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Thursday,
September 30, 2004

Part III

Election Assistance Commission

Publication of State Plans Pursuant to the Help America Vote Act; Notice

ELECTION ASSISTANCE COMMISSION

Publication of State Plans Pursuant to the Help America Vote Act

AGENCY: Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to section 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** changes to HAVA State plans previously submitted by California, Florida, Kansas, Nevada, Pennsylvania, South Carolina and Tennessee.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual States at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the 50 States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254 (a)(11) through (13). EAC wishes to acknowledge the effort that went into the revising the State plans and encourages public comment. EAC also notes that plans published herein include only those that have already met the notice and comment requirements of HAVA section 256.

Upon the expiration of 30 days from October 30, 2004, the States whose plans are published herein will be eligible to implement any material changes addressed therein, in accordance with HAVA section 254(a)(11)(C). At that time, in accordance with HAVA section 253(d), California, Florida, Kansas and Tennessee also may file a statement of certification to obtain fiscal year 2004 requirements payments for which the State did not previously qualify under HAVA section 253(b)(1). The statement of certification must confirm that the jurisdiction is in compliance with all of the requirements referred to in HAVA section 253(b) and must be provided to the Election Assistance Commission in order for the State to receive a requirements payment under HAVA Title II, Subtitle D.

Chief State Election Officials

California

The Honorable Kevin Shelley, Secretary of State, 1500 11th Street, Sacramento CA 95814–2974, Phone: (916) 653–7244, Fax: (916) 653–4620, e-mail: *hava@ss.ca.gov.*

Florida

The Honorable Glenda E. Hood, Secretary of State, R.A. Gray Building-Room 316, 500 S. Bronough Street, Tallahassee FL 32399–0250, Phone: (850) 245–6500, Fax: (850) 245–6125, e-mail: *secretaryofstate@mail.dos.state.fl.us.*

Kansas

The Honorable Ron Thornburgh, Secretary of State, Memorial Hall—1st Flr., 120 SW., 10th Avenue, Topeka KS 66612–1594, Phone: (785) 296–4575, Fax: (785) 291–3051, e-mail: *election@kssos.org.*

Nevada

The Honorable Dean Heller, Secretary of State, Capitol Building, 101 North Carson Street—Suite. 3, Carson City NV 89701–4786, Phone: (775) 684–5708, Fax: (775) 684–5725, e-mail: *sosmail@govmail.state.nv.us.*

Pennsylvania

The Honorable Pedro A. Cortes, Secretary of the Commonwealth, 302 North Office Building, Harrisburg PA 17120–0029, Phone: (717) 787–6458, Fax: (717) 787–1734, e-mail: *gborger@state.pa.us.*

South Carolina

Ms. Marci Andino, Executive Director, State Election Commission, PO Box 5987, Columbia SC 29250–5987, Phone: (803) 734–9060, Fax: (803) 734–9366, e-mail: *Elections@scsec.state.sc.us.*

Tennessee

Mr. Brook Thompson, Coordinator of Elections, Elections Division, Office of the Secretary of State, 9th Floor, William R. Snodgrass Tower, 312 8th Avenue North, Nashville TN 37243–0309, Phone: (615) 741–7956, Fax: (615) 741–1278, e-mail: *Tennessee.Elections@state.tn.us.*

Thank you for your interest in improving the voting process in America.

Dated: September 23, 2004.

DeForest B. Soaries, Jr.,

Chairman, U.S. Election Assistance Commission.

BILLING CODE 6820–MP–U

SECRETARY OF STATE **KEVIN SHELLEY**

My Vote Counts: The California Plan for Voting in the 21st Century

HAVA California State Plan 2004 Update

September 2004

Submitted to the Election Assistance Commission After Public Inspection and Comment

Secretary of State Kevin Shelley
hava@ss.ca.gov

myVOTE COUNTS

Help America Vote Act

HAVA CALIFORNIA STATE PLAN 2004 UPDATE

The *HAVA California State Plan 2004 Update* is hereby created as follows:

The *HAVA California State Plan 2003* submitted to the Federal Election Commission, as custodian for the Election Assistance Commission, on August 27, 2003, and thereafter published in the *Federal Register* by the Election Assistance Commission on or about March 24, 2004, entitled *My Vote Counts-California's Plan for Voting in the 21st Century*, is hereby incorporated by reference in its entirety, except the following shall replace the provisions indicated. (The italics are for clarification only.)

1. **Section Six: Budget, beginning on Page 24 of *My Vote Counts-California's Plan for Voting in the 21st Century*, is amended as follows:**

   a. The last paragraph of the portion beginning on Page 24 entitled "Voting Systems Standards" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $75,677,843, including costs associated with accessibility for individuals with disabilities and language needs, but actual costs may be less than or more than this amount. In any case, this component shall be the priority in allocating funds.

   b. The last paragraph of the portion beginning on Page 25 entitled "Provisional Voting" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $600,000 but actual costs may be less or more, with continuing ongoing costs.

   c. The last paragraph of the portion beginning on Page 25 entitled "Voting Information" is amended on Page 25 to read as follows:

   Preliminarily, the cost of this component is estimated to be $200,000 but actual costs may be less or more with continued ongoing costs.

   d. The last paragraph of the portion beginning on Page 25 entitled "Statewide Database" is amended on Page 26 to read as follows:

Preliminarily, the cost of the statewide database is estimated to be $40 million but actual costs may be less or more, with substantial ongoing costs.

e. The last paragraph of the portion on Page 26 entitled "Requirements for Voters Who Register by Mail" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $1.1 million but actual costs may be less or more with continued ongoing costs.

f. The last paragraph of the portion beginning on Page 26 entitled "Voter Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $30 million but actual costs may be less or more, with continued ongoing costs.

g. The last paragraph of the portion beginning on Page 26 entitled "Elections Official Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $20 million but actual costs may be less or more, with continued ongoing costs.

h. The last paragraph of the portion beginning on Page 26 entitled "Poll Worker Education" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $20 million but actual costs may be less or more, with continued ongoing costs.

i. The last paragraph of the portion beginning on Page 26 entitled "Complaint Procedure" is amended on Page 26 to read as follows:

Preliminarily, the cost of this component is estimated to be $300,000 but actual costs may be less or more, with continued ongoing costs.

j. The last paragraph of the portion beginning on Page 27 entitled "Voting Rights of Military And Overseas Citizens is amended on Page 27 to read as follows:

Preliminarily, the cost of this component is estimated to be $200,000 with continued ongoing costs.

k. A paragraph is added on Page 27, following the section titled "Voting Rights of Military And Overseas Citizens" and before the paragraph titled "Summary of Costs And Portions Used to Carry Out Activities," to read as follows:

A "Prudent Reserve Fund" of 25% of the requirements payments for FY 2003 and FY 2004 is created to accommodate uncertainties associated with the costs of complying with HAVA and to provide a minimum level of financial support to fund ongoing federal mandates beyond FY 2005-06.

l. The portion beginning on Page 27 entitled "Summary of Costs and Portions Used to Carry Out Activities," including the chart, is amended to read as follows:

Based on requirements payments of $94,559,169 for FY 2003 and $169,677,955 for FY 2004 for a total of $264,237,124,[22] *the best estimates of the distribution is shown in the chart below, subject to the provisions of the Budget Act of 2004 (Statutes of 2004, Chapter 208), and any appropriate oversight.* *

[22] No assumption is made with respect to appropriations made in subsequent years.

ITEM	HAVA MANDATE	HAVA SECTION	COST ESTIMATE	PORTION OF PAYMENT
1	Voting Equipment Modernization	301(a)(2)	$42,577,718	16.11%
2	Voting Equipment Accessibility for Disabled and Language Minorities	301(a)(3)	$32,500,125 (Items 1 + 2= $75,077,843)	12.30% (Items 1 + 2 = 28.41%)
3	Accessibility for Language Minorities	301(a)(4)	$100,000	.04 %
4	Evaluation of Voting Systems	301(a)(5)	$300,000	.11%
5	Definition of Vote	301(a)(6)	$200,000	.08%
6	Provisional Ballots Regulations/Guidelines	302(a)(6)	$100,000	.04%
7	Provisional Ballots Free Access System	302(a)(5)	$500,000	.19%
8	Postings of Information	302(b)	$200,000	.08%
9	Statewide Voter Registration Database	302(a)	$40,000,000	15.14%
10	New Registration Forms	303(a)	$500,000	.19%
11	Soliciting and Processing Registration Forms	303(a)	$500,000	.19%
12	Verification of Information	303(a)	$2,000,000	.76%
13	Identification of Certain Voters Regulations/Guidelines	303(b)	$100,000	.04%
14	Identification Processes	303(b)	$1,000,000	.38%
15	Complaint Procedures	402	Included in Item 32	
16	Assistance in Voting	702	$200,000	.08%
17	Payment Distribution Controls	254(a)(2)	$200,000	.08%
18	Voter Education Unit	254(a)(3)	$3,900,000	1.48%
19	County Education Programs	254(a)(3)	$15,000,000	5.68%
20	Election Official and Poll Worker Education and Training	254(a)(3)	$25,000,000	9.46%
21	Education Outreach through Print and Electronic Media	254(a)(3)	$16,100,000	6.09%
22	Education and Training Grants	254(a)(3)	$10,000,000	3.78%
23	Certification and Decertification of Voting Systems	254(a)(4)	$600,000	.23%
24	Source Code Review	254(a)(4)	$800,000	.30%

ITEM	HAVA MANDATE	HAVA SECTION	COST ESTIMATE	PORTION OF PAYMENT
25	Hearings of Voting Systems and Procedures Panel	254(a)(4)	$200,000	.08%
26	Regulations to Comply with Section 301	254(a)(4)	$200,000	.08%
27	Fiscal and Audit Control Processes	254(a)(5)	$600,000	.23%
28	Fiscal and Audit Controls	254(a)(5)	$3,400,000	1.29%
29	Budget	254(a)(6)	Included in Item 28	
30	Enhancing Rather Than Replacing State Resources	254(a)(7)	Included in Item 28	
31	Performance Goals and Measures	254(a)(8)	$200,000	.08%
32	Complaint Procedures	254(a)(9) and Section 402	$300,000	.11%
33	Managing State Plan	254(a)(11)	$300,000	.11%
34	Poll Monitoring	Other	$600,000	.23%
35	Prudent Reserve Fund of 25%	Other	$66,059,281	25.00%
		TOTALS	**$264,237,124**	**100% of $264, 237,124**

*Note that continued ongoing costs are not included and that the costs and portions indicated are subject to change based on the variables indicated earlier. Such anticipated changes, unknown at this time, are deemed to be included in this Plan as if set forth in detail.

2. Section Twelve: Changes to State [Plan] from Previous Fiscal Year, on Page 33 of *My Vote Counts-California's Plan for Voting in the 21st Century*, is hereby amended to read as follows:

SECTION TWELVE: CHANGES TO STATE PLAN FROM PREVIOUS FISCAL YEAR

Section 254(a)(12) Page 75

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.

Because of the delay in the creation of the United States Election Assistance Commission, no requirements payment was made to California during the 2003 fiscal year. The 2003 State Plan (the prior fiscal year) was, therefore,

not fully operative. It will become operative, as amended by *the HAVA California State Plan 2004 Update*, in the current fiscal year (2004). The amendments included herein reflect the only material changes in the State Plans between 2003 and 2004.

STATE OF FLORIDA HAVA PLAN

UPDATE JUNE 2004

As required by the

HELP AMERICA VOTE ACT OF 2002 (HAVA)

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STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLENDA E. HOOD
Secretary of State

September 3, 2004

DeForest B. Soaries, Jr., Chairman
Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, D.C. 20005

Dear Mr. Soaries:

As Chief Election Officer of the State, I am pleased to present the State of Florida's HAVA Plan which has been revised for FY 2004. As indicated in the initial Plan submitted in 2003, Florida has already succeeded in meeting many of the requirements in HAVA. During Florida's Fiscal Year 2003-04, a number of additional requirements were met including the development of performance goals and measures. These are reflected in the revised Plan.

Florida's revised plan was developed through the Help America Vote Act Planning Committee, a group of dedicated individuals representing various constituency groups throughout the State. This Committee developed Florida's original HAVA Plan and agreed to serve again in 2004. Although the Florida Department of State does not necessarily agree with all of the Committee's recommendations and conclusions, I commend the Committee for its continuing hard work and diligence in developing revisions to the Plan.

The revised Plan recognizes that additional resources are required in order for our Supervisors of Elections to provide continuing voter education to the citizens of the State, to recruit qualified poll workers, and to provide the necessary training for those workers. As chief Election Officer, I am committed to working closely with and supporting our Supervisors as we continue to ensure Florida voters have every confidence that their vote counts.

We have accepted the Committee's work without revision, however, we will revise and update the Plan as necessary to reflect the progress made in implementing HAVA and to chart the future goals and plans for elections. We look forward to continuing our election reform efforts to make this state the model for elections reform throughout the nation.

Sincerely,

Glenda E. Hood

Glenda E. Hood

Office of the Secretary
R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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Introduction

Since the aftermath of the General Election of 2000, Florida has led the nation in its election reform efforts to ensure that every registered voter should have the opportunity to vote and to ensure that every vote counts.

The goal is perfection. Reaching that goal in an ever changing democracy and within a diverse population is an ongoing task that requires constant experimentation and learning. The people and the leadership of Florida have dedicated themselves to this course of action.

The struggle for improving our election process reveals itself in many ways. Citizens have increased their involvement by serving on local and State election task forces, researching new voting technologies, debating new standards for poll worker training, increasing voter education opportunities, and registering new voters. The people of Florida continue to make election reform a top priority.

The leadership of Florida has also acted decisively. Florida has enacted legislative and local reforms during the last two years that lead the nation. These reforms include cutting-edge voting system standards, millions of dollars for new voting technology, expanded voter education efforts, and thousands of newly trained poll workers. A statewide poll taken the day of the 2002 General Election found that Floridians gave high marks to the election reform changes including a 91% "excellent-good" rating for poll workers and an 88% confidence rating from voters that their votes will count. These results are not "perfect," but Florida is moving in a positive direction to make all facets of the election process better each time an election is held.

With the passage and signing of the Help America Vote Act of 2002 (HAVA) on October 29, 2002, election reform will spread throughout the nation. The new federal law asks States to develop election reform plans that will improve election administration in many areas. Florida embraces the new federal law and hopes that other States will use it as an opportunity to share new election reform ideas and practices with one another.

The people of Florida have learned many things about election reform. Yet, there are enduring principles which are reflected within many recommendations and changes of Florida's election reform efforts. These principles were developed by Florida's first task force in the aftermath of the 2000 General Election:

Enduring Principles of Elections

- **Elections are first and foremost acts of millions of individual people: citizens who register and vote; candidates who offer themselves and their platforms for public judgment; poll workers who put in long days at precincts; and election officials who**

supervise the process. Honest, responsible, intelligent people will make most technology systems work well.

- **Voting should be a simple, convenient and friendly process that encourages each citizen to express his or her choices.**
- **Voting systems should be designed to determine voter intent, to the extent that is humanly possible.**
- **Voting methods for statewide and national elections should meet uniform standards and national standards for fairness, reliability and equal protection of voting opportunity.**
- **Elections must meet two competing objectives: certainty (making every vote count accurately) and finality (ending elections so that governing can begin).**
- **While voting should be individual and private, procedures for counting and challenging votes should be open, transparent, and easily documented to ensure public confidence in the results.**

Fulfilling the promises of these enduring principles will require continued vigilance and action. With this HAVA Plan, Florida continues its journey to mount an increasingly open and fair system of determining the will of the people.

The Help America Vote Act of 2002 requires all States to develop and implement a statewide plan. Listed below are the thirteen primary elements that must be addressed in the plan.

Help America Vote Act of 2002 (HAVA)
Public Law 107-252 – October 29, 2002

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

Element 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.

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 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).

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.

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

Element 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.

Element 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.

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.

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.

Element 9.

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

Element 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.

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 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).

Element 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.

Element 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.

Element 1. Use of Title III Requirements Payments:
A. Voting Systems

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.

Introduction

Following the 2000 General Election, the people of Florida made a concerted effort to improve all facets of its election procedures, standards and voting systems. The first major changes were the recommendations advanced by the 2001 Governor's Select Task Force on Election Procedures, Standards and Technology followed by the passage of the Florida Election Reform Act of 2001. A central component of Florida's new election law mandated the replacement of punch card voting systems, lever machines, paper ballots and central count optical scanning systems with precinct tabulated Marksense voting systems or the Direct Recording Electronic voting systems. The new voting systems were put into service to reduce voter error, to improve tabulation accuracy, and to restore voter confidence in Florida's elections.

Florida has adopted voting system standards which meet and exceed standards established by the Federal Election Commission. Florida's voting system standards are reviewed every two years to determine whether they are adequate and effective in carrying out fair and impartial elections. The Bureau of Voting Systems Certification within the Department of State has statutory authority to adopt rules which establish minimum standards for voting systems purchased and used in Florida. Florida's 67 counties have authority to purchase and to maintain the appropriate certified voting system for their registered voters. Since 2001, the State of Florida has provided $24 million to assist counties in purchasing new certified voting systems.

Only two types of voting systems are certified for use in Florida's 67 counties— Direct Recording Electronic (DRE or "touchscreen") voting systems and Marksense with precinct-based tabulation.

There are three manufacturers who have certified voting systems for use in Florida: Diebold; Elections Systems and Software, Inc. (ES&S); and Sequoia Voting Systems, Inc. (SP). The Diebold system that has been certified by the State of Florida consists of a Global Election Management System Software (GEMS) Voting System consisting of GEMS, Release 1-18-19; one or more AccuVote TS R6 Touch Screen Ballot Station Version 4.3.15D (Windows CE 3.0) devices; one or more AccuVote-OS Optical Scan Tabulators with Firmware Version 1.94w and VLR firmware 13.9; Key Card Tool Version 1.0.1; Voter Card Encoder Version 1.3.2; and optionally one or more AccuFeed units, Revision D or E OS (optical scan) Firmware 1.94w.

The following chart details the types of voting systems used in Florida, the respective manufacturer, and the number of counties using the voting systems.

DRE Voting Systems ("touchscreen")
And Number of Florida Counties in Use
For Precinct Voting

DRE VOTING SYSTEM MANUFACTURER	COUNTIES (PRECINCT VOTING)
ES&S Voting System Release 3	6
ES&S Voting System Release 4.2	5
SP AVC Edge Voting System	4
Diebold Election Systems, Inc. 2003 B (Blended) + (Plus Audio)	0
TOTAL	15

Marksense Voting Systems ("optical scanning")
And Number of Counties in Use
For Precinct and Absentee Voting

MARKSENSE VOTING SYSTEM MANUFACTURER	COUNTIES (PRECINCT VOTING)	COUNTIES (ABSENTEE VOTING)
Diebold AccuVote ES 2001 B	30	30
ES&S Voting System Release 1.1	2	2
ES&S Voting System Release 2.1	1	1
ES&S Voting System Release 3	4	10
ES&S Voting System Release 3.2	1	1
ES&S Voting System Revised Release 3.1	3	3
ES&S Voting System Release 4.2	3	8
ES&S Optech IIIP Eagle	2	2
ES&S Optech IIIP/Optech IVC	5	5
SP Optech III-P Eagle	1	1
SP AVC Edge Voting System	0	4
TOTAL	52	67

The Help America Vote Act of 2002 (HAVA) establishes new minimum requirements for administering federal elections. These new voting system requirements are found in Title III of the federal law. The new requirements shape the performance and the administration of voting systems. Florida is in compliance with many of these new federal directives and these are addressed in the HAVA State Plan.

Section 301(a) of HAVA requires that Florida's voting systems meet the following requirements by January 1, 2006. Florida will be in compliance with all of these requirements by the federal deadline of January 1, 2006.

Section 301(a) Voting System Standards and Requirements

Section 301(a)(1)(A)(i): Do Florida's voting systems permit the voter to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted?

Yes, and no further actions are required.
Section 101.5606(1), *Florida Statutes*, states that no voting system in Florida shall be approved by the Department of State unless it "permits and requires voting in secrecy."

Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Florida Voting System Standards (April 2002) state that the voting function standards applicable to all Electronic Voter Interfaces must provide "after the initial instructions, which the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance." (p. 20)

Section 301(a)(1)(A)(ii): Do Florida's voting systems 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 the error)?

Yes, and no further actions are required.
Florida Voting System Standards (April 2002) state that "the voter must be able to review the candidate selections, which he or she has made. Prior to the act of casting a ballot, the voter must be able to change any selection previously made and confirm the new selection." (p. 21)

Section 101.5606(12), *Florida Statutes*, requires that electronic voting systems should "permit each voter to change his or her vote for any candidate or upon any question appearing on the official ballot up to the time that the voter takes the final step to register his or her vote and to have the vote computed."

Section 101.5608(2)(b), *Florida Statutes*, requires that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, the ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide

instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in the envelope."

Section 101.5611(1), *Florida Statutes*, requires that the "supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth."

Section 301(a)(1)(A)(iii): If the voter selects votes for more than one candidate for a single office, do Florida's voting systems: (1) notify the voter that the voter has selected more than one candidate for a single office on the ballot; (2) notify the voter before the ballot is cast and counted of the effect of casting the multiple votes for the office; and (3) provide the voter with the opportunity to correct the ballot before the ballot is cast?

Yes, and no further actions are required.
Section 101.5606(3), *Florida Statutes*, requires voting systems to immediately reject "a ballot where the number of votes for an office or measure exceeds the number which the voter is entitled to cast or where the tabulating equipment reads the ballot as a ballot with no votes cast."

Section 101.5606(4), *Florida Statutes*, requires that systems using paper ballots accept a rejected ballot if the voter chooses to cast the ballot after it has been rejected, but the ballot will record no vote for any office that has been overvoted or undervoted.

Section 101.5608(2)(b), *Florida Statutes*, provides that "Any voter who spoils his or her ballot or makes an error may return the ballot to the election official and secure another ballot, except that in no case shall a voter be furnished more than three ballots. If the vote tabulation device has rejected the ballot, a ballot shall be considered spoiled and a new ballot shall be provided to the voter unless the voter chooses to cast the rejected ballot. The election official, without examining the original ballot, shall state the possible reasons for the rejection and shall provide instruction to the voter pursuant to s. 101.5611. A spoiled ballot shall be preserved, without examination, in an envelope provided for that purpose. The stub shall be removed from the ballot and placed in an envelope."

Section 101.5611(1), *Florida Statutes*, requires that the "supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction. Such instruction shall be provided at a place which voters must pass to reach the official voting booth."

Florida Voting System Standards (April 2002) state that "the system must prevent the voter from over voting any race." In addition, "there must be a clear, identifiable action, which the voter takes to 'cast' the ballot. The system must make clear to the voter how to take this action, such

that the voter has minimal risk of taking the action accidentally, but when the voter intends to cast the ballot, the action can be easily performed." (p. 21)

Florida Voting System Standards (April 2002) state that "Marksense systems shall reject blank ballots and ballots with overvoted races. Electronic voter interfaces shall prevent a voter from overvoting a race, and shall provide a means of indicating, to the voter, any races that may have been undervoted before the last step necessary to cast the ballot." (p. 22)

Section 301(a)(1)(B): Does Florida's mail-in absentee and mail-in ballot process 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 ballots for an office; and (ii) providing the voter 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, and no further actions are required.

The Florida Legislature has amended Section 101.65, *Florida Statutes*, to require the instructions for absentee voters to include the following language:

Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

In addition, Rule 1S-2.032, *Florida Administrative Code (F.A.C.)*, (Uniform and General Election Ballot Design) instructs all voters on how to correct their ballots and how to request a replacement ballot if the voter is unable to change or correct the original ballot.

Instructions on how to correct the error through issuance of a replacement ballot are:
If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

The HAVA Planning Committee also suggested that absentee voters should be given clear notification that the deadline for submitting absentee ballots is by 7:00 p.m. of election night and that mailing the ballot may not ensure that it will arrive in time to be counted.

Section 301(a)(1)(C): Does Florida's absentee and mail-in ballot process preserve the privacy of the voter and the confidentiality of the ballot?

Yes, and no further actions are required.
Section 101.65, *Florida Statutes*, requires supervisors of elections to enclose with each absentee ballot a separate printed instruction form, a secrecy envelope, a Voter's Certificate and a mailing envelope. The instructions provide the following guidelines:

- Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.
- Place your ballot in the enclosed secrecy envelope.
- Insert your secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

Section 101.68(2)(d), *Florida Statutes*, contains a detailed policy and procedure instructing the local canvassing boards in the manner of handling absentee ballots to ensure that the confidentiality of the ballot is maintained.

Section 301(a)(2)(A): Do Florida voting systems produce a record for audits?

Section 301(a)(2)(B): Do the voting systems produce a permanent paper record with a manual audit capacity?

Section 301(a)(2)(C): Is the paper record produced in subparagraph (A) available as an official record for any recount conducted with respect to any election in which the system is used?

Yes, and no further actions are required.
The HAVA Planning Committee determined through research conducted by staff, through testimony offered by Congressional staff, and through testimony given by staff from the Division of Elections that Florida complies with the HAVA audit requirement. Florida voting system standards require DRE machines to maintain a random sorted file of ballot images for every vote cast, and they also have to maintain detailed logs for each election from the time they are first programmed for an election until the results are copied to archival media. Certified voting systems in Florida are required to print out a paper tape of summary totals in each precinct. The paper record is produced to reconcile the consolidated totals for the county in the event of a recount.

Staff from the Division of Elections testified before the HAVA Planning Committee that Florida's State and local security measures make it highly unlikely any tampering could take place with the voting systems. In addition, staff also testified that Florida's certified voting

systems are tested in public forums for logic and accuracy before the election. There are also thorough procedural and security controls in place at the local level to safeguard against someone tampering with the voting systems. The Division of Elections' staff cited Rule 1S-2.015(5)(m)3.a., *F. A. C.*, relating to minimum election security procedures which requires the "printing of precinct results and results from individual tabulating devices" for every election. In addition, the Florida Legislature has authorized the Department of State to promulgate rules which would require supervisors to check those paper totals against electronic totals during machine recounts. The following statutes and rules lay the groundwork for Florida's ability to comply with the audit requirements of HAVA:

Section 101.015(5)(a), *Florida Statutes*, requires the Department of State to adopt rules which establish standards for voting systems, including audit capabilities.

Section 101.5606(11 & 13), *Florida Statutes*, requires the Department of State to approve only voting systems that are capable of automatically producing precinct totals in printed, marked, or punched form or a combination thereof. The voting systems must be capable of providing records from which the operating system of the voting system may be audited.

Florida Voting System Standards (April 2002) provide general functional requirements of voting systems which "shall include the capability to produce records, generated by the system components, or in some cases, by the system operators from which all operations may be audited. Except for the storage of vote images, which shall be maintained in a random sequence, the records shall be created and maintained in the sequence in which the operations were performed." (pp. 16-17)

Florida Voting System Standards (April 2002) require precinct count systems to provide a means for obtaining a printed report of the votes counted on each voting device, and to provide a means for extracting this information to a transportable memory device or data storage medium. (p. 23)

Florida Voting System Standards (April 2002) require the generation of reports by the system to be performed in a manner which does not erase or destroy any ballot image, parameter, tabulation or audit log data. The system shall provide a means for assuring the maintenance of data integrity and security for a period of at least 22 months after the closing of the polls. (p. 24)

Section 102.166(5)(d), *Florida Statutes*, requires the Department of State to adopt detailed rules prescribing additional manual recount procedures for each certified voting system which shall be uniform to the extent practicable. The rules shall address, at a minimum, the following areas:

- Security of ballots during the recount process
- Time and place of recounts
- Public observance of recounts

- Objections to ballot determinations
- Record of recount proceedings
- Procedures relating to candidate and petitioner representatives

Section 301(a)(3)(A): Does Florida have certified voting systems 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?

Section 301(a)(3)(B): Does Florida meet the requirement in 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?

Partially meets, and further actions are required.
In 2001, the Secretary of State appointed a task force to conduct a comprehensive review of Florida's election laws and procedures. The task force recommended legislation to insure that Florida's voters with disabilities could fully exercise their right to a secret ballot, as guaranteed by Florida's Constitution. Many of the recommendations of the task force were passed by the Legislature and signed into law by Governor Bush in 2002 and are found in Chapter 2002-281, *Laws of Florida*. Several sections of the law, including sections setting forth specific standards that voting systems must meet, did not become effective immediately, however. They were made contingent on further appropriations by the Legislature, in expectation of the receipt of federal funding as now provided in HAVA.

HAVA requires that all voting systems be accessible to persons with disabilities by January 1, 2006, but does not specifically define what is required to accomplish this. HAVA's definition of what constitutes a voting system, however, found in Section 301(b), is comprehensive. Florida has already done the difficult and time consuming work of defining what makes a Florida voting system accessible for persons with disabilities and these standards are found in Chapter 2002-281, *Laws of Florida*. However, as noted above, many sections are not currently in effect. Some slight additional changes to Florida law will need to be made to include provisional ballots, which HAVA requires to be accessible, within Florida's accessibility requirements.

Not only has Florida already enacted much of the required accessibility reforms required by HAVA, but the intent of the Legislature to comply fully with Federal requirements is clearly set out in statute. Section 101.56063, *Florida Statutes*, provides that:

> It is the intent of the Legislature that this state be eligible for any funds that are available from the Federal Government to assist states in providing or improving accessibility of voting systems and polling places for persons having a disability. Accordingly, all state laws, rules, standards, and codes governing voting systems and polling place accessibility must be maintained to ensure the state's eligibility to receive federal funds. It is the intent of the Legislature that all state requirements meet or exceed the minimum federal requirements for voting systems and polling place accessibility.

In addition to the above, Florida must take steps now in the certification and system procurement processes to insure that it is able to meet the HAVA requirements in time. HAVA requires that voting systems themselves, not just Florida law, must meet the accessibility requirements by January 1, 2006. The HAVA Planning Committee heard testimony from Division of Elections' staff who cautioned that Florida cannot compel any voting systems vendor to bring equipment to the State for certification. Staff testimony further noted that the lack of available certifiable equipment has been a significant problem in the past that continues to the present. With the proper incentives for vendors and tools for counties to require compliance with accessibility standards, Florida will be able to comply with HAVA requirements by January 1, 2006.

Accordingly, the HAVA Planning Committee recommends that the Division, beginning immediately, require that all new certified voting systems comply with the requirements of Section 101.56062, *Florida Statutes*. Further, any purchase of a voting system by a governmental entity after July 1, 2004 should be required to include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*. Finally, all voting systems in use as of January 1, 2006, should be required to be both certified to meet, and be deployed in a configuration that meets, the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*.

The Florida Legislature during the 2004 Session triggered the accessibility standards found in Chapter 2002-281 by making HAVA funds available to counties through the Department of State. The language is as follows:

From the funds in Specific Appropriation 2871I, $11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place. No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State: 1) the number of precincts in the county; 2) the number of polling places in the county; 3) the number of voting machines the county has that meet the disability requirement; 4) the county's plan for purchasing the DRE's; and 5) the date that the county anticipates being in compliance. The Department of State will determine the number of DRE's needed in each county based on the certifications provided by the supervisors of elections. Any county that receives funds from Specific Appropriation 2871I that is not in compliance with the accessibility requirements in Section 301(a)(3) Title III of the Help America Vote Act by January 1, 2006, shall be required to return those funds to the State.

The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by mandating that provisional ballots for voters with disabilities shall be provided to them by a system that meets the requirements of Section 101.56062, *Florida Statutes,* by January 1, 2006.

The HAVA Planning Committee encourages the Legislature to continue to support accessible voting for persons with disabilities by enacting a HAVA Implementation Bill which immediately requires:

A. All electronic and electromechanical voting systems certified by the State must meet the requirements of Section 101.56062, *Florida Statutes,* (except subsection (1)(d), which is exempted in the statute);

B. Any purchase of a voting system by any county, municipality or by the State must include a contract for future upgrades and sufficient equipment to meet the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes*; and

C. All electronic and electromechanical voting systems in use on or after January 1, 2006 must be certified to meet and be deployed in a configuration which meets the requirements of Section 101.56062 and Section 101.5606, *Florida Statutes.*

The HAVA Planning Committee also discussed polling place accessibility even though this topic is not required to be addressed in the HAVA plan. It was noted that the State of Florida has taken the initiative to contract with the Disability Relations Group to help it comply with HAVA. In addition, the Division of Elections has applied for polling place accessibility funding with the U.S. Department of Health and Human Services. The Division of Elections has been awarded two grants in the amount of $687,278 and of $492,941.

Several members of the HAVA Planning Committee also noted there is a sense of urgency to bring polling places into compliance. One Committee member referred to a recent United States Supreme Court decision that requires government to comply with the Americans With Disabilities Act. The HAVA Planning Committee recommended that the State of Florida address the polling place issue quickly by asking the Governor to provide emergency funding to bring polling places into ADA compliance.

Section 301(a)(3)(C): Will Florida purchase voting systems with funds made available under Title II on or after January 1, 2007, that meet the voting system standards for disability access (as outlined in this paragraph)?

Yes, and no further actions are required.

Section 301(a)(4): Does Florida have certified voting systems that 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, and no further actions are required.
In order to be certified for use in Florida, DRE voting systems must provide alternative language accessibility for all interfaces in order to meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a). Florida Voting System Standards (April 2002) require that all configurations must support all voter interface functions in at least the following languages: English, Spanish, and Haitian Creole. (p. 22)

Counties using Marksense voting systems must meet the requirements of Section 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa through 1a) by printing ballots in the required languages.

Section 301(a)(5): Does Florida have certified voting systems that comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Elections Commission which are in effect on the date of the enactment of this Act?

Yes, and no further actions are required.
Florida Voting System Standards (April 2002) contain voting system accuracy standards which exceed the error standards established by the Federal Elections Commission. (pp. 35-36)

Section 301(a)(6): Has Florida adopted uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State?

Yes, and no further actions are required.
Section 102.166(5)(a), *Florida Statutes*, states that "a vote for a candidate or ballot measure be counted if there is a clear indication on the ballot that the voter has made a definite choice."

Section 102.166(5)(b), *Florida Statutes*, requires the Department of State to "adopt specific rules for each certified voting system prescribing what constitutes a 'clear indication on the ballot that the voter has made a definite choice.' The rules may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as 'any other mark or indication clearly indicating that the voter has made a definite choice.'"

Rule 1S-2.027, *F. A. C.*, entitled "Clear Indication of Voters Choice on a Ballot" provides specific standards for determining votes on optical scan ballots.

Element 1. Use of Title III Requirements Payments:
B. Provisional Voting and Voting Information

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 302(a) Provisional Voting Requirements
The Help America Vote Act of 2002 (HAVA) requirements for provisional voting state that if an individual declares that he or she is a registered voter in the jurisdiction in which they are attempting to vote but their name does not appear on the official list of eligible voters, they are to be permitted to cast a provisional ballot.

Section 302(a)(1) Do Florida's election laws require election officials at the polling place to notify individuals that they may cast a provisional ballot?

Yes, and no further actions are required.
Section 101.031(2), *Florida Statutes*, states that the supervisor of elections in each county shall have posted at each polling place in the county the Voter's Bill of Rights and Responsibilities. Included in the Voter's Bill of Rights is the right of each registered voter to cast a provisional ballot, if his or her registration is in question.

The Division of Elections' Polling Place Procedures Manual instructs poll workers to read informational signs that appear in print on the walls of the polling place and to offer magnifying sheets for visually impaired voters.

In addition, modifications to Section 101.043(3), *Florida Statutes*, were included in Chapter 2003-415, *Laws of Florida*, which was effective January 1, 2004. This change provided that certain first-time voters would be allowed to vote a provisional ballot.

Section 302(a)(2) Do Florida's election laws state that any person attempting to vote whose name does not appear on the official list of eligible voters be permitted to cast a provisional ballot at the polling place upon the execution of a written affirmation by the individual that they are: (A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.

Yes, and no further actions are required.
Section 101.048(1), *Florida Statutes*, states that any voter claiming to be properly registered and eligible to vote, but whose eligibility cannot be determined, will be given a provisional ballot. A Provisional Ballot Voter's Certificate and Affirmation must be completed by the individual casting a provisional ballot indicating that they are registered to vote and are a qualified voter of

the county in which they are attempting to vote, and that they have not previously voted in the election.

In addition, according to Section 101.048(2), *Florida Statute,* if it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

Currently, in Florida, in order for provisional ballots to count they must be cast in the precinct in which the voter is registered. This means that votes for President, U.S. Senate or other statewide officials such as Governor and Attorney General, would not be counted if a voter cast a provisional ballot at a wrong precinct.

Under HAVA, Section 302 requires: If an individual states that [s/he] 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...such individual shall be permitted to cast a provisional ballot...

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation ...stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desired to vote; and

(B) eligible to vote in that election.

HAVA does not define jurisdiction, but the National Voter Rights Act (NVRA) defines jurisdiction for federal purposes as the largest geographic area governed by a unit of government (municipality or larger) that performs all the functions of a voting registrar. The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."

Section 302(a)(3) Do Florida's election laws require a completed provisional ballot be given to an appropriate State or local election official to determine whether the individual is eligible under State law to vote?

Yes, and no further actions are required.

Section 101.048(1), *Florida Statutes*, states that all provisional ballots are placed in a secrecy envelope and then sealed in a provisional ballot envelope. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections.

Section 101.048(2)(a), *Florida Statutes*, states the county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

Section 302(a)(4) Is the provisional ballot counted if the appropriate State or local election official determines the individual is eligible under State law to vote?

Yes, and no further actions are required.
Section 101.048(2)(b)1, *Florida Statutes*, states that if it is determined that the person was registered and entitled to vote at the precinct where the person cast a ballot, the canvassing board will compare the signature on the provisional ballot envelope with the signature on the voter's registration record and, if it matches, will count the ballot.

Section 302(a)(5)(A) Are the individuals who cast a provisional ballot given written information that states that any individual who casts a provisional ballot will be able to ascertain whether the vote was counted and, if not, the reason that the vote was not counted?

Yes, and no further actions are required.

Section 101.048(5)(6), *Florida Statutes*, provides that each person casting a provisional ballot shall be given written instructions and information on how to determine whether their vote was counted.

Section 302(a)(5)(B) Has the appropriate State or local election official established a free access system to provide this information to individuals casting provisional ballots?

Yes, and no further actions are required.

Section 101.048(5)(6), *Florida Statutes*, requires each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why.

Section 101.048, *Florida Statutes*, states:
(5) Each person casting a provisional ballot shall be given written instructions regarding the free access system established pursuant to subsection (6). The instructions shall contain information

on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

It is recommended that each county, as a minimum, provide to voters who cast provisional ballots written notification by mail informing them of whether their ballot was counted and, if not, why it was not counted. Supervisors of elections are also strongly encouraged to develop a toll-free number or access to this information via the Internet.

Each supervisor of elections has established the free access system for their county.

Section 302(a)(5)(B) Has the appropriate State or local official established procedures to protect the security, confidentiality and integrity of the personal information collected and stored by the free access system, restricting access to the individual who cast the ballot?

Yes, and no further actions are required.

Section 101.048, *Florida Statutes*, requires the free access system established by the supervisors of elections to restrict access to information regarding an individual ballot to the person who cast the ballot.

Section 302(b) Voting Information Requirements
HAVA requirements for voting information state that 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.

Section 302(b)(2)(A) Is a sample version of the ballot that will be used for that election posted?

Yes, and no further actions are required.
Section 101.20, *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. The sample ballots shall be in the form of the official ballot as it will appear at the polling place on election day. Sample ballots shall be open to inspection by all electors in any election.

Section 302(b)(2)(B) Is information regarding the date of the election and the hours during which polling places will be open posted on election day?

Yes, and no further actions are required.
Information such as the hours of operation of polling places and the date of the election are provided on instructional cards and sample ballots. Section 101.031, *Florida Statutes*, requires the Department of State, or in case of municipal elections the governing body of the municipality, to print, in large type on cards, instructions for the electors to use in voting. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

Currently, all cards that are posted in polling places include the hours the polls will be opened.

Section 101.20(1), *Florida Statutes*, states that two sample ballots shall be furnished to each polling place by the officer whose duty it is to provide official ballots. Sample ballots shall be open to inspection by all electors in any election, and a sufficient number of reduced-size ballots may be furnished to election officials so that one may be given to any elector desiring same.

Currently, all sample ballots posted in polling places include the date of the election.

Section 302(b)(2)(C) Are instructions on how to vote, including how to cast a vote and how to cast a provisional ballot posted on election day?

Yes, and no further actions are required.

Section 101.031, *Florida Statutes*, states the Department of State, or in case of municipal elections the governing body of the municipality, shall print, in large type on cards, instructions for the electors to use in voting. It shall provide not less than two cards for each voting precinct for each election and furnish such cards to each supervisor upon requisition. Each supervisor of elections shall send a sufficient number of these cards to the precincts prior to an election. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary.

In addition, Section 101.5611, *Florida Statutes*, states the supervisor of elections shall provide instruction at each polling place regarding the manner of voting with the system. The supervisor of elections shall provide instruction on the proper method of casting a ballot for the specific voting system utilized in that jurisdiction.

During the 2002 legislative session, Senate Bill 1350 was passed amending Section 97.026, *Florida Statutes*, and stated that all forms required to be used in chapters 97 through 106 shall be made available upon request, in alternative formats. Although this statute is not in effect during the development of this Plan, the Department produces forms in alternative formats upon request.

The Division of Elections has updated and reprinted the posters that provide instructions to voters which will be displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to inform voters when they would need to vote a provisional ballot as well as providing instructions on how to cast a provisional ballot. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included in Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

Included in the new instructions: *If you need instructions on how to use the voting equipment ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.*

For touch screen systems: *When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.*

For optical scan systems: *When you are finished marking you ballot, take your ballot and put it into the precinct tabulator.*

If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.

Section 302(b)(2)(D) Are instructions for mail-in registrants and first-time voters under section 303(b) posted on election day?

Yes, and no further actions are required.

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The Division of Elections has updated and reprinted the posters that provide instructions to voters and are displayed at each polling place on election day. These posters have been distributed to all 67 counties. The posters have been updated to include instructions for mail-in registrants and first-time voters. A copy of each version of the poster (touch screen and optical scan) in English and Spanish is included as Appendices A-D. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The new instructions state: *If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.*

Section 302(b)(2)(E) Is general information on voting rights, including information on the right of an individual to cast a provisional ballot posted on election day?

Yes, and no further actions are required.
Section 101.031(2), *Florida Statutes*, requires the supervisor of elections in each county to have posted at each polling place the Voter's Bill of Rights and Responsibilities. The Voter's Bill of Rights states that each registered voter in this State has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

Section 302(b)(2)(E) Is contact information posted for voters who allege their rights have been violated?

Yes, and no further actions are required.

Under Section 101.031(1), *Florida Statutes*, the Department of State is required to print, in large type on cards, instructions for the electors to use in voting. The election inspectors shall display the cards in the polling places as information for electors. The cards shall contain information

about how to vote and such other information as the Department of State may deem necessary. The cards must also include the list of rights and responsibilities afforded to Florida voters.

The Division of Elections has updated and reprinted the Voter's Bill of Rights posters that provide voters with a list of their rights as registered voters. These posters are displayed at each polling place on election day and have been distributed to all 67 counties. The posters have been updated to provide voters with contact information if they believe their voting rights have been violated. A copy of the poster in English and Spanish is included as Appendices E and F. In Miami-Dade and Broward counties, the posters are printed in English, Spanish and Creole.

The specific instruction states: *You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737.*

In the next reprint of these posters, the Division of Elections will modify the instructions to indicate that the number to call (1-877-868-3737) is a toll-free number.

Section 302(b)(2)(F) Is information on laws regarding prohibitions on acts of fraud and misrepresentation posted?

Yes, and no further actions are required.
Section 101.5611(2), *Florida Statutes*, requires the supervisor of elections to have posted at each polling place a notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to $5,000 and/or imprisoned for up to 5 years."

Section 302(c) Are individuals who vote in an election as a result of a court order or any other order extending the time established for closing the polls by a State law required to cast a provisional ballot? This provisional ballot must be separated and held apart from other provisional ballots cast by those not affected by the order.

Yes, and no further actions are required.

Section 101.049, *Florida Statutes*, permits, under special circumstances, any person voting in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and sealed in a provisional ballot envelope. All such provisional ballots will remain sealed and transmitted to the supervisor of elections separate and apart from all other ballots. The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots.

Section 302(d) The effective date for complying with the Provisional Voting and Voting Information requirements is on and after January 1, 2004.

The Provisional Voting and Voting Information Requirements was completed as required by HAVA on January 1, 2004.

Element 1. Use of Title III Requirements Payments:
C. Voter Registration

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.

Introduction

The Help America Vote Act of 2002 (HAVA) establishes minimum requirements for a single, centralized, computerized statewide voter registration list and for mail registration as a part of establishing and maintaining such a list.

The effective and efficient administration of elections depends in a major way on the completeness and accuracy of voter registration lists that can be checked quickly and reliably by election workers. Section 303(a) of HAVA establishes minimum requirements for a "single, uniform, official, centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections."

Because many voters register by mail instead of in person, the procedures used for mail registration are an important component of establishing and maintaining a complete and accurate statewide voter registration list. Section 303(b) of HAVA requires that a state's mail voter registration system be administered in a "uniform and nondiscriminatory manner" and establishes minimum requirements for such a system.

Until recently, Florida's voters have relied primarily on voter registration lists established and maintained by independent supervisors of elections in each of Florida's 67 counties.[1] These lists are governed by Florida law that specifies qualifications to register or vote, a registration oath, a uniform statewide voter registration application form, acceptance of applications by supervisors of elections, closing of registration books, late registration, declinations to register, special registration for electors requiring assistance, registration identification card, disposition of applications and procedures for cancellation, notices of changes of address, and operation of registration offices. See Sections 97.032 through 97.055, 97.0585 through 97.105, 98.015 through 98.095, and 98.101 through 98.491, *Florida Statutes*.

Additional requirements for establishing and maintaining voter registration lists were enacted in the Federal Voting Rights Act of 1965 and the National Voter Registration Act of 1993 ("Motor Voter Law"). Sections 97.057 through 97.0583, *Florida Statutes,* and other provisions of Florida

[1] A permanent single voter registration system for each Florida county, used for all public elections in that county, improved on practices in early Florida history of requiring separate registrations for municipal elections and new registrations for each new election. See Section 97.105, *Florida Statutes*.

law implemented those Federal laws in the State by providing for registration of voters by the Department of Highway Safety and Motor Vehicles, voter registration agencies,[2] and qualifying educational institutions.

In 1997, the Florida Legislature established a "central voter file" in the Division of Elections that contained voter registration information from all counties. Section 98.097, *Florida Statutes*.

Following the 2000 General Election, the Florida Legislature enacted the Florida Election Reform Act of 2001 that took additional steps to require complete and accurate voter registration lists in the counties and to establish a statewide voter registration database. Sections 98.0977 through 98.0979, *Florida Statutes,* authorized the Department of State to "...analyze, design, develop, operate, and maintain a statewide, on-line voter registration database and associated website, to be fully operational statewide by June 1, 2002. The database shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

(a) The voter is deceased;

(b) The voter has been convicted of a felony and has not had his or her civil rights restored; or

(c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified."

This statewide database was established in time for use in the 2002 General Elections. Requirements for pre-clearance by the U.S. Department of Justice (DOJ) and negotiations for settlement of a lawsuit by the NAACP delayed use of parts of the database concerning eligibility of voters identified as potentially ineligible because of a felony conviction or adjudication of mental incapacity. With the receipt of DOJ clearance and settlement of the lawsuit now accomplished, the Division of Elections has begun running matches.

[2] A "voter registration agency" is defined by Section 97.012(37), *Florida Statutes,* as "...any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library."

Section 303(a) Computerized Statewide Voter Registration List Requirements

Section 303(a)(1)(A)(i)-(vii) and 303(a)(2): Does Florida's existing statewide database meet requirements for implementing and maintaining 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 and includes information specified in HAVA?

No, and further actions are required.
Florida has made great strides in recent years in establishing a centralized, computerized statewide voter registration database but that database does not meet the requirements of HAVA Section 303(a)(1)(A) for a **single** statewide voter registration list "...defined, maintained, and administered at the State level...[with] a unique identifier [assigned] to each legally registered voter in the State..." which serves, under HAVA Section 303(a)1)(A)(vii), as "...the official voter registration list for the conduct of all elections for Federal office in the State." HAVA Section 303(a)(1)(A)(i) further defines this requirement by specifying that "The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." HAVA Section 303(a)(1)(A) also specifies that the chief State election official (in Florida the Secretary of State) shall implement and maintain the single statewide voter registration list.

Florida currently has 67 official voter registration lists, one established and maintained in each county, that are compiled into the statewide voter registration database required by the Florida Election Reform Act of 2001. The 67 county-based lists, not the statewide database, are the official voter registration lists for voters in Florida. The statewide database is intended primarily to assist supervisors of elections to determine if voters are ineligible to vote (deceased, convicted felons who have not had civil rights restored, or adjudicated as mentally incompetent). It also is intended to identify those voters who are listed more than once. It is not intended to serve as "...the single system for storing and managing the official list of registered voters throughout the State..." as required by HAVA. Information in the statewide database is made available to county supervisors of elections who are responsible for making final determinations of a voter's eligibility and for updating voter registration records.

HAVA's requirement for a single computerized statewide voter registration list cannot be fulfilled quickly. In addition to designing and implementing such a single system that is interactive and assigns unique identifiers to each voter, HAVA requires the system to have adequate technological security measures [HAVA Section 303(a)(3)], meet minimum standards of accuracy and currency [HAVA Section 303(a)(4)], provide for verification with other information such as driver's license numbers and Social Security numbers [HAVA Section 303(a)(5)], and meet other standards. Meeting these requirements and standards will take time, expertise and money.

The Legislature appropriated $1.6 million and nine staff positions to create a master design, including a business plan and budget, for a single statewide voter registration system by January 2004. This design permitted the 2004 Legislature to take action to authorize the implementation of a new single computerized statewide voter registration list in time for the 2006 elections. The State of Florida was granted a waiver under HAVA to have a single statewide voter registration system in place by January 1, 2006, instead of the existing deadline of January 1, 2004. (The requirement for a waiver is discussed subsequently.)

Chapter 2003-415, *Laws of Florida*, authorizes the State to request the Federal Election Assistance Commission to grant a waiver from the January 1, 2004, HAVA deadline. The 2003 Appropriations bill authorizes the funding and staffing positions requested by the Division of Elections.

The Division of Elections has been meeting with representatives of the Florida State Association of Supervisors of Elections, the Department of Highway Safety and Motor Vehicles, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office and health officials to begin to find ways to coordinate databases maintained by those agencies as part of the single centralized statewide voter registration list. Because HAVA Sections 303(a)(5)(A)(i)(I) and (II) require an applicant for voter registration to provide either a current and valid driver's license number or supply the last four digits of the applicant's Social Security number, HAVA Sections 303(a)(5)(B)(i)-(ii) require that the State enter into agreements to share such information with the Department of Highway Safety and Motor Vehicles and with the Social Security Administration.

HAVA's requirements are minimum requirements. Florida may establish technology and administrative requirements that are stricter than the Federal requirements as long as they are not inconsistent with HAVA's requirements and other laws, such as the Motor Voter Act, or in conflict with the privacy provisions of the Florida Constitution. See HAVA Section 304.

Florida Voter Registration System - Proposed System Design and Requirements

Strategy to Develop and Implement

The Florida Legislature has directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided $1.6 million to begin implementation of the system. Funds include $1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

The Division of Elections has been tasked with the responsibility to develop specifications for design and implementation of the Florida Voter Registration System (FVRS). The Division of

Elections has allocated one of the five HAVA-funded positions for a project manager tasked with the responsibility to direct and coordinate development of a comprehensive set of functional requirements, design specifications and preparation of progress reports. The Business Owner of the FVRS is the Director of the Division of Elections and the Project Sponsor is the Florida Secretary of State. The Project Director, Project Executive and Project Administrator are all Division of Elections staff.

The project team has taken every effort to identify alternative approaches to development of the FVRS and assess the relative merits of each approach. Visits to, and interviews with, other states with centralized voter registration have provided insight into the technical, administrative and political systems necessary for successful implementation. Interviews with election officials in other states that are in more advanced stages of meeting HAVA requirements have contributed much to identify the best practices approach.

The project team has also relied heavily on input from the supervisors of elections, their staff and vendors of voter registration systems currently in use throughout the State. A committee drawn from the 67 supervisors of elections was appointed to work with the project team. Additionally, a series of technical workgroups was established to identify issues and assess alternatives in a number of specific areas including:

- maintenance of address systems;
- interfacing of local voter registration systems;
- document and contract management;
- petitions;
- polling place activities;
- security; and
- statutory and legal issues.

The table below provides a proposed project schedule.

Estimated Start Date	Project Phase
September 2003	Phase 1 - Planning & Design
March 2004	Phase 2 - Prototyping and Validation of Design
March 2005	Phase 3 - Iterative Business Function and Performance Testing
August 2005	Phase 4 - Training, Education and Final Statewide Implementation and Acceptance
January 2006	Implementation of Florida Voter Registration System
February 2006	Phase 5 - Final Documentation and Transition to Maintenance and Support
March 2006	Project Close

Section 303(d) Deadlines for Computerized Statewide Voter Registration List

Section 303(d)(1)(A): Can Florida meet HAVA's requirement to have operational a computerized statewide voter registration list, as defined by HAVA, by January 1, 2004?

No, and further actions are required.
The State practically could not meet the January 1, 2004 deadline. Substantial professional and technical work must be done to design and establish a computerized statewide voter registration list that meets HAVA's standards. Chapter 2003-415, *Laws of Florida*, authorizes the State to seek a waiver from the Federal Election Assistance Commission permitted under HAVA Section 303(d)(1)(B) from January 1, 2004, to January 1, 2006, if the State "...will not meet the deadline...for good cause and includes in the certification the reasons for the failure to meet such deadline...."

The Florida Division of Elections has filed with the Federal Election Assistance Commission the appropriate waiver seeking an extension for the development and implementation of the Computerized Statewide Voter Registration list from January 1, 2004 to January 1, 2006. A copy of this letter is included as Appendix G.

Section 303(b) Requirements for Voters Who Register By Mail

Section 303(b)(1) through (4): Does Florida meet HAVA's identification requirements for a voter who registers by mail and has not previously voted in an election for Federal office in the State or registers by mail, has not previously voted in the jurisdiction and is in a State that does not have a computerized statewide voter list that meets HAVA's requirements?

Yes, and no further actions are required.
HAVA requires persons who register by mail and have not voted in an election for federal office to provide identification prior to voting. If the State is able to match the voter's driver's license number or Social Security number against an existing State record bearing the same number, name and date of birth, further identification by the voter is not required.

HAVA Sections 303(b)(2)(i) through (ii) require that a first-time voter who votes in person may be identified by 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. A voter who votes by mail may include with the ballot a copy of a current and valid photo identification or a copy of the other documents listed for the voter who appears in person. An exception is made in HAVA Section 303(b)(3) for mail registrants who provide a copy of required identification at the time of registering, mail registrants whose driver's license number or last 4 digits of the Social Security number are matched with an existing State record, and for those who vote under the Uniformed and Overseas Citizens Absentee Voting Act, the

Voting Accessibility for the Elderly and Handicapped Act, or under some other provision of Federal law (in which case the specific standards of those acts must be met).

Chapter 2003-415, *Laws of Florida*, amends the following sections of Florida law to conform to HAVA's mail registration and other voter registration requirements:

Section 97.052(3)(g), *Florida Statutes*, to require a statement with the uniform statewide voter registration form that informs the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting for the first time.

Section 97.053(5)(a), *Florida Statutes*, that permits the use of a valid Florida driver's license number or the identification number from a Florida identification card issued under Section 322.051, *Florida Statutes*, for purposes of voter registration.

Section 97.0535, *Florida Statutes*, that specifies at length the requirements for identification that a first-time voter can use and that complies with other HAVA requirements outlined previously.

Section 101.043, *Florida Statutes*, (a transfer and renumbering of Section 98.471, *Florida Statutes*) to permit a voter to submit to a poll worker at the time of voting a current and valid picture identification with a signature.

Section 303(b)(4): Does Florida meet HAVA's requirement for language in the mail voter registration form under Section 6 of the National Voter Registration Act of 1993?

Yes, and no further actions are required.
HAVA requires that mail voter registration forms under Section 6 the National Voter Registration Act 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.

(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.

(iii) The statement 'If you checked 'no' in response to either of these questions, do not complete this form.'

(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."

Section 97.052(2)(b) and (r), *Florida Statutes,* requires that the uniform statewide voter registration form must be designed to elicit information from the applicant about the applicant's date of birth and whether the applicant is a citizen of the United States. The form itself, available on the Division of Elections' website at http://election.dos.state.fl.us, asks for date of birth and asks "Are you a U.S. citizen?" It does not use the specific language required by HAVA.

Chapter 2003-415, *Laws of Florida,* amends Section 97.052, *Florida Statutes,* by adding subsection (g) that requires language about the need for appropriate identification for first time mail applications. It does not require the specific HAVA language about age and citizenship.

The Division of Elections has reviewed this matter orally with Federal legislative and executive representatives and has concluded that the requirement applies only to Federal applications under Section 6 of the National Voter Registration Act. It believes that putting such language on State application forms will confuse voters and discourage first-time registrants. The age question, for instance, does not specify the exact election day to which it is referring and assumes that young voters may be applying to register for a specific election rather than pre-registering as 17 year-olds in order to vote in all elections after they reach the age of 18. The Division notes that the forms used by Florida already elicit the information required by asking for date of birth and citizenship. The forms do not discourage voters by telling them to stop with the application if they must answer "No" to either question. The Division is complying with the substance of HAVA if not with the exact form of the question.

Element 2. Local Government Payments and Activities

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).

Introduction

The Florida Legislature has broad constitutional authority for appropriating federal and State funds annually through the appropriations bill which is eventually signed by the Governor into law. During the annual appropriations process, the Florida Legislature assesses the needs of the State and makes policy and budget decisions which impact every level of government including local government.

The funding of elections in Florida is primarily a local government responsibility since the constitutional authority for running elections rests with the local supervisor of elections. Funding authority for elections resides with the Boards of County Commissioners. Each of Florida's 67 Boards of County Commissioners receives a budget request from the supervisor of elections and then the Board makes policy and budget decisions based upon county priorities.

There has been one major exception to this election funding scenario. Following the controversial 2000 General Election, the Governor and the citizens of Florida asked the Legislature to enact broad election reforms which included providing State financial assistance to local governments. Over a two-year period, the Legislature provided over $32 million in State funds to supplement local election budgets and to quicken the pace of election reform in Florida. Most of the State funds were appropriated to the Boards of County Commissioners using two different formulas for accomplishing distinct policy goals—to replace voting systems designated to be decertified and to enact comprehensive voter education programs in every county.

The funding formula used to upgrade voting systems had two important policy goals—to provide a minimum voting system standard of precinct-based optical scanning systems throughout Florida and to provide funding assistance to small counties with very small tax bases. The resulting formula achieved that policy goal and was as follows:

- Small Counties (population 75,000 or below) received $7,500/precinct
- Large Counties (population 75,001 and above) received $3,750/precinct

The Legislature used a different formula to provide State funds for voter education and poll worker recruitment and training. This formula was based upon taking available State funds and distributing them on a per registered voter basis per county. The resulting formula was determined by taking approximately $6,000,000 in available State funds and dividing it by the number of registered voters during the 2000 General Election and appropriating that money on a pro-rata basis to each county. The resulting appropriation provided $5,949,375 to counties to fund comprehensive voter education programs and poll worker recruitment and training programs. The combined State and local efforts led to greater voter satisfaction during the 2002 General Election.

Pursuant to the appropriation, the Florida Legislature required each county supervisor of elections to submit a detailed description of the plans to be implemented and also a detailed report on the success of the voter education effort. These reports were sent to the Division of Elections and subsequently compiled by the Division into a report sent to the Governor and Florida Legislature.

While the State funds were widely valued, the counties still provided a majority of funding for election reform efforts. According to the 2002 Governor's Select Task Force on Election Procedures, Standards and Technology, a survey of 33 county governments revealed they spent nearly $110 million toward new voting systems before the 2002 primary and general elections.

If the Florida Legislature determines that it will provide funding for units of local governments and other entities, then how will the requirements payments be distributed and monitored, including—

A. **A description of the criteria used to determine the eligibility of such units and entities for receiving payment.**

B. **A description of the methods to be used by Florida to monitor the performance of the units of entities to whom the payments is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. During HAVA Planning Committee discussions, members proposed several recommendations that would provide funding for units of local government. The recommended payments to local government are listed below:

Replacement and Reimbursement for Punch Card And Lever Machines
The HAVA Planning Committee recommended that the estimated $11.74 million received pursuant to Section 102 of HAVA be distributed by the Florida Legislature to the State and to the counties on a pro-rated basis for their respective contributions to replace punch cards and lever machines during the 2001-2002 and 2002-2003 fiscal years.[3]

The Florida Legislature acted in 2003 to distribute Section 102 federal funds in the amount of $11,581,377 to the State of Florida and not the counties. The $11,581,377 reimbursement is almost one-half the amount the State of Florida invested to replace outdated voting machines between 2001 and 2003.

Accessible Voting Systems for Voters with Disabilities
The HAVA Planning Committee recommended that HAVA funds should be distributed to counties during the 2004-2005 fiscal year to help them meet Section 301 Title III accessibility requirements by the January 1, 2006 deadline. The estimated amount to comply with this requirement is $11.6 million and the funds would be distributed according to the number of machines accessible for persons with disabilities needed for each county to have one per polling place. The Division of Elections would have the responsibility for determining eligibility of counties receiving HAVA funds.

Secondly, if HAVA funds are available, the HAVA Planning Committee recommends that HAVA funds be distributed as a reimbursement on a pro-rated basis to local governments that purchased accessible voting systems and components during the 2001 and 2002 fiscal years.

The 2004 Legislature provided the following in the 2004 General Appropriations Act:
From the funds in Specific Appropriation 2871I, $11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.

No supervisor of elections shall receive any funds until the county supervisor of elections certifies to the Department of State:
1) the number of precincts in the county;
2) the number of polling places in the county;
3) the number of voting machines the county has that meet the disability requirement;
4) the county's plan for purchasing the DRE's; and
5) the date that the county anticipates being in compliance.

[3] The 2003 General Appropriations Act passed by the Legislature required the Department of State to transfer all amounts eligible for reimbursement under Section 102 of HAVA to the State's Working Capital Fund.

Statewide Voter Education Program

For FY 2003-2004, $2,976,755 was appropriated and available to each county for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, $3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented. The HAVA Planning Committee also recommends that local governments receive $3,000,000 for comprehensive voter education efforts in FY 2005-2006.

In FY 2003-2004, distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

In FY 2004-2005, the Department shall distribute an amount to each eligible supervisor of elections equal to the funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. The Department shall determine the funding level per voters in the state for the 2004 Presidential Preference Primary.

In order for a county supervisor of elections to be eligible to receive state funding for voter education, the county must certify to the Division of Elections that the county will provide matching funds for voter education in the amount equal to fifteen percent of the amount to be received from the state. Additionally, to be eligible, a county must segregate state voter education distributions and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Any funds remaining in the fund at the end of the fiscal year shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended.

Through the 2005-2006 fiscal years, the HAVA Planning Committee recommends that local governments receive a total of $9 million dollars ($3 million each fiscal year) for comprehensive voter education efforts. HAVA funds for voter education should be distributed using a similar formula as used in 2003-2004. The Division of Elections should be responsible for determining eligibility of any county for the receipt of State or federal funds used in HAVA election reform activities.

The Division of Elections will monitor the performance of the contract agreements entered into between the State and each county, in accordance with State procedures. Each county must meet the contractual requirements before payment is approved.

Standard auditing procedures for monitoring the use of federal funds will be used for the receipt and the distribution of HAVA funds. These standard procedures may include random program audits by the Department of State's Inspector General as well as an annual audit by the Florida Auditor General's office to ensure funds are being expended for the authorized purposes.

Payments to Other State Entities

Through the 2005-2006 fiscal years, the Division of Elections recommends that the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement receive HAVA funding to assist in the development of the new statewide voter registration system. The Division of Elections will enter into a contractual agreement with these other state-level departments and monitor the contracts in accordance with standard auditing procedures for monitoring the use of federal funds.

Element 3. Voter Education, Election Official Education & Training, 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.

Introduction

A wide array of national and State task force reports have highlighted the need for a more informed electorate. To achieve this goal, voters, election officials, and poll workers must receive better information and training. Florida assigns the primary responsibility for these daunting tasks to the Department of State and the county supervisors of elections. Following election 2000, the Legislature has more clearly delineated the role of each in improving the education of voters, election officials, and poll workers.

The Florida Election Reform Act of 2001 set deadlines, included a wide array of topics to be addressed by State and county election officials, granted rule making authority to the Department of State, and established a procedure for measuring the effectiveness of the programs and making recommendations to the Governor and the State Legislature. Various acts passed during the 2002 legislative session broaden the scope of voter education responsibilities, more definitively spell out voter rights, and ensure that Florida's electoral system conforms to the Americans with Disabilities Act of 1990. Each of these changes has been communicated to election officials at all levels and to the public at-large.

The Election Reform Act of 2001 required all 67 county supervisors of elections to file voter education plans with the Division of Elections in the Department of State in order to qualify for State funds. (The Act appropriated nearly $6 million for voter education in fiscal year 2001-2002 in addition to $24 million for purchase of new voting equipment, fiscal years 2001-2003.) The Department of State, as directed by the Legislature, established minimum standards for nonpartisan voter education to be met by each county.

Legislation passed during the 2003 and 2004 sessions also required all 67 county supervisors of elections to file "a detailed description of the voter-education programs" in order to receive state funds in FY 2003-2004 and FY 2004-2005. The legislation spells out four broad categories of voter education for which these funds may be used: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, F.A.C.; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State. An analysis of the FY 2003-2004 county plans shows that most are using their funds for a variety of activities:

Sample Ballots	91%
Nonpartisan Voter Education	82%

Media Advertising	72%
Innovative Programs Approved by DOS	73%

County voter education plans filed with the Division of Elections in the Secretary of State's office are filled with creative approaches. These outreach mechanisms are designed by the elections supervisors to:

(1) Better inform their county's residents about registration and voting; and,
(2) Reduce the levels of voter error and confusion that existed during the 2000 election cycle.

The approaches used by the 67 individual counties vary considerably, reflecting differences in their demographic and socioeconomic composition (e.g., population size, land area, rural-urban location, age, race/ethnicity, education), county funding levels, and media availability.

For example, small counties (under 100,000) are more likely than larger ones to use their FY 2003-2004 voter education funds for the basics--printing and mailing sample ballots, mailing voter guides, and notifying voters of changes in precinct locations. Larger counties (100,000+) are more likely than smaller ones to spend their funds on radio and television advertising, supervisor participation in media programs and events, targeting college students, voter registration workshops, demonstrating voting equipment, and innovative programs.

Significant changes to Florida's election laws and the advent of new voting equipment have made poll worker education a high priority—as recognized in the Florida Election Reform Act of 2001. Florida's counties have restructured their poll worker training programs. State law now requires supervisors of elections to cast their poll worker recruitment nets wider, as the number of poll workers needed escalates in a fast-growing state.

Section 254(a)(3). How will the State of Florida provide for programs for *voter education* which will assist the State in meeting the requirements of Title III?

The State of Florida has adopted extensive voter education requirements and funded county voter education programs ($6,000,000 in 2001, $2,976,755 for FY 2003-2004, and $3,000,000 for FY 2004-2005). The HAVA Planning Committee recommends an additional $3 million for FY 2005-2006.

Joint Responsibilities of Department of State and County Supervisors of Elections

Voter education in Florida is a joint responsibility of the Department of State and the 67 county supervisors of elections. Both levels of government play a role in designing, implementing, and evaluating voter education activities. Both must constantly react to election-related legislation passed by the Florida Legislature.

Section 98.255(1), *Florida Statutes,* directed the Department of State to "adopt rules prescribing minimum standards for nonpartisan voter education" by March 1, 2002. The standards were to address (but were not limited to):

(1) voter education;
(2) balloting procedures for absentee and polling place;
(3) voter rights and responsibilities;
(4) distribution of sample ballots; and,
(5) public service announcements.

In developing the rules, the Department was instructed to "review current voter education programs within each county of the state." The Department of State adopted Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education on May 30, 2002.

Section 98.255(2), *Florida Statutes,* requires each supervisor of elections to "implement the minimum voter education standards" and "to conduct additional nonpartisan education efforts as necessary to ensure that voters have a working knowledge of the voting process."

Minimum Nonpartisan Voter Education Standards
The Department of State's "Standards for Nonpartisan Voter Education," Rule 1S-2.033, *F.A.C.*, requires the following voter education practices by county supervisors of elections:

Comprehensive Voter Guide: Contents
Department of State Rule 1S-2.033, *F.A.C.*, Standards for Nonpartisan Voter Education, requires supervisors of elections to create a Voter Guide which shall include: how to register to vote; where voter registration applications are available; how to register by mail; dates for upcoming elections; registration deadlines for the next primary and general election; how voters should update their voter registration information such as changes in name, address or party affiliation; information on how to obtain, vote and return an absentee ballot; voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*; polling information including what times the polls are open, what to bring to the polls, list of acceptable IDs, what to expect at the polls; instructions on the county's particular voting system; supervisor contact information; and any other information the supervisor deems important.

Voter Guide: Extensive Distribution
Department of State Rule 1S-2.033(1)(b), *F.A.C.*, requires supervisors of elections to "provide the Voter Guide at as many places as possible within the county including: agencies designated as voter registration sites pursuant to the National Voter Registration Act; the supervisor's office; public libraries; community centers; post offices; centers for independent living; county governmental offices; and at all registration drives conducted by the supervisor of elections."

Voter Guide, Sample Ballot, & Website Consistency Required
Department of State Rule 1S-2.033(2), *F.A.C.*, states that: "If a supervisor has a website, it must take into account all of the information that is required to be included in the Voter Guide. In addition, when a sample ballot is available, the website must provide either information on how to obtain a sample ballot or a direct hyperlink to a sample ballot."

Targeted Voter Education: High School Students
Florida's Department of State Rule 1S-2.033(3), *F.A.C.*, instructs the supervisors of elections to work with county school boards to develop voter education and registration programs for high school students. Specifically, the rule requires that "At least once a year in each public high school in the county, the supervisor shall conduct a high school voter registration/education program. The program must be developed in cooperation with the local school board and be designed for maximum effectiveness in reaching and educating high school students."

Targeted Voter Education: College Students
Florida's Department of State Rule 1S-2.033(4), *F.A.C.*, dictates that "At least once a year on each college campus in the county, the supervisor shall provide a college registration/education program. This program must be designed for maximum effectiveness in reaching and educating college students."

Targeted Voter Education: Senior Citizens and Minority Groups
Department of State Rule 1S-2.033(7), *F.A.C.*, requires supervisors of elections to "conduct demonstrations of the county's voting equipment in community centers, senior citizen residences, and to various community groups, including minority groups." Rule 1S-2.033(8), *F.A.C.*, specifically instructs the supervisors to use minority media outlets to provide more information to voters.

Targeted Voter Education: Individuals and Groups Sponsoring Voter Registration Drives
Department of State Rule 1S-2.033(6), *F.A.C.*, specifically instructs supervisors of elections to "provide, upon reasonable request and notice, voter registration workshops for individuals and organizations sponsoring voter registration drives." Section 98.015(9), *Florida Statutes,* states that "each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county."

Posting of Educational Materials on Voter Rights and Responsibilities
Department of State Rule 1S-2.033(5), *F.A.C.*, requires supervisors of elections to "post the listing of the voters' rights and responsibilities pursuant to Section 101.031, *Florida Statutes*, at the supervisor's office." Section 101.031(2), *Florida Statutes,* spells out the specific format of the Voter's Bill of Rights and Responsibilities to be posted by the supervisor of elections at each polling place. The Department of State, or in the case of municipal elections, the governing body of the municipality, is required "to print, in large type on cards, instructions for electors to use in voting," including the list of rights and responsibilities and other information about how to

vote deemed necessary by the Department of State—Section 101.031(1), *Florida Statutes*. At least two cards shall be provided to each precinct.

Educating Voters About Polling Place and Precinct Changes, Revised Voter Identification Cards
Department of State Rule 1S-2.033, *F.A.C.*, mandates that supervisors of elections "shall provide notice of changes of polling places and precincts to all affected registered voters. This notice shall include publication in a newspaper of general circulation as well as posting the changes in at least ten conspicuous places in the county. If the supervisor has a website, the supervisor shall post the changes on the website. The supervisors shall also widely distribute a notice that if a voter does not receive a revised voter identification card within 20 days of the election the voter should contact a specific number at the supervisor's office to obtain polling place information."

Voter Education Through the Media
Department of State Rule 1S-2.033(8), *F.A.C.*, requires supervisors of elections to interface with the media to better inform the electorate. Supervisors are to "participate in available radio, television and print programs and interviews, in both general and minority media outlets, to provide voting information."

Voter Education Includes But is Not Limited to Nonpartisan Voter Education
Beginning in 2003, the State Legislature has expanded its definition of voter education activities for which counties may receive state funds. There are now four broad categories of voter education for which counties may use state funds: mailing or publishing sample ballots; conducting activities described in the Standards for Nonpartisan Voter Education provided in Rule 1S-2.0333, F.A.C.; for print, radio, or television advertising to voters; and for other innovative voter education programs, as approved by the Department of State.

County supervisors of elections must constantly update information disseminated to the public, poll workers, and their own staff to conform to state legislative mandates and HAVA requirements. A number of counties have used their FY 2003-2004 state voter education funds to update materials available at the polling place as well as information (brochures, posters, signs, videos, PSAs) distributed throughout the county.

In line with HB 29B (Chapter 2003-415), educational materials must be updated to provide absentee voters with better instructions on how to mark a ballot and how to correct their ballots and how to request a replacement ballot if the voter is unable to change the original ballot. (This was necessary to meet Section 301(a)(1)(B) HAVA requirements.)

HB 29B (Chapter 2003-415) requires the Department of State and the county supervisors of elections to provide more information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

HB 29B (Chapter 2003-415) requires county supervisors of elections to inform persons registering to vote by mail that if they are registering for the first time, they will be required to provide identification prior to voting the first time.

HB 29B (Chapter 2003-415) requires county supervisors of elections to give written instructions regarding the free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. This is consistent with Section 302(a)(5)(A)&(B) HAVA requirements.

HB 29B (Chapter 2003-415) makes county supervisors of elections responsible for providing up-to-date information to conform to HAVA voting information requirements—Section 302(b)(2)(A through F): sample ballots at polls; the election date; identification instructions for mail registrants who are first time voters; and information on who to contact if general voting rights under State and federal laws are violated.

Passage of Committee Substitute for Senate Bill No. 2566 (Chapter 2004-232) requires county supervisors of elections to revise the Voter's Certificate and instructions to those voting via an absentee ballot. Under the law, a person casting an absentee ballot is no longer required to have his/her signature witnessed.

Passage of Committee Substitute for Senate Bill Nos. 2346 and 516 (Chapter 2004-252) requires county supervisors of elections to revise Early Voting Voter Certificate information. Under the law, a person casting an Early Vote is no longer required to have his/her signature witnessed.

State Role: Disseminating Information to Voters and Election Officials

Voter Education through the Internet
The Division of Elections' website (http://election.dos.state.fl.us/) offers extensive information regarding registration, elections (dates, district maps, results, Division reports, forms, publications, press releases, voter turnout, supervisor of elections' contact information), voter fraud, voting systems, laws/opinions/rules, candidates and committees, the initiative petition process, and other helpful government links. Prominently displayed on the Web Site home page is information on: the Voter Assistance Hotline Toll Free Number—for the general public and for people using Text Telephone (TTY); Direct Recording Equipment Voting Systems; the 2004 National Voter Registration Workshops to be held across the state to better inform public officials and the public about the National Voter Registration Act of 1993; a direct link to the Help America Vote Act and the HAVA Planning Committee's activities and recommendations; and the results of an Election Night Voter Report Card (Survey) on the Conduct of Election 2002.

Voter Education About Fraud

Section 97.012(12), *Florida Statutes,* requires the Secretary of State to "...provide election fraud education to the public."

Voter Education Media Campaign: Get Out The Vote Foundation

In FY 2003-2004, the Division of Elections entered into a contract with the Get Out The Vote Foundation, Inc., in the amount of $247,500. This is a non-profit organization of the Florida State Association of Supervisors of Elections (FSASE). The Foundation has hired two well-known communications firms (Ron Sachs Communications and CoreMessage, Inc.) to produce voter education materials for statewide distribution. The two firms will jointly produce a half-hour television news magazine-type program called "Before You Vote" designed to inform voters about new voting rules and procedures and new electronic voting machines. The program will be distributed to all TV stations and cable companies in Florida for broadcast at two time periods—before both the August primary election and the November general election. Prevention of errors on election day is the primary goal of the program. The bipartisan team will also produce eight 30-second TV public service announcements—four each in English and Spanish. These spots-- "Make Freedom Count"--are designed to encourage voters to vote early or by absentee ballot. An additional contract in the amount of $24,750 was issued to the Get Out The Vote Foundation to create media kits full of facts and figures for all 67 county supervisors of elections to use as they interface with the media.

Procedures for Constant Analysis of Voter Education Effectiveness

Section 98.255(3)(a), *Florida Statutes,* requires supervisors of elections to file a report by December 15 of each general election year with the Department of State. This report is "a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts."

Section 98.255(3)(b), *Florida Statutes*, requires the Department of State to review the information submitted by the supervisors of elections and "prepare a public report on the effectiveness of voter education programs" and to "submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election."

Further, Section 98.255(3)(c), *Florida Statutes*, instructs the Department of State to use "the findings in the report as a basis for adopting modified [voter education] rules that incorporate successful voter education programs and techniques as necessary."

This procedure was first used in the 2002 election cycle. The Division of Elections requested each supervisor of elections to list in detail the voter education programs conducted during the 2002 election cycle and the approximate cost of each program. The supervisors were asked to rank the effectiveness of each program on a scale of 1 to 5, with 5 being the highest possible rank. On January 31, 2003, the Florida Department of State, Division of Elections, submitted its "Report on Voter Education Programs During the 2002 Election Cycle Pursuant to Section

98.255(3), *Florida Statutes*." (The Report is posted on the Division of Elections Web Site.) The report concluded that "most supervisors ranked the county voter education programs as 4 or 5 in effectiveness in reaching the target community." (There were ten broad categories of voter education programs: sample ballots; elementary/middle school/high school/university and community college outreach; websites; miscellaneous promotional materials; public appearances/television and movie theatre advertisements; banners and billboards, radio and public transport advertisements; newspapers and mailers; voting system demonstrations; outreach to minority, disabled and senior communities; and voter registration drives.) The Department of State made three recommendations in its post-election 2002 report:

(1) The Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts; the State Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
(2) The Legislature should require sample ballots to be mailed to households or voters prior to each Primary and General Election. (It is now an alternative to publishing a sample ballot in a general circulation newspaper.)
(3) The Division of Elections should provide a list of cost-effective voter education programs used by counties so that all counties can benefit from these ideas. (Pursuant to Section 98.255(3), *Florida Statutes*, the Division has posted its Report on Voter Education Programs during the 2002 Election Cycle on its web site. The Report lists the effectiveness ratings for individual voter education activities as calculated by individual county supervisors of elections.)

(The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002 also recommended improving "voter education by requiring all supervisors of elections to mail generic sample ballots to each household with registered voters.")

Under Section 101.20, *Florida Statutes,* county supervisors of elections may now mail a sample ballot to each registered elector or to each household in which there is a registered voter if done at least seven days prior to any election, rather than publish a sample ballot in a newspaper of general circulation. A high percentage of county supervisors have chosen to use their FY2003-2004 state voter education funds and local matching funds to publish and mail out sample ballots to registered voters. The same law requires two sample ballots be placed at each polling place, along with reduced-size sample ballots to give to any voter desiring one. Some supervisors of elections are using FY 2003-2004 voter education monies to pay for sample ballots to be made available at each precinct.

Section 101.595, *Florida Statutes,* also requires supervisors of elections to submit a report to the Department of State no later than December 15 of each general election year detailing "[t]he total number of overvotes and undervotes in the first race appearing on the ballot pursuant to Section 101.151(2), *Florida Statutes,* along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting

system and identifying problems with ballot design and instructions which may have contributed to voter confusion." The Department of State must prepare a report analyzing that information and submit it to the Governor, the President of the Senate, and the Speaker of the House by January 31 of the year following a general election. The report is to include recommendations for correcting any problems with ballot design or instructions to voters.

This procedure was first used in the 2002 election cycle. "Analysis and Report of Overvotes and Undervotes for the 2002 General Election Pursuant to Section 101.595, *Florida Statutes*" found a substantial reduction in the level of overvotes and undervotes in 2002 (compared to 2000) and concluded that new technology and the counties' voter education efforts were major factors contributing to the reduction in voter error. (The report is posted on the Division of Election's Web Site.) The report's recommendations were:

(1) The Division of Elections must continue to monitor the overvotes and undervotes from each general election. (Required under *Florida Statutes*.)
(2) The Florida Legislature should provide funding, contingent upon appropriations from Congress through the Help America Vote Act, to the counties for voter education efforts. The Legislature did this in its FY 2003-2004 and FY 2004-2005 appropriations bills.
(3) The Division of Elections should review the recommendations for ballot instructions for incorporation into the uniform ballot rule. During the 2003 session, the Legislature passed a law delineating the content of separate printed instructions to accompany each absentee ballot (section 101.65, *Florida Statutes*). Rule 1S-2.030 F.A.C. standardizes the basic form of instructions to be sent to all overseas voters.
(4) All voting system vendors should continue to improve the design of their voting systems in order to better meet the needs of Florida voters.

A number of supervisors of elections have implemented their own feedback systems through comment cards distributed at registration sites, workshops, and polling places. Some also allow citizens to make suggestions and complaints via their websites. Several counties have used some of their state voter education funds to solicit voter feedback and suggestions.

Florida's system for constant evaluation of the effectiveness of voter education by both the county supervisors of elections and the Department of State is in place and operating.

Section 254(a)(3). How will the State of Florida provide for programs for *election official education and training* which will assist the State in meeting the requirements of Title III?

The State has assigned responsibility for education and training of election officials to the Secretary of State. The Division of Elections prepares and distributes educational materials for, and conducts the training of, supervisors of elections and their staffs.

The Secretary of State is the State's chief election officer whose responsibilities are spelled out in Section 97.012, *Florida Statutes*. Among those responsibilities are explicit requirements to: "provide technical assistance to the supervisors of elections on voter education and election personnel training services;" "provide technical assistance to the supervisors of elections on voting systems;" "provide training to all affected state agencies on the necessary procedures for proper implementation of [Chapter 97 of the *Florida Statutes*];" and "coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter education in a manner consistent with the procedures set forth in [Florida election] code for voter registration agencies."

The Division of Elections conducts voter education and election personnel training, issues advisory opinions that provide statewide coordination and direction for interpreting and enforcing election law provisions, provides technical advice on voting systems and equipment and State and federal election laws, certifies voting equipment, and provides written election information to candidates (Office of Policy Analysis and Government Responsibility, *Justification Review*, Report No. 02-55, October 2002).

The Division of Elections oversees and approves training courses for continuing education for supervisors of elections. It coordinates, on an annual basis, two statewide workshops for the supervisors of elections by reviewing and providing updates on the election laws to ensure uniformity statewide in the interpretation of election laws. These are generally held in conjunction with the Florida State Association of Supervisors of Elections' Conferences held in January and June. The division oversees certification for supervisors of elections through which supervisors obtain credits to maintain job proficiency. The Division may also conduct regional workshops for supervisors and staff, universities, community colleges and State agencies. When Select Task Forces are created by the Governor, Secretary of State, or other State officials, the Division provides administrative and technical assistance. (Florida Department of State, Division of Elections, 2001 Annual Report).

All Division of Elections' forms, rules, handbooks, opinions, etc. are available on the Internet via the Division's website—an award-winning site (http://election.dos.state.fl.us/). Section 97.026, *Florida Statutes*, states "It is the intent of the Legislature that all forms required to be used in chapters 97-106 [the election code], shall be made available upon request, in alternative formats" including the Internet (with the exception of absentee ballots).

The HAVA Planning Committee recommended that the Division of Elections also conduct training courses for the continuing education of county election officials in conjunction with meetings of the Florida Association of City Clerks. The Division of Elections routinely invites city clerks and supervisors of elections to attend its statewide training meetings held in conjunction with FSASE meetings.

The Florida State Association of Supervisors of Elections, through activities of its Get Out The Vote Foundation, will play a major role in educating and training election officials in 2004. On

May 25, 2004, the Foundation launched its voter education plan. Through it, all 67 county supervisors of elections will have access to professionally prepared public media advertising materials. The Foundation has its own web site (www.getoutthevoteflorida.com) which allows election officials—elected and staff—to access easily comprehended materials on a wide range of timely topics, including Absentee Voting, Early Voting, Registering to Vote, Election Reform in Florida, Voter Identification, Restoration of Felon's Voting Rights, and Information on Direct Recording Equipment Voting Systems, along with posters, ads, and public service announcements.

Section 254(a)(3). How will the State of Florida provide for programs for *poll worker training* which will assist the State in meeting the requirements of Title III?

Florida has adopted extensive poll worker recruitment and training requirements and funded county poll worker training (as part of the $6 million voter education appropriation in 2001). The State has: adopted minimum-hours-of-training requirements; spelled out training content requirements; prepared a uniform polling place procedures manual; and mandated a statewide and uniform program for training poll workers on issues of etiquette and sensitivity with respect to disabled voters. Rule 1S-2.034 F.A.C. requires the Department of State, Division of Elections to establish a polling place procedures manual, Form DS-DE 11 (January 25, 2004).

State law permits inspectors, clerks, and deputy sheriffs attending poll worker training to receive compensation and travel expenses—Section 102.021(2), *Florida Statutes*.

The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate funds for either activity.

Joint Responsibility of Department of State and County Supervisors of Elections
Section 102.014, *Florida Statutes*, assigns responsibility for poll worker training to county supervisors of elections and the Department of State.

Section 102.014(1), *Florida Statutes*, requires supervisors of elections to conduct training for inspectors, clerks, and deputy sheriffs prior to each primary, general, and special election "for the purpose of instructing such persons in their duties and responsibilities as election officials." Training is mandatory to work at the polls.

Section 102.014(5), *Florida Statutes*, directs the Department of State to "create a uniform polling place procedures manual and adopt the manual by rule" and to revise it "as necessary to address new procedures in law or problems encountered by voters and poll workers at the precincts." Rule 1S-2.034, *F.A.C.*, Polling Place Procedures Manual (Form DS-DE 11; Eff. Jan. 04), was recently updated for HAVA compliance. It was pre-cleared on June 3, 2004 by the Department of Justice. The manual, to be available in either hard copy or electronic form at every precinct on Election Day, must be "indexed by subject, and written in plain, clear, unambiguous language."

Under Section 102.014(7), *Florida Statutes*, the Department is assigned the responsibility for developing "a mandatory, statewide, and uniform program for training poll workers on issues of etiquette and sensitivity with respect to voters having a disability." But county supervisors of elections are responsible for conducting such training. They are required to "contract with a recognized disability-related organization, such as a center for independent living, family network on disabilities, deaf service bureau, or other such organization, to develop and assist with training the trainers in disability sensitivity programs."

Poll Worker Training Content
The content of poll worker training is detailed in State statutes.

Clerks must demonstrate "a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills"—Section 102.014(1), *Florida Statutes*.

The Uniform Polling Place Procedures Manual must include: regulations governing solicitation by individuals and groups at the polling place; procedures to be followed with respect to voters whose names are not on the precinct register; proper operation of the voting system; ballot handling procedures; procedures governing spoiled ballots; procedures to be followed after the polls close; rights of voters at the polls; procedures for handling emergency situations; procedures for dealing with irate voters; the handling and processing of provisional ballots; and security procedures—Section 102.014(5)(a-k), *Florida Statutes*. The manual "shall provide specific examples of common problems encountered at the polls on election day, and detail specific procedures for resolving those problems."

Poll worker training on issues of etiquette and sensitivity for disabled voters "must include actual demonstrations of obstacles confronted by disabled persons during the voting process, including obtaining access to the polling place, traveling through the polling area, and using the voting system"—Section 102.014(7), *Florida Statutes*.

Poll Worker Minimum Hours of Training
Section 102.014(4), *Florida Statutes*, specifies that clerks must have had a minimum of three hours of training prior to each election to be eligible to work at the polls. For inspectors, there is a minimum of two hours of training. Section 102.014(7), *Florida Statutes*, requires one hour involving training related to etiquette and sensitivity with regard to voters with disabilities.

Poll Worker Recruitment
Supervisors of elections are required to "work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks"—Section 102.014(6), *Florida Statutes*.

There is no established procedure for evaluating the effectiveness of poll worker training or recruitment as there is for voter education. The 2002 Governor's Select Task Force on Election Procedures, Standards, and Technology report of December 30, 2002, recommended "establishing minimum standards for poll worker performance" and "improving poll worker recruitment and training by launching a statewide "Be a Poll Worker" campaign.

The HAVA Planning Committee has recommended that the Division of Elections establish a procedure to evaluate the effectiveness of poll worker recruitment and training in all 67 counties. In an effort to increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations. Some counties are using FY 2003-2004 voter education funds to recruit high school and college students as poll workers as well as the public at-large through publication and dissemination of new brochures and videos.

Element 4. Voting System Guidelines and Process

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

Introduction

There are several governmental bodies and agencies that participate in the adoption of voting systems in Florida. The Florida Legislature has great authority to set voting system requirements and does so in Chapter 101, *Florida Statutes*. The Legislature also delegates rule making and certification authority to the Bureau of Voting Systems Certification in the Division of Elections under the Secretary of State.

After voting systems are independently tested and certified for use in Florida, Section 101.5604, *Florida Statutes*, provides that the Board of County Commissioners "at any regular or special meeting called for the purpose, may, upon consultation with the supervisor of elections, adopt, purchase or otherwise procure, and provide for the use of any electronic or electromechanical voting system approved by the Department of State in all or a portion of the election precincts of that county."

To keep Florida's voting systems standards up-to-date, Section 101.015, *Florida Statutes*, requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

Section 254(a)(4) How will the State of Florida adopt voting system requirements and processes which are consistent with the requirements of Section 301?

Florida's laws and regulations for adopting voting systems that are consistent with the requirements of Section 301 are clearly outlined in *Florida Statutes* and the Florida Voting Systems Standards.

Section 101.015, *Florida Statutes*, authorizes the Department of State to adopt rules which establish minimum standards for hardware and software for electronic and electromechanical voting systems.

Section 101.017, *Florida Statutes*, creates the Bureau of Voting Systems Certification which provides technical support to the supervisors of elections and is responsible for voting system standards and certification.

Section 101.5605, *Florida Statutes*, authorizes the Department of State to examine and approve voting systems through a public process to ensure that the voting systems meet the standards

outlined in Section 101.5606, *Florida Statutes,* and similar standards outlined in the Help America Vote Act of 2002 (HAVA) requirements outlined in Section 301 of Title III.

Section 101.5604, *Florida Statutes,* authorizes the Board of County Commissioners to adopt voting systems.

Sections 101.293-101.295, *Florida Statutes,* outline the public bidding process that counties should follow in purchasing voting systems.

Section 101.56062, *Florida Statutes,* exceeds the accessibility standards of HAVA Section 301 "Accessibility for Individuals With Disabilities." The HAVA Planning Committee has recommended that the Florida Legislature take advantage of federal funding and bring Florida into compliance and make Section 101.56062, *Florida Statutes,* effective by January 1, 2006 or one year after general appropriations are made, whichever is earlier.

Section 101.015, *Florida Statutes,* requires the Department of State to review "the rules governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial."

Element 5. Florida's Help America Vote Act of 2002 (HAVA) Election Fund

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.

To clarify, Section 254(b) states that 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.

Section 254(a)(5) How will the State of Florida establish a fund for the purpose of administering the State's activities under this part?

All HAVA funds are maintained in a trust fund that has already been established by the Department of State. Within this trust fund, monies received for HAVA Sections 101, 102 and Title II are set up into four accounts: 101-Election Administration, 102-Replace Punch Card and Lever Voting Systems, 251-Requirements Payment, and 261-Access for Individuals with Disabilities.

Section 254(a)(5) How will the State of Florida manage this fund?

Any HAVA funds received by the State are used exclusively for activities authorized by HAVA. The Division of Elections is responsible for tracking and monitoring the use of funds in accordance with established State procedures.

The Director of the Division of Elections has final signing authority for HAVA expenditures. Any interest earned on this trust fund is returned to the principal amount of the trust.

Standard auditing procedures for monitoring the use of federal funds are used for the receipt and the distribution of HAVA funds. These standard procedures include random program audits by the Department of State Inspector General as well as an annual audit by the Florida Auditor General.

The Governor and Secretary of State are responsible under HAVA for ensuring compliance with these requirements. The HAVA Planning Committee recommends that the Governor and the Secretary of State maintain contact with the Senate President and the Speaker of the House of Representatives to ensure they remain aware of the strict requirements set in law for the use of HAVA monies placed in this trust fund.

No audit has been conducted to-date, however, based on recent calls from the Florida Auditor General, it is anticipated that an audit will be conducted during FY 2004-2005.

Element 6 – Florida's Budget for Implementing the Help America Vote Act of 2002 (HAVA)

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.

Introduction
The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. This budget reflects the HAVA Planning Committee's best efforts to divide the funds that may be available during the three years identified in HAVA. If Florida receives more funds than are included in this budget, the HAVA Planning Committee will revise the budget to reflect this change.

Reimbursement for replacement of punch card and lever machines.
Following the 2000 General Election, the State of Florida assisted counties by investing approximately $24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of $11,581,377 were returned to the State of Florida as reimbursement.

Statewide Voter Registration System.
The Florida Legislature directed the Department of State to begin development of a statewide voter registration system that meets the requirements of HAVA. Accordingly, the 2003 Legislature provided $1.6 million to begin implementation of the system. Federal funds include $1 million for the Needs Assessment Phase along with nine positions to support design, development and implementation of the HAVA requirements. Of the nine positions, five reside in the Department of State and two each in the Department of Highway Safety and Motor Vehicles and the Florida Department of Law Enforcement.

Phase 2, "Prototyping & Validation of Design," began in March 2004 and includes the following:

- Installation of prototyping equipment and environment

- Prototype the core system configuration and architecture
- Data conversion/migration testing (data & images)
- Prototype remote access to the core system

An estimate of costs for development and operation of the Florida Voter Registration System is provided in the table below.

	Fiscal Year					
Project Component	2003/4	2004/5	2005/6	2006/7	2007/8	Total
Systems Design & Dev.	602,352	1,343,194	759,493	0	0	2,705,038
FVRS IT Infrastructure	444,400	8,836,775	1,030,991	1,049,750	1,069,260	12,431,177
FVRS Operations	206,377	764,293	1,466,087	1,473,766	1,547,454	5,457,977
Total	1,253,129	10,944,262	3,256,571	2,523,516	2,616,714	20,594,192

The Division of Election also anticipates adding 20 full time equivalent positions (FTEs) in FY 2004-2005. The salaries and benefits, expenses and operating capital outlay associated with these 20 positions is expected to be $1,203,650.

Section 301 Accessible Voting Systems

The HAVA Planning Committee recommended the purchase of Direct Recording Equipment (DRE) accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The estimated cost is $11.6 million during the 2004-2005 fiscal year. The Florida Legislature authorized the following:

From the funds in Specific Appropriation 2871I, $11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place. The funds are to be distributed according to the number of machines that are accessible for persons with disabilities that are needed in order for each county to have one per polling place.

In addition, the HAVA Planning Committee in 2003 recommended reimbursing counties that have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement was $17 million.

Voter Education

The HAVA Planning Committee recommended using HAVA funds for the development and implementation of a comprehensive statewide voter education program. The estimated expenditure is a total of $9 million distributed to the counties and spread over the 2003-2004, 2004-2005 and 2005-2006 fiscal years.

The Florida Legislature authorized the following:

For FY 2003-2004, $2,976,755 was appropriated and available to Florida counties for voter education programs. From funds in Specific Appropriation 2871I for FY 2004-2005, $3,000,000 shall be distributed to county supervisors of elections for the following purposes relating to voter education: mailing or publishing sample ballots; conducting activities pursuant to the Standards for Nonpartisan Voter Education as provided in Rule 1S-2.033, F.A.C.; print, radio, or television advertising to voters; and other innovative voter education programs, as approved by the Department of State. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

Poll Worker Training

The HAVA Planning Committee recommended using HAVA federal funds in the amount of $250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006 for poll worker training. These funds were intended to supplement each county's existing poll worker training budget.

The 2004 Legislature did not appropriate federal funds for conducting a poll worker recruitment campaign.

The HAVA Planning Committee recommends using HAVA federal funds in the amount of $500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

Statewide Poll worker Recruitment Campaign

The HAVA Planning Committee recommended that HAVA federal funds be used to implement, through the Division of Elections, a statewide campaign to help recruit qualified poll workers. The increase in the complexity of voting systems and procedures has resulted in a need for more computer literate individuals to staff the polling places and help ensure error-free elections.

The 2004 Legislature did not appropriate federal funds for conducting a statewide poll worker recruitment campaign.

HAVA Oversight and Reporting

The HAVA Planning Committee recommended that the Department of State create three full time positions to manage HAVA implementation.

- HAVA administrator
- Grants specialist
- Administrative assistant

The estimated cost for HAVA oversight and reporting is $206,079 for the 2003-2004 fiscal year, $196,485 for the 2004-2005 fiscal year and $200,719 for the 2005-2006 fiscal year.

The Florida Legislature authorized three positions within the Division of Elections for HAVA Oversight and Reporting. For FY 2003-2004 $206,079 was appropriated for salaries and benefits, expenses and operating capital outlay. The three position titles are

- Senior Management Analyst Supervisor
- Operations and Management Consultant II
- Administrative Assistant II

State Management (HAVA Planning Committee)

The HAVA Planning Committee recommended that the Secretary of State require it to meet twice each year in 2003-2004 and in 2004-2005 to make recommendations and to resubmit the HAVA State Plan to ensure that Florida is meeting the requirements of the Help America Vote Act. The HAVA Planning Committee convened twice in the 2003-2004 fiscal year at an estimated cost of $30,000. The HAVA Planning Committee further recommends that it meet twice in the 2004-2005 fiscal year at an estimated cost of $30,000 and twice in the 2005-2006 fiscal year at an estimated cost of $30,000.

Performance Goals and Measures Adoptions

The HAVA Planning Committee recommended the Secretary of State utilize the HAVA Planning Committee to determine performance goals and measures. The estimated cost is $160,000 to be expended in the 2003-2004 and 2004-2005 fiscal years.

The HAVA Planning Committee determined HAVA performance goals and measures during the meetings that were held to update the HAVA State Plan. Two meetings were held on May 24, 2004 and June 4, 2004 at an estimated cost of $30,000.

Election Administration

The HAVA Planning Committee recommends HAVA funds be used for the design and production of new voter registration forms and publications, and translations for all election administration forms and publications. The estimated cost is $250,000 for each fiscal year 2003-2004, 2004-2005 and 2005-2006.

Complaint Procedures

Section 402(a) of HAVA requires each state to establish state-based administrative complaint procedures for any person who believes that there is or will be a violation of any of HAVA's Title III requirements. The HAVA Planning Committee recommends using HAVA funds in the amount of $50,000 per year for the 2004-2005 and 2005-2006 fiscal years for the administration of the complaint procedures process.

The HAVA Planning Committee recommends that the remaining HAVA funds be reserved for future expenses related to the following items:

1. the continued development and implementation of the Florida Voter Registration System
2. future improvements in voting technology
3. continued funds to local counties for voter education programs
4. accessibility for polling places
5. poll worker recruitment and training

Requirement 6
(A) Based on the state's best estimates, what are the costs of the activities required to carry out to meet the requirements of Title III?
(B) What portion of the requirements payment will be used to carry out activities to meet such requirements?
(C) What portion of the requirements payment will be used to carry out other activities?

This information is displayed in charts on pages 61 and 62.

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 62

Election Reform Estimated Revenues
2003-2005 Fiscal Years

	HAVA 101 (2003 actual)	HAVA 102 (2003 actual)	HAVA 252 (2003 Actual) (2004 Estimated)	Total Federal Funds	State Matching Funds
2003	$ 14,447,580	$ 11,581,377	$ 47,416,833	$ 73,445,790	$ 525,000
2004	0	0	$ 85,085,258	$ 85,085,258	$ 6,103,018
2005	0	0	TBD	TBD	NA
Total					$ 6,628,018

HAVA Budget Funding by Fiscal Year

	2003-2004 Appropriation	Expenditures thru 6/30/04	Balance	2004-2005 Appropriation	2005-2006
Title I Requirements					
Reimbursement for replacement of punch card and lever machines. (Section 102 HAVA)	11,581,377	11,581,377			
Title III Requirements					
Sec. 303 Statewide Voter Registration System					
Phase One Development –research, planning & design (Section 101 HAVA Funds)	1,000,000	973,078	26,922	0	0
5 full time DOS positions – salaries	290,000	99,965	190,035	290,000	290,000
5 full time DOS positions – expenses	69,575	0	69,575	69,575	69,575
DOS Operating capital outlay	7,500	5,246	2,254	7,500	7,500
2 full time DHSMV positions – salaries	115,000	115,000	0	115,000	115,000
2 full time DHSMV positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
2 full time FDLE positions – salaries	115,000	115,000	0	115,000	115,000
2 full time FDLE positions – expenses	27,830	27,830	0	27,830	27,830
DHSMV operating capital outlay	3,000	3,000	0	3,000	3,000
Phase Two – Dev. & impl. statewide voter reg. system (Section 252 Requirements Payment)	0	0	0	10,179,969	10,179,969
20 full time positions – salaries	0	0	0	976,746	976,746
20 full time positions – expenses	0	0	0	196,404	196,404
20 full time positions – operating capital outlay	0	0	0	30,500	30,500
Sec. 301 Voting System Standards (Section 252 Requirements Payment)					
Accessibility for voters with disabilities (compliance)	0	0	0	11,600,000	0
Accessibility for voters with disabilities (reimbursement to counties)	0	0	0	0	17,000,000
Other Election Reform Activities (Section 101 HAVA funds 2003-2004 activities; Section 101 & Section 252 HAVA fund activities 2004-2005 and beyond)					
Voter Education Programs	2,976,755	2,976,755	0	3,000,000	3,000,000
Poll worker recruitment and training	0	0	0	0	500,000
Poll worker Training	0	0	0	0	0
HAVA Oversight and Reporting					
3 full time positions – salaries	165,230	112,706	52,524	165,230	165,230
3 full time positions – expenses	35,849	7,812	28,037	35,849	35,849
Operating capital outlay	5,000	5,000	0	5,000	5,000
State Management (HAVA Planning Committee) HAVA Plan. Comm. convenes twice/year $30k/mtg)	0	0	0	30,000	30,000
HAVA Performance Goals & Measures Adoption HAVA Planning Committee hearings – 4 at $40k/mtg	0	0	0	0	0
Election Administration – design and production of new voter registration forms and publications, translations for all election administration forms and publications.	250,000	247,174	2,826	780,000	250,000
Complaint Procedure §402	0	0	0	0	50,000
Total	**16,672,946**	**16,300,773**	**372,173**	**27,658,433**	**33,078,433**

Element 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.

Introduction

The funding provided under the Help America Vote Act of 2002 (HAVA) is intended to pay for new or enhanced election efforts and is not intended to supplant existing funding at the State or county level. The projected HAVA budget is based on the assumption that the State of Florida and counties will maintain the foundation of election operating expenditures for the fiscal year ending prior to November 2000.

The Florida Division of Elections provides statewide coordination and direction for the interpretation and enforcement of election laws. The Division's budget supports year-round staff that provides election-related assistance to Florida's 67 county supervisors of elections and their staff, municipalities, special districts, county and city attorneys, candidates, political committees, committees of continuous existence, elected officials, media, the public and other election officials throughout the United States.

Section 254(a)(7) How will the State of Florida 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 determining Florida's maintenance of effort expenditures, the Division of Elections calculated 1999-2000 fiscal year expenditures which included salaries and benefits, operating capital outlay and voter fraud programs for the Division of Elections Director's office and the portion of Bureau of Election Records' expenditures pertaining to election administration. Florida's expenditures for these activities for 1999-2000 fiscal year totaled $3,082,224.

In order to comply with Section 254(a)(7) of HAVA, the Florida Department of State will maintain expenditures on similar activities at a level equal to the 1999-2000 fiscal year budget.

For FY 2003-2004 and FY 2004-2005, the State of Florida exceeded the $3,082,224 required to meet the Maintenance of Effort requirements.

The HAVA Planning Committee recommended that the Secretary of State communicate to the Senate President and the Speaker of the House of Representatives the importance of maintaining this maintenance of effort figure, as a minimum level of expenditures, to ensure the required level of spending is appropriated by the Florida Legislature.

During the 2003 and 2004 Legislative sessions, the Department of State's budget staff and legislative affairs staff maintained and continues to maintain close contact with House and Senate staff to convey the importance of continuing the Maintenance of Effort figure as a minimum level of funding.

Element 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.

Introduction

Florida has a very decentralized election governance and administrative system. The Secretary of State is appointed by the Governor and is the legal Chief Election Official in Florida. However, the Secretary of State does not supervise the day-to-day operations of the 67 local supervisors of elections and only provides guidance through technical assistance, rules, advisory opinions, voting system certification, and producing standardized election forms.

In Florida, it is the local supervisor of elections that has constitutional authority to conduct elections through State law and rule. The supervisors are elected to 4-year terms by the registered voters of their respective counties (except for Miami-Dade's appointed supervisor) and have broad authority to conduct the day-to-day election operations by appointing local election officials, administering voter registration, preparing ballots, administering absentee voting, conducting poll worker training, and developing voter education programs.

The Help America Vote Act of 2002 (HAVA) requires the State and not the local supervisors of elections to adopt performance goals and measures for determining statewide and local election reform success. The following performance measures have been adopted by the HAVA Planning Committee for these key elements of the plan:

1. Voting Systems
2. Voting systems guidelines
3. Absentee instructions
4. Voting systems for voters with disabilities
5. Provisional voting
6. Voter registration system
7. Voter education
8. Administrative complaint process

Section 254(a)(12) How will Florida adopt performance goals and measures that will be used by the State to determine its success and the success of local government in carrying out the plan, including—

- **Timetables for meeting the elements of the plan**
- **Descriptions of the criteria the State will use to measure performance**
- **The process used to develop such criteria**
- **A description of which official is to be held responsible for ensuring that each performance goal is met?**

Planning Element:	Element #1, Section 301 – Voting Systems Element # 4, Section 254(a)(4) – Voting System Guidelines
HAVA Deadline:	January 1, 2006
Goal:	Document the performance of Florida's voting systems to continually improve the voting experience for Florida voters.
Performance Measures:	• Record and report to the Florida Legislature the number of overvotes and undervotes appearing in the first race for each General Election • List the likely reasons for such overvotes and undervotes by counties, by voting systems, and by appropriate election races • Suggest improvements to the voting process addressing such issues as voting system performance, ballot design, ballot instructions, election official training, poll worker training, voter education, and policy changes • Review rules and governing standards and certification of voting systems to determine the adequacy and effectiveness of such rules in assuring that elections are fair and impartial
Timetable (if applicable):	On-going
Process used to develop criteria:	Florida Legislature (Section 101.595, Section 101.015, *Florida Statutes*) 2001 Governor's Select Task Force Report on Election Procedures, Standards and Technology HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections

Planning Element:	Element #1, Section 301 – Absentee Ballot Instructions
HAVA Deadline:	January 1, 2006
Goal:	Ensure voters have sufficient absentee ballot instructions on how to make corrections by requesting a replacement ballot and the consequences of casting multiple ballots.
Performance Measures:	With receipt of absentee ballots following an election, each county will gather the following information: • Number of absentee/mail-in ballots requested • Number of replacement absentee/mail-in ballots requested • The number of returned absentee ballots not counted because of a) no signature b) non-matching signature
Timetable (if applicable):	September 2004
Process used to develop criteria:	• Department of State, (Rule 1S-2.032, F.A.C.) • HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

Planning Element:	Element #1, Section 301 – Certified Voting Systems for Voters with Disabilities
HAVA Deadline:	January 1, 2006
Goal:	Provide one accessible voting system for every polling place including non-visual accessibility for the blind and visually impaired that provides the same opportunity for access and participation as other voters.
Performance Measures:	• Legislature appropriates sufficient HAVA funds to purchase accessible voting systems; • Supervisors of elections certify to the Department of State the number of certified accessible voting systems needed to meet the requirement of one per polling place; • Upon approval by the Department of State, supervisors of elections submit recommendations for purchase of certified accessible voting systems to Board of County Commissioners; • Board of County Commissioners receives HAVA funds and appropriates funds to purchase certified accessible voting systems; • Supervisors of elections report to the Department of State before January 1, 2006 that this requirement has been met.
Timetable (if applicable):	Begin July 2004 End December 2005
Process used to develop criteria:	Florida Legislature sets requirements for certifying polling places Division of Elections certifies polling places and voting systems HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

Planning Element:	Element #1, Section 302 – Provisional Voting
HAVA Deadline:	January 1, 2004
Goal:	Ensure that all voters whose eligibility to vote is questioned be permitted to cast a provisional ballot and notified of outcome.
Performance Measures:	With respect to the voter registration of each county, the following information will be collected to measure compliance performance: County Level • The number of provisional ballots cast in each precinct • The number of registered 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 State Level • The number of provisional ballots cast in each county • The number of registered voters in each county • The number of provisional ballots that were verified and counted in each county • The number of provisional ballots not counted in each county and the reason for not counting
Timetable (if applicable):	On-going
Process used to develop criteria:	Florida Legislature (Section 101.048, *Florida Statutes*) HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

Planning Element:	Element #1, Section 303 – Voter Registration System
HAVA Deadline:	January 1, 2006
Goal:	Establish a single, uniform, official centralized, interactive, computerized, statewide voter registration list which shall be the single system for storing and managing the list of registered voters throughout the state for the conduct of all federal elections.
Performance Measures:	• Legislature directs the Division of Elections to develop a statewide voter registration system that meets the requirements of HAVA; • Division of Elections begins Phase 1 of the "Florida Voter Registration System" (FVRS) in September 2003 and develops the specifications for design and implementation. • Division of Elections begins Phase 2 of the FVRS in March 2004 by prototyping and validating system components; • Division of Elections begins Phase 3 of the FVRS in March 2005 by conducting tests, revising modules, and ensuring all system components meet functional and performance standards; • Division of Elections begins Phase 4 of the FVRS in August 2005 by developing and implementing a training and education plan which will result in counties being brought on line as their election schedules permit; • Division of Elections begins Phase 5 of the FVRS in January of 2006 by providing final system documentation and by transitioning to a maintenance and support function
Timetable (if applicable):	Begin September 2003 End December 2005
Process used to develop criteria:	• Public meetings hosted by the Bureau of Voting Systems Certification in consultation with supervisors of elections and other involved state and federal agencies • HAVA Planning Committee
Accountable official(s):	Secretary of State Deputy Secretary of State Director, Division of Elections Chief, Bureau of Voting Systems Certification Supervisors of Elections

Planning Element:	Element #3, Section 254(a)(3) Voter Education
HAVA Deadline:	NA
Goal:	Promote a more educated electorate by providing comprehensive and varied voter education programs throughout each of Florida's 67 counties.
Performance Measures:	• County supervisors of elections will create a Voter Guide including the information defined in Rule 1S-2.033, F.A.C. • Voter education plans will be filed with the Division of Elections by each supervisor of election • The Department of State will prepare a report on the effectiveness of these programs • Each county will document, where applicable: o the number and types of locations in which voter guides are distributed o the number and types of mediums for posting election related information (banners, billboards, etc.) o the number of sample ballots mailed and/or publications where they were published o voter education and registration programs for high school students o college registration/education programs on each college campus in the county o voting equipment demonstrations o where voters rights and responsibilities are posted o registration workshops held o the number and locals of radio, television and print interviews o methods used to reach non-English speaking and citizens with disabilities o number of overvotes and undervotes that occur during an election o the number of provisional ballots cast during an election *(continued on next page)*

Timetable (if applicable):	• Ongoing • Supervisors of elections are required to file a report by December 15th of each general election year with the Dept. of State describing voter education programs implemented. • Department of State is required to review information submitted by supervisors of elections and prepare a public report, to be submitted to Governor, Senate President and Speaker of the House of Representatives, on effectiveness of voter education programs by January 31st of each year following a general election.
Process used to develop criteria:	The Florida Legislature (Section 98.255, Section 101.65, *Florida Statutes*) Department of State (Rule 1S-2.033, F.A.C.) Supervisors of Elections HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

Planning Element:	Element #3, Section 254(a)(3) – Election Official and Poll Worker Training
HAVA Deadline:	Immediate and Ongoing
Goal:	Provide a simple, friendly voting experience for Florida voters by training election officials and poll workers through professional and frequent instruction.
Performance Measures:	• Document the number of training classes offered at the state and local levels • Document the number of supervisors of elections who receive certification • Document the number of election officials who receive training • Document the number of poll workers who attend the training sessions • Document and report voter satisfaction with the voting process through various methods • Report to the Florida Legislature after each election cycle the effectiveness of election official and poll worker training programs
Timetable (if applicable):	On-going
Process used to develop criteria:	HAVA Planning Committee
Accountable official(s):	Supervisors of Elections Director, Division of Elections

Planning Element:	Element #9, Section 254(a)(a) State-Based Administrative Complaint Procedures to Remedy Grievances
HAVA Deadline:	NA
Goal:	Establish and maintain a state-based administrative complaint procedure for any individual who believes that there has been a violation of any of HAVA's Title III requirements.

Performance Measures:	The following information will be collected to subjectively measure performance:
	• Number of complaints received
	• Number of complaints resolved
	  · 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 is left unresolved

Timetable (if applicable):	Ongoing
Process used to develop criteria:	Florida Legislature (Section 97.028, *Florida Statutes*) HAVA Planning Committee
Accountable official(s):	Director, Division of Elections Supervisors of Elections

Element 9. State-Based Administrative Complaint Procedures to Remedy Grievances

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

Introduction
To receive any requirements payment pursuant to the Help America Vote Act of 2002 (HAVA), the State of Florida must establish and maintain State-based administrative complaint procedures which meet HAVA's requirements to:

(1) be uniform and nondiscriminatory;
(2 provide that any person who believes that there is or will be a violation of any of HAVA's Title III requirements may file a complaint;
(3) require the complaint to be in writing, sworn and notarized;
(4) permit complaints to be consolidated;
(5) hold a hearing on the record at the request of the complainant;
(6) provide an appropriate remedy if the State determines that there is a violation of any Title III provision;
(7) if the State determines there is no violation, dismiss the complaint and publish the results of procedures;
(8) make a final determination on a complaint within 90 days after filing unless the complainant consents to a longer period; and,
(9) use alternative dispute resolution procedures to resolve the complaint if the State fails to resolve it within 90 days.

Section 402(a): Has Florida complied with the requirements of HAVA Section 402(a) to establish State-based administrative complaint procedures to remedy grievances?

Yes, and no further actions are required.
Appropriate administrative complaint procedures were included in Chapter 2003-415, *Laws of Florida*. Language in the legislation tracked HAVA's language closely. These procedures are similar to administrative procedures in Section 97.023, *Florida Statutes,* for resolving complaints generated by alleged violations of the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

Florida's legislation established a new Section 97.0535, *Florida Statutes,* that in addition to tracking HAVA's minimum requirements, included the following additional requirements not specified by HAVA:

(1) the Department of State would have sole jurisdiction for these purposes and the procedures would be the sole avenue of redress for alleged Title III violations;

(2) a complaint would have to state the alleged violation and the person or entity responsible for the violation;
(3) the Department of State would be required to inform a complainant in writing if a complaint was legally insufficient;
(4) proceedings would be exempt from Chapter 120, *Florida Statutes,* (Administrative Procedures Act);
(5) a hearing would be held by a hearing officer whether or not a complainant requested a hearing and specific procedures for a hearing were included in the legislation;
(6) the hearing officer would direct an appropriate remedy that then would be enforced by the Department of State;
(7) mediation would be the alternative dispute resolution method used if a final determination on a complaint was not made within 90 days of filing.

Element 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.

Introduction

Title I of the Help America Vote Act of 2002 (HAVA) is an "early out" money program for use in two areas—improving election administration and the replacement of punch card and lever voting systems. Florida received $26,028,957 under this "early out" program. The HAVA Planning Committee recommended using Section 101 federal HAVA funds for 2003-2004 activities and a combination of Section 101 and Section 252 HAVA federal funds for activities beginning in the 2004-2005 fiscal year and beyond.

Under Title I, Section 101 funds are to be used to improve election administration. Approved use of funds under this section includes:

(A) Complying with the requirements under Title III.
(B) Improving the administration of elections for Federal office.
(C) Educating voters concerning voting procedures, voting rights, and voting technology.
(D) Training election officials, poll workers, and election volunteers.
(E) Developing the HAVA State Plan for requirements payments.
(F) Improving, acquiring, leasing, modifying, or replacing voting systems.
(G) Improving polling place accessibility for voters with disabilities or with limited English.
(H) Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Under Title I, Section 102 federal funds are to be used to replace punch card and lever voting systems.

Following the 2000 General Election, the State of Florida assisted counties by investing approximately $24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of $11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee clearly recognizes its advisory role in election reform and acknowledges the authority of the Florida Legislature to make funding decisions for Florida. The following recommendations are based on the HAVA Planning Committee meetings held to develop the HAVA State Plan.

Section 101. How will Title I payments to Florida be used for activities to improve administration of elections?

The State of Florida is using Title I funds for election reform activities necessary to ensure Florida complies with all HAVA requirements. The following list describes the major areas in which funds are used.

(A) Complying with the requirements under Title III

The Division of Elections will implement a statewide voter registration system to comply with HAVA Title III. The Division of Elections used $1 million appropriated from Section 101 federal funds for Phase One development of the new Statewide Voter Registration system. Expenditures for Phase One included:

- Consulting fees for conducting a detailed analysis of connectivity infrastructure available in the 67 supervisor of elections' offices and within all affected offices of the departments of State, Law Enforcement and Highway Safety and Motor Vehicles; working with the counties, the three agencies and the advisory board to create minimum and optimum sets of system requirements; assessing infrastructure needs of all stakeholders to serve the system requirements; conducting "gap" analysis; outlining the physical design of the system; estimating costs and implementation plans for each version for the system to be presented to the 2004 Legislature; and developing and publishing the January 2004 report and recommendations for the 2004 Legislature.
- The purchase of hardware and software for project management and system development.
- Expenses incurred by Division of Elections' staff.
- Travel expenses for visits to every supervisor of elections' office and local driver license office.

In addition, Section 101 HAVA funds were used to create nine full time positions necessary for the design, development and implementation of the Statewide Voter Registration system.

(B) Improving the administration of elections for Federal office.

Upon receipt of Title I monies, the HAVA Planning Committee recommended that the Division of Elections use $250,000 in fiscal year 2003-2004 from Section 101 funds for expenses that include the design and publication of voter registration forms and other election information, translations for all election administration forms and publications, statewide voter education programs and training workshops.

A State-based complaint procedure has been established for anyone who believes that a violation of Title III of the Help America Vote Act has occurred, is occurring or is about to occur. Funds may need to be expended depending on the number and type of complaints filed.

(C) Educating voters concerning voting procedures, voting rights, and voting technology.

The Florida Division of Elections will use approximately $9 million over a three year period for voter education programs. In FY 2003-2004, $2,976,755 was appropriated and distributed to county supervisors of elections for voter education programs. Distribution was based on a funding level per individual voter multiplied by the number of registered voters in each county for the 2002 General Election. To determine the funding level per individual voter, the Division of Elections divided the total amount of funds appropriated in FY 2003-2004 by the total number of registered voters in the State of Florida for the 2002 General Election.

For FY 2004-2005, the Appropriations bill includes $3,000,000 to be distributed to county supervisors of elections for purposes relating to voter education. No supervisor of elections shall receive any funds until the county supervisor of elections provides to the Department of State a detailed description of the voter-education programs, such as those described above, to be implemented.

FY 2004-2005 funds will be distributed to each eligible county supervisor of elections based on a funding level per voter multiplied by the number of registered voters in the county for the 2004 Presidential Preference Primary. To determine the funding level per individual voter, the Division of Elections will divide the total amount of funds appropriated in FY 2004-2005 by the total number of registered voters in the State of Florida for the 2004 Presidential Preference Primary.

(D) Training election officials, poll workers, and election volunteers.

In the original HAVA plan, the HAVA Planning Committee recommended using HAVA funds in the amount of $250,000 for poll worker training in each fiscal year 2003-2004, 2004-2005 and 2005-2006. The Florida Legislature, however, did not appropriate HAVA funds for this use in FY 2003-2004 or FY 2004-2005.

The HAVA Planning Committee would like to reinstate its recommendation to use HAVA funds in the amount of $500,000, beginning with FY 2005-2006, for poll worker training and recruitment, with a 15% match required of each county.

(E) Developing the HAVA State Plan for requirements payments to be submitted under part 1 of subtitle D of Title II.

Title I funds were used to revise the HAVA State Plan in FY 2003-2004. As the State of Florida modifies its plans in future years, HAVA funds may be used.

(F) Improving, acquiring, leasing, modifying, or replacing voting systems.

Florida has already replaced its punch card and lever voting systems. Following the 2000 General Election, the State of Florida assisted counties by investing approximately $24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 funds in the amount of $11,581,377 were returned to the state as reimbursement.

The HAVA Planning Committee recommended that the State of Florida utilize some HAVA funds to help counties meet the accessibility requirements under Title III by the January 1, 2006 deadline. The FY 2004-2005 Appropriations Bill states that $11,600,000 shall be distributed by the Department of State to county supervisors of elections for the purchase of Direct Recording Equipment (DRE) or other state approved equipment that meets the standards for disability requirements which is accessible to persons with disabilities to ensure that each county has one accessible voting system for each polling place.

In addition, the HAVA Planning Committee recommends reimbursing counties who have already purchased voting systems that meet the HAVA accessibility for voters with disabilities requirements. The estimated cost for this reimbursement is $17 million and it is anticipated that Section 252 HAVA funds will be used.

(G) Improving polling place accessibility for voters with disabilities or with limited English.

Under Section 261, HAVA states the Secretary of Health and Human Services shall make a payment to eligible States to be used for making polling places accessible to individuals with disabilities and providing information on this accessibility. The HAVA Planning Committee recommends that these funds be distributed to each county to ensure that individuals with disabilities are provided the same opportunity for access and participation as for other voters.

During FY 2003-2004, the State of Florida applied for and received a grant from Health & Human Services (HHS) in the amount of $687,278. Since the Division of Elections did not have budget authority in FY 2003-2004 to spend these dollars, none of the funds have been requested from HHS as of this date. The Division has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary. This information will be used to determine the formula for distributing the grant funds to the counties.

The funds will be used as described in the grant application which follows the recommendations in the plan.

The Division of Elections has also been awarded a second grant from Health & Human Services to improve polling place accessibility in the amount of $492,941.

(H)Establishing toll-free telephone hotlines for voters to access voting information, report voting fraud, or report voting rights violations.

Currently, there are no plans to use HAVA funds for establishing a free voting information hotline. If this type of voting information system is desired, it will be the responsibility of each county and monitored by the Division of Elections.

The Division of Elections has already established a voter fraud hotline for individuals who believe they may have witnessed election fraud. In addition, the Division has established a hotline for voters to request voting information.

Section 102. How will payments to Florida be used for the replacement of punch card or lever voting machines?

Following the 2000 General Election, the State of Florida assisted counties by investing approximately $24 million to replace outdated voting machines. In order to recoup some of this expense, Section 102 federal funds in the amount of $11,581,377 were returned to the state as reimbursement.

Element 11. Help America Vote Act of 2002 (HAVA) State Plan Management

How the State will conduct ongoing management of the plan, except 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).

Introduction
This element of the HAVA State Plan requires Florida to explain how the State of Florida will manage the implementation of the HAVA State Plan and whether it will utilize the same public notice process if any "material change" is made to the administration of the HAVA State Plan.

Section 251(a)(11) How will Florida conduct ongoing management of the HAVA State Plan?

As explained in previous sections of this Plan, the administration of elections in Florida occurs at the State and local levels. The Secretary of State is the Chief Election Officer under Florida law. The Secretary of State as the Chief Election Officer is responsible for the coordination of the State's responsibilities under HAVA Section 253. The Director of the Division of Elections reports to the Secretary of State and will be responsible for the day-to-day monitoring and managing of Florida's HAVA State Plan. The Director has three new positions dedicated to HAVA program management. The scope of responsibilities will range from federal reporting and grant compliance to assistance with voter education, election official training and updating the HAVA State Plan.

Also at the State level, the Secretary of State directs the HAVA Planning Committee to update the HAVA State Plan as required in Section 255. Under Florida's HAVA State Plan, the HAVA Planning Committee is responsible for conducting its business in an open, public forum and for suggesting revisions and updates to the HAVA State Plan.

At the local level, Florida's 67 supervisors of elections will be encouraged to play an active role in the successful implementation of the HAVA State Plan. The Division of Elections will continue to work on a regular basis with local supervisors of elections to develop performance

goals and measures, new voter registration improvements, new voting systems certification upgrades, statewide voter education programs, election official training, and other activities outlined in Florida's HAVA State Plan.

Section 254(a)(11) If Florida makes any material change in the administration of the HAVA State Plan, will the change—

(A) be developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;

(B) be subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and

(C) take 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 of Florida understands and agrees to comply with the HAVA requirements related to ongoing management of the HAVA State Plan. No material changes in the administration of the plan will be made unless:

- the material change is developed and published in the Federal Register in accordance with Section 255 in the same manner as the HAVA State Plan;
- the material change is subject to public notice and comment in accordance with Section 256 in the same manner as the HAVA State Plan; and
- the material change 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).

Element 12. Changes to State Plan for 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.

Introduction

The HAVA State Plan was updated at public meetings held in Orlando, Florida on May 24, 2004 and in Hollywood, Florida on June 4, 2004. The Secretary of State utilized the previous HAVA Planning Committee to make changes. The Collins Center for Public Policy, Inc. was selected in a public competitive process to staff the update process.

The HAVA Planning Committee focused on three types of changes:

1. Substantive changes made by the State of Florida that bring the State into further compliance with HAVA
2. Minor updates that will not affect the State's compliance with HAVA
3. Issues that have arisen that might affect the State's future compliance with HAVA

The HAVA Planning Committee received copies of the original plan. All updates and changes to the original plan from the previous fiscal year were noted as follows:

1. Sections of the plan that were deleted were first shown in a strike-through font
2. Sections of the plan that were new were shown in an underlined font.
3. After the HAVA Planning Committee reviewed and approved the updates, the underline and strike-through fonts were removed.

Section 254(a)(12) When Florida has a HAVA State Plan for the previous fiscal year, will the State of Florida provide a description of how the plan reflects changes from the HAVA State Plan for the previous fiscal year and how the State succeeded in carrying out the HAVA State Plan for such previous fiscal year?

Florida has updated its original HAVA State Plan to bring it into further compliance through legislative action, rule change and updated information. The following chart is a summary on how the HAVA State Plan changed and how the State succeeded in carrying out the HAVA State Plan for the previous fiscal year.

HAVA State Plan Update from Previous Fiscal Year

Element 1-Voting Systems
Florida currently meets all HAVA voting system requirements except with regard to voting systems for voters with disabilities.

Changes	Successes
Voting systems for voters with disabilities: The Legislature appropriated $11.6 million to help Florida's counties provide one certified accessible voting system for voters with disabilities including blind and visually impaired voters by January 1, 2006.	The Department of State is going beyond HAVA by contracting with a disability relations group to act as a consultant to help implement disability access with the supervisors of elections across the state.

Element 1- Provisional Voting and Voting Information
Florida made six (6) changes to the provisional voting process in order to comply with HAVA by January 1, 2004.

Changes	Successes
Free Access System: Updated state law to require each supervisor of elections to establish a free access system that allows each person who casts a provisional ballot to determine whether his/her provisional ballot was counted and, if not, why.	Systems were established by January 1, 2004 and individuals who voted provisional ballots were given notice of whether their ballot was counted.
The HAVA Planning Committee concludes that the provisional ballot set forth in HAVA reinforces protections that the NVRA affords voters who move within the registrar's jurisdiction without updating their registration information, the ability to vote. The HAVA Planning Committee would like to offer Florida voters this same certainty and recommends to the Florida Legislature that the meaning of the term "jurisdiction" in Florida Statutes be changed from "precinct" to "county."	Proper instructions for voting and casting a provisional ballot were displayed in polling places. Proper instructions for mail-in registrants and first-time voters were displayed in polling places. Proper contact information for any voter alleging their rights were violated was displayed in polling places.
Voting instructions including how to cast a provisional ballot: The Division of Elections updated and	The State was in compliance by the required deadline.

reprinted posters that are displayed in each polling place on election day to include these instructions. Posting of instructions for mail-in registrants and first-time voters: The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions. Posting of contact information for voters who allege their rights have been violated: The Division of Elections updated and reprinted posters that are displayed in each polling place on election day to include these instructions. Effective date for complying with Provisional Voting and Voting Information Requirements: Requirements were completed by HAVA deadline of January 1, 2004.	

Element 1- Voter Registration System

Changes	Successes
The Florida Legislature has directed the Department of State to begin the development of the new Florida Voter Registration System (FVRS) that meets the requirements of HAVA. The Division of Elections has been tasked to develop the specifications for the design and implementation. A project team has been established consisting of supervisors of elections, technical experts and other agency representatives and has approved a five (5) phase project plan to be completed by the HAVA deadline.	The State of Florida received an extension for the development and implementation of the computerized statewide voter registration list from January 1, 2004 to January 1, 2006. The Florida Legislature appropriated $1.6 million to begin the project design and implementation of the new Florida Voter Registration System and to fund nine positions.

Element 2- Local Government Payments and Activities

Changes	Successes
The State of Florida reimbursed itself with $11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.	The Florida Legislature appropriated $11.6 million in HAVA funds to assist counties in the purchase of accessible voting systems for each polling place. The Florida Legislature appropriated nearly $3 million to counties for nonpartisan Voter Education programs.

Element 3- Voter Education

Changes	Successes
An analysis of FY 2003-2004 voter education programs throughout the state indicate a variety of innovative programs are being used. Beginning in 2003, the Florida Legislature expanded its definition of voter education activities for which counties may receive state funds. HB 29B (Chapter 2003-415) requires: • Education materials to be updated to provide absentee voters with better instructions; • The Department of State and county supervisors of elections to provide more information to absent uniform services voters and overseas voters; • Persons registering to vote be notified of the requirement to provide identification prior to voting the first time; • Written instructions be given regarding the free access system that allows each person who casts a provisional ballot to determine whether their vote counted and, if not, why not; • Supervisors of elections to provide up-to-date information to conform to HAVA	The Florida Legislature appropriated $3 million for voter education programs for FY 2004-2005. Division of Elections contracted with the Get Out the Vote Foundation, Inc., in the amount of $247,500 from FY 2003-2004 appropriations. The Florida State Association of Supervisors of Election, through activities of its Get Out the Vote Foundation, will play a major role in educating and training election officials in 2004. To increase poll worker recruitment, the Department has initiated a "Be a Poll Worker" campaign which includes airing public service announcements and distributing "Be a Poll Worker" handouts at Department presentations.

voting information requirements; Senate Bill No. 2566 (Chapter 2004-232) required county supervisors of elections to revise the Voter's Certificate and instruction to those voting via an absentee ballot indicating an absentee ballot is no longer required to have his/her signature witnessed. Senate Bill No. 2346 (Chapter 2004-252) required county supervisors of elections to revise the Early Voting Certificate information indicating a person casting an Early Vote is no longer required to have his/her signature witnessed. The Division of Election's website enhances voter education through the internet by: • Voter assistance hotline toll free number • 2004 national voter registration workshops to be held across the state • Direct link to Help America Vote Act and HAVA Planning Committee activities • The results of an election night voter report card (survey) Under F.S. 101.20, supervisors of elections may mail a sample ballot to each registered elector or each household if done at least 7 days prior to any election, rather than publishing a sample ballot in a newspaper of general circulation. The HAVA Planning Committee recommended state funding for poll worker training and recruitment but the Florida Legislature in 2004 did not appropriate any funds for either activity.	

Element 4- Voting System Guidelines and Processes

Changes	Successes
There were no changes in this element of the HAVA State Plan.	

Element 5- HAVA Election Fund

Changes	Successes
The HAVA fund has not undergone any structural changes in the way the trust fund was set up. Recent calls from the Florida Auditor General indicate a possible audit during FY 2004-2005.	The Florida Legislature has appropriated funds received for election-related activities as required by HAVA.

Element 6- HAVA Budget

Changes	Successes
	The State of Florida reimbursed itself with $11.58 million in Section 102 HAVA funds for replacing outdated voting machines after the 2000 General Election.
The HAVA Planning Committee approved the projected cost of the Florida Voter Registration System and recommended that the Florida Legislature continue funding the development of this project for a estimated total of $20.6 million through 2008.	The Florida Legislature appropriated $1.6 million in FY 2003-2004 to begin the development of the Florida Voter Registration System which will meet HAVA requirements.
The HAVA Planning Committee continued to recommend that the State of Florida reimburse counties that have already purchased voting systems that meet the HAVA accessibility requirements for voters with disabilities.	The Florida Legislature appropriated $11.6 million in HAVA funds, in FY 2004-2005, to assist counties in the purchase of accessible voting systems for each polling place by January 1, 2006.
The HAVA Planning Committee recommended using $9 million of HAVA funds during FY 2003-2004, FY 2004-2005 and FY 2005-2006 to develop and implement a statewide voter education program.	The Florida Legislature appropriated nearly $3 million to counties for nonpartisan Voter Education programs in FY 2003-2004 and FY 2004-2005.

The HAVA Planning Committee recommended using $500,000 for FY 2005-2006 in a matching grant program for counties to conduct election official and poll worker training. The HAVA Planning Committee did not recommend renewing its recommendation to develop a statewide poll worker recruitment campaign.	
The HAVA Planning Committee recommended continued funding of the three positions providing administrative oversight for HAVA. The HAVA Planning Committee recommended funding future HAVA Planning Committee meetings at $30,000 for each fiscal year through FY 2005-2006. The HAVA Planning Committee recommended funding the following future activities: 1. continued development and expansion of the Florida Voter Registration System 2. future improvement to voting technology 3. continued funds for county voter education programs 4. accessibility for polling places 5. poll worker recruitment and training.	The Florida Legislature funded three positions to provide administrative oversight for HAVA in FY 2003-2004.

Element 7- Maintenance of Effort

Changes	Successes
The State of Florida exceeded the Maintenance of Effort payments for FY 2003-2004 and FY 2004-2005.	The State of Florida provided funds of just over $3,082,224 for election activities in order to meet the HAVA Maintenance of Efforts requirement.

Element 8- Performance Measures

Changes	Successes
The HAVA Planning Committee approved performance measures for the following plan elements: 1. Voting systems 2. Voting systems guidelines 3. Absentee instructions 4. Voting Systems for voters with disabilities 5. Provisional voting 6. Voter registration 7. Voter Education 8. Administrative complaint process	

Element 9-Administrative Complaint Process

Changes	Successes
There were no changes for this element of the HAVA State Plan.	

Element 10- Effect of Title One Payments

Changes	Successes
Florida received $26,028,957 in Title I funds.	
These Title I, Section 102 funds were returned to the state as reimbursement for funds invested in the counties to replace outdated voting machines following the 2000 General Election instead of being distributed to counties as recommended by the HAVA Planning Committee.	
Title III funds were used as recommended by the HAVA Planning Committee to begin development of the statewide voter registration system.	The Division of Elections used $1 million for Phase I of the new voter registration system.
Title I funds were used as recommended by the HAVA Planning Committee for voter education programs over a two year period.	The Division of Elections distributed $3 million to Florida counties for voter education activities and is scheduled to distribute an additional $3 million in FY 2004-2005.
The Florida Legislature did not appropriate HAVA funds for use in training election officials and poll workers as recommended by the HAVA Planning Committee.	
The Florida Legislature appropriated $11.6 million for distribution to supervisors of elections for the purchase of equipment which is accessible to persons with disabilities.	Funds will be distributed to supervisors of elections to purchase equipment which is accessible to persons with disabilities. The State of Florida applied for and has been awarded two grants from Health & Human Services in the amount of $687,278 and $492,941 to be used for making polling places accessible to individuals with disabilities. The Division of Elections has distributed a survey to all supervisors of elections requesting information regarding the number of polling places that were utilized in the 2004 Presidential Preference Primary in order to determine the formula for distributing grant funds to counties.

Element 11- HAVA State Plan Management Section

Changes	Successes
The HAVA Planning Committee updated this element to reflect the three new HAVA oversight positions in the Division of Elections	The Division of Elections created three new positions and hired staff in FY 2003-2004 to oversee the HAVA State Plan implementation and reporting.

Element 12- HAVA Changes in State Plan for Previous Fiscal Year

Changes	Successes
The HAVA State Plan was updated to reflect changes from FY 2003-2004.	

Element 13- HAVA State Plan Development and Planning Committee

Changes	Successes
The HAVA Planning Committee met twice in 2004 to update the HAVA State Plan. The HAVA Planning Committee welcomed three new members: 1. Brenda Snipes, Supervisor of Elections for Broward County 2. Constance Kaplan, Supervisor of Elections for Miami-Dade County 3. Jennifer Carroll, State Representative from District 13	

Element 13. State Plan Development and HAVA Planning 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.

Introduction
To comply with the requirements of the Help America Vote Act of 2002 (HAVA), the HAVA State Plan must be developed by the chief State election official through a committee of appropriate individuals. After a preliminary plan is developed, it must be published for public inspection and comment. State officials must take public comments into account in preparing the HAVA State Plan submitted to the Federal Elections Commission.

Section 255: Has Florida complied with the requirements of section 255(a) to have the chief State election official develop the HAVA State Plan through a committee of appropriate individuals?

Yes, and no further actions are required.
Florida's Chief State Election Official, Secretary of State Glenda Hood, has the responsibility under HAVA to develop the HAVA State Plan with the assistance of the statewide HAVA Planning Committee. Section 255(a) of HAVA requires that "The chief State election official shall develop the HAVA State Plan under this subtitle through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stakeholders (including representatives of groups of individuals with disabilities), and other citizens, appointed for such purpose by the chief State election official."

Members of the HAVA Planning Committee for the State of Florida, appointed by Secretary of State Hood, are as follows:

Chairman:
Jim Smith of Leon County, former Secretary of State and former Attorney General

Chief Election Officials of the Two Most Populous Jurisdictions within the State:
Brenda Snipes, Supervisor of Elections for Broward County
Constance Kaplan, Supervisor of Elections for Miami-Dade County

Other Local Election Officials:
Kurt Browning, Supervisor of Elections for Pasco County
Susan Gill, Supervisor of Elections for Citrus County
Shirley Green Knight, Supervisor of Elections for Gadsden County

Stakeholders/Representatives of Groups of Individuals with Disabilities:
Dave Evans, State Board Member of the National Federation of the Blind
Jim Kracht, Assistant County Attorney for Miami-Dade County and member of the American Blind Lawyers Association, American Council of the Blind and the Florida Council of the Blind
Richard LaBelle, Secretary of the Florida Coalition on Disability Rights

Other Stakeholders and Citizens:
Joe Celestin, Mayor of the City of North Miami
Anna Cowin, State Senator from District 20
Jane Gross, President of the Florida League of Women Voters
Jennifer Carroll, State Representative from District 13
Arthur Hernandez, Vice Chairman of the Jacksonville Mayor's Hispanic American Advisory Board
Percy Luney, Dean and Professor of Law at Florida A&M University
Reggie McGill, Human Relations Director for the City of Orlando
Isis Segarra, private citizen from Hillsborough County
Lori Stelzer, Former President of the Florida Association of City Clerks and City Clerk for the City of Venice
Raiza Tamayo, Regional Director of the United States Hispanic Chamber of Commerce

This HAVA Planning Committee convened two times in public meetings to update the State Plan—Orlando, Florida on May 24, 2004 and Hollywood, Florida on June 4, 2004. All meetings were noticed in the *Florida Administrative Weekly*. Members of the public and press were welcomed at the meetings. The HAVA Planning Committee heard public comment at each meeting. It was assisted by a non-profit, non-partisan organization, the Collins Center for Public Policy, Inc., that was selected in a public bidding process to serve as staff for the HAVA Planning Committee in updating the HAVA State Plan, and by the Division of Elections of the Florida Department of State.

The HAVA Planning Committee operated in an open process with public deliberations, systematic procedures in accordance with *Robert's Rules of Order*, and majority vote of members who were present when votes were taken. A majority quorum of HAVA Planning Committee members was present for the Orlando meeting. At the Hollywood meeting, the HAVA Planning Committee was one member short of meeting a majority quorum. As a result, members present at the Hollywood meeting conducted a workshop on the proposed changes. At the end of the meeting, the nine HAVA Planning Committee members in attendance moved to approve the changes they had discussed. The Collins Center then obtained approval from the members not present at the Hollywood meeting to incorporate the changes into the working draft. The HAVA Planning Committee received two drafts of the final plan before voting to approve the updates and sending the plan to the Division of Elections.

The Collins Center, as staff, prepared written materials for the meetings, made presentations to focus the HAVA Planning Committee on decisions that needed to be made, and took notes of all meetings. A formal transcript of each meeting also was made. All agendas and other published materials for meetings of the HAVA Planning Committee were made available at the meetings. The website of the State Division of Elections also included much of this material.

All meetings were held in accessible facilities and were compliant with the Americans with Disabilities Act. Closed captioning service was available at all meetings. Agendas were printed in Braille as well as Spanish and Creole.

Section 256: Will Florida comply with the requirement of Section 256 to have the HAVA State Plan meet the public notice and comment requirements of HAVA?

Yes, and no further actions are required.

Section 256 of HAVA requires that the HAVA State Plan meet the following public notice and comment requirements:

(1) not later than 30 days prior to the submission of the plan, the State shall make a preliminary version of the plan available for public inspection and comment;
(2) the State shall publish notice that the preliminary version of the plan is so available; and
(3) the State shall take the public comments made regarding the preliminary version of the plan into account in preparing the plan which will be filed with the Election Assistance Commission.

After the final updated HAVA State Plan is submitted to the Election Assistance Commission, that Commission shall cause the HAVA State Plan to be published in the Federal Register in accordance with Section 255(b).

These tasks were performed by the Division of Elections and not by the HAVA Planning Committee or its consultants. The work of the HAVA Planning Committee and its consultants was completed when a preliminary version of the HAVA State Plan was prepared, approved by the HAVA Planning Committee, and submitted to the Secretary of State.

After notice is given in the *Florida Administrative Weekly*, the preliminary version of the HAVA State Plan will be posted on the Department of State's and the Governor's websites. A link is available on the Department's website so that public comment can be made electronically. Public comments also will be received by U. S. mail. Public comments will be considered in preparing the final plan.

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

STATE OF FLORIDA
HAVA PLAN UPDATE / 97

Help America Vote Act of 2002 State Plan Chart

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
Voting Systems–Section 301 (Compliance January 1, 2006)	Meets	Partially Meets	Does Not Meet	Described in Plan	
Verify Ballot	X				Meets
Change or Correct Ballot	X				Meets
Prevent Overvotes	X				Meets
Absentee instructions	X				Meets
Absentee privacy and confidentiality	X				Meets
Paper record for audits	X				Meets
Systems for voters with disabilities		X			Partially meets
Future voting systems purchases comply with HAVA	X				Meets
Alternative language accessibility	X				Meets
Comply with FEC error rates	X				Meets
Define what constitutes a vote	X				Meets
Provisional Voting and Voter Information–Section 302 (Compliance January 1, 2004)	Meets	Partially Meets	Does Not Meet	Described in Plan	
Laws require notification to cast provisional ballot	X				Meets
Provisional ballots permitted with written affirmation of voter eligibility	X				Meets
Provisional ballots given to election officials for determination	X				Meets
Provisional ballots counted if voter is determined to be eligible	X				Meets
Voters provided information to ascertain if provisional ballot counted	X				Meets
"Free access system" provided to ascertain if provisional ballot counted	X				Meets
Sample ballots are posted for election	X				Meets
Date of election and polling place hours are posted	X				Meets
Voting instructions and provisional voting instructions are posted on election day	X				Meets
Voting instructions for mail-in registrants and first-time voters on election day	X				Meets
Voting rights information and provisional ballot information posted	X				Meets
Contact information posted for voters whose rights have been violated	X				Meets
Information posted on prohibition of fraud and misrepresentation	X				Meets

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

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HAVA PLAN UPDATE / 98

Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 6/4/04
Provisional ballots segregated for those who vote after special extended poll hours	X				Meets
Voter Registration–Section 303 (Compliance January 1, 2004 or extension January 1, 2006)	Meets	Partially Meets	Does Not Meet	Described in Plan	
Single, uniform, official centralized, interactive computer statewide, voter registration list			X		Does not meet
Can Florida meet January 1, 2004 deadline? Need to apply for January 1, 2006 waiver	X				Meets
HAVA's ID requirements for voters who register by mail and not previously voted	X				Meets
HAVA's requirement for voter registration language in mail registration forms	X				Meets
Local Government Payments and Activities [Section 254(a)(2)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe criteria for funding				X	Updated
Describe methods to monitor performance				X	Updated
Voter Education [Section 254(a)(3)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe voter education programs to support Title III				X	Updated
Describe election official education and training to support Title III				X	Updated
Describe poll worker training to support Title III				X	Updated
Voting System Guidelines and Processes [Section 254(a)(4)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe Florida's voting system guidelines and processes consistent with Section 301				X	Meets
HAVA Election Fund [Section 254(a)(5)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will establish a HAVA fund				X	Updated
Describe how Florida will manage the HAVA fund				X	Updated
Florida's HAVA Budget [Section 254(a)(6)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe costs of activities to meet Title III				X	Updated
Describe portion of requirements payment to carry out requirements activities				X	Updated
Describe portion of requirements payment to carry out other activities				X	Updated
Florida's Maintenance of Effort [Section 254(a)(7)]	Meets	Partially Meets	Does Not Meet	Described in Plan	

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

Appendix A

INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished marking your ballot, take your ballot and put it into the precinct tabulator.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have voted your provisional ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Do not put your ballot through the precinct tabulator. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

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Help America Vote Requirement	Status: 2003 HAVA State Plan				Status: As of 8/4/04
Florida's Performance Goals and Measures [Section 254(a)(5)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will adopt performance goals measures to determine HAVA success				X	Updated
Administrative complaint process [Section 254(a)(9)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Established a state-based administrative complaint process to remedy grievances	X				Meets
Effect of Title I Payments [Section 254(a)(10)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Title I payments will affect activities of HAVA plan				X	Updated
HAVA State Plan Management [Section 254(a)(11)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how Florida will manage plan and make material changes to plan				X	Updated
HAVA State Plan for Previous Fiscal Year [Section 254(a)(12)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe how this year's plan changed from the previous fiscal year				X	Updated
HAVA State Plan Development and Planning Committee [Section 254(a)(13)]	Meets	Partially Meets	Does Not Meet	Described in Plan	
Describe the committee and procedures used to develop the HAVA plan				X	Updated

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

Appendix B

INSTRUCTIONS TO VOTERS

1. Polls open at 7 a.m. and close at 7 p.m.
2. Sample ballots will be posted in the polling room for your information.
3. When you enter the polling room and before being permitted to vote, you are required to present a photo ID with signature. If you do not have the proper ID, you will be allowed to sign an affidavit and vote.
4. If you are a first-time voter who registered by mail and have not already provided identification to the supervisor of elections, you must provide a photo ID with signature. If you do not have the proper ID, you are allowed to vote a provisional ballot.
5. If you need instructions on how to use the voting equipment, ask a poll worker to assist you. After you have been given instructions, the officer assisting you will leave so that you can cast your vote in secret.
6. You are required to occupy the voting booth alone, unless you requested assistance at the time of registration or when you signed in at the polls.
7. When you are finished voting your ballot, be sure to press the VOTE or CAST BALLOT button to cast your vote.
8. After you cast your vote, you are required to leave the polling room and you will not be allowed to re-enter.
9. If your eligibility is questioned or you are a first-time voter who registered by mail and do not have a photo ID, you will be allowed to vote a provisional ballot. Once you have marked this paper ballot, place it in the envelope provided to you and fill out the Voter's Certificate on the back of the envelope. Your ballot will be presented to the County Canvassing Board for a determination as to whether your ballot will be counted.
10. The poll workers possess full authority to maintain order in the polling area.

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STATE OF FLORIDA

GLENDA E. HOOD
SECRETARY OF STATE
STATE OF FLORIDA

Appendix C

INSTRUCCIONES PARA LOS VOTANTES

Instrucciones para los votantes

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termine de marcar su boleta, lleve su boleta y póngala en el tabulador del precinto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya votado con su boleta provisional, coloquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. No coloque su boleta a través del tabulador del precinto. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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Appendix D

INSTRUCCIONES PARA LOS VOTANTES

1. Las urnas abren a las 7:00 a.m. y cierran a las 7:00 p.m.
2. Para su información, las boletas de muestra estarán desplegadas en el salón de votaciones.
3. Cuando usted entre al salón de votación y antes de que se le permita votar, a usted se le requerirá presentar una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permitirá firmar una declaración jurada y votar.
4. Si usted es un votante que vota por primera vez y que se ha registrado por correo y aún no ha provisto ya la identificación al supervisor de elecciones, usted deberá proveer una identificación con foto y firma. Si usted no tiene la identificación adecuada, a usted se le permite votar una boleta provisional.
5. Si usted necesita instrucciones sobre cómo usar el equipo de votación, pídale a un trabajador de las urnas que le ayude. Luego que a usted se le hayan dado instrucciones, el oficial que le ayuda se alejará, para que usted pueda echar su voto en secreto.
6. A usted se le requiere ocupar la caseta de votación solo(a), a menos que usted haya pedido ayuda al momento del registro o cuando usted firmó al llegar a las urnas.
7. Cuando usted termina de votar su boleta, asegúrese de oprimir el botón de VOTAR o ECHAR LA BOLETA para echar su voto.
8. Luego que usted eche su voto, a usted se le requerirá abandonar el salón de votación y no se le permitirá volver a entrar.
9. Si su elegibilidad es cuestionada o si usted es un votante que vota por primera vez que se registró por correo y no tiene una identificación con foto, a usted se le permitirá votar con una boleta provisional. Una vez usted haya marcado esta boleta de papel, colóquela en el sobre que se le proveyó y llene el *Voter's Certificate* (Certificado del Votante) al dorso del sobre. Su boleta será presentada al *County Canvassing Board* (Junta Examinadora del Condado) para una determinación en cuanto a contar su boleta o no.
10. Los trabajadores en las urnas poseen plena autoridad para mantener el orden en el área de votación.

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STATE OF FLORIDA

Appendix E

VOTER'S BILL OF RIGHTS

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

You may have other voting rights under state and federal laws. If you believe your voting rights have been violated, please contact Florida Department of State, Division of Elections, 1-877-868-3737

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Appendix F

LA CARTA DE LOS DERECHOS DEL ELECTOR

Todo elector inscrito en este estado tiene el derecho:

1. de votar y de que se cuente con precisión su voto.
2. de que se le permita votar si está en cola para votar cuando estén cerrando oficialmente las urnas en ese condado.
3. de pedir y recibir asistencia para votar.
4. de recibir hasta dos boletas de reemplazo si se equivoca antes de emitir su voto definitivamente.
5. si su inscripción está en duda, de que se le explique el motivo del problema.
6. si su inscripción está en duda, de votar con una boleta provisional.
7. de firmar una declaración jurada para probar su identidad si los funcionarios electorales tienen alguna duda acerca de la identidad del elector.
8. de tener por escrito instrucciones sobre el método de votación para usarlas al votar y, si las pide, de recibir instrucciones verbales por parte de los funcionarios electorales sobre dicho método.
9. de votar sin que lo coaccionen o intimiden los funcionarios electorales ni ninguna otra persona.
10. de votar empleando un sistema que, además de funcionar correctamente, haga posible emitir con precisión los votos.

Usted puede tener otros derechos de la votación bajo el estado y las leyes federales. Si usted cree que sus derechos de la votación se han violado, por favor avise La Sección de Estado de la Florida, la División de Elecciones, 1-877-868-3737.

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Appendix G

STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLENDA E. HOOD
Secretary of State

November 10, 2003

Ms. Penelope Bonsall, Director
Office of Election Administration
Federal Elections Commission
999 E Street NW
Washington, D.C. 20463

RE: State of Florida request for waiver pursuant to Section 303(d) of the Help America Vote Act of 2002

Dear Ms. Bonsall:

Section 303(a) of the Help America Vote Act of 2002 requires each state to implement a computerized statewide voter registration list by the January 1, 2004, date specified in Section 303(d)(1)(A) of the same statute. Section 303(d)(1)(B) provides for states to request an extension of the aforementioned deadline until January 1, 2006. The purpose of this correspondence is to certify that, for good cause as outlined below, the State of Florida is unable to meet the January 1, 2004, implementation date called for in Section 303(d)(1)(A), and respectfully requests an extension of the deadline as permitted by law until January 1, 2006.

Florida has a tradition of administering voter registration at the county level jurisdiction. Each of Florida's sixty-seven counties has a constitutionally elected officer known as the supervisor of elections who is responsible for maintaining voter registration lists in their respective county. Each supervisor of elections is also responsible for determining the type of information technology appropriate for supporting voter registration activities in their jurisdiction and the manner in which registration records are maintained. The steps required to: (1) assess county-administered voter registration systems; (2) develop methods for consolidating a variety of voter registration lists with individual nuances into a single computerized statewide system; and (3) provide for future coordination of county voter registration activities with the statewide list will require more time than provided by the January 1, 2004, implementation date.

The Florida Department of State is working diligently to implement a statewide voter registration system that will meet all the requirements of Title III. Some of the steps already taken by the State of Florida in order to develop and implement a statewide voter registration system include: hiring a project director; executing agreements with our state Departments of Highway Safety

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 • WWW: http://www.dos.state.fl.us

GLENDA E. HOOD
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STATE OF FLORIDA

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Motor Vehicles and Law Enforcement that outline data exchange procedures; and creating task groups comprised of county election officials and Department of State personnel in order to address technical and procedural issues relating to the creation of the centralized registration system. Given the steps already taken by the Florida Department of State and the other departments involved, and the scope of the work remaining to be done, I am confident that the State of Florida will be successful in having a statewide computerized voter registration system operational by the January 1, 2006, extended deadline requested herein.

Sincerely,

Glenda E. Hood

Glenda E. Hood
Secretary of State

GEH/eclo/pt

RON THORNBURGH
Secretary of State

Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564
www.kssos.org

STATE OF KANSAS

September 15, 2004

U.S. Election Assistance Commission
1225 New York Ave, NW - Ste 1100
Washington, DC 20005

Dear Commissioners:

In accordance with section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with for publication in the *Federal Register*, this letter and the following changes to the Kansas State Plan for the 2004 Fiscal Year. These pages, together with non-substantive changes that we have made, will constitute the state of Kansas' HAVA State Plan for Fiscal Year 2004.

As required by section 254(a)(12) of HAVA, please note that pages 9-11, 14-15, 17-23 and 27 contain material changes from the State Plan filed in 2003.

Please note that non-material changes can be found throughout nearly every element of the Kansas State Plan. After consulting with EAC staff, the state of Kansas has elected not to include those changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we would direct the EAC and members of the public to the Kansas Secretary of State's website (www.kssos.org) to view the complete Kansas State Plan.

The 2004 Amendments to the Kansas State Plan were developed in accordance with section 255 of HAVA and the requirements for public notice and comment prescribed by section 256 of HAVA.

On behalf of the state of Kansas, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections.

Sincerely,

RON THORNBURGH
Secretary of State

Affidavit for all provisional voters attesting to registration, eligibility (Section 302(a)(2))
Approved by the Kansas Legislature as sections 1 and 2 of 2004 SB 479. Requirements payments will not be used; counties will be responsible for costs associated with producing the affidavit.

Written information regarding how to determine the outcome of a provisional ballot (Section 302(a)(5)(A))
Required by legislation in section 2 of 2004 SB 479. The county election official will be responsible for replication costs and training poll workers to distribute the information. In addition, instructional information about provisional ballots will be added to the secretary of state's website. It is not anticipated that requirements payments will be used.

Free access system for publication of provisional vote results (Section 302(a)(5)(B))
Kansas counties are providing information to let provisional voters know whether their vote counted and if not, why. Various methods are being used including toll-free phone information, websites, and e-mail.

1.3: Voting Information Requirements – Section 302
Deadline for compliance: January 1, 2004

Public posting at polling places (Section 302(b)(2))

- **Sample Ballot:** While it has been common practice to post sample ballots at polling places in Kansas, it is required by section 11 of 2004 SB 479. No expenditure of requirements payments will be made to produce sample ballots. County election officials will be responsible for the cost of producing and posting sample ballots in polling places.
- **Date of the election and hours the polling place is open:** Required by section 11 of 2004 SB 479. No expenditures of requirements payments are anticipated. County election officials will be responsible for posting this information at each county's expense.
- **Instructions on how to vote, including a provisional ballot:** This information is included in the Voter's Rights and Responsibilities poster prescribed and designed by the secretary of state and posted at the polling place by county election officials. Requirements payments will be used to produce these posters.
- **Instructions for mail-in registrants who are first time voters in the jurisdiction:** Kansas law requires identification for all first-time voters in the county, whether mail registrants or not. The state has adapted the voter registration application card, the voter's rights and responsibilities poster and county election officials' and pollworkers' training programs. No expenditures of requirements payments are anticipated.
- **General information on voting rights:** This information is included on a poster entitled "Voter's Rights and Responsibilities". All polling places must display this poster in accordance with K.S.A. 25-2706. Requirements payments will be used to produce these posters.

- **General information on federal and state fraud laws:** This information will be included on a poster entitled "Voter's Rights and Responsibilities". All polling places must display this poster in accordance with K.S.A. 25-2706. Title I funding will be used to produce an updated version of the poster.

Provisional ballots for individuals who vote pursuant to a court or other order extending polling place hours; ballots must be separated from other provisional ballots (Section 302(c))
Provisional voting has been part of Kansas election law since 1996. No expenditures of requirements payments are anticipated. Any administrative costs associated with provisional ballots will be borne by the counties.

1.4: Computerized Statewide Voter Registration List Requirements – Section 303(a)
Deadline for compliance: January 1, 2004 / January 1, 2006 (with waiver)
Kansas law (KSA 25-2304(b)) requires the secretary of state to maintain a statewide centralized voter registration database. The current database is only a repository for county voter registration data and does not appear to meet the HAVA requirements. Due to the time needed to implement the new system, the secretary of state applied for and received a waiver of the January 1, 2004, deadline as permitted by HAVA and extended the deadline to January 1, 2006.

The central voter registration subcommittee of the Kansas Election Reform Advisory Council provided recommendations for database design. The secretary of state contracted with a consultant, Jim Minihan of Imerge Consulting, and convened a central voter registration work group to assist with RFP development. The work group included state and local election officials as well as individuals with information technology expertise. A vendor was selected in the summer of 2004.

Implementation of the new database system will begin in summer or early fall 2004. Each county will maintain its current database in 2005 while the new system is tested. Beginning January 1, 2006, the new database will be the sole system used statewide. Requirements payments will be used to partially fund this project.

A tentative timeline for this project is included below:

May – December 2003	RFP development
January 2004	Publish RFP
June 2004	Select vendor
June - July 2004	Contract negotiations
July 2004	Contract execution
Fall 2004	Implementation of system begins
2005	Current system and new system to run simultaneously
January 1, 2006	New system becomes the sole system used in Kansas

1.5: Requirements for Voters Who Register by Mail – Section 303(b)
Deadline for compliance: January 1, 2004

Identification Requirements: Kansas law was changed by 2004 SB 479 to require identification of all first-time voters in the county.

Fail-Safe Voting: Under HAVA, voters who register by mail and cannot meet the identification requirement must be afforded the opportunity to vote a provisional ballot. Current Kansas law allows such individuals to cast provisional ballots; therefore, Kansas is in compliance with the fail-safe voting requirement.

Contents of Mail-In Registration Form: Design of the Kansas voter registration application form was changed by 2004 SB 479 to comply with HAVA. The application form was revised and disseminated after final approval of legislation.

3.2: Election Official Education and Training

In order to ensure that county election officials receive the necessary education and training on election issues, the secretary of state's office developed a uniform, statewide training program. A description of the program is included below.

Curriculum: The annual program will be developed by the secretary of state's office with assistance from Kansas County Clerks and Election Officials Association members and adult education specialists. The secretary of state's office has established partnerships with the Wichita State University Hugo Wall School and Emporia State University. Eight hours of required instruction was provided in 2004 and consisted of the following courses:

COURSE
HAVA overview / impact on CEO
Voter registration/ CVR
Preparing for an election
Advance voting / federal services absentee voting
Voting procedure / provisional ballots
Canvassing / write-ins / voter intent
Voting equipment
Accessibility
Special situations including, but not limited to, alternative languages, accessibility, awareness and sensitivity
Election board workers

Location: The aforementioned courses were provided in coordination with established meetings of the Kansas County Clerks and Election Officials Association (KCCEOA) and the Kansas Association of Counties (KAC) and will be for future training sessions as well. The schedule is as follows:

MONTH	EVENT
March	KCCEOA Regional Meetings
May	KCCEOA Convention
September	KCCEOA Regional Meetings
November	KAC Convention

Make-up sessions may be held at the following times and events:

MONTH	EVENT
May	KCCEOA Convention
November	KAC Convention
As scheduled	Sanborn Institute for County Clerk Certification (annual)
As necessary	Videoconference
Once every four years	Midwest Election Officials Conference

Resources: Participants received a printed training manual, an updated version of the Kansas Election Standards, and tools for training poll workers.

Instructors: The training programs were conducted by the secretary of state and staff and subject matter experts.

Attendance: At least one individual from each county election office attended the program. Attendance was a condition of receiving the benefits of federal funding, and the secretary of state shall have the option of withholding county benefits related to HAVA due to nonparticipation in the training program. The curriculum and number of hours required may change from year to year.

3.3: Poll Worker Training

The secretary of state designed a poll worker training program for county election officials in order to facilitate the crucial link between election administrators and voters. County election officials received instruction on this program during the election official training program and were responsible for conducting training sessions at the local level. Participation in this program is a condition for receipt of county benefits related to HAVA.

Curriculum: The following topics were incorporated into training resources developed by the secretary of state's office in conjunction with adult education specialists.

- HAVA Overview/impact on election board workers
- Polling place organization and management
- Voting
- Accessibility issues
- Special situations

Resources: The secretary of state provided each county election official with a curriculum to be used in local poll worker training sessions.

Instructors: Training sessions were conducted by county election officials and deputy election officials. Voting equipment vendors or technicians may also have been involved in the training sessions. County election officials may also have included supplemental instructors in the training sessions at their discretion.

- *Attendance:* County election officials must conduct training prior to each primary and general election for supervising judges and election clerks as required by 2004 SB 479.

Section 5: How will Kansas establish a fund for purposes of administering the state's activities, including information on fund management?

5.1: Fund establishment
During the 2002 legislative session, the secretary of state established a Democracy Fund in anticipation of receiving federal funding for HAVA implementation. Title I funds were received in April 2003 and deposited in the Democracy Fund. State accounting and reporting guidelines subsequently changed and as a result, the Democracy Fund had been improperly coded for receipt of federal funds. A new fund, HAVA Federal Fund, was established for title I and title II funds and the money previously received was transferred to the new fund.

The following funds have been established:

1) HAVA Federal – established for receipt and expenditure of federal monies (including grants). Pursuant to state accounting and reporting guidelines, this fund has several accounts (indexes)
2) HAVA Match – established for the receipt and expenditure of matching state funds
3) Democracy – established for the receipt and expenditure of matching county funds

5.2: Fund management
The secretary of state is responsible for fund management. State and federal fund management guidelines are followed. Records of expenditures are maintained by the secretary of state's office. A monthly review of funds will be made.

Section 6: Kansas' proposed budget for HAVA activities based on the state's best estimates of the costs of such activities and the amount of funds to be made available.

The following chart is Kansas' proposed budget for state fiscal years 2004 and 2005. All amounts listed are estimates and subject to change.

HAVA Requirements	Estimated Total Cost	Funding Source					
		Title I $5 million[1]	Title II $21.4 million[2]	State Match $687,397[3]	County Match $439,435[4]	EAID Grant $110,057	VOTE Grant $100,000
Central Voter Registration System	No estimate is included here to ensure that the secretary of state may negotiate a truly competitive price for this system. We do not want vendors to assume we are prepared to pay a predetermined amount for the system.[5]						
Accessible voting equipment	No estimate is included here to ensure that the secretary of state may negotiate a truly competitive price for this system. We do not want vendors to assume we are prepared to pay a predetermined amount for the equipment.[6]						
Administrative costs	$250,000						
Voter education	$100,000						
CEO training	$15,000						
Poll worker training	$15,000						
Free access system	$1000						
Polling place postings	$2000						
Kansas voter registration forms	$20,000						
Federal voter registration forms	$5000						
Polling Place Accessibility	$210,057						

[1] Kansas has received a title I payment of $5 million.
[2] Kansas received the FFY 03 title II requirements payment of approximately $7.6million and is eligible to receive the FFY 04 payment of approximately $13.7 million. Receipt of the FFY 04 payment is contingent upon filing the state plan.
[3] In order to qualify for title II requirements payments, Kansas must provide five percent (5%) of the payment in matching funds. During the 2003 and 2004 Kansas Legislative Sessions, the legislature approved a match of three percent (3%) from the state general fund.
[4] As explained in note three, receipt of title II requirements payments is contingent upon providing state matching funds. During the 2003 and 2004 Kansas legislative sessions, the legislature specified that the remaining two percent (2%) match is to be provided by Kansas counties. Each county pays a proportionate share of the match based on a formula comparing county voting age population to state voting age population.
[5] The actual cost will be negotiated through a Request for Proposal process.
[6] The actual cost will be negotiated through a Request for Proposal process.

Section 7: How will Kansas, in using the requirements payments, 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 compliance with HAVA Section 254(a)(7), in using requirements payments, Kansas 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. No reductions in state spending have been made since passage of HAVA, and none are anticipated or sought.

Elections & Legislative Matters	Fiscal Year 2000	Fiscal Year 2004
	$ 33,735	$ 62,129

Section 8: How will Kansas adopt performance goals and measures to determine its success and the success of units of local government in carrying out the plan?

Performance goals and measures will be developed by the secretary of state's office for each applicable element of the state plan. Each element will have a tentative timeline for completion which will serve as a tool for assessing performance. The following charts outline tentative performance goals for implementation of HAVA requirements.

Performance Goal	Develop and implement a statewide central voter registration system
Process to develop criteria	The secretary of state's staff appointed a Central Voter Registration Work Group and consultant to help develop a Request for Proposal (RFP) and establish goals for project management
Criteria to measure performance	A set of time-oriented goals for the following events: (1) development and issuance of an RFP (2) selection of a vendor (3) contract negotiations / execution of contract (4) implementation of CVR system
Tentative Timeline	May – December 2003: RFP development January 2004: Publish RFP June - July 2004: Select vendor July 2004: Contract negotiations July 2004: Contract execution
Deadline for compliance	January 1, 2006 (with waiver)

Performance Goal	Implement one voting machine, accessible to individuals with disabilities, in every Kansas polling place
Process to develop criteria	The secretary of state's staff will plan with a work group and consultant to develop a Request for Proposal (RFP) and establish goals for project management
Criteria to measure performance	A set of time-oriented goals for the following events: (1) development and issuance of an RFP (2) selection of a vendor(s) (3) contract negotiations / execution of contract (4) implementation of voting equipment
Tentative Timeline	2004 – 2005: RFP development/issuance and selection of vendor(s) Summer – Fall 2005: Delivery and implementation of accessible voting equipment
Deadline for compliance	January 1, 2006

Performance Goal	Implement second chance voting requirements
Process to develop criteria	The secretary of state's office will work with the Kansas Election Reform Advisory council and county election officials to develop a plan for implementation
Criteria to measure performance	A set of time-oriented goals for development of a voter education program to meet section 301(a)(1) requirements
Tentative timeline	Unknown at this time
Deadline for compliance	January 1, 2006

Performance Goal	Meet audit capacity requirements
Process to develop criteria	The secretary of state's office will work with county election officials to determine how counties with optical scan voting systems will meet the requirements
Criteria to measure performance	A set of time-oriented goals
Tentative timeline	Unknown at this time
Deadline for compliance	January 1, 2006

Performance Goal	Implement uniform definitions of what constitutes a vote for each type of voting system used in Kansas
Process to develop criteria	The secretary of state's office worked with the Election Standards Task Force to develop a proposal
Criteria to measure performance	Implementation of uniform definitions in the Kansas Election Standards
Tentative timeline	Adopted by the Kansas County Clerks' and Election Officials' Association (KCCEOA) May, 2004
Deadline for compliance	January 1, 2006

Performance Goal	Implement affidavit requirement for provisional voters
Process to develop criteria	Drafted legislation
Criteria to measure performance	To codify the requirement in state election law and implement the requirement on the local level
Tentative timeline	2004 SB 479 passed
Deadline for compliance	January 1, 2004

Performance Goal	Develop and provide written information regarding how to determine the outcome of a provisional ballot
Process to develop criteria	Development of a plan for implementation by the secretary of state's office in 2003
Criteria to measure performance	A time-oriented set of goals for the following events: (1) prescribing a document with the appropriate information (2) sending the document to county election officials and providing instructions for use (3) verifying that county election officials have reproduced and distributed the documents
Tentative timeline	Document prescribed and distributed prior to August 2004. Information distributed to provisional voters beginning with the August 2004 primary election.
Deadline for compliance	January 1, 2004

Performance Goal	Develop a free access system for publication of provisional vote results
Process to develop criteria	The secretary of state's office worked with county election officials to develop a plan for implementation
Criteria to measure performance	Disseminated options and recommendations to CEOs in May, 2004
Tentative timeline	Implemented the system during the August 2004 primary election
Deadline for compliance	January 1, 2004

Performance Goal	Implement required public posting at polling places
Process to develop criteria	The secretary of state's office developed a plan for implementation in 2003
Criteria to measure performance	To codify the requirement in state election law and implement the requirement on the local level
Tentative timeline	Passed as part of 2004 SB 479. CEO training was held in May, 2004. Posters were printed and distributed to CEOs in July, 2004. County election officials implemented the requirements in 2004.
Deadline for compliance	January 1, 2004

Performance Goal	Require provisional ballots for individuals who vote pursuant to a court or other order extending polling place hours
Process to develop criteria	The secretary of state's office developed a plan for implementation in 2003
Criteria to measure performance	To codify the requirement in state election law and implement the requirement on the local level
Tentative timeline	Required by 2004 SB 479. CEOs trained in May, 2004. County election officials implemented the requirements in 2004.
Deadline for compliance	January 1, 2004

Performance Goal	Meet the requirements for voters who register by mail
Process to develop criteria	The secretary of state's office developed a plan for implementation in 2003
Criteria to measure performance	To codify the requirement in state election law and implement the requirement on the local level
Tentative timeline	State law requires identification of all first-time voters in the county. CEOs trained in May, 2004. County election officials implemented the requirements in 2004.
Deadline for compliance	January 1, 2004

Performance Goal	Implement voter education, election official education/training, and poll worker training programs
Process to develop criteria	The secretary of state's office developed a plan for implementation with assistance from the Kansas Election Reform Advisory Council in 2003
Criteria to measure performance	A time-oriented set of goals for the following events: (1) convene a work group (2) develop the program (3) carry out the program
Tentative timeline	Implementation of the program in 2004.

Section 10: A description of how Kansas will use the title I payment to carry out proposed activities in this plan.

Kansas has received $5 million in title I payments for improvement of election administration. This funding may be used for the following approved purposes:

(1) Complying with requirements of title III
(2) Improving the administration of elections for federal office
(3) Educating voters concerning voting procedures, voting rights, and voting technology
(4) Training election officials, poll workers, and election volunteers
(5) Developing the state plan
(6) Improving, acquiring, leasing, modifying, or replacing voting systems and technology
(7) Improving the accessibility of polling places
(8) Establishing a free access system for use by voters to obtain voting information

It is expected that Kansas' title I funds will be used for the following, prioritized purposes:

(1) Implementation of a new statewide central voter registration system
(2) Administrative expenses for development of the state plan and the central voter registration system RFP
(3) Education programs
(4) Section 301 requirements (i.e. free access system, polling place postings, voter registration forms)

HAVA Requirements	Funding Source			
	Title I $4.9 million	Title II $21.4 million	State Match $687,397	Local Match $439,435
Central Voter Registration System	X	X	X	X
Accessible voting equipment		X	X	X
Administrative expenses	X	X	X	X
Voter education	X			
CEO training	X			
Poll worker training	X			
Free access system	X			
Polling place postings	X			
Voter registration forms	X			

HAVA Requirements	EAID Grant $110,057	VOTE Grant $100,000
Polling Place Access	X	X

State of Nevada

Fiscal Year 2004-2005

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 7, 2004

STATE OF NEVADA FISCAL YEAR 2004-2005 PRELIMINARY STATE PLAN

I. INTRODUCTION

On October 29, 2002, President Bush signed the Help America Vote Act (HAVA or Act) 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.

As required by HAVA, the state of Nevada (State) adopted and submitted to the federal government its State Plan (Plan) for fiscal year (FY) 2003-04 in June 2003. Due to the delayed formation and organization of the Elections Assistance Commission (EAC), publication of that Plan in the *Federal Register* was not completed until May 2004. The following State Plan for the State, developed in accordance with Section 254 of the Act, represents an update to the State's FY 2003-04 plan. Like the FY 2003-04 plan, this State Plan (FY 04-05 Plan) was created under the direction of Secretary of State Dean Heller through a State Plan Advisory Committee (Advisory Committee). Nevada's FY 04-05 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 periodically over the coming years to ensure the continued health of our democratic process.

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 function and cooperation of local governments continue to be critical to ensuring that 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 million 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 machines[1]. Due to requirements outlined in HAVA, the State is taking steps to substantially upgrade systems, redesign processes and provide updated and continual training for election administrators and the citizens of the State. In December 2003, Secretary of State Dean Heller took the first step toward achieving these goals by announcing the decision to purchase Direct Recording Electronic (DRE) voting machines for all Nevada counties. He also announced his mandate to include a voter verifiable paper trail on all newly purchased DRE machines for the 2004 election. As part of this process, all existing machines statewide must add the printer technology by 2006. The Secretary of State also issued a proclamation decertifying all punch-card voting machines in Nevada as of September 1, 2004. 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 can only be achieved with adequate support, resources and funding from both the federal government and the Nevada State Legislature.

In developing Nevada's FY 04-05 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 these goals are 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; (4) suggest changes to voting technology and processes to ensure accurate and reliable elections and voter confidence; and (5) develop and implement follow-through accountability activities and feedback mechanisms for complaints.

Nevada's FY 04-05 Plan, as presented herein, is limited to the extent State appropriations are made available, and is based on the assumption that adequate federal funding will be appropriated. While the State intends to fully comply with HAVA, 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 FY 04-05 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)[2], to carry out other activities to improve the administration of elections. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.

[1] See Appendix A for a summary of the counties' current voting systems, effective until September of 2004, when the DRE's will be implemented statewide.

[2] Reference should be to Section 251(b)(2).

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) 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 established by the Federal Elections Commission (FEC) as of the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted. These requirements have been incorporated into Nevada statutes or regulations.

Most of the federal funding that has been appropriated to date was used to upgrade the voting systems throughout the State and to purchase new systems in order to meet the requirements of Title III. In furtherance of this action, the State is moving forward with implementation of a uniform voting system for polling places throughout the state and a uniform system for absentee voting throughout the state. Specifically, as previously stated, the Secretary of State has entered into a contract to purchase, with HAVA funds, DRE voting systems necessary to create a uniform statewide system. Included in that purchase are optical scan machines to be used for counting all absentee ballots statewide. These new voting systems meet all requirements of Section 301(a). These voting system replacements will be accomplished by September 1, 2004.

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 are also expected to be 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 adopted legislation proposed by the Secretary of State that enacts procedures to allow for provisional voting in federal races throughout the State. The procedures[3] that were adopted meet the requirements of Section 302.

[3] See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.

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. The State may also use requirements payments to provide training and outreach concerning a voter's ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist 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 Secretary of State successfully sought a change to State law to require that all materials required by Section 302 be displayed at each polling place[4]. Nevada's "Voters' Bill of Rights[5]" was also established as part of this process. The law requires that the Voters' Bill of Rights be posted conspicuously at each polling place. The Voters' Bill of Rights is a declaration of the rights of each voter with respect to the voting process. Its premise is to ensure that each and every voter who wishes to exercise the right to vote is provided with the right to do so in an informed and nondiscriminatory manner. The State, in cooperation with county clerks, will design the materials to be posted. The State anticipates 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. Nevada does not currently have a statewide voter registration list. Currently, voter registration records are created and maintained separately by each local jurisdiction.

The State will be purchasing a compliant voter registration system to be implemented statewide and administered by the Secretary of State. The Secretary of State has formed a committee comprised of local election officials to recommend a vendor for a HAVA compliant statewide voter registration system. The committee is currently finalizing the requirements for the system and reviewing various vendors. In accordance with Section 303(d)(1)(B) of HAVA, the State submitted its certification

[4] See NRS 293.3025.
[5] See NRS 293.2543 through 293.2549, inclusive.

that Nevada could not implement the Statewide Voter Registration List requirements by January 1, 2004, and that it met the requirements for a waiver of the deadline to January 1, 2006. The State cited as reasons for the waiver the fact that it is currently implementing the uniform voting system statewide and, given the fiscal and human resources necessary to successfully conduct the upcoming federal election with these new systems, it would not be prudent to implement the statewide voter registration system in the same election cycle. It is our goal to have all counties on-line and trained by January 1, 2006. The chosen system will comply with Section 303(a) of HAVA and will have the ability to interface with Nevada's 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 and again in 2004 to meet the requirements of Section 303(b).

In 2003, the Secretary of State successfully sought a modification of State law[6] to ensure that 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 mail are HAVA compliant.

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 Nevada are and continue to be in compliance with the Americans with Disabilities Act[7] ("ADA"); (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

[6] See NRS293.272 and 293.2725
[7] Public Law 336 of the 101st Congress, enacted July 26, 1990.

compliance with HAVA. The State may use requirements payments to fund these positions.

2. Distribution of Requirements Payments and 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 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 and 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

With voter participation and turnout declining nationally over the last twenty years, and with an increasing number of historically disenfranchised groups growing more skeptical about the power of their vote, the Secretary of State's office is making a concerted effort to expand Nevada's voter outreach and education efforts.

Clearly, citizens need to better understand the power of each and every vote. Education is the key to improving Nevada's voter participation rate. Besides doing a better job of teaching our citizens about the critical component voting plays in the success of a democracy, with the advent of new technologies—specifically, DRE voting machines—the educational process should include a well-developed plan to assist and train citizens on how to use new equipment.

By law, each registered voter in Nevada receives a sample ballot in the mail prior to each election. The Secretary of State's office has produced and published several informative brochures designed to better educate Nevada's citizens about the voter registration process, the significance of every single vote, and about the requirements of HAVA. The agency's website (http://secretaryofstate.biz) contains a wealth of information useful to individuals and groups seeking to advance voter participation and citizen knowledge of the elections process.

The Secretary of State's office issues many media advisories and news releases throughout the year specifically designed to inform prospective voters about the elections process, along with conducting public forums relating to statewide ballot questions, and recording public service announcements regarding voting equipment and other related issues.

The 2003 Legislature moved the Advisory Committee on Participatory Democracy (ACPD) under the auspices of the Secretary of State's office, and established the goals of 75 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008. The 10-member ACPD was appointed by the Secretary and began the ambitious task of improving voter participation in Nevada with its inaugural meeting on March 31, 2004. The ACPD has plans to create an informational website and to work with existing groups, organizations, and individuals to foster and nurture greater voter participation.

One such undertaking is the *Easy Voter Project*, a non-partisan, bi-lingual voter education website and booklet that will help many Nevada citizens better comprehend the voting process. The *Easy Voter Project* has proven to be a successful program, which has been in place in California since 1994. According to a 1996 survey, adult school and community college student voter turnout in California increased to more than 70 percent among students who were exposed to the *Easy Voter Project*. The project publishes an informative *Easy Voter Guide* and maintains a website that provides information on political parties, candidates and ballots measures, along with easy-to-follow instructions on how to register and vote.

Another voter outreach project the Secretary of State's office has been working closely with is the *New Voters Project*. Sponsored by the Pew Charitable Trusts and with strong bi-partisan support from a number of civic organizations, the *New Voters Project* is a non-partisan effort that is using a strategy that encompasses the recruitment of 18-24 year olds on college campuses, during large public events, partnerships with local businesses and door-to-door canvassing. Nevada is fortunate to have been selected as one of six target states—Colorado, Iowa, New Mexico, Oregon and Wisconsin being the other five—in which the *New Voters Project* is focusing its attention.

There are several other voter education and outreach projects the agency has partnered with, including *National Student/Parent Mock Election* and *Smackdown Your Vote.*

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. This process was incorporated as part of the contract with the vendor for the new statewide voting system. Implementation of election official and poll worker training plans is a significant focus of the contract. All poll workers will be required to adhere to 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, explain 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 at the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted.

Existing Nevada law now mirrors the voting system guidelines and processes set forth in HAVA. 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 by the FEC. The Secretary of State will create new guidelines and processes as necessary to ensure all voting systems in the State continue to remain 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 State created a special election fund in the state treasury that provides the Secretary of State with the authority to deposit into this fund all federal HAVA dollars and state matching fund appropriations This fund is fully compliant with Section 254(b) of HAVA. The Secretary of State is working with the State's Budget Division and the State Controller's office to implement 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

(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.

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 2003. While less than one-third of that sum was actually appropriated for FY 2003, Congress made up the difference in funding and provided full funding in FY 04. To date, FY 2005 funding is unknown, and the President is only recommending $40 million for FY 05, rather than the $600 million that is authorized by HAVA. Based on the foregoing, the State has created its HAVA budget assuming the following levels of funding:

Federal Fiscal Year	Federal Appropriations	Nevada's Share	5% Match
Title I Early Payments	$650 million	$5 million	n/a
2003	$833 million	$5.7 million	$304,313
2004	$1.5 billion	$10.3 million	$546,062
2005	$40 million	$265,000	$15,000
Total	$3.02 billion	$21.2 million	$865,375

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. The State's budget through FY 2005 follows, based on our best estimates of the costs of such activities and the amount of funding as discussed herein:

Title III Requirements:

Voting System Purchases/Upgrades:
--$9.27 million to replace all punch card and optical scan voting systems in the State with new DRE touch screen systems that include voter verifiable paper audit trail printers, and to provide for optical scan absentee systems and tabulation compatibility.
--$4 to $6 million to provide additional touch screen systems for Clark County and to retrofit current systems with voter verifiable paper audit trail printers.
--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.

Other Activities:

Ongoing assessment of polling place accessibility and ADA compliance:
--Amount to be determined based upon adequate funding.

Voter education and outreach activities:
--$38,000 for *Easy Voter Project.*
--Additional funding to be determined based on adequate funding.

Election official and poll worker training initiatives:
--Amount to be determined based upon adequate funding.

Additional technology and elections personnel in the office of the Secretary of State:
--Amount 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 Elections Division increased in FYs 2001, 2002, 2003 and 2004 and are anticipated to increase in FYs 05 and 06.

The Secretary of State's proposed budget for FYs 2005 and 2006 requests funding for the Elections Division of approximately $294,000 in FY 2005 and $307,000 in FY 06. 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 FYs 2005 and 2006 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 achieving 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 following 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:

Element	State/County Official	Timetable
Voting Systems	State Elections Deputy County Election Official	By September 2004
Voter Registration	State Elections Deputy County Election Official	By January 1, 2006
Provisional Voting	State Elections Deputy County Election Official	By January 1, 2004
Additional Personnel	State Elections Deputy	By January 1, 2006
Polling Place Accessibility	State Elections Deputy County Election Official	Ongoing
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	Adopted/Ongoing

Performance Measures

The State will use the following criteria to measure performance:
--voter turnout statistics
--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 received versus complaints resolved
--ADA compliance

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 requirements[8]. The Secretary of State adopted regulations to place these procedures into the State Administrative Code prior to submission of the FY 03-04 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 anticipated 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 alternative 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 million in Title I payments. The State has expended a portion of these funds for the voting system upgrades described in this State Plan. In addition, the State has expended these funds for ancillary devices, equipment and services associated with the voting systems contract and for travel and training activities necessary for implementing the new voting systems and the statewide voter registration system. Finally, the State has contracted to expend a portion of these funds for voter outreach activities, including involvement in the *Easy Voter Project* described in this plan. The effect 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 additional uses 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; 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 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

[8] See Appendix B for copy of Administrative Complaint Procedure.

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, or a designee, 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 advisable.

12. Changes to the State Plan from the Previous Fiscal Year

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.

Due to the delayed formation of the EAC, the State's FY 03-04 State Plan's publication in the *Federal Register* was not completed until May 2004. Because of this holdup in publication, the State did not fully implement all of its FY 2003-04 plan. This FY 2004-05 State Plan incorporates the same basic theme as the FY 03-04 plan, and generally reports upon the procedures implemented by the State in carrying out the previous plan, such as upgrades to voting systems throughout the State and specific voter education and outreach efforts undertaken by the State. The other key changes between the last plan and this plan center around federal funding changes and maintenance of efforts updates..

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 thirteen (13) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[9]. The Secretary of State selected the committee membership and either he or his Chief Deputy acted as Chairman for each meeting held.

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

John Bliss, Esq., Chief Privacy Officer, SRD (Appointee of Senate Majority Leader, William Raggio
LaVonne Brooks, Executive Director, High Sierra Industries
Dan Burk, Washoe County Registrar of Voters
Jan Gilbert, Northern Nevada Coordinator for Progressive Leadership Alliance of Nevada (PLAN)
Dean Heller, Secretary of State
Linda Law, Policy Analyst & Legislative Liaison for the Governor (Appointee of Governor Kenny Guinn)

[9] See Appendix C for Advisory Committee biographies and party affiliation.

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, Henderson City Clerk
Vicky Thimmesch Oldenburg, Senior Deputy Attorney General (Appointee of Attorney General Brian Sandoval)
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
Lindy Johnson, Committee Secretary, Administrative Assistant in the office of the Secretary of State

To develop this FY 04-05 State Plan, the State Advisory Committee met on May 27th and again on July 30, 2004[10]. The Committee began working from a proposed draft plan submitted by the Secretary of State that incorporated updates to the FY 2003-04 Plan and reported on the progress of implementation. Committee meetings were publicly held and noticed in accordance with Nevada's Open Meeting Law[11].

The FY 04-05 State Plan was made available for public inspection and comment for a 32-day period prior to submission of the plan to the Committee. The Secretary of State published the draft plan and notice of the comment period on June 7, 2004, in his offices, on his website, in the Nevada State Library, at all main county libraries throughout the State, all city and county clerk's offices throughout the State, and at various other public agencies throughout the State. The notice made it clear that the Secretary of State would accept public comment in the form of e-mails, letters, faxes, etc. until July 9, 2004. However, no public input was received during the comment period. Accordingly, the Committee adopted the final version of the draft plan at its meeting on July 30, 2004.

[10] See Appendix D for corresponding meeting agendas.
[11] Chapter 241 of the Nevada Revised Statutes.

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 76 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 WINEDS 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 600 (PC/BT) Year Purchased: Last Modified:	COUNTY MAINFRAME AS-400	ADS

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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: Last Modified:	IBM AS-400 with ADS software	DIAL ROSETTA
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 PRECINCT BALLOT COUNTER (PBC) MODEL 4 Year Purchased: 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 600 (PC/BT) Year Purchased: 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

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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: 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	DOCUMENTATION COUNTER BRC/m3001 Year Purchased:	IBM AS400 with ADS software	NONE

ADOPTED REGULATION OF THE

SECRETARY OF STATE

LCB File No. R077-03

Effective December 4, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-14, NRS 293.124.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *"Complainant" means a person who files a complaint with the Secretary of State pursuant to section 5 of this regulation.*

Sec. 4. *"Respondent" means a state or local election official against whom a complaint is filed pursuant to section 5 of this regulation.*

Sec. 5. *1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.*

2. A complaint filed pursuant to subsection 1 must:

(a) Be in writing, notarized and signed and sworn by the complainant. If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 42 U.S.C. §§ 15481 to 15502, inclusive.

(c) Be filed in the Office of the Secretary of State in Carson City:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur, whichever is later.

3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint was filed..

Sec. 6. *1. The Secretary of State or his designee will review each complaint filed pursuant to section 5 of this regulation to determine whether the complaint:*

(a) States a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, and

(b) Complies with the requirements of section 5 of this regulation.

2. If a complaint fails to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, or does not comply with the requirements of section 5 of this regulation, the complaint will be dismissed without further action and notice of the dismissal will be provided to the complainant.

3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph (c) of subsection (2) of section 5 of this regulation.

4. A complainant whose complaint has been dismissed for failure to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, may refile the complaint only one time.

Sec. 7. *1. The Secretary of State may consolidate complaints filed pursuant to section 5 of this regulation if the complaints relate to the same action or event or raise a common question of law or fact.*

2. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.

3. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to section 5 of this regulation.

Sec. 8. *1. A complainant may request in a complaint filed pursuant to section 5 of this regulation that the Secretary of State hold a hearing on the complaint.*

2. If a complainant requests a hearing pursuant to subsection 1, the Secretary of State or his designee will conduct a hearing on a complaint, unless the complaint is dismissed pursuant to section 6 of this regulation. The hearing will be held not sooner than 10 days but not later than 30 days after a request for a hearing has been made pursuant to subsection 1.

3. The Secretary of State will provide notice of the date, time and place of the hearing at least 10 business days before the hearing:

(a) By mailing a copy of the notice to the complainant, each respondent and any interested person who has requested in writing to be advised of the hearing;

(b) By posting a copy of the notice in a prominent place at the Office of the Secretary of State that is available to the general public; and

(c) By posting a copy of the notice on the website of the Secretary of State.

4. A hearing held pursuant to this section is not a contested case for the purposes of chapter 233B of NRS.

Sec. 9. *1. The Secretary of State or his designee will act as the hearing officer for a hearing held pursuant to section 8 of this regulation. If the complaint alleges a violation by the Secretary of State, an independent professionally qualified person will be appointed to act as the hearing officer.*

2. The complainant, any respondent and any interested member of the public may appear at the hearing, in person or by teleconference, and testify or present relevant evidence in connection with the complaint. All testimony to be considered in the hearing will be taken under oath. The hearing officer may limit the testimony of witnesses, if necessary, to ensure that all interested persons may present their views. The hearing officer may recess the hearing and reconvene the hearing at a later date, time and place, which must be announced publicly at the hearing.

3. A complainant, respondent or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

4. Cross-examination will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is

entitled to be heard again only at the discretion of the hearing officer, who may authorize the person to provide an oral or written response, or both.

5. The hearing will be recorded on audiotape by and at the expense of the Office of the Secretary of State. The recording will not be transcribed but the Secretary of State, a local board of elections or any party to the hearing may obtain a transcript of the hearing at its own expense. If a board or party obtains a transcript of a hearing, the board or party shall file a copy of the transcript as part of the record and any other interested party may examine the copy of the transcript on record.

6. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the conclusion of the hearing. The party shall serve a copy of any such written brief or memorandum on all other parties not later than the time the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

7. At the conclusion of the hearing and after any brief or memorandum has been filed pursuant to subsection 6, the hearing officer will determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur.

Sec. 10. *If a complainant has not requested a hearing on a complaint filed pursuant to section 5 of this regulation, the Secretary of State or his designee will review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to*

occur. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as his designee pursuant to this section.

Sec. 11. *1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to section 9 of this regulation or reviewing a complaint pursuant to section 10 of this regulation, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur, the Secretary of State or his designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.*

2. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to section 9 of this regulation or reviewing a complaint pursuant to section 10 of this regulation, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or his designee will dismiss the complaint.

3. The Secretary of State or his designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in section 12 of this regulation, a final determination of the Secretary of State or his designee on a complaint will be issued within 90 days after the

complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

Sec. 12. *1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to section 5 of this regulation within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State will, on or before the fifth business day after the final determination was due to be issued, initiate alternate dispute resolution procedures by:*

(a) Retaining an independent professionally qualified person to act as the arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment.

(b) Designating in writing to the complainant the name of an arbitrator to serve on an arbitration panel to resolve the complaint. If proceedings for alternative dispute resolution ar initiated pursuant to this paragraph, not later than 3 business days after the complainant receives such a designation from the Secretary of State, the complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Not later than 3 business days after such a designation by the complainant, the two arbitrators so designated shall select a third arbitrator to complete the panel.

APPENDIX C

ADVISORY COMMITTEE BIOGRAPHIES AND PARTY AFFILIATIONS

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Democrat	*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 HIS, 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 and development company specializing in improving performance through computer upgrades.*
Burk, Dan	Registrar of Voters, Washoe County	Nonpartisan	*B.A. in Public Administration, University of Northern Texas (1970). M.A. in History, University 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 (Americans with Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.*
Gilbert, Jan	Northern Nevada Coordinator PLAN	Democrat	*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.*
Guinn, Kenny C.	Governor	Republican	*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.*

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2. The arbitrator or arbitration panel may review the record compiled in connection with he complaint, including, without limitation, the audio recording of the hearing, any transcript of the hearing and any briefs or memoranda submitted by the parties but shall not receive any additional testimony or evidence unless the arbitrator or arbitration panel requests that the parties present additional briefs or memoranda.

3. The arbitrator, or arbitration panel by a majority vote, shall determine the appropriate resolution of the complaint.

4. The arbitrator or arbitration panel shall issue a written resolution of the complaint not later than 60 days after the final determination of the Secretary of State was due pursuant to section 11 of this regulation. This period for issuing a written resolution will not be extended.

5. The final resolution of the arbitrator or arbitration panel will be:

(a) Mailed to the complainant, each respondent and any other person who requested in writing to be advised of the final resolution;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

Sec. 13. *A final determination of the Secretary of State or his designee pursuant to section 9, 10 or 11 of this regulation or the final resolution of an arbitrator or arbitration panel pursuant to section 12 of this regulation is not subject to appeal in any state or federal court.*

Sec. 14. *The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in sections 2 to 14, inclusive, of this regulation.*

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Appointee of Governor: *Linda Law*	Policy Analyst & Legislative Liaison for the Governor	Appointee:	*Linda Law has been involved with the Nevada State Legislature since 1977, including being part of the legislative staff for three sessions, serving with the Legislative Counsel Bureau, Research Division for seven years; and lobbying various issues during three sessions. Linda owned a small-business and computer consulting service for 10 years, holds a private pilot's license, and formerly held real estate and manufactured housing sales licenses. Linda received a degree in Business and Finance from Western Nevada Community College and has completed additional courses in accounting, statistics, and computer applications.*
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.*
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.*
Appointee of 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.*

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NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
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.*
Appointee of Senator: *John Bliss, Esq.*	Chief Privacy Officer, SRD	Appointee: Republican	***Mr. Bliss has more than 20 years of experience in the legal, legislative and political arenas, much of it in the areas of banking, securities and intellectual property law. Before joining SRD, he was a partner in the Washington, D.C. law firm of Higgins, McGovern & Smith, which specializes in government affairs representation of corporate and trade association clients before international, federal, state and local legislative and regulatory bodies. Concurrently, he was also president and CEO of CDO Solutions, LLC, a consulting firm providing technology-enhanced strategies for protecting brand equity, reducing corporate liability, and cutting losses from counterfeiting, diversion, theft and fraud. Earlier, Mr. Bliss served for five years as president of the International AntiCounterfeiting Coalition, Inc., a 180-member trade association dedicated to combating counterfeiting and piracy of U.S. products worldwide. Mr. Bliss started his professional career as a legislative aide to U.S. Senator Arlen Specter (R-PA), and later served as minority chief counsel for the United States Senate Judiciary Committee's Subcommittees on The Constitution, Technology and the Law, and Juvenile Justice. During the same period, he was also chief counsel to Senator Hank Brown (R-CO) and Senate minority staff director for the Congressional Biotechnology Caucus. John Bliss earned a bachelor's degree in history at the University of California, San Diego, and his J.D. at Georgetown University Law Center in Washington, D.C.***
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. He was sworn in as Nevada's Attorney General on January 6, 2003.*

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HELP AMERICA VOTE ACT
Advisory Committee

Thursday, May 27, 2004 10:30 a.m.

Legislative Building
401 South Carson Street
Carson City, NV
Room 2134

Grant Sawyer Building (via video-conference)
555 East Washington Street
Las Vegas, NV
Room 4406

I. **Introduction and Welcome**
Dean Heller, Secretary of State
Renee Parker, Chief Deputy Secretary of State

II. **Update on Status of HAVA Compliance and State/ Federal Funding Issues**
A. Committee Discussion

III. **Review and Approve Proposed HAVA State Plan as Revised for FY 04**
A. Committee Discussion/Proposed Amendments
B. Committee Recommendation re: revisions to FY 04 HAVA State Plan
- **Action to be taken.**

IV. **Comments of Committee Members**

V. **Public Comment**

VI. **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://secretaryofstate.biz

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 U G 2 0 0 4

Appointee of Attorney General Vicky Thimmesch Oldenburg, Esq.	Senior Deputy Attorney General	Appointee: Nonpartisan	*Vicky joined Brian Sandoval's administration in 2004. She previously served as the Senior Legal & Policy Analyst to Governor Kenny Guinn since April 2001. She earned her J.D. degree and* ***Certificate in Environmental and Natural Resources Law from 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 was the Governor's liaison to the Nevada Department of Conservation and Natural Resources, and the Nevada Department of Business & Industry.***

NAME	TITLE - ORGANIZATION	BIOGRAPHY
Siegel, Dr. Richard	President, ACLU of Nevada	*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.*
Simmons, Monica	City Clerk, City of Henderson	*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.*

AGENDA

HELP AMERICA VOTE ACT
Advisory Committee

Date: **Friday, July 30, 2004**
Time: **9:00 a.m.**
Location: **Via Telephone Conference**
In person attendance at:
Secretary of State's Office
101 N. Carson Street, Suite 3
Carson City, NV 89701

I. Introduction and Welcome
Ronda Moore, Deputy Secretary for Elections

II. Review and Approve Minutes of May 27, 2004 HAVA Advisory Committee Meeting
Discussion/Action to Approve Minutes
- **Action to be taken.**

III. Review and Approve FY 04 – 05 HAVA State Plan
A. Consideration of Public Comments Received
B. Discussion/Action to Adopt HAVA State Plan for federal FY 04-05
- **Action to be taken.**

IV. Comments of Committee Members

V. Public Comment

VI. 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://secretaryofstate.biz

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.

Commonwealth of Pennsylvania

State Plan

AS AMENDED

As Required by Public Law 107-252,
The Help America Vote Act of 2002

August 13, 2004

Edward G. Rendell, Governor

Pedro A. Cortés, Secretary of the Commonwealth

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
302 North Office Building
Harrisburg, PA 17120

PEDRO A. CORTÉS
Secretary of the Commonwealth

Telephone: (717) 787-6727
Fax: (717) 787-1734
Website: www.dos.state.pa.us

August 13, 2004

Dear Members of the Commission:

In accordance with section 255 of the Help America Vote Act of 2002 (HAVA), I am pleased to file with the Election Assistance Commission (EAC), for publication in the *Federal Register*, this letter and the following new pages that will comprise Elements 6, 10 and 12 of the State Plan of Commonwealth of Pennsylvania for the 2005 Fiscal Year. These new pages, together with non-substantive changes that we have made, will constitute the Commonwealth of Pennsylvania's HAVA State Plan for Fiscal Year 2005.

As required by section 254(a)(12) of HAVA, Element 12, as amended, describes the material changes that Pennsylvania has made to the State Plan filed in 2003. Specifically, Element 12 contains descriptions of the amended versions of Elements 6 and 10 and lists the progress that the Commonwealth has made with regard to the State Plan that the Commonwealth filed with the Federal Election Commission on July 31, 2003.

Please note that non-material changes to the Pennsylvania State Plan can be found throughout every element of the Pennsylvania State Plan. After consulting with EAC staff, the Commonwealth has elected not to include those changes for publication in the *Federal Register* as unnecessary under HAVA. Instead, we would direct the EAC and members of the public to the Pennsylvania Department of State's HAVA website (www.hava.state.pa.us) to view and copy the complete Pennsylvania State Plan as the Commonwealth has amended it.

The 2004 Amendments to the State Plan of Commonwealth of Pennsylvania were developed in accordance with section 255 of HAVA and the requirements for public notice and comment prescribed by section 256 of HAVA.

On behalf of the Commonwealth of Pennsylvania, I thank the Commission for its assistance. I look forward to our continued collaboration to improve the administration of elections in Pennsylvania.

Very truly yours,

Pedro A. Cortés

Pedro A. Cortés

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))

2004 -- All previous information contained in this Chapter is deleted and superceded by the following:

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 State Plan presumes full funding according to the timetable contained in section 257(a) of HAVA. While Congress has funded the program for Federal Fiscal Year (FFY) 2003 and 2004 at a level authorized by HAVA, it is not clear whether they will do so for FFY 2005. 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 according to 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 $34,240,120.00. In addition, Pennsylvania has received funds from the EAC known as Title II requirements payments in the amount of $100,578,829.00. The Commonwealth received $35,992,863.00 in Title II requirements payments for FFY 2003, and $64,585,966.00 for FFY 2004. If fully funded for FFY 2005, Pennsylvania should receive approximately an additional $25,000,000.00. With the estimated FFY 2005 payment, Pennsylvania's total estimated Title II receipts will be $125,578,000.00. This estimate is approximately $3,000,000.00 less than originally predicted by the Congressional Research Service.

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 actual and projected Federal funds and is estimated to be $8,445,606.00 – well under the amount already appropriated by the Commonwealth.

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%.

Section 101 Funds: Section 101 funds will be split between the counties and the Commonwealth. Twenty-six percent (26%) will be distributed to the counties and 74% for the State government. See Element 10 for more information.

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: $22,916,952.00.

Title II Funds: Of the Federal funds received as requirements payments under Title II of HAVA, 70.8% would be set aside for the counties; and 29.2% would be reserved for the Commonwealth government.

County Grant Funds: Title II monies will be distributed via county grants and will be targeted for three major functions: (1) polling place accessibility; (2) voting system procurement; and (3) other Title III requirements.

Funds for polling place accessibility will be distributed on an as needed basis upon application by a county.

Regarding voting system procurement, the Commonwealth has structured its funding programs to encourage county authorities to purchase the same type of a single HAVA compliant precinct count electronic voting system that can be used by all voters, including individuals with disabilities. The Commonwealth will make Title II Federal funds available to counties that purchase a single HAVA compliant precinct count electronic voting system, and will provide up to 100% of the cost of purchasing such systems, but no more than $8,000.00 per precinct. This reimbursement also applies to counties that have incurred costs on or after January 1, 2001, to replace punch card or lever voting systems in qualifying precincts. If a county purchasing the HAVA compliant system has received or will receive Title I funds provided by section 102 of HAVA, the amount of the Title II reimbursement for voting system purchases would be reduced by the dollar amount received under section 102. Counties that purchase a single HAVA compliant precinct count electronic voting system may use up to 10% of the total dollars received for voting system procurement for other Title III requirements provided that all such expenditures must be substantiated. Counties that choose not to purchase a single HAVA compliant precinct count electronic voting system would receive up to 50% of the cost of purchasing a new voting system, but not more than $4,000.00 per precinct. If a county does not purchase the system for individuals with disabilities as it does for all voters, and 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 encourages the procurement of a single HAVA complaint precinct count

electronic voting system for all voters because it would be the most efficient use of Federal, State and local funds.

To assist those six counties that were using DREs in the November 2000 General Election (Dauphin, Berks, Greene, Beaver, Montgomery, and Potter) in upgrading their DREs to comply with the requirements of HAVA, the Commonwealth will provide 100% reimbursement for such upgrades but no more than $3,000.00 per precinct 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. Although Mercer and Philadelphia Counties qualify for reimbursement under section 102 of HAVA, they will be eligible to receive Federal funds in the amount specified for other DRE counties for upgrading their current DRE systems to meet HAVA standards. All money not used by the counties for the procurement of voting systems will be combined with the funds to be used for other Title III requirements and distributed accordingly. See Element I for additional information on voting systems.

The remaining portion of the county Title II monies appropriated for FFY 2003 and FFY 2004 will be apportioned to each county based on the counties proportion of the Commonwealth's voting age population provided that no county will receive less than $20,000. Counties whose proportionate share would fall under the minimum would not qualify for additional funds under Title II for funds already appropriated to the Commonwealth but will qualify for additional Title II dollars further appropriated by Congress using the voting age population formula. This portion of the funds can be used to fulfill Title III requirements, including the purchase of voting systems, voter education, poll worker training, and polling place accessibility.

The available funds for voting system procurement and other Title III requirements will be distributed to counties based on the filing of a County Plan and Agreement.

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 voter registration database, voter education programs, poll-worker training and administrative expenses.

The chart on page 43 lists activities and costs of HAVA to be implemented in Pennsylvania using Title II monies for each activity outlined in this plan. The data provided in the chart reflects Federal dollars actually received as of the date of this State Plan update.

A. ACTIVITY	B. ALLOTMENTS OF DOLLARS APPROPRIATED 2003/2004	C. PER CENT OF TITLE II DOLLARS	D. PURPOSE
COUNTY			
County Grant Fund: Voting Systems	$53,179,205.94	N/A 52.87%	For the purchase of new voting equipment.
Polling Place Accessibility	$2,344,140.00	2.33%	To bring polling places standards up to meet the Federal law.
County Grant Fund for Other Title II Requirements	$15,720,414.06	15.63%	To be used for Title III requirements of HAVA in compliance thereof.
COMMONWEALTH			
Voter Registration Database	$13,127,185.00	13.05%	Development of statewide voter registration list
Voter Education/Voter Outreach	$5,339,207.00	5.31%	To educate voters re: election procedure, increase voter participation, and make available additional voter registration applications
Poll Worker Training	$1,953,450.00	1.94%	To train all poll workers in the uniform procedures to be used at the polling places on Election Day.
Election Officer Training	$ 312,552.00	.31%	Train State and county officials in all Federal and State procedures related to elections
Alternative Language Accessibility	$2,734,830.00	2.72%	To make election materials and information available to jurisdictions having alternative language minorities
Administrative Expenses/Implementation Costs	$3,125,520.00	3.11%	For Commonwealth personnel to administer HAVA and other costs for implementation
Provisional Voter Hotline/Website	$ 195,345.00	.19%	To establish the HAVA required Website and toll free line
Miscellaneous/State Plan Expenses	$ 2,546,979.00	2.53%	For grants to independent groups ($500,000); unforeseen costs in implementing HAVA; and development of the State Plan

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.

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)).

2004 -- All previous information contained in this Chapter is deleted and superceded by the following:

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.

Pennsylvania received $34,240,120.00 in Title I funding -- $11,323,168.00 under to Section 101 and $22,916,952.00 under section 102. Because no voting systems have yet been deemed to be HAVA compliant in Pennsylvania, there have been no dollars distributed to the counties under section 102. However, using section 101 dollars, Pennsylvania continues to make progress in implementing other HAVA requirements, including voter education, polling place accessibility, alternative language accessibility, provisional balloting, voter identification, and the statewide voter registration database. In particular, Pennsylvania has made progress in implementing a statewide voter registration database known as the Statewide Uniform Registry of Electors, or SURE. To date, 56 of 67 counties have been connected to the SURE system.

The chart below represents the expenditures made from Section 101 funds as of the close of State Fiscal Year 2003-2004.

Section 101 Funding	**Actual Expenditures**
Polling Place Accessibility	$ 0.00
County Grant Fund	$ 0.00
Statewide Voter Registration Database	$6,349,679.09
Voter Education	$ 39,706.44
Poll worker Training	$ 0.00
County Election Official Training	$ 5,049.00
Alternative Language Assistance	$ 0.00
Provisional Voter Hotline/Website	$ 0.00
Administrative Expenses/Complaint Line	$ 335,882.47
Miscellaneous/State Plan Expenses	$ 94,207.65
TOTAL:	$6,824,524.65

There is $4,498,643.35 remaining in section 101 funds, $3,000,000.00 of which is earmarked for counties. Of this, $1,000,000.00 is earmarked for Polling Place Accessibility and $2,000,000.00 is to be made available to the County Grant Fund. The balance of the section 101 money will be used to fund the requirements of Title II as indicated in the State Plan filed August 1, 2003 and advertised in the *Federal Register* on March 24, 2004.

The chart of expenditures appearing above differs somewhat from allotments contained on page 37 of the State Plan filed on August 1, 2003. The original allotments were established using Section 101 funds in order to provide State and county governments the means to begin implementing HAVA. It was planned that Title II funding would be used to increase the amount of dollars available to meet Title III requirements. However, when Title II dollars were not forthcoming in a timely manner, commitments came due and had to be paid from existing Federal dollars (Section 101 funds). The fact that more dollars were spent for a requirement than originally allotted will not affect the total dollars that the State Plan originally allocated for each requirement from both Section 101 and Title II funds, except for reductions caused by reduced Title II appropriations compared to what was projected.

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)).

2004 -- All previous information contained in this Chapter is deleted and superceded by the following:

Though the State Plan was not advertised in the *Federal Register* until March 24, 2004, the Department of State has used it as the blueprint for HAVA implementation since it was originally filed with the FEC on August 1, 2003. What follows describes the Commonwealth's progress made since the adoption of the Pennsylvania State Plan in 2003, and describes three material changes to the Commonwealth's plans regarding the implementation of HAVA. Other non-material changes include grammatical corrections and verb tense modifications and a minor edit included in Element 2 to clarify that a county should list their contribution on their county agreement and that no match is required.

Prior to releasing a full and complete version of the State Plan containing the 2004 amendments, the Department held an advertised public hearing on Friday, July 16, 2004 in Harrisburg. Lynette A. Foreman and representatives of Project Vote, the League of Women Voters of Pennsylvania, the Development Disabilities Council, and Arc of Pennsylvania testified at the hearing to offer feedback and recommendations about the Commonwealth's progress to date, the Commonwealth's planned actions, or proposed amendments to the State Plan.

Non-material changes are not described in this chapter since HAVA requires a State to notify the EAC about only material changes. All revised language, however, will be included in future versions of this State Plan.

This chapter was drafted by the Pennsylvania Department of State's HAVA staff. The amended language of this chapter will be sent to the EAC as an update required by section 254(a)(12) of HAVA.

The three material changes to the State Plan are:

1. The funding formula as it related to the disbursement and use of Federal funding received under Title I and Title II of HAVA has been clarified. The new information can be found in State Plan Element 6 and State Plan Element 10.

2. The recommendation for reimbursement of county boards of elections for the replacement or upgrade procurement of voting systems. This information can be found in State Plan Element 6.

3. Updates of the Commonwealth's actions and progress over the past year can be found in most State Plan Elements listed as "Commonwealth's Progress." These sections include information about programs and projects that are currently being implemented or planned in relation to Special Elections, the April 27, 2004 General Primary or the November 2, 2004 General Election. These updates are listed below in the order they appear in the amended State Plan.

Commonwealth's Progress:

Pennsylvania's Voting Systems and Actions Planned by the Commonwealth to Comply with Section 301 of HAVA:

- The Commonwealth requested a waiver authorized by section 102(a)(3)(B) of HAVA[121] to postpone replacement of lever machines and punch card systems. The waiver request was sent to the U.S. General Services Administration in December of 2003, and the General Services Administration approved the Department's request by letter dated February 25, 2004. The effect of the waiver is to postpone the required replacement of the voting systems no later than the Federal elections held after January 1, 2006, instead of by January 1, 2004. The waiver was necessary because the Commonwealth has been waiting for a determination by the EAC or other authority regarding the requirements for 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 did not believe that it would be physically possible or prudent for counties to procure new voting systems for over 9,000 precincts, train elections officials to operate them and expect voters to use them properly at the November 2, 2004 General Election.

Accessibility of Voting Systems for Electors with Disabilities:

- In an effort to improve polling place accessibility, the Secretary of the Commonwealth formed the Polling Place Accessibility Advisory Group composed of advocacy groups for individuals with disabilities and various county representatives to review and revise the Commonwealth's accessibility guidelines and develop procedures to assist counties in increasing the number of accessible polling places in each county. Please see http:www.hava.state.pa.us for Pennsylvania's guidelines for polling place accessibility.

- The Commonwealth asked 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 Voter Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee, *et seq.*). When it became available, the Department provided the ADA Checklist for Polling Places issued by the U.S. Department of Justice's Civil Rights Division to the counties. The Department is currently reviewing the surveys. Upon the completion of the survey review, the Commonwealth plans to make Federal funds (specifically funds provided by the Department of Health and Human Services under Title II of HAVA) available to counties to increase the accessibility of polling places.

Alternative Language Accessibility:

- In an effort to improve alternative language accessibility, the Secretary of the Commonwealth formed the Alternative Language Accessibility Advisory Group composed of advocacy groups for individuals who speak alternative languages as a primary language and various county representatives to review the status of alternative language accessibility across the Commonwealth and provide information and advice on increasing the number of polling places accessible to individuals who speak alternative languages as a primary language. To date, the Advisory Group has met four times and has approved various voter education initiatives including development of the PA Votes! website.

- All materials designed for use by voters regarding HAVA Title III Complaints, provisional voting and voter identification have been translated into Spanish and provided to the 67 county boards of elections.

- The Alternative Language Accessibility Advisory Group held combined meetings with the Voter Education Advisory Group to discuss methods to educate alternative language communities about the new election-related requirements and the electoral process in general.

- The Department procured maps of each county detailing U.S. Census Bureau data in order to assist the Department's identification of counties with significant Spanish-speaking populations for the purpose of coordinating State and county efforts to produce and properly distribute bilingual election-related materials including ballots.

Provisional Voting in Pennsylvania:

- 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, prescribed the format of the provisional ballot for all voting systems and prescribed the procedures to be followed in processing and tabulating such ballots. The procedures adopted by the Secretary of the Commonwealth include a required notice containing instructions on how to cast a provisional ballot. Instructions must be posted in accordance with the applicable provisions of HAVA.

- During the April 27, 2004 General Primary, 2,480 provisional ballots were cast in Pennsylvania. Of those, 37% of the provisional ballots were counted, 33% were partially counted, and 30% were not counted for various reasons.

- All materials provided to individuals who vote by provisional ballot have been provided to the county boards of elections in English and Spanish in a format that allows both languages to appear on the same form.

- The Commonwealth continues to explore methods to provide voter registration mail applications to individuals who vote by provisional ballot in order to allow those

individuals to update their voter registration status, if necessary. Due to the amount of information required to be placed on provisional voting materials by legislative mandate, the Commonwealth was unable to print a voter registration mail application on provisional ballot materials, but it will be providing county boards of elections with the capability to generate a form letter and label automatically for the purpose of mailing a voter registration mail application to provisional voters to invite those individuals to register to vote or to update their voter registrations.

Voting Information Requirements:

- The Commonwealth, through the Department of State and in consultation with county representatives and community stakeholders, prescribed the contents of a bilingual 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, provisional voting information, and information regarding HAVA Title III complaints. The Department worked cooperatively with counties and stakeholders to develop the format of the notice, and to facilitate re-production and posting at each polling place for elections occurring after January 1, 2004. The information contained on the posting was provided to counties in two formats: (1) A format similar to the current cards of instructions and penalties to be printed by the county boards of elections; and (2) a large voter-friendly poster which the Commonwealth plans to provide through the November 2, 2004 General Election. Both formats must to be posted in every polling place for any election held after January 1, 2004.

- The Commonwealth printed 15,000 voter-friendly posters, and provided at least one poster for every election district, and at least one additional poster to be posted in elections districts where county boards of elections provide election-related materials printed in Spanish.

- The Commonwealth reproduced 250,000 copies of the posting described above in flier form and provided them to State legislators, county boards of elections, municipalities, libraries and State agencies that provide voter registration services.

Computerized Statewide Voter Registration List:

- Act No. 2002-3 authorizes the establishment of a central uniform registry that is HAVA compliant. (*See Appendix C.*) However, because SURE could not be fully operational by the date specified by section 303(d)(1)(B) of HAVA – January 1, 2004 – the Commonwealth invoked 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. By the April 27, 2004 General Primary, 56 counties were using the SURE System as their official record of voter registration. Pennsylvania's 11 remaining counties will be fully connected to the SURE System as soon as possible, but no later than the January 1, 2006 deadline imposed by HAVA.

Requirements for Voters Who Register by Mail:

- The Department of State has prescribed the content of two notices 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 worked cooperatively with counties and other stakeholders to develop the format of the notice and facilitate production.

- The Department is also continuing to work with the counties and stakeholders 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 sections 1210(a) or 1210(a.1) of the Election Code.

Voter Education:

- The Commonwealth, through the Department of State and in consultation with county representatives and community stakeholders, prescribed the contents of a bilingual 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, provisional voting information, and information regarding HAVA Title III Complaints. The Department worked cooperatively with counties and other stakeholders to develop the format of the notice, and to facilitate re-production and posting at each polling place for elections occurring after January 1, 2004. The information contained on the posting was provided to counties in two formats: (1) A format similar to the current cards of instructions and penalties to be printed by the county boards of elections; and (2) a large voter-friendly poster that the Commonwealth plans to provide through the November 2, 2004 General Election. Both formats were to be posted in every polling place for any election held after January 1, 2004.

- The Commonwealth printed 15,000 voter-friendly posters and provided at least one poster for every election district, with at least one additional poster to be posted in elections districts where county boards of elections provide election-related materials printed in Spanish for the April 27, 2004 General Primary.

- The Commonwealth reproduced 250,000 copies of the posting described above in the form of a flier and provided them to State legislators, county boards of elections, municipalities, libraries and State agencies who provide voter registration services.

- The Commonwealth launched the *PA Votes!* website on April 12, 2004, at www.pavotes.state.pa.us. *PA Votes!* is geared toward the voting public in general. The website includes information regarding voter registration, county specific voting instructions, Election Day information, alternative language interpretive services, and information regarding HAVA and SURE.

- Department staff recorded radio sound bites in English and Spanish for use as public service announcements to educate listeners about voter identification requirements,

overvotes, provisional voting, and HAVA Title III complaints for the Special Elections held in January and March of 2004 for State legislative offices, as well as for the April 27, 2004 General Primary.

- As part of a combined voter education and voter outreach effort, the Department developed additional public service announcements for print and television media outlets to educate voters and encourage voter participation. PSAs were produced in alternative English and Spanish to further encourage voter participation by citizens whose primary language is not English.

- The Department also developed and produced a new *Pennsylvania Voter Guide,* which provides comprehensive information about registering and voting in Pennsylvania. The *Pennsylvania Voter Guide* was printed in English and Spanish and distributed to the Department, county boards of elections, and state agencies that participate in voter registration.

- As part of the Department's voter outreach program, the Secretary produced additional HAVA compliant voter registration applications and distributed them to all registration agencies, the 67 county registration offices and civic organizations interested in voter registration.

- The Commonwealth provided 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; and it made available alternative language voter education materials to all other jurisdictions irrespective of their coverage under section 203 and to groups that request them.

- The Commonwealth provided voter registration mail applications to all senior high school students graduating from high school during the spring of 2004.

Education for State/County Officers:

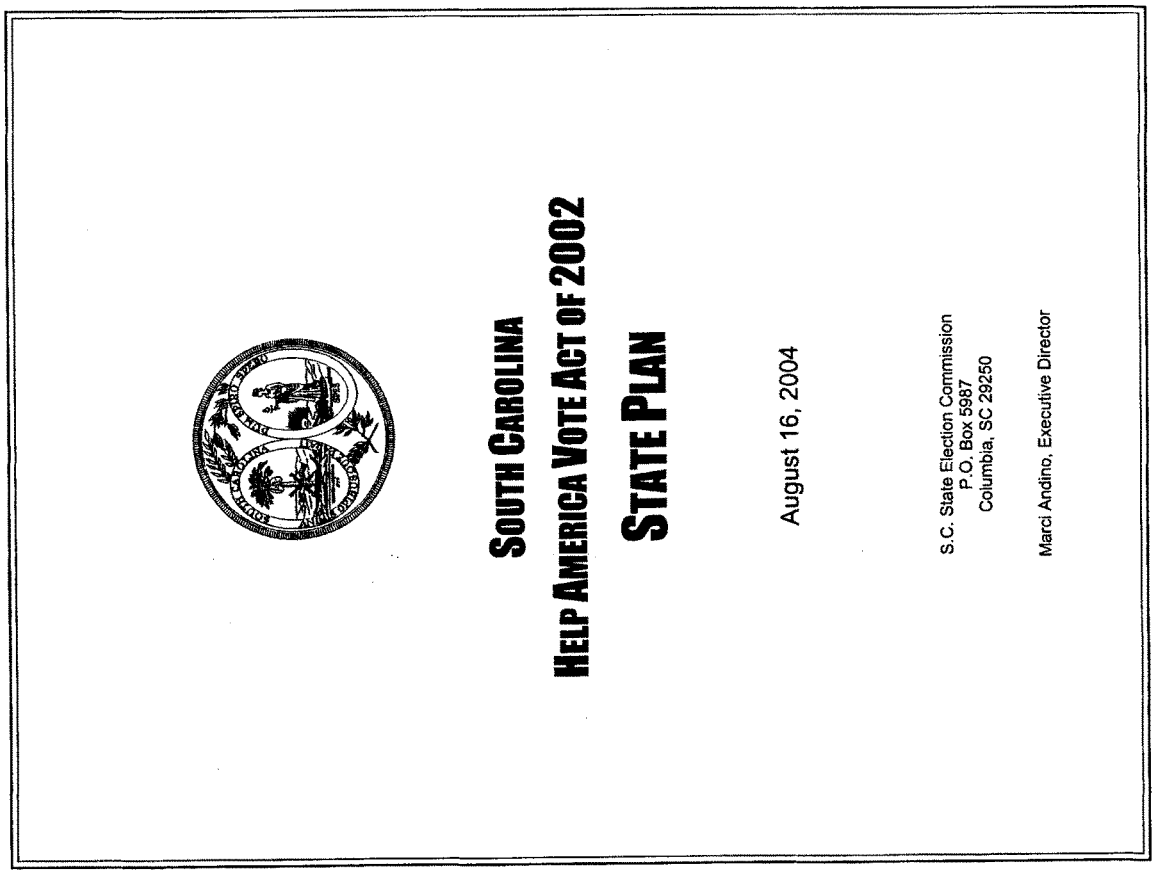
- Department staff attended the Eastern and Western County Election Personnel Associations in February and March of 2004, respectively, to discuss provisional voting, voter identification, HAVA Title III complaints, and poll worker training in preparation for the April 27, 2004 General Primary.

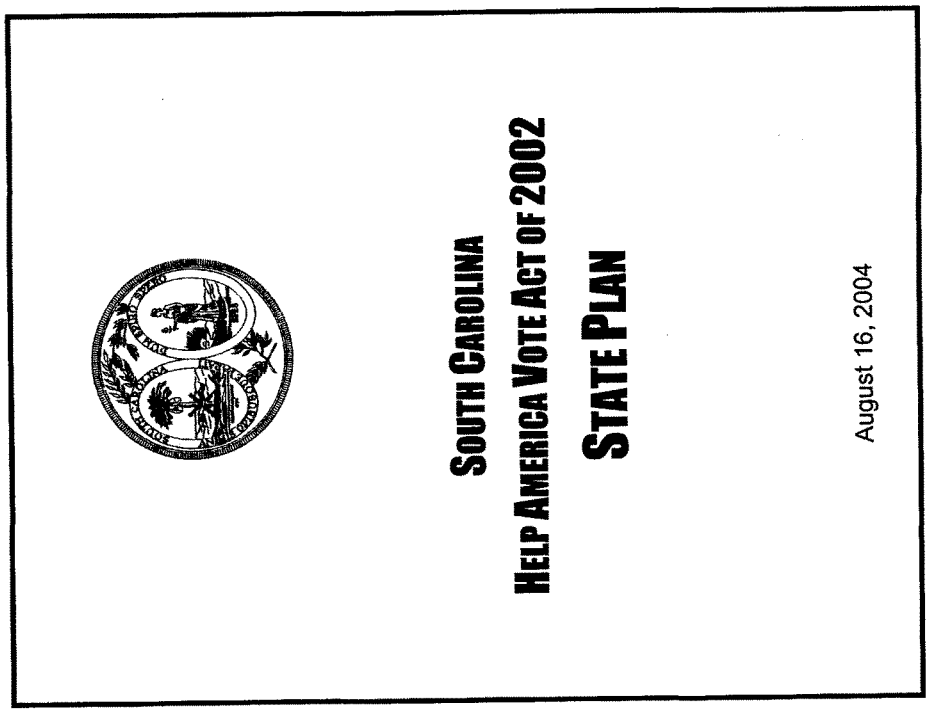
- In addition, the Department conducted county training sessions July 13, 2004 through July 23, 2004 in five regional meetings across Pennsylvania to address the needs of the November 2, 2004 General Election. Representatives from sixty-two of Pennsylvania's sixty-seven counties attended the training sessions.

Education of District Election Officials:

- The Commonwealth, through the Department of State, developed, implemented and conducted an extensive program to educate district election officials (*i.e.*, poll workers)

regarding the changes to Federal and State election laws. All counties were given the opportunity to have Department of State personnel conduct these trainings. Of the 67 counties, 13 requested Department assistance with their district election official training. The Department participated in the training of the 13 counties that requested assistance by providing staff to conduct the training programs. The training involved an extensive Power Point presentation and a printout of the presentation for poll workers to use on Election Day.


SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN
August 16, 2004
S.C. State Election Commission
P.O. Box 5987
Columbia, SC 29250
Marci Andino, Executive Director


SOUTH CAROLINA
HELP AMERICA VOTE ACT OF 2002
STATE PLAN
August 16, 2004

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

August 19, 2004

Mr. Brian Hancock, Election Research Specialist
United States Election Assistance Commission
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

Dear Mr. Hancock:

This letter certifies that, through consultation and coordination with Ms. Marci Andino, Executive Director of the State Election Commission, the attached 2004 South Carolina State Plan is in compliance with the applicable laws and requirements of the Help America Vote Act of 2002.

Sincerely,

Mark Sanford

Attachment

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Executive Summary by the Executive Director

I am pleased to offer the South Carolina 2004 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 and updated by the HAVA State Plan Advisory Team, 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, outlines how South Carolina will meet the new requirements mandated by HAVA, and outlines changes South Carolina has made since release of the 2003 State Plan to bring the State into compliance with 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 two 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

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.

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 HR3295
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 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 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 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 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 out under the plan, including the amount of funds available for	Section 254 (a) (10)

HAVA Component	HAVA Description	Cross-Reference to HAVA HR3295
	such activities.	
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 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 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)

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. The system is currently being re-written using web based technology.

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. Punch card voting systems will be replaced with electronic voting equipment by November 2004.

Election System	County
Danaher Controls 1242 DRE	Allendale, Bamberg, Barnwell, Berkeley, Charleston, Dorchester, Edgefield, Fairfield, Hampton, Horry, Marion, Spartanburg
MicroVote MV-464 DRE	Darlington, Dillon, Marlboro, Richland
MicroVote Infinity DRE	Chester, Colleton, Jasper, Pickens
Unilect Patriot DRE	Georgetown, Lancaster, Newberry
ES&S Votronic DRE	Greenwood
ES&S Optical Scan System	Abbeville, Calhoun, Chesterfield, Clarendon, Laurens, Lee, McCormick, Orangeburg, Saluda, Union, Williamsburg
Diebold Optical Scan	Beaufort
Punch Card	Aiken, Anderson, Cherokee, Florence, Greenville, Kershaw, Lexington, Oconee, Sumter, York

South Carolina Election Systems by County

County	Voting System	Absentee System	# Machines	# Precincts	# Reg. Voters as of April 2003
Abbeville	Optical Scan	Optical Scan	2	15	15,725
Aiken	Punch Card	Optical Scan	462	73	84,777
Allendale	DRE	Optical Scan	15	9	6,586
Anderson	Punch Card	Punch Card	650	76	95,844
Bamberg	DRE	Optical Scan	32	14	10,127
Barnwell	DRE	Paper Ballot	44	16	12,300
Beaufort	Optical Scan	Optical Scan	92	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	196,370
Cherokee	Punch Card	Punch Card	200	34	30,963
Chester	DRE	MicroVote	80	23	20,576
Chesterfield	Optical Scan	Optical Scan	1	30	23,326
Clarendon	Optical Scan	Optical Scan	60	26	20,847
Colleton	DRE	Optical Scan	52	33	21,067
Darlington	DRE	Optical Scan	121	34	39,386
Dillon	DRE	Optical Scan	42	21	19,170
Dorchester	DRE	Optical Scan	152	37	61,267
Edgefield	DRE	MicroVote	32	12	15,211
Fairfield	DRE	Optical Scan	30	23	14,385
Florence	Punch Card	Punch Card	410	64	75,569
Georgetown	DRE	Unilect	156	35	35,724
Greenville	Punch Card	Punch Card	1323	136	233,723

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County	Voting 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	46	15	12,303
Kershaw	Punch Card	Punch Card	230	31	35,603
Lancaster	DRE	Unilect	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	137,923
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	Unilect	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	765	111	200,855
Saluda	Optical Scan	Optical Scan	1	19	11,393
Spartanburg	DRE	Punch Card	245	88	147,860
Sumter	Punch Card	Punch Card	450	53	62,011
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 Voting System Options Considered

The Help America Vote Act of 2002 defines a voting 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.

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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: Meets Requirement	S.C. Status: Meets Requirement Partially	S.C. Status: New Capability to be Implemented	Implementation
(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: Meets Requirement	S.C. Status: Meets Requirement Partially	S.C. Status: New Capability to be Implemented	Implementation
(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: Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	Implementation
(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. If a county in this State chooses not to participate in the statewide uniform electronic voting system, the county will receive funding to purchase 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place by January 1, 2006.
(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. If a county in this State chooses not to participate in the statewide uniform electronic voting system, the county will receive funding to purchase 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place by January 1, 2006.
(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	Yes		Yes	South Carolina currently meets this requirement. While South

Section 301: Voting System Standards	S.C. Status: Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	Implementation
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).				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.
(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 State Certified which includes certification by an Independent Testing Authority (ITA) as having met or exceeded federal voting system standards as required by the S.C. 1976 Code of Laws.
(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 allows the voter to determine whether their vote was counted or, if their vote was not counted, the reason it was not counted. A toll-free telephone number was installed at the State Election Commission for voters to call and determine if their vote was counted and, if their vote was not county, the reason it was not counted. This number is 1-877-726-6846
(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*

Section 302: Provisional Voting and Voting Information Requirements	S.C. Status: Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	Implementation
				of rights.
(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 has been 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: Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	Implementation
(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 1968. 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: Meets Requirement	S.C. Status: Meets Requirement Partially	S.C. Status: New Capability to be Implemented	Implementation
(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: Meets Requirement	S.C. Status: Meets Requirement Partially	S.C. Status: New Capability to be Implemented	Implementation
(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 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	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	
(iii) 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 (ii) 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.

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(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			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.
(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)).				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 –				South Carolina requires the full social security number by State law.
(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.

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(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 currently meets this requirement.
(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 –				
(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	Yes			South Carolina currently meets this requirement. SC provides provisional ballots at each precinct.

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	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
section 302(a).				
(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			South Carolina currently meets this requirement.
(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			South Carolina currently meets this requirement.
(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.
(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	Yes			South Carolina currently meets this requirement.

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	Meets Requirement	Meets Requirement Partially	New Capability to be Implemented	
(C) who is –				
(I) entitled to vote by absentee ballot under the Uniformed and Oversea Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);	Yes			South Carolina tracks 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 tracks this exemption on applicant's electronic record.
(iii) entitled to vote otherwise than in person under any other Federal law.	Yes			South Carolina tracks 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 appears on 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 appears on 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 statememt appears on 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 requirements upon voting for the first time.	Yes			This statememt appears on 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.

  Counties who used vote recorders during November 2000 and have since replaced them with HAVA Section 301 compliant electronic voting systems are eligible for reimbursement[1] of the voting system costs if:

  1. The county adopts the statewide voting system and,
  2. Excess funds designated for the implementation of a statewide voting system are available after implementation of all phases referenced in section 6. *Proposed State Budget*

- If a county in this State chooses not to participate in the statewide uniform electronic voting system, the county will receive funding to purchase 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place by January 1, 2006.

[1] Reimbursement will be made following the county's resale of previously purchased voting machines. The State will reimburse the difference between the original purchase price and the fair market value received upon sale of voting machines. This reimbursement will not exceed 50% of the original purchase price of the machines.

Section 303: Computerized Statewide Voter Registration List and Voters Who Register by Mail	S.C. Status: Meets Requirement	S.C. Status: Meets Requirement Partially	S.C. Status: New Capability to be Implemented	Implementation
(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 is that all county offices will 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 –				

- Education programs will be developed by the SEC for county election commissions and boards of registration and staff.
- 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.

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.
- **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 of their appointment or date of hire. 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/Balloting, 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.

County Election Commissioners and Board of Voter Registration members must attend poll manager training and receive poll manager certification within 18 months of their appointment. County Election Commissioners are required 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. In accordance with South Carolina state law, all managers are required to attend refresher training/briefings within 30 days of an election. County election commissions will be encouraged to conduct these sessions on different days and times to make them more accessible.

Every Poll Manager will be certified using a standardized training and testing program. This training and testing program will be developed by the SEC and various county election officials. Recertification will be required prior to each statewide primary or general election.

The following topics will receive special focus in the standardized training and testing program:

- Basic state and federal laws and processes governing elections
- Operating the voting system
- Intensive training on provisional ballots
- Sensitivity training for processing for all voters with emphasis on those 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

Testing will be "open book" to reflect the reality that poll managers are permitted to search provided handbooks for information needed to address situations 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.

Persons with disabilities will be encouraged to become poll managers.

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 are encouraged to participate in mock elections and other voter education programs such as conducting elections in 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 chosen through the RFP process involved State and County Election Commission officials, consultants, and other State agency personnel as needed. The RFP ensures that the system selected meets 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 Budget and Control Board, the South Carolina Election Commission established a new program where the funds are kept separate from all other programs within the agency. The program contains 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 take place over four calendar years, as follows:

Year	Implementation
2003	♦ Voter registration System ♦ Election administration ♦ Voter education and poll worker training
2004	♦ Voting system purchases (10 punch-card counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Automate voter history
2005	♦ Voting system purchases (12 optical-scan counties) ♦ Election Administration ♦ Voter education and poll worker training ♦ Scanning/signature verification systems
2006	♦ Voting system purchases (24 DRE counties) ♦ Election Administration ♦ Voter education and poll worker training

The implementation of this plan is contingent upon receipt of the associated federal funding. Implementation items may be combined if associated funds are received. Counties may implement ahead of their scheduled year if funds are available.

The total proposed funding[2] will come from the following sources:

	Total Federal Funding as Proposed	South Carolina Share as Proposed	South Carolina Matching Funds
Early payments	$650 M	$6.9 M	Not applicable
2003	$850 M ($825 M to States)	$11,602,190	$ 580,109.50
2004	$1.3 B ($1.1 B to States)	$ 20,819,090	$ 1,040,954.50
2005	$1.1 B ($900 M to States)	$ 7,128,720	$ 356,436
Total Funding	**$3.9 B**	**$46.45 M**	**$1,977,500**

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 101 Funds	Section 102 Funds	Section 252 & 257 Funds	State Match
Statewide Voting System in Punch-Card Counties	$13.4 M		$2,167,518	$ 9.53 M	$ .43 M
Statewide Voting System in Optical-Scan Counties	$ 4.8 M			$4.56 M	$ .24 M
Statewide Voting System in DRE Counties	$18.4 M			$17.48 M	$ .92 M
Education	$ 3.5 M	$ .25 M		$ 3.05 M	$ .2 M
Statewide Voter Registration System	$ 3.0 M	$ 3.0 M			
Voter Registration and Outreach Programs	$ 3.5 M	$ .2 M		$ 3.1 M	$ .2 M
State Plan Creation and HAVA Management	$ 1.95 M	$ 1 M		$ .86 M	$ .09 M
Total	**$ 48.55 M**	**$ 4,652,412**	**$ 2,167,518**	**$ 38.58 M**	**$ 1,977,500**

[2] Fund amounts are annotated with "M" or "B" to indicate million or billion dollar amounts.

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.

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 officials, was appointed to oversee plan management and compliance with HAVA. This advisory team will review 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. The SEC 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 SEC division 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	Division	HAVA Timeframe
Voting System (§301)	▪ Uniform electronic system implemented statewide ▪ Statewide voting system will accommodate as many disabled voters as possible ▪ Counties not participating in statewide voting system will receive 1 DRE unit for each precinct in the county ▪ Voter can verify / change ballot before casting ▪ Voter is informed or prevented from casting votes for multiple candidates for single office ▪ Disabled voters have accessibility to polling place ▪ Manual audit capability ▪ Uniform definition of what constitutes a vote	Voter Services Training and Public Information	1/1/06
Provisional Voting (§302)	▪ 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	Voter Services Training and Public Information	1/1/04

Plan Element	Preliminary Plan Goals Under Consideration	Division	HAVA Timeframe
Voter Registration (§303a &303b)	▪ 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 ▪ 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	Voter Services	(303a) 1/1/06 (303b) 1/1/04
Education (§254a3)	▪ 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	Training and Public Information	11/1/04
Budget/Funding	▪ Legislated program established to isolate and manage federal and state funds ▪ Procedures established to track budget and actual expenditures	Administrative Services	6/1/04
Complaint Procedures (§402)	▪ Complaint process in place statewide ▪ Timely complaint resolution	Voter Services	1/1/04
Absentee Ballots for UOCAVA Voters (§704)	▪ Modify procedure to allow UOCAVA absentee voters to receive absentee ballots through the next 2 regularly scheduled general elections for Federal office.	Voter Services	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?
- **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, boards of voter registration, and voters)?

Other plan elements will be added as needed. The SEC 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 implemented an administrative complaint procedure that complies with HAVA. This procedure has been posted to the SEC website.

Any person who believes a violation of HAVA Title III has occurred, is occurring or is about to occur may file a complaint. Complaints must be:

- in writing (use of complaint form is preferred)
- notarized
- submitted to the State Election Commission

Title III includes:

- Voting system standards
  - Requirements, audit capacity, accessibility, alternate languages, error rates, definition of what constitutes a vote
- Provisional voting
- Voting information
  - Public posting on election day
- Computerized statewide voter registration list
  - List maintenance, security, verification of voter registration information
- Registration by mail
  - Identification requirements, age and citizenship questions

State-Based Administrative Complaint Procedure

The Executive Director, or designee, will review all complaints to determine if a violation of HAVA Title III has occurred. If multiple complaints are filed for the same violation, they may be reviewed together.

If a violation has not occurred, the Executive Director may dismiss the complaint. If a violation has occurred, the Executive Director, or designee, will attempt to resolve the complaint and provide a remedy.

The state election director will release the findings for all complaints received. Findings will be mailed to complainant and any county involved. If the complainant is not pleased with the decision of the Executive Director, he/she my request an administrative hearing.

Alternate Dispute Resolution

If the Executive Director is unable to resolve the complaint within 90 days, the complaint shall be resolved within 60 days by 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 provided initial funding to start the process. Activities 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
- Training of State Election Commission and County Election Commission Officials

Any monies remaining from the Title I payment will be applied toward purchase of the new voting system selected through the RFP process. All monies will be maintained by the SEC and no funds will be distributed directly to the counties unless approved by the HAVA Advisory Team.

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.

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.

Following a summary of changes to the 2003 State Plan:

1. Meeting Title III Requirements and Other Activities

Following state procurement code, a Request for Purchase (RFP) for a statewide uniform voting system was developed using input gathered from county election officials. The RFP was released on October 10, 2003 and six proposals were received by the February 9, 2004 deadline. These proposals were evaluated by a team of seven election officials from county offices and one state election official. An intent to award was issued to Election Systems & Software (ES&S) on April 12, 2004. An administrative review by the State Chief Procurement Officer (CPO) of the issues raised by three protestants was held on May 13-14, 2004. On May 26, 2004 the CPO declared the highest ranking offeror non-responsive and ordered re-solicitation of the contract. On June 7, 2004 appeals related to this decision were filed with the CPO. Appeals were heard on June 23 – 24, 2004 and the CPO's decision of May 26, 2004 was upheld. Concurrent with the appeal hearings, a re-solicitation RFP for the statewide voting system was issued on June 9, 2004 with proposals due on July 9, 2004.

Section 302 – Provisional Voting and Voting Information Requirements

Utilizing the current statewide voter registration system through a link from the State Election Commission website, voters who cast a provisional ballot are now able to access their ballot information and determine if their vote was counted and, if not, why it was not counted. Voters who do not have Internet access can call a toll-free phone number to determine the status of their provisional ballot. In addition to this procedure, a process was also put into place to allow absentee voters to determine the status of their request for absentee ballot.

Section 303 – Computerized Statewide Voter Registration List and Voters who Register by Mail

- Upon consultation with the U.S. Department of Justice, it was determined that South Carolina is not required to enter into an agreement with the department of Motor Vehicles to verify social security numbers of voters since the State requires the entire SSN for voter registration.
- A procedure for accepting identification for voters who register by mail was implemented and necessary fields were added to the statewide voter registration

system to track these voters. This information will be printed on the voter registration list for poll managers to verify the identification prior to allowing a voter to cast a ballot. Voters who fail to provide this ID at the polls may vote a provisional ballot and receive notification to provide ID prior to the challenged ballot hearing .
- Data fields were added to the statewide voter registration system to track UOCAVA voters and their reasons for voting under this provision.
- Questions about citizenship and age were added to the voter registration by mail application. These questions were formerly on the application in the form of statements.
- A postcard was developed for county election offices to send to voters who submitted incomplete voter registration by-mail applications.

2. Payment Distribution and Monitoring

- An account was established through the State Comptroller General's Office for receipt and disbursement of HAVA funds. After some local confusion and research of HAVA, the SEC was able to prove to the Comptroller General and State Treasurer offices that the SEC was entitled to the interest on these funds. Once this was accomplished, the account was credited interest from April 2003 – January 2004.
- Separate sub-accounts were established to ensure that HAVA funds were distributed according to *Section 6 – Proposed State Budget* of this document

3. Provision for Education and Training

3.1 Training for Election Officials

Eight classes were held for the statewide election official Training and Certification Program. Approximately 400 people (combined) were in attendance. This training is an on-going program.

3.2 Training for Poll Managers

- An "Open book" test was distributed to all counties for use with poll manager training. This test will be revised when a statewide voting system is implemented.
- Due to new HAVA proof of ID requirements, additional training is being emphasized on the provisional balloting procedure

- Due to the HAVA emphasis on voting accessibility for voters, training programs have been designed to stress such features as assistance to voters, curbside voting, and sensitivity training.
- The poll manager handbook was revised and restructured to enhance training and usability
- New poll manager certificates were provided to all county election commissions. These certificates may be used for certification of poll managers.

3.3 Training for Voters

- A Request For Purchase (RFP) was developed to hire a public relations company to assist with voter education of the new statewide uniform voting system and other HAVA issues. The public relations company chosen will promote these issues through the 2006 General Election.
- Partnerships have been formed with advocacy groups such as Protection and Advocacy for People with Disabilities and the S.C. Association for the Deaf to determine needs of disability groups in the State and work together on meeting those needs.
- A website is being prepared for voters to access HAVA specific information. A domain name has been purchased, the design has been approved, content is being developed, and the site will be Bobby compliant.
- In an effort to assist voters who are visually impaired, the font size has been increased on two documents used at the polls on election day and additional documents will be increased in size before the General Election.
- A poster with information on casting a provisional ballot, assistance to disabled voters, federal and State laws that apply to election day, and election official contact information for voters will be available at the polls on election day.
- With the HAVA Election Assistance for Individuals with Disabilities grant, the State Election Commission is working with 29 county election commissions to update/renovate polling places throughout the State. These renovations will provide better accessibility to polling locations by adding wheelchair ramps, curb cuts for access to sidewalks, handrails, paved parking, handicapped parking signs, restroom renovations, and threshold access.

4. Voting System Guidelines and Processes

- Guidelines and processes will be developed when the Statewide Uniform Voting System is selected.

5. Fund for Administering State Activities

- Separate accounts were established to distinguish between federal funds and general funds.
- $6,819,929 Title I incentive monies were received and placed into a n interest bearing account
- $921,064 was encumbered in Primary election carry-forward funds which we anticipate needing for the required 5% state match.
- A consultant was hired to assist the SEC with the process of spending federal funds. The SEC has never received federal funding the past and it is our desire to ensure that the funds are distributed and processed according to federal regulations.

6. Proposed State Budget

- Proposed funding spreadsheets were revised to reflect actual amounts received from the Federal Government.

7. Maintenance of Prior Year Expenditures

No activity under this component.

8. Performance Goals and Measures

Performance goals were established and are monitored weekly by SEC staff. A status of State Plan Implementation progress is posted on the SEC Website.

9. Administrative Complaint Procedures

An administrative complaint procedure was developed and distributed to all county election officials in addition to being added to the SEC website.

10. Use of Title I Payment

A portion of the Title I payment of $6,900,000 was used to conduct meetings on development of the State Plan, develop and issue the RFP for a statewide voting system, upgrade the current statewide voter registration system to accommodate UOCAVA issues and voter registration by-mail ID requirements, establish an administrative complaint procedure, revise and revamp the poll manager handbook and related training materials, provide training on HAVA to state and county election officials,

and retain consultants to assist with various tasks associated with carrying out the State Plan.

11. Ongoing Management of Plan

An advisory team of 10 people was appointed to oversee changes to the plan. This team met several times to discuss revisions to the State Plan.

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
Marci Andino	State Election Commission
Susan Barden	S.C. State Senate Judiciary Committee
Russell Barrett	Florence County Election Commission
Garry Baum	State Election Commission
Conway Belangia	Greenville County Registration/Elections
James Blake	Marion County Voter Registration/Elections
Bobby Bowers	Office of Research and Statistics
Lesly Bowers	Protection and Advocacy for People with Disabilities
Marilyn Bowers	Pickens County Voter Registration/Elections
Tommie Brice	Calhoun County Voter Registration/Elections
Brett Bursey	S.C. Progressive Network
Hoyt Campbell	Darlington County Registration/Elections
Pete Cantrell	Protection and Advocacy for People with Disabilities
Mike Cinnamon	Richland County Election Commission
Eliza Claxton	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
Agnes Garvin	Beaufort County Voter Registration/Elections
Cheryl Goodwin	State Election Commission
Adlena Graham	NAACP
Wayne Hale	State Election Commission
Jim Harrison	S.C. House of Representatives
Betsy 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. Keitt	NAACP
Carol Khare	State Democratic Party
Carolyn Lecque	Charleston County Election Commission
Hannah Majewski	State Election Commission
Larry Martin	S.C. State Senate
Mariah C. Miller	NAACP
Thomas L. Moore	S.C. State Senate
Cindy Peel	State Election Commission
Cathy Pelletier	Disability Action Center, Columbia
Edith Redden	Williamsburg County Voter Registration/Elections
Janet Reynolds	State Election Commission
James H. Ritchie	S.C. State Senate
Shan 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 Simrill	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 assistance from an advisory team appointed by the Chief Election Official. Members of this committee are as follows:

Name	Organization
William B. DePass, Jr. Co-Chair	Former Chairman, State Election Commission
Steve Skardon, Jr. Co-Chair	Palmetto Project
Conway Belangia	Greenville County Voter Registration/Elections
James Blake	Marion County Voter Registration /Elections
Bobby Bowers	SC Office of Research and Statistics
Marilyn Bowers	Pickens County Voter Registration/Elections
Mike Cinnamon	Richland County Election Commission
Dean Crepes	Lexington County Voter Registration/Elections
Edith Redden	Williamsburg County Voter Registration
Earl Whalen	Orangeburg County Voter Registration/Elections

HELP AMERICA VOTE ACT OF 2002

TENNESSEE'S 2004 STATE PLAN

PUBLIC COMMENT AND REVIEW
JULY 15, 2004 thru AUGUST 13, 2004

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

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 2002, President Bush signed into law the Help America Vote Act of 2002 (hereinafter HAVA). Last year, Tennessee began the process of implementing the required changes set out by HAVA. That process included forming a committee of state and county officials along with representatives from interest and advocacy groups to develop a State Plan for 2003.

In August 2003, Tennessee submitted its first State Plan to the Election Assistance Commission in accordance with Section 253(b) of HAVA. It was subsequently published in the Federal Register, and Tennessee has certified to the Election Assistance Commission that we are eligible to receive the 2003 HAVA funds.

Each year States must submit a plan to the Election Assistance Commission that reflects any changes from the State Plan for the previous fiscal year. The plan must also explain how the State succeeded in carrying out the plan for such previous fiscal year.

As many are aware, the Act will bring about changes in 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.

Many of these changes have already been successfully implemented while others will be implemented in the coming years. The 2004 State Plan illustrates our continued commitment to meet each requirement set forth in HAVA and to bring Tennessee into full compliance with the Act.

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 July 15, 2004, to August 13, 2004.

I look forward to your thoughts and comments regarding the implementation of HAVA and how we can better meet the challenges of HAVA in the upcoming year.

Sincerely,

Brook K. Thompson
Coordinator of Elections

NOTICE

JULY, 15, 2004

SECRETARY OF STATE

STATE ELECTIONS DIVISION

PUBLIC NOTICE OF 2004 STATE PLAN

This public notice is in accordance with the Help America Vote Act of 2002 (HAVA). According to Section 256 of HAVA, the 2004 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 July 15, 2004, to August 13, 2004. The plan will be posted online at the official State website, http://www.tennessee.gov/sos/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 empanelled 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.

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HELP AMERICA VOTE ACT OF 2002

TENNESSEE'S 2004 STATE PLAN

According to §254(b) (12) of the Help America Vote Act, each state with a plan in effect during the previous fiscal year must provide 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.

The information listed in Sections 2, 3, 4, 5, 7, 8, 9, 10, and 11 of the 2003 State Plan have not changed in this fiscal year. The information in Sections 1 and 6 are being updated in this plan. Section 12 requires all subsequent plans to describe how they have been successful in the past year. We have included that information in this plan.

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 ACTIVITES TO IMPROVE THE ADMINISTRATION OF ELECTIONS.

For the 2004 fiscal year, Tennessee is to receive $29,690,196 from the Title III requirements payments. Tennessee has allocated $1,562,642 for the state match. The total for the 2004 fiscal year budget is $31,252,838.

A. Voting Systems Standards

Tennessee will allocate an additional two million dollars ($2,000,000) to assist those counties which will be changing their entire voting system from a punchcard, lever, or central-based optical scan system to a DRE or precinct-based optical scan system. In last year's plan, we had estimated purchasing two machines per precinct and an additional machine per precinct that meets the disability requirement. After surveying the above counties, we have found that some counties will need more than three machines per precinct. Therefore, we are adding an additional two million dollars to subsidize those counties.

Other counties which have voting systems which meet many of the requirements set forth in HAVA but need to be upgraded in order to become fully compliant with HAVA were not addressed in the 2003 State Plan. Therefore, Tennessee will set out eleven million dollars ($11,000,000) to

assist those counties in their upgrades. This money will be spent to purchase upgrades and to implement the upgrading process. Some counties will choose to purchase new voting systems instead of the upgrades, and this money will be used to assist those counties.

B. Computerized Statewide List and Administrative Costs

As stated in the 2003 State Plan, Tennessee plans to upgrade our current system. This process has begun and we have implemented several upgrades. Tennessee has also been working with other State agencies, such as the Department of Safety, to strengthen the communications between the agencies.

Tennessee will also use this money for administrative costs associated with the implementation of HAVA. One such project is the purchasing of new provisional ballot boxes for the approximately 2400 precincts in the State. This project has cost $250,000 to date.

C. Training and Education

Tennessee added an additional one million dollars ($1,000,000) to education and training. This money will be used to train poll workers, poll officials, administrators, and the public about the new voting systems. Numerous items such as manuals, videos, and other training supplies will be purchased with this money. It will also be used to train poll workers and poll officials on sensitivity issues related to individuals with disabilities.

D. Other

Tennessee has allocated an additional $2,090,285 to accessibility issues in this year's State Plan. Tennessee also received $409,715 from the HHS grant fund for accessibility issues. Tennessee will provide county training on surveying polling places and on sensitivity issues. This money will also be used for supplies to conduct the training and for manuals, videos, and other supplies needed for training. The money allocated for accessibility issues will also be spent on making polling places in Tennessee accessible to individuals with disabilities.

VI. THE STATE'S PROPOSED BUDGET FOR ACTIVITIES UNDER THIS PART; BASED ON THE STATE'S BEST ESTIMATES OF THE COSTS SUCH ACTIVITIES AND THE AMOUNT OF FUNDS TO BE MADE AVAILABLE.

HAVA 2004 FEDERAL FUNDING

Title III 2004 Requirements payments	**$ 29,690,196**
Tennessee 2004 State Match	**$ 1,562,642**
TOTAL:	**$ 31,252,838**

HAVA PROPOSED EXPENDITURES

	2003 State Plan	2004 State Plan	Total Amounts
Accessibility for Individuals with Disabilities (machines)	$10,800,000	$ 0	$10,800,000
Replacement machines for PC/LV/Central Optical	$ 8,667,000	$ 2,000,000	$10,667,000
Voting Machine Transitions and Upgrades	$ 0	$ 11,000,000	$ 11,000,000
Accessibility Issues (including training)	$ 500,000	$ 1,590,285	$ 2,090,285**
Administration and Statewide VR Database	$ 5,043,947	$15,662,553	$20,706,500
Education and Training	$ 1,000,000	$ 1,000,000	$ 2,000,000
TOTALS	$26,010,947	$31,252,838	$57,263,785

** We have an additional $409,715 from the HHS, grant which brings the total on accessibility issues to $2,500,000.

XII. SUCCESSES FROM THE 2003 STATE PLAN

A. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS

Provisional voting has been implemented in Tennessee. Tennessee Code Annotated §2-7-112(3)(A)-(C) sets out the procedures used for casting a provisional ballot. Tennessee, which has never had provisional voting, submitted legislation to its General Assembly in March 2003 in order to comply with Section 302 (a) of HAVA. House Bill 1806/Senate Bill 1782 passed both houses of the 103rd General Assembly, and provisional voting became effective July 1, 2003. Provisional voting was successfully implemented in our February Presidential Preference Primary. The State also purchased new provisional ballot boxes for every precinct in order to comply with the new state law.

In order to comply with the voter information requirements, the Coordinator of Elections' office created a poster which contained information on how to vote a provisional ballot, general information on voting rights, and general information on Federal and State laws regarding prohibitions on acts of fraud and misrepresentation and the process for the administrative complaint procedure. Administrators were informed that the posters must be displayed at every polling place on the day of each election for Federal office.

B. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST

Tennessee is currently working on upgrades which will make our system HAVA compliant. Tennessee has already implemented new procedures with the Department of Safety and with other State agencies. The Coordinator of Elections will be proposing legislation in the 2005 session that will assist us in this process.

C. PROGRAMS FOR EDUCATIONAL TRAINING

Tennessee has an on-going commitment to education and training with respect to Title III requirements. The Coordinator of Elections provided training this summer to all ninety-five administrators and county election commissioners on, among other things, provisional voting and the administrative complaint procedure. Provided in the training was material to be used by the administrators in training their poll workers. The Coordinator of Elections is also working with the Tennessee Protection and Advocacy group to provide training in September 2004 regarding accessibility issues.

D. ELECTION FUND

Tennessee has established an election fund described in subsection (b) through the Secretary of State's fiscal office. This account is operational and has received Title I monies as well as our 2003 requirements payment and match.

E. ADMINISTRATIVE COMPLAINT PROCEDURE

Tennessee has implemented a procedure for individuals to file a formal complaint if a violation of Title III has occurred, is occurring, or is about to occur. The State Coordinator of Elections promulgated a form which must be completed in order for an individual to file a formal complaint. The form was distributed to all ninety-five county administrators, and the State provided training regarding the new procedure. This information was also listed on the voter information poster that was distributed to all polling locations. The manner in which the formal complaint will be handled was discussed in the 2003 State Plan. The procedure has not changed in this fiscal year.

F. ADVISORY PANEL

The advisory committee met in order to discuss how the 2004 requirements payments would be distributed and to discuss any changes in the 2003 State Plan. Meetings were open to the public in the State's Legislative Plaza and held on July 1, 2004, and July 8, 2004. Notice was given 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 July 15, 2004, to August 13, 2004, 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. No public comments were received during the public comment period.

SUMMARY

Element	Timetable	Responsible Official
Voting Systems	January 1, 2006	Coordinator of Elections and County Administrators
Provisional Voting	Completed	Coordinator of Elections
Administrative Complaint Procedure	Completed	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	Ongoing process	County Administrators
Statewide Voter Registration List	January 1, 2006	Coordinator of Elections

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