues and changes in law or procedures.

Perhaps the most significant form of training to county election officials comes in the form of individual consultations by telephone or meetings with the elections division daily during the Secretary of State's regular business hours. In addition to the existing forms of training, the Secretary of State plans to provide regional "train the trainer" education to assist the counties in instituting an effective poll worker training program.

The county clerks are responsible for training poll workers for each election using materials produced and provided by the Secretary of State. The Secretary of State will be revising all current training materials to give more effective training based on voting systems, revisions to West Virginia law during the last three legislative sessions and new HAVA requirements.

3/3/2004

10



West Virginia Secretary of State
State Plan

3. Voter Education, Election Official Education and Training, and Poll Worker Training

How the State will provide for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of Title III. -- HAVA §254 (a) (3)

Education and training programs are critical to a successful program of election reform in West Virginia. The successful implementation of HAVA will require that all stakeholders (poll workers, election officials, voters, etc.) are educated about the new processes and new technologies that HAVA requires. Due to the passage of HAVA and because the West Virginia Legislature has passed significant election legislation in 2001, 2002 and 2003, training and education at all levels must be substantially recreated.

Currently, training and education target three groups: election officials in the counties, poll workers and voters. The Secretary of State's Office and the counties provide a variety of educational information to the voters which include various pamphlets, sample ballots published in local newspapers, press releases, voting information posted at the polling place, and information on the website. In the future, the Secretary of State's Office will strive to provide election information in alternate formats to be utilized by the disabled community.

In addition, the Secretary of State has instituted a program of voter education called SHARES (Saving History and Reaching Every Student). This program utilizes six individuals responsible for different regions of the state to embark on a wide variety of voter education that touches all citizens in West Virginia from elementary students to the elderly. This program has been credited for helping to increase voter participation during the 2002 election for the first time in sixteen years. This program will continue to be very active in voter education and will constantly be utilized in new and different ways to reach more citizens and educate them about election processes, voters rights, and the importance of registering and voting.

The Secretary of State has introduced a new program of voter education called "Candidate" which will be utilized in the 2004 election to give the voters more information about their candidates. Each candidate will be able to participate in this program by submitting a short video giving pertinent information regarding personal information, background and views on issues. While this will not directly

3/3/2004

9



West Virginia Secretary of State
State Plan

4. Voting System Guidelines and Processes

How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301. -- HAVA §254 (a) (4)

In March 2003, the West Virginia Legislature passed Senate Bill 648, which adopted the voting system requirements of HAVA in addition to the existing voting system requirements. Many of the requirements of voting systems under HAVA were consistent with or similar to existing West Virginia law.

Senate Bill 648 becomes effective on June 5, 2003. All voting systems approved for use in West Virginia must be evaluated by computer specialists and certified by the State Election Commission. Any future evaluations and certifications will require the system to meet the HAVA requirements. All current systems used in elections in West Virginia will be also required to meet the HAVA requirements. This information will be conveyed to all county officials, certified vendors and certified printers in the form of training, manuals and ballot specifications provided by the Secretary of State's Office.

3/3/2004

11



West Virginia Secretary of State
State Plan

5. West Virginia'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)

With the passage of Senate Bill 648 in March 2003, the legislature has established two new funds for election reform expenditures that are kept separate and distinct from all other programs within the agency. The federal fund will be used to maintain federal fund receipts and expenditures. The state fund will be used to budget and expend general funds representing the 5% match required under HAVA.

The Secretary of State will work with the State Auditor to follow and enforce all mandated fiscal controls and policies.

3/3/2004

12



West Virginia Secretary of State
State Plan

6. West Virginia'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)

The following budget is based on the assumption that West Virginia will receive approximately \$5,000,000 in Title I funds and approximately \$5.5 million in requirements payment for federal fiscal year 2003. It is also based on the assumption that the State will receive approximately \$9,000,000 during federal fiscal year 2004. The West Virginia Legislature has already appropriated \$800,000 in funds for the five percent match.

In addition, this budget is based on estimated costs for the various expenditures. The State will not truly know how much each of these will cost until RFP's are received and contracts are negotiated.



West Virginia Secretary of State
State Plan

HAVA Requirements	Estimated Total Cost	Source of Funding	Implementation Period
Centralized Voter Registration System (Including software, hardware, training at state and county)	\$3,000,000	Title I and Requirements Payments	FY 2003 and 2004
Education Program (Including poll worker powerpoint, printing brochures, etc.)	\$500,000	Requirements Payments	FY 2003 to 2006
Administrative Costs (Including free-access system for provisional ballots and contractual labor)	\$300,000	Requirements Payments	FY 2003 to 2006
Voting Equipment (Including one DRE/precinct and replacement of punch card and lever machines)	\$16,500,000	Title I and Requirements Payments	FY 2003 to 2006
Total	\$20,300,000		



West Virginia Secretary of State
State Plan

7. 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, West Virginia 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 of \$42,329, which ended June 30, 2000. These funds represent the portion of the expenditures made by the Secretary of State during fiscal year 2000 for activities carried out by the elections division that are consistent with the activities to be funded by the requirements payment.

As in many states, the majority of all election expenditures are incurred by individual county budgets. Statewide elections occur every even year in conjunction with the federal elections. In addition, the counties are responsible for special elections for county issues such as levies and bonds. West Virginia's 55 county budgets typically support year-round core staff and operating expenses for continuous functions such as voter registration, information services, and technical support. Furthermore, the counties provide the significant increase in funding associated with each specific election such as poll workers, temporary office staff, and ballot production.

It is therefore important to note that the projected HAVA budget set forth in Section Six of this Plan is based on the assumption that the counties will also maintain election expenditures at existing levels.

8. 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 Secretary of State will establish performance goals and procedures to measure the progress toward the achievement of each of the goals set out in this plan to assure full compliance with HAVA. The plan itself will be the criteria used to determine performance and success. The counties will have a substantial responsibility in carrying out the various goals of the plan. Therefore, the counties will be reporting to the Secretary of State on a variety of indicators regarding the progress and success of each component.

State responsibilities, such as implementing a centralized, state-wide voter registration system, will be monitored at each step of implementation by the Secretary of State through RFP, bidding process, and contract negotiation. This process will provide county officials with structure and continued measurable targets for accomplishment.

Plan Element	Official Responsible	Timetable
Voting Systems	Secretary of State/County Officials	January 1, 2006
Provisional Voting	County Clerks	January 1, 2004
Voter Registration Education and Training	Secretary of State/County Officials	January 1, 2004
Complaint Procedure	Secretary of State	January 1, 2004
Elimination of Punch Card and Lever Machine	Secretary of State/County Officials	January 1, 2004 (with waiver until January 1, 2006, if necessary)
Management of State Plan and HAVA funds	Secretary of State	Continuous



West Virginia Secretary of State
State Plan

9. 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.

Prior to the passage of HAVA, the Secretary of State handled election complaints in accordance with the standard operating procedures established in 2001. Most complaints were handled informally to most effectively resolve immediate problems. When an individual was dissatisfied with any attempt to resolve the problem through informal means, the individual could file a formal complaint. This procedure required written complaints that were reviewed and investigated. Upon gathering all significant information, the Secretary of State determined the appropriate action given the limitations of authority that the Secretary of State has over county officials.

Most complaints are resolved through education of election officials and amending election procedures at the county level. However, under certain circumstances, the Secretary of State turns complaints over to law enforcement agencies such as the West Virginia State Police, county prosecutors or the United States Department of Justice.

In March 2003, the West Virginia Legislature passed Senate Bill 648, which adopted the complaint procedure required by HAVA. The procedure is somewhat more formal than the previous procedure, but uses the same type of process by making the Secretary of State the central office for receiving complaints, allows the Secretary of State to gather needed information, and then requires the Secretary of State to take the appropriate action. Generally, the only action that can be taken by the Secretary of State given his constitutional and statutory authority is to notify the appropriate agency of wrongdoing and to suggest resolutions.

After the implementation of the new process, most election complaints will still likely be resolved through the informal process of contacting parties by phone or in writing to get immediate resolutions. However, when complaints do become part of the formal process, the Secretary of State will require that the complaint be made in writing and notarized. The complainant will be given a hearing, if requested, and a decision will be made within ninety days of receiving the complaint, unless the

3/3/2004

17



West Virginia Secretary of State
State Plan

complainant agrees to an extension. If not resolved within ninety days, the complaint will be handled through alternate dispute resolution.

If the Secretary of State determines that no violation has occurred, a written decision will be issued. If the determination is made that a violation has occurred, the Secretary of State will contact the county officials and/or law enforcement with request that the violation be remedied or prosecuted.

3/3/2004

18



West Virginia Secretary of State
State Plan

10. 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 West Virginia has received five million dollars in Title I funds.

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

West Virginia is eligible for approximately \$3,017 million under section 101. This funding will be used to purchase the statewide voter registration system, since it is one of the first expenses that will be incurred in accordance with the act.

§102. Replacement of punch card or lever voting machines.

West Virginia is eligible for approximately \$2,381 million under section 102. In accordance with HAVA, these funds will be used to purchase one DRE voting apparatus per precinct. This apparatus will be equipped with the disability components to comply with the voting system requirements in section 301. These funds will also be a portion of the purchase required to completely replace the punch card and lever machine equipment in the fifteen counties currently using those systems.

3/3/2004

19



West Virginia Secretary of State
State Plan

11. West Virginia'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)

West Virginia intends to use the State Plan as the foundation for implementation of HAVA. Due to the small staff of the Secretary of State's Office, organization and planning for implementation will be crucial to its success. The State expects the HAVA program to be ongoing for several years. In fact, the funds will be utilized in such a way to make the election fund perpetual to provide for election needs of the counties for many years to come. These funds will allow for upgrading of voting equipment so that the State is not faced with obsolete voting systems in a few years.

The Secretary of State has hired a HAVA director to oversee the administration of the act and perhaps more importantly to work directly with the counties to assist with implementation by traveling to the counties to provide assistance. The duties of the SHARES compliance officers will also be expanded to increase their educational duties. In addition, the HAVA advisory committee will be kept in place to work through issues and share information and ideas with the county officials and the public.

The State understands and agrees to comply with HAVA requirements related to ongoing management of the State Plan. More specifically, the State agrees that it may not make any material change in the administration of the State Plan unless the change:

- (A) is developed and published in the Federal Register in accordance with HAVA §255 in the same manner as the State Plan;
- (B) is subject to public notice and comment in accordance with HAVA §256 in the same manner as the State Plan; and

3/3/2004

20



West Virginia Secretary of State
State Plan

(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).

3/3/2004

21



West Virginia Secretary of State
State Plan

12. 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 first 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.

3/3/2004

22



West Virginia Secretary of State
State Plan

13. State Plan Advisory 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 State's HAVA Advisory Committee consists of individuals representing a cross-section of election stakeholders. The State Plan Committee was selected by the State's chief election official, Joe Manchin III, Secretary of State.

Members of the HAVA Advisory Committee, and the organizations that they represent, are as follows:

- Member from Secretary of State's Office to act as chairman:
 - Larry Puccio
- Representative from the Governor's Office:
 - Frank Lee
- Two members of the legislature (one from each house):
 - Senator Jon Hunter
 - Delegate Virginia Mahan
- Two county clerks (from the two most populous counties):
 - Alma King, Kanawha County
 - Karen Cole, Cabell County
- Two circuit clerks:
 - Barb Core, Marion County
 - Virginia Sine, Berkeley County
- Two county commissioners:
 - Tim McCormick, Ohio County
 - Bob Bell, Monongalia County
- Two mayors:
 - Ermmett Pugh, Beckley
 - Tony Paesano, Follansbee
- Members of the disabled community
 - James Dague
 - Bob Peck, WV Advocates
 - Darren Burton, American Federation for the Blind
 - Penny Hall, WV ADA Coordinator
 - Kevin Maynus, Mountain State Centers for Independent Living

3/3/2004

23



West Virginia Secretary of State
State Plan

- David Stewart, Statewide Independent Living Council
- One member from each political party:
 - Marie Prezioso, Democrat
 - Gary Abernathy, Republican
 - Frank Young, Mountain
- Members from Veteran Community
 - Bob Vass, Veterans Military Representative
 - Larry Lynch, Division of Veterans Affairs
- Member of the League of Women Voters
 - Deidra L. Halley
- Member from Senior Citizen Community
 - Zerbie Swain, WV Senior Services
- Members from the public:
 - Johnny White
 - Ivin Lee, WV Human Rights Commission
 - Ron Radcliff
 - Janice Maynard
 - Norm Steenstra, WV Citizens Action Group
 - Kenny Perdue, WV AFL-CIO
 - Margaret Jarvis, WV AFL-CIO
 - Dick Kennedy, Chas. Regional Chamber of Commerce
 - Gary Williams, County Clerk of Boone

The State Plan Committee will comply with the requirements of §255 and §256 of HAVA.

3/3/2004

24

Wisconsin

State Plan

Help America Vote Act of 2002

Wisconsin State Elections Board

Kevin J. Kennedy, Executive Director

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State of Wisconsin\ Elections Board

Certification

I, Kevin J. Kennedy, Executive Director of the Wisconsin State Elections Board, certify I am the chief State Election Official for the State of Wisconsin. Section 5.05 (1)(a), Wisconsin Statutes.

Pursuant to Section 253 (b) (1) of the Help America Vote Act of 2002, I certify the attached State Plan for the State of Wisconsin contains each of the elements described in Section 254 of the Help America Vote Act of 2002 with respect to federal fiscal year 3; the Plan has been developed in accordance with Section 255 of the Help America Vote Act of 2002 and meets the notice requirements of Section 256 of the Help America Vote Act of 2002.

Dated this 19th day of August, 2003.

Kevin J. Kennedy, Executive Director
Wisconsin State Elections Board

Introduction

Wisconsin has a rich history of citizen participation in the electoral process. Wisconsin has developed a series of political innovations to enable citizens to select their leaders as part of the democratic process. These innovations include the development of the open primary in 1903, the establishment of an independent state agency to administer elections in 1974 and the implementation of election day registration in 1976. A list of the nine citizens currently serving on the State Elections Board is set out in Appendix I.

The Help America Vote Act of 2002 (HAVA) provides a unique opportunity to add to Wisconsin's electoral tradition and develop a strong partnership between state and local election officials. Elections in Wisconsin are conducted by municipal election officials. Local election officials recruit and train poll workers, maintain voter records, issue absentee ballots, and establish and equip polling places including acquiring voting equipment. County election officials are responsible for the preparation of ballots and notices for county, state and federal elections. They also provide a significant contribution in coordinating the work of local election officials to increase efficiency in the delivery of election services. The State Elections Board is responsible for providing leadership in election administration by establishing standards to ensure uniformity and safeguarding the vote of all electors.

The mission of the State Elections Board is to enhance representative democracy by ensuring the integrity of the electoral process. The Elections Board directs its energies toward providing for an informed electorate, both in regard to understanding the election system and to being aware of the activities and finances of candidates for public office. Under the auspices of HAVA, the State Elections Board, working in cooperation with county and municipal election officials, will ensure that Wisconsin elections continue to be administered through procedures that guarantee that the vote of each individual counts and that the will of the electorate prevails. The shared vision for all participants in Wisconsin's electoral process is that elections are open, fair, impartial and free from error.

Following the 2000 Presidential Election, the nation's voting process was the subject of numerous studies by legislators, scholars, citizen groups and election officials. Each study provided a different focus, but a consensus formed around key elements that were essential to the integrity of the election process. The State Elections Board has posted these studies on its website at: <http://elections.state.wi.us/sebpage55.html>.

Hundreds of pieces of legislation were introduced in Congress and state legislatures, including 25 separate bills in Wisconsin during the 2001-2002 legislative session, to change the way elections are administered. Members of the election community worked with Congress to secure passage of legislation that maintained state and local control over the administration of elections while establishing minimum standards to ensure public confidence in the integrity of the voting process.

The Help America Vote Act of 2002 (HAVA) was enacted by Congress to make sweeping reforms in the way elections are conducted. The Act addresses improvements to voting systems and voter access. It includes requirements for a centralized voter registration database, privacy and independence in the voting process, access for people with disabilities and voter outreach.

As a condition of receiving federal funding, each state is required to submit an implementation plan that meets the requirements of the Act.

In December 2002, the State Elections Board began the process of preparing a study for the state legislature to present a plan for designing, developing and implementing a statewide voter registration system. This was the initial step in preparing for the implementation of one of the key elements of HAVA that brings state and local officials together to improve accessibility for Wisconsin's voters. The report was given to the State Elections Board on May 15, 2003.

In January 2003, the Executive Director of the State Elections Board, Wisconsin's chief election official, appointed a State Plan Committee comprised of county and municipal election officials, representatives of advocacy groups and other citizens to assist in the HAVA planning process. The group has met three times to discuss the planning process and provide direction for the development of this plan.

This initial plan represents the collective input and recommendations of the State Plan Committee and numerous citizens, legislators and advocacy groups who have been following the plan development process. Members of the public were given the opportunity to comment on the preliminary plan in public hearings that were held in Brookfield on May 21, 2003, Madison on June 4, 2003, and Eau Claire on June 9, 2003. Written comments on the preliminary plan were also accepted for consideration through June 20, 2003. After the public comment process, the State Elections Board considered the public input in preparation of this plan for submission to the federal government.

Wisconsin is in a good position to implement the HAVA requirements. Many of the election reforms required by the Act are already addressed in current state laws and procedures. This initial state plan identifies the priorities and specific steps state and local election officials will take to meet the requirements of HAVA. It also discusses what additional improvements may be undertaken if there is remaining or additional federal funding after all of the requirements have been met.

The State Plan Committee is recommending the following activities as part of Wisconsin's response to HAVA:

- Design and implementation of a computerized statewide voter registration system that is the single database of all registered voters.
- Purchase and deployment of voting equipment that meets the standards established by HAVA.
- Increased access to the election process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach. This will include an evaluation of every polling place in the state during the implementation of HAVA to identify barriers to accessibility and full voter participation.
- Implementation of a comprehensive program that informs voters about the election process in Wisconsin including where to obtain information on the voting process, how to

correct ballots, how to request replacement ballots and how to obtain relief for possible violations or irregularities in the administration of state and federal election procedures.

- Implementation of a toll-free telephone line that allows voters to check the status of their provisional ballots, determine whether or not their ballot was counted and enable electors to report possible voting fraud and voting rights violations.

- Training of all election officials including chief inspectors, municipal and county clerks, along with State Elections Board staff.

To receive federal funding, Wisconsin must certify that it has established a State Election Fund that is separate and distinct from the state General Fund. The state must also provide the federal Election Assistance Commission with a plan for the implementation of a uniform, nondiscriminatory administrative complaint procedure to resolve alleged HAVA Title III violations. Legislation to make those changes will be introduced in the 2003 Wisconsin Legislature. Once these changes are in place, the State Elections Board will certify to the federal government that it is eligible to receive HAVA funding.

While HAVA increases responsibility for election administration at the state level to achieve greater uniformity and consistency, municipal election officials are charged with the conduct of elections and are crucial to all aspects of the election process. As Wisconsin moves forward in carrying out this plan, the State Elections Board will continue to encourage coordination, cooperation, and collaboration between local and state officials on the innovations and technology that will be developed in response to HAVA.

Finally, this plan should be viewed as a living document that will need to be updated and refined over time to reflect the state's progress in implementing HAVA. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and address new election-related challenges. Wisconsin welcomes the challenges of the Help America Vote Act and looks forward to receiving appropriate financial support from the federal government.

Section 1 – Title III Requirements and Other Activities

How the State will use the requirements payments to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections.

The total amount of federal funding available as requirements payments under Section 254 of HAVA to Wisconsin is uncertain. Congress has not appropriated funds beyond federal fiscal year 3 (FFY 3). The initial appropriation provides an estimated \$15.39 million in requirements payments. HAVA requires the state to match this payment by appropriating an amount equal to 5% of the total spent. In order to match the initial federal payment, the state must appropriate \$810,000 in Fiscal Year 4.

The State Plan Committee has established the following priorities for the use of requirements payments and the corresponding state match:

- replacement ballot if the voter was otherwise unable to change the ballot or correct any error).
- The voting system shall ensure that any notification preserves the privacy of the voter and the confidentiality of the ballot.
- The voting system shall produce a record with an audit capacity for the system. The record shall be a permanent paper record with a manual audit capacity. 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. The paper record produced shall be available as an official record for any recount conducted with respect to any election in which the system is used.
- The voting system shall 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. This requirement can be satisfied 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.
- The voting system shall provide alternative language accessibility pursuant to the requirements of the Voting Rights Act of 1965.
- 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 the voting systems standards issued by the Federal Election Commission.
- 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.

There is no voting system approved for use in Wisconsin that meets each of these standards. Presently 87% of the state's voters use optical scan voting systems, 10% of the state's voters use paper ballots and 3% of the voters use lever voting machines. Wisconsin began the transition from punch card voting in 1993. Punch card voting was eliminated in Wisconsin following the 2001 spring elections.

The optical scan voting system meets the general requirements on privacy and independence. It also meets the audit capacity requirements. Because 13 counties use a central count tabulation system for optical scan ballots, state, county and municipal election officials will have to develop a voter education program. This is also the case for municipalities using paper ballot voting.

Where Wisconsin falls short on the federal standards is providing access for individuals with disabilities. The state will evaluate new voting systems' disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This is one of the priority uses of the requirements payments.

- Design, develop and implement a statewide voter registration system.
- Evaluate new voting systems and all polling places for HAVA Section 301 and disability access compliance.
- Develop an implementation and acquisition plan for compliant voting systems.
- Develop training and education programs for voters, election officials and poll workers.

HAVA establishes a number of requirements that all states must meet whether or not federal funds are accepted. The specific choices on the methods of complying with these requirements is left to the discretion of the state. HAVA Section 305. A brief description of the requirements and how Wisconsin will meet the requirements is set out below.

Voting Systems Standards Requirements - HAVA Section 301 (b)
Deadline for Compliance: January 1, 2006; no waiver permitted.

HAVA establishes standards for voting systems. The deadline for meeting these standards is January 1, 2006. Each voting system used in an election for Federal office shall meet the following requirements:

- In general, the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic system) shall:
 - 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;
 - 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
 - If the voter selects votes for more than one candidate for a single office:
 - notify the voter that the voter has selected more than one candidate for a single office on the ballot;
 - notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and
 - provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

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 these requirements by 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 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

Wisconsin is not presently subject to the alternative language requirements of the Voting Rights Act of 1965. However, Wisconsin has a growing number of individuals whose participation in the political process would be enhanced by having voting information available in a language other than English. As part of the evaluation and acquisition of new voting systems, the State Elections Board will ensure that any new system has the capability to meet this requirement. The state will also develop voter information materials in alternative languages.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASED). The State Elections Board recently directed that all new voting systems must meet the most current national standards. The State Elections Board has drafted legislation to require the Board to evaluate voting systems for compliance with the error rate requirements following each general election.

Current law establishes uniform standards of what constitutes a vote. S. 7.50, Wis. Stats. The Elections Board has drafted legislation to permit the agency to promulgate administrative rules to establish similar requirements for new voting systems that may be approved by the Elections Board.

Provisional Voting Requirements - HAVA Section 302 (a)
Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires a state to provide an individual the opportunity to vote a provisional ballot if the individual asserts that he is registered, but the voter's name does not appear on the poll list or an election official asserts that the individual is not eligible to vote. The individual must complete a written affirmation that he is a registered voter in the jurisdiction and eligible to vote in that election. The individual is then permitted to vote a provisional ballot. The provisional ballot is not counted unless the municipal clerk can verify that the individual is a registered voter in the jurisdiction and eligible to vote in that election.

Wisconsin is exempt from this requirement because it has a system of election day registration that permits a voter whose name does not appear on the poll list to register at the polling place. Under current law, a voter must provide proof of residence or have the registration application corroborated by an elector of the municipality who has proof of residence.

Voting Information Requirements - HAVA Section 302 (b)
Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires that specific information be posted at each polling place on election day. The required information is:

- A sample version of the ballot that will be used for that election;
- Information regarding the date of the election and the hours during which polling places will be open;
- Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

- Instructions for mail-in registrants and first-time voters;
- General information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and
- General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Wisconsin law currently requires two sample ballots to be posted at the polling place along with instructions on how to vote, including how to cast a vote. S. 5.35 (6) Wis. Stats. The Elections Board has drafted legislation to add the required information to the current posting requirements.

Voters Allowed to Vote After the Polls Close Pursuant to a Court Order - HAVA Section 302 (c)
Deadline for Compliance: January 1, 2004; no waiver permitted.

HAVA requires that any individual who votes after the polls close pursuant to a court order shall vote a provisional ballot. The ballot shall be separated and kept apart from other provisional ballots.

The Elections Board has drafted legislation that treats the ballot in a manner similar to a challenged ballot under S. 6.95 Wis. Stats. The ballot is marked with an indication that it is cast pursuant to a court order, but the voter's serial number is not included on the ballot. The ballot is counted, but if the court order is overturned, the ballot can be retrieved and the canvass results changed to reflect the court action.

Computerized Statewide Voter Registration List Requirements - HAVA Section 303 (a)
Deadline for Compliance: January 1, 2004; State can submit a certification stating "good cause" that will extend the deadline for compliance to January 1, 2006.

HAVA requires the State, acting through the chief State election official, to 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. HAVA requires the computerized list to have the following attributes:

- The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State.
- The computerized list contains the name and registration information of every legally registered voter in the State.
- Under the computerized list, a unique identifier is assigned to each legally registered voter in the State.

HAVA requires an individual who registers by mail and who has never voted in the state before registering by mail to provide specific identification before being permitted to vote. The identification specified in HAVA includes a current and valid photo identification or a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. If the voter does not provide the required identification, the individual must vote on a provisional ballot.

An absentee voter, subject to this requirement may provide a copy of the identification as part of the absentee voting process. Local election officials will have to track first-time voters and secure the required identification. This can be done after the voter registers and before election day.

Because Wisconsin has election day registration, it is exempt from using provisional ballots. However, the Elections Board has drafted legislation to implement this requirement. Election day registration provides voters with an enhanced opportunity to participate in the electoral process. It is expected that most individuals that are required to provide identification will be able to register at the polling place under the current election day registration provisions. S. 6.55 Wis. Stats.

Section 2 – Distribution of Requirements Payment

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 1 of the State plan, including a description of the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and 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 8 of the State Plan.

The state does not plan to distribute any of the initial requirements payments to local government. The state will provide infrastructure support to local government to implement the requirements of HAVA. The projected cost for development and implementation of the statewide voter registration system along with the acquisition of voting systems that comply with HAVA requirements will likely exceed the amount of federal funds available for requirements payments. Local government will have to share in the cost of HAVA compliance.

The state will provide and maintain a statewide voter registration system that will replace the systems currently used by municipalities with voter registration. The state will also use the requirements payments to acquire HAVA compliant voting systems. The state will provide voter information and election official training as part of the implementation of HAVA.

If the state uses the requirements payments for election administration infrastructure rather than distributing funds, local government does not have to expend additional resources monitoring compliance to ensure the integrity of the use of the funds. If the state makes the infrastructure investment with the requirements payments, it avoids using limited federal funds to monitor the performance of local government on the use of payments received from the state.

- The computerized list shall be coordinated with other agency databases within the State.
- Any election official in the State, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- 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.
- The chief State election official shall provide such support as may be required so that local election officials are able to electronically enter voter registration information into the computerized list on an expedited basis.
- The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the State.

Under current law, voter registration is required in municipalities with a population of more than 5,000. S. 6.27 Wis. Stats. Only 320 of the state's 1,850 municipalities have voter registration. All voter registration records are maintained at the local level.

In December 2002, the Elections Board requested and received supplemental funding to conduct a study on the development and implementation of a statewide voter registration system (SVRS). The agency hired a consultant to conduct the study under the direction of the Elections Board staff. The primary deliverable of the study is a report for the legislature that describes an implementation plan and credible cost estimate for the development and implementation of a statewide voter registration system. The report was completed on May 15, 2003. It will be submitted to the legislature so that appropriate funding and authorization can be included in the Board's HAVA implementation legislation. A copy of the report is available from the State Elections Board.

The study included the development of business and functional requirements for the system in conjunction with local election officials and other users. A steering committee consisting of representatives of the Elections Board, the Department of Transportation, the Department of Corrections, the Department of Health and Family Services and the Department of Electronic Government is monitoring the project. A Request for Information (RFI) was solicited from the universe of potential vendors to assist in determining a credible cost estimate and perform a gap analysis on the business and functional requirements.

This project will be the focus of the initial use of the requirements payments. The Elections Board has established a timeline for rolling out the statewide voter registration system for the 2006 election cycle. The Elections Board has drafted legislation to implement this requirement. The Elections Board plans to apply for a waiver of the January 1, 2004 deadline.

Requirements for Voters Who Register by Mail - HAVA Section 303 (b)

Deadline for Compliance: January 1, 2004; no waiver permitted.

The State Elections Board also plans to develop a training video based on the model developed by North Carolina to supplement the training seminars.

The State Elections Board plans to collaborate with representatives of groups of individuals with disabilities and local election officials to develop informational materials that promote participation in the voting process. The materials will provide information about the accessibility of polling places, voter registration and where to obtain information about candidates and issues.

The State Elections Board will acquire equipment and adapt its website to provide a source of access to information that promotes participation in the voting process for individuals with the full range of disabilities. This includes a TTY, instant messaging capabilities, voice recognition software and alternative formats for the materials developed in connection with Section 261 activities.

The State Elections Board will establish an education committee under the auspices of the Election Administration Council to evaluate the needs for voter education and election official training. Following identification of areas requiring education, the Elections Board and the Election Administration Council will determine training standards including delivery method, information updating, creation of methods to assure continued training and evaluations to assure objectives have been achieved. Outreach programs will be provided on the statewide voter registration system to access information, along with education on voter registration, the voting process, operation of voting mechanisms, locating polling places and contact information related to election participation. This will include development of training and outreach programs to expand understanding and assistance for people with disabilities in exercising their right to vote. Materials will be developed by the State Elections Board and will be provided to county and municipal clerks to supply to the public.

Postings on election day at polling locations will include a sample version of the ballot, information on the date of the election, the hours of the polling place, instructions on provisional ballots, instructions for mail-in registrants and first-time voters and general information on voter rights and laws prohibiting fraud and misrepresentation. These instructions will also be available on the State Elections Board website: <http://elections.state.wi.us/> and in the form of brochures for citizens.

Section 4 – Voting System Guidelines

How the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

Under current law, Wisconsin has established a set of standards for the approval of electronic voting systems. S. 5.91, Wis. Stats. The State Elections Board has drafted legislation that adds the HAVA voting system standards to the current statutory requirements. The Elections Board has also promulgated administrative rules detailing the process for approving electronic voting systems for use in Wisconsin. EIBd Ch. 7, Wis. Adm. Code.

Wisconsin requires any electronic voting system to be qualified against the voting systems standards established by the Federal Election Commission before it can be used in the state. The

Section 3 – Voter Education, Election Official Education and Training, and Poll Worker Training

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.

Training and education for voters and election officials is the foundation which provides for efficient and cost-effective elections. Informed voters and trained election officials are key elements in the integrity of the electoral process. The State Elections Board currently conducts regular information and training meetings at various locations in the state for county and municipal clerks and other election officials. Administrative meetings are designed to explain the election laws and the forms and rules of the Board, to promote uniform procedures and to assure that clerks and other officials are made aware of the integrity and importance of the vote of each citizen. S. 5.05(7), Wis. Stats. To enhance this process, State Elections Board personnel and resources will be supported by future federal funding. The State will also provide resources and work through election official user groups, including the Wisconsin County Clerks Association, the Wisconsin Municipal Clerks Association, the Wisconsin Towns Association and the League of Wisconsin Municipalities for education and training. The State Elections Board will also reach out to engage other citizen groups to provide voter information and education and stimulate interest in the democratic process.

The State Elections Board will implement the statutory requirement for chief inspector training and certification. The initial training and certification will consist of a comprehensive presentation to local election officials by a team of State Elections Board personnel and local election officials. These sessions will begin in 2003 and be held at several locations throughout the state. Continuing certification will be maintained through 6 hours of training over a two-year period. This additional training may include attendance at a presentation conducted by the Elections Board staff, training conducted by the municipal clerk that is approved by the Elections Board, or participation in a WisLine Teleconference session. The training program will be supplemented by a manual designed as a reference for use at the polling locations. The Elections Board is required to conduct regular training and administer examinations to ensure that individuals who are certified are knowledgeable concerning their authority and responsibilities. S. 7.31(5), Wis. Stats.

The State Elections Board has applied for HAVA Section 261 funds to promote disability access. Some of these funds will be used to train election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for federal office.

The State Elections Board plans to organize and present a series of on-site training seminars for local election officials, including poll workers. These sessions will be designed to present information to election officials, poll workers, and election volunteers on how best to promote access and participation for individuals with the full range of disabilities in elections. The information for these presentations will be developed in collaboration with representatives of groups of individuals with disabilities and local election officials.

punch card or lever voting machines. Funds have also been appropriated under HAVA Title II to meet Title III requirements.

The State Elections Board has received payments under HAVA Section 101. The State Elections Board plans to use the funds to reimburse the agency for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan.

The agency also plans to use the payments to hire four Full Time Equivalent (FTE) agency staff to implement HAVA requirements. Title I payments will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The State Elections Board also plans to use a portion of the payments to work with local election officials and governing bodies to identify cost reduction applications as part of the pre-implementation efforts for the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. This will be done with Title I payments.

Remaining Section 101 funds will be used for costs associated with the voter education, election official training and disability access requirements of HAVA. The use of Title I funds is subject to executive and legislative approval.

Wisconsin has also received HAVA Section 102 payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the 15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

The State Elections Board applied for HAVA Section 261 funds to assure access to the election process for persons with disabilities. The payments will be used to fund activities in four areas: accessibility, privacy and independence, training and information. These funds should be available in September, 2003. The State Elections Board staff has worked with representatives of disability advocacy groups to develop a program of activities to carryout the objectives of the disability access grants.

The initial Title II appropriation provides approximately \$15.39 million in requirements payments. HAVA requires the State to match this amount by appropriating an amount equal to 5% of the total amount spent. In order to match the initial federal payment, the State must appropriate \$810,000 in Fiscal Year 4. The current state fiscal crisis has presented a challenge for the state to find the funding for the required match. The State Elections Board continues to work with the Governor's office, the legislature and local government organizations to identify funding sources to enable the state to leverage the available federal funding.

The State Plan Committee has established the following priorities for the use of Title II requirements payments and the corresponding state match.

- Design, develop and implement a statewide voter registration system.
- Evaluate new voting systems for HAVA Section 301 and disability access compliance.

qualification must be done by an independent testing laboratory approved by the National Association of State Election Directors (NASED). The State Elections Board recently revoked the approval for any electronic voting system that has not been qualified to the most recent standards established by the Federal Election Commission in December 2002.

The agency action permits any municipality that currently uses an optical scan voting system to continue to use the system. All new equipment approved for use in Wisconsin will meet the most current federal standards. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems.

The State Elections Board plans to hold a series of vendor fairs in the Spring of 2004 in cooperation with the state's eight Independent Living Centers to enable citizens with disabilities and local election officials to observe the proposed changes in voting systems that will permit all citizens to vote in a private and independent manner. This will also enable vendors to receive direct feedback from the citizens that will be using the new voting equipment before it is submitted for approval in Wisconsin.

Section 5 - HAVA Election Fund Management

How the State will establish a separate election fund for purposes of administering the State's activities under this part, including information on fund management.

The State Elections Board introduced legislation, 2003 Assembly Bill 123, that establishes the appropriate federal account to meet the HAVA requirement for a separate election fund for managing the receipt and distribution of HAVA payments and state matching funds. This legislation was passed by the legislature and signed into law by the governor on July 24, 2003. 2003 Wisconsin Act 35.

The State Elections Board has requested creation of one Full Time Equivalent (FTE) federally funded position to manage the fund and assure compliance with federal grant requirements. Agency staff has met with the State Controller's office to set up the fund and review the applicable administrative guidelines. The Legislative Audit Bureau will conduct a financial and compliance audit of the fund as part of the state's adherence to the federal Single Audit Act of 1984.

Section 6 - Wisconsin'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 the costs of the activities required to be carried out to meet the requirements of Title III; the portion of the requirements payment which will be used to carry out activities to meet such requirements; and the portion of the requirements payment which will be used to carry out other activities.

The total amount of federal funding available to Wisconsin under HAVA is uncertain. Congress has not appropriated funds beyond federal fiscal year 3 (FFY 3). Funds have been appropriated under HAVA Title I for activities to improve the administration of elections and replacement of

- Develop an implementation and acquisition plan for compliant voting systems.
- Develop training and education programs for voters, election officials and poll workers.

If no additional federal funding is appropriated, Wisconsin will not be able to fund the requirements mandated by HAVA. Wisconsin must also appropriate the required 5% spending match. At this point only \$333,000 of the \$810,000 needed in FY 4 has been set aside by the Legislative Joint Committee on Finance.

Wisconsin's proposed implementation budget based on known and anticipated federal funding is set out in the accompanying tables. The proposal is subject to executive and legislative budget decisions.

Estimated HAVA-Related Receipts

Federal Fiscal Year	Total Federal Funds	Wisconsin Federal Share	5% State Match Requirement*
Early Payments (Title I Funds HAVA Sections 101 and 102) 2003	\$650,000,000 (appropriated)	\$7,002,800	\$0
(Title II Funds HAVA Section 251) 2003	\$833,000,000 (appropriated)	\$15,390,000	\$810,000
(Title II Funds HAVA Section 261) 2004	\$13,000,000	\$184,400	\$0
(Title II Funds) 2005	\$481,000,000 (President's Budget)	\$8,887,000	\$468,000
(Title II Funds) 2005	\$600,000,000 (authorized)	\$11,085,000	\$583,000
Total	\$2,577,000,000	\$42,549,200	\$1,861,000

Source: Federal Funds Information for States, Issue Brief 03-08, FY 2003 Election Reform Funding, March 5, 2003.

*5% State Match Requirement is calculated as 5% of the total of the combined state and federal portions of expenses. This calculation requires a multiplier of .0526 (i.e., .5/95 ~ .0526) of the federal funds. For FY 4, the \$810,000 state match is 5.26% of the federal contribution of \$15,390,000. Of the combined expenditure of \$16,200,000 the state match of \$810,000 is 5%.

The amounts listed for FFY 4 and FFY 5 are estimates based on information available at the time the plan was prepared. The state match had not been appropriated at the time the plan was prepared.

Estimated HAVA-Related Expenditures

HAVA	Total Cost	Section	Section	Section	5% State
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Requirements	101 Funds	102 Funds	251 Funds	261 Funds	Match
Statewide Voter Registration System	\$26,295,000	\$4,182,000	\$21,007,500		\$1,105,500
Voting System Standards - Acquire Accessible Voting Equipment	\$16,418,800	\$1,308,800	\$14,354,500		\$755,500
Voting Information Toll Free Access	\$200,000				
Disability Access	\$387,400	\$203,000		\$184,400	
Voter Outreach and Election Official Training Management	\$889,000	\$889,000			
State Plan	\$220,000	\$220,000			
TOTAL	\$44,410,200	\$1,308,800	\$35,362,000	184,400	\$1,861,000

The proposed expenditures are based on the assumption that the funding level set out in the chart detailing anticipated HAVA funding sources is available for use by the state.

Wisconsin is assuming that the costs of complying with HAVA will not end after federal appropriations have ceased. The State Elections Board plans on holding in the Election Fund any unspent federal funds remaining after all HAVA requirements have been met and using the interest earned from these funds to pay on-going maintenance and program costs at the state and local levels.

Based on these funding levels, the State HAVA budget is representative of the activities to implement and conduct operations and maintenance through June 30, 2007 (FY 7) for the HAVA Title III requirements and "other" activities. The budget will be revised over time based on the most current information available regarding federal funding.

The duration for the budget is based on HAVA deadlines and projected funding. The federal government has not appropriated the full funding authorized in HAVA. It is essential that the federal government follow through on its commitment to assist in the funding of the HAVA mandated changes. The lack of full federal funding will make implementation of HAVA virtually impossible.

The State is also concerned that beyond the three years of federal funding, the ongoing costs of operating and maintaining the statewide voter registration system and new voting equipment will be considerably higher than current local budgets for these efforts and any unspent money in the State Election Fund. The operation and maintenance of the new infrastructure will be a financial burden when HAVA funding is no longer available.

Section 7 - Maintenance of Effort

The State Plan Committee has identified eight general project activities around which performance goals and measures will be developed. They are described below. The names and titles of current agency staff described in this section are set out in Appendix 2.

Statewide Voter Registration System

The agency's Elections, Training and Information Technology Director is the project director for the design, development and implementation of the statewide voter registration system. The State Elections Board plans to hire a consultant to work with agency staff and a liaison from the Department of Electronic Government to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Voting Systems Standards

The State Elections Board plans to hire a staff member whose primary responsibility will be to evaluate new voting systems for HAVA. Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems. This individual will be a part of the agency elections team under the direction of the Elections, Training and Information Technology Director. The elections team will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 1 of the State Plan.

Accessibility to the Electoral Process

The State Elections Board plans to hire a staff member whose primary responsibility will be to promote increased access to the election process for people with disabilities through the use of specially designed voting systems, improvements to facilities, training of elections staff and enhanced public outreach. This individual will be a part of the agency elections team under the direction of the Elections, Training and Information Technology Director. The elections team will work with the Election Administration Council, representatives of groups of individuals with disabilities and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Voter Education

The agency elections team under the direction of the Elections, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Election Official Training

The agency elections team under the direction of the Elections, Training and Information Technology Director will work with the Election Administration Council and local election officials to develop the performance goals and measures associated with this project. The chief election inspector training and certification program is a significant element of this project. The

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.

Wisconsin will maintain the level of state expenditures for HAVA requirements at the same or greater level as the State spent in the fiscal year (FY 2) ending before the November 2000 election. In that fiscal year, the State Elections Board spent no funds on activities related to HAVA requirements. The agency's election-related budget consisted of two Full Time Equivalent (FTE) elections specialists. These positions have been maintained despite a reduction in the agency staffing level as a result of the current fiscal crisis.

The positions will continue to be funded with state funds. All HAVA payments will be used to augment the preexisting level of state funding for election administration. Any payments distributed to local government will be conditioned on a continuing maintenance of effort to ensure that federal funds do not replace existing local government expenditures on election administration.

Section 8 – 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.

Performance goals and measures will be developed by the State Elections Board staff in consultation with the Election Administration Council. The performance goals will provide a high level description of the implementation elements of the State Plan. For each performance goal, a set of performance measures will be developed to measure the success of state and local election officials in meeting the described goal. The performance measures will include criteria for evaluating the scope, scheduling, resources, quality and risk management associated with each project.

Each performance goal will be part of a single or composite project activity designed to implement the elements of the State Plan. The projects will be under the general direction of the executive director of the State Elections Board. Each project will have a leader who will be responsible for ensuring that each performance goal is met.

The performance measures will be developed under the direction of each project leader. The criteria for the performance measures will be drawn in part from statutory requirements and the timetables established by HAVA and the state election calendar. The Election Administration Council and local election officials will assist agency staff in developing qualitative measures for determining the successful implementation of the elements of the State Plan. The executive director will assign a staff member to monitor the overall development of performance criteria and collect information that measures the progress toward meeting the established criteria.

implementation of the statewide voter registration system will also have a significant training component. This project is part of the implementation of Sections 1 and 3 of the State Plan.

Complaint Procedures

The administrative complaint procedure will be established by the proposed HAVA implementation legislation. The agency Legal Counsel will work with the Election Administration Council to develop the performance goals and measures associated with this project. This project is part of the implementation of Section 9 of the State Plan.

Budget and Fiscal Controls

The State Elections Board plans to hire a staff member whose primary responsibility is to manage the receipt and disbursement of HAVA payments. This individual will work under the direction of the Campaign Finance and Agency Operations Director, and serve as a member of the agency budget team. This individual is responsible for ensuring that all financial transactions are in compliance with applicable state and federal procurement requirements. This individual will also monitor the development of all project performance criteria and collect information that measures the progress toward meeting the established criteria. The agency budget team will develop the performance goals and measures associated with this project. This project is part of the implementation of Sections 1, 2, 5, 6, 7, 8 and 10 of the State Plan.

Plan Management

The Executive Director of the State Elections Board, will work with the Election Administration Council, agency staff and local election officials to manage the State Plan. The State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect the goals of HAVA and respond to legislative and executive direction. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and addressing new election-related challenges.

The Executive Director will work with the Election Administration Council to develop the performance goals and measures associated with this project. The State Elections Board has drafted legislation that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

This project is part of the implementation of Sections 11, 12 and 13 of the State Plan.

Section 9 – State-Based Administrative Complaint Procedures

A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

The State Elections Board has drafted legislation that establishes an administrative complaint procedure to comply with HAVA Section 402. The draft procedure is consistent with current

election complaint procedures set out in S. 5.06, Wis. Stats., and EIBd Ch. 10, Wis. Adm. Code. The current compliance review procedures meet the HAVA requirements for a uniform, nondiscriminatory State-based administrative complaint procedure.

Currently, an elector who believes that the action or inaction of an election official concerning nominations, qualification of candidates, voting qualifications, ward division and numbering, recall, ballot preparation, election administration, or the conduct of elections is contrary to law or that the actions or inactions of an election official with respect to any such matter constitute an abuse of discretion, may file a complaint with the State Elections Board and the agency may order appropriate relief. The decision of the Board may be appealed to the courts. Any elector who believes that an election official is acting in violation of the law may request the appropriate district attorney or, in some cases, the attorney general to petition a court for appropriate relief. However, the recount procedure is the exclusive judicial remedy for addressing any alleged irregularity, defect, or mistake committed during the voting or canvassing process.

The draft legislation creates another procedure for addressing alleged noncompliance with any provision of HAVA relating to voting system standards, provisional voting, voting information, registration procedure and administration, and voter identification. Whenever any person (whether an individual or another entity and whether inside or outside this State) believes that a violation of HAVA has occurred, is occurring, or is proposed to occur with respect to an election for national office in this State, that person may file a written, sworn complaint with the State Elections Board. The agency must grant the complainant a formal hearing upon request and must issue a decision on the complaint, together with an order for any appropriate relief, within 89 days. The relief may not include any order affecting the right of any person to hold an elective office or affecting the canvass of an election on or after the date of that election.

Section 10 – Use 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.

The State Elections Board has received payments under HAVA Title I. The State Elections Board plans to use the HAVA Section 101 payments to reimburse the agency for staff training costs associated with HAVA and agency costs associated with the preparation of the State Plan. The payments will also be used to hire four FTE agency staff to implement HAVA requirements. Section 101 funds will also be used to hire a consultant to design the Request for Proposal (RFP), select a vendor and project manage the implementation of the statewide voter registration system. The Governor's biennial budget provides for funding the chief election inspector training program with HAVA funds. In the next biennium, these costs will also come from the Section 101 payments.

Section 101 funds may also be applied to the development of an election information management system for the State Elections Board. Remaining Section 101 payments will be used for costs associated with the voter education, election official training and disability access requirements of HAVA.

A description of the committee which participated in the development of the State Plan in accordance with HAVA Section 255 and the procedures followed by the committee.

The State Plan Committee was appointed in January 2003 by the Executive Director of the State Elections Board, Wisconsin's chief election official, S. 5.05 (1)(a), Wis. Stats. The committee consists of 17 Wisconsin citizens from throughout the State. There are nine local election officials, including the chief election officials for the City of Milwaukee and Milwaukee County. The committee has three representatives of groups of individuals with disabilities. A list of the committee members is attached to the State Plan as Appendix 3.

The committee held meetings in Madison on February 28, March 12 and April 24, 2003. Committee members also reviewed the draft legislation developed by the State Elections Board to implement HAVA and provided comments to the agency's executive director for inclusion in the draft legislation. Committee members also attended public hearings held on May 21, June 4 and June 9, 2003, as part of the opportunity for public comment on the Preliminary State Plan.

Appendix 1 – State Elections Board Members 2003-2005

KIRBY BRANT
Madison

SHANE FALK
Madison

DONALD R. GOLDBERG
Milwaukee

DAVID HALBROOKS
Milwaukee

PATRICK J. HODAN
Brookfield

MARTHA LOVE
Milwaukee

GORDON MYSE
Sturgeon Bay

JOHN P. SAVAGE
Milwaukee

JOHN C. SCHOBBER
New Berlin

The state has also received HAVA Section 102 payments to be used as reimbursement for the acquisition of electronic voting systems that replace punch card voting systems and lever voting machines used at the November 2000 election. The three counties that used punch card voting systems and the 15 municipalities that used lever voting machines have not purchased replacement equipment that complies with HAVA Section 301. The State Elections Board will evaluate new voting systems for HAVA Section 301 and disability access compliance and develop an implementation and acquisition plan for compliant voting systems. Section 102 payments will be part of the acquisition funds that apply to the voting equipment purchased for the qualifying counties and municipalities.

Section 11 – State Plan Management

How the State will conduct ongoing management of the plan.

The State Elections Board has drafted legislation that establishes an Election Administration Council whose members are appointed by the chief State election official, the Board's executive director, consistent with the directions set out in HAVA Section 255 (a). The State Elections Board views the State Plan as a dynamic, living document. The Election Administration Council will continue to meet to revise and refine the State Plan to reflect goals of HAVA and respond to legislative and executive direction. The State Elections Board and the Election Administration Council will review the plan in January of each year in order to incorporate changes that reflect the state's progress in implementing HAVA and addressing new election-related challenges.

The State will not make any material change in the administration of the plan unless the change is developed and published in the Federal Register in accordance with HAVA Section 255 in the same manner as the original State Plan. Any modifications to this State Plan will be subject to public notice and comment in accordance with HAVA Section 256. The revised State Plan will take effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register.

The State Elections Board has drafted legislation that requires the Legislative Audit Bureau to conduct a program audit of the agency to evaluate the implementation of HAVA. This will enable an outside entity to review the management of the State Plan.

Section 12 – 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.

This State Plan is the first State Plan required under the Help America Vote Act of 2002. This section will be updated in the next fiscal year, reflecting changes to the State Plan, as well as a summary of the 2003 successes.

Section 13 – State Plan Committee

City Clerk, City of New London, Outagamie & Waupaca County

SANDI WESOLOWSKI
City Clerk, City of Franklin, Milwaukee County

ALFONSO ZEPEDA-CAPISTRAN
Latinos United for Change and Advancement (LUChA)

Appendix 2 – State Elections Board Staff

KEVIN J. KENNEDY
Executive Director

BARBARA A. HANSEN
Elections, Training and Information Technology Director

SHARIE HAUGE
Campaign Finance and Agency Operations Director

GEORGE DUNST
Legal Counsel

Appendix 3 - State Plan Committee Members

LYNN BREEDLOVE
Wisconsin Coalition for Advocacy
Town Clerk, Town of Dale, Outagamie County

CAROLYN CASTORE
Citizen Action/League of Women Voters
Executive Director, State Elections Board

PAULA DORSEY
Operation Big Vote
County Clerk, Marathon County

FAITH ELFORD
City Clerk, City of Fort Atkinson, Jefferson County
National Federation of the Blind of Wisconsin

DOUGLAS D. HAAG
Commissioner, Milwaukee County Board of Election Commissioners
Town Clerk, Town of Blooming Grove, Dane County & Town Clerk, Town of Bringham, Iowa County

JULIETTA HENRY
Executive Director, City of Milwaukee Board of Election Commissioners
Wisconsin Council on Developmental Disabilities

PATRICK HODAN
Member, State Elections Board
County Clerk, Burnett County

HELEN STEFFEN
County Clerk, Burnett County
JIM VILJESSE

State of Wyoming
Secretary of State

Joseph B. Meyer
Wyoming Secretary of State
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secstate@state.wy.us

Help America Vote Act Wyoming's State Plan

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

Table of Contents

- Introduction and Background..... 4
- State Plan Non-Required Elements 5
- Universal Access..... 5
- Voting Rights of Military Members and Overseas Citizens..... 5
- Section 1: Title III Requirements and Other Activities 6
- Section 301(a), Voting Systems Standards Requirements 6
- Section 302, Provisional Voting and Voting Information..... 7
 - Provisional Voting and Ballot Disposition Information..... 7
 - Voting Information..... 7
- Section 303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register By Mail 8
- Section 2: Wyoming's Distribution of Requirements Payments..... 10
 - Eligibility of Local Units to Receive Payments..... 10
 - Performance Measures for Local Units..... 11
- Section 3: Voter Education, Election Official Education and Training, and Poll Worker Training..... 12
 - Education and Training Needs..... 12
 - Education and Training Development..... 13
- Section 4: Voting System Guidelines and Processes 14
 - Voting Machines..... 14
- Section 5: Wyoming's HAVA Fund Management..... 15
- Section 6: Wyoming's Proposed Budget..... 16
 - Assumptions..... 16
 - Budget 17
- Section 7: Maintenance of Effort..... 18
 - HAVA 254(a)(7)..... 18

Section 8: HAVA Performance Goals and Measures 19

 HAVA 254(a)(8) 19

Section 9: State Based Administrative Complaint Procedure..... 21

 Summary of Complaint Procedures for State Plan 21

 Initial Screening of Complaints 21

 Administrative Resolution of Complaints 22

 Administrative Hearing on Record..... 22

 Extension Time for Alternative Dispute Resolution 23

Section 10: Effect of Title I Payments 24

 Payments for Activities to Improve Administration of Elections, Replacement of Punch Card or
 Lever Voting Machines 24

Section 11: Wyoming's HAVA State Plan Management..... 25

Section 12: Changes to State Plan from Previous Fiscal Year..... 26

Section 13: State Plan Development and Committee 27

 Wyoming HAVA Advisory Committee..... 27

 Plan Development Procedures..... 28

Appendix A: State of Wyoming Dot Map..... 30

INTRODUCTION & BACKGROUND

Wyoming is a frontier state, which by federal definition means that it has fewer than 6 residents per square mile. In fact, Wyoming is the least populated state in the United States with fewer than half a million people living in 97,000 square miles. There is much open space between ranch houses and between the very small towns and cities. (See Appendix A) Even the two largest cities are small by national standards with approximately 50,000 people in each. Wyoming's least populated county, which is an area larger than the State of Delaware, has only 2,500 people. Wyoming's largest county geographically, is larger than the State of Maryland, has over 4.7 million people. While most states struggle to provide adequate services to people concentrated in metropolitan areas, we struggle to provide full services to a few people in remote places.

Wyoming elections have been locally funded and locally administered. For generations the Wyoming County Clerks have conducted elections untroubled by the problems that have arisen in larger U. S. jurisdictions. The Secretary of State serves as the state's chief election official. The working relationship with the local election officials has been extremely close and collegial. When election problems or questions arise it's not unusual for a citizen to speak directly with the Secretary of State, who in turn, calls the County Clerk and they jointly resolve any issues. The voter turnout in Wyoming has always been exemplary. In the last six presidential elections, voter turnout averaged 60% of the voting age population and averaged 88% of all those registered to vote. In comparison to national statistics, Wyomingites are near the top in exercising their right to vote.

Because of the closeness of the election in the 2000 presidential race, the national focus was turned on the election process. Because of that, the Help America Vote Act of 2002 (HAVA) requires significant reforms of the election process. Among other things, there are national mandates for election equipment, voter registration, education of voters and election workers. Each state must develop a long-range plan to implement the Act and our successful planning will result in Wyoming receiving federal funding to assist with this implementation.

This preliminary plan was developed over the past eight months under the leadership of the Wyoming Secretary of State and his staff with the participation of the Wyoming County Clerks and other stakeholders. Those who participated in developing this plan are hopeful the proposed revisions to the administration of elections in Wyoming will bring uniformity to essential duties, improve the education of both voters and election workers, encourage greater accessibility for individuals with disabilities or language barriers, and provide the best available voting and registration systems for all counties.

Although HAVA increases the state-level responsibility for election administration in order to improve uniformity, elections will still be administered by the locally elected County Clerks. Therefore, the key element of Wyoming's election administration will continue to be cooperation among the Secretary of State and his staff, County Clerks and other stakeholders throughout the state.

Wyoming will update and refine the State Plan as necessary over time to reflect election reform progress and future plans. If there are material changes to the State Plan, there will be opportunity for public comment and the changes will be published in the Federal Register.

State Plan Non-Required Elements

Universal Access

Wyoming has a wonderful heritage of being progressive in allowing its citizens to vote. On December 10, 1869, John A. Campbell, Wyoming's first Territorial Governor, signed the landmark bill which made Wyoming the first state to expressly grant women the right to vote. To this day, Wyoming continues to encourage the participation of all citizens who are eligible to vote, even providing the convenience of allowing voter registration on election day.

"Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex or any circumstance or condition whatsoever other than individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction"

Wyoming State Constitution, Article 1, Section 3.

These words in our Wyoming Constitution, written more than a century ago, continue to inspire and challenge us to assure that all citizens in Wyoming can fully exercise their political rights. Our nation and our state have made great strides in extending political equality but there are still challenges ahead. The State of Wyoming values the participation of its citizens in the election process. Therefore, Wyoming commits to assuring that all citizens, including those with disabilities, can fully participate in the election process by casting their ballots confidentially and independently. With the enactment of the Help America Vote Act, there are additional resources available to help assure that voters with disabilities will enjoy equality in exercising their right to vote.

Voting Rights of Military Members and Overseas Citizens

The State of Wyoming acknowledges the value of our members of the armed forces and overseas workers and continues to encourage them to exercise their right of citizenship by voting. Therefore, although not required by HAVA to be addressed in the state plan, we wish to inform the public that the State of Wyoming plans to make the necessary changes, or in some cases continue with current procedures, in order to comply with the amendments to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) that were enacted in the Help America Vote Act of 2002 (HAVA), Title VII, pertaining to the voting rights of military members and overseas citizens. The Office of the Wyoming Secretary of State will be designated as the single office responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent military and overseas voters. The Secretary's Office, in conjunction with County Clerks, will ensure that all requirements of Title VII of HAVA are met.

5

Section

1

Title III Requirements and Other Activities

How Wyoming 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.

Section 301(a), Voting Systems Standards Requirements

The State, with the assistance of the County Clerks' Association of Wyoming, conducted an evaluation of the voting systems currently used in the State's 23 jurisdictions. The evaluation measures included both the system requirements under HAVA and the Voting System Performance and Test Standards as revised by the Federal Election Commission in 1999.

The voting systems currently used throughout the State include the following: lever in three counties; punch card in five counties; central count optical scan in six counties; precinct optical scan in eight counties; and direct recording electronic equipment in one county.

Punch card and central count optical scan systems will be replaced as they do not meet the requirements and it is believed the voting population will be better served by conforming equipment rather than by development of educational programs for varying voting systems.

Lever machines and the Guardian Electronic 1242 direct recording system will be replaced as they do not meet the accessibility requirements and there are no current provisions for adaptations to make these systems compliant.

As funding becomes available, replacement equipment and DREs (Direct Recording Equipment commonly referred to as touch screens) for each polling place will be purchased to meet the accessibility requirements. Provided full funding is received, this will occur by no later than January 2006.

Placement of new voting systems will be coordinated with substantial training of county election personnel and public outreach to voters. The Wyoming County Clerks' Association and the Secretary of State's election office will work together to provide voter outreach and education programs. Requirement funds will be used for these efforts.

Because of the substantial cost of voting equipment, it would be unwise to purchase so much equipment for the state at one point in time and not plan for maintenance and eventual replacement. Therefore, purchase and placement of the equipment may take place in phases as federal funds become available. Funds will be set aside in a reserve account which can be used for ongoing replacement, maintenance and repair purposes.

6

Section 303, Computerized Statewide Voter Registration List Requirements and Requirements for Voters Who Register By Mail

The Wyoming Secretary of State provides a centralized voter registration database with a limited number of reports and lists which can be generated for use by County Clerks at cost. In an effort to improve the voter registration information they can provide, many Wyoming counties have purchased and designed their own voter registration systems. All counties do update to the state database even if they make no other use of the state system.

A new voter registration system must be implemented to effectively serve Wyoming voters and to comply with Section 303 of HAVA. Requirements payments will be used for a new single, uniform, official, centralized, interactive, computerized, statewide voter registration system in Wyoming.

The State of Wyoming will implement a voter registration system which meets the requirements of HAVA by January 2006 and the State will use a portion of the available funding to meet the voter registration requirements of Title II as described below.

1. Initially, funding is to be used for planning and assembling the people who will help shape the voter registration system.

A Voter Registration (VR) Work Group has been formed composed of County Clerks, personnel from the Secretary of State's Office, county election deputies, and county and state technology staff. All County Clerks have been contacted regarding their voter registration systems. Those that like all or part of their systems have been requested to demonstrate them to a sub-group of state and county officials from the VR Work Group. The VR Work Group will further evaluate all the VR systems.

The County Clerks will be surveyed regarding the technological aspects of their current VR systems. Vendors of VR software will be invited to educate the VR Work Group about their products. The VR Work Group will also give careful consideration to the VR systems of those states which have already met the requirements of HAVA and are willing to provide information to Wyoming.

The VR Work Group will then develop in detail the required specifications for a statewide system based on all of the above information concerning the characteristics and components necessary for a properly functioning VR system. All County Clerks will be invited to review and comment upon the draft specifications. These shall include the full specifications of the recommended VR system, the hardware and software recommended, the pros and cons of likely alternate systems, the plan for the conversion of the existing statewide data, the schedule for implementation, and the estimated costs for purchase or building the system, and the costs and plans for maintenance, modifications, and enhancements of the system.

2. State law largely controls selection of a vendor or contractor for the computerized statewide voter registration system. This purchase will constitute the major use for the available funding allocated to acquisition and implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list.

3. Funding will also be necessary for the implementation of the selected VR system after the hardware and software are delivered. Expenses will include the education and training of election officials and their staff who will be responsible for using the system, electronic testing of the VR system, and finally the first use and final implementation of the system.

8

Section 302, Provisional Voting and Voting Information

Provisional Voting & Ballot Disposition Information

Voters whose qualifications to vote are challenged, and the challenge is not resolved at the polling place, will be offered the right to cast a provisional ballot. The need for provisional voting in Wyoming is rather limited, however, because Wyoming allows election-day voter registration. This means voters whose names do not appear on a poll list have an immediate remedy by registering to vote and then casting a ballot.

Provisional voting procedures have been added to Wyoming statutes however to further increase voter access. In the 2002 session of the Wyoming legislature, the Election Code was amended to allow for provisional voting.

The State of Wyoming already provides for the use of provisional ballots in primary and general elections. To implement the changes required by HAVA, the State will promulgate rules and recommend legislative changes so that the law is consistent with HAVA. A Provisional Voting Work Group has been formed composed of County Clerks, personnel from the Secretary of State's Office, county election deputies and others, and the proposed rules will be based largely on their recommendations. They have created the forms necessary to implement the rules as well as educational materials to apprise the public of their rights.

Provisional voters will be able to access a state website or make contact with the local County Clerk to learn the ballot disposition. Because use of provisional voting will be very limited, providing such free access should be at no or very little cost. It is anticipated that provisional voting will require spending the least amount of Requirements Payments Funds.

Voting Information

Wyoming law currently requires full public notice of an election. Notice is achieved through newspaper advertisements and posting notices in communities that do not have general newspaper circulation. Information is also provided using radio, local and state websites, direct mailings and various postings. Publication of the following is required by law: sample ballots, election dates, polling place locations and hours, ballot marking instructions, voter registration qualifications and deadlines and absentee voting information.

Much voting information is currently required by law to be posted at polling places. To insure consistency and to insure all voters are given the information they need, the Secretary of State will prepare an informational poster of voter rights to be posted at all polling places. Requirements payments will be used to design, print and distribute the poster or other materials.

7

4. Simultaneously the State will develop interagency agreements for access to felony records and death records. The State will also develop an interagency agreement for access to driver's license numbers. Finally the State will enter into an agreement for the purpose of verifying applicable Social Security information.

5. Once the voter registration program is implemented, there will be an ongoing need for maintenance, upgrades and likely future modifications. As with voting systems, it would be unwise to make large expenditures and implement a voter registration system at one point in time and not plan for maintenance and/or revisions. Therefore, substantial funds will be reserved for such activities through and beyond 2006.

Section
2

Wyoming's Distribution of Requirements Payment

How Wyoming 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 paragraph (1), including a description of

- (A) The criteria to be used to determine the eligibility of such units or entities for receiving the 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 paragraph (8).*

Eligibility of Local Units to Receive Payments

In order to streamline audit functions, the Secretary of State will retain responsibility for all requirements payments. The state will receive, expend and account for all HAVA monies. Wyoming County Clerks, our "local units", will work directly with the state to research Title III needs, research compliance costs and recommend spending priorities. The HAVA budget will be developed working closely with the County Clerks.

The Wyoming Secretary of State will manage requirements payments and will be responsible to account for all receipts and expenditures. Based on recommendations of the State HAVA Advisory Committee and the various work groups, the Secretary of State will provide for equipment purchases for the benefit of the voting public, taking into consideration special needs of certain voters. Preliminary cost estimates indicate all punch card and lever voting machines can be replaced and a touch screen can be placed in each established polling place with anticipated requirements payments if full funding is received.

The Wyoming Secretary of State will purchase or pay for the development of the statewide voter registration system including costs associated with implementation in each county.

Any additional Requirements Payment Funds will be used to implement the state's HAVA plan or will be retained in the state's HAVA account.

Performance Measures for Local Units

The Wyoming Secretary of State will insure all requirements payments are accounted for in accordance with the performance measures adopted under Section 254(a)(8) of HAVA. The initial and subsequent budgets will be developed in concert with the local units and will include timelines and priorities to assist in fund expenditures.

Section

3

Voter Education, Election Official Education and Training, and Poll Worker Training

How Wyoming 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.

Education and Training Needs

As is stated elsewhere in this document, Wyoming's implementation of Help America Vote Act of 2002 will require substantial changes in voting systems. Five counties presently use punch card machines, three counties use lever machines and at least six counties use an optical scan central count system. Therefore, at least 14 of Wyoming's 23 counties will see major changes in how ballots are cast or counted. This alone will necessitate a large education and training effort. Not only will election officials and poll workers need training on the new equipment, every voter at the affected polls will be faced with a new scenario.

Wyoming's implementation of a statewide voter registration system where one has not existed before is another major change precipitated by HAVA. A comprehensive voter registration system will require extensive training for those who operate it.

In addition to these obvious changes, there are many other aspects of HAVA which require more subtle changes in the conduct of elections. Most Wyoming voters encounter the election system only once every two years. The cumulated effect of so many changes translates into a large learning curve which could be intimidating to voters.

Therefore, Wyoming acknowledges that extensive efforts must be made in educating the general public and subsets thereof. Efforts to assist senior citizens, individuals with disabilities, military and overseas voters, young voters, minority groups and many other groups of Wyoming citizens will be essential to successful implementation of HAVA.

In addition to educating the general public, special interest groups, the press and others, there must also be the development of education and training programs for election officials and poll workers to enhance uniformity and consistency of elections throughout the state.

Education and Training Development

Because of the vastness of some of these issues, this work must take place over a period of time which allows for thoughtful analysis of the issues and development of effective approaches to the education and training. Therefore, following the work of developing and publishing this state plan, the Secretary of State will form Education & Training Work Group(s). The purpose of the group(s) will be to make specific recommendations pertaining to all the education and training issues. Those invited to assist with these efforts will include, but are not limited to, county clerks and other election workers, representatives of special populations and special interest groups, the press and Secretary of State staff.

Although the details of how to educate and train so many people in a way that will enhance the election process in Wyoming will not be worked out until after the Education & Training Work Group(s) have ample time to thoughtfully consider many issues, it is clear that such an extensive education and training effort will be costly. Therefore, substantial funds must be allocated not only for initial education and training efforts, but also for ongoing efforts for years to come.

Section

4

Voting System Guidelines and Processes

How Wyoming will adopt voting system guidelines and processes, which are consistent with the requirements of Section 301.

Voting Machines

In the November 2000 election, Wyoming had 101 precincts using punch card or lever machines and at least six counties where optical scan ballots were centrally counted. These voting systems would violate Section 301 of HAVA. A few Wyoming precincts had a voting system accessible for individuals with disabilities consistent with Section 301(a)(3). Additionally, current Wyoming laws regulating voting machine criteria do not address all Section 301 requirements.

Therefore, legislation is being drafted by the Secretary of State to mandate that all voting systems used in Wyoming must comply with HAVA Title III Section 301 requirements by 2006. The draft legislation will be presented to a Wyoming legislative interim committee to prepare for introduction to the entire legislative body at the 2004 legislative session.

Voting systems and/or equipment which do not comply with HAVA (punch card, lever and central-count optical scan) will be replaced. The Secretary of State working with the County Clerks' Association will establish equipment replacement priorities.

After it is determined which system(s) will be used, rules will be promulgated through the usual state rule making process to address uniform use of the equipment and will designate what constitutes a vote for each specific type of voting equipment.

Section

5

Wyoming's HAVA Fund Management

How Wyoming 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)

The Wyoming Legislature passed House Bill 172, Help America Vote Act, during the 2003 legislative session. The bill became Chapter 131, Section 339 of Wyoming's Supplemental Appropriations bill and Chapter 183 of the 2003 Session Laws. This legislation provided that

"The secretary of state is authorized to adopt rules and regulations necessary to comply with the requirements of the Help America Vote Act of 2002, Public Law 107-252, including a state-based administrative complaint procedure."

The legislation also appropriated \$500,000 for the purpose of meeting the 5% state match requirement under the Help America Vote Act of 2002.

Specific accounts have been established within the Secretary of State's budget for the purposes of HAVA. The accounts are organized in such a way that state matching funds will be held separately until they are needed to match federal funds. The accounts also provide that interest earned from the funds will remain in the fund as required by HAVA. Additionally, monies expended from Title I and Title II can be accounted for separately.

A system of financial management allows Wyoming to provide clear evidence of proper use of the funds and allows for a clear audit trail. Wyoming's audit procedures are contained in Wyoming State Auditor's Office Accounting Policies and Procedures which can be accessed at <http://sao.state.wy.us>

15

Section

6

Wyoming's Proposed Budget

Wyoming'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)*

Assumptions

Wyoming has developed its state plan based on the following budgetary assumptions:

That Wyoming will receive the full \$20 Million funding based on formulas contained in the federal law.

That all cost figures are estimates only and expenditures may vary significantly. This is particularly true since:

- the details of implementing the plan are not yet known,
- there is still need for input from those integrally involved with elections in Wyoming, from special interest groups and from the public in general,
- cost estimates could be increased or decreased by the bidding process, by forming coalitions which may result in economies of scale, and by the nature of a market where a limited number of experienced vendors will be serving many states simultaneously.

16

Budget

It is anticipated that the greatest costs of implementing HAVA in Wyoming will be:

- developing and implementing a statewide voter registration system;
- replacement of punch card and lever voting machines and changing central count systems to precinct count systems;
- providing one touch screen for each polling place to comply with HAVA requirements to increase accessibility; and
- education and training of election workers and the public.

Collectively, it is anticipated these activities will cost 70% of total HAVA funds, or \$14 Million.

There will be other, lesser costs needed for HAVA compliance and the cost of those activities is expected not to exceed 5% of the state's HAVA funds, or \$1 Million.

As discussed elsewhere in the plan, Wyoming anticipates substantial ongoing costs for maintenance of systems, replacement of equipment and ongoing education. 25% of the state's HAVA funds, or \$5 Million, will be reserved for those activities.

It would be unwise to build systems or purchase equipment that could not be maintained or would not function properly because of obsolescence. Therefore, as each portion of the plan is implemented, the appropriate 25% of the designated funds will be retained for maintenance and replacement costs. This will tie Wyoming's financial commitment directly to the portion of HAVA funds received from federal appropriations. Full federal funding will be needed for total implementation of Wyoming's HAVA plan and for total compliance with the HAVA requirements.

Section

7

Maintenance of Effort

How Wyoming, 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)

Wyoming will comply with all HAVA maintenance of effort requirements. Consistent with HAVA 254(a)(7), in using any requirements payment, Wyoming 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 Wyoming FY 2000.

In the Fiscal Year ending June 2000, the Secretary of State's Office employed 22 full time employees. In addition to the Secretary of State and his Deputy, there were eight individuals in the Corporations Division, four in the Securities Division, two in the Technology Division, five in the Services Division and one in the Elections Division. Because of the small size of the agency funds are neither appropriated nor expended by division. Rather, all funds are appropriated and expended through one administration budget.

In calculating the maintenance of effort, all expenditures for the election staff's salary, benefits and overtime were included as were travel and overhead costs. Also included were all funds expended for state voter registration mainframe services, voter information printing costs and other election publications. Thus, total maintenance of effort for the year ending June 2000 was \$135,000.

Performance Goals and Measures

Goal	Due Date
Replace all punch card/lever machines	Not later than January 1, 2006
Replace all central count voting equipment	Not later than January 1, 2006
Provide 1 DRE (touch screen) voting machine for every polling place	Not later than January 1, 2006
Establish a computerized statewide voter registration system that meets the requirements of HAVA	Not later than January 1, 2006
Implement provisional voting which meets the requirements of HAVA	Not later than January 1, 2004
Implement state based complaint procedure which meets the requirements of HAVA	Not later than date for submission of state plan
Implementation of voting information at polling places	Not later than January 1, 2004

Section

8

HAVA Performance Goals and Measures

How Wyoming 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)

Performance goals provide an overview of a project's direction and performance measures are indicators of the success of implementation and movement toward those goals.

The Secretary of State, as Wyoming's chief election official, and each County Clerk, as the county's chief election official, have substantial responsibility in implementing HAVA. The Wyoming Secretary of State, in collaboration with the Wyoming County Clerks and other appropriate stakeholders, will establish performance goals and will institute a process to measure progress toward the achievement of these goals.

The Wyoming Secretary of State believes establishing performance goals and measures must be done thoughtfully, taking time for a full discussion. The Secretary of State also believes that many of the stakeholders should have opportunity to provide input and make recommendations about appropriate goals and measures as they relate to the various aspects of HAVA implementation. This input will be valuable after decisions are made pertaining to voting systems, voting equipment and other major aspects of HAVA. Specific performance goals and measures will be established following a period for input and discussion. A list of key goals and dates is provided on the following page.

Once established, the performance goals and measures must be continuously reviewed, modified and updated to be useful. To that end, Wyoming's goals and measures will be reviewed annually with input from the County Clerks and review by the Wyoming HAVA Advisory Committee.

Section

9

State Based Administrative Complaint Procedure

A description of the uniform, nondiscriminatory state based administrative complaint procedures in effect under Section 402.

Summary of Complaint Procedures for the State Plan

As required by Section 402 of the Help America Vote Act of 2002, the State of Wyoming has created a state-based complaint procedure for the fair, prompt, and efficient resolution of complaints concerning the conduct of federal elections as reformed by Title III of HAVA.

The procedure is initiated by the filing of a simple complaint form with the Wyoming Secretary of State. Complaints must be in writing, notarized, signed, and sworn, and they must contain a minimum of information about the person complaining and the nature of the complaint. The form and the questions are designed to be as simple as possible and will be accepted in letter form when that is substantially the same. Complaints are then dealt with in a three-step process.

Initial Screening of Complaints

Immediately upon receipt of a complaint, it will be screened to determine whether it satisfies the legal requirements of Section 402 of HAVA and the Rules for Election Complaint Procedures promulgated by the Wyoming Secretary of State. Complaints which do not allege violations of Title III of HAVA or do not meet the other legal requirements will be dismissed, but if they appear to be of substance, they may also be referred to other appropriate authorities. Notice of the dismissal will include a statement that the complainant is not precluded from refiling a complaint which conforms to the legal requirements.

21

Administrative Resolution of Complaints

A complaint which meets the legal requirements is then the subject of an informal administrative process which includes an investigation into the factual basis of the complaint and communication with the complainant, possible witnesses, and the election officials, if any, who are alleged to have, directly or indirectly, contributed to the violation. The designee of the Secretary of State has great flexibility in handling this informal process and is expected to make every attempt to work with the parties to resolve it. If no violation is found, a decision and order will be entered dismissing the matter, and the complainant will be notified that he or she has ten (10) calendar days to request a hearing on the record. If there is no timely request for a hearing, the matter is concluded.

If a violation is found, the parties will be encouraged to work out a mutually agreeable resolution with the assistance of the designee of the Secretary of State. When the decision and order are entered, the adverse party, if any, will be notified of the decision. Also, the complainant will be notified that if dissatisfied with the outcome, he or she has ten (10) calendar days to request a hearing on the record. If there is no timely request for a hearing, the matter is concluded.

Administrative Hearing on the Record

The final phase anticipated occurs after a timely written request for a hearing on the record. This phase consists of an informal administrative hearing before the Secretary of State or an appointed hearing officer for which the major objective is to provide a speedy, fair, and efficient resolution of the complaint. The complaint may be conducted by telephone or in person at a location convenient to the parties, and again the procedure to be followed is very flexible. The hearing may result in a finding of no violation, or a finding of a violation for which the State shall order an appropriate remedy. Remedies may direct procedures to be followed by election officials and may include corrective action plans. Appropriate remedies are those designed to assure compliance with the letter and spirit of Title III of HAVA and may not include monetary damages or any punitive order.

During the hearing, accommodations will be made for persons with disabilities as necessary, and others to assist with their presentations may accompany all parties. The agency record of each complaint shall be confidential until the matter is finally determined, at which time notice of dismissals shall be published on the website of the Secretary of State. Use of a hearing officer does not alter the final decision making authority of the Secretary of State.

22

Extension of Time for Alternative Dispute Resolution

All complaints are expected to be resolved within ninety (90) days. When resolution is not complete after ninety (90) days and the complainant has not consented to an extension of time, the Secretary of State will refer the case to the Wyoming Attorney General or other appropriate person for alternate dispute resolution proceedings. Again, informality is encouraged although there is the possibility of a hearing governed by the contested case procedures of the Wyoming Administrative Procedure Act. The matter must be concluded in sixty (60) days.

Section

10

Effect of Title I Payments

If Wyoming 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.

Payments for Activities to Improve Administration of Elections, Replacement of Punch Card or Lever Voting Machines.

Because of low population, Wyoming is a state which received the guaranteed minimum payment of \$5 million in Title I funds. The Title I funds will be:

- used to supplement Title II funds in accomplishing the objectives of Title III; or
- used to accomplish Title I activities; or
- used to meet other goals addressed in Wyoming's HAVA plan; or
- held in a reserve account until needed for maintenance, upgrades, replacement of hardware, software or other election materials or used in accordance with Wyoming's HAVA plan.

Section

11**Wyoming's HAVA State Plan Management**

How Wyoming 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).*

The Secretary of State will be responsible for the ongoing management of Wyoming's HAVA plan. The plan will be an evolutionary document. The Secretary anticipates continued input from County Clerks and many other groups and interested parties. It is also anticipated that more information and data will be gathered and more creative thinking will emerge through the implementation process.

Implementation of such an enormous project will evolve over time; we must address the far-reaching ramifications detail-by-detail and decision-by-decision. Full implementation of the vision of this plan will take shape day by day.

Flexibility will be the key to reaching the best end result. Modifications to the plan are anticipated. However, in accordance with Section 254(a)(11) of HAVA, no material change in the administration of the plan will be made unless there is prior public notice. Such notice of a proposed change will be published in the Federal Register and the change will take effect only after expiration of the required waiting period.

25

Section

12**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.

This is Wyoming's initial plan under HAVA, so there are no changes to report. Such changes will be addressed in future plans.

26

Plan Development Procedures

The Wyoming Secretary of State requested the assistance and participation of groups and individuals to analyze, research and make recommendations to the Wyoming HAVA Advisory Committee on the various aspects of HAVA. Because of their extensive experience with and understanding of administering elections, the Wyoming County Clerks were heavily represented on these work groups. Composition of the work groups, which were organized to address specific issues, are provided below.

- State-based complaint procedures
 - Mary Lankford, Sublette County Clerk
 - Linda Smith, Carbon County Clerk
 - Julie Freese, Fremont County Clerk
 - Jeanne Thobro, Protection & Advocacy Services, Inc.
 - Rowena Hecker, Elections Consultant
 - Jim Mitchell, Attorney General's Office
 - Mark Husmann, Secretary of State's Office
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office

- Military and overseas voters
 - Irene Hansen, Uinta County Clerk's Office
 - Brenda Mierch, Sheridan County Clerk's Office
 - Bonnie Geissler, Sheridan County Clerk's Office
 - Debbie Valdez-Ortiz, Laramie County Clerk's Office
 - Ed Osborne, Colonel, Retired, Military Representative
 - Lori Klaassen, Secretary of State's Office
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office

- Provisional voting
 - Mary Lankford, Sublette County Clerk
 - Lynne Fox, Uinta County Clerk
 - Sharon Sample, Sweetwater County Clerk's Office
 - Deb Bush, Park County Clerk's Office
 - Sharon Neffercott, Teton County Clerk's Office
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office

28

Section

13

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.

Wyoming HAVA Advisory Committee

The Wyoming Secretary of State requested the assistance and participation of individuals representing a cross-section of election stakeholders to serve as the HAVA Advisory Committee. The Committee met numerous times from January 2003 through June 2003 to consider elections issues and make recommendations regarding the state plan to the Secretary of State. Meeting dates of the Advisory Committee began in January 2003 and concluded in June 2003. Specific meeting dates can be found on the Secretary of State's website at: <http://sos.wy.state.wy.us/election/hava/Committees.htm>. The Committee composition complies with the provisions of Section 255. Members of Wyoming's HAVA Advisory Committee are as follows:

Bobbi Bailiff, Sweetwater County Clerk
 Mary Ann Collins, Natrona County Clerk
 Jackie Gonzales, Albany County Clerk
 Debbye Lathrop, Laramie County Clerk
 Margaret Brown, League of Women Voters
 Peggy Corbin, AARP
 Joe Evans, Wyoming County Commissioners Association
 David Kendall, Wyoming Association of Municipal Clerks and Treasurers
 Blaine Nelson, Student Representative
 Peggy Nighswonger, State Elections Director
 Phil Noble, Governor's Chief of Staff
 Daniel Zwonitzer, Governor's Policy Analyst
 Ed Osborne, Colonel, Retired, Military Representative
 Scott Roybal, Minority Population Representative
 Mary Shea, Republican Party
 Linda Stoval, Democratic Party
 Jeanne Thobro, Protection & Advocacy Services, Inc.
 Facilitator - Pat Arp, Deputy Secretary of State

27

Attachment A

For dot map graphic, please see the Wyoming Secretary of State's website at:
<http://sos.wy.state.wy.us/election/trave/Stateplan.htm>

- Voter registration system
 - Paulette Thompson, Weston County Clerk
 - Julie Fresse, Fremont County Clerk
 - Sherry Daigle, Teton County Clerk
 - Margie Irvine, Fremont County Clerk's Office
 - Darryl Eads, Albany County Clerk's Office
 - Sharon Sample, Sweetwater County Clerk's Office
 - Andrea Byrne, Secretary of State's Office
 - Dawn Hill, Secretary of State's Office
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office
- Voting systems
 - Bobbi Bailiff, Sweetwater County Clerk
 - Mary Ann Collins, Natrona County Clerk
 - Jackie Gonzales, Albany County Clerk
 - Debbie Lathrop, Laramie County Clerk
- Disability issues
 - Becky Freeman, Niobrara County Clerk
 - Mary Lankford, Sublette County Clerk
 - Connie Teschler, Crook County Clerk
 - Jeanne Thobro, Protection & Advocacy Services, Inc.
 - Rowena Hecker, Elections Consultant
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office
- Plan writing
 - Lynne Fox, Uinta County Clerk
 - Rowena Hecker, Elections Consultant
 - Lori Klassen, Secretary of State's Office
 - Peggy Nighswonger, Secretary of State's Office
 - Pat Arp, Secretary of State's Office

Work groups have reported to the HAVA Advisory Committee making recommendations for the state plan and for plan implementation. The election stakeholders sitting on the Advisory Committee considered these recommendations and subsequently made their plan recommendations to the Wyoming Secretary of State. Because much of the implementation work lies ahead, many of these groups will continue working for years to come.